

CALIFORNIA COASTAL COMMISSION

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 Hearing Date: 4/13-16/99
 Commission Action:

**STAFF REPORT: REQUEST FOR REVOCATION
 PRELIMINARY RECOMMENDATION**

APPLICATION NUMBER: R5-91-463 (Playa Capital)

APPLICANT: Playa Capital Company LLC

AGENTS: Robert Miller, Roger Osenbaugh, Dale Neal

PROJECT LOCATION: Playa Vista Area B: Jefferson and Lincoln Boulevards,
 Ballona Wetlands, City and County of Los Angeles, Los Angeles County

PROJECT DESCRIPTION:

- 1) Develop a 26.1-acre freshwater marsh restoration project;
- 2) To have Coastal Commission accept proposed freshwater marsh restoration and proposed riparian corridor restoration which is outside of the Coastal Zone as a mitigation of future development proposals in other areas of the Ballona wetlands;
- 3) To have Coastal Commission adopt a recent delineation of wetland habitat in Area A of Ballona wetlands. (Approved with conditions 9/13/91)

INDIVIDUAL REQUESTING REVOCATION: Patricia McPherson, Friends of Animals

SUMMARY OF STAFF RECOMMENDATION

Staff preliminarily recommends that the Commission deny the request to revoke permit 5-91-463 because the request was not filed with due diligence and because the revocation request does not establish the grounds required by Section 13105 of the Commission's regulation's. Alternatively, staff recommends that the Commission postpone the vote on the revocation if the Commission wishes staff to conduct further investigation. **(Alternative Motions on Pages 5 and 6)**

This revocation request was received on March 18, 1999. The regulations require the Executive Director to report a revocation request at the next regularly scheduled Commission meeting. The next regularly scheduled meeting after March 18, 1999 is

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April 13-16 1999. Therefore, even though there was not time in the interval between receipt of the revocation request and the mailing of the staff report to thoroughly review all matters, this revocation request is being reported to the Commission with a preliminary recommendation. A preliminary recommendation is possible because although staff may not have demonstrated how each contention fails each aspect of the test for revocation, staff has demonstrated how each contention fails at least one aspect of the test for revocation identified in Section 13105.

Section 13108(c) allows the Commission to postpone action on the revocation request to a subsequent meeting if the Commission wishes the Executive Director or the attorney general to perform further investigation. If the Commission decides not to deny the request on the basis of this preliminary report, it can require the staff to undertake further research on the issues that have been raised.

Preliminary research indicates that there is a "dry hole" oil well within the footprint of the freshwater marsh. The well was abandoned in 1934 under the supervision of the Division of Oil and Gas. In the week between the receipt of the request and the mailing to the Commission, staff did not find evidence that the applicant intentionally concealed the history of the abandoned "dry hole" oil well. Staff is requesting Commission guidance whether to conduct further research on whether the applicant knew of an abandoned "dry hole" oil well within the footprint of the freshwater marsh.

Further research would also be necessary to determine whether or not a condition regarding the well would likely have been imposed on Coastal Development Permit No. 5-91-463, had the Commission known of the well. If the Commission requests, staff could also investigate what impact the presence of an abandoned "dry hole" oil well might have on the marsh, and what impact the marsh would have on the well. Staff would investigate whether the Division of Oil and Gas, if given the opportunity, would require the applicant to "re-abandon" the well to present standards.

If the Commission does not request further investigation, staff recommends that, as presented, the revocation request was not filed with due diligence, and should be denied. Staff also recommends that the Commission find that the request for revocation of permit 5-91-463 shall be denied because it does not establish all the grounds for revocation identified in Section 13105(a).

LOCAL APPROVALS RECEIVED PRIOR TO APPROVAL OF PERMIT: Waived

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

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PROCEDURAL NOTE:

The Commission's regulations state the grounds for the revocation of a coastal development permit as follows:

Section 13105. Grounds for revocation of a permit shall be:

- a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;
- b) Failure to comply with the notice provisions of Section 13054, where the views of the person (s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. 14 Cal. Code of Regulations Section 13105.

Section 13108, states:

- a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the Commission with a preliminary recommendation on the merits of the request.
- b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.
- c) The Commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Commission wishes the executive director or the attorney general to perform further

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investigation.

- d) A permit may be revoked by a majority vote of the members of the Commission present if it finds that any of the grounds specified in Section 13105 exist. If the Commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

STAFF NOTE

A revocation of a permit removes a previously granted permit. Even if the permit is vested, i.e. the applicant has undertaken construction of the project, if the Commission revokes the permit, the applicant is required to stop work and, if wishing to continue, to reapply for the project. In fact, if the evidence clearly shows that there are grounds for revocation, the Executive Director, upon receipt of a request for revocation, can order the project to stop work. Section 13107 provides, in part: Where the Executive Director determines, in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be suspended. In this case, the Executive Director has not determined that grounds exist for revocation and the operation of the permit is not suspended

Because of the impacts on an applicant, the grounds for revocation are necessarily narrow. The rules of revocation do not allow the Commission to have second thoughts on a previously issued permit based on information that comes into existence after the granting of the permit, no matter how compelling that information might be. Similarly, a violation of the Coastal Act or the terms and conditions of a permit or an allegation that a violation has occurred are not grounds for revocation under the California Code of Regulations. The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action.

The revocation request is based on subsection (a) of Section 13105 of the Commission's regulations. The three elements of Section 13105(a) that must be proved before a permit can be revoked are:

- 1) That the applicant provided incomplete or false information
- 2) That false or incomplete information was supplied knowingly and intentionally, **AND**
- 3) That if the Commission had known of the information, it would have denied the permit or imposed different conditions.

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In addition to these three elements, a person requesting revocation needs to have filed the revocation with due diligence. Section 13108(d) clearly establishes that The Commission must deny a revocation request that has not been filed with due diligence. Clearly it may take some months to prepare a request. In this case, the revocation request notes that its author was aware of the oil and gas issues in 1993 and in 1995. However, the request was not filed until 1999. The Commission must determine whether this delay precludes a finding of due diligence.

The revocation request has raises three significant issues. First, the revocation request raises concerns about the safety of the Gas Company underground storage facility that is located 5,000 feet below the Area B wetland, and possibly beneath the proposed freshwater marsh. The revocation request also raises concerns that there may be methane gas present from that facility which will make it unsafe to develop the property or even restore wetlands. Secondly, the revocation request questions whether past oil field operations will make wetland restoration in this location unsafe. Finally, the revocation request is concerned about the adequacy of enforcement of City EIR mitigation measures. The person requesting revocation believes that all agencies involved with the project should act in concert to enforce one another's conditions, and that the suspension of one permit should result in the suspension of all other permits issued for the same underlying project by other agencies.

Staff agrees that these concerns are all issues that the agencies, the developer, and the utilities may have to address in the future. However, these concerns, in themselves, are not grounds for revocation of a permit. In particular, the last concern, that the agencies should be required to jointly administer all permits for one project, would require legislative changes and is outside the Commission's purview. The analysis in the staff report below is confined to those issues that might be grounds for revocation of permit 5-91-463, based on Section 13105 of the California Code of Regulations.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt one of the two following motions.

MOTION FOR DENIAL OF REVOCATION REQUEST

I. Denial

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The Commission hereby **denies** the request for revocation because no grounds for revocation exist pursuant to 14 Cal. Code of Regulation Section 13105. And because the request for revocation was not filed with due diligence consistent with 14 California Code of Regulations, Section 13108.

II. MOTION FOR CONTINUANCE (If Commission decides to request more investigation by staff)

I MOVE THE COMMISSION CONTINUE CONSIDERATION OF THIS REQUEST AND DIRECT STAFF TO INVESTIGATE THE FOLLOWING TOPICS:

- 1) Whether the applicant knowingly withheld information in its application concerning the gas field or the dry hole oil well.
- 2) Whether the Gas Company storage facility represents a source of hazardous (toxic and explosive) chemicals for the freshwater marsh, endangering the public and wildlife. Whether if the Commission had known of the gas storage facility, it would have imposed a different condition or denied the project.
- 3) Whether the dry hole oil well requires re-abandonment by current DOG standards. Whether if the Commission had known of the abandoned well it would have imposed a different condition or denied the project.
- 4) Whether the presence of the abandoned "dry hole" oil well, or soil deposits created by oil and gas operation represent sources of toxic chemicals for the freshwater marsh, endangering the public and wildlife. Whether if the Commission had known of the oil field operations it would have imposed a different condition or denied the project.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

On September 13, 1991, the Commission approved the application of Maguire Thomas partners for the following development:

- 1) Develop a 26.1-acre freshwater marsh restoration project;
- 2) To have Coastal Commission accept proposed freshwater marsh restoration and proposed riparian corridor restoration which is

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- outside of the Coastal Zone as a mitigation of future development proposals in other areas of the Ballona wetlands;
- 3) To have Coastal Commission adopt a recent delineation of wetland habitat in Area A of Ballona wetlands. (Approved with conditions 9/13/91)

A year later, on May 12, 1992, the Commission approved an amendment. The amendment authorized changes in conditions that related to time limits and to monitoring the biological productivity of the marsh after its completion. The conditions principally addressed what would or would not make the freshwater marsh complex suitable for mitigation of wetland fill elsewhere in the project. The project included some berms and a 26.1-acre marsh/riparian system located inside the coastal zone. In acting on the proposed project, the Commission considered whether the freshwater marsh area outside the Coastal Zone could serve as mitigation for development within the Coastal Zone.

The freshwater marsh was a feature of a litigation settlement between the City, the County, the Commission, the developer and the opponents of the project, the Friends of the Ballona Wetlands. The Commission waived local approval of the freshwater marsh before it considered it, in part because the Ballona settlement would result in a change to the underlying project. The changes proposed in the settlement would result in more area reserved for wetlands than were established in the original LUP, fewer dwelling units, less commercial square footage, and less development within the coastal zone. These changes will ultimately require the applicant to seek new local approvals (tract maps, EIR) both inside and outside of the Coastal Zone for its modified project.

At its hearings on the freshwater marsh, the Commission considered testimony from those who opposed the entire project, even as downsized by the settlement, and also from those who believed that there should be no separate freshwater marsh, and that freshwater runoff should enter the saltmarsh directly. After the Commission acted, other agencies, including the U. S. Army Corps of Engineers (ACOE) and the City of Los Angeles, proceeded with their own approvals of those portions of the project that were within their jurisdictions.¹

¹ A list of approvals by other agencies and the dates of those approvals will be available at the time of the Commission's hearing

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B. BASIS FOR REVOCATION REQUEST AND REVOCATION REQUEST'S CONTENTIONS.

On March 18, 1999, the Commission offices received a revocation request from Patricia McPherson, Friends of the Animals: Earthways foundation. The request was entitled:

Re: Remedial permit application 5-91-463-A3 Revocation of Coastal Commission permit for Phase 1 Playa Vista, based upon 13104 scope of article. Article 16.

The request listed a number of items in support of a contention that the permit for the freshwater marsh could be revoked based on intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application. The revocation request further contends that the second, necessary half of 13105(a) applies: that accurate and complete information would have caused the Commission to require additional or different condition on the permit or deny the application.

Staff informed the applicant of the request and forwarded the request to the applicant and its representatives. Subsequently, on March 24, 1998, the staff informed the applicant and the author of the revocation request that the item would be report to the Commission on at the April 13-6, 1999 meeting. The revocation request consisted of two letters and one map in support of its contentions. The letters are identified as Letter (1) and Letter (2). The map is a reduction of the Division of Oil and gas (DOG) map 120 showing two abandoned oil wells on the property. (Exhibits 1, 2 and 3). One of the wells is in the coastal zone and within the boundary of the freshwater marsh.

On March 25, 1999 staff informed the author of the revocation request in writing that the portion of the request referring to amendment 5-91-463A3 was rejected because that amendment had been withdrawn and was never approved by the Commission. Consequently, only the portion of the revocation request that seeks revocation of the Commission's September 1991 approval of the permit 5-91-463 for the marsh is being analyzed below.

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SUMMARY OF REVOCATION REQUEST'S CONTENTIONS:²

1. **Information concerning an on-site oil well and a gas field was knowingly and intentionally withheld from permit application 5-91-463.**
 - a) "The photos showing oil wells in the First Phase area Playa Vista were omitted from the EIR.³ [and the photos were available in the Spence collection at UCLA] This collection was available for review during the EIR process..." (Letter 1, page 1, last line)
 - b) "DOG map 120 Playa del Rey clearly shows abandoned oil wells in the first Phase Playa Vista project that were omitted from the EIR." (Letter 1, page 2, paragraph 1)
 - c) "We believe that what the Developer could have known and should have known was concealed and with reckless endangerment of both human lives and a wetland ecosystem, deliberately avoided in order to proceed with the Project. "(Letter 1, page 2, paragraph 4)

2. **If the Commission had known of the oil wells it would have imposed conditions regarding mitigation of oil and gas hazards in the project.**
 - a) "The Coastal Commission could have been working with the experts who have volunteered their expertise of oil field operation and storage field operation subsidence hydrology, and their time and energies with us in trying to determine what is occurring in the Ballona area. " (Letter 2, page 3, paragraph 1)
 - b) "The omission of wells ... could have been included in any decision making process regarding the Coastal Commission

² The full text of the revocation request's contentions are provided as Exhibits 1 and 2. Earlier correspondence on the same topics is also attached as exhibit 16

³ Playa Vista first Phase EIR, which was certified by the City of Los Angeles in 1995, subsequent to the Commission's action on the Freshwater Marsh, included the Freshwater Marsh (Exhibit 24. The remaining development in the Playa Vista First Phase is located outside the Coastal Zone. The area outside the Coastal Zone is outside of the Coastal Commission's jurisdiction and was not subject to permit 5-91-463. The first phase area outside the Coastal Zone contained significant development, including commercial, residential and office structures, as well as the riparian area, which connects with the freshwater marsh.

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decision of the catch basin marsh." (Letter 2, page 1, paragraph 1)

- c) "...The Coastal Commission can be helpful in the investigation of what is occurring in Ballona with regard to the [the So Ca Gas co operation and] migrating toxic and hazardous gasses. (Letter 2, page 3, paragraph 1)

3. **There is information that has become available after the Commission approved the freshwater marsh project that if it had been known at the time might have resulted in different conditions. The City has taken actions to require methane mitigation on structures constructed outside the coastal zone.**

- a) "A survey in 1999 revealed high quantities of thermogenic methane gas in the omitted mapped and photographed oil well locations. ' (Letter 1, page 2, paragraph 2)⁴
- b) 'There is significant new information requiring a new SEIR '(Letter 1, page 5, paragraph 6)
- c) "The City of Los Angeles has now designated the entire Ballona Playa Vista tract area as a being a High Methane Potential Risk area." (In support of this contention, the revocation request has attached a letter from Dana Prevost, City of Los Angeles Engineering Geologist II, dated January 19, 1999. The letter states that all construction in the first phase area shall comply with Section 7104.2 of the Building Code and MGD #92, and listing other review and inspection requirements)." (Letter 1, page 2, last line)
- d) "From EIR data and new data we are now aware the entire Ballona Playa Vista tract has proposition 65 and federally listed toxic contamination." (Letter 1, page 3, top of page). (The EIR data is not attached. The letters elsewhere lists benzene and toluene as contaminants associated with oil wells.)

⁴ The developer has prepared a survey for its Phase II EIR, evaluating methane. Staff has a copy. This survey includes two sites in the northern berm of the freshwater marsh.

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4. **The Commission should rethink its earlier approval and revoke its permit because the courts invalidated the Corps 404 permit for the project in 1998, after the Commission approval of the freshwater marsh.**
 - a) "U. S Army Corps of Engineers permit has been invalidated and Federal District Judge Lew has ordered an EIS to be prepared.⁵ " (Letter 1, page 2, paragraph 5)

5. **Coastal staff should be enforcing the mitigation monitoring and reporting plan of the EIR because the EIR lists the Commission as a Responsible agency and cross- references the Commission's permit 5-91-463. ⁶**
 - a) "It has been suggested by coastal staff that the coastal Commission is unaware of the MMRP [Mitigation, Monitoring and Reporting Program] and that the City of Los Angeles had no jurisdiction to place enforcement or monitoring requirements on the coastal Commission. However, CEQA states otherwise." (Letter 1, Page 4 paragraph 7)

 - b) "Furthermore, this Commission was required, under the 1993 Mitigation Monitoring and Reporting Plan ("MMRP") adopted by the City of Los Angeles to have provided approval and monitoring of the final construction plans for the freshwater system and riparian corridor. " (Letter 1, Page 3, paragraph 6)

 - c) "The [City] monitoring plan states: "Prior to recordation of the first final map or prior to the issuance of any permit, whichever occurs first, a mitigation monitoring plan shall be approved by the California Coastal Commission for the loss of sensitive habitat (freshwater marsh/riparian/wetland and /

⁵ In areas of jurisdictional wetlands, the ACOE (Corps) can regulate filling but not dredging. The ACOE issued a 404 permit for the first phase project in 1992. The ACOE 404 permit allowed the applicant to fill between 3.1 and 4 acres of jurisdictional wetlands within the footprint of the freshwater marsh to create a berm. In June 1998, Judge Lew ordered an EIS to be prepared to address the fill of 16 acres inside and outside the coastal zone to create the development. Thus, the 404 permit was issued and then overturned by the U.S. District Court after the Commission's action on permit 5-91-463.

⁶ The EIR conditions were not incorporated into the Commission's permit. The EIR was adopted after the Commission approved permit 5-91-463. The City is the lead agency for the CEQA document, and the responsible agency for enforcement of conditions adopted by its Council.

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riparian scrub vegetation.) " (Letter 1, page 4, paragraph 3)

d) "The project's Coastal Commission permit was conditioned to the preparation of a monitoring plan which includes that of the MMRP. Therefore the City of Los Angeles MMRP requirements directed to the Coastal Commission appear to be rational and consistent with the mitigation monitoring section of CEQA. Having raised these points during the EIR process, it ill behooves the Coastal Commission to balk at enforcing its own suggested mitigation measures for this project." (Letter 1, Page 5, paragraph 5)

e) "LA City's MMRP does designate the CA Coastal Commission as an enforcement agency on many aspects of the MMRP. As we have made the Commission aware of this, we have also asked the Commission to straighten this out with the City. ...LA City planning (Playa Vista) doesn't understand why you don't know about the MMRP and its association with the Commission." (Letter 2, page 3, last paragraph)

6. The revocation request opposes issuance of an after-the-fact permit for a haul road to build the drain for the marsh, and asserts the applicant is otherwise in violation of its coastal development permit and/or the Coastal Act.

a) The application for a remedial permit is in itself a travesty of the environmental protections envisioned by the CEQA process and by the enactment of the coastal act by the people of the State of California. In this case the applicant commenced construction activities in sensitive areas in violation of the coastal Commission permit, coastal Commission jurisdiction and the MMRP and is now requesting retroactive approval of this unlawful action. [Refers to 5-91-463A3, an after the fact application for a haul road. The applicant withdrew this application.] (Letter 1, Page 2 paragraph 4)

b) The subdivider has started grading and construction activities of the catch basin and road improvements west of Lincoln Boulevard without appropriate approval by the Commission.

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(Letter 1, Page 5, paragraph 4)

**C. DISCUSSION OF THE REVOCATION REQUESTS CONTENTIONS WITH
RESPECT TO SECTION 13105 OF THE CALIFORNIA CODE OF REGULATIONS.**

As stated above, because of the impacts on an applicant, the grounds for revocation are necessarily narrow. The rules of revocation do not allow the Commission to have second thoughts on a previously issued permit based on information that came into existence after the Commission acted, no matter how compelling that information might be. Similarly a violation of the Coastal Act or the terms and conditions of a permit, or an allegation that a violation has occurred are not grounds for revocation under the California Code of Regulations. The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action. The three elements that must be proved before a permit can be revoked are:

- 1) That the applicant provided incomplete or false information
- 2) That false or incomplete information was supplied knowingly and intentionally **AND**
- 3) That if the Commission had known of the information it the permit imposed different conditions or would have denied the permit.

Each of the contentions asserted in the revocation request is evaluated below.

1. Information concerning an on-site oil well and a gas field was knowingly and intentionally withheld from permit application 5-91-463.

In support of this contention, the revocation request cites data provided in 1999 by Camp Dresser and McKee, and a 1999 letter from Dana Prevost of the City of Los Angeles. An investigation performed by staff reveals that the oil well was part of the project record, but that the applicant did not describe the oil well in the application. The staff investigation further reveals:

- a) The oil well is not mentioned in the applicant's representatives' letters requesting approval of its permit or in the staff report or in any of the testimony in support or in opposition of the permit. The letters, testimony and staff report focuses on wetland, mitigation and habitat issues.

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- b) The oil well is mapped as an "abandoned dry well" in a map in the Industrial Facilities section of the certified LUP. (Exhibit 17). The certified LUP is cited in the Substantive File Documents list on page one in the staff report (Exhibit 14).
- c) The gas field and the oil well are not mentioned in the project's environmental checklist.
- d) In background materials prepared by the applicant for consideration during the approval of the LUP, the author, Rod Meade, discusses "agricultural operations in the eastern portions of Area B both north and south of Jefferson boulevard, which were not subject to oil and natural gas operations." This letter was submitted by the applicant's predecessor in 1984.
- e) In a report prepared for the applicant for its EIR in 1991, Draft, Botanical Resources of Playa Vista, James Henrickson, June, 1991, the history of the oil field is briefly described as occurring in the nineteen twenties and thirties. It states that oil operations were subsequently abandoned for agriculture. The report did not raise issues of the compatibility of the oil field and the gas operation and the restoration of the wetlands. This report is Appendix J the first phase EIR and the draft was available in June 1991, at the time of the application. The applicant did not provide the report to the Commission as part of the application for 5-91-463.

The gas field was also part of the Commission record on the property. An investigation performed by staff reveals the following:

- a) The gas field was not discussed in the application.
- b) The Los Angeles County Marina del Rey, La Ballona LUP discusses the existence of a former oil field and a current gas storage facility. It includes a map, (Exhibit 17) showing the Gas companies field and facilities.
- c) In re-certifying the Playa Vista LCP in 1986, the Commission heard testimony from the Gas Co. regarding repair and

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maintenance issues and access to their wells. The existence of the Oil and Gas field is part of the Commission's record.

- d) The gas field was discussed at length in the certified Land Use Plan, which was cited as a substantive file document in the permit.
- e) The Land Use Plan map and supplementary maps prepared by the Gas Company do not show any conflict between the location of the Gas Company wells or fields and the wetlands proposed to be restored in the LUP. The area in which the freshwater marsh was located was designated for residential and commercial use in the LUP. The LUP also does not show any conflict between the previous oil and gas use and the development proposed in the LUP.

Consequently, the information that there was a gas and oil field was available to the Commission and had been the subject of lengthy discussions. This although, the application was incomplete with respect to oil and gas, the absence of information did not eliminate the Commission's ability to review this information. Moreover, the revocation request in no way establishes that the applicant intentionally provided incomplete information. Therefore, this contention does not raise grounds for revocation consistent with Section 13105(a). The request for revocation must show that the omission was knowing and intentional and that the inclusion of the information would have resulted in changed or different conditions, or a denial of the permit.

2. If the Commission had known of the oil wells it would have imposed conditions regarding mitigation of oil and gas hazards in the project.

In support of this contention, the applicant makes assertions concerning hazards relative to oil and gas. The revocation request provides examples of potential conditions relative to oil and gas, such as working with experts concerning pollution and oil well issues, or instructing the Division of Oil and Gas to cooperate with the person requesting revocation by regarding records.

Potential conditions that might have been imposed the oil well. The City of Los Angeles Playa Vista LUP, certified by the Commission in 1986, included the following policies with regard to oil and gas. The policies require that prior to development over an abandoned well, the developer must prove that it has been abandoned according to current standards. The Commission did not impose a condition to indicate that the oil

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well had been re-abandoned. The Energy and Industrial Development section of the certified 1986 Playa Vista LUP, which is cited as a substantive file document in the record included the following policies and actions:

Policies and actions

- ◆ In areas where new development occurs, the developer shall provide landscaping, (trees, shrubbery) to visually buffer existing or relocated gas or oil wells.
- ◆ Prior to new development over old, unused or previously abandoned wells, the California Division of Oil and Gas must be asked to determine that the wells have been abandoned in accordance with current standards. Development over wells will not be allowed to take place unless that determination has been made.

This well is noted as a "dry hole" excavated in the 1920's. The applicant, after receipt of the revocation request, acquired records of the abandonment of the well in 1934. The records are attached, (Exhibit 21) indicating that there is "hole was open to 155' and bailer brought up a sample of sand." In this case there is not any structure that might trap gas under a slab. Therefore, there does not appear to be a gas leak problem with this well. Given the evidence that the well has been abandoned, the request for revocation has not demonstrated that a new or different condition would have been imposed by the Commission if additional information concerning this dry hole well been available.

When the Commission adopted the LUP, in 1984 and again in 1986, it heard lengthy testimony from the Gas Company about its facility. In re-certifying the LUP, the Commission adopted a number of policies relating to the gas field. The policies acknowledged the existence of the gas field, and protected its continued operation. The policies relating to the gas field included the following:

Policies and actions

- ◆ Land Use decisions shall not interfere with the SCGC's ability to continue operation of its gas storage facility. Land use decisions shall be protective of SCGS's existing and future needs and for gas storage facilities and operations.

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- ◆ New development, in the plan area (which includes wetland restoration projects) shall not interfere with access to gas or oil wells, or observation wells associated with gas storage or to other facilities associated with the gas storage field operation by service personnel and servicing equipment.

These policies, which were present in a document cited in the permit analysis staff report and findings, indicate the Commission was aware of the existence of the gas field even though the applicant had not mentioned the gas field in its application. The policies do not indicate that the Commission anticipated any conditions relating to the gas field except for actions to preserve its functioning. There is no evidence in the Commission past action that had it been reminded of the gas field it would have imposed different conditions on the project.

The person requesting the revocation sent a number of faxes in advance of filing the request that asked for assistance in resolving oil and gas issues with other agencies. These faxes contained additional assertions and the results of a test on a sample of methane collected in a jar. (Exhibit 28). This correspondence alleged a hazard from methane, and/or natural gas escaping from the Southern California Gas Company pipelines and storage field, the staff forwarded these complaints to the Division of Oil and Gas (Exhibit 23). In response, the Division Deputy Supervisor noted that they had met with Ms. McPherson, the person who filed this revocation request, and discussed these issues. They did not believe that there was a hazard to the public from gas operations. The DOG forwarded a letter to Ms. McPherson (Exhibit 23) concerning their conclusions. The Commission notes that the illustrations supplied by the revocation request relate to the La Brea Field, and show a field that is 100 feet below grade. This according to other information⁷ is a much shallower field than is present in Ballona. The Commission also notes that the 1999 letter from Dana Prevost refers to methods to avoid gas build up under structures. The freshwater marsh is not a structure. Therefore, the staff therefore concludes that the Commission would not have imposed additional conditions to address the gas storage facility, and could not have imposed conditions based on a letter that did not exist at the time of its action. Therefore, this contention does not raise grounds for revocation consistent with Section 13105.

- 3. There is information that has become available after the Commission approved the freshwater marsh project that if it had been known at the time might have resulted in different conditions. The City has taken actions to require methane**

⁷ Interview with JB Graner, Graner Oil, February, 1999. Graner formerly operated wells in the Silver Strand.

PRELIMINARY RECOMMENDATION
REQUEST FOR REVOCATION
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mitigation on structures constructed outside the Coastal Zone.

The revocation request includes a 1999 letter concerning the City of Los Angeles requirements for methane mitigation of Phase I, and information about methane testing that occurred in 1995 and 1999. Thus, the documents cited were published after September 1991 and could not have been intentionally withheld by the applicant. In addition, the revocation request has not demonstrated that any of the information available in the later studies was available in 1991 or that the applicant intentionally withheld the information. This contention does not satisfy the requirements for revocation stated in Section 13105 because it refers to information not in existence at the time of the Commission's action which could not have been intentionally withheld by the applicant. Therefore, this contention does not raise grounds for revocation consistent with Section 13105.

- 4. The Commission should rethink its earlier approval and revoke its permit because the courts invalidated the Corps 404 permit for the project in 1998, after the Commission approval of the freshwater marsh.**

The State's approval is independent of and occurred prior to the Corps approval. Therefore, invalidation of the Corps permit does not invalidate the Commission's prior approval. If, after the appeal process is complete, the applicant revises its project to conform with newly imposed Corps requirements, the applicant will be also require to seek an amendment from the Commission if any revisions would change the Commission-approved project. The Corps permit was not issued at the time of the Commission's action and could not have been withheld by the applicant. Information not in existence at the time of the Commission's action is not grounds for revocation under Section 13105. Therefore, this contention does not raise grounds for revocation consistent with Section 13105.

- 5. Coastal staff should be enforcing the Mitigation Monitoring and Reporting Program (MMRP) of the EIR because the EIR lists the Commission as a Responsible agency and cross- references the Commission's permit 5-91-463.**

The contentions relating to the Commission enforcement of the City's EIR are not grounds for revocation because they do not allege information that was intentionally withheld by the applicant. The EIR was not complete at the time of the issuance of the permit. The draft EIR was not circulated until September 1992, a year after the Commission's approval of the permit. The Commission is not required to enforce the City's MMRP.

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Interpretations of jurisdictional responsibilities under CEQA are not grounds for revocation under Section 13105(a) of the Code of Regulations. The Commission could not have imposed a condition to require the permit to contain the same conditions as the EIR, or require staff to enforce the first phase MMRP because the EIR was not available at the time of the Commission action. Therefore the MMRP could not have been the basis for conditions. If the document was not available, the applicant could not have intentionally withheld the document.

Therefore, this contention is not grounds for revocation because does not evidence the provision of incomplete or inaccurate information and does not address information that was knowingly withheld by the applicant. The Commission could not have imposed different conditions based on documents that did not exist as the time of its approval. Therefore, this assertion does not provide grounds for revocation under Section 13105(a).

6. The revocation request opposes issuance of an after-the-fact permit for a haul road to build the drain for the marsh, and asserts the applicant is otherwise in violation of its coastal development permit and/or the Coastal Act.

The contention relating to opposition to an after-the-fact is not relevant because amendment 5-91-463A3 was withdrawn and never approved by the Commission. Since an after-the-fact permit was never approved, it cannot be revoked.

The Commission's process for the resolution of unpermitted development often includes as a first step, filing of an after-the-fact permit or a request to restore the property on the part of the applicant. The Commission's practice with respect to investigation and resolution of unpermitted development cannot be addressed in this revocation request. An enforcement action is not grounds for revocation, because the Commission could not have imposed conditions addressing unpermitted development that had not yet occurred. Therefore, this contention does not raise grounds for revocation consistent with Section 13105.

D. THE COMMISSION SHALL NOT REVOKE A PERMIT IF THE APPELLANT DID NOT PROCEED WITH DUE DILIGENCE

The revocation request states that these issues were raised beginning in 1993, during public testimony at the time of the EIR. Since that time the EIR has been challenged in court and sustained. The EIR is still valid. The person requesting revocation and the Friends of the Animals knew of these issues in 1993, but did not request revocation until more than six years have elapsed. request. Whether the Commission,

PRELIMINARY RECOMMENDATION
REQUEST FOR REVOCATION
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upon review of the information above and any other information gathered by staff at the Commission's request, determines that there are grounds to revoke the permit, the Commission must also decide whether the person requesting revocation has proceeded with due diligence. The Commission finds that the revocation request was not filed with due diligence and shall be denied.

Conclusion. The Commission finds that the revocation request shall be denied because it does not establish all of the grounds identified in Section 13105 (a).

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REQUEST FOR REVOCATION
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APPENDIX A

SUBSTANTIVE FILE DOCUMENTS:

1. California Department of Fish and Game, E.C. Fullerton, Director, "Determination of the Status of the Ballona Wetlands," Los Angeles County California, December 1, 1982.
2. California Department of Fish and Game, E.C. Fullerton, Director, Department response to the Coastal Commission's April 15, 1983 letter re Ballona, May 13, 1983
3. California Department of Fish and Game, H.D. Carter, Director, County of Los Angeles Local Coastal Program, Marina Del Rey Ballona Land Use Plan, (LUP) review of staff report date October 7, 1983, October 27, 1983
4. California Department of Fish and Game, H.D. Carter, Director. Los Angeles County Marina del Rey Ballona land use Plan Department of Fish and Game "Comments on the Summa Corporation Howard Hughes Realty proposal regarding the wetlands and other environmentally sensitive areas, "January 4, 1984
5. Dept. of Fish and Game Memorandum (12/20/91) regarding Wetlands Acreage Determination, Area A
6. California Coastal Commission; County of Los Angeles Local Coastal Program, Marina del Rey Ballona LUP Adoption of Revised Findings of Denial and Adoption of Suggested Modifications. April 25, 1984
7. California Coastal Commission; City of Los Angeles Local Coastal Program Playa Vista segment LUP Adoption of Revised Findings for Denial and Certification of Land Use Plan with Suggested Modifications. December 19, 1986
8. Agreement for Settlement of Litigation in the 1984 Case of Friends of Ballona wetlands, et al. v. the California Coastal Commission , et al. Case No. C525-826

PRELIMINARY RECOMMENDATION
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9. 5-91-463 (Maguire Thomas Playa Vista;) Condition Compliance 5-91-463; 5-91-463-A-2

10. Playa Vista certified LUP, City of Los Angeles

11. Wetlands Action Network vs. U. S Army Corps of Engineers, United States District Court, Central District of California, decision, June 27, 1998

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**R5-91-463
EXHIBITS.**

R5-91-463

March 13, 1999

RECEIVED
South Coast Region 2 1999

TO: PETER DOUGLAS, EXECUTIVE DIRECTOR
CALIFORNIA COASTAL COMMISSION
CC PAM EMERSON
FROM: PATRICIA MCPHERSON/
FRIENDS OF ANIMALS; EARTH WAYS
FOUNDATION

MAR 23 1999 CALIFORNIA
COASTAL COMMISSION
CALIFORNIA
COASTAL COMMISSION

RE: REMEDIAL PERMIT APPLICATION 5-91-463-A3
REVOCATION OF COASTAL COMMISSION PERMIT FOR PHASE 1, PLAYA
VISTA - BASED UPON 13104. SCOPE OF ARTICLE. ARTICLE 16.

FOA AND EARTHWAYS FOUNDATION are requesting that no additional permits (remedial or otherwise) be granted for the Playa Vista Project and the current permit be suspended until the California Coastal Commission complies with the California Environmental Quality Act with respect to implementation of the Mitigation Monitoring and Reporting Plan and preparation of a Subsequent Environmental Impact Report based on new information and changed circumstances of the Project.

A. 13104. Scope of Article. ARTICLE 16. REVOCATION OF PERMITS

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application.

The PLAYA VISTA, FIRST PHASE EIR; claims to have conducted a comprehensive site audit which included a review of aerial photographs, state and local agency records of historical and current land use practices and environmental documents of the First Phase area. Aerial photos used for environmental assessment of the area, included UCLA'S Spence collection of historical photos which date back to the late 20s and show the early oil wells drilled into the Playa Vista, First Phase area and the rest of Ballona Wetlands and Playa Del Rey and Marina Del Rey. This collection was available for review during the Playa Vista EIR process.

NEW INFORMATION:

THE PHOTOS SHOWING OIL WELLS IN THE FIRST PHASE AREA WERE OMITTED FROM THE EIR. The photos showing these wells were a part of the collection at the time of the Playa Vista EIR process.

Also, State of California, Division of Oil & Gas maps were and are available that show oil wells in the Ballona Wetland area and Playa Del Rey and Marina Del Rey.

Exhibit 1

Letter 1

PI

R5-91-463

EXHIBIT No.

Application Number:

R-5-91-463

Letter 1

DOG MAP #120 PLAYA DEL REY, CLEARLY SHOWS ABANDONED OIL WELLS IN THE FIRST PHASE, PLAYA VISTA PROJECT THAT WERE OMITTED FROM THE EIR. The DOG Map #120 was available for review during the EIR process.

NEW INFORMATION:

This omission is compelling because today as a Jan. 19, 1999 Methane Gas Study by Camp Dresser McK. on behalf of Playa Capitol. LLC, reveals the presence of high quantities of thermogenic methane gas in the omitted mapped and photographed oil well location.

This omission is extremely compelling due to scientific evidence that was presented throughout the EIR process, documenting billions of cubic feet of gas unaccounted for by the So. Ca. Gas Co. Public requests for a scientifically based response with data was ignored. Corporate policy jargon was the only response given by the So. Ca. Gas Co. and from the Division of Oil & Gas. Public requests for clarification with So. Ca. Gas Co. data records via the EIR process went both nonresponsive or ignored.

We believe that what the Developer could have known and should have known was concealed and with reckless endangerment of both human lives and a wetland ecosystem, deliberately avoided in order to proceed with the Project.

I. MITIGATION MONITORING AND REPORTING PROGRAM.

The application for a "remedial permit" is in itself a travesty of the environmental protections envisioned by the CEQA process and by the enactment of the Coastal Act by the people of the State of California. In this case, the applicant commenced construction activities in sensitive areas in violation of the Coastal Commission permit, Coastal Commission jurisdiction, and the MMRP and is now requesting retroactive approval of this unlawful action.

In addition, the U.S. Army Corps of Engineers permit has been invalidated and Federal District Judge Lew has ordered an EIS is to be prepared, having determined that the Army Corps' environmental analysis based on his finding that-

The record reveals more than mere opposition to this project. It reveals a substantial dispute as to not only the size, nature, and effects of the project, but also as to the adequacy and validity of the documents upon which the Corps now claims it relied in making its determination.

NEW INFORMATION:

The City of Los Angeles has now designated the entire Ballona /Playa Vista tract area as a HIGH METHANE POTENTIAL RISK AREA;

Exhibit 1 p 2
Letter 1
R591463

1. All construction in the First Phase area shall comply with section 7104.2 of the Building Code and MGD #92.
2. Based on the information in this report, (METHANE CTRL FILE -7) the Second Phase area will also require mitigation for methane gas.

Also, from EIR data and new data we are now aware the entire Ballona/ Playa Vista tract area has Prop. 65 and Federally listed toxic contamination including, benzene, toluene, xylene and H2S. To properly and adequately mitigate, if mitigation is even possible with today's scientific technology, the area needs further scientifically credible studies in order to determine the characterization and extent of the toxic gases migrating to the surface in this region.

Also, due to the Jan. 19, 1999 Methane Report by Camp Dresser McK. for Playa Capitol, LLC, the State EPA, California Regional Water Quality Control Board recommends:

... Further delineation and source identification are recommended before commencement of any development in the affected areas.... FILE NO. 98-192

Furthermore, this Commission was required, under the 1993 Mitigation Monitoring and Reporting Plan ("MMRP") adopted by the City of Los Angeles, prior to the issuance of any permits, to have provided approval and monitoring of the final construction plans for the freshwater system and riparian corridor.

The MMRP states:

C.2.B. SURFACE WATER QUALITY

The following mitigation or design measures shall be included as conditions to the primary entitlement actions to preclude or mitigate adverse environmental impacts relating to surface water quality:

- A. Prior to issuance of any grading or building permits, the applicant shall submit plans, satisfactory to the Advisory Agency, for construction of the Freshwater Wetland and Riparian Corridor consistent with (a) concepts provided in the Final EIR which have been reviewed and approved as to concept by the Department of Public Works, of the City of Los Angeles, and (b) the permits granted by the U.S. Army Corps of Engineers and the California Coastal Commission. In addition, the California Coastal Commission must provide approval of the final construction plans for the freshwater wetland system. A plan to guarantee maintenance of the Freshwater Wetland system in perpetuity shall also be provided. The plan shall also include the estimated pollutant loadings into the Ballona Creek and the Santa Monica Bay, as well as a

Exhibit 1 p 3
RS 91 463

Letter 1

wetland maintenance plan, including funding mechanism to assure that the plan will be implemented. The plan shall also include the requirement that the subdivider employ a professional biological consultant selected by the Ballona Wetlands Committee to monitor the construction so as to assure that such construction proceeds in accordance with the approved plans therefor and the conditions and requirements of the permits issued by the California Coastal Commission and the U. S. Army Corps of Engineers, including the requirement to transfer certain species during construction...

Monitoring Agency: U.S. Army Corps of Engineers, Regional Water Quality Control Board, Department of Public Works,, and the California Coastal Commission. (Emphasis added.)

Monitoring Phase: Pre-construction, construction, and operation...

D. BIOTIC RESOURCES

Urban Use Compatibility

- I. Prior to recordation of the first final map, or prior to the issuance of any permit, whichever occurs first, a mitigation monitoring plan shall be approved by the California Coastal Commission for the loss of sensitive habitat (fresh-water/ marsh/ riparian/wetland and / riparian scrub vegetation)...

Monitoring Agency: California Coastal Commission.

Monitoring Phase: Pre-construction ... (Emphasis added.)

Not only has the subdivider failed to comply with the MMRP, it is now requesting that the Commission issue *ex post facto* validation of unpermitted activities which probably have had an adverse impact on these resources,

It has been suggested by Coastal Commission Staff that the Coastal Commission is unaware of the MMRP and that the City of Los Angeles had no jurisdiction to place enforcement or monitoring requirements on the Coastal Commission. However, CEQA clearly states otherwise:

For those changes which have been required or incorporated into the project at the request of a responsible or an agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program. (Pub. Res. Code 21081.6(a)(1).)

In the Coastal Commission's comments on the Project in 1993, the Commission stated that the 1991 Coastal Commission Permit issued for this Project should be incorporated into the Phase One EIR. The permit describes the permit project as:

Exhibit 1 P 4

R591463

Letter 1

- 1) develop a 26.1-acre freshwater marsh restoration project;
- 2) to have Coastal Commission accept proposed freshwater marsh restoration and proposed riparian corridor restoration (which is outside of the coastal zone) as mitigation for future development proposals in other areas of Ballona Wetlands;
- 3) to have Coastal Commission adopt a recent delineation of Wetland habitat in Area A of Ballona Wetlands.

In addition, the Coastal Commission comments point out that road improvements and widening on Lincoln Boulevard would require coastal development permits. Nonetheless, the sub-divider has started grading and construction activities of the catch basin and road improvements west of Lincoln Boulevard without appropriate approval by this Commission.

The project's Coastal Commission permit was conditioned on the preparation of a monitoring plan which includes that of the MMRP. Therefore, the City of Los Angeles MMRP requirements directed to the Coastal Commission appear to be rational and consistent with the purposes of the Mitigation Monitoring section of CEQA. Having raised these points during the EIR process, it ill behooves the Coastal Commission to balk at enforcing its own suggested mitigation measures for this project.

II. SIGNIFICANT NEW INFORMATION OR CHANGED CIRCUMSTANCES REQUIRING A SEIR.

A SEIR is required for the following new information and changed circumstances:

1. Army Corps permit invalidated and EIS to be prepared;
2. Concealment of oil well information;
3. Migration of toxic, hazardous gases and need for studies;
4. Need for location of abandoned oil wells and pipelines;
5. Inaccurate information in EIR re freshwater marsh and riparian corridor;
6. Maintenance and Monitoring Program invalidated;
7. Improper grading in marsh area;

For the above reasons, Friends of Animals and Earth Ways Foundation respectfully requests that Permit 5-91-4643-A3 not be considered until a SEIR is prepared and that the MMRP requirements be met. Also, that the Permit for the Construction of the Freshwater

Exhibit 1 p 5 R591463 let Ho 1

Marsh and Riparian Corridor be revoked. A complete evaluation due to current circumstances needs to be done.

Thank You,

Patricia McPherson, Friends of Animals
3749 Greenwood Ave. , LA, Ca. 90066

310-397-5779

R5 91 463

Exh. b. + 1 p 6

Letter 1

Long Beach

To: Pam Emerson cc Peter Douglas
California Coastal Commission

EXHIBIT No. 2
Application Number: R-5-91-463
Letter 2
 California Coastal Commission

RECEIVED
March 18 1999
South Coast Region

MAR 23 1999

CALIFORNIA
COASTAL COMMISSION

From: Patricia McPherson
Friends of Animals

Pam,

I have asked Kathy Knight to fax the DOG Map # 120 to you that shows the omitted Wells in the Playa Vista EIR, as well as the Methane Gas Study, first 2 pgs.. It is well understood in the engineering community that oil wells, abandoned or otherwise, can and do act as conduits to the surface for migrating toxic and hazardous gases. Therefore the omission of the wells in the EIR and any planning information you have for the creation of the Catch basin/ marsh would be extremely significant health and safety information that the developer should have and easily could have included in any decision making process regarding the Coastal Commission decision of the Catch Basin/ Marsh.

Like the current Belmont Complex situation in downtown LA, the Playa Vista Project resides atop an old yet current oil field that, unlike Belmont is also the site of a highly pressurized gas reservoir. The current scandal surrounding the Belmont Complex centers around the lack of scientific scrutiny in allowing for commercial structures and a school to be built atop what is probably a very toxic area. Mitigation for this area, if possible, requires first understanding the types of gases and extent of those gases involved in this area. Therefore, no mitigation is being formulated until the area is responsibly studied.

The scandal of Belmont, is much like Ballona, in that Ballona too, was approved for development and a marsh (habitable) without any scientific data to back up claims of how safe the area is.

CASE IN POINT: Due to the scientific information we supplied to LA Building & Safety in '98, B&S required a gas survey to be performed on the Playa Vista area. You are aware of the study, as you sent me some of the information that was sent to the Co. Comm. by the developer, Playa Capital LLC. (The information we supplied B&S was much of the same information we had been supplying to the DEIR, Playa Vista, first phase and all other and LA City Council and LA City Planning- it was continually ignored, and also the Coastal Comm. I believe you still have our SEIR request to the LACity.

In any case, a superficial gas survey was performed and 84 % plus was found in the area of one of the omitted well sites. It is well known that gases can and do migrate for miles from their source of origin. The gas discovered was also thermogenic gas, oil field setting gas. The report is METHANE CTRL. FILE-7 prepared by Camp Dresser McK. Jan. 19, 1999. In the response from LA Building & Safety, the Developer asked to only mitigate in the hot spot areas. The B&S stated, "It is the experience of the Department that methane gas can be highly migratory and transient. Therefore, limiting mitigation measures to the area of high gas concentrations observed during the field investigation does not appear acceptable at this time." B&S has now characterized the entire Ballona

Letter 2 Exhibit 2 p1 R591463

tract as a High Methane Potential Risk Area. This designation requires the developer to employ the highest mitigation measures that are currently used by LA. However, these mitigation measures do not account for any other gases than methane. (see attached City of LA document) The study shows high concentrations of methane in the samples that were not contaminated by ambient air, most of the samples taken were contaminated, according to expert peer review. The study was superficial and can be scientifically documented to show that the methodology used would:

1. pertain to methane
2. not necessarily indicate presence of methane even when large quantities of methane are present as shallow as ten feet.

Therefore it is important to have an in depth study for hazardous, toxic gases to be performed on this entire region. Protocol for such study exists, much of that protocol coming from the southern California oil field setting. Like the scrutiny Belmont is receiving so too Ballona needs this scientific scrutiny.

The toxic and hazardous gases documented for Ballona include; Methane, Prop.65 and Fed. Listed toxics:

Benzene, Toluene, Xylene, and Hydrogen Sulfide.

CALIFORNIA COASTAL ACT

Section 30335.5

- (a) The commission shall, if it determines that it has sufficient resources, establish one or more scientific panels to review technical documents and reports and to give advice and make recommendations to the commission prior to making decisions requiring scientific expertise and analysis not available to the commission through its staff resources. It is the intent of the Legislature that the commission base any such technical decisions on scientific expertise and advice. The panel or panels may be composed of, but not limited to persons with expertise and training in marine biology, fisheries, geology, coastal geomorphology, geographic information systems, water quality, hydrology, ocean and coastal engineering, economics, and social sciences.
- (c) The commission is encouraged to seek funding from any appropriate public or private source, and may apply for and expend any grant or endowment funds, for the purposes of this section.....
- (d) The commission is encouraged to utilize innovative techniques to increase effective communication between the commission and the scientific community, including the use of existing grant programs and volunteers, in order to improve and strengthen the technical basis of its planning and regulatory decisions.

Section 30418.

- (b) The Division of Oil and Gas of the Department of Conservation shall cooperate with the commission by providing necessary data and technical expertise regarding proposed well operations within the coastal zone.

Exhibit 2 p 2
R 591 463

It appears Pam, that the Coastal Commission could have been working with, meeting with the experts with whom have volunteered their expertise of oil field operations and storage field operations, subsidence, hydrology etc., their time and energies with us in trying to determine what is occurring in the Ballona area. It appears Pam, that our request to you, the Coastal Commission, for assistance in rendering up specific scientific documents and data from the DOG regarding the So. Ca. Gas Co. operations is totally on tract for what the Commission can be helpful in the investigation of what is occurring in Ballona with regard to the migrating toxic and hazardous gases. So, we ask Pam, that you reconsider your negative reaction to helping with this request. All we want to do is get to the reality of what is occurring at Ballona, which the Freshwater Marsh/Catch Basin is a key area of interpretation.

Also, regarding the MMRP:

Coastal Act
Section 30336.

The commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers and responsibilities provided for by this division where the local government elects to exercise those powers and responsibilities and requests assistance from the commission, and shall cooperate with and assist other public agencies in carrying out this division. Similarly, every public agency, including regional and state agencies and local governments, shall cooperate with the commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission may require to perform its duties and to more effectively exercise its authority.

Pam, the above Coastal Act Section appears to portray a working dialogue or relationship with the LA city planning that in reality does not exist. Your denial that the City can have the Coastal Commission designated as the enforcement agent of any of the various aspects of the CEQA required MMRP, is confusing. LA City's MMRP does designate the Ca. Coastal Commission as an enforcement agency, lead agency on many aspects of the MMRP. AS we have made the Co. Comm. aware of this, we have also asked the commission to straighten this out with the City. Apparently that has not occurred. Pam, you still say that you are even unaware of the MMRP or even what it stands for, yet Christine Springett of LA City Planning (Playa Vista) doesn't understand why you don't know about the MMRP and its association with the commission. This has been going on now for years.

Will the commission follow section 30336. And work with the City and the MMRP or not? Many conditions of the MMRP that are supposed to be enforced by the commission have not been enforced, and daily continue to not be enforced.

Please attach this information to the REVOCATION REQUEST for the Coastal Commission Permit for Playa Vista.

Exhibit 2 p3 R591463

Patricia Mcpherson 3103975779

Exhibit 2 p4
R 5 91 463 A3

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301 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

ANDREW A. ADELMAN
GENERAL MANAGER

RICHARD E. HOLGUIN
EXECUTIVE DIRECTOR

January 19, 1999

EXHIBIT No. 3
Application Number: R-5-91-463
Information to support request
California Coastal Commission

Log # 26682

C.D. -

METHANE CTRL FILE - 7

Playa Capital, LLC
12555 W. Jefferson Bl
Los Angeles, CA 90066

TRACT: Rancho La Ballona (DCC 2722 CF 64)
LOT: Ramona S De Machado 341.85095 Acres
LOCATION: 13250 Jefferson Bl

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Methane Report	10610-22844-110.RT.GAS	10/14/98	Camp Dresser McK.
..	..	01/13/99	..

The referenced reports concerning recommendations for mitigation of methane gas for the First Phase of the Playa Vista development have been reviewed by the Grading Section of the Department of Building and Safety. The areal limits of the First Phase are shown on Figure 2-3 of the report. Most of the area is south of Ballona Creek and northeast of Lincoln Bl.

According to the report, significant levels of methane gas were detected on the southwest portion of the subject area. The report indicates that only buildings within the area of observed high concentrations of gas are recommended for mitigation measures. It is the experience of the Department that methane gas can be highly migratory and transient. Therefore, limiting mitigation measures to the area of high gas concentrations observed during the field investigation does not appear acceptable at this time. The reports are acceptable, provided the following conditions are complied with during site development:

1. All construction in the First Phase area shall comply with section 7104.2 of the Building Code and MGD #92.
2. Based upon the information in the report, the Second Phase area will also require mitigation for methane gas.

Exhibit 3 information to support request
5-91 463 P1

Page 2

13250 Jefferson Bl

3. The use of a membrane or sealing materials other than 60 mil HDPE will require an approved Research Report.
4. The Gas Control Specialist shall review and approve the detailed plans prior to the issuance of any permits.
5. Installation of the gas mitigation devices shall be done under the observation and inspection of the Gas Control Specialist and the Department.

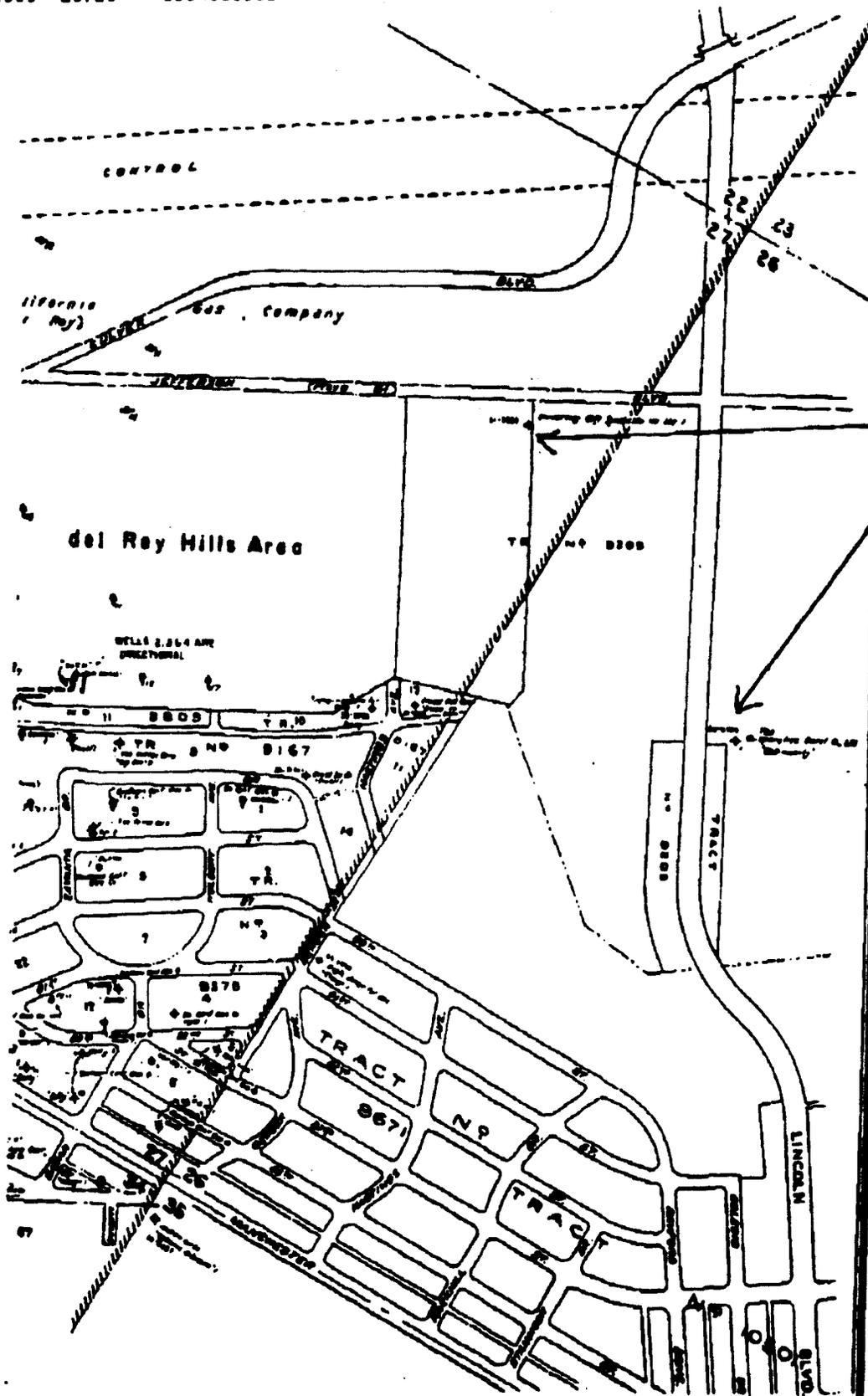
DAVID HSU
Chief of Grading Section


DANA PREVOST
Engineering Geologist II

DP:dp
26682
(213) 977-6329

cc: Camp Dresser & McKee
WLA District Office

Exhibit 3 p 2
5 91 463



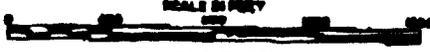
W1-5

Wells OMITTED IN 1993 Playa Vista EIR

del Rey Hills Area

WELLS 2,254 ARE UNREGISTERED

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF OIL, GAS,
AND GEOTHERMAL RESOURCES



LEGEND

• WELLS • UNREGISTERED

R 591463

Exhibit 3
p3

Please ADD
in the original

LATHAM & WATKINS

ATTORNEYS AT LAW

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 485-1234
FAX (213) 891-8733

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South Coast Region

MAR 30 1999

CALIFORNIA
COASTAL COMMISSION

March 30, 1999

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Ms. Deborah Lee
South Coast District Director
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Request For Revocation R5-91-463 (Playa Capital)

Dear Ms. Lee:

This letter is written on behalf of our client, Playa Capital Company, LLC ("Playa Capital"), for the purpose of requesting that the Executive Director determine, pursuant to his authority under California Code of Regulations Section 13106 and for the reasons set forth below, that the above-referenced Request For Revocation submitted by Patricia McPherson on behalf of the Friends of Animals and Earthways Foundation (the "McPherson Request") is patently frivolous and without merit.

As set forth in California Code of Regulations Section 13105, there are two grounds for revocation of a coastal permit, only one of which is relied upon by the McPherson Request to justify revocation. That single ground for revocation is set forth in Section 13105(a), as follows:

"(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to

EXHIBIT No.
Application Number: R-5-91-463
Applicant Response
California Coastal Commission

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March 30, 1999
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require additional or different conditions on a permit or deny an application."

As demonstrated below, the McPherson Request completely fails to contain any credible relevant evidence to establish the foregoing requisite ground for revocation. The "evidence" it submits in support of the request for revocation is both factually inaccurate and otherwise not relevant to this ground for revocation.

In support of this ground for revocation of the Coastal Development Permit for the Freshwater Marsh (the "Freshwater Permit"), the McPherson Request claims that photos and a State of California, Division of Oil & Gas ("DOG") map showing oil wells in the Playa Vista First Phase Area were omitted from the Playa Vista First Phase Project EIR. However, the abandoned, dry hole oil well located within the footprint of the Freshwater Marsh alleged by the McPherson Request to have been omitted from the Playa Vista First Phase EIR was in fact included in that EIR. Indeed, this well is clearly identified in Figure V.I-3, page V.I-6 of the Draft First Phase EIR and the Draft Program EIR for the Playa Vista Master Plan, both of which were certified as part of the Final EIR for the Playa Vista First Phase Project by the Los Angeles City Council on September 21, 1993. Copies of these Figures are attached hereto as Exhibits 1 and 2, respectively. Thus, the "new information" cited by the McPherson Request in support of its request for revocation is, in fact, old information that was well known when the First Phase EIR was certified.

This "new information" is also irrelevant to the grounds for revocation because the Freshwater Permit was approved by the Coastal Commission on September 13, 1991, whereas the First Phase EIR was not prepared and circulated for public review until late in 1992 and not certified until September 21, 1993. Thus, under no circumstances can the First Phase EIR constitute inaccurate, erroneous or incomplete information intentionally included with the application for the Freshwater Permit. Indeed, since it did not exist at the time the Commission approved the Freshwater Permit, the First Phase EIR is not relevant to that Permit or the Commission's action in approving the Permit.

Moreover, even though the First Phase EIR did not exist when the Coastal Commission approved the Freshwater Permit and even though, contrary to the McPherson Request's claim in this regard, the First Phase EIR clearly identified the abandoned, dry hole oil well located within the footprint of the Freshwater Marsh, the existence of this abandoned well was in fact included as part of the administrative record applicable to the Freshwater Permit. One of the substantive file documents referenced in the Staff Report on the Freshwater Permit is the certified Marina Del Rey/Ballona Land Use Plan (the "Certified LUP"), including Playa Vista. On page II-162 of the Certified LUP is a map of oil and gas wells that clearly identifies this abandoned oil well. A copy of such map is attached hereto as Exhibit 3.

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Thus, the McPherson Request wrongfully alleges omission from a document that did not even exist when the Commission took its action (and, therefore, could not have been relevant to the Commission's decision), and insists that the clearly erroneous allegation supports the only applicable ground for revocation even though information regarding the abandoned oil well was included as part of the administrative record before the Commission. This flawed insistence clearly demonstrates why the McPherson Request is patently frivolous and without merit and should be determined to be such by the Executive Director.

The frivolousness of the McPherson Request is further illustrated by the fact that it is a request for revocation of a permit issued for the Freshwater Marsh, not for any commercial, residential or other development containing habitable buildings or structures. The concerns that one might have about building the latter over an abandoned oil well, even an abandoned dry hole oil well, simply do not apply to the former. Indeed, the reason that the administrative record with respect to the Freshwater Marsh lacks a show of concern over the abandoned well, despite the clear evidence of its existence in such record, is that it was not material to the Freshwater Marsh or to its viability. As the DOG's records with respect to the abandoned well disclose, it was drilled in 1930-1931, with drilling suspended in May of 1931, and finally abandoned in 1934 in accordance with DOG regulations through the placement of an approximately 30 foot concrete plug at an elevation of 155 feet below MSL. The lowest elevation of the proposed grading for the Freshwater Marsh is 2 feet below MSL. Thus, there are approximately 150 feet between the lowest point of the Freshwater Marsh and the plugged portion of the abandoned dry hole. Furthermore, even if the abandoned dry hole acted, as the McPherson Request speculates (but without any credible evidence thereof), as a conduit for methane gas into the Freshwater Marsh, this would not be a cause for concern. As noted by Biologist Edith Read, in her letter dated March 29, 1999, a copy of which is enclosed as Exhibit 4, methane gas is a common occurrence in marshes and would not pose a threat to the viability of the Freshwater Marsh. Ironically, the condition about which the McPherson Request complains is in fact present in any functioning, healthy marsh. Thus, there is no reason to believe that the existence of the abandoned well that was a dry hole could have caused the Commission to require additional or different conditions to its approval of the Freshwater Permit, much less to deny the Permit. Indeed, since the existence of the well was not "concealed" but rather was clearly identified in the Commission's administrative record, its existence cannot now be used by the McPherson Request as a basis for the revocation of the Freshwater Permit.

The McPherson Request contains numerous other misstatements of fact and alleged "new information," once again without any credible evidence that such information constitutes an "intentional inclusion of inaccurate, erroneous or incomplete information" in connection with the application by Maguire Thomas Partners-Playa Vista ("MTP-PV"), Playa Capital's predecessor, for the Freshwater Permit in 1991. For example, the McPherson Request claims that the "City of Los Angeles has now designated the entire Ballona/Playa Vista tract

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area as a HIGH METHANE POTENTIAL RISK AREA." The McPherson Request cites as its only authority for this claim, the January 19, 1999 letter from the City of Los Angeles Building and Safety Department (the "B&S Department") to Playa Capital, pursuant to which the B&S Department set forth the conditions by which it would allow Playa Vista First Phase development to proceed based on the Methane Management Recommendations Report prepared by Camp Dresser & McKee, Inc. at the request of Playa Capital, dated October 14, 1998 and formally submitted to the B&S Department on January 13, 1999 (the "1999 Methane Study"). But no where in that letter is that designation made. Even if it was, such "new information" cannot support revocation of the Freshwater Permit when the information did not even exist at the time the Permit was issued and there is no evidence whatsoever that such "new information" was known to Playa Capital's predecessor, MTP-PV, or that it was intentionally withheld from MTP-PV's application for the Freshwater Permit.

The McPherson Request also claims that the 1999 Methane Study "reveals the presence of high quantities of thermogenic methane gas in the omitted mapped and photographed oil well location" within the footprint of the Freshwater Marsh. This is not true. The 1999 Methane Study contains no such revelation.

The McPherson Request makes various erroneous claims regarding the Mitigation Monitoring And Reporting Program (the "MMRP") adopted by the City Council of the City of Los Angeles on September 21, 1993 in connection with the City's approval of the Playa Vista First Phase Project. For example, the McPherson Request claims that Playa Capital "failed to comply with MMRP" but submits no evidence in support of the claim. In addition, the McPherson Request relies upon an inaccurate version of the mitigation measure set forth in Section C.2.B of the approved MMRP. The accurate version is attached hereto as Exhibit 5. It also erroneously claims that the Coastal Commission has balked "at enforcing its own suggested mitigation measures for this [the Freshwater Marsh] project," and that many "conditions of the [City's] MMRP that are supposed to be enforced by the commission have not been enforced, and daily continue to not be enforced." These allegations ignore the fact that one of the conditions of the Freshwater Permit required that a Monitoring Plan for the Freshwater Wetland System be prepared and approved by the Executive Director. This was in fact done by MTP-PV and the Monitoring Plan was approved, as evidenced by the Notice of Compliance dated August 7, 1992, a copy of which is enclosed herewith, along with the approved Monitoring Plan, as Exhibit 6. But most importantly, all of the McPherson Request's misstatements of fact and erroneous claims about the MMRP are irrelevant to the requisite grounds for revocation of the Freshwater Permit and fail to address, much less establish, that any inaccurate, erroneous or incomplete information was intentionally included by MTP-PV in its application for the Freshwater Permit.

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The McPherson Request alleges that there are seven areas of "new information and changed circumstances" that require the preparation of a SEIR (i.e., a Supplemental Environmental Impact Report.) Most of these are factually incorrect and none of them are shown in the McPherson Request to be the kind of information that can justify revocation of the Freshwater Permit, particularly in view of the fact that the Commission did not rely on the First Phase EIR in granting the 1991 Freshwater Permit.

Finally, the McPherson Request claims that the alleged concealment of oil well information and the recently discovered information about elevated levels of methane gas in certain portions of the Playa Vista First Phase Project area is information which "the Developer could have known and should have known" and "could have included in any decision making process regarding the Coastal Commission decision of the [Freshwater Permit]." As demonstrated above, the oil well information was not "concealed" from the Commission but was in fact disclosed in the administrative record applicable to the Commission's approval of the Freshwater Permit. Most importantly, however, the only relevant ground for revocation of the Freshwater Permit is a demonstration that "inaccurate, erroneous or incomplete information" was intentionally included in the permit application, not that information which should or could have been known by the applicant was not included in the permit application. There is a total absence in the McPherson Request of any credible relevant evidence that inaccurate, erroneous or incomplete information was intentionally included in MTP-PV's application for the Freshwater Permit.

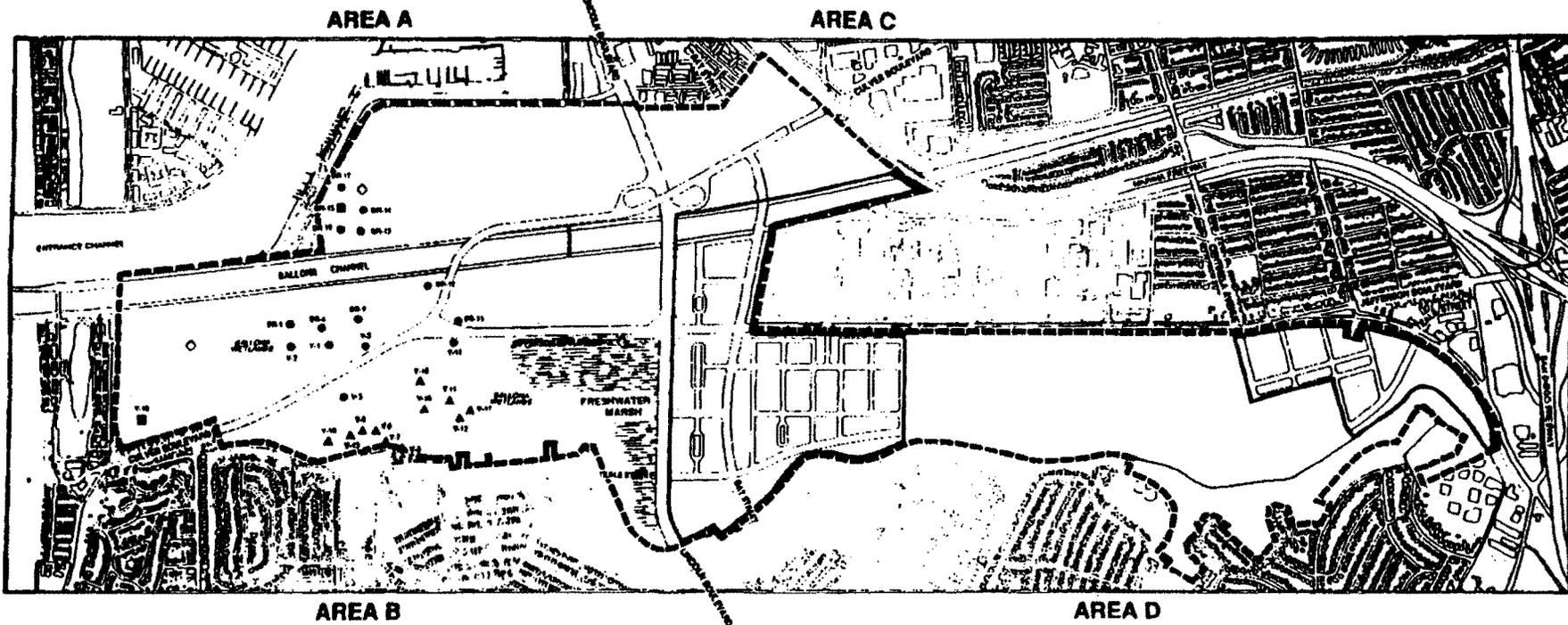
For this reason, and the other reasons set forth above, the Executive Director should, we respectfully submit, reject the McPherson Request as patently frivolous and without merit.

Respectfully submitted,



Dale K. Neal
of LATHAM & WATKINS

cc: Peter Douglas
Teresa Henry
Pam Emerson
James Raives
Ralph Faust
Playa Capital Company



LEGEND:

- ▲ GAS WELL (STORAGE & WITHDRAWAL OR FLUID REMOVAL WELL)
- GAS WELL (OBSERVATION)
- OIL WELL (PRODUCING)
- ◇ OIL WELL (ABANDONED)

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Camp Dresser & McKee | **Planning Consultants Research**

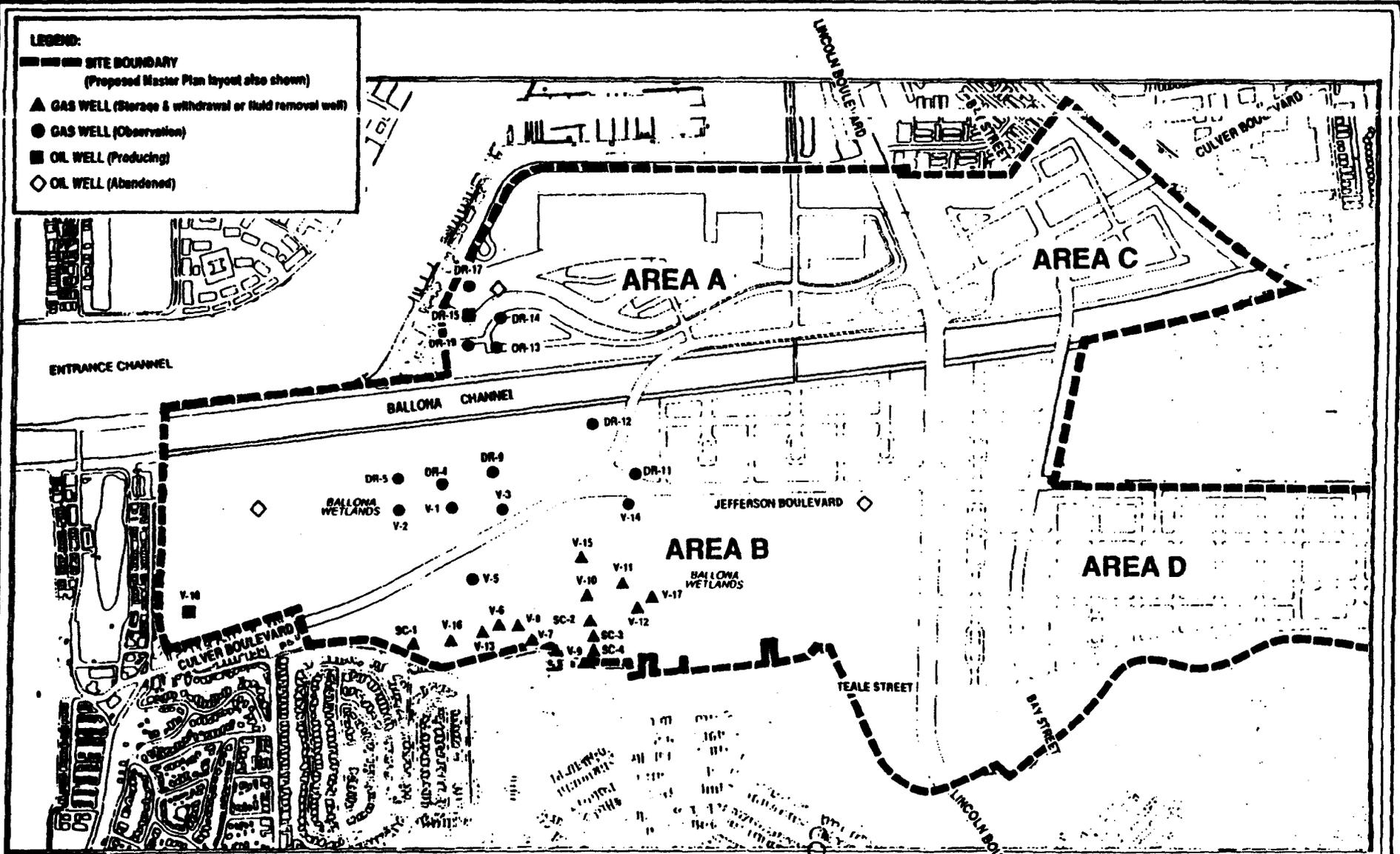


0 500 1000 2000
 SCALE IN FEET

Source: Mequire Thomas Partners, September 1990

LEGEND:
 - - - MASTER PLAN BOUNDARY
 — FIRST PHASE SUBDIVISION BOUNDARY

Figure V.I-3
LOCATIONS OF ABANDONED AND PRODUCING OIL & GAS WELLS



Source: Psomas & Associates, ALTA/ACSM Land Title Survey, and Los Angeles County Maps

Camp Dresser & McKee
 Planning Consultants Research



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Figure V.I-3
 LOCATIONS OF ABANDONED AND PRODUCING OIL & GAS WELLS

local coastal program

marina del rey/ballona

map 40

OIL AND GAS WELLS

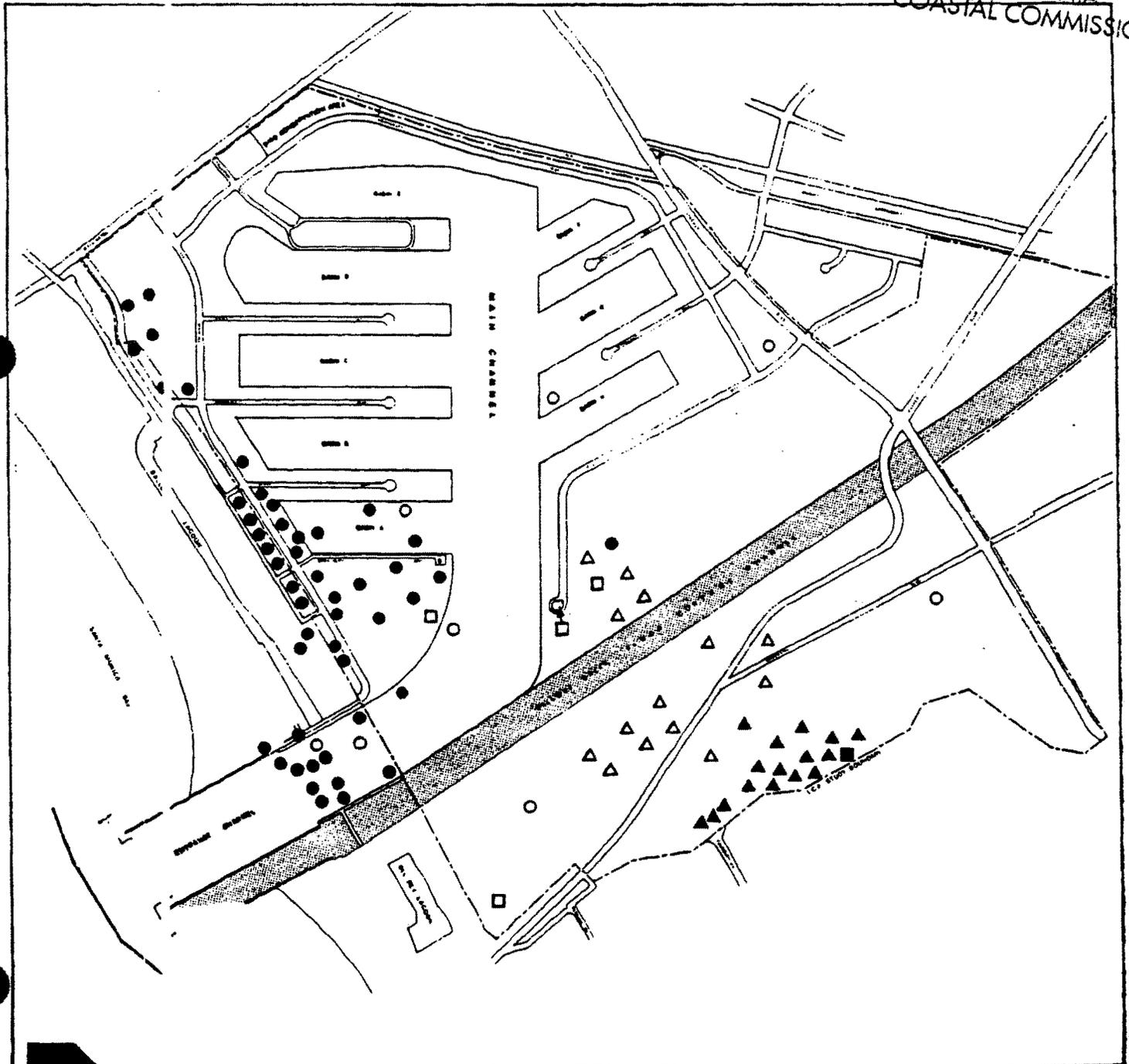
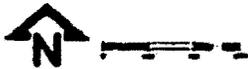
SOURCE: California Department of Conservation - Division of Oil and Gas

-  Gas Storage Wells (Injection and Withdrawal)
-  Gas Observation Wells
-  Fluid Removal Well (Gas)
-  Producing Oil Well
-  Abandoned Oil Well
-  Abandoned-Dry Hole

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Attachment

4

March 29, 1999

Exhibit 4
attachment (4)

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South Coast Region

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Mr. Robert Miller
PLAYA CAPITAL COMPANY, LLC
12555 West Jefferson Boulevard
Los Angeles, CA 90066

RE: Concerns regarding an abandoned oil well and potential for generation of noxious gases within the Freshwater Marsh construction footprint.

Dear Robert:

This letter provides a response to your request for additional information pertaining to the potential for generation of noxious gases (e.g., methane, hydrogen sulfide) within the construction footprint of the Freshwater Marsh, specifically those that may be associated with an abandoned well. These concerns have been expressed by a member of the public to the Coastal Commission, along with a concern that these conditions and impacts of construction relative to these conditions on marsh wildlife were not addressed in the Phase One EIR. It is our understanding that this well was drilled in 1930 - 31 and then abandoned in 1934 as part of an exploration for oil resources. The well was abandoned because it was "dry", i.e. there was either no oil found or, the oil amounts detected were too low to be worth extracting. The well location is approximately 100 feet south of Jefferson and 500 feet west of Lincoln, which means the location is within the northern "arm" of the Freshwater Marsh construction footprint.

From existing information, we know that this particular area (as well as the construction footprint of the Freshwater Marsh generally) was part of the early historic (1800's) extent of the Ballona Wetlands. However, the entire area from Lincoln west to the present Gas Company road was subsequently filled and intensively farmed - I have no information on exactly when the area was filled or the depth of the fill, but we do know that the area was farmed through the late 1980s. So the specific issue is whether grading for the Freshwater Marsh, and/or excavation below the fill to the depth of the old marsh soils, but substantially above the abandoned well, would have significant potential for generating gases that are hazardous to wildlife that utilize the Freshwater Marsh.

9

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Costa Mesa, CA 92626
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www.psones.com

S O M A S

Mr. Robert Miller
March 29, 1999
Page 2

In my judgement as a biologist, there is no hazard to wildlife that would result from grading over the abandoned well site or from exposure, due to disking and movement of soil material during grading, of the old marsh/agricultural soils to the air. Gases such as methane and hydrogen sulfide are natural byproducts of nutrient cycling within a marsh, and dissipate when exposed to the atmosphere. These processes are well documented, especially in constructed wetlands where specific chemical processes in soils have been closely measured (see for example R.H. Kadlec and R.L. Knight, 1996: Treatment Wetlands, Chapter 5 – Wetland Soils, and references cited therein). I have attached pages from the Kadlec and Knight reference that graphically portrays the fact that generation of hydrogen sulfide, methane, and other gases are natural processes within wetlands. Graph #1 shows that these processes vary with time (top diagram) and with soil depth (lower diagram). Graph # 2 shows the process of methane generation via the carbon cycle in wetlands, and Graph # 3 shows the process of sulfide generation via the sulfur cycle in wetlands. Without getting into the details of chemistry shown in these graphs, it is reasonable to assume that wildlife adapted to life in a marsh are accustomed to the presence of these gases and would not be threatened by the exposure of these gases to the air. Within the Freshwater Marsh these gases would never be confined or concentrated to a level that would be hazardous to wildlife.

I hope this information is helpful. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

PSOMAS



Edith Read, Ph.D.
Manager of Biological Resources

ER:lb

10

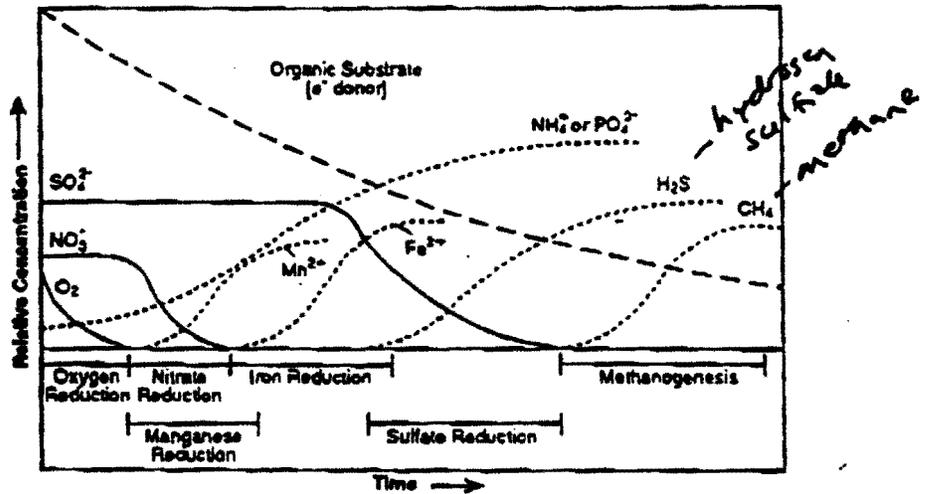


Figure 5-3 Time sequence for oxidation reduction in newly flooded wetlands soils. (Adapted from Reddy and D'Angelo, 1994, in *Global Wetlands: Old World and New*, W. J. Mitsch, Ed., Elsevier. With permission.)

Graph #1

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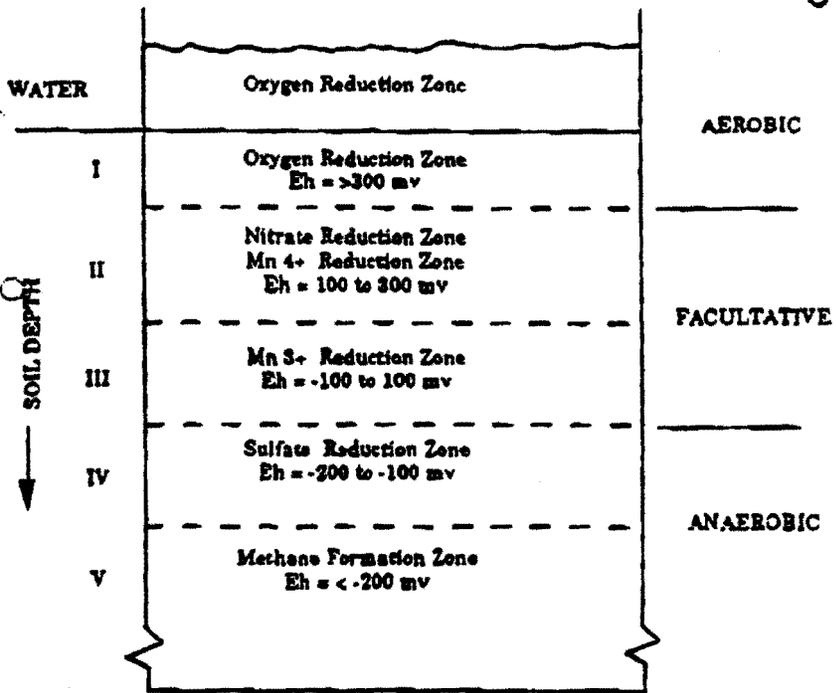


Figure 5-4 A typical depth profile for oxidation-reduction reactions and redox potential in a lightly loaded wetland. (Adapted from Reddy and D'Angelo, 1994, in *Global Wetlands: Old World and New*, W. J. Mitsch, Ed., Elsevier. With permission.)

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21

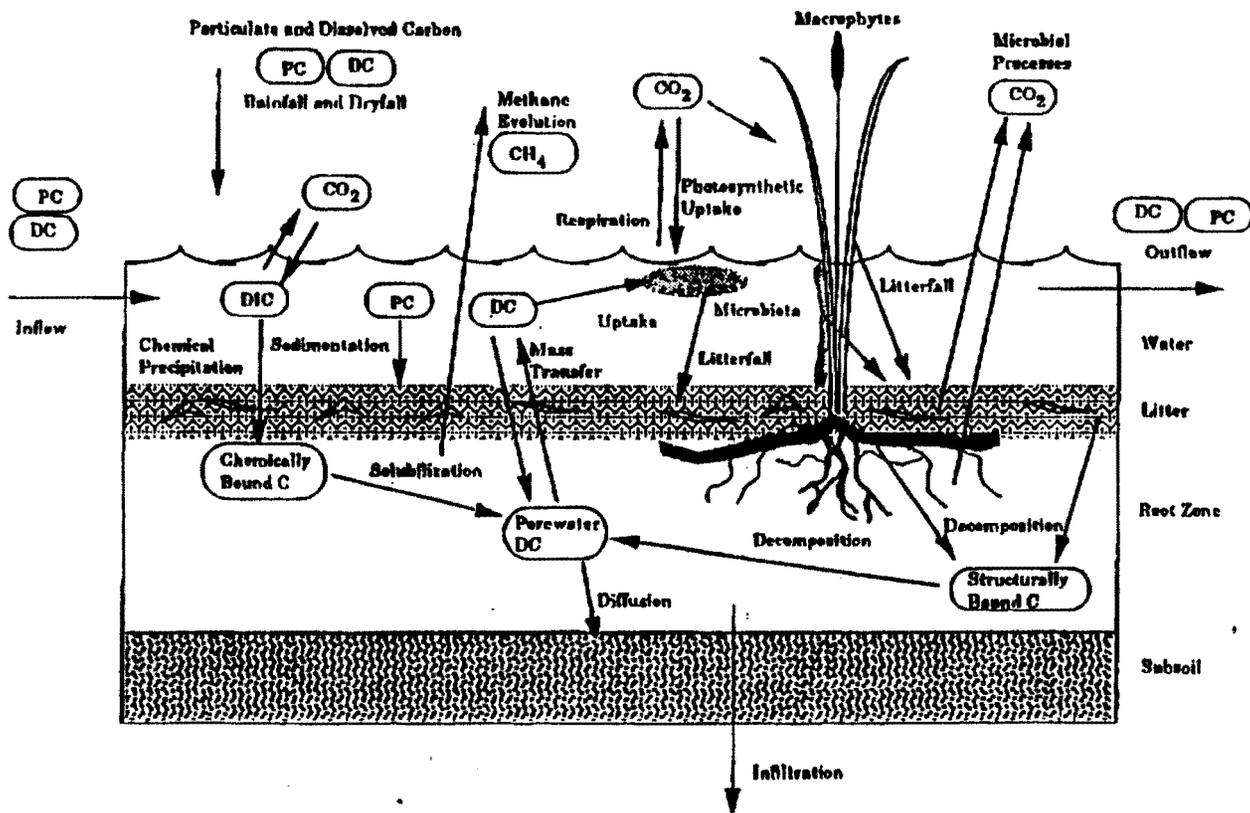


Figure 12-2 Carbon storages and transfers in the wetland environment. DC = dissolved carbon, PC = particulate carbon, DIC = dissolved inorganic carbon, DOC = dissolved organic carbon, CH₄ = methane, and CO₂ = carbon dioxide. Biomass carbon consists of living and dead biomass and organic decomposition products.

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Graph #2

TREATMENT WETLANDS

basins is generally low. Hutchinson (1975) cites a mean river sulfate concentration of mg/L, and Goldman and Horne (1983) list surface water values between 0.2 and 36 mg/L in lakes and rivers. Natural wetlands typically have sulfate concentrations in this same range. Industrialization has increased the concentration of sulfur dioxide (SO_2) in the atmosphere which can convert to sulfuric acid (H_2SO_4), increasing rainfall sulfur concentrations and acidifying surface waters.

The sulfur cycle in wetlands, shown in Figure 15-2, is characterized as an interconnected series of oxidation-reduction reactions and biological cycling mechanisms. Sulfate is an essential nutrient because its reduced, sulfhydryl ($-\text{SH}$) form is used in the formation of amino acids. Because there is usually enough sulfate in surface waters to meet the sulfur requirement, sulfate rarely limits overall productivity in wetland systems.

Aerobic organisms excrete sulfur as sulfate. However, upon death and sedimentation, heterotrophic bacteria release the sulfur in detritus in the reduced state, which can result in the accumulation of high levels of hydrogen sulfide in wetland sediments. A second process that transforms sulfate and other oxidized sulfur forms (sulfite, thiosulfate, and elemental sulfur) to hydrogen sulfide in anaerobic sediments is sulfate reduction, mediated by anaerobic, heterotrophic bacteria such as *Desulfovibrio desulphuricans*, which use sulfate as a hydrogen acceptor. Since ferrous sulfide (FeS) is highly insoluble, hydrogen sulfide does not tend to accumulate until the reduced iron is removed from solution. When iron concentrations are low or when sulfate and organic matter concentrations are high, significant hydrogen sulfide concentrations can occur. Several other metal sulfides are also very insoluble, including ZnS , CdS , and others (see Table 15-4). Hydrogen sulfide is a reactive and toxic gas with problems on the side effects including a rotten egg odor, corrosion, and acute toxicity.

When it is exposed to air or oxygenated water, hydrogen sulfide may be spontaneously oxidized back to sulfate or may be used sequentially as an energy source by sulfur bacteria such as *Beeggiatoa* (oxidation of hydrogen sulfide to elemental sulfur) and *Thiobacillus* (oxidation of elemental sulfur to sulfate). Photosynthetic bacteria, such as purple sulfur bacteria, use hydrogen sulfide as an oxygen acceptor in the reduction of carbon dioxide, resulting in partial or complete oxidation back to sulfate.

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Graph
#3

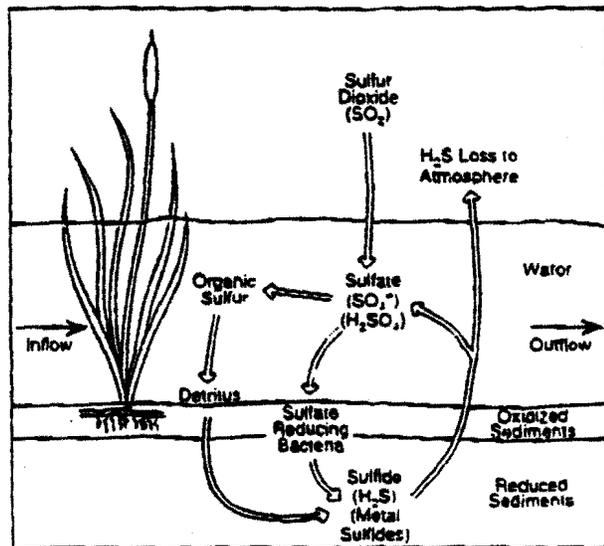


Figure 15-2 Typical wetland sulfur cycle.

13

Portion of the City of Los Angeles - approved Mitigation Monitoring and Reporting Program for the First Phase Project for Playa Vista:

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C.2.B. SURFACE WATER QUALITY

The following mitigation or design measures shall be included as conditions to the primary entitlement actions to preclude or mitigate adverse environmental impacts relating to surface water quality:

- A. Prior to the issuance of any grading or building permit within Vesting Tentative Tract No. 49104 approved for development, the applicant shall submit plans, satisfactory to the Advisory Agency and the Department of Public Works for the construction of the freshwater marsh. Prior to the issuance of a building permit for the project's 801st residential dwelling unit, the applicant shall submit plans to the Advisory Agency and the Department of Public Works for construction of the riparian corridor. The applicant shall obtain approval of the plans for the riparian corridor by the Department of Public Works and the Advisory Agency prior to the issuance of a building permit for the 1,601st residential dwelling unit or for office in excess of 20,000 square feet on the west end of Tract 49104, whichever occurs first. Such plans shall be consistent with the concepts provided in the Final EIR and with the conditions and requirements of the permits for construction of the freshwater wetland system (freshwater marsh and riparian corridor) issued by the City, the Coastal Commission, and the U.S. Army Corps of Engineers. Such operations and maintenance plan shall include the estimated pollutant loadings into the Ballona Creek and the Santa Monica Bay and shall also identify a biological consultant to monitor compliance with approved plans and conditions for the freshwater wetland system. Such biological consultant shall be retained by the applicant and approved by the Ballona Wetland Committee. A biological consultant shall also be retained to monitor construction of the freshwater wetland system so as to assure that such construction proceeds in accordance with the approved plans and such permit conditions and requirements, including the requirement to transfer certain species during construction.

Enforcement Agency: Department of City Planning (Advisory Agency).

Monitoring Agency: U.S. Army Corps of Engineers, Regional Water Quality Control Board, Department of Public Works and the California Coastal Commission.

Monitoring Phase: Pre-construction, construction, and operation.

Monitoring Frequency: Once at Agency permit issuance, once at grading or building permit issuance, once at final inspection, monthly during operation.

Action Indicating Compliance with Mitigation Measure(s): Agency permit issuance, grading or building permit issuance, and execution of operations/maintenance contract to include mitigation measure provisions.

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

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NOTICE OF COMPLIANCE

Date August 7, 1992

Permit No. 5-91-463

The material submitted in compliance with the permit Special
Conditions # A consisting of:

Revised Monitoring Plan

has been reviewed and found to fulfill the requirements of said
condition(s). Your submitted material and a copy of this letter have
been made a part of the permanent file.

cc: Coastal Permit File

Peter M. Douglas
Executive Director

James R. Raives

By: JAMES R. RAIVES

Title: Coastal Program Analyst

A7: 4/88

15

MONITORING PLAN
for the
FRESHWATER WETLAND SYSTEM
Ballona Wetlands
Los Angeles, California

Submitted to:
California Coastal Commission
San Francisco, California

Prepared by:
Sharon H. Lockhart
Environmental Counselor
Orange, California

Prepared for:
Maguire Thomas Partners-Playa Vista,
a limited partnership
Los Angeles, California

Agent:
Richard E. Hammond, Esq.
Heller, Ehrman, White and McAuliffe
San Francisco, California

June 19, 1992

1. The parameters to be measured during the initial 5-year monitoring are based upon the established project goals. The general project goal is to create a multifunctional Freshwater Wetland System. The wetland functional goals for the freshwater marsh are to provide habitat for wildlife and to cleanse inflowing freshwater as it passes through the system. In addition, the riparian corridor is intended to perform a hydrologic function by providing the capacity to carry a 50-year storm event. The freshwater marsh is expected to provide water management options to protect the salt marsh system that will be restored west of the western berm.

The stated goals of the Freshwater Wetland System are as follows:

- a. Establish a riparian corridor and freshwater marsh which approximates a natural creekbed and marsh typical of coastal southern California, in order to establish habitat of greater values for wildlife than that to be filled by the Playa Vista Project in Areas A, B, and C by:
 - i. Increasing the quantity and contiguity of acreage available for freshwater wetland habitat;
 - ii. Increasing the quantity and quality of fresh water available for support of vegetation and use by wildlife;
 - iii. Improving water quality from storm water inflows by installation of energy dissipators and trash racks, as necessary, at drain outlets; and by installation of pre-treatment areas for water quality improvement;

- iv. Restoring existing wetlands within the freshwater marsh by removal of non-native vegetation and enhancement of the species and structural diversity of native vegetation available for use by wildlife;
 - v. Providing habitat for an increased diversity of native wildlife species associated with freshwater wetlands;
 - vi. Providing flood protection and flood alteration by provision of the levee for collection and transportation of the 50-year storm event, and by management of freshwater inflows into the existing or any future restored salt marsh associated with 1-year or smaller storm events; and
 - vii. Providing financial assurance that long-term monitoring, maintenance and remediation will be available to sustain in perpetuity the functional biological values of the Freshwater Wetland System that may justify its receiving mitigation credits.
- b. Providing for a means to earn mitigation credits for the dredging/filling of existing wetlands for the proposed Playa Vista development in Areas A, B, and C.
2. The monitoring program includes the following elements or studies:
- a. Completion of an Environmental Baseline Study that describes the existing biological, physical, and hydrological values of the wetland area within the boundaries of the Freshwater Wetland System and the

existing degraded wetlands for which mitigation will be sought;

b. Sampling of water quality in the freshwater marsh:

i. Year 1:

- a). Location: 4 stations. One station located at the inlet to each of the pre-treatment areas and a station at the outlet of the marsh.
- b). Parameters: All parameters. See Table 1.
- c). Frequency: Monthly during the rainy season (November through March) and with two additional samples taken during the dry season (April and October). At least one rainy season sample will be collected during or immediately following a storm event early in the rainy season.
- d). Rationale: Establish the water quality baseline. Select parameters for future monitoring based on presence. Pre-treatment areas not yet functional.

ii. Year 2

- a). Location: 4 stations. One station located at the inlet to each of the pre-treatment areas and a station at the outlet of the marsh.
- b). Parameters: Selected parameters based on results of Year 1 study.

- c). Frequency: Three times during the rainy season and once during the dry season. At least one rainy season sample will be collected during or immediately following a storm event early in the rainy season.
- d). Rationale: Establish the water quality baseline. Monitor only parameters shown to be present in Year 1 study. Pre-treatment areas not yet functional.

iii. Years 3 through 5

- a). Location: 7 stations. One station at the inlet of and outlet to each of the pre-treatment areas and at the outlet of the marsh.
- b). Parameters: Selected parameters based on results of Year 1 study.
- c). Frequency: Three times during the rainy season and once during the dry season. At least one rainy season sample will be collected during or immediately following a storm event early in the rainy season.
- d). Rationale: First year that pre-treatment areas should be functional. Continued monitoring of only those parameters shown to be present in Year 1 study.

Table 1. Suggested Parameters for Monitoring

	Parameter	Units	Water Quality
General	Flow	cfs	X
	Water Levels	ft. MSL	X
	Time of day		X
	Conductivity	umohs	X
	pH		X
	Temperature	deg.C	X
	Dissolved Oxygen(DO)	ppm	X
	Biological Oxygen Demand(BOD)	ppm	X
	Chemical Oxygen Demand (COD)	ppm	X
	Total Organic Carbon (TOC)	ppm	X
	Total Suspended Solids (TSS)	ppm	X
	Total Alkalinity	ppm	X
	Total Hardness	ppm	X
	Sodium Chloride	ppm	X
	Particle Size	mm	X
Nutrients	Total Phosphorus (TP)	ppm	X
	Orthophosphorus (Ortho-P)	ppm	X
	Ammonia (NH3-N)	ppm	X
	Total Kjeldahl Nitrogen (TKN)	ppm	X
	Nitrate (NO3-N)	ppm	X
	Oil & Grease	ppm	X
	Total Petroleum Hydrocarbon	ppm	X
Heavy Metals (filtered and unfiltered for water column, total for sediments)	Copper (Cu)	ppb	X
	Lead (Pb)	ppb	X
	Zinc (Zn)	ppb	X
	Arsenic (As)	ppb	X
	Cadmium (Cd)	ppb	X
	Chromium (Cr)	ppb	X
	Mercury (Hg)	ppb	X
	Nickel (Ni)	ppb	X
	Selenium (Se)	ppb	X
	Silver (Ag)	ppb	X
Organics*	Iron (Fe)	ppb	X
	Manganese (Mn)	ppb	X
	Organochlorine Pesticide	ppb	X
	Halogenated Volatile Organics	ppb	X
	Aromatic Volatile Organics	ppb	X
PAH's	ppb	X	

The following EPA methods would be employed under the ORGANICS parameter listed in Table 1 of the monitoring program:

NAME	EPA METHOD
Organochlorine Pesticides	608
Halogenated Volatile Organics	601
Aromatic Volatile Organics	602
PAH's (Polynuclear Aromatic Hydrocarbons)	625

21

Typically the following compounds are analyzed in these testing procedures. Individual laboratories, however, will vary slightly in the compounds analyzed.

Organochlorine Pesticides

Aldrin
a-BHC
b-BHC
g-BHC
Lindane
Chlordane (technical)
4,4'-DDD
4,4'-DDE
4,4'-DDT
Dieldrin
Endosulfan I
Endosulfan II
Endosulfan sulfate
Endrin
Endrin aldehyde
Heptachlor
Heptachlor epoxide
Methoxychlor
Toxaphene

Aromatic Volatile Organics

Benzene
Chlorobenzene
1,4-Dichlorobenzene
1,3-Dichlorobenzene
1,2-Dichlorobenzene
Ethyl Benzene
Toluene
Xylenes

PAH's

Acenaphthene
Acenaphthylene
Anthracene
Benzo (a) anthracene
Benzo (b) fluoranthene
Benzo (k) fluoranthene
Benzo (g, h, i) parylene
Benzo (a) pyrene
2-Chloronaphthalene*
Chrysene
Dibenz (a, h) anthracene
Fluoranthene
Fluorene
Indeno (1, 2, 3-cd) pyrene
2-Methylnaphthalene*
Naphthalene
Phenanthrene
Pyrena

Halogenated Volatile Organics

Benzyl chloride
Bis (2-chloroethoxy) methane
Bis (2-chloroisopropyl) ether
Bromobenzene
Bromodichloromethane
Bromoform
Bromomethane
Carbon tetrachloride
Chloroacetaldehyde
Chlorobenzene
Chloroethane
Chloroform
1-Chlorohexane
2-Chloroethyl vinyl ether
Chloromethane
Chloromethylmethyl ether
Chlorotoluene
Dibromochloromethane
Dibromomethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
trans-1,2-Dichloroethylene
Dichloromethane
1,2-Dichloropropane
trans-1,3-Dichloropropylene
1,1,2,2-Tetrachloroethane
1,1,1,2-Tetrachloroethane
Tetrachloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Trichlorofluoromethane
Trichloropropane
Vinyl chloride

* Available, although not normally included in the PAH target list.

- c. Annual sediment sampling of at least four stations within the freshwater marsh.
- d. Quarterly sampling of the dissolved oxygen level, temperature, and conductivity at five locations within the open water area of the freshwater marsh.
- e. Quarterly mapping of inundation patterns in the freshwater marsh and lower riparian corridor. Inundation patterns shall be established by the placement of permanent water level gauges or measurement devices in the freshwater marsh and lower riparian corridor. The location of these permanent gauges may be changed if flow patterns are altered causing the gauges to become inoperative.
- f. Semi-annual (May and September) surveys of vegetation of the riparian corridor and freshwater marsh along permanently selected transects, the transects shall be located as follows:
 - i. During the first year, they shall be located 250 feet apart, across the property;
 - ii. During the second year, they shall be located 500 feet apart, across the property;
 - iii. During the third through fifth years, they shall be located 1000 feet apart, across the property.

Transects are to be placed perpendicular to the water course in the riparian corridor and the ponded area in the freshwater marsh. Sampling can be done by line intercept, sample plots or quadrats. Data to be collected includes species composition, percent cover and plant height. Where vegetation units contain herb, shrub, and/or tree strata, total percent cover for each stratum should be also be estimated.

g. Annual mapping of vegetative communities of the riparian corridor and freshwater marsh based on the fall vegetation survey of, at least, a 1:200 scale. Vegetative communities to be mapped should include, at a minimum, transition habitats, grasslands, mule fat or seep willow scrub, willow and mixed riparian woodlands, marsh, channel and open water habitat.

h. Quarterly census of the bird use of various habitats within the riparian corridor and freshwater marsh including, at a minimum, transition areas, grasslands, willow and mixed riparian woodlands, marsh, channel, and open water habitat. Breeding activity, if observed, will be noted.

3. The following annual reports shall be prepared and submitted to the Commission and other interested parties on the progress and results of the monitoring; such reports shall provide, in addition to sampling data:

- a. In Year 1, a list of water quality parameters to be monitored in Years 2 through 5;
 - b. A brief analysis of the progress toward fulfillment of the goals of the Freshwater Wetland System with respect to water quantity and quality, vegetation, and wildlife;
 - c. Identification of problems encountered or shortfalls in achievement of the goals of the Freshwater Wetland System, and possible solutions or remedies; and
 - e. A comparison of the observed values of the Freshwater Wetland System with those of the existing degraded wetlands, and with those of the existing wetlands within the Freshwater Wetland System, as set forth in the Environmental Baseline Study described by Item 2.a, above.
4. A final system status report will be prepared within six months of the completion of the fifth full year of monitoring and shall be submitted to the Commission. This report shall include both the final monitoring report as well as the following:
- a. An analysis of the effects that the management options implemented during the 5-year period had on wetland functional values, especially habitat values;
 - b. Recommendations for management options to be considered in the future; and
 - c. A discussion of strategies for normal, wet, and dry years.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



March 24, 1999

Patricia McPherson
Friends of the Animals
3749 Greenwood Ave.
Los Angeles, CA 90066

Dear Ms. McPherson

Subject: Request for Revocation R5-91-463 (Playa Capital)

On Thursday, March 18, 1999, this office received your request for revocation of permit 5-91-463 and 5-91-463(A3). We will report the request to revoke permit 5-91-463 at the Commission's April 13-16, 1999 hearing in Long Beach. As you know, permit 5-91-463 was approved on September 13, 1991 and authorized construction of the freshwater marsh.

On March 19, 1999, we forwarded a copy of the initial request and copies of sections 13104-13108.5 of the California Code of Regulations to the applicant's representatives, requesting their response.

Sincerely,

Pam Emerson
Los Angeles Area Supervisor

Cc. Robert Miller

EXHIBIT No. 5
Application Number: R-5-91-463
Letter
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



March 19, 1999

Patricia McPherson
Friends of the Animals
3749 Greenwood Ave.
Los Angeles, CA 90066

Dear Ms. McPherson

Subject: Revocation request R-5-91-463-A3

We have received your letter requesting revocation of 5-91-463 A3. 5-91-463 A3 is a request to amend a permit that was approved in 1991. The amendment request 5-91-463 A3 was submitted in July 1998. It was never approved by the Commission and was withdrawn by the applicant on February 25, 1999. Therefore the request to revoke 5-91-163A3 is not a valid revocation request and is rejected as patently frivolous. Since you also request revocation of the underlying permit, that revocation request, as we have notified you, will be reported to the Commission at its April 13-16 hearing in Long Beach.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pam Emerson".

Pam Emerson
Los Angeles Area Supervisor

Cc. Robert Miller
Dale Neal

Exhibit 5 p 2
R 5 91 463

Figure 5.
Freshwater Wetlands

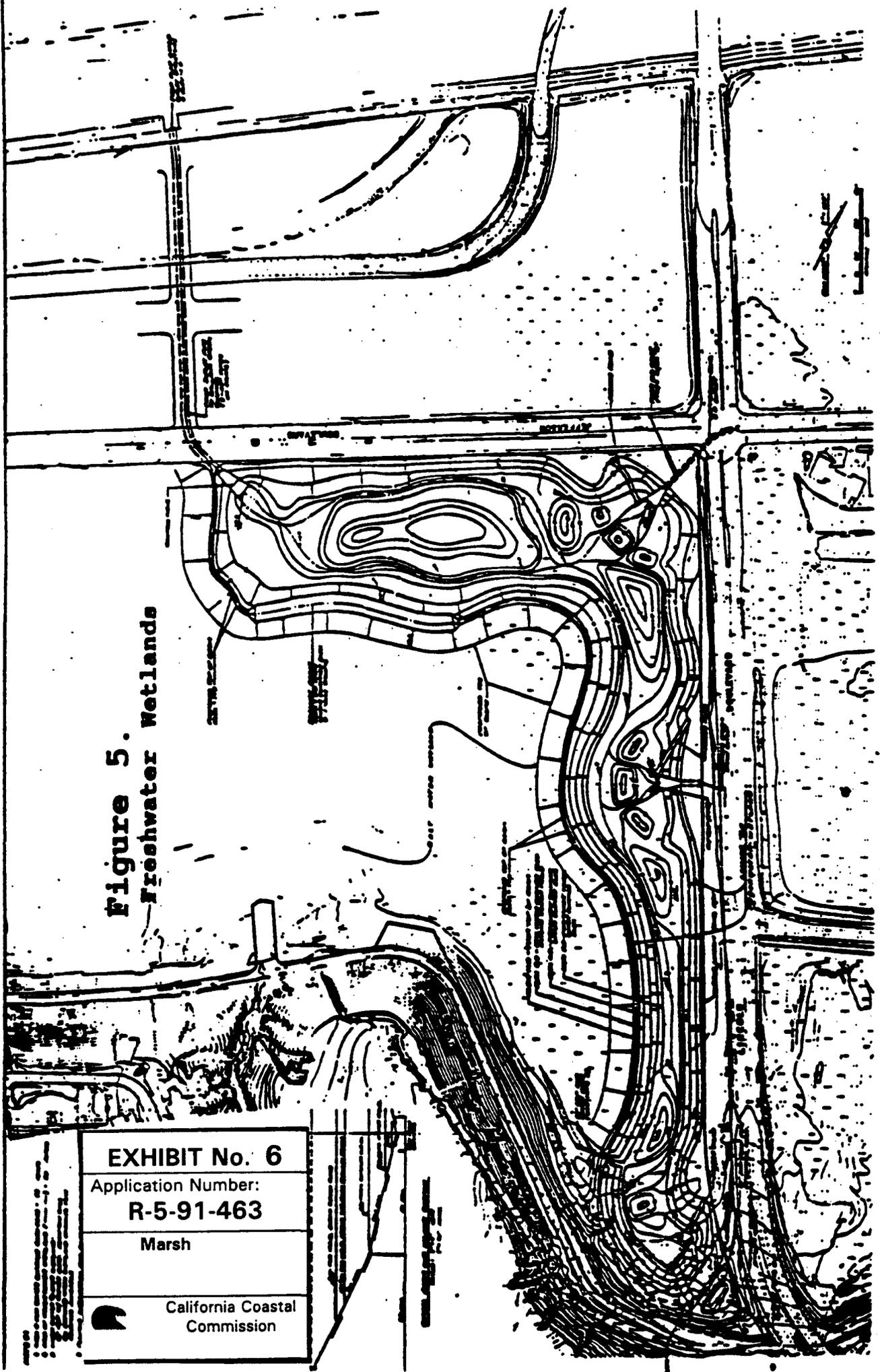
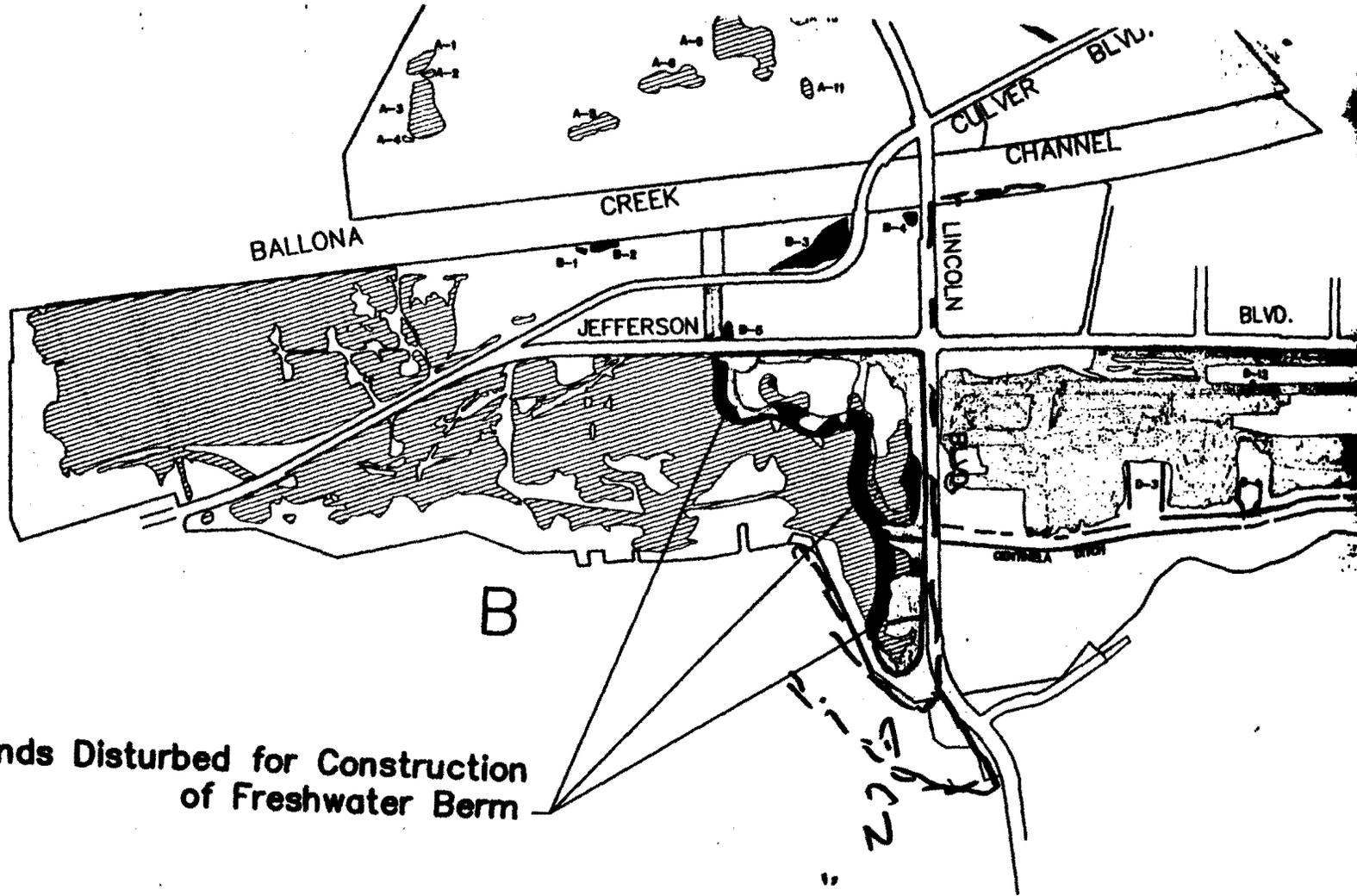


EXHIBIT No. 6
Application Number: R-5-91-463
Marsh
 California Coastal Commission



 California Coastal Commission	EXHIBIT NO. 7
	Application Number: R-5-91-463
Fill addressed in Corp. 404 permit to build marsh voided by court	

*(permit)
 since voided
 court*



**Wetlands Disturbed for Construction
 of Freshwater Berm**

*C2 boundary
 = channel
 Lincoln
 Top of Bluff*

LEGEND:

-  Wetlands permitted to be filled under Corps Permit 90-426-EV
-  Disturbed Area as 6-26-98
-  Disturbed Wetlands
-  Other existing federal delineated wetlands.

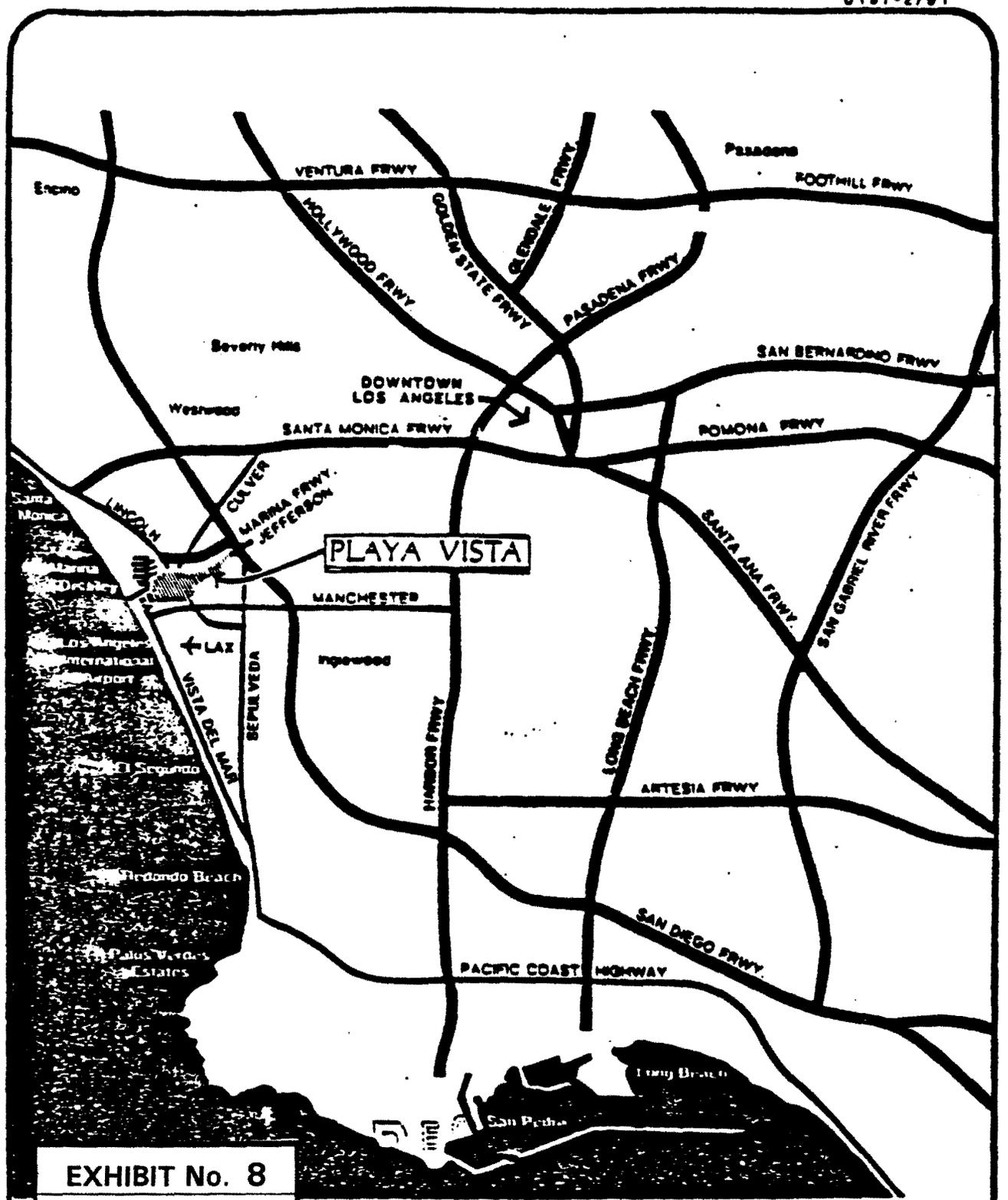


EXHIBIT No. 8
 Application Number:
R-5-91-463
 Vicinity Map

EXHIBIT NO. 8
 APPLICATION NO.
 5-91-463

California Coastal Commission

California Coastal Commission

FIGURE 1.1-1

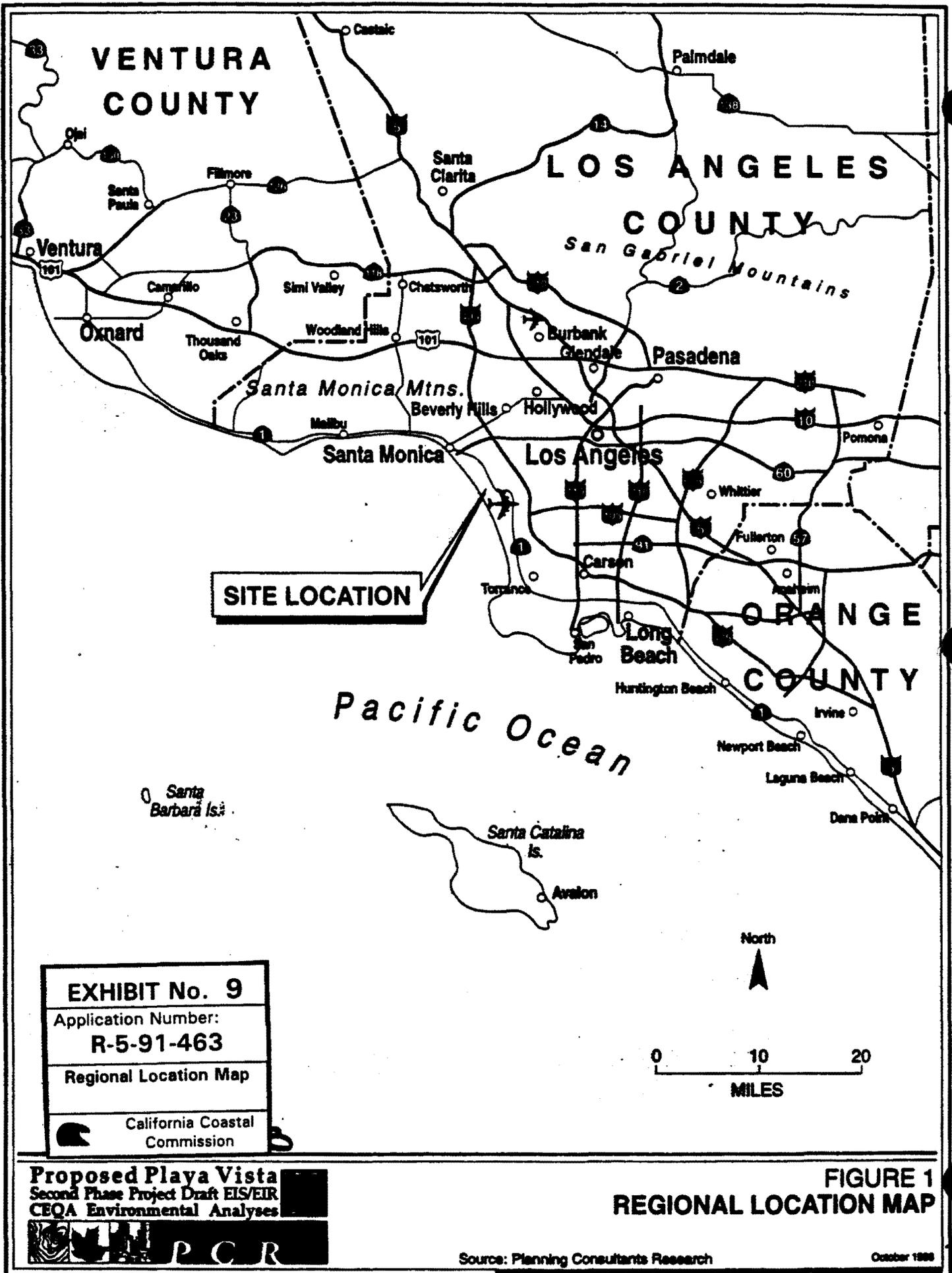
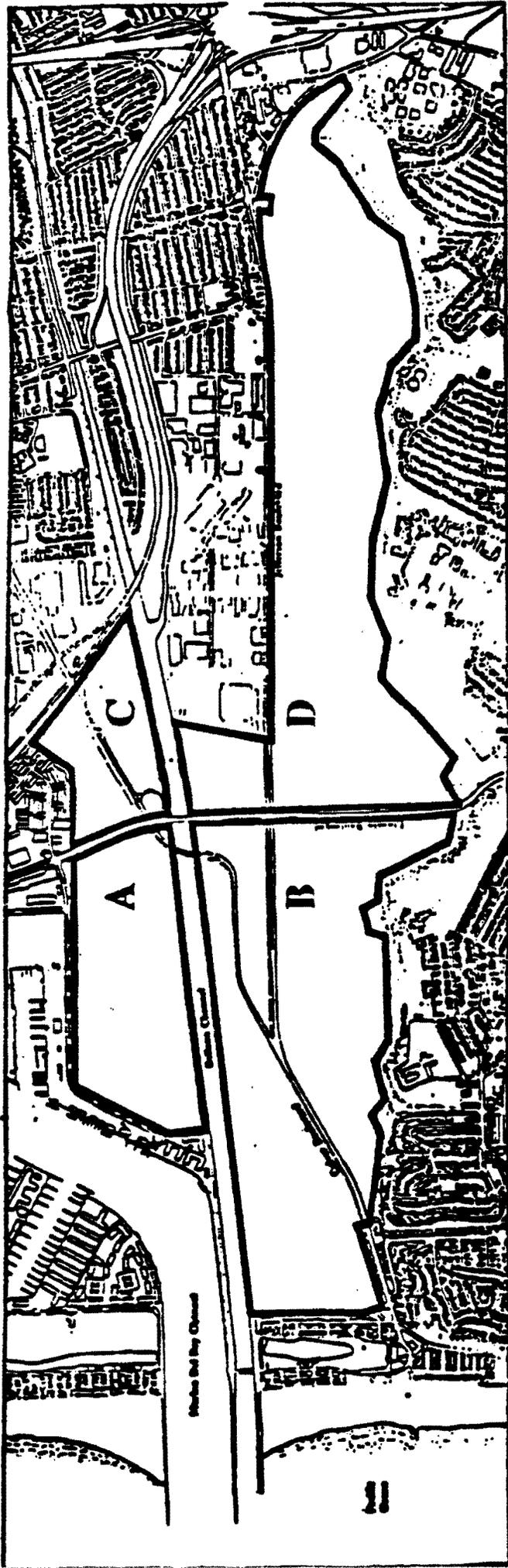
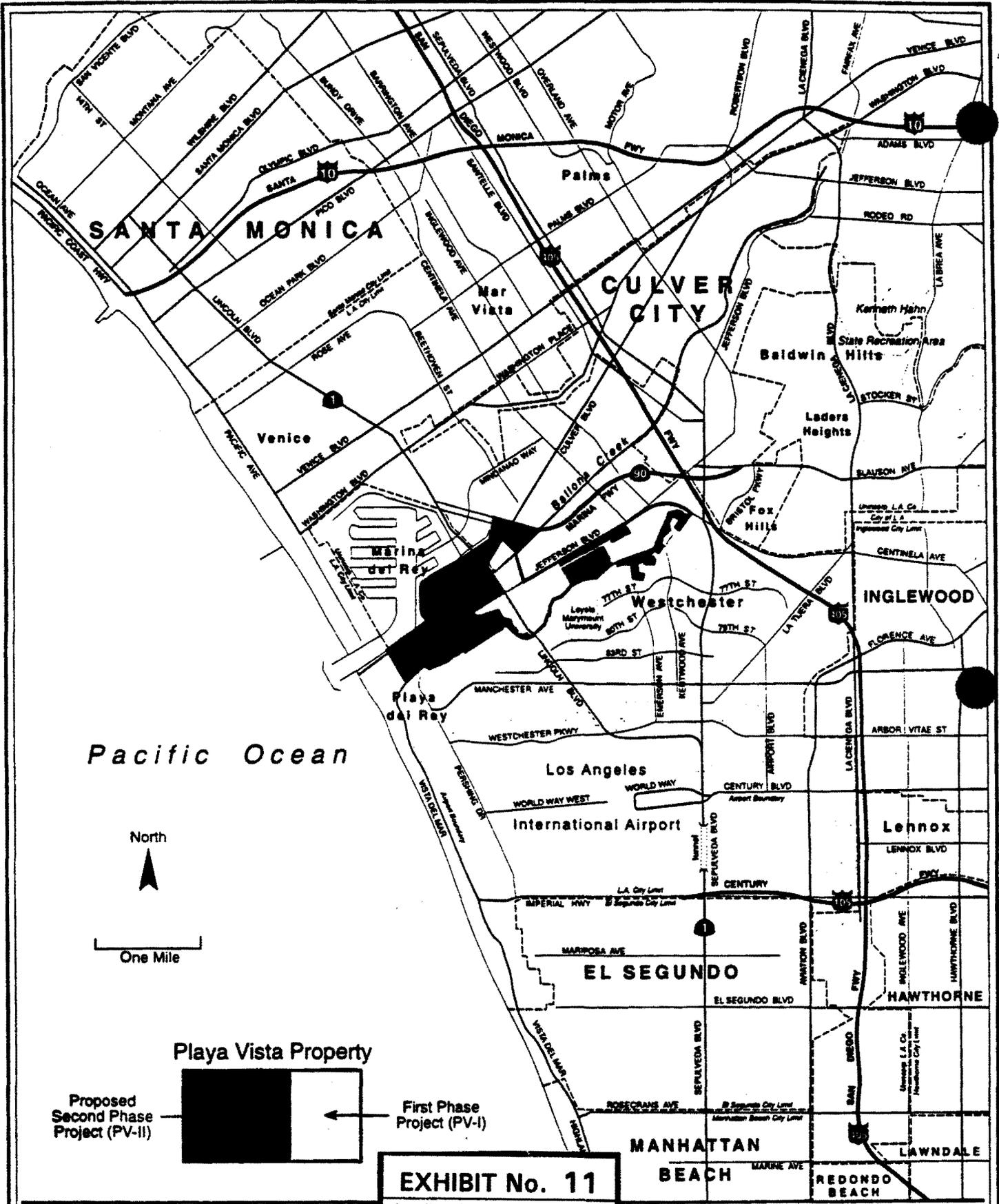


Exhibit B



PLAYA VISTA - Site Area

EXHIBIT No. 10
Application Number: R-5-91-463
LUP Site Area
California Coastal Commission



Proposed Playa Vista
Second Phase Project Draft EIS/EIR
CEQA Environmental Analyses

Vol.
IV



PREADMINISTRATIVE DRAFT

EXHIBIT No. 11

Application Number:

R-5-91-463

Location Map

California Coastal
Commission

**FIGURE
LOCATION OF
PLAYA VISTA PROPERTY**

Consultants Research, 1996

October 1996

REVIEW - Work-in-Progress

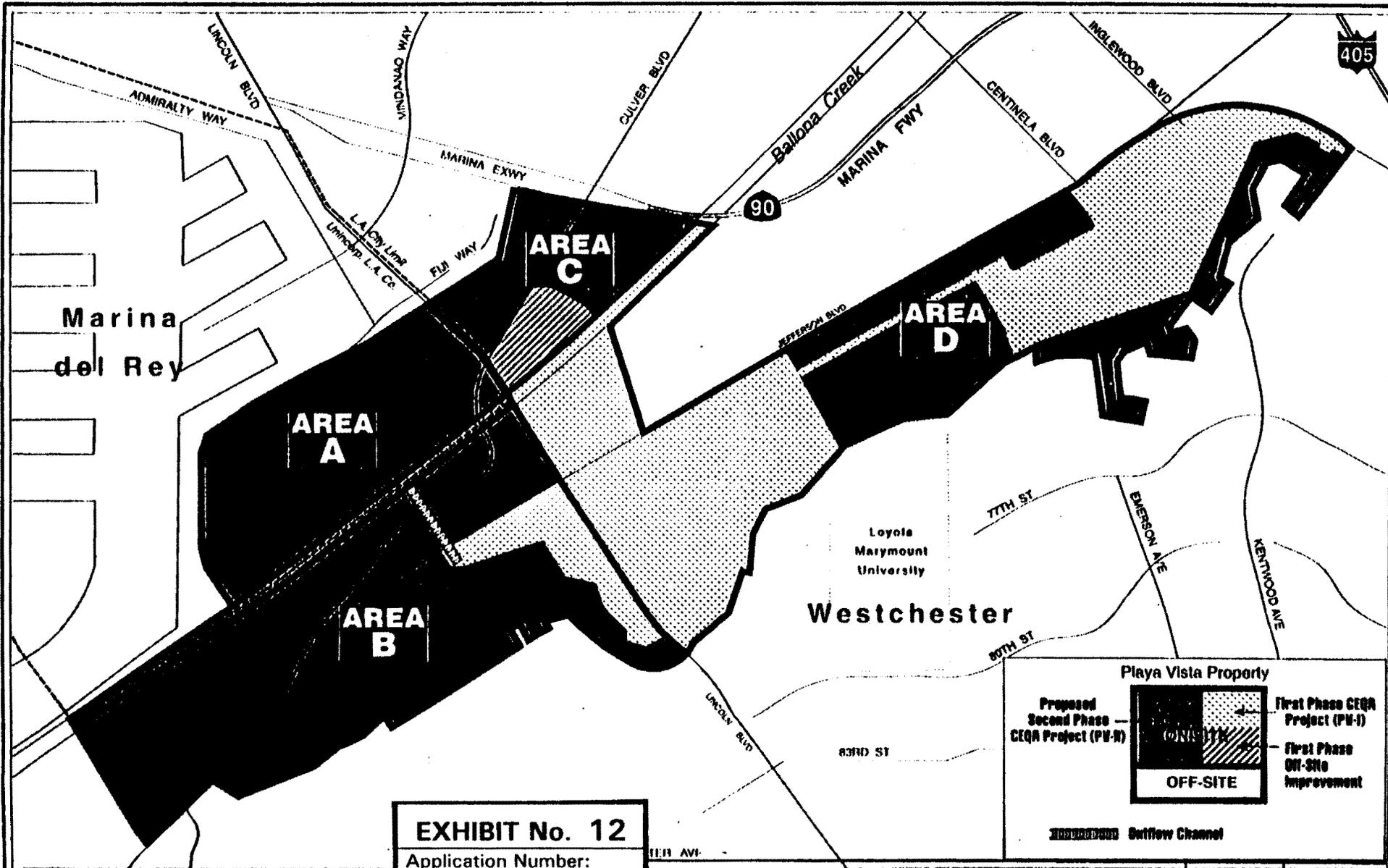


EXHIBIT No. 12
 Application Number:
R-5-91-463
 Project Sub Area
 Map
 California Coastal
 Commission

Proposed Playa Vista
 Second Phase Project Draft EIS/EIR
 CEQA Environmental Analyses
 Vol. IV
 PCR

Source: Planning Consultants Research, 1998

**FIGURE 4
 PLAYA VISTA
 PROJECT SUB-AREAS**
 October 1998

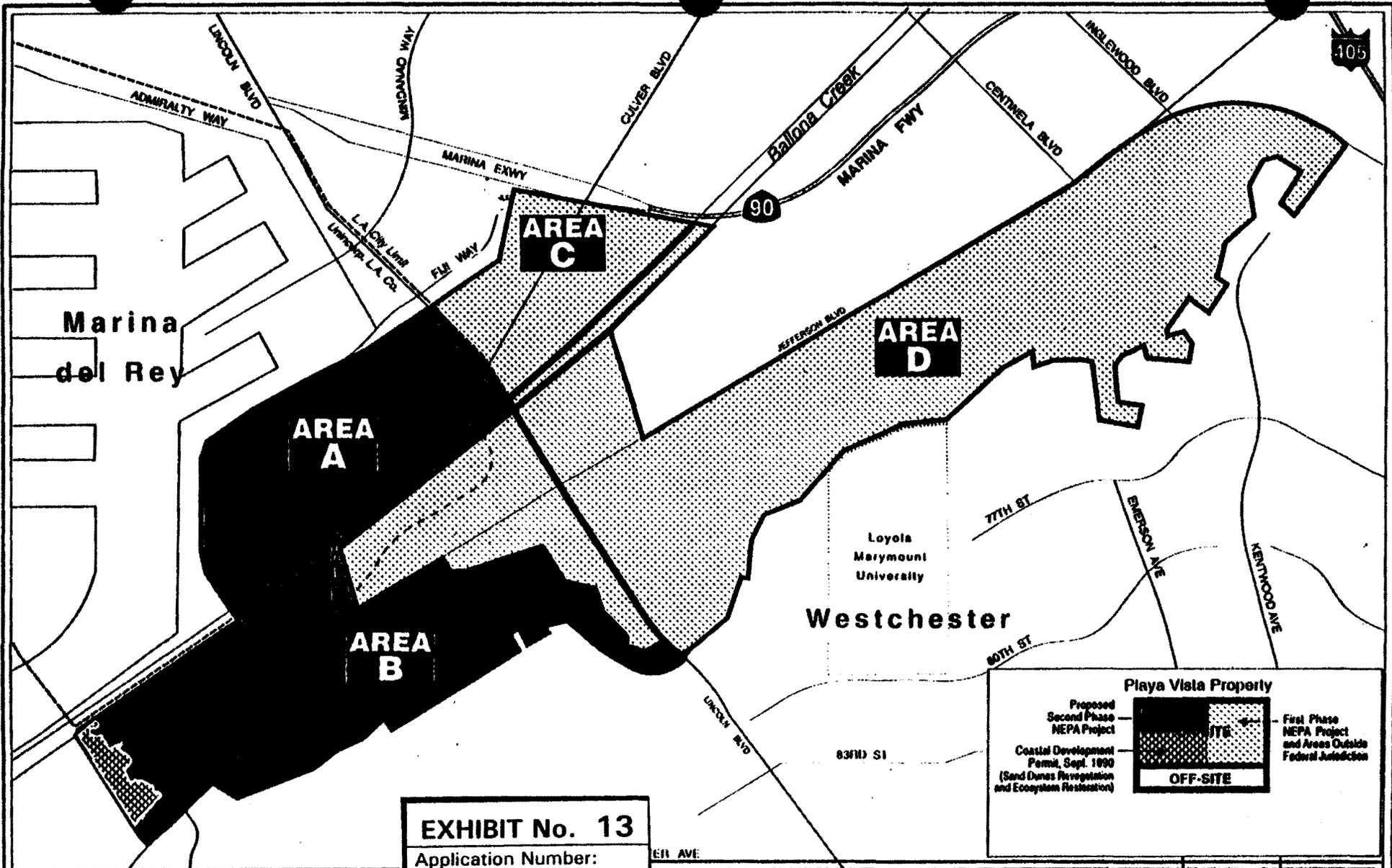


EXHIBIT No. 13
 Application Number:
R-5-91-463
 Playa Vista Quadrants
 California Coastal
 Commission

Proposed Playa Vista
 Second Phase Project Draft EIS/EIR
 NEPA Environmental Analysis
 Vol. III
 PCR

FIGURE 3
PLAYA VISTA QUADRANTS

Source: Planning Consultants Research, 1998

October 1998

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-3200



EXHIBIT No. 14
Application Number: R-5-91-463
Adopted Findings
 California Coastal Commission

Filed: July 17, 1991
 49th Day: September 4, 1991
 180th Day: January 13, 1992
 Staff: JRR-SF
 Staff Report: January 31, 1992
 Commission Action: September 13, 1991
 Hearing Date: February 20, 1992

ADOPTED FINDINGS

APPLICATION NO.: 5-91-463

APPLICANT: Maguire Thomas Partners-Playa Vista AGENT: Richard Hammond, Esq.

PROJECT LOCATION: Ballona Wetlands, City and County of Los Angeles (Exhibit 1)

PROJECT DESCRIPTION: 1) develop a 26.1-acre freshwater marsh restoration project; (Exhibit 2)

2) to have Coastal Commission accept proposed freshwater marsh restoration and proposed riparian corridor restoration (which is outside of the coastal zone) as mitigation for future development proposals in other areas of Ballona Wetlands;

3) to have Coastal Commission adopt a recent delineation of wetland habitat in Area A of Ballona Wetlands.

LOCAL APPROVALS RECEIVED: Waived

PREVAILING COMMISSIONERS: Cervantes, Glickfeld, MacElvaine, Moulton-Patterson, Nathanson, Neely, Wright, and Gwyn

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Marina Del Rey/Ballona Land Use Plan, County of Los Angeles
2. Certified Playa Vista Land Use Plan, City of Los Angeles
3. Agreement for Settlement of Litigation in the 1984 case of Friends of Ballona Wetlands, et al. v. The California Coastal Commission, et al. Case No. C525-B26.
4. Letter to the California Coastal Commission on behalf of the Ballona Wetlands Committee Requesting a New Wetlands Delineation in Areas A and C at Playa Vista; Report to the California Coastal Commission on the Need for a New Delineation of Wetlands in Areas A and C at the Ballona LUP. Prepared for the Ballona Wetlands Committee by William L. Want, Esq., June

Exhibit 14

Pg 1

5. Extent of Wetlands Jurisdiction Under the California Coastal Act, Area A: Playa Vista, Wetlands Research Associates (Dr. Michael Josselyn), June 1991.
6. Biological Value of the Ballona Freshwater Wetlands System, The Chambers Group (Dr. Noel Davis), June 1991.
7. Consistency of the Freshwater Wetland System With the Coastal Act.
8. Consistency of the Freshwater Wetland System With the Certified Ballona Land Use Plan.
9. Letter of April 11, 1991, from the City of Los Angeles Department of Planning to the California Coastal Commission, advising the Commission of the Department's "Approval in Concept" of the Freshwater Wetland System.
10. Collected Public Comments on the U.S. Army Corps of Engineers Public Notice on the Freshwater Wetland System (Public Notice/Application No. 90-426-EV), including comments from the California Department of Fish and Game (February 5, 1991 CDFG letter) and the U.S. Fish and Wildlife Service.
11. MTP-PV's Response to Comments, Application to the Corps of Engineers for a permit pursuant to Section 404 of the Clean Water Act for Freshwater Wetlands and Development at Playa Vista, June 1991. Includes responses to the comments of CDFG (pp. 21-23) and USFWS (pp. 12-19).
12. Water Demand: Proposed Ballona Freshwater Wetland System; Sharon Lockhart, et al., June, 1991.
13. Water Balance for the Proposed Freshwater Wetland System, Playa Vista, Camp Dresser & McKee, Inc., June, 1991.
14. Environmental Checklist Form, Based on Appendix I from CEQA: The California Environmental Quality Act, Statutes and Guidelines, 1986.
15. Alternatives and Mitigation Analysis for the Coastal Development Permit Application to Develop A Freshwater Marsh in Area B of the Ballona Planning Area.
16. Wetland Acreages in the Playa Vista Project Area and the Freshwater Marsh Area.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends adoption of the proposed findings supporting Commission approval with special conditions regarding monitoring, protection of openspace, wetland mitigation credits, restoration of saltmarsh habitat, standards to determine success of wetland restoration, and delineation of wetland acreage.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval With Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 permittee 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

- A. REVISED MONITORING PLAN: Prior to the issuance of the coastal development permit, the applicant shall submit, for the Executive Director's review and approval, a revised monitoring plan. The plan shall provide for monitoring both the freshwater marsh and riparian corridor. Monitoring shall begin immediately after completion of construction of the Freshwater Wetland System and the plan shall include, at a minimum, all of the elements already described in the applicant's current plan and the following additional elements:
1. completion of an Environmental Baseline Study that describes the existing biological, physical, hydrological values of the area proposed for creation of the Freshwater Wetland System.
 2. sampling of water quality based on the following program:
 - Year 1: Location: 4 stations (i.e., the inlets to each of the pre-treatment areas and the outlet of the marsh);
Parameters: all parameters;
Frequency: Monthly during the rainy season (November through March) and two additional samples taken during the dry season (April and October);
Rationale: Establish the water quality baseline; Select parameters for future monitoring based on presence; Pre-treatment areas not yet functional;
 - Year 2: Location: 4 stations (i.e., the inlets to each of the pre-treatment areas and the outlet of the marsh);
Parameters: Selected parameters based on results of Year 1 study;
Frequency: Three times during the rainy season and once during the dry season;
Rationale: Establish the water quality baseline; Monitor parameters shown to be present in Year 1 study; Pre-treatment areas not yet functional;
 - Year 3: Location: 7 stations (i.e., the inlet and outlet to each of the pre-treatment areas and the outlet of the marsh);
Parameters: Selected parameters based on results of Year 1 study;

Frequency: Three times during the rainy season and once during the dry season;

Rationale: First year that pre-treatment areas should be functional; continued monitoring of those parameters shown to be present in Year 1 study;

Year 4: Location: 7 stations (i.e., the inlet and outlet to each of the pre-treatment areas and the outlet of the marsh);

Parameters: Selected parameters based on results of Year 1 study;

Frequency: Three times during the rainy season and once during the dry season;

Rationale: Continued monitoring of pre-treatment areas to establish efficiencies of pollutant removal; continued monitoring of those parameters shown to be present in Year 1 study;

Year 5: Location: 7 stations (i.e., the inlet and outlet to each of the pre-treatment areas and the outlet of the marsh);

Parameters: Selected parameters based on results of Year 1 study;

Frequency: Three times during the rainy season and once during the dry season;

Rationale: Continued monitoring of pre-treatment areas to establish efficiencies of pollutant removal; continued monitoring of those parameters shown to be present in Year 1 study;

3. quarterly sampling of dissolved oxygen levels, temperature, and conductivity at five locations within open water areas of the marsh;
4. quarterly mapping of inundation patterns;
5. Semi-annual (May and September) surveys of vegetation through transects, the transects shall be located as follows:
 - a. during the first year, they shall be located 200 feet apart, across the property;
 - b. during the second year, they shall be located 500 feet apart, across the property;

- c. during the third year, they shall be located 1000 feet apart, across the property;
 6. Annual mapping of the vegetation communities based on the fall vegetative survey;
 7. Quarterly census of bird use of various habitats including transition areas, grasslands, woodlands, marsh, and open water habitat;
 8. Provisions for submittal of annual reports to the Commission and other interested parties on the progress and results of the monitoring; such reports shall provide, in addition to sampling data, (i) brief analyses of the progress toward fulfillment of the goals of the Freshwater Wetland System with respect to water quantity and quality, vegetation, and wildlife; (ii) identification of problems encountered or shortfalls in achievement of the goals of the Freshwater Wetland System, and possible solutions or remedies; and (iii) a comparison of the observed values of the Freshwater Wetland System with those of the existing degraded wetlands as set forth in the Environmental Baseline Study prescribed by Item 1, above;
 9. Within six months of the completion of the fifth full year of monitoring, a final monitoring report shall be submitted to the Commission, which shall present, for the final year, the material required in each annual report, and which shall provide, in addition, the following: (i) analysis of management options; (ii) recommendations for management options to be considered for the future; and (iii) discussion of management strategies for normal, wet, and dry years;
- B. WETLAND MITIGATION CREDITS: Subject to conditions C, D, and E, below, the restored freshwater wetland system shall provide 44.2 acres of wetland mitigation for development activities on Areas A, B, and C of the Ballona wetlands. Additionally, the Commission will consider the enhancement of existing freshwater marsh habitat on Area B to be used for mitigation elsewhere within Ballona. The amount and type of mitigation available from the enhancement of the existing habitat will be determined by the Commission after completion of the freshwater marsh and an assessment of the improved values of the enhanced area. The amount of mitigation credits from the enhancement will be no more than 5.61 acres and may be less than that amount.
- C. WETLAND MITIGATION RESULTING FROM THE PROJECT: The use of the freshwater wetland as mitigation for wetland fill in other areas of Playa Vista shall not be allowed until specifically authorized by the Commission. The authorization to use that area as mitigation shall be made on the following criteria:

1. RELATIONSHIP TO SALTMARSH RESTORATION: The use of the Freshwater Wetland System as mitigation for wetland fill in other areas of Playa Vista shall not be available until substantial progress has been made towards completing the saltwater marsh restoration project on Area B in either its mid- or full-tidal form as described in the settlement agreement between the Friends of Ballona Wetlands and the applicant, among others, dated October 18, 1990 (the "Settlement Agreement").

The phrase "substantial progress" shall include preparation of a restoration plan, Commission approval of that plan, and assurances in a form acceptable to the Commission of the implementation, monitoring, and maintenance of the saltmarsh restoration efforts. This condition includes three different definitions for "substantial progress" that reflect possible options for implementation of that restoration plan. The three different definitions are as follows:

- a. Applicant implements the saltmarsh restoration plan pursuant to the settlement agreement. The applicant shall have completed the following obligations in a manner consistent with the Settlement Agreement with respect to restoration of Ballona saltmarsh:

- i. development of a saltmarsh restoration plan approved by the Ballona Wetlands Committee and by the Coastal Commission either through its LCP or permit processes;

- ii. upon receipt by the applicant of entitlements for Playa Vista as described in the Settlement Agreement, assurances (by means of a letter of credit, performance bond, or other security reasonably acceptable to the Commission) of performance of its obligation to establish a Ballona Wetlands Restoration Fund, as and to the extent provided for in the settlement agreement; and

- iii. if full tidal restoration is still being considered as an option for the restoration of saltmarsh resources at Ballona, the applicant shall develop a funding plan that describes in sufficient detail the method of funding, likely sources of funding, and specific rules for use of the saltmarsh as mitigation for development elsewhere;

OR

b. The settlement agreement is no longer valid. If implementation of the Settlement Agreement should fail, freeing the applicant from its obligations thereunder, applicant shall (i) prepare a plan for saltmarsh restoration as provided for in the existing Land Use Plan for Playa Vista Areas A, B, and C or for a mid-tidal saltmarsh restoration pursuant to an amended certified LUP, (ii) receive approvals from the Commission or its successor in interest of the restoration plan through either the LUP or permit process, and (iii) assure (by means of letter of credit, performance bond or other security reasonably acceptable to the Commission) implementation, monitoring, and maintenance of the saltmarsh restoration plan;

OR

c. The saltmarsh restoration plan is implemented by a third party. A full-tidal saltmarsh restoration plan consistent with the existing or an amended certified LUP for Ballona shall have been approved by the Commission and the Commission shall have received assurance (by means of a letter of credit, performance bond, or other form of assurance), in form and substance reasonably acceptable to it, of construction, monitoring, and maintenance of such saltmarsh restoration from a third party seeking an award of mitigation credits for construction, monitoring, and maintenance of such saltmarsh restoration.

2. SUCCESSFUL COMPLETION OF THE FRESHWATER WETLAND SYSTEM: The use of the freshwater wetland system as mitigation of wetland fill in other areas of Playa Vista shall not be available until it is determined that the restoration, including both the freshwater marsh and riparian corridor, has been successfully completed. Determination of success shall be based on monitoring program described in Condition A, above, and shall be evaluated in cooperation with Department of Fish and Game, U.S. Fish and Wildlife Service, Commission staff, and other interested parties. The determination of success shall not occur until the Commission finds that freshwater wetland system meets the standards for success, as determined in accordance with Condition D, below.
3. REVISED DELINEATION: The use of the freshwater wetland system as mitigation for wetland fill in other areas of Playa Vista shall not be available until the applicant presents in a form acceptable to the Coastal Commission a revised delineation of wetlands on Area A. That revised delineation should either be conducted by the Department of Fish and Game or the methodology and results reviewed and commented on by that agency.

- D. DEFINITION FOR DETERMINATION OF SUCCESS: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall in cooperation with Commission staff, Department of Fish and Game, Friends of Ballona Wetlands, and other interested parties develop standards for success of the freshwater wetland system, as described in Condition C2 above. At a minimum, the standards for success will include performance standards for biological values, physical attributes, and water quality. In addition, those standards shall include provisions for the permanent protection of the habitat values in the form of a deed restriction, openspace easement, or other form acceptable to the Commission and provisions for wetland monitoring, management (including maintenance), and remediation in perpetuity. This standard shall be brought back to the Commission for its approval.
- E. DELINEATION OF WETLAND ACRES: Prior to issuance of this permit, the applicant shall accept, in writing, that the Commission has tentatively adopted the Department of Fish and Games delineation of 20 acres of wetland habitat found on Area A of the Ballona Wetlands (as described in Exhibit 4) and that a revised delineation of Area A, acceptable to Department of Fish and Game and the Commission, shall be conducted prior to the release of mitigation credits for the freshwater wetland system. The applicant shall also recognize, in writing, that if the delineation shows that the wetlands on Area A have expanded greater than the amount necessary to assure one-to-one mitigation from the Freshwater Wetland System or that there is evidence of nesting Belding's savannah sparrows within Area A additional mitigation will be required.

IV. Findings and Declarations.

A. Project Description. The applicant proposes to construct a 33.3 acre freshwater marsh restoration project within the coastal zone in Area B as described in the Marina Del Rey/Ballona Land Use Plan (LUP)(Exhibit 3). The restoration project includes a 26.1-acre freshwater marsh, a berm surrounding the marsh and covering 2.7 acres, 3.5 acres of upland transition habitat and native grasslands, and a spillway covering one acre. The permit application is, in part, an implementation of the Settlement Agreement in the 1984 case of Friends of Ballona Wetlands, et al. v. California Coastal Commission, et al. (Superior Court of the State of California, County of Los Angeles, Case No. C525-826).

The freshwater marsh is an integral part of a proposed 51.1-acre freshwater wetland system that will also include a 25-acre Riparian Corridor located outside of the coastal zone in Area D (Exhibit 3). The riparian corridor will extend nearly two miles along the base of the Westchester Bluffs, and will connect with the southern tip of the proposed freshwater marsh at Lincoln Boulevard (Exhibit 2).

The permit application also requests that the Commission accept the 51.1-acre freshwater wetland system (including both the marsh and riparian habitats

which are both inside and outside of the coastal zone, respectively) as full mitigation for the following: 1) wetland acreage that would be lost in Area B by the development of the proposed marsh; and 2) degraded wetland areas in Areas A, B, and C. that could be lost to subsequent Playa Vista Project development. The permit application seeks such mitigation credit for the freshwater wetland system in order to make all or part of the full-tidal restoration of the Ballona salt marsh available, subject to the approval of the Commission, as mitigation credit for off-site parties. The Settlement Agreement encourages this approach to Playa Vista Project mitigation as a means of sponsoring the higher costs of full-tidal salt marsh restoration. A permit application for the mixed use development has not yet been submitted to the Commission. Finally, as part of the permit application, the developer requests that the Commission adopt a 1990-91 delineation of wetlands in Area A and C (Exhibit 3) as described by a Wetland Research Associates study entitled Extent of Wetlands Jurisdiction under the California Coastal Act, Area A; Playa Vista, (June 1991).

B. Background. The existing Ballona wetlands are remnants of a much larger wetland system that formerly covered approximately 1750 acres (Exhibit 5). However, a change in course of the Los Angeles River, construction of the Ballona Flood Control Channel in 1932, and dredging of the Marina del Rey Small Craft Harbor in the 1960's drastically reduced the size of the marsh to its present state. Urban development in this region has also contributed to the significant reduction in the quantity and quality of the Ballona Wetlands. Most of the remaining Ballona Wetlands are no longer in their natural condition having been altered by oil drilling, pipelines, construction of roads, conversion to farm lands, and dredged material disposal.

Through the California Coastal Act's Local Coastal Program (LCP) process, Los Angeles County developed a land use plan (LUP) for the Ballona Wetlands. That plan divided the area into four subareas (Exhibit 3), Areas A, B, C, and D. Area D is outside of the coastal zone. The Commission certified the LUP with suggested modifications that were eventually accepted by the County. Several years after the completion of the LUP, the City of Los Angeles annexed parts of the County's LCP area, encompassing Areas B and C, into the City. The City developed an LUP, similar to the County's LUP, and it was certified with suggested modifications, which were accepted by the City.

The City's LUPs identified the appropriate land uses for the areas within its jurisdiction. The planning for the 385-acre Area B allow for a minimum 209 acre habitat Management Area, including 175 acres of restored wetlands, buffers and ecological support areas, a public interpretive center; up to 2,333 dwelling units, up 70,000 square feet of "convenience commercial," and private recreation opens space to serve new residents. The planning for the 73-acre Area C will allow for up to 2,032 dwelling units, 50,000 square feet of convenience commercial (neighborhood and office), 900,000 square feet of general office, and 100,000 square feet of retail commercial. The County's LUP identified the appropriate land uses for the 140-acre Area A. These land uses will allow the construction of a 40-acre boat basin containing 700-900 slips, 1,226 new dwelling units, 200,000 square feet of visitor-serving

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5200

Revised: 9/16/92



*Commission action
 (conditions)*

Filed: March 26, 1992
 49th Day: May 14, 1992
 180th Day: September 12, 1992
 Staff: JRR-SF
 Staff Report: April 23, 1992
 Hearing Date: May 12, 1992
 Commission Action: April 8, 1992

ADOPTED FINDINGS:PERMIT AMENDMENT

APPLICATION NO.: 5-91-463-A2

APPLICANT: Maguire Thomas Partners -- Playa Vista AGENT: Richard Hammond

PROJECT LOCATION: Ballona Wetlands, City and County of Los Angeles (Exhibit 1)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

- 1) develop a 26.1-acre freshwater marsh restoration project; (Exhibit 2)
- 2) to have Coastal Commission accept proposed freshwater marsh restoration and proposed riparian corridor restoration (which is outside of the coastal zone) as mitigation for future development proposals in other areas of Ballona Wetlands;
- 3) to have Coastal Commission adopt a recent delineation of wetland habitat in Area A of Ballona Wetlands.

DESCRIPTION OF AMENDMENT: The proposed permit amendment contains the following requests:

- 1) Request to delete condition D, definition for successful completion of the wetland restoration project, and replace condition C.2 with new language requiring establishment of freshwater wetland system, one year of monitoring, and additional assurances for longterm management before release of mitigation credits;
- 2) Change the expiration date from two years of approval of the permit to two years after issuance of the permit;
- 3) Other minor modifications to the permit conditions.

EXHIBIT No. 15
Application Number: R-5-91-463
Commission Action Conditions
California Coastal Commission

LOCAL APPROVALS RECEIVED: Waived

SUBSTANTIVE FILE DOCUMENTS:

1. Permit No 5-91-463 (Maguire Thomas Partners -- Playa Vista)

STAFF SUMMARY:

The Commission approved, with conditions, the permit amendment application 5-91-463-A2.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

I. STAFF RECOMMENDATION.

The staff recommends that the Commission adopt the following resolutions:

A. APPROVAL WITH CONDITIONS:

The Commission hereby approves the permit amendment 5-91-463-A2, subject to the conditions below on the grounds that the amendment will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
5. 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.
6. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS.

1. Timing for Mitigation. The phased approach to the restoration of the Freshwater Wetland System will not change the requirements of Special Condition C.2 of 5-91-463 and amendments 6 and 8 (as described in the Amendment Description section below). The applicant is required to demonstrate that, at least, the number of Freshwater Wetland System acres in each phase that has been established (as defined in this amendment and conditions 2 - 8 below) is at least equivalent to the number of wetland acres affected by the respective phase of the mixed-use development prior to the Commission release of the mitigation credits for that phase of the mixed use development.
2. Commission Review of Establishment. Release of the mitigation credits for each phase of the Freshwater Wetland System shall not occur unless the Commission has determined that that phase has been established, as defined by this amendment and conditions 3 - 8 below.
3. Remediation. Prior to the release of mitigation credits, the applicant shall implement all remedial measures that have been found by the Commission to be necessary to achieve the minimum biological values for the Freshwater Wetland System, described in Special Condition 5, below, and the Freshwater Wetland System shall have been determined by the Commission to have achieved such minimum biological values.

4. Habitat Criteria. The Habitat Criteria developed pursuant to the definition of establishment, criteria 2.j.1 -- 2.j.11, shall be reviewed and approved by the Commission before they are used to evaluate the habitat values of the Freshwater Wetland System.

5. Minimum Biological Values. The subject phase of the Freshwater Wetland System shall be deemed by the Commission to have achieved the minimum biological values upon demonstration that the functional biological values of such phase of the Freshwater Wetland System exceed those of the Existing Degraded Wetlands to be filled, as set forth in the Environmental Baseline Study. In addition, there shall be no substantial evidence that these functional biological values are deteriorating in such a way that they cannot be maintained and enhanced due to any of the following:

- A. Major topographic degradation (such as excessive erosion or sedimentation) as compared to the approved grading plan for the Freshwater Wetland System;
- B. Insufficient quality of freshwater entering the wetland system to protect and maintain the biological resources of the wetland system;
- C. Insufficient quantity of freshwater entering the wetland system to protect and maintain the biological resources of the wetland system;
- D. Significant reduction in vegetated area from the area indicated in the revegetation plan;
- E. Invasion by a significant amount of exotic vegetation.

In evaluating whether a phase of the Freshwater Wetland System has achieved the minimum biological values, the Commission shall utilize the habitat criteria and standards developed pursuant to Paragraphs 2.j.1 and 2.j.11 of the applicant's definition of establishment, taking into account that the subject phase has been completed only for one year and that the Freshwater Wetland System is not intended to duplicate all of the functional biological values of the Existing Degraded Wetlands to be filled.

6. Remediation Obligation. The applicant shall have the right to seek relief from its obligation to remediate a substantial failure or degradation of the Freshwater Wetland System if such degradation or failure is attributable to a force majeure, catastrophic event, or unlawful act or acts of another (as defined by section 2.j.v. of the applicant's definition of establishment and conditions 7-8 below.) Such relief may be granted by the Commission if the Commission finds that an event meeting one of these definitions was the cause of the substantial failure or degradation of the Freshwater Wetland System. Notwithstanding the above, the Commission may deny relief or grant only partial relief to the extent the Commission finds that the applicant failed to implement and utilize reasonable measures and actions that would have prevented or reduced the impacts from the force majeure, catastrophic event, or unlawful act or acts of another or on the basis of other equitable factors that the Commission determines are appropriate.

If the Commission denies relief in whole or in part based on these factors, the remediation required of the applicant shall not exceed feasible onsite measures that are consistent both with the original scope and cost of the failed or degraded portion of the Freshwater Wetland System being remediated, and with the habitat, stormwater management, and flood control functions of the system.

If the Commission grants relief in whole or in part, and if wetland habitat values are reestablished in the Freshwater Wetland System, or in a portion of the Freshwater Wetland System, whether naturally or by third-party remediation, the fact that the Commission granted relief to applicant for remediation of the damage caused by the force majeure, catastrophic event, or unlawful act or acts of another, shall not excuse applicant from its ongoing maintenance and routine remediation obligation, as described in Section C.2.11 of the applicant's definition of establishment, except to the extent, as determined by the Commission, that the event of force majeure, catastrophic event, or unlawful act or acts of another, has significantly increased the scope or magnitude of such obligation.

7. Force Majeure. The definition of force majeure shall be amended by the following:

- A. A riot or civil disorder shall result in an event of force majeure only if the event has broad regional impacts and is not endemic to the Freshwater Wetland System and its immediate locale.
- B. A flood shall result in an event of force majeure only if it is greater than a 100-year flood, where "flood" refers to a runoff event.
- C. An earthquake shall constitute an event of force majeure only if the ground motion it generates at Playa Vista is greater than that expected from an earthquake with a return period of 475 years.
- D. Governmental restrictions, failure by any governmental agency to issue any requisite permit or authority, and any injunction or other enforceable order of any court to competent jurisdiction shall not result in an event of force majeure unless there is no other feasible means of remediation.

8. Unlawful Activities. The definition for unlawful activity or activities of another as described in section 2.j.v. of the applicant's definition of establishment shall be modified by the following:

- A. The normal residential activities exemption to definition of unlawful activities shall include, but not be limited to, any accidental or intentional disposal, spillage, or release into the atmosphere of chemicals, compounds, or other materials of a type and in a quantity normally used by residential consumers.

- B. The normal use of public or private roadways exemption to definition of unlawful activities shall include, but not be limited to, any vehicle code violation that does not otherwise meet the definition of force majeure, catastrophic event, or unlawful act or acts of another, or the accidental or intentional disposal or spilling of any toxic or hazardous substance in quantities commonly used in the operation of motor vehicles (e.g., oil, gasoline, brake fluid, and antifreeze.)

9. Permit Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the amendment application, 5-91-463-A2. 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.

IV. AMENDMENT DESCRIPTION.

The Applicant request the following changes to the Conditions attached to the Commission's approval of permit application number 5-91-463.

1. Standard Condition 2, Expiration, page 3, change the permit condition as follows:

If development has not commenced, the permit will expire two years from the date ~~on which the Commission voted on the amendment application~~ of issuance of the permit. 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.

2. Condition A, Revised Monitoring Plan, Page 4, change the permit condition as follows:

Prior to the issuance of the coastal development permit, the applicant shall submit, for the Executive Director's review and approval, a revised monitoring plan. The plan shall provide for monitoring both the freshwater marsh and riparian corridor. Monitoring of a phase of the Freshwater Wetland System shall begin immediately after completion of construction of ~~the~~ Freshwater Wetland System of such phase and the plan shall include, at a minimum, all of the elements already described in the applicant's current plan and the following additional elements:

3. Condition B, Wetlands Mitigation Credits, page 6, change the permit condition as follows:

Subject to conditions C, D, and E, below, the restored freshwater wetland system shall provide on a phased basis (as described in Special Condition C), 44.2 acres of wetland mitigation for development activities on Areas A, B, and C of the Ballona wetlands. Additionally, the Commission will consider the enhancement of existing freshwater marsh habitat on Area B to be used for mitigation elsewhere within Ballona. The amount and type of mitigation

310 311

RECEIVED
MAY 11 1992
CALIFORNIA
COASTAL COMMISSION

Sharon H. Lockhart
Environmental Counselor
7943 E. Santa Cruz Avenue
Orange, California 92669
(714) 289-1817
(714) 289-1907 FAX

TRANSMITTAL

date: May 11, 1992
to: Jim Raives
from: Sharon H. Lockhart
re: Water Quality Monitoring - Playa Vista Project

I received the information you requested from CDM regarding water quality monitoring. The following EPA methods would be employed under the ORGANICS parameter listed in the monitoring program:

NAME	EPA METHOD
Organochlorine Pesticides	608
Halogenated Volatile Organics	601
Aromatic Volatile Organics	602
PAH's Polynuclear Aromatic Hydrocarbons	625

Typically the following compounds are analyzed in these testing procedures. Individual laboratories, however, will vary slightly in the compounds analyzed. I also have the detection limits, if needed.

Organochlorine Pesticides

- Aldrin
- a-BHC
- o-BHC
- g-BHC
- Lindane
- Chlordane (technical)
- 4,4'-DDD
- 4,4'-DDE
- 4,4'-DDT
- Dieldrin
- Endosulfan I
- Endosulfan II
- Endosulfan sulfate
- Endrin
- Endrin aldehyde
- Heptachlor
- Heptachlor epoxide
- Methoxychlor

EXHIBIT No. 16
Application Number: R-5-91-463
Compliance Monitoring Plan
California Coastal

Aromatic Volatile Organics

Benzene
Chlorobenzene
1,4-Dichlorobenzene
1,3-Dichlorobenzene
1,2-Dichlorobenzene
Ethyl Benzene
Toluene
Xylenes

Halogenated Volatile Organics

Benzyl chloride
Bis(2-chloroethoxy)methane
Bis(2-chloroisopropyl) ether
Bromobenzene
Bromodichloromethane
Bromoform
Bromomethane
Carbon tetrachloride
Chloroacetaldehyde
Chlorobenzene
Chloroethane
Chloroform
1-Chlorohexane
2-Chloroethyl vinyl ether
Chloromethane
Chloromethylmethyl ether
Chlorotoluene
Dibromochloromethane
Dibromomethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
trans-1,2-Dichloroethylene
Dichloromethane
1,2-Dichloropropane
trans-1,3-Dichloropropylene
1,1,2,2-Tetrachloroethane
1,1,1,2-Tetrachloroethane
Tetrachloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Trichlorofluoromethane
Trichloropropane
Vinyl chloride

PAH's

Acenaphthene
Acenaphthylene
Anthracene
Benzo (a) anthracene
Benzo (b) fluoranthene
Benzo (k) fluoranthene
Benzo (g, h, i) parylene
Benzo (a) pyrene
2-Chloronaphthalene*
Chrysene
Dibenz (a, h) anthracene
Fluoranthene
Fluorene
Indeno (1, 2, 3-cd) pyrene
2-Methylnaphthalene*
Naphthalene
Phenanthrene
Pyrena

* Available, although not normally included in the PAH target list.

local coastal program

marina del rey/ballona

map 40

OIL AND GAS WELLS

SOURCE: California Department of Conservation - Division of Oil and Gas

-  Gas Storage Wells (Injection and Withdrawal)
-  Gas Observation Wells
-  Fluid Removal Well (Gas)
-  Producing Oil Well
-  Abandoned Oil Well
-  Abandoned-Dry Hole

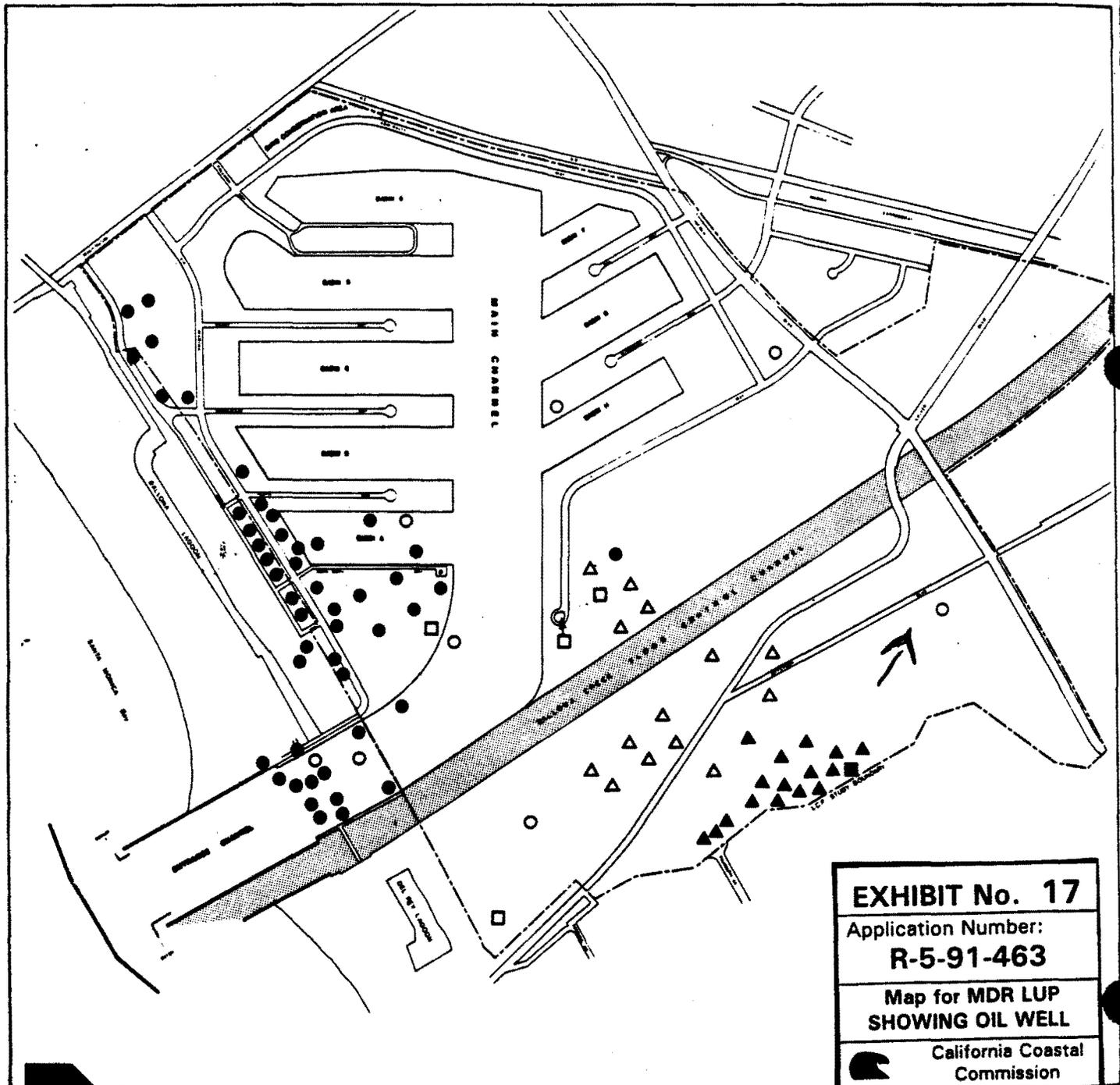
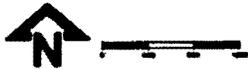


Exhibit 17

map 39

SOUTHERN CALIFORNIA GAS COMPANY PROPERTY

SOURCE: Southern California Gas Company

-  Gas Co. Easement
-  Land Held in Fee Ownership by Gas Co.

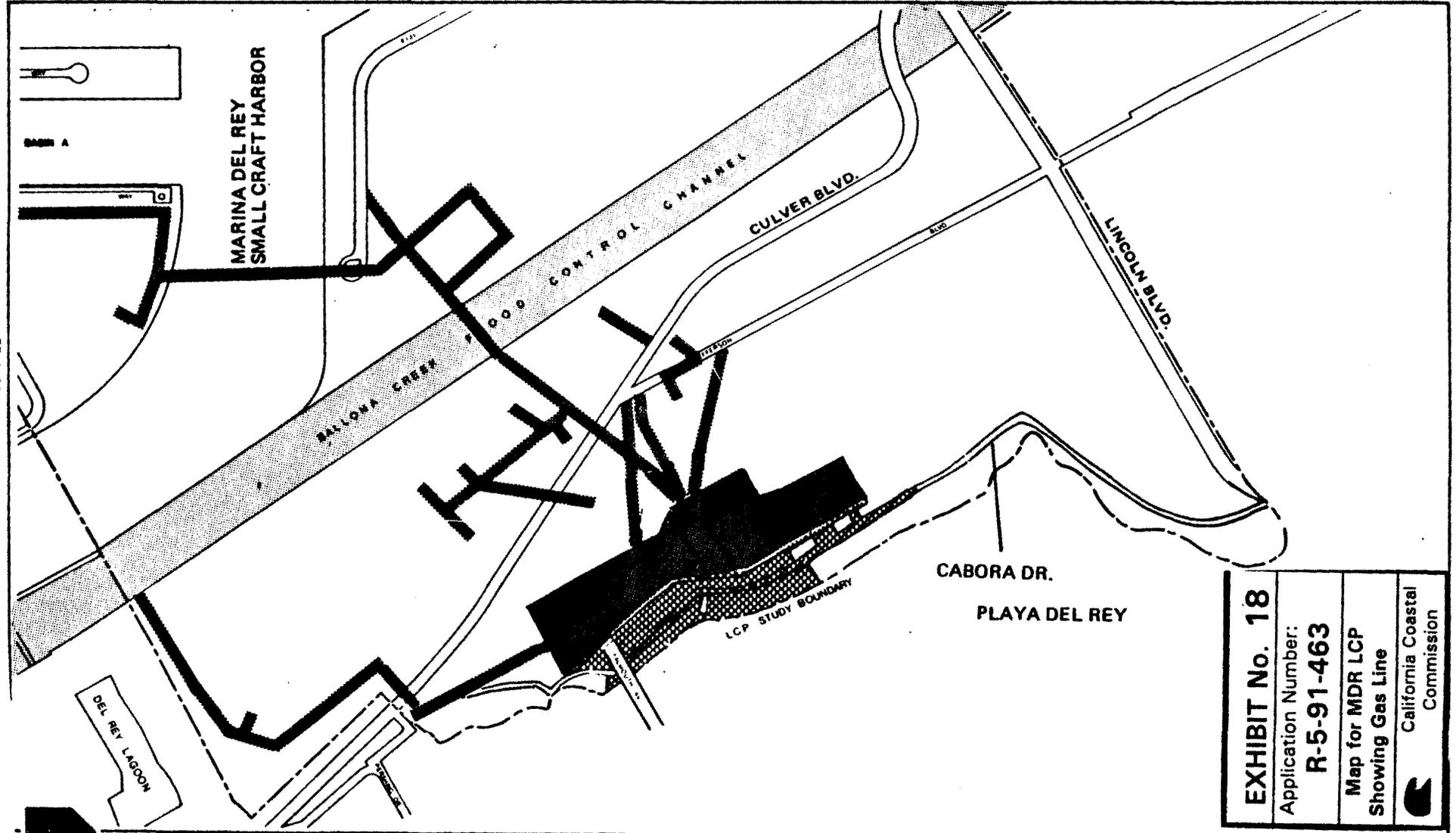


EXHIBIT No. 18
Application Number: R-5-91-463
Map for MDR LCP Showing Gas Line
California Coastal Commission

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

b. Issues Identified

- The Gas Company facility (largely located in Area B) and its associated network of storage and transmission lines are crucial to natural gas for a large segment of the Los Angeles area. HOW WILL LAND USE DECISIONS IN AREAS A AND B ENSURE CONTINUATION OF THESE FACILITIES AND THEIR VITAL FUNCTIONS?

c. Research Analysis

The Southern California Gas Company (SCGC) operates a large natural gas processing, storage, and transmission facility, part of which is located in Area B. This facility provides natural gas, withdrawn from storage, for a major portion of the Los Angeles area. Associated with this facility is an extensive network of subsurface storage and transmission lines in the area.

SCGC access for operating and servicing the lines in the County area is assured via an easement granted in perpetuity in 1948. SCGC property within the City of Los Angeles is held by the Company through fee ownership. (These areas are shown on Map 39, following page.) Due to pipeline deterioration, the SCGC line under the main channel will be capped and rerouted around the Marina to Area A.

The Marina del Rey Small Craft Harbor area is served by SCGC lines. At present, unused capacity exists to provide some additional and/or intensified development with natural gas. If proposed development exceeds this capacity, additional supply lines or other methods would be necessary to meet the additional demand. SCGC has indicated that ample natural gas could be supplied to major new development in this area via main extensions.

Given the significance of the Gas Company's underground gas storage facility to a major segment of the Los Angeles area, continuance and proper functioning of the facility must be assured. This includes operation and maintenance of surface and subsurface facilities, the replacement of facilities for the injection, storage, and withdrawal of natural gas and associated liquids in and from subsurface strata, including the drilling of new wells, reconditioning of existing wells, structures, and other facilities, and performing operations incidental thereto. There are 34 existing gas storage wells in the study area as well as 38 abandoned oil wells. The 34 gas storage wells are essential to the operation of the gas storage project. These wells are shown on Map 40, page II-162.

Development policy in Area B as outlined in the Design Principles for New Development chapter proposes that, an approximately 12.5 acre parcel be maintained for Gas Company facilities and that the remainder of the immediately contiguous Gas Company property (approximately 12.5 acres) be set aside as wetlands.

d. Findings

- If new and/or intensified development in the Marina area exceeds existing natural gas capacity, additional natural gas supply needs will be met by line extensions and/or other methods.
- On September 5, 1978, the California Coastal Commission adopted a guideline interpreting the exclusionary provisions of Coastal Act Section 30610, subsections (d) and (f). This document, entitled *Interpretive Guideline on Exclusions from Permit Requirements*, should be incorporated into ordinances implementing this plan.

EXHIBIT No. 19
Application Number: R-5-91-463
MDR LCP Oil Gas Policies

marina del rey/ballona local coastal program

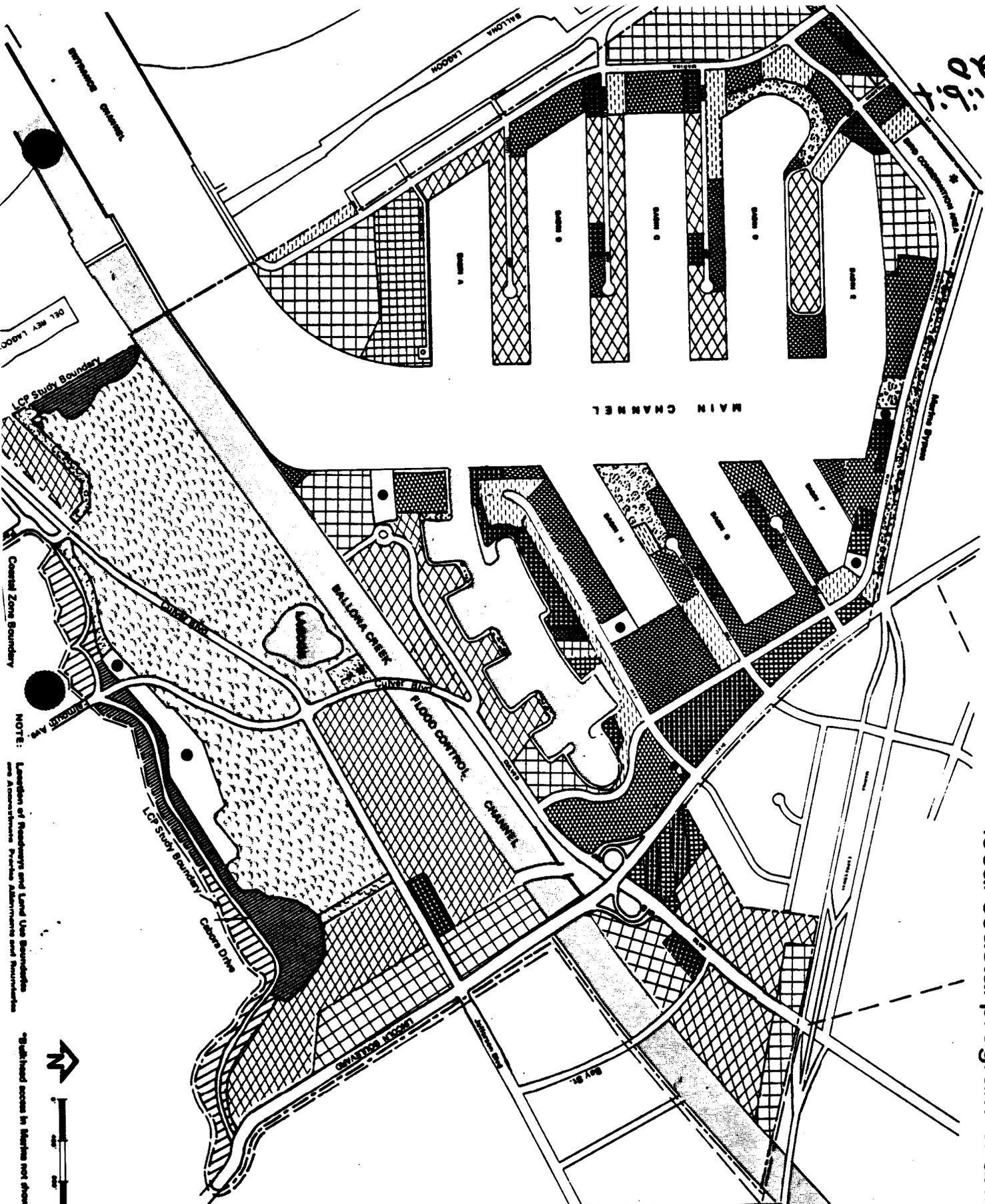
- The Southern California Gas Company, supplier of natural gas in the area, has indicated that new development in Areas A, B and C could be provided with ample natural gas via main extensions and/or other methods.
- As Southern California Gas Company's gas storage facility provides natural gas for a major portion of the Los Angeles area, continuance of this energy facility at its present or greater storage capacity is vital.
- Access to gas, oil and storage observation wells and facilities associated with such wells in the area by service personnel and servicing equipment must be assured. The SCGC must retain its rights to maintain rework and replace surface facilities to drill new wells and to recondition existing wells and structures, and to perform functions incidental to operating its gas storage field.

e. Policies and Actions

1. Land Use decisions shall not interfere with SCGC's ability to continue operation of its gas storage facility. Land use decisions shall be protective of SCGC's existing and future needs for gas storage facilities and operations.
2. New development (which includes wetlands restoration projects) in the Marina del Rey/Ballona area shall not interfere with access to gas or oil wells, to observation wells associated with gas storage, or to other facilities associated with the gas storage field operation by service personnel and servicing equipment.
3. Feasible mitigation measures must be provided to minimize any adverse environmental effects of new installations or relocations of oil and gas wells, or wells associated with the storage of natural gas, in wetlands in accordance with Coastal Act section 30233 and page 35 of the Coastal Commission's *Interpretive Guideline on Wetlands and Other Wet Environmentally Sensitive Habitat Areas*.
4. Wherever feasible, modern energy conservation methods should be studied and employed.
5. In areas where new development occurs, the developer shall provide landscaping (trees, shrubbery) to visually buffer existing or relocated gas or oil wells.
6. The DRP and Southern California Gas Company shall jointly determine appropriate gas well setbacks from streets and new development for existing wells associated with the gas storage project. The L.A. County Zoning Ordinance regulations regarding siting and operation of oil wells shall remain in force.
7. Prior to new development over old, unused or previously abandoned wells, the California Division of Oil and Gas must be asked to determine that the wells have been abandoned in accordance with current standards. Development over wells will not be allowed to take place until this determination has been made.
8. SCGC shall work closely with the property owner and County Regional Planning Department (DRP) to establish viable wetland and wetland support areas consistent with needs of SCGC to service their facilities and equipment. The DRP will consult with the L.A. County Museum of Natural History, the California Department of Fish and Game and the U.S. Army Corps of Engineers in this effort.
9. Coastal development permits shall not be required under this plan for development excluded by Section 30610 as defined by the *Interpretive Guideline on Exclusions from Permit Requirements* adopted by the Coastal Commission on September 5, 1978.

Ex. 19.4

local coastal program marina del rey/bal



DEL REY LAGOON

LCP Study Boundary

Coastal Zone Boundary

NOTE:

Location of Reservoirs and Land Use Boundaries and Administrative Districts, Alameda and Reservoirs

*Dashed lines in Marine not shown

- LAND USE**
- MEDIUM DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - HIGH DENSITY RESIDENTIAL
 - HOTEL
 - COMMERCIAL
 - OFFICE
 - MARINE CO AND BOAT
 - PARKING
 - PUBLIC FAC
 - WETLANDS
 - ECOLOGICAL SUPPORT AREA
 - OPEN SPACE
 - WATER LAKE PART OF WETLAND AREA
 - LOW DENSITY RESIDENTIAL (CN 31)

Palmer Park Youth Center Interpretive Center

EXHIBIT No. 20

Application Number: **R-5-91-463**

MDR LUP Land Use

California Coastal Commission

MD Land

RECEIVED
South Coast R.

MAR 26 1999

CALIFORNIA
COASTAL COMMISSION

629 South Hill Street
Los Angeles, California
May 29, 1934.

Mr. Gordon L. Graham,
2906 Cherry Avenue,
Long Beach, Calif.

Dear Sir:

Your report of abandonment of well No. 1 of University City Syndicate, Inc., Ltd., (L. O. Hopkins, Receiver), in Sec. 27, T. 2 S., R. 15 W., S. B. E. & M., Los Angeles County, dated May 29, 1934, and submitted to this Division on our form 102, has been examined in conjunction with records filed with this office.

A review of the reports and records shows that the requirements of this Division, which are based on all information filed with it, have now been fulfilled.

Yours truly,

R. D. Bush
State Oil and Gas Supervisor

R. D. Bush
Deputy Supervisor.

CC - University City Syndicate, Inc., Ltd.
(L. O. Hopkins, Receiver)

Mr. R. D. Bush

AMJ:EMS

D. 1

EXHIBIT No. 21
Application Number: R-5-91-463
LOG Records regarding abandonment of well in Fresh Water Marsh
 California Coastal Commission

Reference to file of data

Maps	Notes	Other Section	Cards	Forms	
				114	121
Type Sheet					

4-7-34

STATE OF CALIFORNIA
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL AND GAS

LOG OF OIL OR GAS WELL

FIELD Los Angeles COMPANY University City Syndicate
Sec. 27, T. 2d, R. 15th, L.B. B. & M., Well No. 1

In compliance with the provisions of Chapter 718, Statutes 1915, as amended, the information given herewith is a complete and correct record of all work done on the well since the previous record, dated May 15th, was filed.

SIGNED G. F. Graham

Date 5-29-34

Title Contractor
(President, Secretary or Agent)

14" cemented 540'
5" Drill Pipe Froze in Hole 5300'
I.D. 5960'

May-16-34 5" Drill Pipe ~~Set~~ + Rescued from 520'

May 17-34 Hole could not be cleared out
Below 155'
Dropped 32 sacks Riverside cement.
cut off surface pipe at bottom of
cellar capped.

RECEIVED
South Coast Region

MAR 26 1939

CALIFORNIA
COASTAL COMMISSION

Reference to file of data

Name	Address	Phone	Date	Form	
				114	121
					✓

Pa 2

STATE OF CALIFORNIA
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL AND GAS

Special Report on Operations Witnessed

No. 1

Los Angeles Cal. June 1.

Mr. Gordon L. Graham,

Long Beach, Cal.

Agent for G. L. GRAHAM, CONTRACTOR Company

DEAR SIR: L. O. HOPKINS, RECEIVER for UNIVERSITY CITY SYNDICATE, INC.,
Operations at well No. 1 Section 27, T. 2 S., R. 15 W., S.

Oil Field, in Los Angeles County, we

Loyde H. Metzner, representative of

on May 17, 1934 There was also present G. L. Graham, Contractor and
E. Rockmole, Helper.

Casing Record 14" cem. 540'. Junk: 5" drill pipe in hole 520'-5300'. T. D.
plugged with 32 sacks of cement at 155'.

The operations were performed for the purpose of witnessing the dumping of cement at
the process of abandonment.

and the data and conclusions are as follows:

INSPECTOR LOYDE H. METZNER visited the well at 2:30 p. m. on May 16, 1934 and
the 5" drill pipe was shot and parted at 520' with a 2" x 10' shell containing
80% gelatin.

The shooting operations were completed at 5:15 p.m.

INSPECTOR METZNER AGAIN VISITED THE WELL AT 10:45 A. M. ON MAY 17, 1934 and MR
REPORTED THAT:

1. The 5" drill pipe was pulled from 520'.

THE INSPECTOR NOTED THE FOLLOWING:

1. The hole was open to 155' and the bailer brought up a sample of sand.

2. Thirty-two sacks of Riverside cement was dumped at 155'.

The cementing operations were completed at 3:45 p. m.

THE CEMENTING OPERATIONS ARE APPROVED.

RECEIVED
South Coast Region

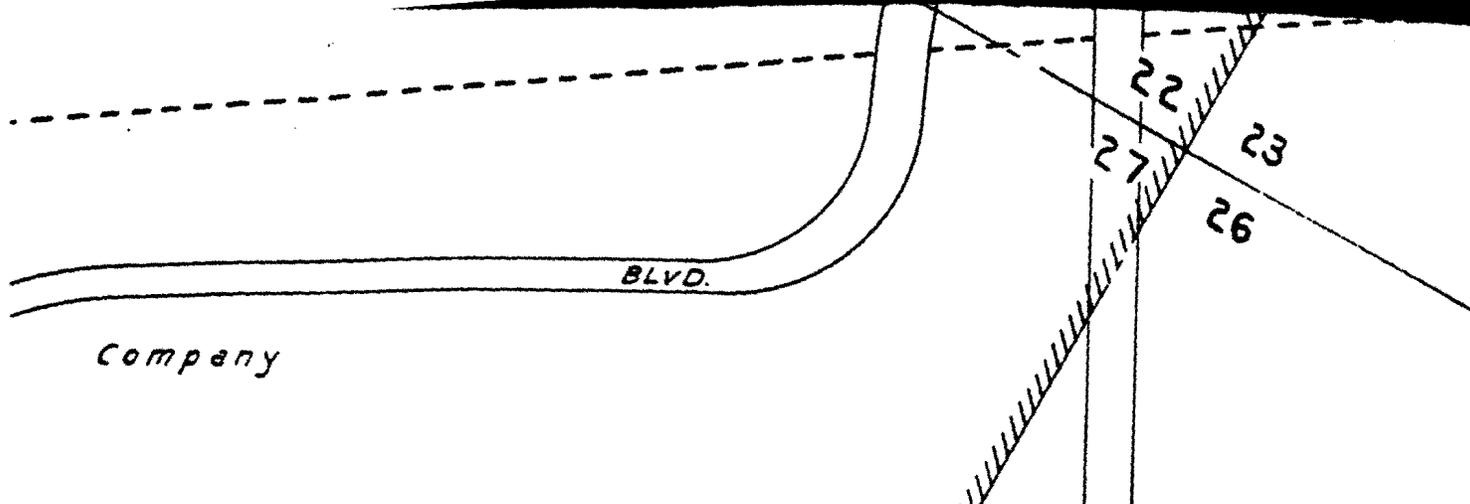
MAR 26 1934

CALIFORNIA
COASTAL COMMISSION

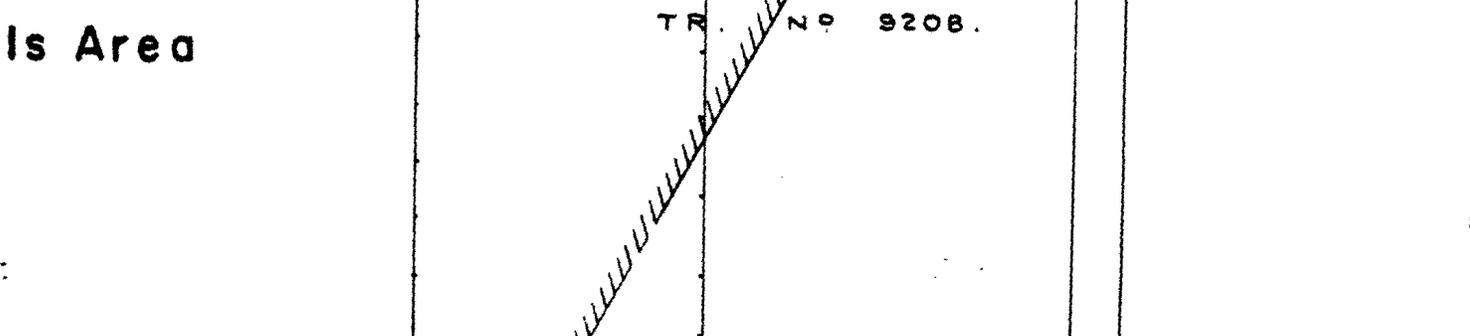
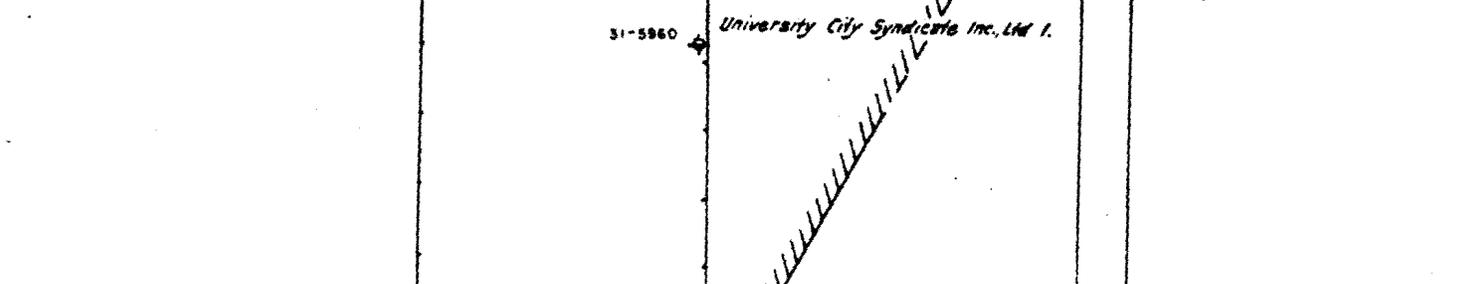
cc- L. O. Hopkins, Rec. for
University City Synd. Inc., Ltd.
LHM:T

R. D. BUSH
State Oil and Gas Supervisor

By *E. Rockmole*



BLVD. (Playa St.) BLVD.



Company

Is Area

31-5960 University City Syndicate Inc., Ltd 1.

TR. No 9208.

TR. 10

TR. 12

TR. 14

TR. 11

TR. 13

TR. 14

32-6700 The Co-operative Devel. Co., Ltd "Community"

TR. No 9208

TRACT

D. L.

AVE.

P

Portion of Town Lot Area

Scale 1" = 200'

STATE OF CALIFORNIA DEPARTMENT OF CONSERVATION DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES



APRIL 25, 1998

LEGEND

- | | | | |
|------|--------------------------------|-----------------|---------------------------|
| ○ | DRILLING | ★ | COMPLETED-GAS |
| ◐ | DRILLING-IDLE | ★ ₁₂ | GAS OPEN TO OIL ZONE |
| ◑ | BURIED-IDLE | ★ | IDLE-GAS |
| ◐ | PLUGGED AND ABANDONED-DRY HOLE | ★ | BURIED-IDLE GAS |
| ● | COMPLETED-OIL | ⊗ | PLUGGED AND ABANDONED-GAS |
| ◐ | IDLE-OIL | ⊖ | COMPLETED WATER SOURCE |
| ◑ | BURIED IDLE-OIL | ⊘ | COMPLETED WATER DISPOSAL |
| ◐ | PLUGGED AND ABANDONED-OIL | ⊙ | COMPLETED WATERFLOOD |
| ◑ | OBSERVATION | ⊚ | COMPLETED STEAMFLOOD |
| //// | FIELD BOUNDARY | ★ | COMPLETED GAS STORAGE |

NOTE: WELLS WITH DIRECTIONAL SURVEYS ON FILE WITH THE DIVISION OF OIL AND GAS ARE INDICATED WITH A SHORT LINE UNDER THE WELL SYMBOL.

CURRENT WELL STATUS SHOULD BE CONFIRMED AT THE APPROPRIATE DIVISION OF OIL AND GAS DISTRICT OFFICE.

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES
801 K STREET, MS 20, SACRAMENTO, CA 95833

0
6
23
86

120 LOS ANGELES COUNTY PLAYA DEL REY

AS

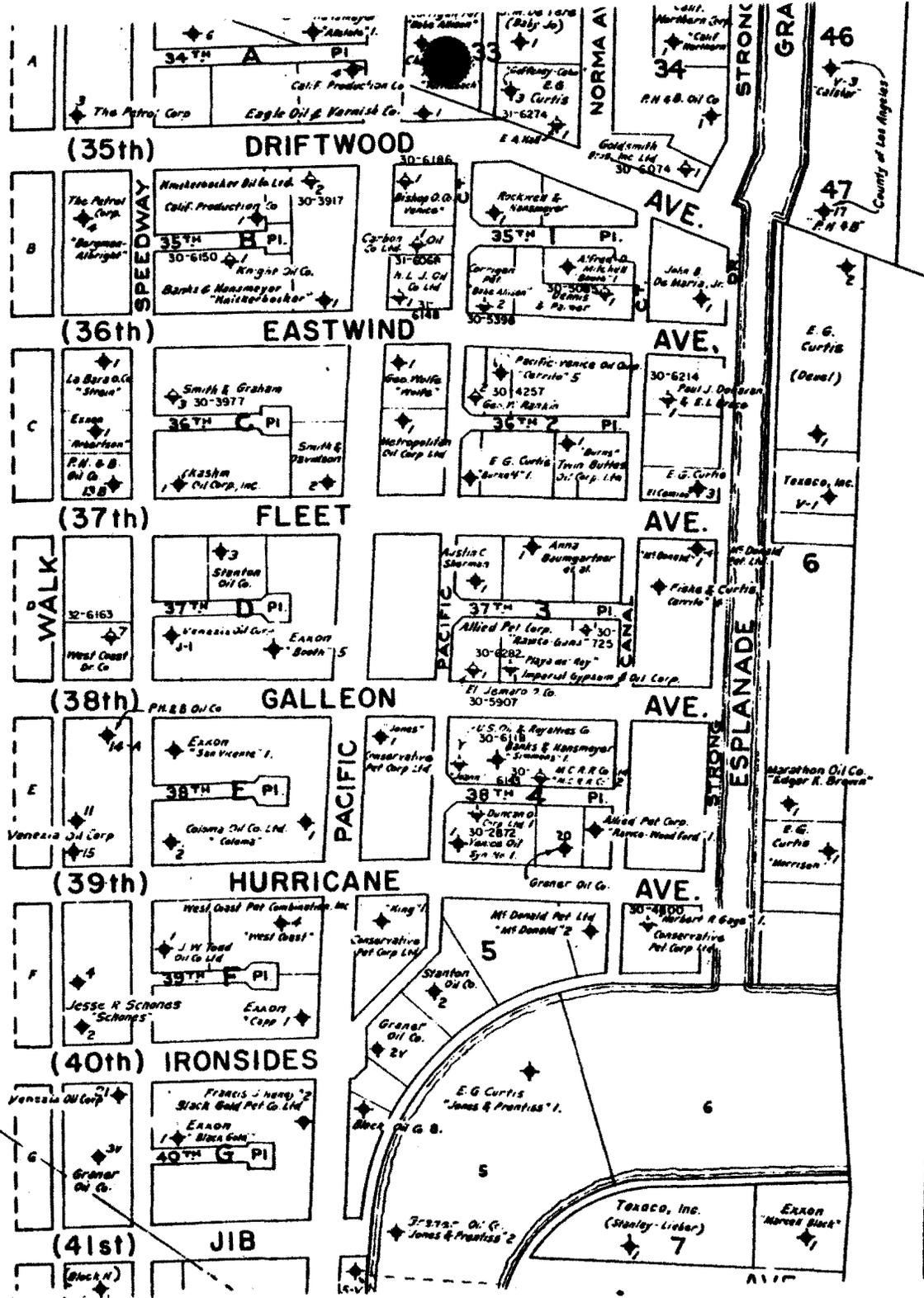
EXHIBIT NO. 22

Application Number:
R-5-91-463

DOG Records other
wells area. 1 example

California Coastal
Commission

**E
C
O**



**N
A
E
C**

Exhibit 22

County of Los Angeles

DEPARTMENT OF CONSERVATION

5816 Corporate Ave., Suite 200
Cypress, CA 90630
(714) 816-6847
FAX (714) 816-6853



February 18, 1999

Pam Emerson
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

RECEIVED
South Coastal

FEB 19 1999

CALIFORNIA
COASTAL COMMISSION

Dear Pam:

Thank you for faxing me the February 16, 1999 letter from Ms. Patricia McPherson to your agency. Enclosed is a copy of the last correspondence sent by the Department of Conservation to Ms. McPherson regarding her concerns about the Playa Vista project area. You have indicated that we should be hearing directly from Ms. McPherson in the near future regarding our public well records.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "David Sanchez".

David Sanchez
Enhanced Recovery Engineer
Division of Oil, Gas and Geothermal Resources

enclosure

EXHIBIT No. 23
Application Number: R-5-91-463
DOG Response to person requesting revocation. Letter on Methane
California Coastal Commission

DEPARTMENT OF CONSERVATION

DIVISION OF ADMINISTRATION

DIVISION OF MINES AND GEOLOGY

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

DIVISION OF RECYCLING

Post-It™ brand fax transmittal memo 7671		# of pages	2	
To	Rich Baker		From	Kam Henderson
Co.			Co.	
Dept.			Phone #	
Fax #			Fax #	

April 16, 1997

TDD (916) 324-2555

Ms. Patricia McPherson
3749 Greenwood Avenue
Los Angeles, CA 90066

Dear Ms. McPherson:

Thank you for the information you submitted regarding the Ballona Creek gas bubbles and the proposed Playa Vista project. The Department has reviewed that information and the material you provided previously to staff at the Long Beach office of the Division of Oil, Gas, and Geothermal Resources.

In addition, the Division obtained an analysis of the Ballona Creek gas bubbles that was performed recently by an independent company at The Gas Company's request. Staff also contacted some of the other states mentioned in the material you provided to gather information on their gas-storage projects.

As part of its evaluation, the gas analysis you provided and The Gas Company's gas analysis were submitted by the Division to an expert third party for review. The result of the review is that both analyses indicate the Ballona Creek gas is most likely biogenic in origin and unrelated to the gas-storage project. Also, neither Ballona Creek analysis indicated the presence of helium, which is used in gas-storage projects as a trace element for project monitoring.

Department staff is unaware of any "concealed" study following the Fairfax explosion. The Los Angeles City Task Force reviewed all available information during its deliberations regarding the source of the gas that caused the explosion. If you have such a study, I encourage you to send it to me directly so that I can ask staff to review it. The Department has worked with local governments on shallow gas mitigation programs for years and has found no documented failures of vents or vapor barriers.

You also refer to ground subsidence in the Ballona Creek area. Staff studied that area in 1974 and concluded the subsidence appeared to be related to depletion of the groundwater aquifer, a common occurrence throughout California. No newer information indicates oil field-induced subsidence is taking place. Furthermore, most of the subsidence occurred in the Venice Area, not in the Ballona Creek area. The Redondo Beach subsidence you mentioned is related to a different geologic structure and is far removed from Playa del Rey.

Pg 2

Ms. Patricia McPherson

April 16, 1997

Page Two

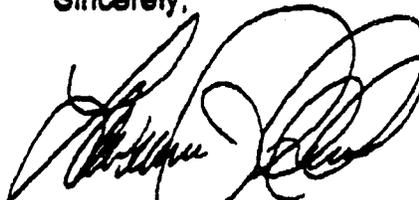
The Department has been regulating and monitoring the Playa del Rey gas-storage project for many years and has found no evidence of "boundary problems." Furthermore, in 1984, a lawsuit was filed in Los Angeles County Superior Court by the Friends of Ballona Wetlands against the California Coastal Commission, challenging the Commission's approval of the County's land-use plan for the Marina del Rey/Ballona area. The County of Los Angeles, the City of Los Angeles, Maguire Thomas Partners, and the (then) Southern California Gas Company also were parties to the litigation.

The case was settled in 1994 and the settlement provided a comprehensive agreement for governmental review of the proposed Playa Vista development and for restoration of the Ballona Wetlands. One of the concerns surrounding the proposed development was the continued integrity of the gas-storage project. However, The Gas Company's control and maintenance of its gas-storage facility were never found to be problems during the extensive settlement negotiations in the litigation.

After reviewing all the available information, I can see no reason to conduct another meeting regarding the gas-storage project. However, this Department remains concerned about any reported gas seeps that may be related to oil, gas, and gas-storage operations, and we are always willing to review any new data regarding existing or future construction projects in or near oil and gas fields.

If you have any new information to provide, please forward it to Richard K. Baker in the Long Beach office of the Division of Oil, Gas, and Geothermal Resources.

Sincerely,



Lawrence J. Goldzband
Director

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

93-1621

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Service
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

Rex Frankel
Save Ballona Wetlands
P.O. Box 24858
Los Angeles, CA 90024

Lucy Bailey
16902 Ballinger
Pacific Palisades, CA 90272

Douglas Gardner
Maguire Thomas Partner - Playa Vista
13250 West Jefferson Boulevard
Los Angeles, CA 90094

Department of Water & Power
Councilmember Galanter
Bureau of Street Lighting,
"B" Permit Section
Transportation Department,
Traffic/Planning Sections
Fire Department
Department of Building & Safety
cc: Zoning Coordinator
Honorable Richard Riordan, Mayor

CD 6
TRs 52092 & 49104

December 19, 1995

City Attorney
Bureau of Engineering,
Land Dev. and Mapping Div.
Attn: Louie Yamanishi
Planning Commission,
TRs 52092 & 49104
Advisory Agency, Room 655
Director of Planning
Information Technology Agency
Police Department

RE: APPEALS AGAINST THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE TRACT 52092 AND MODIFICATION OF TRACT 49104 FOR PROPERTY NEAR CENTINELA AVENUE AND JEFFERSON BOULEVARD IN THE PLAYA VISTA AREA

At the meeting of the Council held December 8, 1995, the following action was taken:

- Attached report adopted, as amended to revise additional findings..... X
- Amending motion (Galanter - Chick) adopted..... X
- FORTHWITH to concerned departments..... X
- Mitigated Negative Declaration adopted..... X
- EIR certified..... X

Elias Martinez

City Clerk
ben

PLACE IN FILES
MAY 2 1995

EXHIBIT No. 24
Application Number: R-5-91-463
City of L.A. MMRP Excerpts
California Coastal Commission

VERBAL MOTION

I HEREBY MOVE that the Planning and Land Use Management Committee Report on today's Council agenda (Item No. 2, CF 93-1621) relative to Tentative Tract No. 52092 and modification of Tract No. 49104 for property near Centinela Avenue and Jefferson Boulevard in the Playa Vista area, BE AMENDED, as follows:

1. REVISE Condition No. 142 in the Conditions of Approval for Vesting Tentative Tract No. 49104 relating to Mitigation Measures - Planning to include the language in bold underlined text:

Designate Lot 13 of VTT 49104, previously designated for the location of the WRF/ORF, for active open space use until such time that construction of the WRF/ORF facility is initiated. At that time, or prior to the recordation of the last final map unit of VTT 49104, whichever occurs first, replacement active open space acreage within VTT 49104 shall be provided to satisfy the total acreage required by Condition No. 30.

2. REVISE VII. Statement of Overriding Considerations Findings for Vesting Tentative Tract No. 49104 relating to No. 7, Economic Benefits to delete (b) and (c) listed below:

~~(b) Increased City Revenues: Upon full buildout, development of the First Phase project is estimated to generate annual additional City Revenues of approximately \$5.5 million.~~

~~(c) Fiscal Surplus: Upon full buildout, development of the First Phase project is estimated to generate for the City an annually recurring fiscal surplus of approximately \$5.4 million. This net fiscal surplus is determined by subtracting the expenditures associated with provisions of public services to the project site from the total revenues and property taxes generated by the First Phase project. The First Phase project is expected to generate total revenues and property taxes of approximately \$8.7 million and to required expenditures of approximately \$3.3 million, resulting in an annual fiscal surplus of approximately \$5.4 million at full buildout.~~

***MOTION
ADOPTED**

DEC 08 1995

LOS ANGELES CITY COUNCIL

PRESENTED BY

RUTH GALANTER
Councilmember, 6th District

SECONDED BY

LAURA CHICK
Councilmember, 3rd District

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

ENVIRONMENTAL IMPACT REPORT ADDENDUM, MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeals against the Planning Commission's approval of Tentative Tract 52092 and modification of Tract 49104 for property near Centinela Avenue and Jefferson Boulevard in the Playa Vista area.

Recommendations for Council action:

1. CERTIFY that the Environmental Impact Report [EIR No. 90-0200 (C) (CUZ) (CUB)] and its ADDENDUM including the Mitigation Monitoring Program have been completed in compliance with the California Environmental Quality Act, the State Guidelines and city Guidelines, that the City Council has reviewed the information contained therein and considered it along with other factors related to this project, and that it reflects the independent judgement of the City of Los Angeles.
2. ADOPT the Mitigated Negative Declaration [MND No. 95-0240 (SUB)] including the Mitigation Monitoring Program, that the City Council has reviewed the information contained therein and considered it along with other factors related to this project, and that it reflects the independent judgement of the City of Los Angeles.
3. ADOPT the FINDINGS of the City Planning Commission as the FINDINGS of the City Council.
4. APPROVE the Determination Letter for Vesting Tentative Tract No. 49104, with modification of Condition No. 142 to read "Designate Lot 13 of VTT 49104, previously designated for the location of the WRF/ORF, for active open space use until such time that construction of the WRF/ORF facility is initiated. At that time, or prior to the recordation of the last final map unit of VTT 49104, whichever occurs first, replacement active open space acreage within VTT 49104 shall be provided to satisfy the total acreage required by Condition No. 30."
5. APPROVE the Determination Letter for Tentative Tract No. 52092.
6. DENY the APPEALS filed by Save Ballona Wetlands (Rex Frankel, President) and Lucy Bailey, against the decisions of the Planning Commission which sustained the actions of the Advisory Agency THEREFORE APPROVING the Playa Vista Entertainment, Media and Technology District - Tentative Tract 52092 (Plant Site) and the modification of Vesting Tract No. 49104 (First Phase Playa Vista Development Site).

Applicant: Maguire Thomas Partners-Playa Vista Associates

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

TRs 52092 & 49104

TIME LIMIT FILE - DECEMBER 13, 1995
(Scheduled in Council December 8, 1995)

Fiscal Impact Statements: No General Fund impact, as administrative costs are recovered through fees.

SUMMARY

On December 5, 1995, the Planning and Land Use Management Committee conducted a public hearing on appeals filed by Save Ballona Wetlands (Rex Frankel, President) and Lucy Bailey, against two decisions of the Planning Commission on tract maps for the "Playa Vista Media District." The Commission actions sustained determinations of the Advisory Agency for approval of Tentative Tract 52092 (Plant Site) and the modification of Vesting Tract No. 49104 (First Phase Playa Vista Development Site). These actions would provide land use authorizations for the Playa Vista Entertainment, Media and Technology District.

The proposed project in Tentative Tract 52092 involves office and movie studio related uses located at Playa Vista area "D", south of Jefferson Boulevard and Centinela Avenue at 6775 Centinela Avenue, within the Westchester-Playa Del Rey Plan area. In modification of Vesting Tract No. 49104, the proposed project involves reconfiguration of subdivision entitlements to accommodate approximately 1,105,000 square feet of office space, 10,000 square feet of retail uses and 55,000 square feet of community-serving uses.

As reported by the Planning Department, the modification of Vesting Tract No. 49104 and the Tentative Tract No. 52092 are adjacent portions of property owned by the same applicant. Taken together, these two separate but related components would comprise the Entertainment, Media and Technology (EMT) District. The EMT District is envisioned to house studios, sound stages, and media uses, and to attract other industries with similar interests.

The Plant Site was historically developed for aircraft design and construction as the home of the Hughes Aircraft Company. In recent years, it has also been used by McDonnell Douglas Helicopter Corporation. The property is located in the southeast quadrant of the Playa Vista area, resting at the foot of the Westchester Bluffs with a riparian corridor to the south. To the north and east, the property is vacant, and to the west there is a hangar and supply building. Of 22 buildings on the Plant Site, 11 are to remain and the rest to be demolished.

At the December 5, 1995 Committee meeting, the District Councilmember spoke in support of approval of the tract and tract modification, stating that

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

what was a good project has been improved by changes that have been negotiated to make it even more suitable for the land, the environment and the community.

Planning Department staff presented replacement language for Condition No. 142 for the modification of Tract 49104, relating to the set-aside of open space within the site as the proposed project is developed.

The Committee then opened these matters for public hearing, receiving testimony first from the appellants and other persons in support of the appeals. Lucy Bailey said that the project would be inappropriate for this location, and that its construction on sandy soil would prove detrimental. Rex Frankel, for the Save Ballona Wetlands organization, urged the preparation of a full environmental impact report for the project as now constituted, and said that the applicant's proposal contains misleading information.

Five other persons spoke against the tract and tract modification, and in support of the appeals. Among the issues raised in opposition were references to loss of wildlife habitat (particularly, wetlands), increased vehicular traffic and air pollution, and the presence of an underground natural gas reservoir. Several speakers urged that further environmental studies be done before the project is considered for approval. In testimony, it was noted that the Cities of Culver City and Santa Monica had submitted letters, with Culver City asking that further time be allowed for analysis of traffic impacts on that municipality, and Santa Monica urging that review be conducted on the effect of the project on aircraft and helicopter traffic at Santa Monica Municipal Airport.

At the completion of this testimony, the hearing was opened to parties in support of the tract and tract modification. Representatives of the Mayor's Office presented a letter communicating the Mayor's strong support for the proposed EMT District, as a center critical to the future economic growth of Los Angeles. The letter states that the proposed district has been independently estimated to contribute over 8,900 permanent jobs both on-site and Citywide at stabilized operation in areas such as technology, services and manufacturing. It goes on to indicate that the impact on direct and indirect economic output to the larger community has been estimated at over \$2 billion.

Next to speak was Doug Gardner, representing the applicant, who abbreviated his remarks in the interest of time, but noted that his firm's review indicates that the proposed EMT would not have a significant effect on operations at the Santa Monica airport.

Following was Ruth Lansford, appearing on behalf of the environmental advocacy group Friends of Ballona Wetlands, who foresaw no adverse effect on the wetlands if the mitigation measures are implemented in the form now being recommended. Melanie Ingalls, for the National Audobon Society,

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

similarly expressed support for the tracts with the protections which are included in the Planning Commission's conditions of approval.

After these speakers, the Committee heard from a succession of persons attesting to the appropriateness of using the property for the proposed E District, and its anticipated beneficial impact on the immediate community and the greater Los Angeles area.

At the conclusion of the public hearing, the District Councilmember reiterated her support for the project, stating that none of the testimony presented at the hearing would cause her to recommend an alternate decision from approval of the tract and tract modification. After further discussion, the Committee concurred in this position, and recommended that the City Council deny the appeals and sustain the Planning Commission, with the change in Condition No. 142 of Tract 49102 noted above.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



WJS:ys
12-6-95
TRs 52092 & 49104
CD 6

#931621

Rept.
ADOPTED
AS AMENDED TO REVISE ADDITIONAL
FINDINGS Dec 9 1995

LOS ANGELES CITY COUNCIL
E. I. R. CERTIFIED
MIT. NEG. DEC. ADOPTED

FORWARDED TO CONCERNED DEPTS.
(SEE MOTION ATTACHED)

Recording requested by and mail to:

Name: Mr. Wayne A. Smith
Address: c/o Thomas and Associates
3420 Ocean Park Boulevard, Suite 1080
Santa Monica, CA 90405

.....Space Above This Line For Recorder's Use.....

MASTER COVENANT AND AGREEMENT

The undersigned hereby certifies I am (we are) the owner(s) of the hereinafter legally described real property located in the City of Los Angeles, County of Los Angeles, State of California (please give the legal description):

Please see "Legal Description" attached
Site Address 13250-13251 Jefferson Boulevard

That in consideration of the approval of all Final Map Units under Vesting Tentative Tract 49104 by the City Planning Department, I (we) do hereby promise covenant and agree to and with the City of Los Angeles and the City Planning Department of said City that to the extent of our interest, I (we):

Shall comply with the mitigation measures and conditions identified in the attached Mitigation Monitoring and Reporting Program (Exhibit 'C') as amended include Condition of Approval No. 96, as required by Condition of Approval No. 12 of Vesting Tentative Tract No. 49104 (Exhibit 'B'), and Conditions of Approval Nos. 141, 142, 144, 145, 150, and 151, as required by the modification to VTTM 49104 approved by the City Council on December 8, 1995 (Exhibit 'A').

This covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the City Planning Department of the City of Los Angeles approves its termination.

MAGUIRE THOMAS PARTNERS - PLAYA VISTA
a California limited partnership

By: **MAGUIRE THOMAS PARTNERS/TMB ASSOCIATES, LP.**
a California limited partnership
Its General Partner *[Signature]*

By: **MAGUIRE THOMAS PARTNERS - PLAYA VISTA ASSOCIATES**
a California limited partnership
Its General Partner *[Signature]*

By: **MAGUIRE PARTNERS PV, LLC**
a California limited liability company
Its General Partner *[Signature]*

By: **MAGUIRE PARTNERS SCS, INC.**
a California corporation
Its Manager *[Signature]*
By: _____
By: _____
Date: _____

.....ALL-PURPOSE ACKNOWLEDGEMENT.....

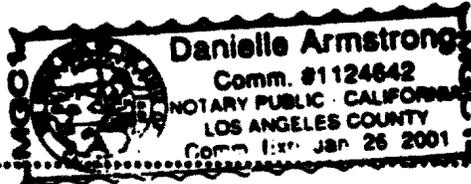
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

On 6/10/97 before me Danielle Armstrong
(name and title of officer), personally appeared Wayne A. Smith

personally known to me (or proved to me on the basis of satisfactory evidence) to be the to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public Signature (SEAL)



Case No. Vesting Tentative Tract Map 49104

Condition Noted 12

Approved for recording by Wayne A. Smith
(Department of Planning)

Date 6-25-97

EXHIBIT 'A'

"Amendment to the Mitigation Monitoring and Reporting Program
(Conditions of Approval Nos. 141, 142, 144, 145, 150 and 151)
Pursuant to Approved Modification to VTTM 49104
By City Council on December 8, 1995"

141. (New)

A monitoring and maintenance plan for the water feature shall be prepared that addresses mosquito abatement, water quality, and problems associated with eutrophication.

Enforcement Agency: Planning Department

Monitoring Agency: Planning Department

Monitoring Phase: Pre-construction.

Monitoring Frequency: Once at plan check.

Action Indicating Compliance with Mitigation Measure(s): Submittal of plan to the satisfaction of the Director of Planning.

142. (New)

To offset the loss of active open space acreage under the proposed modifications to the First Phase Playa Vista subphase 1F project, the following mitigation measure is proposed:

- Designate Lot 13 of VTT 49104, previously designated for the location of the WRF/ORF, for active open space use until such time that construction of the WRF/ORF facility is initiated. At that time, or prior to the recordation of the last final map unit of VTT 49104, whichever occurs first, replacement active open space acreage within VTT 49104 shall be provided to satisfy the total acreage required by Condition No. 30.

Enforcement Agency: City Planning Department

Monitoring Agency: City Planning Department

Monitoring Phase: Prior to construction of the WRF/ORF facility.

Monitoring Frequency: Recordation of final map unit covering Lot 13 of VTT 49104 and prior to issuance of a building permit for the WRF/ORF facility.

Action Indicating Compliance with Mitigation Measure(s): Provision of replacement active open space acreage within VTT 49104 in the event that construction of the WRF/ORF facility is initiated.

144. (New)

The applicant shall implement best management practices (BMPs) for the storage and application of fertilizers, pesticides and other landscape management products as required to minimize potential pollutant discharges to the water feature. The BMPs will be incorporated into the Playa Vista Storm Water Management District's (PVSWMMD or equivalent entity) public education program as described in the Playa Vista Storm Water Management Plan (July 1995).

Enforcement Agency: Department of Public Works, Bureau of Engineering

Monitoring Agency: Department of Public Works, Bureau of Engineering

Monitoring Phase: Pre-construction, construction, operation.

Monitoring Frequency: Once at subdivision approval, once at operations/maintenance contract execution.

Action Indicating Compliance with Mitigation Measure(s): Approval of subdivision with conditions to include applicable mitigation measures, issuance of building permit.

145. (New)

The applicant shall be required to control Total Dissolved Solids (TDS) concentrations within the water feature through one (or a combination) of the following methods:

- Design the water feature with an overflow so that appropriate quantities of water can be passed through the system to reduce Total Dissolved Solids (TDS) buildup.
- The appropriate NPDES permit shall be secured for the overflow discharge.

EXHIBIT 'B'

"Amendment to the Mitigation Monitoring and Reporting Program Per Condition of Approval No. 12"

96. Prior to the recordation of the first final unit map, the subdivider will prepare and execute four copies of a covenant agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Department of Building and Safety the Planning Department, binding the subdivider and all successors to the following:

- a. Residential. Limit the proposed development to a maximum of 3,246 dwelling units.
 - (1) Any multiple residential use for rental purposes shall provide for resident parking on the subject property as required by Playa Vista, Area D Specific Plan, Section 9A.
 - (2) Any multiple residential use for condominium purposes shall provide a minimum of 2 covered off-street parking per dwelling unit, plus 1/4 guest parking space per dwelling unit, which shall be readily accessible, conveniently located and specifically reserved for guest parking.
 - (3) For both rental and condominium dwelling units: Tandem parking spaces, if any, shall be assigned and reserved at the ratio of one dwelling unit for each set of tandem spaces.
 - (4) If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

- b. Office/Commercial/Light Manufacturing/Studio-Related Development. Limit the office/commercial/light manufacturing/studio-related development to a maximum 1,540,000 square feet of Floor Area as defined in the Playa Vista, Area D Specific Plan (Ordinance No 160,523). (Note: Community Serving uses shall not be counted as floor areas for Office, Commercial, Studio-Related or Light Manufacturing Uses.)
 - (1) Provide no more than two on-site parking spaces for each 1,000 square feet of commercial office space, provided that the Director of Planning makes the necessary finding required by Section 9.B of the Area D Specific Plan (Ord. No. 160,523).
 - (2) Provide off-street parking spaces for commercial/office space in accordance with Ordinance No. 160,523 (Playa Vista, Area 'D' Specific Plan).
 - (3) Provide a minimum of five off-street parking spaces for each 1,000 square feet of total floor area of medical office space.
 - (4) That any leases, subleases or fee title sale of space have a minimum of two off-street parking spaces, except for medical and dental, which shall have a minimum of three off-street parking spaces.

That the balance of a suite after subleasing or fee title sale also have a minimum of two parking spaces, except for medical and dental, which shall have a minimum of three off-street parking spaces.
 - (5) No building permits shall be issued for any retail development in excess of 35,000 square feet. The developer may seek a waiver of this condition No.96(b)(5) to allow up to an additional 7,500 square feet of retail development in the west end of Phase I, Area D. Waiver of this condition may be granted only if the Advisory Agency determines after public hearing that there will be no significant adverse environmental impacts.

Enforcement Agency: Department of City Planning (Advisory Agency)

Monitoring Agency: Department of City Planning (Advisory Agency)

Monitoring Phase: Pre-Construction, Construction.

Monitoring Frequency: Once at subdivision clearance.

Action Indicating Compliance with Mitigation Measures: Clearance of subdivision conditions.

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- Implementation of an appropriate treatment technology (such as reverse osmosis) for the influent to the water feature to limit Total Dissolved Solids (TDS) concentrations of the water influent to the lake.
- Periodically, concurrent with maintenance of the water feature liner, secure the appropriate discharge permit(s) and drain the water feature and refill with Groundwater Treatment Facility discharge (or other source water as approved by the LARWQCB).

Enforcement Agency: Regional Water Quality Control Board

Monitoring Agency: Regional Water Quality Control Board

Monitoring Phase: Pre-construction, construction, operation.

Monitoring Frequency: Once at subdivision approval, once at operations/maintenance contract execution.

Action Indicating Compliance with Mitigation Measure(s): Execution of operations/maintenance contract to include mitigation measure provisions.

150. (New)

- (a) In order to minimize seepage losses from the water feature, a bentonite modified site soil shall be used as a liner or other suitable equivalent to the satisfaction of the Department of Building and Safety.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction, construction.

Monitoring Frequency: Once at grading contract execution.

Action Indicating Compliance with Mitigation Measure(s): Issuance of building permit.

- (b) The design of the water feature shall be designed to mitigate the potential impact of seiche waves, to the satisfaction of the Department of Building and Safety.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction.

Monitoring Frequency: Once at plan check.

Action Indicating Compliance with Mitigation Measure(s): Approval of construction permit.

151. (New)

The design of the water feature should include the following:

- Ensure good water circulation.
- Limit bands of herbaceous emergent vegetation to a width of 6 feet or less.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction.

Monitoring Frequency: Once at plan check.

Action Indicating Compliance with Mitigation Measure(s): Approval of construction permit.

**APPENDIX D
PLAYA VISTA FIRST PHASE
MITIGATION MONITORING AND REPORTING PROGRAM
(VESTING TRACT 49104)**

INTRODUCTION

As of January 1, 1989 the California Environmental Quality Act requires a Mitigation Monitoring and Reporting Program (MMRP). This program has been prepared in compliance with the requirements of Section 21081.6 of the California Environmental Quality Act (CEQA). The Final Environmental Impact Report (EIR) for the project as described in the project description identifies the significant environmental impacts associated with the project and specifies a series of measures designed to mitigate adverse impacts to the environment. The MMRP describes the procedures the applicant will use to implement the mitigation measures adopted in connection with the approval of the project and the methods of monitoring and reporting on such actions. Monitoring refers to the observation of mitigation activities at the project site, in the design of plans or in the operation of programs. Reporting refers to the communication of the monitoring results to the City and other designated agencies. A Monitoring/ Reporting Program is necessary only for impacts which would be significant if not mitigated.

The project applicant shall be obligated to provide documentation to the appropriate monitoring agency and the appropriate enforcement agency as provided for herein. All departments listed below are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the project applicant unless otherwise noted.

PURPOSE

This Mitigation Monitoring and Reporting Program has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act. It is the intent of this program to :

1. Verify satisfaction of the required mitigation measures of the EIR;
2. Provide a methodology to document implementation of the required mitigation;
3. Provide a record of the Monitoring and Reporting Program;
4. Identify monitoring and enforcement agencies;
5. Establish administrative procedures for the clearance of mitigation measures;
6. Establish the frequency and duration of monitoring and reporting;
7. Utilize the City's existing review processes wherever feasible.

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ADMINISTRATIVE PROCEDURES

Mitigation monitoring reports shall be submitted to the City on an annual basis, starting on the twelfth month following the certification of the EIR and continuing until the mitigation program is complete. Records and documentation of compliance shall be maintained by the project applicant and submitted to the City as appendices to the annual monitoring reports. All associated reports and documentation shall be open for inspection by the project applicant, the public, responsible agencies and others as designated by the Director of Planning.

The City's existing planning, engineering, review and inspection processes will be used as the basic foundation for MMRP procedures, and will also serve to provide the documentation for the reporting program. Since these processes address many complex issues, the project mitigation Monitor will distill and separate this information into an annual summary report with technical appendices which will be delivered to the City.

Reporting consists of establishing a record that a mitigation measure is being implemented. This will involve the following steps:

1. All annual reports will be issued to the EIR lead agency and applicable Enforcement Agency.
2. Reports shall be issued annually commencing 12 months following EIR certification in a form and format approved by the Director of Planning.
3. Remedial actions to correct non-compliance shall extend monitoring and reporting as necessary to assure compliance. Remedial action reports will be issued to the applicable Enforcement Agency within 10 days of completion of such remedial action.
4. Evidence such as verification forms, letters, signatures, and initials, shall be maintained as an appendix to annual reports.
5. Annual reports and appendices will be on file in the Department of City Planning and will be publicly available to all interested parties.
6. All reporting forms indicating non-compliance with any required mitigation measure of the EIR shall be issued within 5 working days of discovery, or as otherwise required by this Mitigation Monitoring and Reporting Program, to the designated Enforcement Agency with a copy to the property owner/project applicant or authorized representative.

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MONITORING PROCEDURES

The project development process generally falls into three phases relevant to the MMRP:

1. Design,
2. Construction,
3. Operation.

Directly related to these phases of development are four implementation mechanisms:

1. The incorporation of mitigation measures into the subdivision conditions,
2. The incorporation of mitigation measures into the project design,
3. The incorporation of mitigation measures into construction contracts,
4. The implementation of mitigation measures by administrative action.

Mitigation measures such as building setback restrictions and landscaping requirements are made conditions of tentative map approval and must be cleared before a final map can be recorded. Mitigation measures such as highway design, plumbing specifications and sewer programs provide requirements for the design of the project. This type of mitigation measure is generally implemented through the incorporation of the mitigation measure into the project design.

Mitigation measures such as truck hauling route restrictions, dust control methodology and work hour restrictions provide guidance for the construction phase of the project. This type of mitigation measure is generally implemented through the incorporation of the mitigation requirement into the language of the construction contract documents.

Recommendations for on-going traffic management, landscape irrigation and recycling programs are examples of mitigation measures that require administrative action to implement during the life of the project. This type of mitigation measure is often implemented through administrative action in operation contracts, leases, creation of associations and covenants and agreements. These types of mitigation measures often require continuous implementation.

Generally, the monitoring of the implementation of mitigation measures occurs during and at the completion of the implementation phase, prior to the commencement of the next phase of the development process. For example, those mitigation measures implemented in the design phase of the project will be monitored during and at the end of the design phase, prior to commencement of the construction phase of development. Those measures implemented in the construction phase through the incorporation of mitigation measures into construction contract documents are monitored prior to the start of construction activities and during the construction activities. Prior to the start of construction activities, a monitoring check will be completed to assure that the contract documents include all necessary mitigation provisions. The on-site monitoring of mitigation measures will also occur during the construction activities. Construction phase project monitoring checklists and signature sheets will be utilized by construction managers and foremen to assure that appropriate implementation, as well as timely monitoring, have taken place.

The timing of monitoring for mitigation measures to be implemented through administrative action will vary depending on the nature of the measure.

MONITOR / MONITORING TEAM

Monitoring reports will be prepared by a single Monitor or monitoring firm, retained by the Applicant in consultation with professionals corresponding to the mitigation measure being monitored. Individual technicians will not submit reports to the City directly. They shall be collected by the Monitor and submitted to the City as part of a complete Annual Mitigation Monitoring Report.

ENFORCEMENT

Under CEQA, the ultimate discretion and responsibility for making determinations with respect to potential environmental effects rests with the lead agency rather than the Monitor or preparer of the EIR.

Mitigation Monitoring and Reporting provisions under the CEQA do not grant monitors or agencies any additional police powers to enforce compliance with mitigation measures. The Mitigation Monitoring Report is an informational document upon which the City, its departments and/or other Enforcement Agencies may act to enforce compliance. The Monitor will act as a reporter of information on compliance based on the terms set forth in this Mitigation Monitoring and Reporting Program.

If a failure to mitigate or comply with mitigation measures is reported by the Monitor, the City may act to require correction of such failure, but in no case shall the Monitor have the authority nor obligation to enforce the mitigation set forth herein.

The City and other Enforcement Agencies may not require the use of alternative means to mitigate adverse effects of the project if a mitigation measure proves to be ineffective unless such alternative measures are provided for in the EIR. Ineffective mitigation measures may be eliminated from future mitigation packages for subsequent phases of the project that may generate similar adverse effects on the environment.

PROGRAM MODIFICATION

After review and approval by the lead agency, minor changes to the Mitigation Monitoring and Reporting Program are permitted but can be only be made by the applicant with the approval of the Director of Planning. This flexibility is necessary in light of the prototypical nature of the Program and the need to protect the environment with a workable program. No changes will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Section 21081.6 of the California Environmental Quality Act as determined by the Director of Planning.

Monitoring Phase: Operation.

Monitoring Frequency: As per conditions of permits.

Action Indicating Compliance with Mitigation Measure(s): Issuance of permits, implementation of corrective measures if required.

Recommended Measures to Reduce or Eliminate Significant Impacts from Construction Activity.

- D. Prior to the issuance of any building permits, all contractors shall be required in writing, in a manner satisfactory to the Director of Planning, to include the following construction impact mitigation measures as appropriate:
1. Erosion control measures shall be employed including rapid vegetation, sand bagging, use of straw bales, or temporary sedimentation basins to control the potential for sediment impacts into the Ballona salt marsh, freshwater marsh and riparian corridor.
 2. Refueling and maintenance of construction vehicles shall be conducted away from all wetlands and drainages and restricted to areas designated for refueling and maintenance. All such areas shall be protected by temporary berms to contain any potential spill.

Enforcement Agency: Department of Building and Safety.

Monitoring Agency: Department of City Planning.

Monitoring Phase: Construction.

Monitoring Frequency: Weekly during construction.

Action Indicating Compliance with Mitigation Measure(s): Execution of construction contracts to include mitigation measure provisions.

C.2.B. SURFACE WATER QUALITY

The following mitigation or design measures shall be included as conditions to the primary entitlement actions to preclude or mitigate adverse environmental impacts relating to surface water quality:

- A. Prior to the issuance of any grading or building permit within Vesting Tentative Tract No. 49104 approved for development, the applicant shall submit plans, satisfactory to the Advisory Agency and the Department of Public Works for the construction of the freshwater marsh. Prior to the issuance of a building permit for the projects 801st residential dwelling unit, the applicant shall submit plans to the Advisory Agency and the Department of Public Works for construction of the

riparian corridor. The applicant shall obtain approval of the plans for the riparian corridor by the Department of Public Works and the Advisory Agency prior to the issuance of a building permit for the 1,601st residential dwelling unit or for office in excess of 20,000 square feet on the west end of Tract 49104, whichever occurs first. Such plans shall be consistent with the concepts provided in the Final EIR and with the conditions and requirements of the permits for construction of the freshwater wetland system (freshwater marsh and riparian corridor) issued by the City, the Coastal Commission, and the U.S. Army Corps of Engineers. Such operations and maintenance plan shall include the estimate pollutant loadings into the Ballona Creek and the Santa Monica Bay and shall also identify a biological consultant to monitor compliance with approved plans and conditions for the freshwater wetland system. Such biological consultant shall be retained by the applicant and approved by the Ballona Wetland Committee. A biological consultant shall also be retained to monitor construction of the freshwater wetland system so as to assure that such construction proceeds in accordance with the approved plans and such permit conditions and requirements, including the requirement to transfer certain species during construction.

Enforcement Agency: Department of City Planning (Advisory Agency).

Monitoring Agency: U.S. Army Corps of Engineers, Regional Water Quality Control Board, Department of Public Works and the California Coastal Commission.

Monitoring Phase: Pre-construction, construction, and operation.

Monitoring Frequency: Once at Agency permit issuance, once at grading or building permit issuance, once at final inspection, monthly during operation.

Action Indicating Compliance with Mitigation Measure(s): Agency permit issuance, grading or building permit issuance, and execution of operations/maintenance contract to include mitigation measure provisions.

- B .** Prior to issuance of building permits in each phase the applicant shall submit the following, satisfactory to the Director of Planning:
- 1 . A plan for compliance with all aspects of the required and approved NPDES construction permit, which plan shall include the identities of all persons responsible for construction as well as regulation thereof, with telephone numbers;
 - 2 . A plan for creation of the freshwater wetland system in the manner described herein and in accordance with a schedule approved by the City Engineer, the California Coastal Commission, the U.S. Army Corps of Engineers and the Department of Public Works.
 - 3 . For those tract maps which require the filling of wetlands in Area D, a plan to guarantee maintenance and remediation of the freshwater wetland system, including the riparian corridor, in perpetuity, which has been approved by

Pg 16

the U.S. Army Corps of Engineers, the California Coastal Commission and the Regional Water Quality Control Board.

Enforcement Agency: Department of City Planning.

Monitoring Agency: U.S. Army Corps of Engineers, Regional Water Quality Control Board, Department of Public Works and the California Coastal Commission.

Monitoring Phase: Pre-construction, construction, and operation.

Monitoring Frequency: Once at subdivision conditions.

Action Indicating Compliance

with Mitigation Measure(s): Approval of subdivision with conditions to include applicable mitigation measures, issuance of building permit, issuance of agency permit, development of a maintenance plan for freshwater wetland system.

- C. Prior to issuance of any public works permits within the Riparian Corridor or any other area within the project site where known or suspected soil contamination exists, the applicant shall submit satisfactory proof to the Director of Planning that remediation of soil contaminants shall have been completed or secured by appropriate instrument in compliance with the requirements of the State Department of Toxic Substances Control and the Regional Water Quality Control Board to prevent or mitigate contact of such soils with surface water in connection with any excavation.

Enforcement Agency: Department of City Planning.

Monitoring Agency: State Department of Toxic Substances Control and Regional Water Quality Control Board.

Monitoring Phase: Pre-construction, construction, post-construction.

Monitoring Frequency: Once at subdivision, once at issuance of grading permit.

Action Indicating Compliance

with Mitigation Measure(s): Subdivision approval with conditions to include applicable mitigation measures, issuance of grading permit.

- D. The construction contractor shall use excavation techniques that control runoff for the Freshwater Wetland System, as well as Best Management Practices for erosion protection around stockpiled materials to prevent wet weather erosion, such as sandbagging. This shall be done in accordance with an approved NPDES construction permit.

Enforcement Agency: Regional Water Quality Control Board.

Monitoring Agency: Regional Water Quality Control Board.

Monitoring Phase: Construction.

Monitoring Frequency: Once at execution of grading contract.

Action Indicating Compliance with Mitigation Measure(s): Execution of grading contract to include mitigation measure provisions. Issuance of any required NPDES permit.

Dg 18



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
300 NORTH LOS ANGELES STREET
LOS ANGELES, CALIFORNIA 90012

March 14, 1996

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch

Maguire Thomas Partners
Attn: Robert Miller, Vice President
13250 Jefferson Boulevard
Los Angeles, CA 90094

Subject: Notice to Proceed for Construction of the Freshwater Marsh in Area B of Playa Vista
(Permit No. 90-426-EV)

Dear Mr. Miller:

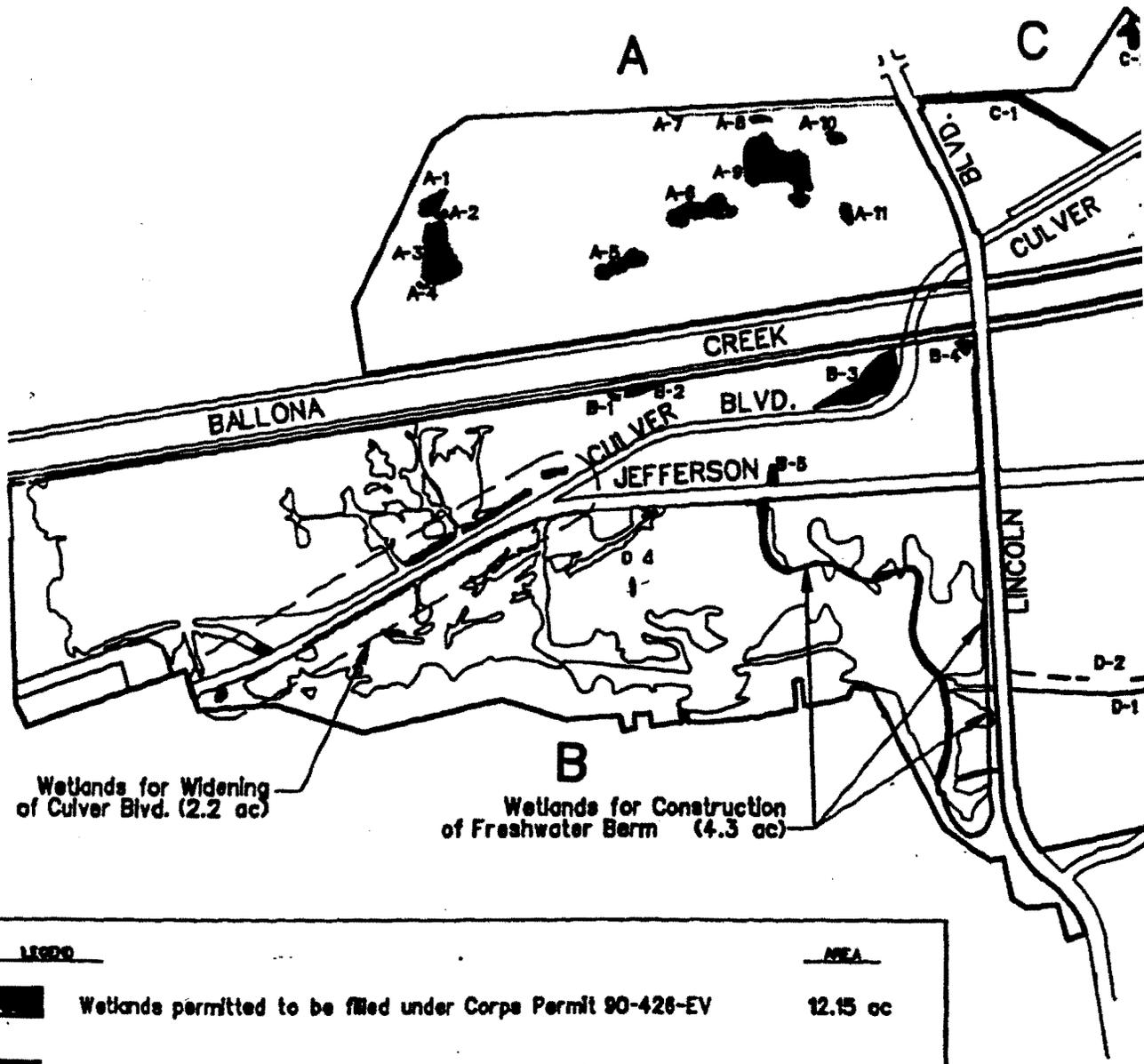
You are hereby authorized to proceed with construction of the freshwater marsh in Area B of the Playa Vista Project under permit number 90-426-EV. As you previously agreed, construction will not take place within the riparian area of the project site in Area B until completion of springtime nesting surveys.

Thank you for your cooperation in meeting the requirements of our regulatory program. If you have any questions, please contact Cheryl Conel of my staff at (213) 894-2633.

Sincerely,

David J. Castanon
Chief, North Coast Section
Regulatory Branch

EXHIBIT No. 25
Application Number: R-5-91-4
Release of 404 ACOE Permit
California Coastal Commission



LEDD	MEA
 Wetlands permitted to be filled under Corps Permit 90-426-EV	12.15 ac
 Wetlands proposed to be filled under future permits. Permit 90-426-EV has identified the 51.1 acres of the Freshwater Wetlands System and 5.3 acres of restored Saltwater Wetlands as providing mitigation for anticipated loss of 12.23 acres of freshwater and mixed wetlands.	12.23 ac
 Other existing federal delineated wetlands.	



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Maguire Thomas Partners-Playa Vista
13250 Jefferson Boulevard
Los Angeles, CA 90094

Permit Number:

90-426-EV

Issuing Office:

Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

1. To place fill material in a total of 8.1 acres of delineated wetlands for the purpose of constructing a mixed use development known as Playa Vista. 3.5 acres of these wetlands are located in Area D, 1.8 acres in Area C, and 2.8 acres in Area B (see attached drawings).
2. To construct a retention basin/freshwater marsh on the east end of Area B that will result in the loss of 4.0 acres of jurisdictional wetlands for the construction of a berm which will border and confine the freshwater marsh area and allow it to serve as a water cleansing basin. An additional 4.0 acres of existing wetlands in this area will be impacted by construction in this area, but will be restored and incorporated into the freshwater wetland system.

Project Location: The Ballona wetlands and tributaries, including Centinela Ditch at the coast of central Los Angeles County, California, north of Los Angeles International Airport and south of and adjacent to Marina del Rey.

Permit Conditions

General Conditions:

1. The time limit for completing the authorized activity ends on July 1, 1997. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions: See attached sheet.

RECEIVED
RECEIVED
JUN 29 1998

CALIFORNIA
COASTAL COMMISSION

ENTERED
CLERK, U.S. DISTRICT COURT
JUN 26 1998
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

FILED
CLERK, U.S. DISTRICT COURT
JUN 25 1998
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WETLANDS ACTION NETWORK, a
California non-profit
organization; BALLONA
WETLANDS LAND TRUST, a
California non-profit
organization; CALIFORNIA
PUBLIC INTEREST RESEARCH
GROUP, a California non-
profit organization,

Plaintiffs,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS, an agency of the
United States; LT. GENERAL
JOE N. BALLARD, in his
capacity as Chief Engineer of
the United States Army Corps
of Engineers; and COL. MICHAEL
R. ROBINSON, in his capacity
as District Engineer of the
United States Army Corps of
Engineers,

Defendants.

MAGUIRE THOMAS PARTNERS-
PLAYA VISTA,

Intervenor

CV 96-8407 RSWL (AJWx)

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
MOTION TO AUGMENT THE
ADMINISTRATIVE RECORD,
GRANTING PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT, AND
DENYING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

EXHIBIT No. 26

Application Number:

R-5-91-463

Court order invalidating
ACOE Permit

California Coastal
Commission

I.

Introduction

This action arises out of Plaintiffs' Wetlands Action Network, Ballona Wetlands Land Trust, and California Public Interest Research Group ("Plaintiffs") allegations that the Army Corps of Engineers (the "Corps") and its supervisory officers (collectively "Defendants") failed to fulfill their legal obligations under the National Environmental Policy Act ("NEPA") and the Clean Water Act ("CWA") by granting a fill permit to Maguire Thomas Partners-Playa Vista ("MTP-PV")¹ under section 404 of the CWA. (Permit #90-426-EV, hereinafter "the Permit".)

Currently before the Court are three motions: Plaintiffs' Motion to Augment the Administrative Record, and the Parties' Cross-Motions for Summary Judgment as to the remaining NEPA claim. These motions were scheduled for oral argument on February 23, 1998, but were removed from the Court's calendar for disposition based on the papers filed pursuant to Federal Rule of Civil Procedure 78. Now, after carefully reviewing the papers submitted, the Court GRANTS in part, and DENIES in part, Plaintiffs' Motion to Augment the Administrative Record. The Court further GRANTS Plaintiffs' Motion for Summary Judgment and DENIES Defendants' Motion for Summary Judgment.

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¹ Playa Capital Company, L.L.C. is the successor-in-interest to MTP-PV, and is the owner of the property upon which the Playa Vista project is proposed. For purposes of this Order, however, the Court will refer to the developer as MTP-PV because it was the developer at the time of the Permit process.

1 Crockett.

2 MR. CRANDALL: Yes, Your Honor. Mr. Crandall or
3 Mr. Crockett?

4 THE COURT: Excuse me, Mr. Crandall. You both
5 begin with C. I looked down and I picked up the first C.

6 Mr. Crandall, there is a motion and a request for
7 another temporary restraining order pending a contempt hearing.

8 MR. CRANDALL: Yes, Your Honor.

9 THE COURT: It seems proper that there would be a
10 setting at this juncture before we conclude this hearing, a
11 setting for a hearing on contempt. I will not deal with the
12 issues of contempt at this juncture. It would be inappropriate
13 to do so. However, with regard to the temporary restraining
14 order that you request, it seems to me that if I clarify the
15 last order, it would obviate a need for a temporary restraining
16 order inasmuch as my injunction has already been expressed in
17 writing in that last order.

18 What I mean by that is this: It seems quite clear
19 that in my last order when I granted the injunction after I
20 vacated the permit issued by the Corps of Engineers, I left it
21 at that. The court clearly recognizes that my jurisdiction is
22 very limited in this area in the sense that I did only review
23 the permit issuance by the Corps of Engineers, and in rescinding
24 it I only rescinded the permit which permitted certain activity
25 that would be allowed under that permit which would have been

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the filling of the 16.1 acres of the federally delineated wetlands.

It seems to me that when I rescinded the permit, that's all that I was involved in. The language that had been inserted in the arguments by both sides and those cases that were referred to by the court in the order only makes reference to the effect as to the other activities on the other lands. But the only focus of this court's ruling was the issuance of the permit by the Corps of Engineers and this court's rescinding it for the reasons stated in the order.

To the extent that that was my specific order, what more is there to do if the defendants are precluded from further activity?

MR. CRANDALL: Your Honor, that's nothing to do if the defendants are precluded from further activity. But therein is the rub. Because the last page of Your Honor's order did say that the permit is rescinded, which I think is self-explanatory. But it went on to say that all construction activities within the permitted area must cease.

THE COURT: Okay. The permitted area was only with regard to the wetlands.

MR. CRANDALL: Well, Your Honor, that I think that's what brings us here today, and it is a very important question. And it seems to me, and again I don't know what Your Honor was thinking, this is Your Honor's interpretation of it's

Pg 4

Supplement to Permit Application
Freshwater Wetland System
No. 5-91-463

Submitted by
Maquire Thomas Partners-Playa Vista
on behalf of
the Ballona Wetland Committee

June 19, 1991

Maquire Thomas Partners-Playa Vista on behalf of the Ballona Wetland Committee (the Applicants) filed as of Monday, June 17, 1991, the above referenced permit application (the Application). The information presented at pages 40 through 45 of the cover letter which accompanied the Application and at pages I-10 through I-15 of Attachment 7 to the Application did not include a description of a berm between the eastern edge of the freshwater marsh and Lincoln Boulevard in order to contain the marsh waters during flood events and to accommodate Lincoln Boulevard drainage. Likewise, the information contained at page II-13 of Attachment 7 to the Application did not describe the installation of a clay liner as part of the design of the Riparian Corridor. The supplemental information is provided below.

The Eastern Berm of the Freshwater Marsh
Adjacent to Lincoln Boulevard

Project Description

A berm will be constructed along the east side of freshwater marsh adjacent to Lincoln Boulevard to contain water within the freshwater marsh to prevent flooding of Lincoln Boulevard and

- 1 -

EXHIBIT No. 27
Application Number: R-5-91-463
Lincoln Blvd Earthwork discussion from applicant
California Coastal Commission

portions of Area D during major storm events and to provide drainage.

The berm will contain the waters of one-year or greater storm events when the freshwater marsh will fill to an elevation of +8 feet MSL (mean sea level). In contrast, Lincoln Boulevard adjacent to the freshwater marsh is mostly at an elevation of between -6.5 feet MSL and +7.5 feet MSL, steeply rising at the most southerly edge of the freshwater marsh to nearly +30 feet MSL. The berm would be constructed between the freshwater marsh and the lower portions of Lincoln Boulevard in order to address this problem and to accommodate Lincoln Boulevard drainage. Since the City of Los Angeles requires 3 feet of freeboard over maximum water heights, the berm would be constructed to an elevation of +11 feet MSL.

This supplement amends the Application to request permit authority for the construction of the eastern berm for the freshwater marsh adjacent to Lincoln Boulevard. The berm will be approximately 2,200 feet long and cover approximately 2.5 acres. It would require approximately 10,000 to 12,000 cubic yards of fill. The slope of the berm to the existing grade of Lincoln Boulevard would be approximately 2:1 to 3:1. As seen from existing Lincoln Boulevard, the completed berm would vary in height from 0 to 4 feet. The eastern slope of the berm will be planted with appropriate grass species and maintained. (See Figure 1).

Construction of the berm would require the filling of an approximately 0.15 acre State delineated wetland parcel. This is the same 0.15 acre wetland parcel, described on pages 40 through 45 of the cover letter of the Application and on pages 1-10 through 1-15 of Attachment 7 in the Application, which would be filled by the proposed widening of Lincoln Boulevard as called for in the Ballona Land Use Plan. The widening of Lincoln Boulevard would be subject to a future Coastal Development Permit

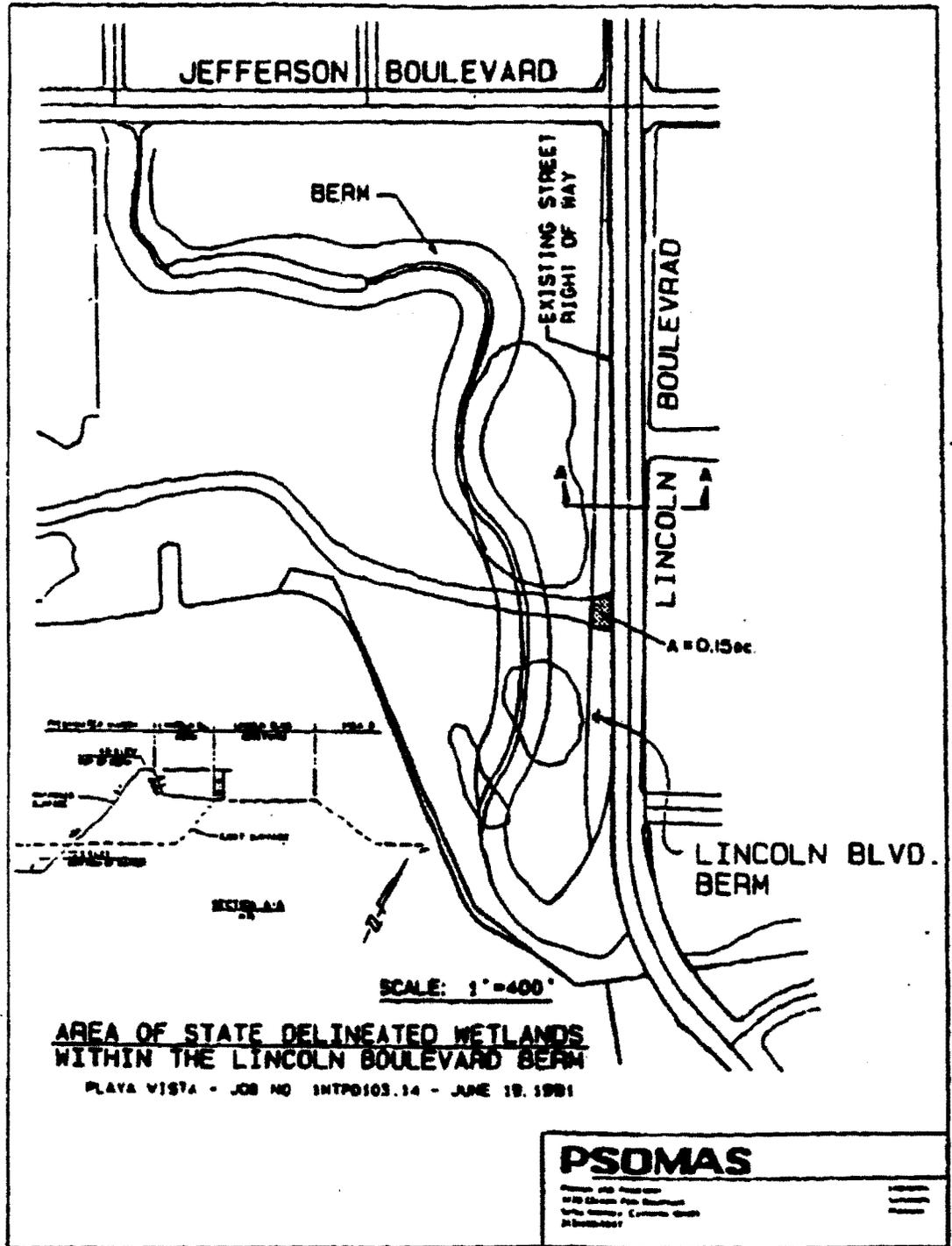
application. The description in the cover letter and Application must be changed, as described here, because it will be necessary to fill 0.15 acre wetland parcel in conjunction with construction of the eastern berm of the freshwater marsh.

If required by an approved Local Coastal Plan, Lincoln Boulevard may be raised and widened to accommodate 8 lanes of traffic with accompanying turn lanes, medians, shoulders and pedestrian walkways. It is probable that some portion of such improvements may be located upon the eastern berm. The timing, design and precise location of any such improvements remains uncertain, however, and if required, would be the subject of a future Coastal Development Permit application.

The effect of this amendment to the Application is one of timing only. The total number of wetland acres to be converted to uplands by the Playa Vista project remains unchanged at 18.36 acres (based on Wetland Research Associates' 1991 delineation. See Appendix J to the cover letter of the Application). The Application as herein amended now seeks permit authority for the right to fill a total of 2.89 acres for the freshwater marsh berms -- 2.74 acres of wetlands for the construction of the western berm of the freshwater marsh and 0.15 acres of wetlands for the eastern berm of the freshwater marsh.

Description of Wetlands to be Filled

The 0.15 acres of wetlands to be filled are all freshwater wetlands located within the Centinela Ditch. The Centinela Ditch contains a mix of freshwater tules. Cattails (*Typha domingensis*) are present and there are large, dense patches of umbrella sedge (*Cyperus eragrostis*).



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Pa 4

Riparian Value of the Wetlands to be Filled

The wetlands to be filled are part of a wetland system with habitat values ranging from low to moderate. Two species of crayfish are present in portions of Centinela Ditch: the Louisiana swamp crayfish (*Procambarus clarkii*) and the Pacific coast crayfish (*Pacifastacus* sp.). The only fish present in Centinela Ditch is the introduced mosquitofish (*Gambusia affinis*).

In the 1989-1991 bird surveys which were conducted at Playa Vista, over eight birds species were observed using Centinela Ditch or the adjacent wetlands, but none nested in the area to be filled. Virginia opossum (*Didelphis virginiana*) and raccoons (*Procyon lotor*) may also frequent the area.

Lining of the Riparian Corridor

Approximately the eastern two-thirds of the riparian corridor will be lined with clay to prevent the percolation of surface water. The channel will be over-excavated and approximately 2 feet of clay will be placed in the channel bottom to the outer extent of the channel banks. The excavated soil will be replaced over the clay liner to create the stream bottom and side banks.

The spread of the Toxic plume contamination underlying Phase 1 and offsite; and the spread of toxic contaminants emanating from the So. Ca. Gas Co. Storage Facility throughout the Ballona Valley have not been addressed in any risk assessment evaluation.

City Building & Safety Department officials have requested hazardous gas studies to be performed on the Playa Vista site as well as requesting new information regarding subsidence, liquifaction and hydrology from the developer. This new information reveals that the grading permits and building permits cannot be issued until further studies involving important public health and safety concerns are completed. This new information demonstrates that impacts from toxic materials, seismic activity and construction activities will be more severe than previously revealed. (The requested studies are a result of scientific data submitted by concerned citizens to LA City Building & Safety officials. The data demonstrates the contrary and incorrect information of the certified EIR for Phase 1- Playa Vista.) The developer- Playa Capitol has agreed to comply. However, no new evaluation information regarding either of the requests has been forthcoming, to date, from the developer-Playa Capitol / Dream Works.

A risk assessment evaluation is of utmost importance, so that proper oversight will now take place.

REQUIREMENTS THE CITY OF LOS ANGELES MUST ENFORCE:

1. ENVIRONMENTAL PROTECTION AGENCY

EPA imposes the requirement of a risk assessment analysis upon a company dealing with dangerous chemicals. This assessment is mandated to analyze a WORST CASE SCENARIO.

The So. Ca. Gas Co. handles enormous volumes of hazardous chemicals (Proposition 65- Governor list chemicals that as such are considered the most toxic chemicals known to mankind) as part of their daily operations of the Playa Del Rey underground gas reservoir

Proposition 65, formally known as the Safe Drinking Water and Toxic Enforcement Act, is intended to protect California citizens and the State's drinking water sources from chemicals known to cause cancer, or birth defects or other reproductive harm, and to inform the citizens about exposures to such chemicals. Prop. 65 requires the Governor to publish and to update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity.

The toxic (Prop. 65) chemical plume underlying Phase 1 and the intended Dream Works facility has already been confirmed as expanding, 'unexpectedly'; these chemicals have direct access to aquifers that supply drinking water to Los Angeles and surrounding cities such as Culver City. This area has had no study to date that would include qualified scientific data to provide a clear picture as to how this area is interfacing with offsite properties and connecting aquifers.

NOTE: The developer has failed to file any groundwater remediation reports for 1988 through 1998 according to LARWQCB. Due to staff shortages, the Los Angeles Regional

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Water Quality Control Board has failed to issue an updated remediation permit. Recent groundwater modeling studies (Charnock/Arcadia Groundwater Study, prepared for Santa Monica Groundwater Management Plan- which can be obtained through the LARWQCB) reveal that toxic migration was not adequately discussed in the FEIR_EIR. **The toxic plume from this site is now revealed to straddle the Charnock Fault area, allowing for further migration and groundwater contamination than previously thought. New information now reveals a greater extent of public consumption of local groundwater than previously known. Although designated in the MMRP as the agency responsible for mitigation monitoring, LARWQCB has failed to do so. THE CITY OF LOS ANGELES HAS NOT COMPLIED WITH THE EPA RULING as it pertains to the So. Ca. Gas Co. operations that are throughout the Phase 1 area as well as the rest of the Playa Vista Tract -Ballona Wetlands area.**

2. THE CALIFORNIA PUBLIC RESOURCES CODE

CODE 3403.5 (a)

Underground gas storage regulations:

The legislature finds that there are underground storage facilities for gas that utilize depleted or partially depleted oil or gas reservoirs. Purchased gas, usually from out of state is injected for storage and withdrawn during peak load periods. The supervisor is required to maintain surveillance over these facilities to insure that the original reserves are not lost, that drilling of new wells is conducted properly, **AND THAT NO DAMAGE OCCURS TO THE ENVIRONMENT BY REASON OF INJECTION AND WITHDRAWAL OF GAS.**

CODE 3240 Article 4.1

Abandoned wells:

"The supervisor, in cooperation with appropriate state and local agencies SHALL conduct a study of abandoned oil and gas wells located in those areas of the state with substantial potential for methane and other hazardous gas accumulations in order to determine the location, the extent of methane gas and other hazardous gases accumulated and potential hazards from the abandoned wells."

NOTE: SHALL means it is mandatory and not discretionary with the government agency.

CODE 3241:

The supervisor, in cooperation with appropriate state and local agencies, **SHALL DEVELOP STRATEGY** for extracting existing accumulations of methane gas and other hazardous gas from abandoned oil and gas wells in high -risk areas identified by the supervisor **IN ORDER TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC.** The strategy shall also provide plans for the management of methane gas and other hazardous gas from wells in high-risk areas where no accumulations are discovered in order to prevent future accumulations of methane gas and other hazardous gas.

Excerpts From The California Coastal Act of 1976 (Public Resource Code) 30262 (e):

Such developments will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

NOTE: No monitoring for the presence of subsidence for the Playa Del Rey field has been undertaken since 1970. This is not withstanding the fact that measurement data revealed that subsidence was continuing at that time, and fluid production was continuing at a large rate.

Division 3; Chapter 1-4

Division 3, Chapt. 1-4, governs the regulatory functions of the State of California, Division of Oil & Gas. The code charges the Division with the responsibility of supervising oil, gas and geothermal well drilling, operation, maintenance and abandonment operations to prevent damage to life, health, property, and natural resources.

More specifically, the Division of Oil & Gas must:

3. Prevent damage to underground oil, gas and geothermal deposits;
4. Prevent damage to underground and surface waters suitable for irrigation or domestic use;
5. Prevent other surface environmental damage, including subsidence;
6. Prevent conditions that may be hazardous to life or health, and;
7. Encourage the wise development of oil, gas and geothermal resources through good conservation and engineering practices.

Public Resource Code 2693 (c) requires mitigation in areas where previous occurrence of liquifaction, landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements. The Sept. 30, 1998 release of the State of Ca. SFISMIC HAZARD ZONE map brings into question whether this code will have to be adhered to prior to any development on the Playa Vista site. The map clearly states and shows the Playa Vista site within the liquifaction and landslide zone.

IMPORTANT COMMENTS REGARDING THE NEED TO UNDERTAKE A RISK ASSESSMENT ANALYSIS FOR THE PLAYA DEL REY OIL&GAS OPERATIONS:

- a. Many of the wells were abandoned prior to the undertaking of **high pressure gas storage operations**. Therefore, the abandonment procedures could not have envisioned the **need for high pressure gas containment**.
- b. **Large volumes of methane gas** have been observed **migrating to the surface**.
- c. Significant quantities of **benzene and H2S** have been detected in the natural gas that is an integral part of the gas storage operation, including the intentional and accidental release of these gases to the atmosphere as part of the gas storage

operations. (New information regarding dehydration equipment, as used by So. Ca. Gas Co. in its tank farm area at the Project site, is cited by U.S. EPA as the single highest contributor to toxic air emissions, in particular, benzene.) **Benzene is on the Governor's list of known human carcinogens. H2S is a highly toxic gas, second only to cyanide as a dangerously toxic and poisonous gas.**

- d. **We now know there is a near surface zone that is entrapping the gas by way of a clay layer that is serving as a barrier for the gas to migrate to the surface. (For example: the exact same geological circumstances that existed in the Fairfax area) This new information demonstrates that impacts from benzene may be more severe than previously revealed.**
- e. **Nearly 2 feet of subsidence has been recorded for the Playa Del Rey field through to 1970. No subsidence monitoring has been performed since 1970, notwithstanding the continued subsidence measured at that time, and the large fluid production of approximately 2500 barrels per day occurring over the last nearly 30 years. The area is already at or near sea level increasing, enormously the risk of property losses from storm damage. NOTE: Almost the identical circumstances existed at King Harbor in Redondo Beach resulting in huge storm damage in Jan., 1988. It is contrary to prudent oil field practices to ignore the existence and potential for subsidence resulting from the ongoing fluid production. Close by examples of disasters serve as a warning of ignoring the existence of subsidence including; King Harbor, Baldwin Hills and Wilmington.**
ALSO, no mitigation measures have addressed the issue of subsidence as it pertains to health and safety issues regarding the integrity of high pressure pipelines in the Project site as well as abandoned oil well integrity and current injection-withdrawal pipelines as well as normal infrastructure lines.
- f. **The water within the Playa Vista Tract is identified in the EIR as being highly corrosive. New information documenting recent and current pipeline corrosion damage and dangers in the Project site area reveal the grave need for risk and mitigation assessment.**

3. The CLEAN AIR ACT:

For example, a 1990 amendment to the Clean Air Act will require, by June of 1999, a Risk Management Program (RMP) to have been prepared which will provide a detailed description of a worst case scenario that could happen regarding the accidental release of any hazardous substances identified within the Act.

The So. Ca. Gas Co. releases benzene and hydrogen sulfide (H2S), among other chemicals into the atmosphere. Benzene and H2S are identified within the Act.

It is considered prudent to analyze all things that could go wrong; which has been a part of 'good engineering' practices for at least the past 30 years

**Patricia McPherson, FUND FOR ANIMALS 3749 Greenwood Ave., LA. Ca. 90066
310-397-5779**

P 9 5

TO: CON HOWE
DIRECTOR, PLANNING DEPARTMENT
CITY OF LOS ANGELES
200 NO. SPRING STREET, LOS ANGELES, CA 90012

NOV. 21, 1998

RECEIVED
South Coast Region

DEC 1 1998

CALIFORNIA
COASTAL COMMISSION

FROM: PATRICIA MCPHERSON- FRIENDS OF ANIMALS
ANDREW BEATH- EARTH WAYS FOUNDATION
KATHY KNIGHT- SPIRIT OF THE SAGE COUNCIL
JOYCE PIPER- FUND FOR ANIMALS

RE: PLAYA VISTA PHASE 1—REQUEST FOR SUBSEQUENT EIR

We are requesting that the City of Los Angeles immediately prepare a Subsequent EIR ("SEIR") for Phase 1 of the Playa Vista Project ("Project"). The Director of Planning is responsible for the implementation of the Mitigation Monitoring and Reporting Program. In addition, the City of Los Angeles will be issuing the next discretionary permits such as the potential new urban run-off basin as well as so-called "ministerial" permits such as grading. New information has revealed that the grading permits and building permits cannot be issued until further studies involving important public health and safety concerns are completed. This new information demonstrates that impacts from toxic materials, seismic activity, and construction activities will be more severe than previously revealed.

A SEIR requires the City of Los Angeles to allow for full public participation and peer review of all the new documentation and information. A SEIR allows the public to be part of the further investigation of facts surrounding the following issues:

- A massive taxpayer subsidy, one of the largest ever for Los Angeles citizens as well as for citizens of all of California, was issued on this Project AFTER THE EIR WAS CERTIFIED, placing the public in a much different position than previously known, when only private developer money was at risk. This situation creates a new project at this site. Taxpayers deserve the opportunity to protect their investments through their involvement in the SEIR for the Playa Vista Project. The \$110 million taxpayer giveaway did not factor in the following problems nor include any mitigation to deal with the following problems of the Playa Vista site which would escalate the need for greater but unknown money amounts, much like L.A.'s financial problems of its Metro Rail fiasco.

1. Hazardous, highly explosive gas in the area continues to migrate up through the ground to the surface; tests made subsequent to the certification of the EIR confirm that it is from deep source gas, contrary to the statement in the EIR that: "A major geologic difference between the Fairfax area and the Playa Vista site is that, unlike the Fairfax area, the Project site has no shallow zones and pockets of oil and shallow pockets of methane that can seep to the surface."

City Building & Safety Department officials have requested hazardous gas studies as well as information regarding subsidence, liquifaction, and hydrology from the

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developer. The requested studies are a result of data submitted to City Building & Safety demonstrating the contrary and incorrect information of the certified EIR. Continued- Also, there is **new information** documenting methane being encountered within archaeological excavations and in bore holes as shallow as 20-30 feet.

The MMRP and the Project Vesting Tract Map require the developer to have identified the exact location and depth and to evaluate every abandoned oil well and pipeline on the site prior to any grading and building activities. Additionally, various abandoned oil wells related to the Project have yet to be identified as required by the MMRP. In addition, Ca. Pub. Resources Code 3208 requires a site review mandating the testing and evaluation of all wells within the project site to current standards. **We believe, The So. Ca. Gas Co. has misrepresented the truth by withholding the valuable, actual data that would allow for a competent analysis and assessment of the actual operations and integrity of their gas field operations.**

2. **New earthquake studies** done on the Palos Verdes fault, show this fault to be the most active, nearby fault in the Project site area, contrary to the EIR statement of the Newport / Inglewood fault as the most active, nearby fault. **These new studies demonstrate that the Palos Verdes Fault poses a serious danger to the Project area.** The Project site contains high-pressure pipelines that carry toxic substances at a deep level as well as no more than 3 feet below the surface. The EIR failed to discuss the impacts resulting from the rupture of any one of these pipelines during an earthquake and possible mitigation measures such as double hulling and monitoring and cathodic protection.

3. **New studies** performed for the State of California have determined that the Project site is located in an area of **high liquefaction danger**; contrary to the EIR statement that the Project site is not located in an area of significant liquefaction potential.

New concerns about storm water damage arise from the Ca. Division of Oil & Gas documentation of 2 feet of **subsidence** by 1970 in the Project area. The D.O.G.'s documentation includes the demonstration (graph) of continuing subsidence in the Project area due to fluid production of the So. Ca. Gas Co. operations. The volume of fluid production of the So. Ca. Gas Co. today is roughly 2500 barrels of water per day. No mitigation measures have been discussed for this issue.

4. The water within the Playa Vista Tract is identified in the EIR as being highly corrosive. **New information documenting pipeline corrosion dangers and damage in the Project site area reveal need for mitigation assessment.** No mitigation was discussed or adopted for pipeline integrity for the gas storage facility as well as normal infrastructure (storm-drains, water and sewage pipes, electrical and other lines, as well as construction materials) during normal daily operation as well as during seismic activity if these materials have corroded.

Continued-

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5. Contrary to the EIR, which stated that there was no significant subsidence in the Project area, USGS Maps show significant subsidence in the Project area. (Documented in response to DEIR-FEIR- the City of LA was non-responsive to this information) **Documentation from the State of California, Dept. of Conservation-Division of Oil&Gas records now reveal nearly 2 feet of subsidence having occurred in the Project site as of 1970. Furthermore, DOG graphs, plot the continuation of subsidence as continuing after 1970.**

Mitigation measures have not addressed the issue of subsidence as it pertains to health and safety issues regarding the integrity of high-pressure pipelines in the Project site as well as abandoned oil well integrity and current injection-withdrawal pipelines as well as normal infrastructure lines.

Information now reveals the enormous volumes of water used by the So. Ca. Gas Co. in its daily operations. This water acts on the same basis as oil – both are fluids that can and do effect subsidence-Contrary to the EIR statement that subsidence stopped when oil field production ceased. Also, we now know that oil field production did not entirely stop; oil is still being produced from the oil field setting below Ballona Wetlands.

6. Benzene is known to be present throughout the Project site. The governor's list of dangerous chemicals demonstrates the gravity of the need for responsible action regarding the safe handling of benzene; as do the Prop. 65 Regulations denoting benzene as a highly carcinogenic chemical. **New U.S. Environmental Protection Agency studies (EPA/600/P-97/001F, Carcinogenic Effects of Benzene: An Update April 1998: as well as 1998 data available on US EPA website) correlate benzene's toxic properties to carcinogenic rates in humans and animals even at low inhalation levels of benzene. Furthermore, new information regarding dehydration equipment, as used by So. Ca. Gas Co. in its tank farm area at the Project site, is cited by U.S. EPA as the single highest contributor to toxic air emissions, in particular, benzene. (EPA National Emission Standard for Hazardous Air Pollution: Oil and Natural Gas Production and Natural Gas Transmission and Storage: Proposed Rule. Federal Register, Feb. 6, 1998, Vol. 63, #25, Proposed Rules pgs. 6287-6336. Also see: 40 Code of Federal Regulations, Part 63) This quantity of benzene poses a risk to the construction workers, as well as the current animal and future residents and worker populations.**

Also, we now know there is a near surface zone that is entrapping the gas by way of a clay layer that is serving as a barrier for the gas to migrate to the surface. (For example: the exact same geological circumstances that existed in the Fairfax area- see enclosed exhibit. This new information demonstrates that impacts from benzene may be more severe than previously revealed.

7. The developer has failed to file any groundwater remediation reports for 1988 through 1998 according to LARWQCB. Due to staff shortages, the Los Angeles Regional Water Control has failed to issue an updated remediation permit. Recent groundwater modeling studies (Charnock/Arcadia Groundwater Study, prepared for Santa Monica Groundwater Management Plan- which can be obtained through the LARWQCB) reveal that toxic migration was not adequately discussed in the FEIR-EIR. **The toxic plume from this site is now revealed to straddle the Charnock**

Pg 8

Fault area, allowing for further migration and groundwater contamination than previously thought. New information reveals a dramatic change in the local water table as the Mar Vista drinking water wells are shut down due to contamination. New information now reveals a greater extent of public consumption of local groundwater than previously known. Although designated in the MMRP as the agency responsible for mitigation monitoring, LARWQCB has failed to do so. As the Lead Agency, the City of Los Angeles must address this issue and make changes to the MMRP in order to ensure that the monitoring is done effectively.

For the above reasons, we request that a SEIR be prepared to analyze this new information and to discuss needed additional mitigation measures. Please advise us as soon as possible as to the City's response to this request for a SEIR, responding to Patricia McPherson- FUND FOR ANIMALS 3749 Greenwood Ave., Los Angeles CA 90066. 310-397-5779

Document attachments include:

1. Map of SEISMIC HAZARD ZONES; prepared by the State of California
2. Journal of Geophysical Research, Vol. 101, No. B4, Pgs 8317-8334, April '96
3. Gas sample from Ballona flood basin area-analysis by ISOTECH Laboratories, Inc. and Chart designating isotopic characterization
4. 60th Annual Report-Division of Oil and Gas, Playa Del Rey
5. Fairfax chart (showing clay layer)
6. Artist rendition (overlay) of Palos Verdes Fault

cc David Hsu , City of Los Angeles - Building&Safety
Richard Holquin / Bradley Smith- City of LA, Bureau of Engineering
Army Corps of Engineers/ Los Angeles District
CA. Coastal Commission
DreamWorks
State of California Water Quality Control Board/LARWQCB
Ca. State Fish&Game/U.S. Fish&Wildlife
CA. State Lands Commission
Gov. Gray Davis
Tom Hayden-State of Ca., Senator
Los Angeles City Council

In depth, documentation and information discussing each problem; to come. pm

TO: DAVID HSU
CITY OF LOS ANGELES, BUILDING & SAFETY
GRADING SECTION

MARCH 1, '99

FROM: PATRICIA MCPHERSON, FRIENDS OF ANIMALS, SPIRIT OF THE SAGE
COUNCIL

RE: INADEQUATE METHANE GAS SURVEY PERFORMED AT BALLONA
WETLANDS/ PLAYA VISTA & WEST BLUFF

"It is the experience of the Department that methane gas can be highly migratory and transient." Dept. of Building & Safety, Grading Section response to methane gas study of Playa Capital, LLC.

Discussion of Plum Committee hearing , 2-9-'99, requiring a major gas study (\$700,000) of the Belmont School & Complex (oil field setting): KEITH PRITSHER, LA CITY ATTORNEY, Requiring a Methane Gas Recovery System, "Until a study is done, we can't decide with any certainty what needs to be done."

PLAYA VISTA:

POTENTIAL METHANE GAS ISSUE: "Further delineation and source identification are recommended before commencement of any development in the affected areas." CRWQCB CLEANUP AND ABATEMENT ORDER NO. 98-125

"For gas surveys to be effective, it is imperative that samples be collected from depths sufficient to minimize the effects of bacterial oxidation. In many cases, one will see no methane at a depth of 5 feet even though very high methane concentrations exist at depths of 10-50 feet. Ideally, one should drill numerous holes to depths of 50 to 100 feet to test for gas in advance of construction." ISOTECH LAB., DENNIS COLEMAN 1991. Documentation from Isotech Lab., Dennis Coleman, is attached with this letter.

Field procedures for the Metro Rail alignment discusses , shallow probes and draw -off technique difficulties - "The concentration (of gases) was not always representative because of the draw-off technique,..." 4-8,4-9. Pages included with letter.

Regarding the 5 foot depth, draw- off technique used by Camp Dresser and McK. and the West Bluff methane gas survey with the same technique:

We believe, (1)the techniques used had no reliable way of eliminating the ambient air from being drawn into the sample at this shallow a depth. In other words, there was no way to seal off ambient air from being part of what is gathered. (2) Oxidation effects- the near surface bacterial action that is oxidation, is actually eating up any methane in the near surface, turning it into carbon dioxide or other gas. Through oil spill remediation, we have learned that bacteria can eat up methane faster than modern technology can do that process.

(3) The current surcharging effects of the Playa Vista Project almost certainly are playing upon the migration patterns of the underground gases. Surcharging and removal

make it virtually impossible to have repeatable samples. Also, the Playa Vista methane sampling was not documented to have been even done below the recent surcharge levels. The constant movement of earth in the Phase 1 area is continually changing any gas movement.

“Geologic exploration for natural gas fields clearly indicates that perched ground water acts to seal the gases below the water (Masters, 1979). The water inhibits the upward migration of the gases.” “Among the non-hydrocarbon gases, only carbon dioxide and hydrogen sulfide are significantly soluble (1449 and 3375, respectively; Table F1-4). The gases can enter the water and bubble up through it if the gases are subjected to a high differential pressure. Gases can also enter the water-saturated zone and bubble up through it if the source of the gases is within the saturated zone... The gases that accumulate along the base of the perched water would likely migrate laterally. **Because the gases can migrate laterally below the perched water table, the gases may be present outside the immediate vicinity of known oil fields.** The gases can accumulate in pockets or zones in the soils or bedrock, against faults, or against other impermeable barriers such as igneous dikes. **These accumulations can be miles away from known or suspected sources.**

A gas sample from a borehole may not provide a characteristic signature of the gases produced by the nearby oil field due to contamination related to the lateral migration of these gases.” CWDO/ESA/GRC 11-789 F1.4.1.2. FIELD PROGRAM-APPENDIX F-1: GAS CHROMATOGRAPHIC ANALYSIS

continued-

The gas samples collected both from the Ballona Creek area and Phase 1 Playa Vista are all thermogenic (oil field setting) in origin. The lack of helium as a signature of So. Ca. Gas may be due to, as stated above in the 'Metro Rail Alignment, field studies, the lateral migration of the gas. Also, So. Ca. Gas Co. data shows that even their own, acknowledged, well leaks have shown a lack of their signature-helium. Also, the recent Phase 1 methane survey and the Ballona Creek gas sample comparisons were compared with out-of-state, incoming gas line gas, not reservoir gas.

“Because of the lateral migration of gases below the zones of perched water, it is likely that gases have accumulated under pressure in the stratigraphic and structural traps (e.g., faults or igneous dikes along the southern part of the Santa Monica Mountains) at distances away from the immediate areas of known oil fields. **Such areas should be approached cautiously with appropriate testing of gases during the driving of the tunnel. In addition, extreme caution should be exercised whenever the driving of the tunnel approaches the area below a perched water zone, and appropriate gas testing should be done.”** F1-5 Conclusions-CWDD/ESA/GRC 11-794, Masters, J.A., 1979, Deep basin gas trap, western Canada: Bull. AAPG, v. 63, no. 2, p. 152-181.

Included in this letter are diagrams of structures that may be acting as conduits for lateral migration of the gas. The gravel zone indicated in the Playa Vista EIR is in an updip, eastward position, that would facilitate the eastward movement, (through Area D) of gases due to its buoyancy in the updip direction. This is a possible explanation of the thermogenic gases seeping up in the Ballona/ Centinela Creek areas.

Pa

Also, the 'hot spots' of methane, recently discovered in Phase 1 are in the area of the omitted, (from the Playa Vista EIR), abandoned oil well. The abandoned oil well is the likely conduit for the migrating thermogenic gases coming, we believe, from the So. Ca. Gas Co. reservoir. A likely explanation, since the So. Ca. Gas Co. has offered no documentation of an eastward pinch out zone for its stored gas. -----

Dear Mr. David Hsu, we believe that the gas survey performed for Playa Vista and the West Bluff was inadequate to characterize the nature and extent of methane gas. Also, we believe that existing building codes may not adequately address the gas problems associated with the Ballona region. Not only did the recent gas survey not perform a responsible and adequate characterization of methane but it also was not capable of identifying and characterizing the extent of other likely gases such as benzene, H₂S, toluene, xylene, which are known through existing EIR information to be present at the Ballona / Playa Vista site. This is important because the area is planned for welland restoration, residential and commercial development as well as an elementary school. The current codes for methane can require venting (the entire Ballona tract is now designated a HIGH METHANE POTENTIAL RISK AREA and as such, does require venting, monitoring and shielding). Venting of benzene, H₂S, toluene and xylene would likely prove hazardous as these chemicals are considered Prop. 65 and Federal EPA listed as hazardous and carcinogenic. Therefore, it is very important to investigate the hazardous gas problems of Ballona and the West Bluff in order to determine how to properly, and safely mitigate all of its hazardous gas problems. While the So. Ca. Gas Co. claims that they do nothing to add to the benzene levels in their gas coming in from out of state, what they fail to discuss is the well known ability of methane to act as a carrier gas for other VOCs such as benzene. The depleted oil formation where the So. Ca. Gas is stored, still holds approximately 70% of its remaining oil. The enormous volume of benzene still held within the formation is being syphoned off as it is sucked up by the methane and carried out of the formation. The high levels of benzene coming out of the formation setting can be most easily discerned by the vast quantities being sent to the Carson Sanitation District through high pressure pipelines that carry the formation brine water as well.

"This is important because methane gas acts as a carrier for other gases and can move these VOCs to the surface in greater amounts than is normally seen on sites." (Summary of Investigations for Belmont Junior High School-Cal. EPA DTSC.

The West Bluff has abandoned oil wells directly adjacent to the property (DOG Map 120). These wells may be acting as conduits to the surface, of all the previously named toxic gases.

The West Bluff property may be directly over the So. Ca. Gas Co. reservoir. According to geologic maps there appears to be no 'pinch out' boundary under the West Bluff and the western portion of Playa Vista Area D. The So. Ca. Gas Co. has not provided any scientific documentation to show otherwise. The reservoir of gas may be being stored below the West Bluff. Also, due to So. Ca. Gas Co. documentation of formation fracture and well leakage, it appears the West Bluff as well as Area D may be receiving large amount of underground gases migrating laterally as well as to the surface.

PROTOCOL FOR RESPONSIBLE GAS EVALUATION IS WELL ESTABLISHED AND ACKNOWLEDGED.
PROTOCOL FOR RESPONSIBLE GAS EVALUATION IS INCLUDED WITH THIS LETTER.

Please require that adequate and responsible gas studies be performed on Ballona Wetlands/ Playa Vista as well as the West Bluff. Please continue to allow for expert scientific peer review of all studies.

Thank you,

Patricia McPherson, Friends of Animals; Spirit of the Sage Council
3749 Greenwood Ave. LA CA 90066 310-397-5779

Also, probe depths need to reach below any possible entrapment zones in the Ballona Tract and West Bluff. Entrapment, possible zones, are included in the EIR for Playa Vista, ie. The clay layer-Aquitard. Probe depths should reach into collector and conduit zones- "50' Gravel". Pm

ATTACHMENTS:

1. METRO RAIL ALIGNMENT PROTOCOL
2. CA. DIV. OF OIL & GAS CONSTRUCTION PROJECT SITE REVIEW & ABANDONMENT PROCEDURE
3. FAIRFAX PROBE AND DATA VISUALS (PERMANENT PROBES)
4. SANTE FE SPRINGS EVALUATION - BOREHOLE DEPTHS & PROBE INFORMATION
5. HAZARDS FROM METHANE GAS IN THE SOIL: IDENTIFYING THE PROBLEM & DETERMINING THE SOURCE- DENNIS COLEMAN, PH. D., ISOTECH LABORATORIES, INC. 1991
6. UNDERGROUND STORAGE OF NATURAL GAS, THEORY AND PRACTICE, EDITED BY M. R. TEK
7. GAS ISOPLETH- ONE MONTH PRIOR TO 2/89 FAIRFAX EPISODE BY GEOSCIENCE ANALYTICAL '89
8. VISUALS:
 - A. venting the methane gas; includes demonstration of 'clay layer'
 - B. combustion chart
 - C. "gravel 50"
 - D. GeoScience Analytical, Inc. Probe
 - E. LACFD -Ross Probe Fluctuations
 - F. Aquifer Map
 - G. phase 2 , playa vista Fig. V. 1-3 ; Psomas & Assoc. Land Title Survey- Camp Dresser & McKEE

Cc CRWQCB; EPA-DTSC; FED. EPA; CA. Coastal Commission

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ANALYSIS REPORT

Report of Gas Analysis

Lab #: 17262 Job #: 1124
Sample Name/Number: Sample Jar #1
Company: Bernie Endres
Date Sampled: / /
Container: Mason jar
Field/Site Name:
Location: Los Angeles, CA
Formation/Depth:
Sampling Point:
Date Received: 12/10/1996 Date Reported: 12/20/1996

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Component	Chemical vol. %	Delta C-13 per mil	Delta D per mil	C-14 conc. pMC	Tritium TU
Carbon Monoxide _____	nd				
Helium _____	nd				
Hydrogen _____	nd				
Argon _____	0.079				
Oxygen _____	1.11				
Nitrogen _____	4.12				
Carbon Dioxide _____	0.88				
Methane _____	93.61	-50.71	-171.0		
Ethane _____	0.20				
Ethylene _____	nd				
Propane _____	0.0025				
Iso-butane _____	nd				
N-butane _____	nd				
Iso-pentane _____	nd				
N-pentane _____	nd				
Hexanes + _____	nd				

Total BTU/cu.ft. dry @ 60deg F & 14.7psia, calculated: 953

Specific gravity, calculated: 0.587

Remarks:

nd = not detected. na = not analyzed. Isotopic composition of carbon is relative to VPDB. Isotopic composition of hydrogen is relative to VSMOW. Calculations for BTU and specific gravity per ASTM D3588. Chemical compositions are normalized to 100 percent.



ISOTECH Laboratories, Inc. 1308 Parkland Ct. Champaign, IL 61821 217/398-3490

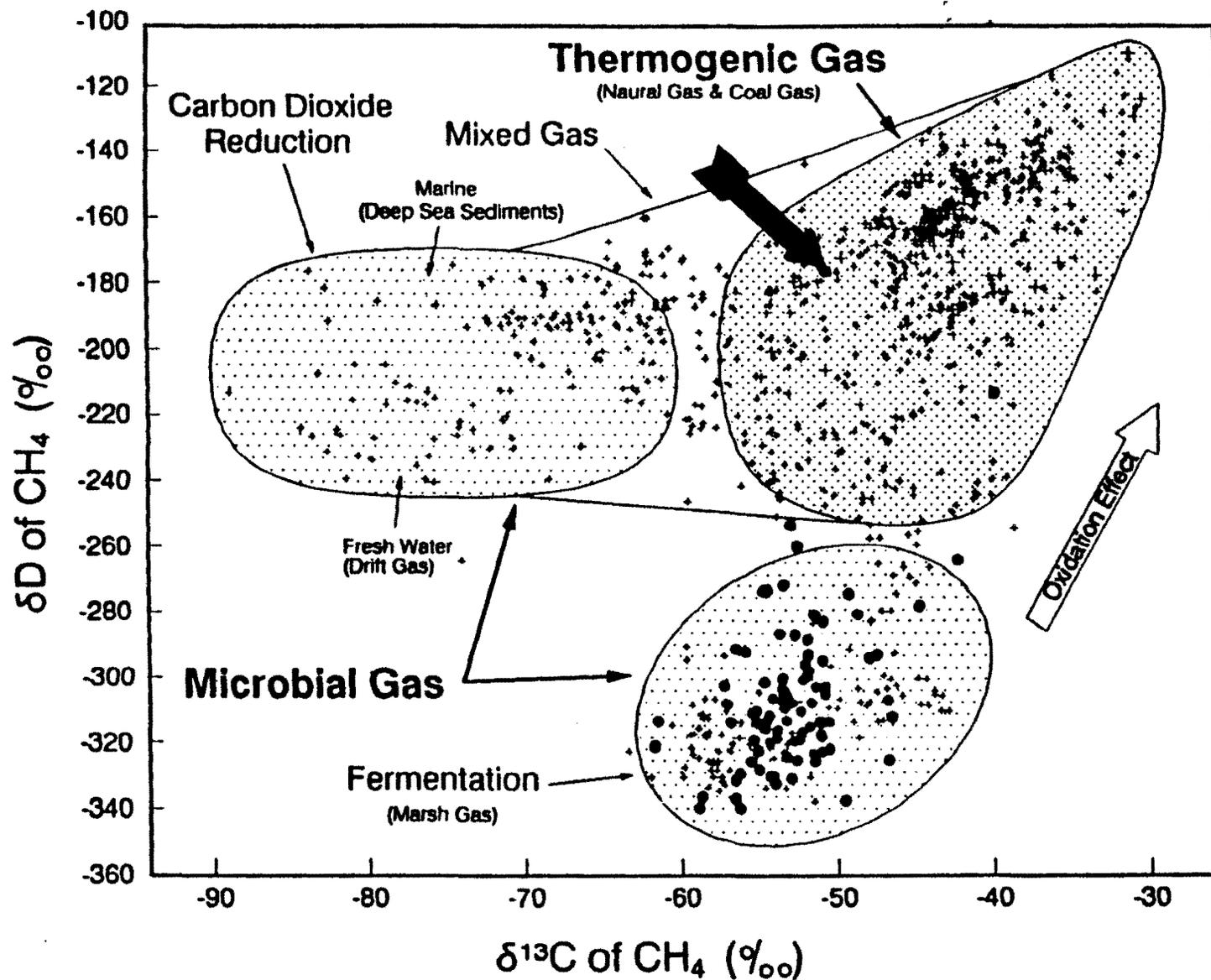
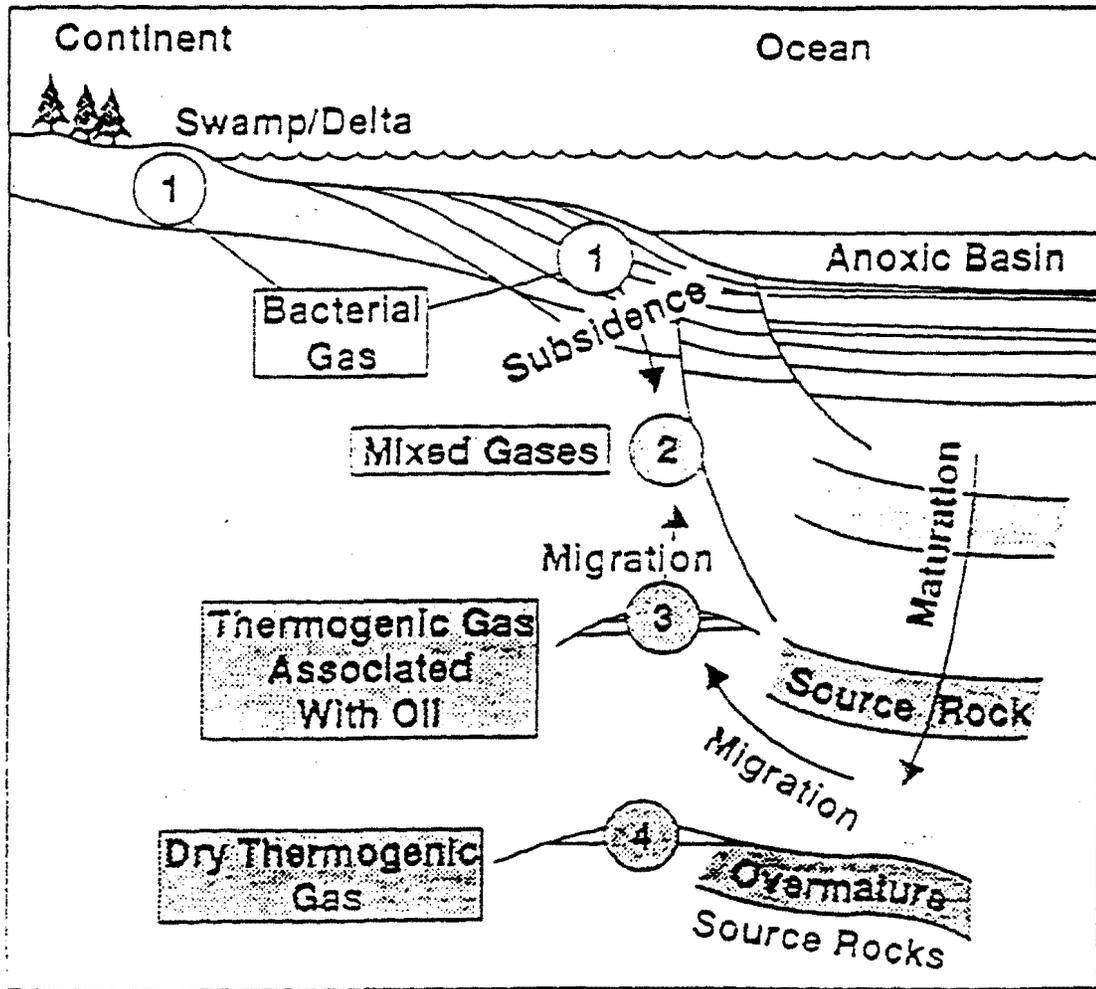


Figure 3. Carbon and hydrogen isotopic compositions of methane from different sources. Based on the genetic classification proposed by Schoell (1980) and including data from Claypool, *et. al* (1973), Coleman, Liu, and Riley (1988), Friedman and Hardcastle (1973), Jenden and Kaplan (1986, 1988, 1989), Jenden, *et. al* (1988), Schoell (1980, 1982, 1984, 1988), Whiticar, Faber, and Schoell (1986), Woltemate, Whiticar, and Schoell (1984), and unpublished data from the Illinois State Geological Survey and Isotech Laboratories, Inc. Solid symbols are landfill

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ISOTOPE ANALYSES OF GASES IN GAS FIELD AND GAS STORAGE OPERATIONS

SPE 26171



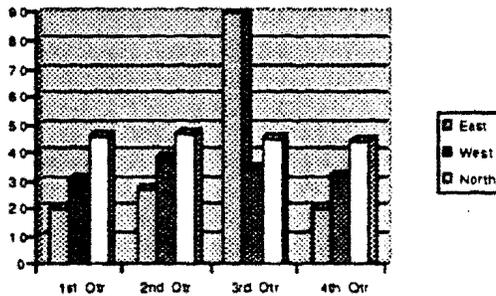
(a)

Figure 1
 Isotopic composition of methane in natural gases is related to their origins. The left panel depicts the geologic context of gas formation, e.g., shallow bacterial, thermogenic gas associated with oil and dry thermogenic gas from post-mature source rocks.
 natural gases.

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OVERVIEW OF DANGERS OF UNDERGROUND GAS STORAGE

One of the gravest dangers posed by underground gas storage facilities is the potential for natural gas to migrate through the geologic formation to the surface creating an explosion hazard. These hazards are particularly important to be considered in urban environments where the explosion of gas can cause serious harm to people. The Playa Vista project, which involves several thousand people and commercial development, must fully consider these problems. An example where these problems were not addressed, would be the Fairfax area and the unfortunate gas explosion injuring 23 people and causing many fires.

In summary, development of this area should not be considered unless all questions of public safety can be answered. Continuous soil gas monitoring must be a requirement if this project is permitted to progress. There should be no permission to build any structures over abandoned oil wells. All abandoned wells in the area should be accurately located and continuously monitored for gas leaks.

In 1985, a natural gas explosion in the Fairfax district of Los Angeles injured 23 people. Seeping gas burned for days through cracks in the sidewalks, paving and in and around foundations. This area is located directly over an oil and gas field. As a result of this explosion and fire, building codes were altered in this area requiring gas monitoring and special ventilation in existing commercial buildings. Imperious barriers were placed under new construction. Unfortunately, the safeguards have proven to be only partially effective.

Over 300 underground natural gas storage projects are operated throughout the United States. Many years of operational experience at these projects has established that vertical gas leakage to the surface is a serious problem. Several explosions from this migrating gas have occurred. In conclusion, no structures should be built over these storage projects.

There are four gas storage projects in the southern California area: Alyso Canyon, Montebello, Playa Del Rey and Honor Rancho. All of these projects have

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experienced problems. The Montebello field has had numerous gas leakage problems resulting in litigation and requiring the So. Ca. Gas Co. to purchase several homes. Playa Del Rey has had a long history of documented gas migration from the storage reservoir along with many complaints from surface owners of noxious odors. Honor Rancho has had gas leakage problems along faults into a nearby Tapia Oilfield and gas has been observed bubbling up in a nearby water reservoir. Again, based upon the experiences in southern California alone, gas storage projects should not be located in urban areas.

Under no circumstances should structures be permitted to be built over abandoned wells, particularly when the reservoir that they penetrate is subject to repressurization by free gas. To protect existing structures in an area subject to vertical gas migration, a gas migration and soil gas monitoring program is required to mitigate the hazard.

Furthermore, the migrating gas contains hazardous carcinogenic chemicals consisting of benzene, toluene and mercaptans. The effect upon local residents and the environment needs to be addressed. The So. Gas Company has acknowledged dumping thousands of cubic feet of natural gas every month, which is vented to the atmosphere.

In summary, the above listed safety and health hazards have not been addressed in the environmental impact report for the Playa Vista development.