

MINUTE ITEM
This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 2
to 0 at its 10/29/90
meeting.

MINUTE ITEM

34

10/29/90
W 20527
W 24429
PRC 7412
W 503.1266
Grimmett
Collins
Hager

CERTIFICATION OF FINAL EIR AND
APPROVAL OF A 49-YEAR GENERAL LEASE - PROTECTIVE STRUCTURE USE
FOR UP TO EIGHT PARCELS OF TIDE AND SUBMERGED LAND
AT LAS TUNAS BEACH, MALIBU, LOS ANGELES COUNTY

The following people testified before the State Lands Commission
regarding the certification of the Final EIR and approval of a 49-
year General Lease:

Fay E. Singer
Homeowner

Kurt H. Simon
Homeowner

Arnold K. Graham
Attorney, Laskin and Graham

Nate Stock
Homeowner

Pepi Kelman
Homeowner

Jeff Hudson, Attorney,
Gibson, Dunn and Crutcher

Lynn Cicotte
Attorney

Craig S. Dummit
Attorney

John Crutchfield
Attorney

Carolyn Van Horn
Resident

CALENDAR PAGE _____
MINUTE PAGE 3245

Geary Steffen
Resident

W. F. Keller
Resident

Jackie Carr
Homeowner

Steve Spina
Resident

James Irsfeld
Homeowner

Kelly Wimberly
Homeowner

After considerable discussion, Calendar Item 34 was approved.
The Commission voted 2-0 to approve the item as presented.

Attachment: Calendar Item 34

A 44
S 18

CALENDAR PAGE _____
MINUTE PAGE 3246

MINUTE ITEM
This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 2
to 0 at its 10/29/90
meeting.

CALENDAR ITEM

A 44

S 18

34

10/29/90
W 20527
W 24429 PRC 7412
W 503.1268
Grimmett
Collins
Hager

CERTIFICATION OF FINAL EIR AND
APPROVAL OF A 49-YEAR GENERAL LEASE - PROTECTIVE
STRUCTURE USE FOR UP TO EIGHT PARCELS OF TIDE
AND SUBMERGED LAND AT LAS TUNAS BEACH,
MALIBU, LOS ANGELES COUNTY

APPLICANT: The Owner Parties to the Las Tunas Beach
Settlement Agreement No. 2 through their agent
Craig S. Dummit
c/o Dummit, Faber & Brown
11755 Wilshire Boulevard, 15th Floor
Los Angeles, California 90025

BACKGROUND:

In 1929, prior to the advent of the State Lands Commission in 1938, and its requirements for leases for the use of State tide and submerged lands, a series of eight steel and concrete groins were constructed along Las Tunas Beach in Malibu. Litigation over the placement of and responsibility for these groins was resolved in 1931 by legislation that provided a permitting process for these and similar groins. Pursuant to this permitting process, permits for the Las Tunas groins were issued by the State to Title Insurance and Trust Company, the owner of tracts along the beach. Although the permits required the groins be maintained and repaired, the groins were allowed to deteriorate. The groins have deteriorated to such an extent that all that remains are pieces of the steel structure in the form of short, jagged protrusions from the sand. These remnants constitute a very serious hazard to users of the beach.

(ADDED pgs. 142-142.51)

-1-

CALENDAR PAGE 34
MINUTE PAGE 3247

CALENDAR ITEM NO. 34 (CONT'D)

In 1982, the Attorney General, acting on behalf of the people and the State Lands Commission, brought suit in Los Angeles County Superior Court (Court) against Title Insurance and Trust Company (now Tigor) seeking removal of the groins. Tigor claimed that the beachfront property owners were responsible for the groins. The property owners denied responsibility and claimed that Tigor and the State would be responsible for damage to their property if the groins were removed and not replaced. Numerous suits and counter suits concerning the issues have been consolidated into the single original action.

Realizing the objective of the litigation was to have the hazardous remnants of the groins removed and that haggling over responsibility was not going to accomplish this objective, the Court directed a settlement of this massive litigation. The first settlement agreement was entered into by the State, Tigor, and some of the affected property owners. The settlement failed because many of its numerous conditions were not met during the prescribed escrow period. However, the Court continued to direct the negotiation of the parties. These negotiations led to the present Las Tunas Beach Settlement Agreement No. 2 (Agreement). One of the Agreement's contingencies forms the basis of the Commission's consideration of this item.

The Agreement, which was approved by the Commission, became effective August 2, 1989. The Agreement is by and among the State, Tigor, and about 75 percent of the Las Tunas Beach homeowners (referred to in the Agreement as the Owner Parties). The remaining 25 percent of the beachfront homeowners, for various reasons of their own, did not sign the Agreement. Unanimity is not required, however, for the Agreement to be effective and for escrow to close.

If escrow is to close and the terms of the Agreement to be implemented, the Commission is required, by the Agreement, to consider a lease to the Owner Parties for the construction of as many as eight new groins similar to those described in the report prepared for the Owner Parties by Moffatt & Nichol Engineers entitled "On the Feasibility of Replacing the Las Tunas Beach Groins", dated February 28, 1985 (Report). This contingency, the consideration and issuance of the lease, must be met within one year from the effective date of the Agreement unless extended by the Court for an additional 90 days upon a showing of good cause. In August, the Court granted the parties' request for an extension. The last day of this extension is October 31, 1990.

THE PROPOSED PROJECT:

The Owner Parties, pursuant to the terms of the Agreement, have applied to the Commission for a 49-year general lease of eight separate parcels of tide and submerged lands at Las Tunas Beach in Malibu for the purpose of constructing eight rock groins. This application was made pursuant to the terms of the Agreement. Under the Agreement, the Commission is not bound to issue a lease for this particular project or for any project. However, in order for the contingency for close of escrow to be satisfied, and the remaining provisions of the Agreement to take effect, the Commission must approve "a lease of tidelands areas to the Owner Parties...for purposes of constructing as many as eight new groins similar to those described in the Moffatt & Nichol Report". Each of the proposed groins would be approximately 200 feet long, in the shape of a truncated pyramid 25 to 30 feet wide at the base and 8 to 12 feet wide at the top and from +12 to +7 feet above Mean Lower Low Water. The new groins, as proposed, would be constructed on or near the sites of the old groins.

The eight groins that comprise the proposed project would be built of rock to insure their permanence and to avoid the repetition of the hazards currently presented by the old concrete and steel groins. The areas between each of the groins would be filled with sand from an inland site in order to reduce, to the maximum extent feasible, downcoast erosion. The installation of the groins will provide protection to the homes along the beach and result in a larger beach area for lateral public access to the beach from existing State park properties at either end of the affected area.

ENVIRONMENTAL REVIEW:

The Commission's consideration of a lease for the proposed groin construction is a project that must be preceded by compliance with the provisions of the California Environmental Quality Act (CEQA). As Lead Agency, the Commission, acting through its staff, determined that an Environmental Impact Report (EIR) was required for the project. A draft EIR (SCH 90010296) was prepared by the consulting firm of Dames & Moore and copies were circulated for review and comment to Responsible and Trustee Agencies, and the public. As part of this public review process, the Commission's staff held a public hearing on August 13, 1990, in Santa Monica, for the sole purpose of receiving comments on the draft EIR. This meeting was attended by parties to the Agreement and many of the non-settling homeowners. A finalizing addendum, responding to all comments received on the draft EIR, was prepared and

CALENDAR ITEM NO. 34 (CONT'D)

constitutes, in conjunction with the draft, the Final EIR for the Las Tunas Beach groin replacement project. The Final EIR was mailed to over 100 recipients on October 10, 1990.

The environmental review process has revealed several potentially adverse environmental impacts of the project, as proposed by the Owner Parties, that cannot be reduced to a level of insignificance by the application of feasible mitigation measures. Among such impacts are loss of existing surf grass and cobble ocean bottom as a consequence of the expansion of the beach area, noise during the expected twenty (20) weeks of construction, and the visual impact of the completed groins themselves. There are, however, substantial public and private benefits from the project as proposed that, staff believes, outweigh the unavoidable adverse environmental effects. These benefits, discussed in the attached Statement of Overriding Considerations (Exhibit "D"), include the removal of the hazards presented by the old groins, an enlarged beach which will provide greater public access, and the protection of the property of the beachfront homeowners. The environmental review process has also revealed a number of adverse environmental effects that can feasibly be mitigated to insignificance, and these mitigation measures, set forth in the attached Findings, will be required as conditions of any lease issued to the Owner Parties.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

This project involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

The Owner Parties will need additional permits from the Coastal Commission and the United States Army Corps of Engineers. The Owner Parties will also petition the County of Los Angeles for the formation of a geologic hazard abatement district pursuant to Section 26500 et seq. of the P.R.C. This special district is required to provide a means for the continuing repair and maintenance of the groins by the Owner Parties.

CALENDAR ITEM NO. 34 (CONT'D)

- EXHIBITS:
- A. Land Description.
 - B. Location Map.
 - C. CEQA Findings.
 - D. Statement of Overriding Considerations.
 - E. Mitigation Monitoring and Reporting Plan

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT AN EIR, STATE CLEARINGHOUSE NO. 90010296, WAS PREPARED FOR THE LAS TUNAS GROIN RESTORATION PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REQUIRED BY CEQA AND THE CEQA GUIDELINES WHICH FINDINGS AND STATEMENT ARE ATTACHED AS EXHIBITS "C" AND "D", RESPECTIVELY.
3. FIND THAT THE PROPOSED PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THAT SUCH SIGNIFICANT EFFECTS ON THE ENVIRONMENT ARE REDUCED TO THE MAXIMUM EXTENT FEASIBLE AND THAT THE BENEFITS OF THE PROJECT OUTWEIGH ITS RESIDUAL SIGNIFICANT ENVIRONMENTAL EFFECTS.
4. ADOPT, PURSUANT TO SECTION 21081.6 OF THE P.R.C., THE MONITORING PROGRAM CONTAINED IN EXHIBIT "E", FOR THE PROJECT TO INSURE COMPLIANCE WITH THE REQUIRED MITIGATION MEASURES.
5. FIND THAT THIS PROJECT IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
6. AUTHORIZE THE ISSUANCE TO THE OWNER PARTIES TO THE LAS TUNAS BEACH SETTLEMENT AGREEMENT NO. 2 THROUGH THEIR AGENT CRAIG S. DUMMIT, C/O DUMMIT, FABER & BROWN, OF A 49-YEAR GENERAL LEASE - PROTECTIVE STRUCTURE, TO BE EFFECTIVE OCTOBER 31, 1990, FOR EIGHT PARCELS OF TIDE AND SUBMERGED LANDS AT LAS TUNAS BEACH IN MALIBU FOR THE PURPOSE OF CONSTRUCTING AS MANY AS EIGHT ROCK GROINS SIMILAR TO THOSE DESCRIBED IN THE MOFFATT & NICHOL REPORT AND DESCRIBED AS THE PROPOSED PROJECT IN THE EIR FOR THE LAS TUNAS BEACH GROIN RESTORATION PROJECT. THE CONSIDERATION FOR THE LEASE SHALL BE \$10 PER YEAR. THE LEASE SHALL INCORPORATE THE FEASIBLE MITIGATION MEASURES AS SET FORTH IN THE MONITORING PLAN ATTACHED AS EXHIBIT "E".

CALENDAR ITEM NO. 34 (CONT'D)

7. THE OWNER PARTIES SHALL OBTAIN ALL OTHER NECESSARY GOVERNMENTAL APPROVALS, INCLUDING THOSE OF THE COASTAL COMMISSION AND THE UNITED STATES ARMY CORPS OF ENGINEERS.

CALENDAR PAGE	742.5
MINUTE PAGE	3252

EXHIBIT "A"

LAND DESCRIPTION

W 24429

Eight parcels of tide and submerged land in Santa Monica Bay, Los Angeles County, California, adjacent to Lots 3 through 89 as shown on map filed March 25, 1929, in Book 26, pages 43 and 44, of Record of Surveys in the County Recorders Office of said County and adjacent to another parcel of land bounded on the east by a line parallel with and 50 feet easterly of the westerly line of Rancho Boca De Santa Monica, on the north by West Topanga Beach Road, on the west by the east line Lot 89 of said Record of Survey and on the south by said Bay, all groins are described as shown on the Preliminary Map of "Las Tunas Beach Geological Hazard Abatement District, Groins and Beachfill", Dated 10/2/90, Job No 2800, by Moffatt and Nichol, Engineers on file in file W 24429 in the California State Lands Commission office in Sacramento, California, said parcels are more particularly described as follows:

PARCEL 1 - Groin #1

A strip of tide and submerged land 68 feet wide located waterward of Lots 9, 10, 11 & 12 as shown on said Record of Survey Map and lying 34 feet on each side of the following described centerline:

COMMENCING at the northeast corner of said Lot 11; thence southerly along the east line of said Lot 11, 15 feet more or less; thence S 3° 10' E, 10 feet to the POINT OF BEGINNING; thence continuing S 3° 10' E, 215 feet to the end of the herein described centerline.

PARCEL 2 - Groin #2

A strip of tide and submerged land 86 feet wide located waterward of Lots 25, 26, 27 & 28 as shown on last said map and lying 43 feet on each side of the following described centerline:

COMMENCING at a point on the northerly line of Lot 26, 1 foot westerly of the northeast corner of said Lot 26; thence S 8° 20' W, 28 feet more or less to the POINT OF BEGINNING; thence continuing S 8° 20' W, 260 to the end of the herein described centerline.

PARCEL 3 - Groin #3

A strip of tide and submerged land 76 feet wide located waterward of Lots 39, 40 & 41 as shown on last said map and lying 38 feet on each side of the following described centerline:

COMMENCING at a point on the northerly line of said Lot 40, 1 foot westerly of the northeast corner of said Lot 40; thence S 00° 50' E, 67 feet more or less to the POINT OF BEGINNING; thence continuing S 00° 50' E, 227 feet to the end of the herein described centerline.

PARCEL 4 - Groin #4

A strip of tide and submerged land 94 feet wide located waterward of Lots 46, 47, 48 & 49 as shown on last said map and lying 47 feet on each side of the following described centerline:

COMMENCING at a point on the east line of Lot 47, south 44 feet from the northeast corner of said Lot 47; thence S 10° W, 15 feet more or less to the POINT OF BEGINNING; thence continuing S 10° W, 240 feet to the end of the herein described centerline.

PARCEL 5 - Groin #5

A strip of tide and submerged land 82 feet wide located waterward of Lots 62, 63, & 64 as shown on last said map and lying 41 feet on each side of the following described centerline:

COMMENCING at the northeast corner of said Lot 63; thence S 17° 30' W, 10 feet more or less to the POINT OF BEGINNING; thence continuing S 17° 30' W, 290 feet to the end of the herein described centerline.

CALENDAR PAGE	142.6
MINUTE PAGE	3253

PARCEL 6 - Groin #6

A strip of tide and submerged land 80 feet wide located waterward of Lots 74, 75, 76 & 77 as shown on last said map and lying 40 feet on each side of the following described centerline:
BEGINNING at a point on the east line of said Lot 75, southerly 78 feet from the northeast corner of said Lot; thence continuing southerly along said line and its prolongation, 300 feet to the end of the herein described centerline.

PARCEL 7 - Groin #7

A strip of tide and submerged land 74 feet wide located near the east line of Lot 89 as shown on last said map and lying 36 feet westerly and 38 feet easterly of the following described line:
BEGINNING AT A POINT on the easterly line of said Lot 89, southerly 88 feet from the northeasterly corner of Lot 89; thence continuing southerly along said easterly line and its prolongation, 265 feet to the end of the herein described line.

PARCEL 8 - Groin #8

A strip of tide and submerged land 70 feet wide in the vicinity of the westerly line of said Rancho and lying 35 feet on each side of the following described centerline:
BEGINNING AT A POINT on the westerly line of said Rancho, southerly 227 feet from its intersection with the southerly right of way line of Pacific Coast Highway; thence continuing southerly along said westerly line and its prolongation 120 feet; thence S 14 30 W, 160 feet to the end of the herein described line.

EXCEPTING from said parcels numbered 1 through 8 any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

PREPARED OCTOBER 22, 1990 BY LLB.

CALENDAR PAGE	142.7
MINUTE PAGE	3254

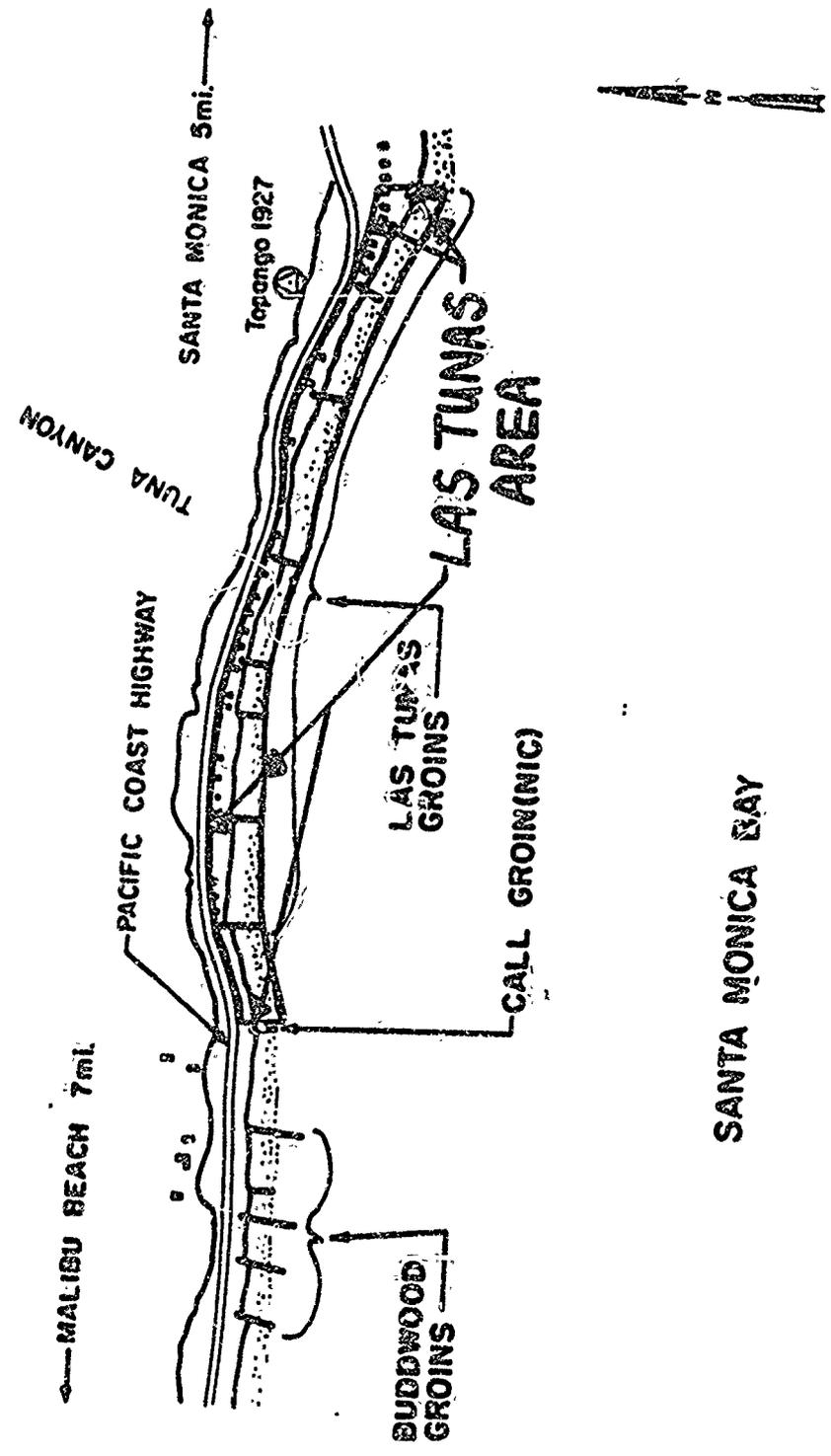


EXHIBIT B

CALENDAR PAGE	142.8
MINUTE PAGE	3255

**EXHIBIT "C"
CEQA FINDINGS**

FINDING 1.

IMPACT: Potential movement of fill material at the west staging area and ramp

MITIGATION MEASURES: To determine the stability of the ground, a geotechnical analysis of the capacity of the soils must be completed. The ramp will then be constructed so that it is capable of supporting the weight of the vehicles.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

FACTS SUPPORTING THE FINDING:

The eastern and western staging areas will be located on shelf deposits derived from naturally and artificially compacted soils from the adjacent cliffs. Since the engineering properties of these fill materials are unknown, the use of these staging areas and the construction of the temporary ramp to the beach may result in significant mass movement of these materials due to the loads imposed on them by the construction equipment and the storage of rock and sand.

The design of the staging areas and the temporary ramp will be engineered to account for the properties of the soils. This process will substantially reduce the possibility of mass movement of the fill materials. The engineering design for the temporary ramp and fills will be reviewed and approved by the engineering staff of the Commission prior to the start of construction.

FINDING 2.

IMPACT: Potential erosion of downcoast beaches as a consequence of the effectiveness of the proposed groins.

MITIGATION MEASURES: The mitigation measures listed below have been identified to reduce or eliminate this impact. These are:

1. Following the construction of the groins, each of the resulting groin cells will be filled with material from Hansen Dam which is compatible with the sand on the beach;
2. The design of the seaward portion of the groins will be semipermeable so that littoral sand movement can continue downcoast;
3. The designed length of the groins will allow littoral sand movement to continue around the end of the groins and thence downcoast;
4. A monitoring program will be established downcoast of groin 8 at Topanga State Beach to determine whether or the beach area diminishes after groin construction. Any erosion of sand from this area will be replenished as necessary; and,
5. Beach sand will be added at the foreshore of Topanga State Beach during groin construction to reduce sand loss.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

FACTS SUPPORTING THE FINDING:

The proposed project will significantly reduce any erosion of the Las Tunas shoreline due to placement of groins along this beach. The beach at Las Tunas is located in the Santa Monica littoral cell. Controversy exists as to whether the shoreline at Las Tunas Beach is presently eroding. The EIR contains a worst-case estimate that 4,000 to 6,000 cubic yards of sand per year may need to be placed downcoast of Las Tunas Beach to replace that sand which would have been eroded naturally from the Las Tunas shoreline and transported downcoast. The EIR also contains an estimate by Dr. Warren Thompson, the

State's coastal expert; that erosion is not occurring at Las Tunas Beach.

The implementation of each of the mitigation measures described above will eliminate this potential impact by: 1) monitoring, over time, the baseline beach profile of Topanga State Beach; and 2) requiring replenishment of sand at the Park by the State should the monitoring program indicate any adverse effects of the construction of the groins.

FINDING 3.

IMPACT: Loss of surfgrass and cobble habitat as a result of sandfill within the groin cells to the -4 foot water depth.

MITIGATION MEASURES: Introduction of new substrate in the form of the constructed rock groins.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

SPECIFIC ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS MAKE INFEASIBLE THE MITIGATION MEASURES OR PROJECT ALTERNATIVES IDENTIFIED IN THE FINAL EIR.

FACTS SUPPORTING THE FINDING: The applicant has proposed to construct the new groins with rock. The use of rock is identified as a potential mitigation measure for the impacts to surf grass caused by the covering of the existing habitat by the new groins and the sand fill between the groins. The new rock will offer potential substrate to which surf grass may attach. There is, however, insufficient evidence to support any conclusion that this new rock will be colonized by surfgrass. The new rocks in the groins will provide vertical surfaces rather than the horizontal surfaces which will be covered by the project. As such, the potential exists for residual significant impacts to surfgrass after the application of feasible mitigation.

FINDING 4.

IMPACT: Loss of surfgrass and cobble habitat as a result of sandfill to the -4 foot water depth.

MITIGATION MEASURES: Additional mitigation measures have been identified to reduce or further eliminate this impact. These measures are:

1. Placement of additional cobble rock substrate to encourage the natural attachment of surfgrass and to replace nearshore biotic habitat;
2. Artificial attachment of surfgrass to rocks and subsequent placement in water depths which support surfgrass; and
3. Elimination of groins 1 and 8 and the western-most sand fill. This action would reduce the loss of surfgrass on existing rocky substrate by approximately fifty percent (50%).

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

SPECIFIC ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS MAKE INFEASIBLE THE MITIGATION MEASURES OR PROJECT ALTERNATIVES IDENTIFIED IN THE FINAL EIR.

FACTS SUPPORTING THE FINDINGS: The placement of cobble rock substrate in the filled area to encourage the natural attachment of surfgrass and nearshore biota may eventually replace the habitat lost as a result of this project. However, the information on the effectiveness of this as mitigation is inconclusive. The exact area where this replacement habitat could be secured is unknown. The area around the groin may be inappropriate for such habitat since the groin cells will be filled with sand and the groins will continue to trap sand; thus, any replacement habitat could again be destroyed by subsequent burial.

The attachment of surfgrass artificially in the field is an experimental methodology which has not been proven to be universally effective.

The removal of groins 1 and 8 from the project is infeasible as cited in the attached Statement of Overriding Considerations.

Alternatives, including the environmentally preferred alternative, have been shown to reduce substantially or eliminate this impact. The adoption of these alternatives is infeasible as cited in the Statement of Overriding Considerations.

FINDING 5.

IMPACT: Noise levels will temporarily increase at staging areas and within the construction zone due to the presence and operation of construction vehicles during the twenty week construction period.

MITIGATION MEASURES: Mitigation measures have been designed to reduce this impact: 1) idling time for trucks will be limited to ten minutes at staging areas; 2) the number of trucks at the construction site will be limited to one and the number of trucks traversing the beach from each staging area will be limited to no more than two at any one time; 3) work will be limited to the hours of 7:00 A.M. to 5:00 P.M.; 4) residents will be notified of the construction and advised that closing their windows and doors will reduce noise levels in their houses; 5) ear protection will be provided to construction workers at the staging areas and construction site; and, 6) high-performance mufflers will be used on all vehicles.

FINDING: SPECIFIC ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS MAKE INFEASIBLE THE MITIGATION MEASURES OR PROJECT ALTERNATIVES IDENTIFIED IN THE FINAL EIR.

FACTS SUPPORTING THE FINDING:

The specified mitigation measures will not reduce the noise impacts of the project to insignificance. The noise from this construction project will exceed noise limits established by local ordinance.

Specifically, Los Angeles County Ordinance No. 11778 strictly prohibits noise producing equipment in residential areas before 7:00 A.M. and after 7:00 P.M. This ordinance also stipulates a maximum sound level of 60 dB in a single family residence area for a construction project of 10 or more days. The noise level associated with the project will violate the ordinance even with all mitigation measures applied.

Several alternatives substantially reduce or eliminate this impact. These are the no project alternative, the construction of breakwaters, and the removal of the existing groins without replacement. These alternatives are infeasible for the reasons cited in the Statement of Overriding Considerations.