

CALIFORNIA COASTAL COMMISSION

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TU 10f

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Commission Action:

STAFF REPORT:
DE NOVO & REGULAR CALENDAR

APPLICATION NO.: A-5-PDR-99-130/ 5-99-151

APPLICANT: Catellus Residential Group

AGENT: Latham & Watkins

PROJECT LOCATION: 7501 80th Street, Westchester-Playa del Rey, City of Los Angeles

PROJECT DESCRIPTION: Resubdivision and merger of 12 lots into 12 new lots within and partially within the Coastal Zone and construction of a proposed 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading on a bluff face; and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction except for the bluff face and lower portion of ravine (Hastings Canyon). The project site within the coastal zone consists of 11.95 acres.

Staff Note:

The proposed development is within the coastal zone area of the City of Los Angeles, which has been designated in the city's permit program as the Dual Permit Jurisdiction area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of the California Code of regulations, any development located in the Dual Permit Jurisdiction which receives a Local Coastal Development Permit must also obtain a permit from the Coastal Commission.

The City's approval of the Local Coastal Development Permit has been appealed to the Commission. In order to minimize duplication and unnecessary delays, Commission staff has combined the de novo appeal and Coastal Development Permit into one staff report and one Commission hearing. However, commission approval, modification, or

disapproval of this project will require separate actions on the appeal and Coastal Development Permit.

Summary of Staff Recommendation

Staff recommends approval of the proposed project with special conditions regarding dedication of open space and public trail, landscaping and fuel modification, grading, and future improvements, and assumption of risk.

Staff recommends that the commission adopt the following resolutions:

I. **Approval with Conditions of 5-99-151**

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 is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. **Approval with Conditions of A-5-PDR-99-130**

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 is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

III. 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 this permit is reported to the Commission. 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 or 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 project during its development, 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.

IV. SPECIAL CONDITIONS

1. Open Space Deed Restriction

- A. No development, as defined in section 30106 of the Coastal Act shall occur in Lots No. 121, 122, 123, 124, and 125, as shown in Exhibit No. 2 except for:

(a) Vegetation removal for fire management consistent with plans approved by the Executive Director; (b) landscaping with native vegetation in accordance with the approved landscaping plan; (c) removal of non-native vegetation; (d) public trail and view park construction and maintenance; (e) construction of slope retaining walls and grading in accordance with approved Tract Map No. 51122 attached as Exhibit No. 2.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space areas. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Responsibility for Maintenance of Open Space Lot and Common Areas.

- A. Consistent with the applicant's proposed project description, the applicant and any successors in interest shall maintain the six open space lots and all common improvements including, but not limited to, the public trail and view park, planting areas, and streets reflected in Tract Map 51122, attached as Exhibit No. 51122.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over all of the above identified lots reflecting the above restrictions. The deed restrictions shall include legal descriptions of the applicant's entire parcel and each of the six lots. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

Such restriction shall be recorded on each individual lot at the time of recording the tract maps.

3. Trail and Public View Park Lateral Access

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and in order to implement the applicant's proposal, the applicant shall submit to the Executive Director for review and approval evidence that the applicant has executed and recorded a dedication to the City of Los Angeles an easement for lateral public access and passive recreational use along the bluff top in accordance with the terms of the Project Description as proposed by the applicant on Section 2, page 2 of the application and application report, dated April 22, 1999. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

- B. Any future development that is proposed to be located either in whole or in part within the area described in the recorded offer of dedication shall require a Commission amendment, approved pursuant to the provisions of 14 CCR § 13166, to this coastal development permit. This requirement shall be reflected in the provisions of the offer.

4. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 5-99-151. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to any lot within coastal zone in Tract Map No. 51122, generally depicted in Exhibit No. 2. Accordingly, any future improvements to the permitted development, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit No. **5-99-151** from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and each of the restricted lots. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Assumption of Risk

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslides and soil erosion, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the enforceability of the restriction.

6. Landscape Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive

Director, a plan for landscaping to enhance the habitat values of the bluff face. The plan shall be prepared by a licensed landscape architect and shall apply to the area generally depicted in Exhibit No. 6.

1. The plan shall demonstrate that:

- (a) All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading. Planting should be of native plant species indigenous to the Westchester Bluffs or surrounding area using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (b) all non-native plants in the restoration area shall be eradicated, to the maximum extent possible.
- (c) all planting will be completed within sixty (60) days of issuance of this permit,
- (d) No permanent irrigation system shall be allowed within the property. Temporary above ground irrigation to allow the establishment of the plantings is allowed.
- (e) all required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

2. The plan shall include, at a minimum, the following components:

- (a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and,
- (b) a schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

C. Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residences the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

7. Grading

- a) All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, and on the completion of final grading, and/or, if the Executive Director determines that grading has stopped and that the interruption of grading will extend into the rainy season. Planting should be of primarily native plant species indigenous to the Westchester Bluffs or similar habitat area. Non-native plants used for stabilization shall not be invasive or persistent species. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all unsurfaced roads and pads;
- b) Should grading take place during the rainy season (November 1 – April 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- c) At the end of rough grading, all rough graded lots, and all disturbed areas not included in trail and park development or revegetation plans shall be revegetated with plants indigenous to the area. The plans shall specify seed and plant sources, using, as far as possible, locally collected seed.
- d) All fuel modification plans shall have been reviewed and approved by the Los Angeles County Fire Department. Invasive plants, as noted above, shall not be employed in fuel modification areas. The majority of plants employed shall be California native plants endemic to the Westchester Bluffs.

- e) All proposed changes to approved plans shall be reported to the Executive Director. Any changes the Executive Director determines to be substantial shall require an amendment to the permit.

8. Submittal of Final Grading plans

Prior to issuance of the permit, the applicant shall submit for review and approval of the Executive Director, final grading plans which include grading for the access road, pedestrian trail, and ravine consistent with Special Condition No. 7.

9. Staging Area

Prior to issuance of permit the applicant shall submit, for review and approval by the Executive Director, a plan showing where equipment and materials will be stored and any temporary access haul roads. No staging areas or haul roads shall be allowed outside areas already permitted for grading by this permit.

10. Water Quality

The applicant shall submit evidence that the project will incorporate Best Management Practices, including but not limited to catch basin filters, catch basin maintenance program, public education program regarding stormdrain signage and the City's household hazardous waste collection program.

11. Archeological Resources

a. Curation Facility

Prior to issuance of the permit the applicant shall agree in writing, subject to the review and approval of the Executive Director, to the following:

- 1) Artifacts collected as a result of this project shall be curated at a qualified curation facility, such as the San Bernardino County Museum. A qualified curation facility is one that meets the State Office of Historic Preservation Guidelines for Curation of Archaeological Collections.
- 2) Prior to completion of archaeological work at the site the applicant shall submit, for the review and approval of the Executive Director, evidence that:
 - i) the curation facility meets the State Office of Historic Preservation Guidelines for Curation of Archaeological Collections; and
 - ii) evidence of the facility's willingness to accept the collection.

c) If no qualified curation facility is available at the time the project is complete, an amendment to this permit shall be required to determine the appropriate curation process.

b. Native American Monitor

A Native American monitor shall be present on-site during all excavation activities to monitor the work. The monitors shall meet the requirements set forth in the Native American Heritage Commission Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites.

c. Review of Treatment Plan

In the event that cultural resources are discovered and a Treatment Plan (mitigation plan) is prepared the Treatment Plan shall be submitted to the Executive Director for review and approval. Based on the mitigation procedures outlined in the Treatment Plan the Executive Director will determine if an amendment to this permit is required.

12. Public Street Parking

With the acceptance of this permit the applicant agrees that any changes to the amount of on-street parking on Street "A", the applicant shall submit plans for any proposed changes to the amount of public parking on Street "A" for review by the Executive Director to determine if an amendment to the Coastal Development Permit is required.

13. City Conditions

This action has no effect on local conditions imposed pursuant to an authority other than the Coastal Act.

V. FINDINGS AND DECLARATIONS:

The Commission finds and declares as follows:

A. Project Description

The proposed project includes the re-subdivision and merger of 12 lots and creation of 12 new lots within and partially within the Coastal Zone; construction of a 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading (60,640 cubic yards of cut and 23,295 cubic yards of fill) on a bluff face including filling of 170 feet of a large ravine (Hastings Canyon); and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction. The project site within the coastal zone consists of 11.95 acres.

The Tentative Tract Map proposes to subdivide the Coastal Zone or bluff face area into approximately all or portions of six open space lots. The Tract Map will dedicate public right-of-way in the Coastal Zone for Lincoln Boulevard widening and for proposed Street "A". The Map will also dedicate public use easements in the Coastal Zone over the proposed view park lot off of Street "A" and for the proposed bluff top trail.

The Tract Map will merge into the proposed open space lots, eleven existing legal lots of Tract 9167 that are located on the bluff face and in the Coastal Zone on the northwest side of the project. Portions of three additional lots of this Tract that are on the bluff face or in Hastings Canyon but not in the Coastal Zone, will also be merge into one of the proposed open space lots. The Tract Map will also vacate a section of Hastings Avenue (unimproved roadway) that was previously dedicated with Tract 9167.

The project is located in the Westchester/Playa del Rey community at the western edge of the City of Los Angeles approximately 1.25 miles from the Pacific Ocean. The site is adjacent to Lincoln Boulevard on the east, and faces an exiting single-family residential community on the south. The northern boundary of the site is approximately demarcated by Cabora Drive, a service road along the face of the Westchester/Playa del Rey Bluffs.

The entire 44.95-acre site consists of a broad, gently sloping bluff top with moderate to steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws or erosional features. The bluff face is traversed by the partially paved Cabora Drive which is located

near the toe of the natural slope and overlies and provides access to the City of Los Angeles North Outfall Sewer. A minor paved access road traverses up from Cabora Drive in the eastern portion of the site to the top of the bluff and leads to a graded flat pad that was formerly the location of a radio transmission tower. Ground elevation on the site ranges from approximately 50 feet above mean sea level along Cabora Drive at the base of the natural slope to 135 to 170 feet on the bluff top.

B. Area Planning History

Because the bluff faces along the Westchester Bluffs were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the County's Marina del Rey/Ballona LCP area which included the Westchester blufftop and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the City's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

Prior to the Coastal Act the bluff face was subdivided into multiple "tiers" of lots, with the first row generally located below (north of) Cabora Drive (currently a private, paved access road) and the second and third tiers located above (south of) Cabora Drive and below (north of) Veragua Drive (at the top of bluff). The proposed property lies approximately between Cabora Drive to the north, and 80th Street and Rayford Drive on the south. The property is within the certified Playa Vista Land Use Plan area and designated as a single-family residential area. The Playa Vista Land Use Plan identifies the area above (south of) Cabora Drive as Residential I and the area below (north of) Cabora Drive as a Ecological Support area or buffer area for the wetlands. The Ballona Creek wetlands occupy approximately 163 acres north of the bluff and Cabora Drive. The subject lot zoning is identified as Residential I.

Recently, subdivided lots on the bluff face and crest of the bluff to the west of the project site have been sold to separate owners who have constructed several single-family homes. Because these houses are highly visible and may have adverse effects on the biologic and visual quality of the Ballona Wetlands that lie below the bluff, the City of Los Angeles applied for a boundary line adjustment so that the Coastal Zone Boundary did not cut through the middle of properties. Several homes were built on this bluff without Coastal Permit requirements before the Coastal Zone Boundary Adjustment took place. The lower portion of the property was previously within the Coastal Zone. The upper portion of the property was annexed into the Coastal Zone in 1990 as a result of the Minor Boundary Adjustment BA #6-89. The recently adjusted Coastal Zone Boundary runs along Veragua Drive to the west of the project site and then follows the top of the bluff through the undeveloped project site to Lincoln Boulevard.

C. Standard of Review

Even though there is a certified Land Use Plan for a portion of this bluff, the standard of review for development is the Coastal Act. The reason for this is that there is no certified implementation program. Until the Commission has certified a total LCP the standard of review remains the Coastal Act. However, it has been the Commission's practice to consider its action in certifying a LUP in reviewing proposed projects within partially certified areas.

D. Public Comments

The South Coast District office has received a number of letters from residents, neighborhood groups, and environmental groups in opposition to the project. Concerns raised include excessive grading and landform alternation, visual impacts, impacts to biological resources, landscaping, and traffic generation. Some of the concerns raised are issues outside of the Coastal Zone and not within the Commission's jurisdiction. Concerns that raise coastal act issues have been addressed below in the staff report. A sample of the letters representing the letters received are attached as No. 12.

E. Visual Resources/ Landform Alteration

Section 30251 of the Coastal Act states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states in part:

New development shall:

(I) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would Substantially alter natural landforms along bluffs and cliffs.

The certified Land Use Plan states:

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

The property within the Commission's jurisdiction consists of 11.95 acres or 27% of the total project site. The applicant will be grading approximately 3.26 acres or 27% of the area within the coastal zone. Grading within the coastal zone will consist of approximately 60,640 cubic yards of cut and 23,295 cubic yards of fill.

Approximately 85%, or 51,544 cubic yards, of the cut will be from widening Lincoln Boulevard and construction of the entrance road (Street "A") and the public view park. The public view park will require approximately 4,000 cubic yards of grading. Approximately 23,295 cubic yards of cut will be used as fill for the portion (approximately 170 feet) of Hastings Canyon within the Coastal Zone. In addition, approximately 9,096 cubic yards of cut will be used for fill of other erosion features along the bluff.

The 11.95 acres within the coastal zone is mainly comprised of steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws. The incised draws are generally less than 20 feet in width with vertical wall heights on the order of 5 to 10 feet. However, a major draw that subparallels Berger Avenue in the western portion of the site has a width that varies from 50 to 250 feet with vertical wall heights on the order of 30 feet. The ravine extends approximately 700 feet into the project site from Cabora Drive. However, only approximately 170 feet, or 24%, of the Canyon is within the Coastal zone and within the Commission's jurisdiction. The applicant intends on filling the entire ravine.

Hastings Canyon may have historically been a erosional feature; however urban development that has taken place in the near vicinity, in and outside of the coastal zone, has contributed to the erosion of this ravine by increased concentrated surface runoff that drains into the ravine.

The Hastings Canyon fill slope is proposed to extend from approximately the south side of Cabora Drive at an elevation of approximately 50 feet and extend to an elevation of approximately 110 and 140 feet within the Coastal Zone. The face of Hastings Canyon fill

slope is designed to align with the existing natural bluff face. Because the City's design criteria will not permit the fill slope to exceed a 2:1 grade, and the existing bluff face is much steeper, the fill slope will setback from the existing bluff face as the slope ascends to the top.

The proposed slope includes a system of drains (terrace drains), as required by the City, that will collect all runoff and convey it to the base of the slope. The City generally requires terrace drains to be 8-foot in width, however, the City has allowed the applicant to use 5-foot wide drains and allowed the down drain to be curvilinear rather than straight, to soft the visual appearance of the drains.

The applicant contends that storm runoff that is directed into the Canyon via the Veragua Walk stormdrain has caused erosion of the ravine and deposition of sediment into the Ballona wetlands.

The proposed rerouting of the stormdrain from the ravine and filling and stabilizing the ravine will significantly reduce the deposition of sediment and adverse impacts to the Ballona Wetlands. Furthermore, the proposed project will include a drainage setback area between the top of the bluff face and the proposed residential lots, ranging from 30-90 feet. Approximately .83 acres or 35% of the total setback area is within the Coastal Zone. The setback area will include a drainage swale to collect and direct drainage to the on-site stormdrain system. This drainage system will help reduce the amount of surface runoff and erosion of the bluff face caused by surface runoff.

The Westchester bluffs extend approximately 3.25 miles from Centinela and Sepulveda Boulevards in the east, outside of the Coastal Zone, to Vista Del Mar Boulevard in the west. The bluffs rise approximately 120 to 170 feet above mean sea level. The bluffs are underlain by Pleistocene marine sediments that were historically cut by the Los Angeles river. The bluffs are a sandy material that is subject to slippage and erosion and needs support if graded or disturbed. According to the Geotechnical Report prepared for the project (Pacific Soils Engineering, Inc, 2/1/99) surficial failures have occurred along oversteepened portions of the slopes of the Ballona escarpment.

The project site is the last large vacant parcel along the bluffs. The bluffs on the project site relatively undeveloped. The bluffs have been modified by the installation of drainage channels, the North Outsell Sewer, graded and paved Cabora Drive. In addition, utility poles exist on the site and remnants of a deteriorated paved access road leading up the bluff face to a former radar/radio antenna site is visible. The former antenna site has deteriorated paving and a chain-link fence partially surrounding the site.

The bluffs to the east and west of the project site are developed. To the east, across from Lincoln, and outside of the Coastal Zone, the bluffs are developed with single-family residences and Loyola Marymount University. Immediately across Lincoln at Hughes Terrace Road a four-story building is built into the bluff. West of the project site, there are a number of large multi-story residential structures located atop the bluff and a number of residential structures that cascade down the bluff face.

As proposed no residential development will occur within the Coastal Zone. Residential development will be setback from the bluff edge from 30-90 feet. Although residential development will be outside of the Coastal Zone views of the bluff face would be impacted by the proposed stabilization and restoration of the bluffs. The filling of Hastings Canyon will change the general appearance of the bluff at the mouth of the Canyon. The proposed fill slope will vary in width from approximately 150 to 240 feet. The filling will create an uninterrupted expanse of bluff face, which will be landscaped along with the rest of the bluff face to blend with the existing slope. The City is requiring terrace drains and downdrains for the fill slope. As designed and proposed by the applicant, the drains will be smaller and less intrusive than the standard drain systems and will not create a significant visual impact.

The applicant proposes to construct four soldier pile/retaining walls to correct erosion along the bluff top. These walls will be located along the upper reaches of the erosion gullies, just below the top of the bluff. The erosional gullies below the walls will not be altered other than with landscaping to reduce further erosion. According to the EIR, due to the location of the walls and narrow width of the gullies, visibility of the walls will be minimal. The EIR's visual analysis states that:

Although the pile walls may be visible for some of the erosional features, the repair of these features and the proposed filling of Hastings Canyon should result in only minimal impacts to the visual and aesthetic qualities of the bluff face.

The road cut for Street "A" will lower the elevation of the top of the bluff adjacent to Lincoln Boulevard by lowering grade by approximately 20 feet. According to the EIR, with proposed revegetation of the cut slope, views will not be significantly impacted. Furthermore, the EIR also states that, due to existing surrounding development atop and down the bluff face to the east and west, the visual impact of the proposed project would be substantially less than the surrounding development.

To ensure that the visual impacts due to grading will be minimized, the Commission requires that the applicant shall submit a landscaping plan using coastal sage scrub and other native plants. The condition requires the applicant to submit grading and landscaping plans that show:

- 1) Use of indigenous plant species on the site, and 2) identifies the final location and type of plants (all plants) which will be used in landscaping. The project is also conditioned to require the use of sediment basins during grading operations.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. The Playa Capital parcel adjacent to the property contains land that is not designated a wetland according to CDFG, but it is an area that supports upland vegetation. The area designated as wetlands is approximately 350 to 450 feet away from the toe of the bluff. However, the delineation of the wetlands is still subject to controversy.

Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the wetlands not include species that may escape and supplant native plants within the ecosystem. As conditioned to include Diegan sage scrub and other native plants compatible with an upland bluff face community, the development will be consistent with Section 30240(a) of the Coastal Act. As conditioned to control grading, and to revegetate, the project conforms with Sections 30240 and 30251 of the Coastal Act.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. Furthermore, to ensure that all future development will be consistent with the Commission's action and with the Chapter 3 policies of the Coastal Act a Future Improvements Deed Restriction is necessary. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act.

F. Public Access

All projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.

The project proposes to provide a public view trail along the top of the bluff, within the proposed bluff top drainage setback area, that would connect from Street "A" in the north east portion of the site to Berger Avenue in the southwest corner of the site. Only approximately 530 lineal feet of the proposed bluff top trail will be within the Coastal Zone (a total of 2,100 lineal feet of trail will be within and outside of the Coastal Zone in this project site. The City's Tract conditions require dedication of this trail.

In addition to the proposed bluff trail the applicant is proposing a .32 acre view park. The view park will be located on the north side of the proposed Street "A". The park will be entirely within the Coastal Zone. The park area would have approximately 300 feet of frontage on Street "A" and a depth off the street of between 30-60 feet. Landscaping of the view park is proposed to include turf, shrubs, ground cover, and trees.

The park as proposed will be open to the general public and an easement over the park for this purpose will be dedicated to the City of Los Angeles. In support of the view park and bluff top trail the applicant is also proposing public parking on the proposed access road (Street "A"). The access, which is partially in the Coastal Zone will provide approximately 23 spaces on the north side within the Coastal Zone and 25 spaces on the south side outside of the Coastal Zone. To ensure that public parking is maintained on the Street "A" to support the public view park and trail a special condition requiring the maintaining of the parking spaces is necessary.

Furthermore, the proposed project will not adversely impact coastal access through increases in generated traffic. Lincoln Boulevard is adjacent to the project site and is a major north-south route providing access to a number of beach cities. As part of roadway improvement mitigation measures required by the City for other projects and the Coastal Transportation Corridor Specific Plan, Lincoln Boulevard is planned for a number of improvements including widening and lane increases. The City is requiring the proposed project, consistent with the Coastal Transportation Corridor Specific Plan, to provide a 57-foot wide half street along the project's Lincoln Boulevard frontage. Other improvements include signalization and signal coordination, turn restrictions, adding additional turn lanes to Lincoln Boulevard and neighborhood streets outside of the Coastal Zone. The increase in traffic attributable to the project will be mitigated by the road widening and addition of turn lanes.

As proposed, 90 residential lots will require access from Lincoln Boulevard, within the Coastal Zone. The remaining 29 residential lots will have access from 80th Street and Rayford Drive, which are located outside of the Coastal Zone. As discussed in the EIR the proposed project will generate approximately 1,220 trips per day. Lincoln Boulevard and Hughes Terrace is currently at Level of Service (LOS) A to C during peak periods. The project traffic analysis in the EIR found that with adding the project access road to this intersection the intersection will operate at LOS B to C during peak periods. The change in LOS at this intersection is not significant.

Because of the location of the access road and the Coastal Zone boundary, which crosses Lincoln Boulevard along the southern edge of Hughes Terrace Road, only vehicles turning

left will be entering the Coastal Zone. Vehicles turning right, heading south along Lincoln Boulevard will be immediately outside of the Coastal Zone. The impact on traffic within the Coastal Zone will not be significant. Therefore, the proposed project, only as conditioned, will be consistent with Section 30210, 30211 and 30252 of the Coastal Act.

G. Biological Resources

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 states in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

Section 30240(a) of the Coastal Act states:

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

This property is located on a highly visible bluff overlooking Ballona wetlands; the Westchester bluffs. These bluffs are a prominent landforms rising 140-170 feet above the Ballona Wetlands. The existing Ballona Wetlands are remnants of a much larger wetland system that formerly covered approximately 1,750 acres. 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 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.

The Ballona Wetlands are located on an adjacent property. The development and /or restoration of the Ballona Wetlands are subject to a long and complex history which is summarized below.

a) Planning History of Ballona Wetlands

Through the California Coastal Act's Local Coastal Program (LCP) process, Los Angeles County developed a Land Use Plan (LUP) for the Ballona Wetlands. The plan divided the area into four subareas, Areas A, B, C, and D (Area D is outside of the coastal zone). In 1984, 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 in 1986 the Commission certified the LUP with suggested modifications, which were accepted by the City.

The City's LUP identified the appropriate land uses for the areas within its jurisdictions. The planning for the 385-acre Area B would 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 to 70,000 square feet of "convenience commercial", and private recreation opens space to serve new residents. For Area C the plan would allow for up to 2,032 dwelling units, 50,000 square feet of convenience commercial (retail and office), 900,000 square feet of office, and 100,000 square feet of retail.

In response to the certification of the County of Los Angeles', and later the City of Los Angeles', LUP, the Friends of Ballona Wetlands, and several other groups, filed a law suit challenging the certification of the coastal land use plan, 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. 525-826).

In 1989, Maguire Thomas Partners-Playa Vista (MTP-PV) acquired management control of Playa Vista and worked with the parties involved in the lawsuit to resolve the issues raised by the litigation. Subsequently, Maguire Thomas Partners entered into a Settlement Agreement with the Friends of Ballona Wetlands, the City, the County and the Commission. Under the Settlement Agreement MTP-PV agreed to eliminate residential development on then identified wetlands in Area B, to downscale commercial development substantially, and to eliminate residential development on an eight acre parcel on the southwest border of the salt marsh. These changes would reduce the amount of residential development in Area B from 2,333 dwelling units allowed by the LUP to 1,800 units, and would reduce the amount of commercial development in Area B from 70,000 square feet of "convenience commercial" allowed in the LUP to 20,000 square feet. Under these changes, all such development in Area B would be restricted to the area north of Jefferson Boulevard.

By entering into the settlement, the Commission did not end the litigation or approve the revised development and restoration plans. Instead, the settlement provides a means for full discretionary review with public input of the revised plans by the City, the County and the Commission. The revised plans are still evolving. The settlement was designed to put into effect a process for governmental review of the current proposal for development of Playa Vista and the restoration of the Ballona Wetlands that, if approved, will become the Land Use Plan and LCP for the Playa Vista Area.

In 1991 the Commission approved a permit for a 26.1 acre freshwater marsh restoration project in Area B [CDP #5-91-463 (Maguire Thomas Partners-Playa Vista)]. That permit is the first element in the overall wetlands restoration program. Other aspects of the Ballona Wetlands restoration will be brought before the Commission when Commission permitting is required.

In the coastal zone the freshwater marsh restoration included fill of approximately 8 of 16 acres of jurisdictional wetlands (Jurisdictional wetlands are wetlands defined by the Corps). The

placement of fill within jurisdictional wetlands requires a 404 permit from the Corps; dredging within jurisdictional wetlands is not subject to a 404 permit.

MTP-PV applied to the Corps for a permit to fill approximately 16.1 acres of federally delineated wetlands pursuant to the major development project in the Ballona Wetlands area. The approximately 16.1 acres were located in areas B, C, and D and consisted of man-made flood control ditches and wetland patches. MTP-PV divided the Playa Vista property into four quadrants: Areas A, B, C, and D. The Playa Vista project itself is then divided into 3 phases. The First phase involves, in part, the construction of 80,000 square feet of office space and 450 residential units in Areas B, C, and D of the Playa Vista property, which contain 17 isolated patches of degraded wetlands. The second phase involves the restoration of the 230-acre salt marsh system within Area B that has been permitted by the Commission. The third phase involves the development of a marina in Area A and associated commercial and residential space and, possibly, improvements to the Ballona channel.

Prior to issuing the permit, the Corps was required to analyze the environmental effects of each stage's permitted activity, pursuant to NEPA. If the Corps determined that the permitted activity would have a "significant impact" on the environment, an EIS would be required to be prepared before granting a permit. If no significant environmental impacts were found, the Corp would be required to issue a Finding of No Significant Impact (FONSI) and an Environmental Assessment (EA).

The Corps determined that an EIS was not necessary and issued a FONSI and an EA allowing MTP-PV to begin the first phase of filling operations. Later, the Corps required that both the second and third stages of the Playa Vista project be preceded by an EIS. In 1992 the Army Corps of Engineers issued a permit to MTP-PV for the fill of wetlands and drainage ditches that are waters of the U.S. that included areas within the coastal zone and areas outside of the coastal zone. The Corps permit allowed, in part, for the applicant to construct the freshwater marsh restoration project approved by the Commission in CDP #5-91-463.

In 1996, a lawsuit was filed against the Corps (Wetlands Action Network; Ballona Wetlands Land Trust; and California Public Interest Research Group v. United States Army Corps of Engineers). The lawsuit alleged that the Corps 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) under section 404 of the CWA. The federal district court dismissed the Clean Water Act cause of action but granted the plaintiff's motion for summary judgment on the NEPA cause of action.

The court found that the Corps' decision to issue the permit with only an EA and FONSI, and not the more detailed EIS, without certain mitigation documents and success criteria worked out before issuance, given the untested nature of the retention basin, and in the midst of substantial dispute as to the project's nature and effects, was arbitrary, capricious, and otherwise not in accordance with the law. The court, therefore, rescinded

the permit, and all construction activities on the jurisdictional wetlands are prohibited until the Corps complies with its NEPA obligations to prepare an EIS on the project's effect on the 16.1 acres of wetlands. The judges' order does not prohibit development outside the jurisdictional wetlands although the EIS must consider effects of such nearby development on the wetlands. The judges' order is on appeal to the Ninth Circuit.

Because the bluff faces were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the County's Marina del Rey/Ballona LCP area which included the Westchester bluff top and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the City's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

According to the EIR urban development has exacerbated the erosion of the ravine. The on-going erosion has resulted in the depositing and accumulation of sand and soil sediments in the Ballona Wetlands, which has created an alluvial fan below the mouth of Hastings Canyon and north of Cabora Drive. This alluvial fan has provided an opportunity for invasive exotics, which further degrade the wetlands. Because of the deposition of silt over the years, the area immediately north of Cabora Drive, extending 300-400 feet from the road, has not been designated as wetlands [(CDP #5-91-463 (Maguire Thomas Partners))].

In other past permit action for the area, the Commission has recognized that concentrated drainage via the storm drain along Veragua Walk into Hastings Canyon contributes to bluff stability, and wetland impacts from sedimentation and pollution, that eventually get washed into the Ballona wetlands (5-98-282; 5-97-205; 5-97-349).

b) Impacts to Biological Resources

This property in its entirety provides several types of habitat. As noted above, the opponents contend that the bluff top provides a remnant habitat unique in the area, that the bluff face provides upland buff and support for land animals dependent on the Ballona wetlands, and that the creek and drainages on the property are wetlands that should be protected under Section 30233.

1) The bluff top. The bluff top portion of the project site is not in the Commission's jurisdiction. Whether or not the bluff top plays an important role in the eco-system, it is not in the commission's power to regulate development on the bluff top.

2) The bluff face supports degraded Diegan sage scrub (coastal bluff scrub). The vegetation on the property, though degraded is denser and healthier appearing than on adjacent parcels that have been subject to fire clearance. The applicant proposes to

restore the bluff face vegetation with species compatible with Diegan coastal sage scrub species that will not have to be extensively cleared to protect the homes from fire.

3) There are four drainages on the property that are under the jurisdiction of the California Department of Fish and Game (CDFG). These drainages include Hastings Canyon and three other gullies that are incised down the bluff face. The opponents assert that there are wetlands within Hastings Canyon.

While Hastings Canyon does have a wetland recognized by CDFG, in one isolated location, the wetland is located outside the Coastal Zone. The applicant contends that outside the coastal zone these drainages are not wetlands and are not protected by Section 30233. In support of this, the applicant has provided the 1703 permit from the CDFG and a biological and soil analysis by its consultant (see Exhibits No. 8 and 9). To be considered a wetland by the Coastal Commission there must be evidence that the area is a wetland as defined in Section 30121. Section 30121 states that:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes on or close brackish water marshes swamps, mudflats and fens.

In adopting its guideline, the Commission found in part:

"...In California wetlands may include a variety of habitat types. For this reason, wetlands may not be readily identifiable by simple means. In such cases, the Commission will also rely on the presence of hydrophytes and or the presence of hydric soils. The rationale for this in general is that wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. For this reason the single feature that most wetlands share is soil or substrate that is at least periodically saturated with or covered by water and this is the feature used to describe wetlands in the coastal act. ... Thus, the presence or absence of hydrophytes and hydric soils make excellent physical parameter upon which to judge the existence of wetland habitat areas for purposes of the coastal act.

Thus to be judged a wetland a site must have one of three elements: (1) inundation, (2) hydric soils, or (3) hydrophytic vegetation. While these canyons are subject to seasonal floods, as a rule they are dry, so they are not inundated. Secondly, in the coastal zone, the four drainages support no hydrophytic plants, and in fact there is very little vegetation in the canyons. Third, the soils report prepared at the request of the staff showed that there are no hydric soils. Therefore the areas are no wetlands on the project site within the Commission's jurisdiction and not subject to section 30233.

Thus, the only habitat value on the site is the coastal scrub habitat. The applicant proposes to restore this habitat.

The proposed project will redirect storm runoff from Hastings Canyon into an on-site stormdrain system. The on-site stormdrain system will connect to the Lincoln Boulevard, which drains into the Ballona wetlands. As conditions to the City's permit, in order to construct the proposed drainage facilities and allow the runoff to drain into the wetland, a set of water quality control Best Management Practices (BMP's) will be required to mitigate the potential development impact and improve the quality of storm water flowing into the wetland. The BMP measures will consist of catch basin filters, catch basin cleaning, storm drain system signage, and household hazardous waste collection and education.

While total runoff volumes discharged into the Ballona Wetlands would be increased due to increased impervious surface area on-site, sediment loads would decrease due to decreased erosion along bluff faces. All new catch basins will include a filter system to improve the quality of drainage flowing into the storm drain system.

Furthermore, according to the applicant the Freshwater Marsh Component that is proposed to be created under the First Phase of the Playa Vista project was designed to serve the tributary drainage area containing the West Bluffs project site. The proposed West Bluffs stormwater drainage plan is designed to be compatible with this Freshwater marsh system.

The project site represents a portion of the upland habitat associated with the Ballona Wetlands. The bluffs generally support mixed coastal sage scrub, non-native grassland and disturbed vegetation. The project site contains less than five acres of intact coastal sage scrub on the bluff faces, with the remainder of the bluff faces disturbed and supporting non-native grassland.

The bottom of Hastings Canyon contains arroyo willows, where surface runoff collects or is periodically impounded behind check dam structures. The applicant's biologist, representatives of the Department of Fish and Game and the United States Army Corps of Engineers (Corps) have inspected the Canyon and have determined that the biological value of the ravine is low. The .04 acres of wetlands found within the Canyon are located outside of the coastal zone.

According to the EIR the bluff face is characterized by native coastal (Diegan) sage scrub, non-native grassland and ruderal vegetation where native vegetation has been displaced. Coastal sage scrub covers less than five acres in isolated patches along the bluff face. The vegetative cover of this community is generally sparse, ranging between 20 and 30 percent.

The LUP originally submitted by the County of Los Angeles proposed restoration of upland sensitive habitat that included the bluffs extending eastward of Falmouth Avenue to Lincoln Boulevard, which includes the proposed site. The California Department of Fish and Game (CDGF) objected to the inclusion of the 12 -acre portion of the bluff, between Falmouth Avenue and Lincoln Boulevard as environmentally sensitive habitat. The CDGF

found that the impacts of adjacent residential uses proposed south of Cabora Drive along the top of the bluffs as well as use of Cabora Drive, would preclude the long-term management of that portion of the bluffs as environmentally sensitive habitat. Therefore, the CDFG recommended deletion of the 12 acres of bluff from the restoration program. The CDFG further recommended that the deleted bluff acreage be replaced with 12 acres of environmentally sensitive habitat area located in the lowland portion of Area B. The Commission concurred with the CDFG's recommendation and excluded the bluff area as sensitive habitat.

The applicant is proposing restoration of the coastal sage scrub impacted along the bluff face, including establishing it on the Hastings Canyon fill slope. Due to impacts to coastal sage scrub located in and outside of the Coastal Zone and to wetlands, outside of the coastal zone, CDFG is requiring restoration along the bluff face consisting of habitat enhancement of existing Diegan sage scrub vegetation and removal of exotic vegetation. The applicant is required to restore .90 acres of habitat, representing a mitigation ratio of greater than 5:1 for the 0.15 acres impacted. According to the EIR this will increase habitat values on the bluff face for obligate species associated with the Ballona Wetlands which utilize the upland habitat.

Furthermore, 73% of the bluffs will be left ungraded and continue to serve as a buffer between the Ballona Wetlands and the residential areas to the south. The applicant is also proposing to dedicate an open space easement over the entire bluff face.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the wetlands not include species that may escape and supplant native plants within the ecosystem. As conditioned to include Diegan sage scrub and other native plants compatible with an upland bluff face community, the development will be consistent with Section 30240(a) of the Coastal Act. To ensure that the impacts to the native vegetation is mitigated the applicant shall submit a landscaping plan indicating the type and location of native vegetation and include the removal of non-native plants. The plan shall include success criteria consistent with Special Condition No 6. The applicant shall also provide a monitoring plan and report to the Executive Director. As conditioned to control grading, and to revegetate, the project conforms with Sections 30230, 30231, 30233 and 30240(a) of the Coastal Act.

H. Cultural Resources

Section 30244 of the Coastal Act states:

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

According to the EIR many prehistoric sites have been found in the Ballona region and much of the area has been professionally surveyed. Three sites (LAN -63, -64 and -206) have been recorded either entirely or partially on the West Bluff property atop the mesa. All three sites were also subject to professional excavations. Based on this previous work the EIR concluded that adverse effects of the proposed development on the archaeological sites have been adequately mitigated.

In June 1997, the West Bluff property was examined by Dr. Jeffrey Altschul and Dr. Michael Hogan of Statistical research. Based on examination of the project site and review of a previous survey done by Archaeological Associates, Statistical Research concurred with conclusion that LAN-63 and -64 meet the criteria as unique or important cultural resources as defined by CEQA Guidelines Appendix K and that LAN-206A which has been seriously degraded, if not destroyed, by previous development does not meet this criteria.

The proposed project would develop an area where two significant archaeological sites (LAN-63 and -64) are located. However, the EIR indicates that previous data recovery has mitigated the loss of information associated with these two sites. The proposed project, therefore, would not have a significant impact on archaeological resources within these two known sites. Although the site may have been surveyed additional artifacts may be uncovered during construction. As a condition of the City's approval the applicant is required to monitor all grading and construction activities and requires appropriate recovery and mitigation measures, regarding excavation, reporting and curation. In past permit action, the Commission has required similar requirements. Therefore, to ensure that the project is consistent with Past Commission action special conditions are necessary to ensure consistency with the Coastal Act.

To assure that the proposed project remains sensitive to the concerns of the affected Native American groups, a Native American monitor should be present at the site during all excavation activities to monitor the work. The monitor should meet the qualifications set forth in the NAHC's guidelines. As a condition of approval, an on-site Native American monitor that meets the qualifications of the NAHC's guidelines, shall be required during excavation activities. Therefore, as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act which requires reasonable mitigation measures be provided to offset impacts to archaeological resources.

Once a site is determined to contain significant cultural resources a Treatment Plan (Mitigation Plan) will be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an amendment will be required. The Executive Director will require an

amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

In the event that grave goods are discovered, the Research Design provides that upon the discovery of human remains, the Los Angeles County Coroner's Office will be notified in compliance with state law, and they in turn will request the Native American Heritage Commission to determine the cultural affiliation.

The Commission's Archaeological Guidelines also recommend that the research design include arrangements for curation of collections when appropriate, and dissemination of the research findings. Regarding curation, the proposed Research Design states that all project related notes, records, photographs, and sorted materials (except those repatriated under California State Burial Law) will be curated at a repository meeting federal standards and in accordance with 36 CFR 79.

There must be some assurance that the collection and related field records, catalogs and reports will be properly curated. Without proper curation there is no assurance that the value of information obtained will be retained in perpetuity. A qualified curation facility is one that meets the State Historic Preservation Office (SHPO) guidelines, such as the mentioned San Bernardino County Museum. However, there is no guarantee that the facility will be able to accept the collections once the artifacts are ready for curation. Consequently, if another facility is available that meets SHPO's guidelines, it would also be appropriate to allow curation to occur there. In any case, curation of any significant artifacts must be assured in order to find that the proposed project meets Section 30244 of the Coastal Act's requirement for reasonable mitigation. Therefore, as a condition of approval, artifacts of significant cultural value collected as a result of this project at the archaeological sites shall be curated at a qualified curation facility. If no qualified curation facility is available at the time the project is complete, an amendment to this permit shall be required to determine the appropriate curation process. The Commission finds, therefore, that as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

I. Local Coastal Program

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In November 1986, the Commission certified, with suggested modifications, the land use plan portion of the Playa del Rey segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these polices are those specified in the preceding section regarding public access, visual resources, and geology. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be

consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

J. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

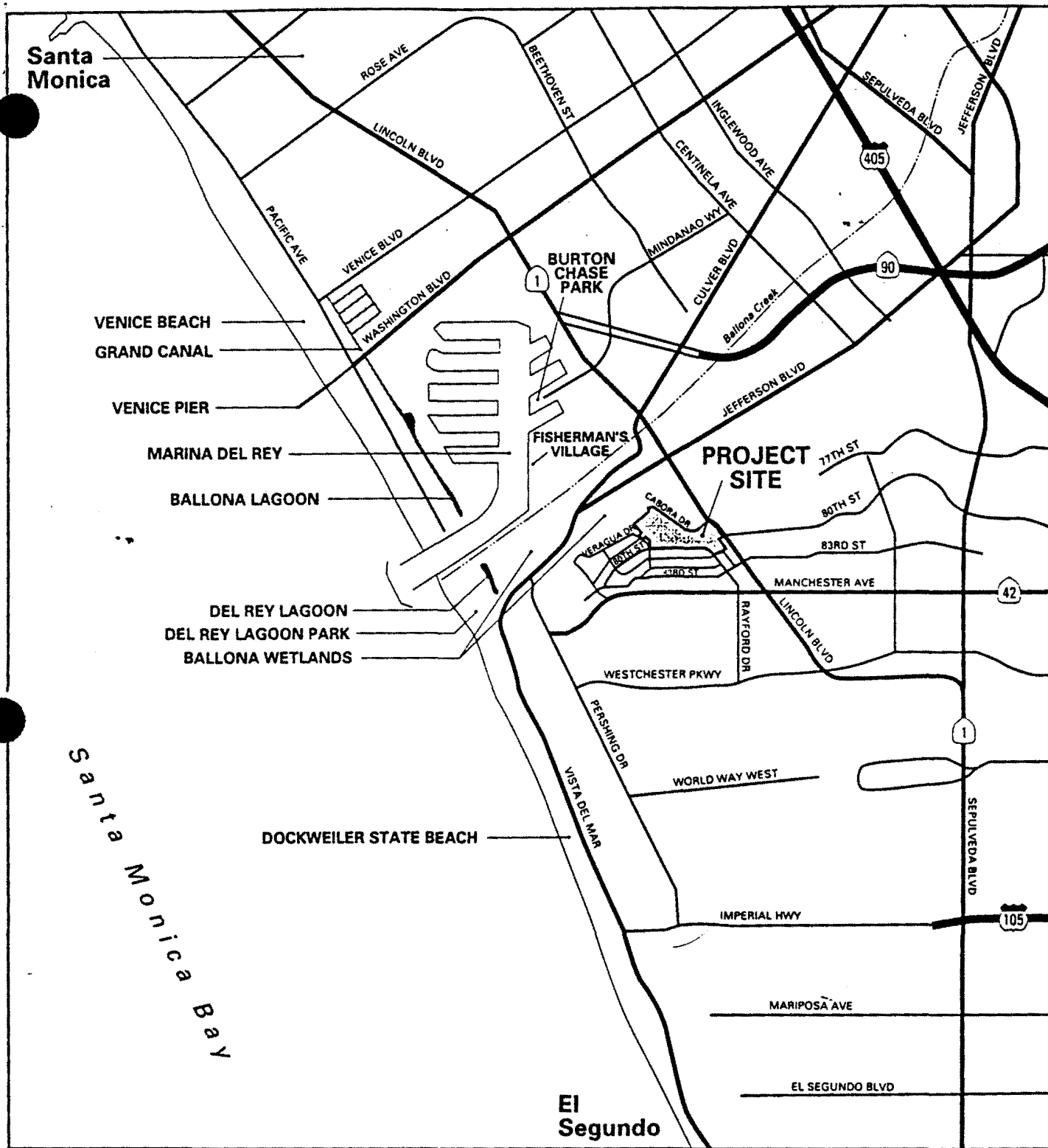


EXHIBIT NO.	1
Application Number	PDR-1301 S-99-151
Vicinity Map	
California Coastal Commission	

FROST & ASSOCIATES
JN10-033522-6539

WEST BLUFFS
Vicinity Map
Exhibit 1

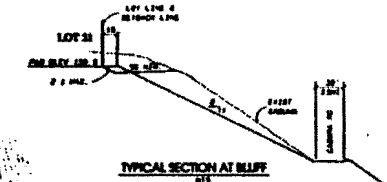
TENTATIVE TRACT NO. 51122 WEST BLUFFS

CITY OF LOS ANGELES, STATE OF CALIFORNIA
FOR MERGER AND SUBDIVISION PURPOSES

GENERAL NOTES:

1. ACRES: 27.25 ACRES (TO CENTERLINE OF ADJACENT STREET)
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SCALE: 1"=100'



LEGEND

- LOT NUMBER
- OPEN SPACE LOT NUMBER
- POB ELEVATION
- SBP ELEVATION
- TOP OF SLOPE
- TOP OF SLOPE

LEGAL DESCRIPTION:

LOT 122, TRACT NO. 51122, CITY OF LOS ANGELES, CALIFORNIA

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LOT 122, TRACT NO. 51122, CITY OF LOS ANGELES, CALIFORNIA

EXHIBIT NO. 2

Application Number
A-5-PDR-130/
5-99-151

Tract Map

California Coastal Commission

ASSOCIATES

033522-6539

OWNER/DEVELOPER

CATELLUS RESIDENTIAL GROUP

3100 PLAIN BLVD. #200
DANA POINT, CA 92629
(949) 574-0000



ROBERT BECK, WILLIAM PROFF & ASSOCIATES
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
11111 WILSON BLVD., SUITE 100
LOS ANGELES, CA 90024
(213) 734-1111



TENTATIVE
TRACT NO. 51122

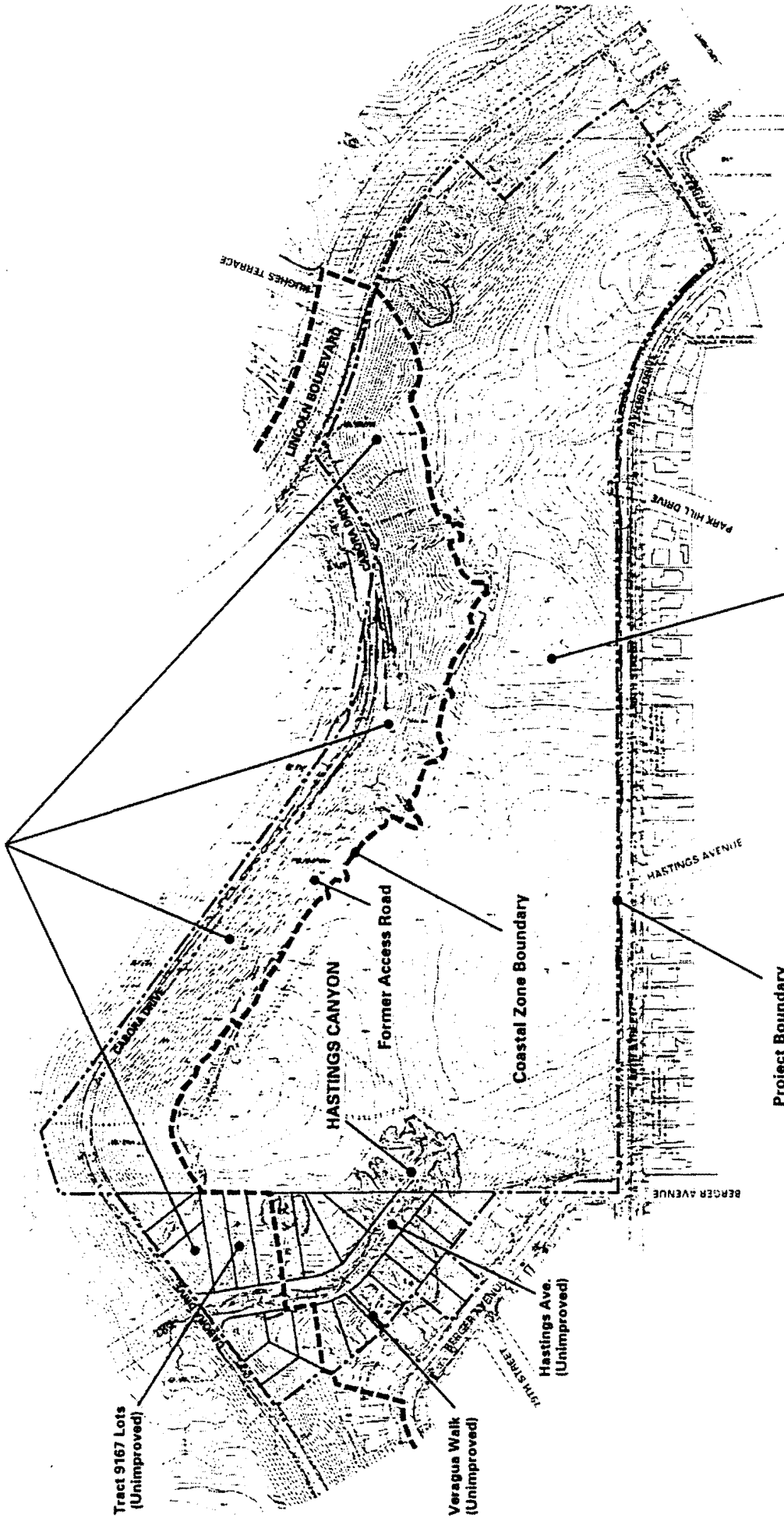
DATE: DECEMBER 8, 1998
SCALE: 1"=100'
SHEET: 1

WEST BLUFFS

Tentative Tract Map No. 51122

Exhibit 4

Project Site
Within Coastal Zone (11.95 Ac.)



Project Site
Outside Coastal Zone (32.74 Ac.)

Project Boundary

Coastal Zone Boundary

HASTINGS CANYON

Former Access Road

Tract 9167 Lots
(Unimproved)

Veragua Walk
(Unimproved)

Hastings Ave.
(Unimproved)

15th Street

BERGER AVENUE

HASTINGS AVENUE

PARK HILL DRIVE

LINCOLN BOULEVARD

HUGHES TERRACE

EXHIBIT NO. 3

Application Number
19-5-PDR-1301

5-99-151

Existing Conditions

California Coastal Commission

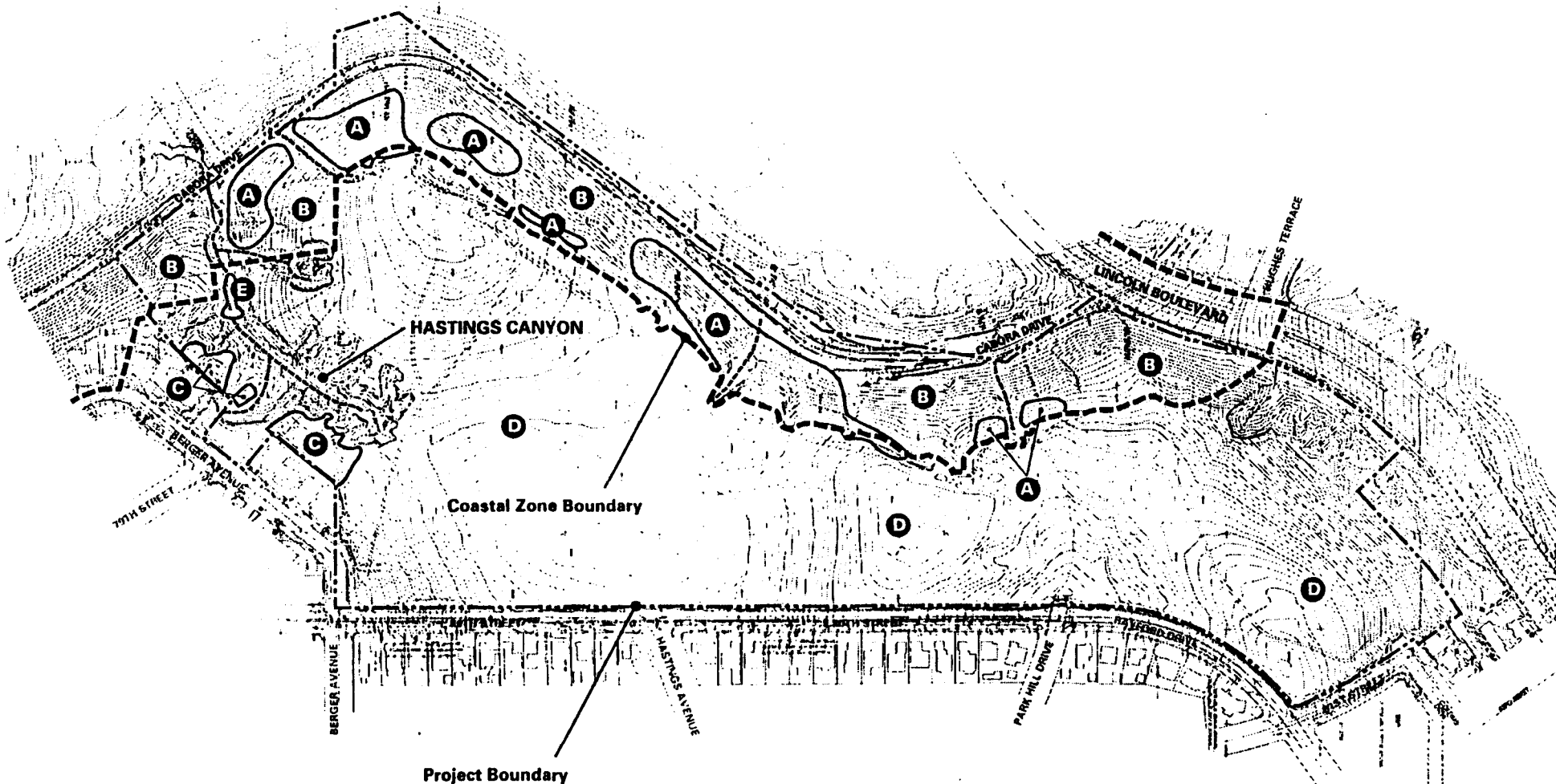
ASSOCIATES

3-03522 6539

WEST BLUFFS

Existing Conditions

Exhibit 2



Source: Planning Consultants Research (5/98)

EXHIBIT NO. 4

Application Number

95-PDR-1301
5-99-151

Existing Vegetation

California Coastal Commission

DPG Stream Segments

& ASSOCIATES

10-033522-6539

WITHIN COASTAL ZONE

- A Diegan Sage Scrub
- B Non-Native Grassland

OUTSIDE COASTAL ZONE

- C Ornamental Vegetation
- D Plowed Field / Ruderal Vegetation Along Margins
- E Riparian / Wetland

WEST BLUFFS

Existing Vegetation

Exhibit 3

-10-

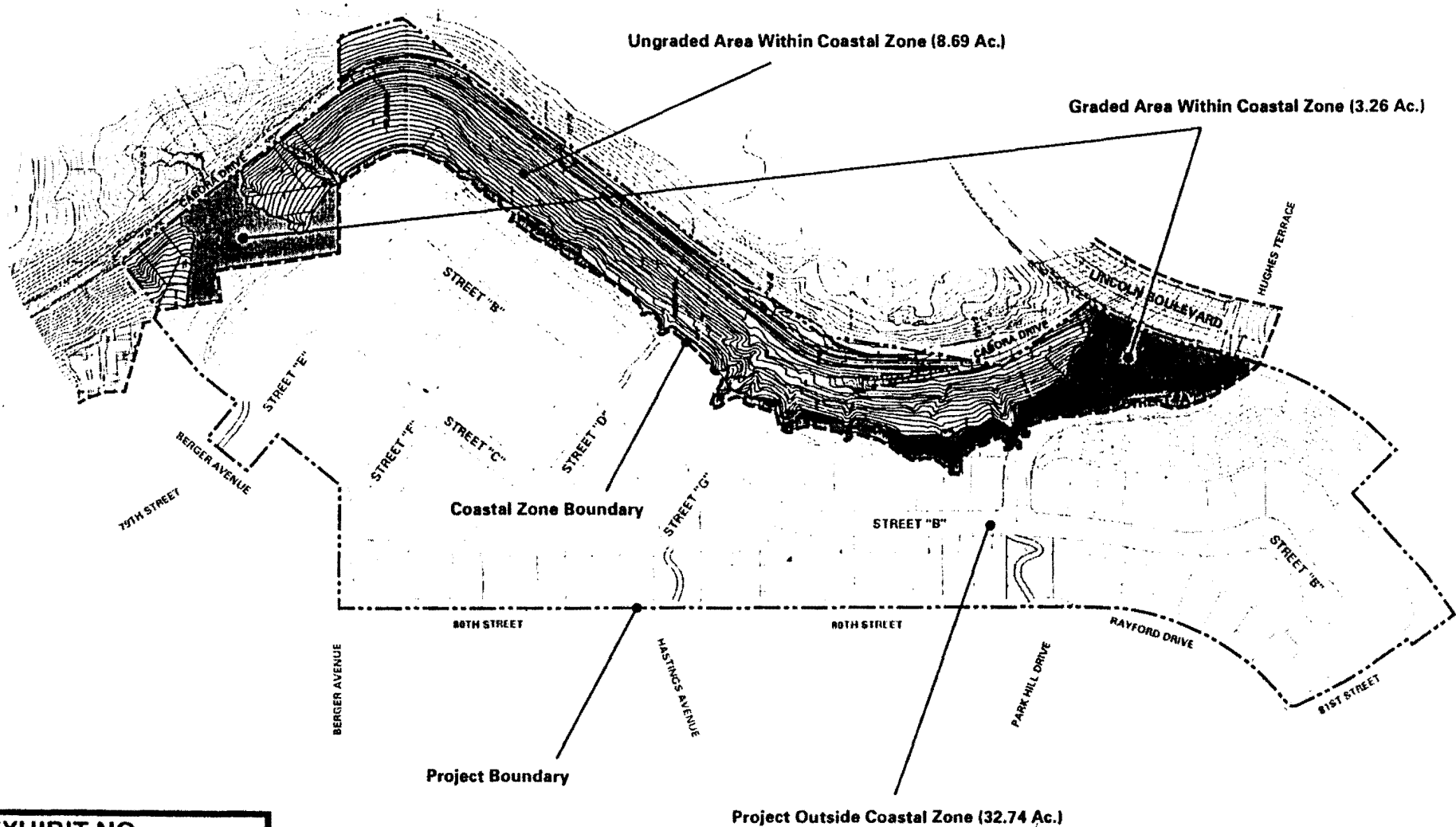
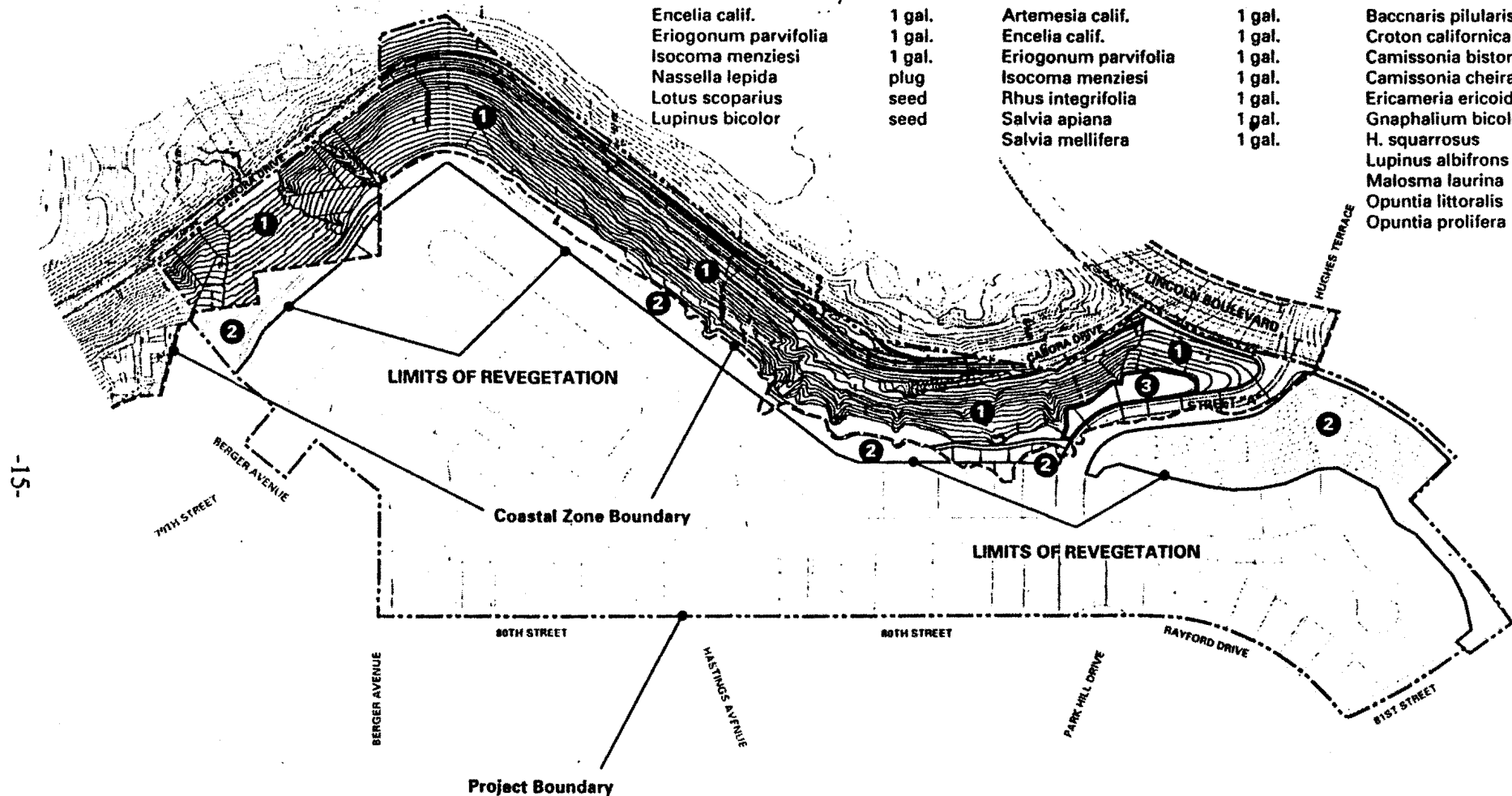


EXHIBIT NO.	5
Application Number	A-5-PDR-130/ 5-99-151
Grading Plan/ Location	
California Coastal Commission	

T & ASSOCIATES
N10-033522-6539

PROPOSED REVEGETATION PLANT LIST

Plant Name	Size	Plant Name	Size	Plant Name
Encelia calif.	1 gal.	Artemesia calif.	1 gal.	Baccarais pilularis
Eriogonum parvifolia	1 gal.	Encelia calif.	1 gal.	Croton californica
Isocoma menziesi	1 gal.	Eriogonum parvifolia	1 gal.	Camissonia bistorta
Nassella lepida	plug	Isocoma menziesi	1 gal.	Camissonia cheiranthifolia
Lotus scoparius	seed	Rhus integrifolia	1 gal.	Ericameria ericoides
Lupinus bicolor	seed	Salvia apiana	1 gal.	Gnaphalium bicolor
		Salvia mellifera	1 gal.	H. squarrosus
				Lupinus albifrons or excubitus
				Malosma laurina
				Opuntia littoralis
				Opuntia prolifera



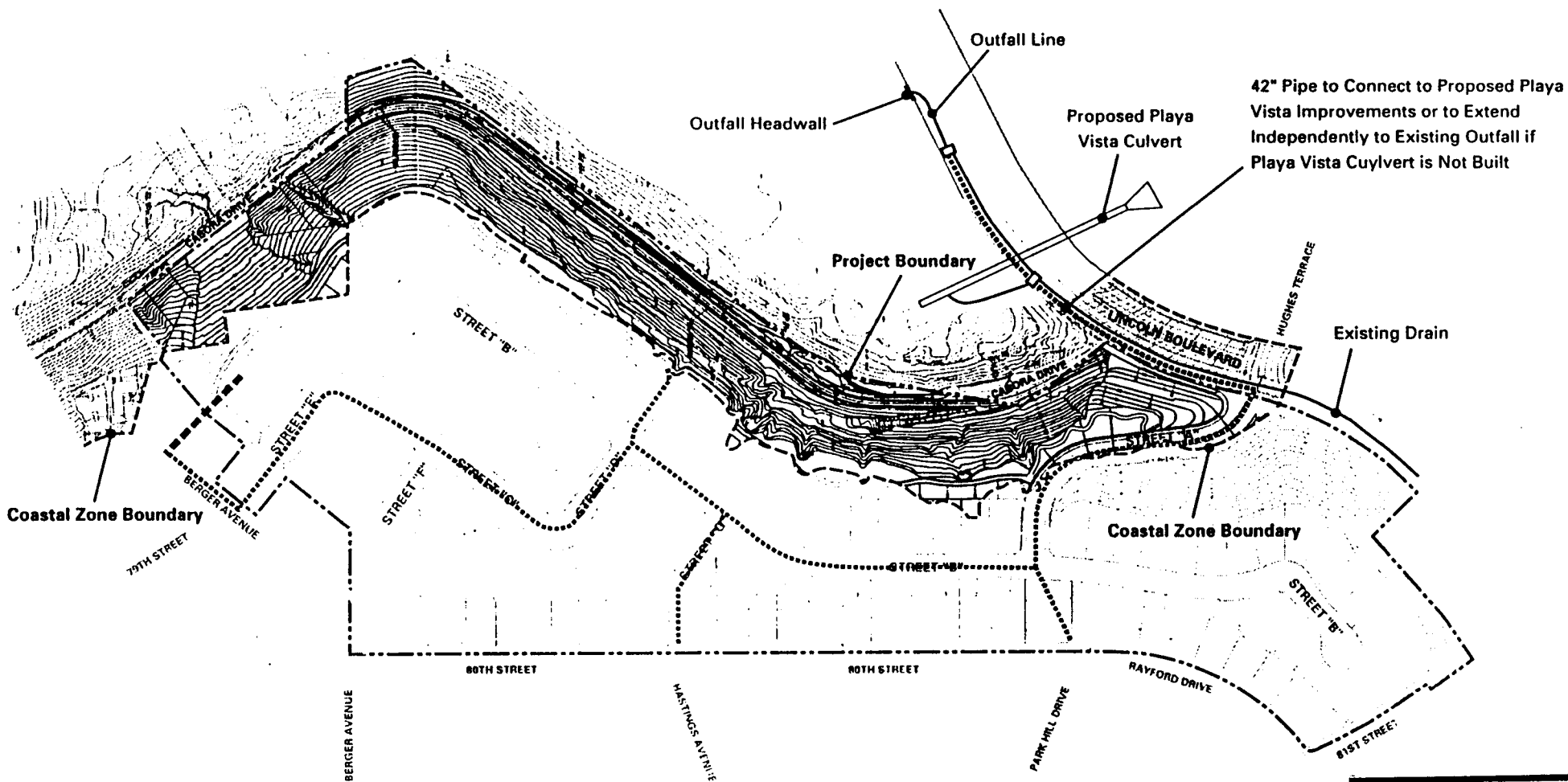
- 1 Vegetation Within Coastal Zone
- 2 Vegetation Outside Coastal Zone
- 3 For View Park Landscaping See Exhibit 9

Source: Campbell & Campbell Landscape Architects (4/99)



EXHIBIT NO. 6
Application Number A-5-PDR-130/ 5-99-151
Proposed Revegetation Plan

-21-



- Existing Drain Outside Coastal Zone to be Removed and Re-routed
- Proposed Storm Drain System Within Coastal Zone
- Proposed Storm Drain System Outside Coastal Zone



Not to Scale

EXHIBIT NO. 7
Application Number A-5-PDR-130/ 5-99-151
Storm Drain Improvements
California Coastal Commission

WEST BLUFFS

Storm Drain Improvements

Exhibit 11

FROM LATHAM & WATKINS LA 213-891-8763... #08

(FRI) 7.16.99 7:30/ST. 7:

EXHIBIT NO. 8
Application Number A-5-PDR-130/ 5-99-151
Letter from Fish & Game
California Coastal Commission

RECEIVED

December 8, 1997

FEB 26 1998

PLANNING CONSULTANTS RESEARCH
ENVIRONMENTAL PLANNING POLICY & RESEARCH

FISH & GAME
LONG BEACH, CA

Ms. Leslie MacNair

Biologist

CALIFORNIA DEPARTMENT OF FISH AND GAME

330 Golden Shore Drive, Suite 50

Long Beach, California 90802

RE: OCTOBER 15, 1997 FIELD MEETING RESULTS AND CONFIRMATION OF SITE CONDITIONS,
IMPACTS AND ACCEPTABLE MITIGATION MEASURES

Dear Ms. MacNair:

Thank you for having met with me and representatives of Planning Consultants Research and Catellus Residential Group, on Wednesday, October 15, 1997 at the project area referenced above. This letter is to confirm our field determinations from that meeting, and to review our preliminary verbal agreement regarding the extent of project impacts and acceptable mitigation measures. As presented in Figure 1 - Project Location, the proposed West Bluffs project site is located along the Playa del Rey Bluffs and is generally bounded by the Cabora Drive alignment to the north, 80th Street to the south, Berger Avenue to the southwest and Lincoln Boulevard to the east.

EXISTING SITE CONDITIONS

The project site forms a portion of the larger Playa del Rey Bluffs, an uplifted nearshore marine depositional feature. On-site soils and underlying sand deposits are very porous and highly erodible. The project site is comprised of 44.4 net acres of vacant land. It is bounded by single family residences to the south, west and southwest. The base of the bluffs largely forms the project's northern boundary. The site is characterized by undulating topography, which may be associated with the dune complex of the Westchester/Los Angeles International Airport area. A remnant of this complex is located immediately west of the Los Angeles International Airport facility. U.S.G.S. topographic mapping indicates this dune complex once extended northward to the bluff face and eastward across what is now Pershing Drive. Site topography is somewhat suggestive of area backdune structure and morphology.

Vegetation

Vegetation on-site consists of Diegan sage scrub on the bluff face intermixed with non-native grassland and exotic invasives in intervening ravines and drainages. Over the years the upper portion of the site has been mechanically disked for fire control. It currently contains little vegetative cover.

PCR

PLANNING CONSULTANTS RESEARCH
ENVIRONMENTAL PLANNING, POLICY & RESEARCH

Ms. Leslie MacNair
California Department of Fish and Game
December 8, 1997

Drainage

As shown in Figure 2 - Stream Segment Location Map, the primary drainage feature on the property is known locally as Hastings Canyon, though geomorphically Hastings Canyon is the size of a ravine. Two stream segments (Segments 1 and 1A) were delineated in Hastings Canyon. The ravine receives some surface runoff from the top of the bluff, which is only a small portion of the entire undeveloped site. Additionally, some street drainage is conveyed overland via corrugated pipe directly into the bottom of Hastings Canyon. Daily nuisance runoff has resulted in the development of a small under-developed wetland area within the canyon bottom which is approximately eighty (80) by twenty-two (22) feet in extent (0.04 acre).

The bluff face receives a minor amount of surface runoff from adjoining upland areas. Most of the bluff top drains away from the bluff face, toward Hastings Avenue and 80th Street.

The bluff face is comprised of highly erodible sands and sandy loams. Though surface runoff is considered minimal, the erodibility of the surface materials has resulted in the development of a series of small ravines along the face of the bluffs. Only three of these erosional features show evidence of water-borne sediment transport. The channel width of all three drainages (Stream Segments 2, 3, and 4) is extremely narrow, varying between one and two feet. These features do not appear to be jurisdictional "waters" as regulated by the U.S. Army Corps of Engineers, but are considered "streambeds" by the California Department of Fish and Game (CDFG).

METHODOLOGIES

U.S.G.S. topographic mapping (Venice Quadrangle, 1964) was initially reviewed to determine the general area's topographic features and broad hydrologic patterns. Additionally, site specific topographic data provided by the property owner's engineer was also analyzed.

The site was originally investigated by Samuel Reed and Tony Baumkamp to determine whether ACOE or CDFG jurisdiction would be asserted on-site. It was determined at that time that a preliminary determination of "waters of the U.S." should be conducted, as well as an investigation regarding the presence of "streambeds" as regulated by CDFG. These more detailed investigations were performed September 18th and 19th, 1997 by Samuel Reed. All areas of the 44.4 acre property were evaluated. All ravines, swales and upland areas were thoroughly explored on foot. Width and length measurements were taken in those areas exhibiting evidence of concentrated runoff and have been summarized herein. Field data forms were completed and are available upon request. The data forms have been supplemented with a summary of the October 15, 1997 field meeting results referenced previously.



Ms. Leslie MacNair
 California Department of Fish and Game
 December 8, 1997

PLANNING CONSULTANTS RESEARCH
 ENVIRONMENTAL PLANNING, POLICY & RESEARCH

PRELIMINARY FINDINGS

Five stream segments across the property were found to contain evidence of concentrated drainage. Segments 1 and 1A are contained within the ravine known as Hastings Canyon. These two stream segments fall under the regulatory authority of both ACOE and CDFG. Other erosional areas within Hastings Canyon appeared non-jurisdictional and lacked definitive hydrological indicators.

Segment 2 is located immediately east of Segment 1 on the bluff face near a chain-link fence enclosure. Due to its very narrow width, upland vegetative profile, and lack of surface runoff contribution, this area was deemed to fall under regulatory authority of CDFG and not ACOE.

Segment 3 and Segment 4 are the next drainages eastward. They each show evidence of concentrated runoff. Conditions very similar to those described for Segment 2 are present. These areas are believed to fall under CDFG jurisdiction but not ACOE jurisdiction.

The results of the field investigation are summarized below in Table 1 - Preliminary Summary of Delineated Areas.

TABLE 1
 PRELIMINARY SUMMARY OF DELINEATED AREAS

Stream Segment	Length/Width (feet)	"waters" (acres)	Streambed (acres)	Wetland (acres)
Segment 1	940/Varies between 3' and 8'	0.068	0.106	0.040
Segment 1A	275 x 1	0.006	0.006	n/a
Segment 2	275 x 2	Not "waters"	0.013	n/a
Segment 3	270 x 1	Not "waters"	0.006	n/a
Segment 4	220 x 2	Not "waters"	0.010	n/a
TOTAL ACREAGE		0.074	0.141	0.040

PCR

PLANNING CONSULTANTS RESEARCH
ENVIRONMENTAL PLANNING, POLICY & RESEARCH

Ms. Leslie MacNair
California Department of Fish and Game
December 8, 1997

IMPACTS AND MITIGATION MEASURES

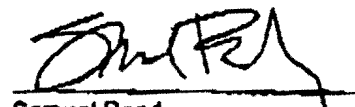
Implementation of the project is expected to impact 0.141 acre of jurisdictional streambeds and approximately 0.04 acre of an under-developed wetland area comprised of about six small trees (*Salix* spp.), for a total impact of 0.181 acres. Resource values on-site are considered low, particularly with regard to riparian values. The relatively low resource value of jurisdictional areas on-site, in conjunction with the configuration of the proposed project, has resulted in the determination that replacement of the 0.04 acre willow scrub area is not feasible or necessary. Outside of the willow scrub area, stream segments are contained entirely within upland vegetative communities (0.101 acre).

Therefore, the project developer shall be responsible for habitat enhancement to existing Diegan sage scrub habitat and removal of exotic vegetation on the bluff face. The mitigation area shall be comprised of no less than 0.90 acre, which is a mitigation ratio of 5:1. The location of the mitigation area and precise restoration requirements shall be coordinated between responsible and trustee agencies following certification of the environmental document.

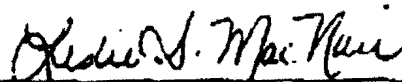
If you agree with the information presented herein, a signature block has been provided for your signature. Please call me at (909) 699-7289 should you have any questions. Thank you.

Respectfully,

PLANNING CONSULTANTS RESEARCH



Samuel Reed
Project Manager/Ecologist



Leslie S. MacNair, Environmental Specialist III
Environmental Services, Region 5
California Department of Fish and Game

Date:

3/4/98

- c: Mr. Steve Nelson, Planning Consultants Research
Ms. Laura Kaufman, Planning Consultants Research
Mr. Peter Lavener, Catellus Residential Group

SANTA MONICA

LOS ANGELES

July 19, 1999

EXHIBIT NO. 9
Application Number A-5-PDR-1361 5-99-151
Letter from Applicant's Biologist
California Coastal Commission

California Coastal Commission

Attn: Ms. Pam Emerson and Mr. Al Padilla

200 Ocean Gate Boulevard, 10th Floor, Suite 1000

Long Beach CA 90802-4302

Re: Identification of Wetland Resources on the West Bluffs Project Site

Dear Ms. Emerson and Mr. Padilla:

You have requested additional information regarding the jurisdictional status of the large ravine known locally as Hastings Canyon within the proposed West Bluffs development in Los Angeles. The California Department of Fish and Game (CDFG, Ms. Leslie MacNair) has been on the site and has concurred with the formal delineation that occurred in 1997 as set forth in our December 8, 1997 letter to Ms. MacNair. Based on the delineation conducted by PCR Services Corporation in concert with CDFG, the acreage and location of jurisdictional wetlands had been identified and illustrated on the map attached to this letter. However, you have requested further clarification as to the status of any additional areas on the site that could meet the jurisdictional definition of the CDFG or the Coastal Act. This letter will describe existing conditions at the site and define them as they pertain to wetland definitions of the CDFG and under the Coastal Act.

California Fish and Game code Section 2785-2799.62785 provides definitions of what is riparian and wetland habitat. "Riparian habitat" means lands which contain habitat which grows close to and which depends upon soil moisture from a nearby freshwater source. "Wetlands" means lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools. The jurisdictional determination applicable to the West Bluffs Project used these definitions by CDFG and the definition of "wetlands" under the Coastal Act. I personally conducted a review of the current conditions at the site on July 18, 1999 to confirm that the past delineation remained accurate.

Existing conditions on the West Bluffs project site have not changed since the formal delineation that occurred in 1997. The most prominent jurisdictional feature is associated with Hastings Canyon, which can be divided into three distinct zones, the upper canyon above the wetland (outside of the Coastal Zone), the wetland area (outside of the Coastal Zone), and the lower canyon below the wetland (partially within the Coastal Zone). The upper canyon above the wetland

SANTA MONICA

LOS ANGELES

IRVINE

California Coastal Commission
Ms. Emerson and Mr. Padilla
July 19, 1999 - Page 2



PCR

(outside of the Coastal Zone) can be characterized as an ephemeral, sandy wash with upland vegetation (mostly non-native, exotic plant species). Water supplied to this upper area is exclusively runoff from winter storm events. Soil in this zone is predominantly sand with no evidence of wetland characteristics. Currently, there is no evidence of water flow or scour. Foot traffic through this area has removed all evidence of an ordinary high water mark. Vegetation is exclusively non-native upland exotic species including ice plant, tree tobacco, and upland grasses. This streambed does not have standing water, does not have hydric soils, and does not support wetland vegetation. Therefore, this streambed cannot be considered a wetland as defined by CDFG or the Coastal Act.

The existing wetland area (0.04 acres) is outside of the Coastal Zone and is supported primarily by urban runoff from the adjacent residential development. Storm water runoff and nuisance drainage from the adjacent residential development flows through a corrugated metal pipe which empties into the canyon. This flow supports a small area of standing water near the outlet pipe. As this water enters Hastings Canyon, it has saturated a small area of the canyon bottom that supports sparse wetland vegetation (approximately four arroyo willow trees) and several mounds of the invasive pampas grass. There are no wetland understory plant species present. Within the saturated zone, the soils would be considered hydric and exhibit wetland characteristics. This area meets the definition for a wetland and continues to be classified as such by both the CDFG and the U.S. Army Corps of Engineers. This area is accurately depicted on the attached map.

The third area of the canyon is found below the wetland. A portion of this area is in the Coastal Zone and includes a portion of the canyon streambed. This area exhibits conditions similar to the area above the wetland but with higher water flow. There is evidence of water flow in this area, the ordinary high water mark is approximately 5 feet wide. Vegetation in this area is sparse and consists of non-native upland species; there is no riparian or wetland vegetation. The soils are sandy with no evidence of hydric conditions. This streambed does not have standing water, does not have hydric soils, and does not support wetland vegetation. Therefore, this streambed cannot be considered a wetland as defined by CDFG or the Coastal Act.

It is clear from the investigation of current conditions on the site that the wetlands identified by the delineation in 1997 exist in a similar state and size today. There has been no material change in the size and shape of the jurisdictional areas. The wetland area within Hastings Canyon is supported by urban run off from the adjacent residential development but is outside of the Coastal Zone. Only those areas previously designated would be classified as jurisdictional wetlands under the CDFG or the Coastal Act.

SANTA MONICA

LOS ANGELES


IRVINE

California Coastal Commission
Ms. Emerson and Mr. Padilla
July 19, 1999 - Page 3

PCR

We hope this letter clarifies the circumstances surrounding the existing wetlands and jurisdictional waters on the West Bluffs project site. If you have any questions, please contact me at (949) 753-7001. Thank you for your consideration.

Sincerely,
PCR SERVICES CORPORATION



Mark F. Sudol, Dr. Env.
Principal Ecologist/Regulatory Specialist

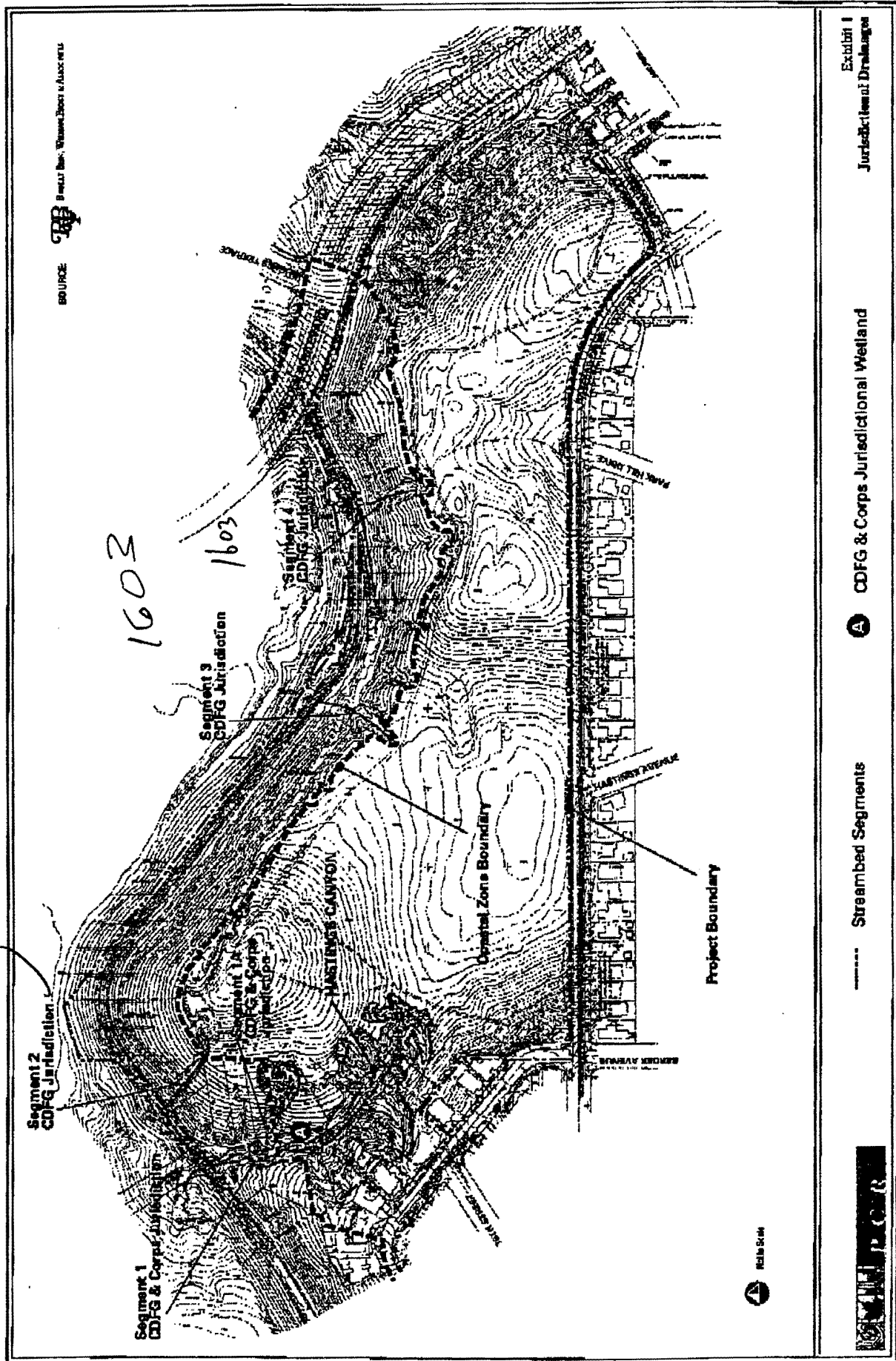


Exhibit I
Jurisdictional Drainages

FROM LATHAM & WATKINS LA 213-391-8763 #98 (FRI) 7.16'99 7:40 ST. 7

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

43 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200

EXHIBIT NO. 10

Application Number

A-5-PDR-130/

5-99-151

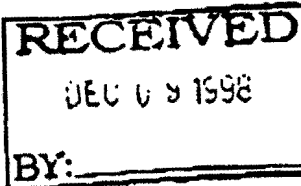
Letter from Mapping

Unit Re: CZ boundary

California Coastal Commission

December 7, 1998

Mr. Albert Jibilian
7924 Berger Avenue
Playa Del Rey, CA 90046



**SUBJECT: Request for Survey of Coastal Zone Boundary: West Bluffs
(City of Los Angeles)**

Dear Mr. Jibilian:

This is in response to your letter of October 30, 1998, and your request for a survey of the Coastal Zone Boundary on the Catellus property in the West Bluffs area of the City of Los Angeles. It is intended to explain both our rationale in rejecting the survey request as premature and unnecessary at this time, and to provide certain background about the Coastal Zone Boundary and the evolution of its precise location over the past 25 or so years, with the hope that this information will give you an understanding of the present location of the Coastal Zone Boundary at the above-referenced site.

1. Current Coastal Zone Boundary

The Coastal Zone is not defined by survey, but rather by maps adopted by the state Legislature. There is no metes and bounds description of the boundary. When the Legislature adopted the Coastal Act of 1976, the Coastal Commission's jurisdiction was established by 21 maps delineating a boundary which ranged from a few hundred feet or less in some cases, to a maximum of 5 miles inland of the Mean High Tide Line in others. An Attorney General's opinion (Opinion No. 79-1108) was rendered around that time, validating the position that the set of adopted maps, and not the generalized, descriptive Coastal Act language was intended to be the controlling, definitive source for establishing the inland jurisdiction boundary in any given coastal location.

In March 1977, these maps were legally superceded by a set of 161 more detailed maps that the Legislature directed the Coastal Commission to adopt. Coastal Zone Map 138 (also referred to as the Venice Quadrangle) was first adopted by the Coastal Commission at this time, along with the other 160 1:24,000-scale map sheets prepared using the US Geological Survey 7.5 minute quadrangle series as a base map. In addition, the Legislature provided the Commission with the discretionary authority to make minor adjustments to the boundary for the purposes of avoiding the bisection of individual parcels or to conform the boundary to readily identifiable features.

Minor legislative amendments to the Coastal Zone Boundary on map 138 were made in 1978 pursuant to Section 30103.5(a) of the Coastal Act and again in 1980 pursuant to Section 30150 of the Act. The first affected a segment of boundary removing about 230 acres along Pershing Drive west of the airport, and the second change removed approximately 150 acres in the City of El Segundo and adjacent oil refinery. Neither of these changes affected the area at West Bluffs.

Since that time, there have been two Minor Coastal Zone Boundary Adjustments approved which modified this map sheet, one in September of 1990 and one in August of 1995. The adjustment adopted in 1990, referred to as MBA 6-89, was submitted by the City of Los Angeles and did affect the West Bluffs property. The staff report and maps for this adjustment were previously sent to you, and describe how and why the boundary was changed here. Essentially, MBA 6-89 moved the boundary landward, up the bluff face in this area, to follow a combination of a contour line and parcel boundaries. This adjustment *added* approximately 8.75 acres of land to the Coastal Zone, giving the Coastal Commission more jurisdiction in this area, rather than less. The second Minor Boundary Adjustment (MBA 1-95) realigned the Coastal Zone Boundary where it follows the inland right of way of Lincoln Blvd, and added less than one acre to the zone. As revised by these two MBA's, Coastal Zone Map 138 is the official Coastal Zone Boundary Map that reflects the operative legal boundary for permit jurisdiction in the West Bluffs area.

2. Status of Hastings Canyon

Only a small part of Hastings Canyon is located in the Coastal Zone, therefore the Commission has no jurisdiction over most of the canyon. This is due to the fact that the canyon was only partly included in the zone in both the original maps adopted by the Legislature in 1976 and the more detailed maps adopted by the Commission in 1977. The unofficial depiction prepared by the City of Los Angeles which shows most of Hastings Canyon included in the Coastal Zone is inconsistent with those legally controlling maps. It was a *proposed* Coastal Zone Boundary alignment reviewed by Coastal Commission staff during the processing of MBA 6-89. The City withdrew it from consideration because Commission staff informed them that it failed to meet the criteria of Section 30103(b), which limits a landward adjustment to a maximum distance of 200 yards. Thus, that map and the proposed boundary it depicts have no legal significance.

3. Catellus' Request for Minor Boundary Adjustment

As you know, Catellus submitted a Minor Coastal Zone Boundary Adjustment request for the West Bluffs area in July of this year, which would have *added* approximately 2.7 acres to the Coastal Zone. Catellus temporarily withdrew the request on October 19, in response to the staff's advice that the request was premature at this time, because the proposed boundary would have followed parcel lines, which do not yet exist. Once the

tentative tract map for the area is approved and recorded with Los Angeles County, Catellus may resubmit this boundary adjustment request.

4. Your Request for a Survey

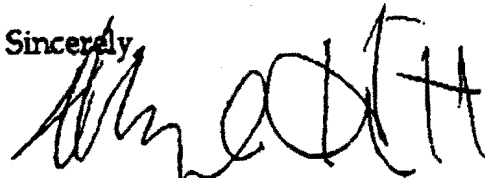
In your letter of October 30, you requested that a survey be done for the Coastal Zone Boundary on the West Bluffs property. The Commission does not have the staffing resources to perform surveys. Nevertheless, staff is aware of limited instances in which private persons have contracted to have a survey performed and have submitted the results to the Coastal Commission for review. If you wish to do that, you will need to be aware of mapping conventions for the Coastal Zone Boundary. Commission staff will review the surveyed line as time permits.

5. Conclusion

The current map 138, which was sent to you in August of this year, reflects the Coastal Zone Boundary under the law, including the two legislative amendments and the Minor Boundary Adjustments made by the Coastal Commission administratively. You also received a copy of a large-scale map showing the current Coastal Zone Boundary and Catellus' proposed (temporarily withdrawn) Coastal Zone Boundary, both of which were accurately depicted. Neither the current boundary nor Catellus' proposed one would give the Coastal Commission jurisdiction over most of the proposed development, including most of Hastings Canyon.

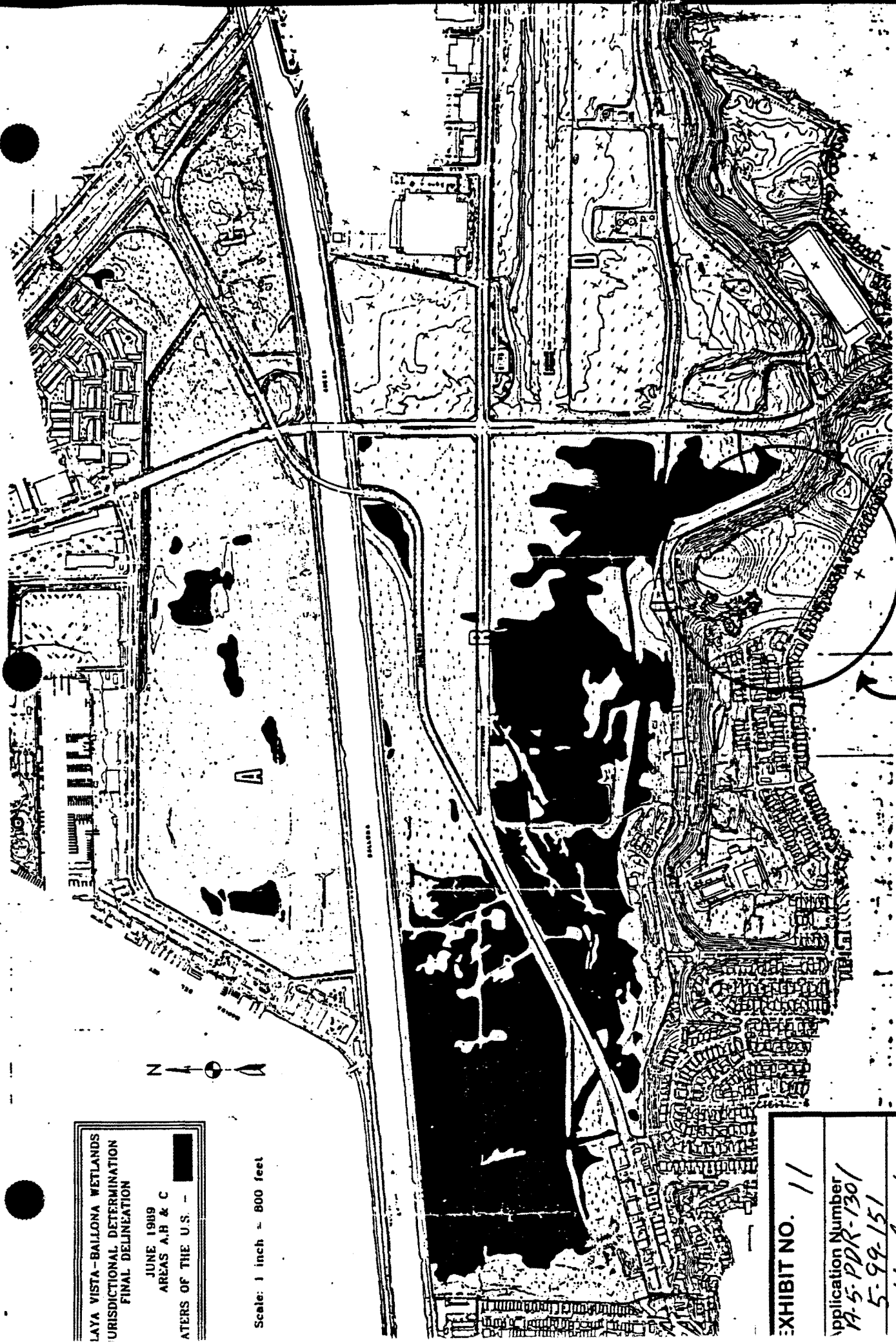
Hopefully, this information will further your understanding of the Coastal Zone Boundary location and its evolution in this area. You may wish to contact the Commission's legal staff if you have further questions regarding boundary procedures or interpretation.

Sincerely,



Allyson C. Hitt
Mapping/GIS Unit

Cc: D. Dickey, CCC-SF
J. Van Coops, CCC-SF
P. Emerson, CCC-LB
A. Padilla, CCC-LB
D. Fisher, City of L.A. Planning Dept.
C. Leslie, RBF Engineering
✓ P. Lauener, Catellus

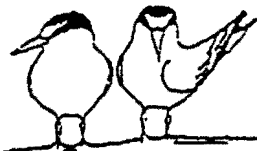


Project Site

LAYA VISTA-BALLONA WETLANDS
 JURISDICTIONAL DETERMINATION
 FINAL DELINEATION
 JUNE 1989
 AREAS A, B & C
 WETLANDS OF THE U.S. -

Scale: 1 inch = 800 feet

EXHIBIT NO. 11
Application Number A-5-PDR-1301
5-99-151
Wetland Determination
California Coastal Commission



310/821-7592

FRIENDS OF BALL

ATTN: DARRYL

ATTN: DAVID KABASHI...

EXHIBIT NO.

12

Application Number

17-5-PDR-130/

5-99-151

Sample Letters

Received From Public
California Coastal Commission

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City of Los Angeles, Dept. of City Planning
221 N. Figueroa St. Room 1500
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October 16, 1998

RECEIVED
CITY OF LOS ANGELES

OCT 20 1998

CITY PLANNING
DIVISION OF LAND

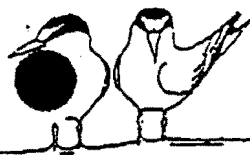
POSITION STATEMENT: WEST BLUFFS PROJECT

Friends of Ballona Wetlands has been working since 1978 to protect and restore the Ballona Wetlands in Playa del Rey. The proposed 119-home project in and around Hastings Canyon adjoins the Ballona Wetlands, and poses a severe threat to the freshwater marsh that lies below this proposed development. The Friends have a strong interest in how this project will impact those wetlands. Furthermore, we also have a strong interest in any remaining open space in the Westchester-Playa del Rey region, and in the intrinsic habitat values of this space.

The site of the proposed 119-home development in Hastings Canyon has intrinsic environmental value in the coastal sage scrub community living along the top of the bluff. It could have even higher value if the top of the bluff was restored to its original condition. Further, because of the site's proximity to the Ballona Wetlands and 34-acre freshwater marsh, development there has an intimate relationship to the ecology of that freshwater marsh and the existing salt marsh.

We oppose the project in its proposed form. The Friends' most desirable alternative is to restore both the bluff and the top of the bluff face to a state approximating their original condition and leaving them as natural open space.

This position statement outlines the following: 1) the environmental impacts the project will undoubtedly cause, 2) the relationship of the project to sections of the Coastal Bluffs Specific Plan, the Coastal Act of 1976, and the Big House Ordinance of 1995, 3) the impacts and violations imposed by the proposed Coastal Boundary Line Adjustment, 4) various recommendations to Catellus to minimize these impacts, and 5) comments pursuant to the completed Environmental Impact Report (EIR). This position statement is a culmination of policy research and several meetings the Friends have had with Peter Lauener, Vice President of Catellus, Mike Russell, then Vice President of Howard Hughes Corporation, and members of the West Bluffs Steering Committee.



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FRIENDS OF BALLONA WETLANDS

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ENVIRONMENTAL IMPACTS OF THE PROJECT:

The following summary of project impacts is based on discussions with Catellus, the West Bluffs Steering Committee, and the field observations of Dr. Howard Towner and other qualified biologists.

The proposed project, if implemented by the developer, will have a variety of ecological impacts on the site itself as well as the surrounding area. These impacts have severe negative implications for the top of the bluff, bluff face and surrounding areas.

1. There will be a permanent major negative impact on the bluff top itself, the primary site to be utilized for the construction of homes and supporting infrastructure. The area is currently an abandoned field, supporting ruderal vegetation, and a fauna of native animals

a) One matter of serious concern is that the site has served as a foraging ground for a wide variety of raptors, some of which are "listed" and some of "special concern." These raptors include the species listed below, all of which Dr. Towner has observed personally on the project site. The foraging area for these species will, in essence, disappear if the project is implemented as proposed.

Birds observed:

Prairie Falcon
Peregrine Falcon
American Kestrel
Black-shouldered Kite
Red-tailed Hawk
Northern Harrier
Turkey Vulture

The following predatory birds occur regularly to infrequently in the Westchester region, but are very likely to use the site:

Great-horned Owl
Barn Owl
Burrowing Owl
Cooper's Hawk
Sharp-shinned Hawk
Red-shouldered Hawk

The project site is the very last local upland foraging area with flat terrain. For the species above, loss of this habitat cannot be mitigated. Environmentally, the best

alternative for this space would be to allow it to return to a community of native vegetation, or enhance it with the planting of natives.

b) A number of local birds utilize flat, open spaces and will be extirpated if the project is implemented as proposed. These species will not survive in the restored bluff face habitat, because once houses are built on the top of the bluff, the bluff face will be steep and brushy. These species require grassy areas. Such species include:

Western Meadowlark
Say's Phoebe
Horned Lark
Lark Sparrow

c) A variety of terrestrial vertebrate species will be adversely affected by the development. The potential local range of these species will permanently be shrunk. These species are in danger of local extirpation. These vertebrates are not only of intrinsic value and interest, they also constitute food for the raptors previously mentioned. Listed below are terrestrial vertebrates which Dr. Towner observed on the bluffs, or which are likely to occur on the site:

Amphibians observed:

Pacific Tree Frog (*Pseudacris regilla*)
Western Toad (*Bufo boreas*)
Black-bellied Salamander (*Batrachoseps nigriventris*)

Reptiles observed:

California Legless Lizard (*Anniella pulchra*)
Western Fence Lizard (*Sceloporus occidentalis*)
Side-blotched Lizard (*Uta stansburiana*)
Southern Alligator Lizard (*Elgaria multicarinata*)
Western Skink (*Eumeces skiltonianus*)
California King Snake (*Lampropeltis getulus*)
Gopher Snake (*Pituophis melanoleucus*)

Mammals observed:

Virginia Opossum (*Didelphus virginianus*)
Pocket Gopher (*Thomomys bottae*)
California Ground Squirrel (*Spermophilus beecheyi*)
Black-tailed Jackrabbit (*Lepus californicus*)
Audubon's Cottontail (*Sylvilagus auduboni*)

Mammals likely to occur at the site:

Striped Skunk (*Mephitis mephitis*)
Red Fox (*Vulpes vulpes*) (introduced)
Deer Mouse (*Peromyscus maniculatis*)

2. The bluff top represents the last local open space of its type in this region. It has excellent potential for use as a public space (i.e. park or other recreation area). A series of developments east of Lincoln Boulevard has consumed all other remnants of this type of landscape. The small amount of open space (less than 2 acres) proposed by the developer is not adequate. If the development is permitted, it should be absolutely mandatory that more dedicated open space be added to the project. The Friends strongly support the West Bluffs Steering Committee as well as the rest of the community-at-large concerning this issue.

3. While the proposed restoration of the bluff face (i.e. restoration of the coastal sage brush community), will enhance the existing habitat, the structure of the bluff will be changed so much in the process of building the project, that it will have little or no positive impact on the native species of plants, vertebrates and invertebrates currently residing there. The proposed plan includes the filling in of Hastings Canyon, detrimental to the natural slope of the existing bluff. We expect that these species will be extirpated, at least temporarily, due to the high disturbance of the bluff while restructuring it to accommodate the new homes. While the bluff will have minimal terracing, 18-20 feet of the top of the bluff will be cut down and filled, and in certain areas, the bluff will be pushed out 40-60 feet further over Lincoln Boulevard. Therefore, it is reasonable to assume that the entire bluff will be disturbed, reshaped and filled to build the 119 homes proposed in the project.

4. The inclusion of a direct access road (Street A) to Lincoln Boulevard will destroy the natural aspect of that part of the bluff face. It will also isolate a small area to the south of the street from the natural areas on the rest of the bluff face. The Friends strongly oppose the construction of this street, because it not only cuts right through the bluff face and presents a considerable problem for wildlife trying to traverse the street to forage on the bluff, but it also effects the crucial freshwater marsh below. (See additional information and recommendations for the proposed street (A) in the "Drainage and Runoff" section of this document).

When comparing the proposed plan of 1991 to that of 1998, it is evident that Street A has been relocated farther north within the site. Catellus has moved Street A because part of the street lies within the Coastal Zone. The Coastal Zone Boundary, as claimed by the developer, was formerly designated as open space and now is occupied by Street A. This allows approximately 6 more homes to be built outside of the coastal zone. Not only do the Friends oppose the construction of Street A, but we also question the current Coastal Zone Boundary, as delineated by the developer. We also strongly

Page 5

oppose the adjustment of the coastal boundary for the purposes of development in this area (see "1998 EIR Comments" section of this document).

5. A major concern with any development proposed for the bluffs is its potential impact on the Ballona Wetlands, which occupy the land below the bluff. Specific concerns include street runoff, pollutants in that runoff, noise, lighting and unconfined pets (dogs and cats) which may disturb or prey upon native species.

The issue of water runoff seems to have been dealt with fairly satisfactorily in the developer's proposal to direct it away from the bluff face and treat it at the entrance to the freshwater marsh area of the wetlands. While the inclusion of a parallel pipeline will reduce the potential for bluff erosion compared to present conditions and represents a positive impact of the project, it has not yet been addressed how the proposed project will prevent water from eroding the bluff through percolation. The increased use of non-porous materials such as concrete to fill in Hastings Canyon will increase bluff erosion, because there will be minimal absorption of water running down the bluff face (see additional information and recommendations for runoff in the "Drainage and Runoff" section of this document).

Concerning the pollutants in runoff emanating from people's homes, yards and streets (pesticides, fertilizers, automobile oil, etc.), it should be mandatory that the most advanced technology available be used (i.e. BMP Catch Basins to filter these pollutants). Perpetual monitoring of the quality of this runoff should be a requirement for the development permits.

To minimize disturbance of wetlands and wildlife, lighting and noise mitigation should be enforced in perpetuity.

The negative effects of domestic animals on the wetlands are probably unmitigable. Restrictions on pet ownership are onerous and unenforceable. Dogs can be controlled within fences but cats are more likely to roam free. Thus, there will be a definite negative impact from this source. In addition, it has been indicated that Catellus plans to provide vermin control in and around the site, throughout the construction process. Vermin control requires the use of pesticides, detrimental to the biological communities of the area. The use of pesticides should be strictly avoided whenever possible, to minimize the drastic impacts on the surrounding wetlands.

To summarize these impacts, the proposed project will have a drastically negative impact on the ecological health of the site proper and the surrounding regions. Of particular concern to the Friends is construction of Street A, the cutting and filling of the entire canyon and the logistics of the project itself including setback, size of the lots, open space, loss of habitat, and general destruction of the last open bluff in Los Angeles County.

COASTAL BLUFFS SPECIFIC PLAN, COASTAL ACT OF 1976, BIG HOUSE ORDINANCE OF 1995

The Coastal Bluffs Specific Plan (Sub-area 2) enacted in 1994, states in part that its goal is to *"... implement the policies and objectives of the Scenic Highways Plan and the Open Space Plan."* The Specific Plan works *"...to protect, maintain, enhance and restore the overall quality of the coastal environment, and to regulate all development in order to provide for the protection and enhancement of views of scenic features visible from scenic corridors and scenic highways and to assure that development is compatible in character with the existing community. To preserve and protect the distinctive land forms within the specific plan area..."*

The Coastal Act of 1976 states in part, that *"... the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated by the Dept. of Parks and Rec. and by local government shall be subordinate to the character of its setting..."*

These sections of environmental regulation should be adhered to in this environmentally sensitive area. The Friends, along with much of the surrounding community strongly support the goals of these regulations. We feel the proposed project, among many other issues, takes into consideration neither the responsibility *"to protect maintain, enhance and restore the overall quality of the coastal environment"*, nor does it *"minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas."*

The cutting and raising of the existing grade of the bluff and the filling in of Hastings Canyon are not in conformance with either the Coastal Bluffs Specific Plan or the Coastal Act, in that much of the bluff will be altered, disturbed and degraded throughout the construction of the project. The small easement created by restoring the bluff face does not properly mitigate the extent of the alteration of existing natural land forms at the site.

In addition, the Big House Ordinance, enacted in 1995, was created to regulate the heights and side yards of newly constructed homes. This ordinance mandates a 7-foot minimum side yard, with a 33 foot limit on height, depending on the size of the lot. Catellus argues that they should be exempt from the Big House Ordinance, and fall under the Coastal Bluffs Specific Plan only. This is unacceptable, for two reasons. First, because they may be exempt, Catellus is only required to have 5 foot side yards instead of 7. Among many other obviously negative impacts, these minuscule side

yards increase the density of the project, limit crucial view corridors to both the ocean and the surrounding wetlands, and ultimately ruin the aesthetics of the entire project. While Catellus *has* agreed to build the homes at height limits of 30 feet, this does little to mitigate the density created by these small side yards. Incidentally, other environmentally-damaging developments east of Lincoln Boulevard, such as the Kentwood and Dunbarton Housing Projects have much bigger side yards (up to 25 feet) than proposed in the West Bluffs Project, and one can witness the high density and limited viewing corridors in these areas.

In addition, in a recent staff report submitted by the city regarding permits and variances for this project, "... under Yard Variance (98-05-77 yv) an application was filed to reduce front yard setbacks from requiring 20 feet, to yards ranging from 16-20 feet." This application is unacceptable, because this variance obviously adds even *more* unnecessary density to the project, which not only negatively affects its aesthetics, but also decreases open space and viewing corridors.

The Friends support the surrounding community in demanding conformity with the Big House Ordinance on this project, and updating the Coastal Bluffs Specific Plan so that it is consistent with the surrounding community.

COASTAL BOUNDARY LINE ADJUSTMENT REQUEST

According to the 1998 "Subsequent EIR," Catellus has requested permission from the Coastal Commission to adjust the existing Coastal Boundary line that naturally runs across the top of the bluff, in order to accommodate the building of more homes on the bluff top. Further, because of past confusion surrounding the exact location of this line, the Coastal Commission has adopted Catellus's approximation as the "official map" outlining the area as a whole. What documentation is there for Catellus's boundary line?

Catellus is hoping to gain approval from the Coastal Commission to adjust the Coastal Zone Boundary to exclude all of their bluff-face and bluff top properties. This request means that additional homes can be added to the project, because the area will be exempt from Coastal Zone regulations. This violates the Coastal Act of 1976, as well as the Coastal Bluffs Specific Plan of 1994 (p.178, "Subsequent EIR").

RECOMMENDATIONS

As has been mentioned throughout this document, the Friends' most desirable alternative for the West Bluffs is to see the bluff top and face restored and left as valuable open space. However, the following illustrates some recommendations

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for the proposed development site that hopefully will help to minimize some of the environmental impacts, with respect to the following issues:

1) terracing/grading, 2) drainage and runoff, 3) setback of homes from the edge of the bluff top and 4) open space.

Terracing/Grading:

Since the West Bluffs are at a 30-40 degree slope, it is necessary to stabilize the area for erosion and liability reasons. Originally, Catellus had proposed to terrace the bluff in order to stabilize the slope. However, there is no need for such unnatural grading. The small fauna of the area would be greatly disturbed, if not wiped out, with terracing.

Although the most recent development plan only includes minimal terracing and Catellus has agreed to restore the bluff face, most of our recommendations on this issue will be moot, because most of the bluff will be changed dramatically to accommodate the building of homes. Hastings Canyon in its entirety will be filled in, and the height of the bluff will be changed as much as 20 feet in some areas. The bluff will be cut, filled, restructured and altered so much that there will be little, if any natural land form left.

The Friends recommend that Hastings Canyon not be filled, except where it is necessary to correct ravines for erosion control. Further, we recommend full restoration of the bluff face, which includes planting a diverse array of native plants in and among existing vegetation, and not scraping clean the existing bluff for the practices of cutting and filling.

Catellus has informed us that they are employing Doug Campbell to landscape the bluff face. While his expertise is satisfactory, the Friends strongly recommend that Campbell handle this project differently than the Kentwood Project, where the bluff was scraped clean in order to put coastal sage vegetation in, extirpating the small fauna. Restoration of the bluff was never completed.

Drainage/Runoff:

Catellus has proposed a pipeline to be built under Street A that would run parallel to Lincoln Boulevard, for the purpose of draining storm runoff. This supposedly would keep more runoff away from wetland areas. For a one-year storm event, the area was shown to have 69 CFS-- with the new project, the water entering the freshwater marsh would increase by 20% to 85 CFS. While this is not a significant increase, these figures are contingent upon all water first being diverted in this parallel pipeline. And, as was mentioned before, Hastings Canyon will be filled with concrete, a non-porous substance. Any water entering this canyon will run right down the bluff into the freshwater

Page 9

marsh, and will increase erosion, because concrete cannot absorb water. This is yet another reason why the Friends oppose the filling in of the canyon.

The Friends support the pipeline because it will help dilute pollutants from runoff before they enter the freshwater marsh. However, we recommend the filtering of water twice, and that the catch basins at the base of the pipeline be changed every six months, with strict monitoring.

The most recent development plan and the EIR ignores another important recommendation, that is extremely important to the ecosystem of the bluff face. The fact that the Friends oppose Street A could be slightly mitigated, if a culvert were to be built under the street that would serve two purposes. First, it would allow wildlife foraging on the bluff to pass under without the threat of vehicles. Second, it would allow a clear path for the construction of the pipeline, without having to interfere too much with the existing ecosystem. The culvert would be approximately 4-6 feet wide, 1 foot high. Since the proposed Street A has a 40-60 foot right-of-way, the culvert would be sufficient width-wise to support passing animals, as well as the pipeline.

The Setback:

According to law, there must be at least a 15 feet setback from the edge of the bluff. Catellus has proposed building fences behind the homes as well as a retaining wall surrounding the project. The total proposed acreage for the project is approximately 44 acres, including yards and parkways.

While the Friends had recommended at least a 100 foot setback from the edge of the bluff, Catellus has proposed varying lengths for the setback, to account for differences in lot size. Evidently, the setback will range roughly from 65-110 feet with yards, and 30-85 feet without yards. This limited setback will not only sacrifice the aesthetics of the project, but will also threaten the native flora on the bluff face. We maintain that a larger setback is needed to help mitigate at least some of the environmental damage this project will undoubtedly cause.

Open Space:

Perhaps the most important issue concerning this development is open space. The Friends, the West Bluffs Steering Committee, and the surrounding community generally agree that the project does not have nearly enough useable open space. In this 44-acre project, 2.1 acres are required to be designated as park and recreational space. Currently, there are only 1.9 acres designated for open space. This is absolutely inadequate. Catellus claims that over 40% of the project is open space. However, it appears that the vast majority of this open space is the bluff face, which does

Page 10

not provide suitable, safe terrain for parks and recreational space, nor is it permissible by law to even walk on the bluff face.

The Friends strongly recommend that more open space (at least 5 acres) be designated within the proposed development, that is viable park and recreational space. This open space should be contiguous, and not piecemealed together in small pockets or green ways. Among the many other environmental concerns the Friends have in regard to this development, this is one of the most important, because it affects not only the ecology of this last undeveloped bluff in Los Angeles County, but also the quality of life throughout the community.

COMMENTS ON THE 1998 EIR

In reference to the 1998 Draft EIR ("Subsequent EIR") (EIR case #91-0675-SUB(CDP)(PP)(ZBA), I have made a series of comments. My perspective on the proposed project comes from three sources: I am a field biologist with over 25 years of experience and broad expertise with the local flora and fauna of the region; I am a Board Member of the Friends of Ballona Wetlands, and have been an area resident for over 25 years.

The Subsequent EIR is based on several field surveys and reports which are included in the appendices to the main report. The primary individual reports are the following:

- 1) Conel, Cheryl, *et al.* November, 1989. "The Field Survey and Background Report for Hastings Canyon and Adjacent Area." Environmental Management Service.
- 2) Planning Consultants Research, July, 1990. "Biotic Survey Report for the Hastings Canyon Study Area."
- 3) Hovore, Frank, and Associates. June 1990 (rev May, 1993). "Hastings Canyon Biota Survey: Sensitive Species Inventory."
- 4) Landry, Ross. November, 1989, and June, 1990. "Two Burrowing Owl Surveys of the La Ballona Bluffs."
- 5) Planning Consultants Research. July, 1990. "Biotic Survey Report for the Hastings Canyon Study Area (this appears to be a summary of the previous field surveys).

There are several major criticisms of these reports:

- 1) The field studies were incomplete.

Page 10

not provide suitable, safe terrain for parks and recreational space, nor is it permissible by law to even walk on the bluff face.

The Friends strongly recommend that more open space (at least 5 acres) be designated within the proposed development, that is viable park and recreational space. This open space should be contiguous, and not piecemealed together in small pockets or green ways. Among the many other environmental concerns the Friends have in regard to this development, this is one of the most important, because it affects not only the ecology of this last undeveloped bluff in Los Angeles County, but also the quality of life throughout the community.

COMMENTS ON THE 1998 EIR

In reference to the 1998 Draft EIR ("Subsequent EIR") (EIR case #91-0675-SUB(CDP)(PF)(ZBA), I have made a series of comments. My perspective on the proposed project comes from three sources: I am a field biologist with over 25 years of experience and broad expertise with the local flora and fauna of the region; I am a Board Member of the Friends of Ballona Wetlands, and have been an area resident for over 25 years.

The Subsequent EIR is based on several field surveys and reports which are included in the appendices to the main report. The primary individual reports are the following:

- 1) Conel, Cheryl, *et al.* November, 1989. "The Field Survey and Background Report for Hastings Canyon and Adjacent Area." Environmental Management Service.
- 2) Planning Consultants Research, July, 1990. "Biotic Survey Report for the Hastings Canyon Study Area."
- 3) Hovore, Frank, and Associates. June 1990 (rev May, 1993). "Hastings Canyon Biota Survey: Sensitive Species Inventory."
- 4) Landry, Ross. November, 1989, and June, 1990. "Two Burrowing Owl Surveys of the La Ballona Bluffs."
- 5) Planning Consultants Research. July, 1990. "Biotic Survey Report for the Hastings Canyon Study Area (this appears to be a summary of the previous field surveys).

There are several major criticisms of these reports:

- 1) The field studies were incomplete.

Ms. Pam Emerson
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Tel: (562) 590-5071
Fax: (562) 590-5084

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CALIFORNIA
COASTAL COMMISSION

Subject: Proposed West Bluffs Development by Catellus, Playa Del Rey
Tentative Tract No. 51122

Dear Ms. Emerson:

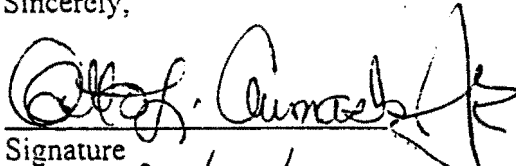
Our house is located in close proximity to the West Bluffs Development proposed by Catellus. We are opposed to the project as currently proposed by Catellus. We understand that Catellus is required to obtain a coastal development permit from your office.

We are opposed to the Coastal Commission granting approval to 1) the filling of the Hastings Canyon within the coastal zone, 2) the cutting of the bluffs within the coastal zone, 3) the construction of soldier pile walls within the coastal zone, and 4) the construction of retaining walls within the coastal zone.

We request you to deny permit to the project as currently proposed by Catellus. We also request you to establish the coastal zone boundary by survey.

Please include our names to your mailing list for notification of any public hearings, appeal periods, and other developments regarding this project.

Sincerely,


Signature

03/24/99
Date

Kathleen E. Aumack
Name(s)
7814 W. 79th St
Address

P.D.R.
CA 90293



Land Protection Partners

P.O. Box 24020, Los Angeles, CA 90024-0020
Telephone: (310) 276-2306

NOISSIWNCO
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July 2, 1999

Al Padilla, Coastal Program Analyst
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802

NOISSIWNCO
VINCE

Re: Comments on West Bluffs Project (Coastal Development Permit No. CDP-93-013)

Dear Mr. Padilla:

As I discussed with you on the telephone, there are many deficiencies with the FEIR approved by the City of Los Angeles and the City's application for a coastal development permit. Below are several of the issues that we raised in the EIR comment period, but that also apply to the Coastal Commission's analysis of this project.

FEIR Fails To Evaluate Resource Value of Vernal Pools

The FEIR denies the existence of vernal pools on the project site (FEIR at III-78-80). The FEIR acknowledges the possible presence of vernal pools in the past, but asserts that water gathering in the wide depression on the site (FEIR at II-4) is "ponding," not a vernal pool, because of the absence of vernal pool plant species (FEIR at III-178). While this definition is sufficient for the Army Corps of Engineers, it fails to acknowledge the natural resource values of these seasonal wetlands, even without evidence of vernal pool plant species.

It is an incontrovertible fact that the project is on the historical site of a large vernal pool. A recent peer-reviewed, scientific paper describes a vernal pool on the project site.¹ While the plant species present in this vernal pool have been extirpated by continued disking by the project applicant, water continues to gather yearly in this topographic depression. This ponding (whether or not it is called a vernal pool) provides a seasonal resource for foraging wildlife from the nearby Ballona wetlands. The scientific literature describes the extensive use of vernal pools by a variety of bird and mammal species.² This use is not predicated on the presence of characteristic vernal pool plant species but rather on the presence of water and associated invertebrate larvae and adults. The seasonal use of the "sump" on the project site by migratory bird species has been documented in the record.

The degraded vernal pool on the project site was likely a locality for two species of federally endangered fairy shrimp species, *Streptocephalus wootoni* and *Branchinecta sandiegonensis*. The fairy shrimp species survive dry periods as encysted embryos (referred to as eggs). Only a portion of

¹ Mattoni, Rudi, and Travis R. Longcore. 1997. The Los Angeles Coastal Prairie, A Vanished Community. *Crossosoma* 26(2):71-102.

² Zedler, Paul H. 1987. The ecology of southern California vernal pools: A community profile. *U.S. Fish and Wildlife Service Biological Report* 85(7.11):1-136. Zedler, Paul H., and Charles Black. 1992. Seed dispersal by a generalized herbivore: Rabbits as dispersal vectors in a semiarid California vernal pool landscape. *The American Midland Naturalist* 128(1):1-10. Baker, William S., Floyd E. Hayes, and Earl W. Lathrop. 1992. Avian use of vernal pools at the Santa Rosa Plateau Preserve, Santa Ana Mountains, California. *The Southwestern Naturalist* 37(4):392-403.

the cysts may hatch during any inundation, a life strategy that serves as an adaptive mechanism to survive long periods of adverse environmental conditions.³ The unfocused visual inspection of the pool by the consultants during January 1998 is insufficient to establish the absence of either of the two fairy shrimp species. Rather, dry soil samples should be taken from the project site and inspected for fairy shrimp cysts. Using this method, cysts for endangered fairy shrimp species were discovered in degraded vernal pools at the Los Angeles International Airport, within a mile of the project site.⁴

The presence of fairy shrimp cysts does not depend on the regulatory determination of vernal pool habitat by the Army Corps or on the current presence of vernal pool hydrology. By failing to conduct adequate U.S. Fish and Wildlife Service protocol surveys for endangered fairy shrimp species, the FEIR is deficient. Indeed, the Fish and Wildlife Service has recommended that the City investigate the possibility that listed vernal pool species are present at the site (enclosed).

In sum, the FEIR must recognize the biological resource value of the seasonal wetland on the project site and provide adequate mitigation for its loss, and must survey adequately for endangered fairy shrimp species to evaluate potential impacts to these species.

Impacts to Off-Site Wetlands Incompletely Described

The FEIR proposes a new impact to wetlands not described in the DEIR. The DEIR relied on the off-site development of a detention basin by Playa Vista to control stormwater runoff. This detention basin was proposed by the Playa Vista developer to be a "freshwater marsh," however, under legal challenge it has been ruled to be a detention basin and cannot be constructed because it would impact designated wetlands. To avoid reliance on this flawed off-site mitigation, the FEIR proposes construction in the Ballona wetlands to enlarge an energy dissipater, outfall pipe and headwall (FEIR at II-4-5). The analysis of this alternative is insufficient for three reasons: 1) it fails to provide an adequate description of the existing environmental conditions at the proposed site, 2) it fails to provide a complete description of the proposed construction, and 3) it fails to identify, evaluate and mitigate the effects of the construction. The FEIR states that impacts would be slight and less than significant, because it is a small area. However, there may be sensitive species or other special resources at the site that have not been documented and disturbance of which may constitute a significant impact. This impact will likely occur. A full EIS on the Playa Vista project must be completed before any possibility of constructing the detention basin. Therefore, it is likely that the proposed project will need to provide its own runoff management structure.

Hastings Canyon Fill Violates Coastal Act

By proposing to move the coastal zone boundary to exclude Hastings Canyon, the proposed project avoids Coastal Commission jurisdiction on the fill of wetlands. The wetlands in Hastings Canyon are of biological importance, as the U.S. Fish and Wildlife Service recommended avoidance of them as the preferred mitigation. Filling a first-order stream containing riparian vegetation constitutes a significant impact for which the Fish and Wildlife Service recommends in-kind mitigation. Under the Coastal Act there are several acceptable reasons to fill wetlands within the coastal zone, but construction of housing is not one of them.

³ Simovich, M. A., and S. A. Hathaway. 1997. Diversified bet-hedging as a reproductive strategy of some ephemeral pool anostracans (Branchiopoda). *Journal of Crustacean Biology* 17(1):38-44.

⁴ Rogers, D. Christopher. 1998. Analysis of vernal pool soils from LAX to determine the potential presence of special-status shrimp species. Jones & Stokes Associates, Inc, Sacramento, CA.

Mitigation for Wetland Loss Is Not In-Kind

One of the great flaws of wetland mitigation is that it often results in a change in habitat types, usually at the detriment of certain habitats.⁵ In this instance, riparian habitat is being lost with no in-kind mitigation. Riparian habitat in coastal Los Angeles County is even more endangered than coastal sage scrub. Its loss at Ballona is especially important because of the recent destruction of a grove of old-growth willows (*Salix* sp.) by the developers of Playa Vista. The federally endangered Southwestern Willow Flycatcher used this grove, immediately adjacent to the proposed development, prior to its destruction (DEIR at 144). This loss makes the small patch of riparian habitat on the project site even more important. Impacts to it should be avoided, or at a minimum mitigated in-kind.

Analysis of Cumulative Impacts Is Insufficient

Under CEQA, discussion of cumulative impacts must include a list of past, present and reasonably anticipated future projects that have produced or are likely to produce cumulative impacts, a summary of each of the other local project's expected environmental effects, and a reasonable analysis of all of the cumulative impacts of the relevant projects, with an examination of reasonable options for mitigating or avoiding such impacts. Such analysis is absent in most sections of the FEIR. Analysis of cumulative impacts on Plant and Animal Life is illustrative:

Continuing development of the project area has the potential to eliminate local natural resources and increasingly impact the Ballona Wetlands freshwater and estuarine habitats. Potential impacts are primarily associated with the increased human presence in the area, and involve a range of direct impacts such as increased habitat loss, unauthorized use of remaining habitat areas and higher number of domesticated animals harassing wildlife, as well as indirect impacts such as increased levels of ambient noise and light. However, the related projects identified in Section III.B of this Subsequent EIR, with the exception of the Playa Vista project, are generally located in already urbanized areas and represent infill development.

The contribution of the proposed project to impacts on plant and animal life from ongoing development in the region is not considered to be significant, due to the disturbed nature and correspondingly low resource value of the project site (DEIR at 152).

This analysis is deficient in several ways. First, the list of projects referenced does not include recently completed projects that contribute to cumulative impacts in the immediate area. Two other bluff tops above the Ballona Wetlands have been developed in the past four years. These projects should be evaluated as well. The purpose of cumulative impacts analysis is not to minimize the incremental impact of the development under question but to allow the Lead Agency to evaluate the cumulative effects on the environment, mitigation of which may not relate directly to the project in question. In addition, the assumptions about present and future projects are not appropriate for cumulative impacts analysis. For example, Playa Vista Phase II is not included at all (DEIR at 70). This assumption is not appropriate to evaluate of the cumulative impacts and obscures reasonably foreseeable adverse impacts.

Second, there is no real description of the cumulative impacts on plant and animal life. Taking into account the two other recent bluff top developments and the Playa Vista proposal, over 600 acres of upland habitat will be lost. This habitat, even though not all covered by native plant communities, is used extensively by native bird and mammal species. Some of these species,

⁵ Allen, Aaron O., and Johannes J. Feddema. 1996. Wetlands Loss and Substitution by the Section 404 Permit Program in Southern California, USA. *Environmental Management* 20(2):263-274.

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Page 4

including Species of Special Concern such as the Loggerhead Shrike and California Horned Lark, will be extirpated in the Ballona area because of the approved and proposed construction. The laws of island biogeography dictate that there will be a substantial loss in native species' range and local diversity as a cumulative impact of these developments. The FEIR makes no attempt even to tabulate the amount of open space lost let alone evaluate impacts on plant and animal life.

Finally, the cumulative impacts analysis does not attempt to identify mitigation measures for the regional loss of open space. Rather it uses the cumulative impacts themselves to justify the project (because the area is urbanized, the project has no significant impact). To the contrary, the loss of the last remaining undeveloped bluff top adjacent to the Ballona Wetlands and the cumulative loss of upland open space by completed and proposed projects in and around the wetlands will have a dramatic adverse effect on environmental conditions.

FEIR Fails To Acknowledge Significant Impacts to Rare Species

CEQA guidelines require a mandatory finding of significance if the proposed project will "reduce the number or restrict the range of a rare or endangered plant or animal." What the FEIR fails to acknowledge is that the grassland and ruderal vegetation throughout the bluff top provides foraging habitat for the many federal and state Species of Special Concern listed in the FEIR. The FEIR claims that these areas are "not habitat for sensitive species and their removal is less than significant" (DEIR at 149, unchanged in FEIR). This statement is patently false, as the listed bird species (California Horned Lark, Loggerhead Shrike, Black-Shouldered Kite, Cooper's Hawk and Northern Harrier) all use ruderal grasslands as foraging areas. The fact that the vegetation is not predominantly native does not mean that it does not support sensitive bird species. Several of these species will be displaced from the project site by the proposed construction and have no other place to go.

The FEIR claims that any lost habitat values will be offset by the proposed bluff restoration. This contention ignores a basic principle of conservation science, the inverse relationship between species number and area. Scientists have firmly established a predictable relationship between habitat area and the number of species supported by that area.⁶ As the area decreases, the number of species decreases so that when the habitat area is reduced by a factor of ten, the number of species is diminished by half. This relationship will hold despite any attempts at habitat enhancement on the bluff face. By removal of roughly 60% of the project area from the stock of available wildlife habitat the site as a whole will no longer support 20% of the species that it did before construction. The species that will be extirpated are likely to be the Species of Special Concern (especially the California Horned Lark, which prefers open grasslands). Loss of these species is significant, since little other habitat exists in the region with the impending development of Playa Vista. It is reasonably foreseeable that the project will result in the restriction of the range of a rare animal, which mandates a finding of significance.

To belabor this point further, the FEIR underestimates the value as a whole of the "disturbed" portions of the site. While it is true that the bluff top has a large component of "non-native" species, these species have been found in California for hundreds of years supporting the insect and small mammal populations that have fed native birds. It is completely disingenuous to dismiss areas of non-native species as poor habitat simply because the species were introduced by humans. If so, native birds have subsisted on "poor habitat" for hundreds of years. The value of the site is in its area and the foraging habitat that it provides; its loss cannot be diminished by

⁶ Arrhenius, O. 1921. Species and area. *Journal of Ecology* 9(1). Preston, F. W. 1948. The commonness, and rarity, of species. *Ecology* 29(3).

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planting more native plants on the bluff face because of the crucial relationship between area and species number.

Sensitive Habitat Will Be Degraded

The California Coastal Act requires that development adjacent to sensitive resource areas (in this case the coastal sage scrub on the bluff face) be sited and designed to prevent impact that would significantly degrade those areas, and should be compatible with the continuance of those areas. Development of the bluff top will degrade the quality of the habitat on the bluff face, notwithstanding any enhancement program. Reasons for this are threefold. First, the development, including the pedestrian path, will provide a year-round source of fresh water. Increased water in turn promotes the population increase of non-native Argentine ants, which displace native insect species.⁷ The effect of residential development on the insect communities of coastal sage scrub has recently been documented to extend 200 m into native habitats.⁸ Increased numbers of exotic arthropod species threaten the diversity of the native habitat on the bluffs and riparian areas on site. Second, even with cutoffs on street lights, the increased night lighting in the proposed development will degrade habitat values in the adjacent sensitive habitat areas. This effect takes the form of direct visual interference with amphibians,⁹ increasing populations of pest bird species such as crows,¹⁰ and increased mortality in moth species.¹¹ Third, the project does not protect the sensitive resource, but rather proposes to recreate it through restoration. Ecological restoration is difficult at best and many projects fail for any number of reasons.¹² In an analysis of the hydrology, biogeochemistry and biology of 256 acres of planned riparian mitigation in Orange County, it was found that *none* of the sites met minimal levels of wetland functions.¹³ Research from coastal sage scrub showed that in the case of three restoration

⁷ Human, K. G., and D. M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, *Linepithema humile*, and native ant species. *Oecologia* 105(3):405-412. Suarez, A. V., and T. J. Case. 1996. Ant communities of disturbed canyons in coastal southern California. *Bulletin of the Ecological Society of America* 77(3 SUPPL. PART 2):430. Human, K. G., and D. M. Gordon. 1997. Effects of Argentine ants on invertebrate biodiversity in Northern California. *Conservation Biology* 11(5):1242-1248. Suarez, A. V., J. Q. Richmond, and T. J. Case. 1997. The effect of an Argentine ant invasion on Coastal Horned Lizards. *Bulletin of the Ecological Society of America* 78(4 SUPPL.):192. Suarez, A. V., D. T. Bolger, and T. J. Case. 1998. Effects of fragmentation and invasion on native ant communities on coastal southern California. *Ecology* 79(6):2041-2056.

⁸ Suarez, A. V., D. T. Bolger, and T. J. Case. 1998. Effects of fragmentation and invasion on native ant communities on coastal southern California. *Ecology* 79(6):2041-2056.

⁹ Buchanan, B. W. 1993. Effects of enhanced lighting on the behaviour of nocturnal frogs. *Animal Behaviour* 45(5):893-899.

¹⁰ Gorenzel, W. Paul, and Terrell P. Salmon. 1995. Characteristics of American Crow urban roosts in California. *Journal of Wildlife Management* 59(4):638-645.

¹¹ Frank, Kenneth D. 1989. Impact of outdoor lighting on moths. Paper read at Light Pollution, Radio Interference, and Space Debris, 1991, at Washington, DC. Rydell, J., and H. J. Baagoe. 1996. Street lamps increase bat predation on moths. *Entomologisk Tidskrift* 117(4):129-135. Svensson, A. M., and J. Rydell. 1998. Mercury vapour lamps interfere with the bat defence of tympanate moths (*Operophtera* spp.; Geometridae). *Animal Behaviour* 55(1):223-226.

¹² Longcore, Travis, Rudi Mattoni, Gordon Pratt, and Catherine Rich. 1997. On the perils of ecological restoration: lessons from the El Segundo blue butterfly. Paper read at 2nd Interface Between Ecology and Land Development in California, at Occidental College, Los Angeles. Allen, Aaron O., and Johannes J. Feddema. 1996. Wetlands Loss and Substitution by the Section 404 Permit Program in Southern California, USA. *Environmental Management* 20(2):263-274. Sudol, M. F. 1996. Success of riparian mitigation as compensation for impacts due to permits issued through Section 404 of the Clean Water Act in Orange County, California. Doctoral dissertation, Environmental Science and Engineering, University of California, Los Angeles, Los Angeles.

projects, native arthropod diversity was significantly lower at restoration sites (even up to ten years old) than at comparable reference sites. This lower diversity probably results from a combination of the continuing effect of invasive arthropods and site history.¹⁴ Another study using arthropods to evaluate restored riparian woodland in California found significantly lower numbers of native predaceous and parasitic arthropods at restored sites.¹⁵ While revegetation projects can be implemented that are successful in providing habitat for endangered bird species,¹⁶ the overall biodiversity of the created habitat is lower and does not serve to mitigate the losses to the sensitive vegetation. In addition, the restoration attempt is inhibited by the construction of an access road up the bluffs, further fragmenting the habitat and increasing deleterious edge effects.

Sincerely,

Land Protection Partners

By: 
Travis Longcore


Catherine Rich

¹³ Sudol, M. F. 1996. Success of riparian mitigation as compensation for impacts due to permits issued through Section 404 of the Clean Water Act in Orange County, California. Doctoral dissertation, Environmental Science and Engineering, University of California, Los Angeles, Los Angeles.

¹⁴ Longcore, T. R. 1999. Putting the bugs in: assessing ecological restoration with terrestrial arthropods. *The Association of American Geographers 95th Annual Meeting*, Honolulu, Hawaii, March 23-27.

¹⁵ Williams, K. S. 1993. Use of terrestrial arthropods to evaluate restored riparian woodlands. *Restoration Ecology* 1:107-116.

¹⁶ Farley, G. H., L. M. Ellis, J. N. Stuart, and N. J. Scott, Jr. 1994. Avian species richness in different-aged stands of riparian forest along the middle Rio Grande, New Mexico. *Conservation Biology* 8:1098-1108. Kus, B. E. 1998. Use of restored riparian habitat by the endangered least Bell's vireo (*Vireo bellii pusillus*). *Restoration Ecology* 6:75-82.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105-3973
(415) 343-8355
Hearing Impaired/TDD (415) 896-1825

EXHIBIT NO. 13

Application Number

H-5-PDR-1301
5-99-151

MBA #6-89 Staff

Report

California Coastal Commission

Filed:

49th Day

180th Day: 7/21/90

Staff: JVC-SF

Staff Report: 8/31/90

Hearing Date: 9/11/90

TO: CALIFORNIA COASTAL COMMISSIONERS

FROM: PETER M. DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: STAFF RECOMMENDATION ON MINOR BOUNDARY ADJUSTMENT
BA #6-89 (City of Los Angeles, Los Angeles Co.) (For Commission
consideration at its September 11-14, 1990 meeting)

This recommendation was developed by *Jonathan Van Coops*, Coastal Program Analyst,
working under the direction of *Richard McCarthy*, Manager, Technical Services Unit.

STAFF NOTE:

Section 30103(b) of the Coastal Act of 1976 provides for minor adjustment to the inland coastal zone boundary within certain limitations, to avoid bisecting a parcel or to conform the boundary to readily identifiable features. The relevant portion of that section states:

"... the Commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary, but in no event more than 100 yards, or the minimum distance seaward necessary, but in no event more than 200 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or manmade features."

The Commission has adopted regulations setting forth procedures for making minor adjustments to the coastal zone boundary. This request for adjustment is being processed in conformance with those adopted regulations.

The primary purpose for minor boundary adjustments made under the provisions of Section 30103(b) of the Coastal Act is clarification of boundary location. The specific language of Section 30103(b) states that the Commission may adjust the boundary and

there is no mandate to automatically alter the boundary. The regulations provide procedures for establishing when such adjustments are possible, as well as where adjustments are desirable, and establish a two-step process of investigation. The first step determines whether the parcel is currently bisected by the boundary. The second step determines whether coastal resources would be affected by the adjustment or if coastal planning issues are present such that an adjustment could prejudice the resolution of those issues in the Local Coastal Planning process. The minor boundary adjustment procedure contains no mechanism to resolve coastal resources or planning issues. *If a boundary adjustment would affect coastal resources or involve coastal planning issues, the proper mechanism for resolution of those issues is either the coastal permit process or the LCP process.* In order to approve a minor boundary adjustment, the Commission must make specific factual findings to support the following legal conclusions:

- ① The adjustment conforms to the requirements of Section 30103(b) of the Coastal Act; and
- ② The adjustments will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

STAFF RECOMMENDATION

I. Approval

The staff recommends that the Commission *approve* the proposed adjustment in the location of the coastal zone boundary with respect to the following Los Angeles Co. Assessor Parcels:

4114-01-01	4114-01-13	4114-02-19
4114-01-02	4114-01-14	4114-02-20
4114-01-03	4114-01-800	4114-02-21
4114-01-04	4114-01-801	4114-02-24
4114-01-05	4114-02-14	4114-02-25
4114-01-06	4114-02-15	4114-03-04
4114-01-10	4114-02-16	4114-03-05
4114-01-11	4114-02-17	4115-09-01 + 112
4114-01-12	4114-02-18	4115-21-800
		4115-21-901

This action requires that the Commission *approve* the following affirmative motion:

The Commission hereby approves the proposed adjustment in the location of the coastal zone boundary on the grounds that the adjustment as requested conforms to the requirements of Section 30103(b) of the Coastal Act, will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

II. Findings and Declarations

1. Background

This request proposes a minor boundary adjustment affecting 28 parcels located along the Westchester/Playa del Rey bluffs between Falmouth Avenue and Lincoln Blvd. in the City of Los Angeles (*see Exhibit 1*). The Coastal Zone boundary is presently located approximately two thirds of the way up the bluff face south of the Ballona wetlands and Marina Del Rey in this location, and the properties involved (roughly 70 acres in size) have about 13 acres lying within the zone. Commission staff has made previous boundary determinations for a number of properties in this area during the last 10 years. The adjustment proposed would move the Coastal Zone to avoid bisecting all but two of the parcels, and would conform the boundary to parcel lines on each of these 25 properties. Three parcels — APN 4414-09-01 (40 acres), APN 4115-21-800 (25 acres) and APN 4115-21-901 (10,370 square feet) — would remain bisected with the boundary located along the top of the bluff. The requested adjustment would shift the boundary a maximum of 150 feet (measured perpendicular to the existing boundary location), and would result in the inclusion or exclusion of all but the three parcels mentioned above. The adjustment would also result in the net addition of approximately 8.75 acres to the Coastal Zone (*See Exhibits 2 and 3*).

The location of the boundary for this segment of the Coastal Zone was adopted by the legislature for a number of reasons. First of all, the significant wetland resources of the Ballona Lagoon/Wetlands/Lowlands complex, the Marina Del Rey area, and the upland watershed lands important to their protection were all seen as essential components of the zone. Secondly, new development in blufftop and bluff-face areas, and density of development in these areas were also seen as major issues. Furthermore, although not an issue on each particular parcel, the loss of public views to and along the coast was of concern from both a resource and economic standpoint. These issues remain at the forefront as LCP planning progresses, and are reflected in the LUP adopted by the Coastal Commission May 13, 1987.

Despite the above reasons, the boundary drawn on the Commission's official map was delineated approximately a third of the way down the face of the bluff, bisecting 23 parcels. Boundary Determinations done previously in the area led to the staff's awareness of the mapped boundary relative to the intended criteria. Inquiries have been handled on a parcel by parcel basis over the years, with interpretations done individually in most cases. The City of Los Angeles also became aware of the Coastal Zone Boundary's bluff face location during the past ten years and initiated a City Council action adopted January 28, 1988, which instructed the Department of City Planning and City Attorney to request this Minor Boundary Adjustment. The City Planning Commission approved the motion to request the adjustment August 4, 1988, and correspondence was received from Councilwoman Galanter, Sixth District requesting the adjustment in July of 1989. A request from the Department of City

Planning with detailed map and other required documentation was received in mid-October 1989, and deemed filed and complete January 22, 1990.

The staff report approved by the City Planning Commission included the following discussion of site characteristics:

"The subject area is partially developed with single family dwellings on the blufftop portion. The remaining area is undeveloped. The undeveloped area serves a[s] an environmental [buffer] adjacent to the Ballona Wetlands located immediately downslope of the bluffs. The Marina bluffs provide the upland habitat necessary to ensure the diversity of wildlife and native plant communities of a viable coastal wetlands ecosystem. The bluffs provide one of the few available east-west corridors for animal movement in the region and plays a major role in creating a survivable ecosystem.

"Expanding the coastal boundary will provide additional protection and regulations, similar for the rest of the ecosystem to the north. At this time, the coastal zone extends halfway up the face of the bluffs, therefore, many of the buildable, most environmentally sensitive lots lie outside the coastal zone despite their symbiotic relationship to the bluff-face and wetlands areas within the adjacent zone."

2. Conformance to Section 30103(b) of the Coastal Act

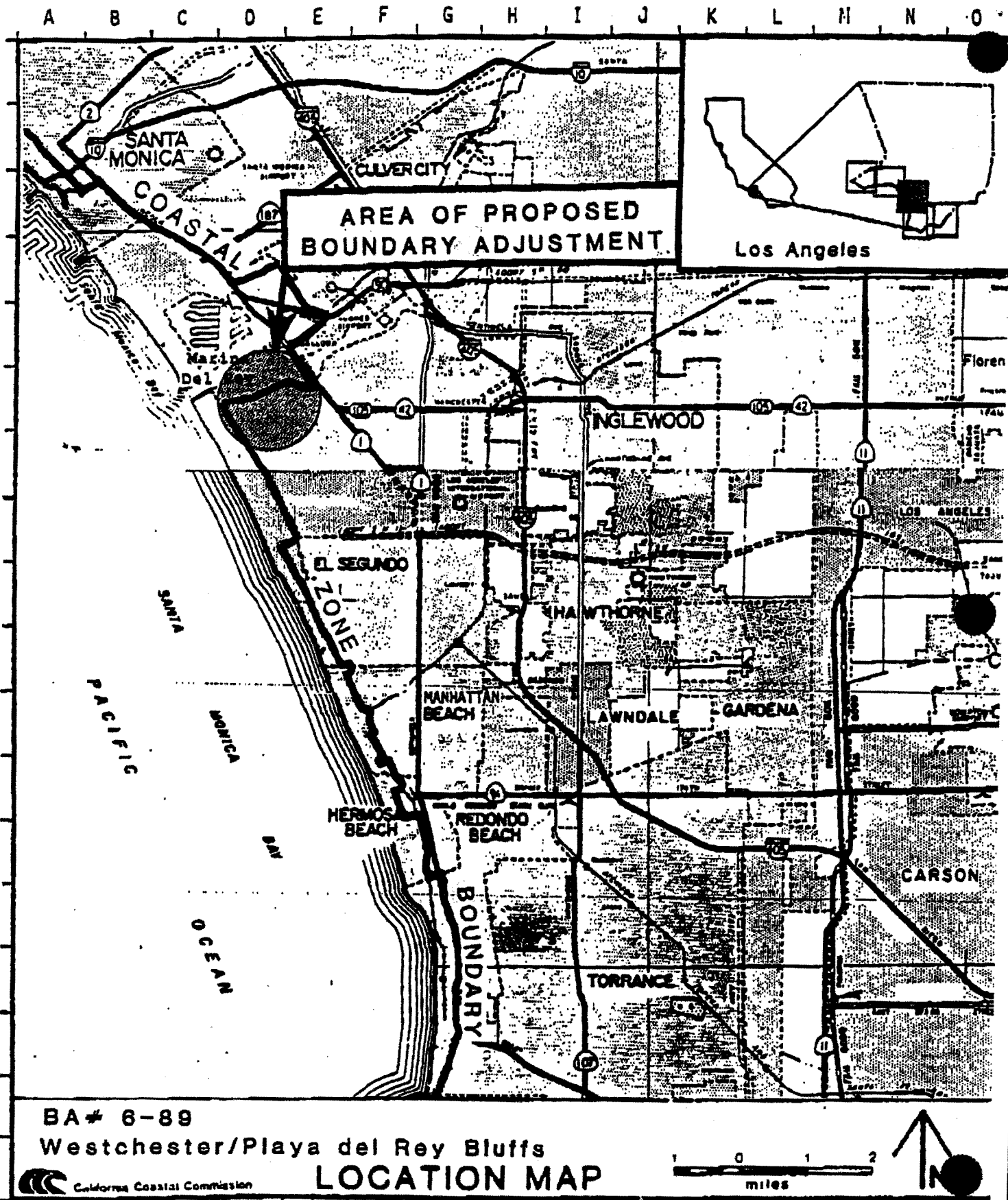
The proposed adjustment conforms to Section 30103(b) of the Coastal Act. As requested, the adjustment would involve 28 assessor's parcels, 23 of which are currently bisected by the boundary. All but two of the bisected parcels require an adjustment of 150 feet or less to include or exclude them entirely within or from the Coastal Zone. The adjustment on the three other parcels would shift the line to the blufftop and each of these parcels (approximately .24, 25 and 40 acres in size) would remain bisected. Five parcels not currently bisected would be added to the zone. Exhibit 3 shows the current and proposed Coastal Zone boundary locations, and includes a grey shaded area highlighting the properties affected. The proposed Coastal Zone boundary location will in large part follow the Veragua Drive and Berger Avenue rights of way, both readily identifiable features. The Commission finds that the requested adjustment conforms to the requirements of Section 30103(b) of the Coastal Act.

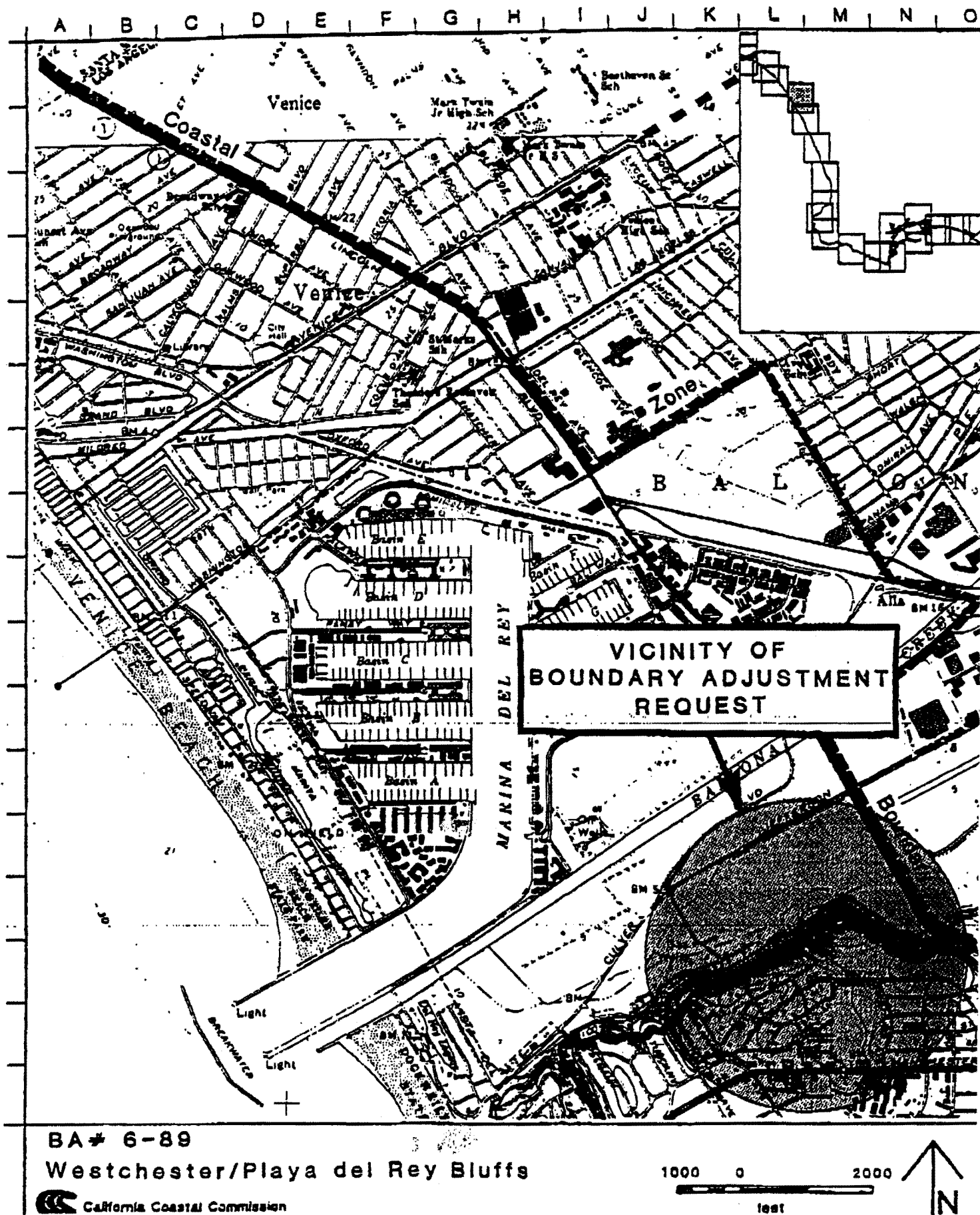
3. Achievement of Chapter 3 policies and Local Coastal Program Preparation.

The adjustment requested will *not* interfere with the achievement of the Coastal Act's Chapter 3 policies or preparation of the LCP for this area. The City's LCP for the area is in preparation and will include a specific plan ordinance to replace special building regulations (Interim Control Ordinances) currently applied in the area. The ICO's presently include special open space and drainage requirements intended to protect the bluff face and wetlands below, and the Specific Plan ordinances will be designed to do likewise. Including the balance of the bluff-face lots within the Coastal Zone will

increase the LCP's effectiveness in protecting the resources located here, since many of the most environmentally sensitive property currently lies outside or is bisected by the zone. Zoning in the area currently provides for low density residential development with medium density allowed along portions of Lincoln Boulevard. The staff agrees with the City's conclusion that extending the boundary southward "will provide additional protections and regulations for the subject area, consistent with the area to the north." The boundary adjustment itself also has no possibility of causing a significant adverse effect on the environment, as it does not involve any foreseeable adverse physical change to the environment, and merely provides a means of avoiding the bisecting of several lots by moving the line to a more logical location, or for adjusting the boundary so that the remainder of the bluff face is included. The Commission therefore finds the requested adjustment will not interfere with the achievement of Coastal Act Chapter 3 policies, will *not* prejudice the preparation of an LCP in conformance with Chapter 3 of the Coastal Act, and complies with the requirements of the California Environmental Quality Act (CEQA).

•3168N





County of Los Angeles

EXHIBIT 2

CITY OF LOS ANGELES
NADA DEL REY BLUFFS