

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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# Th 9a

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180<sup>th</sup> day: 9/29/99  
Date of extension request: 8/20/99  
Length of extension: 90 days  
Final date for Comm. action: 11/18/99  
Staff: PE-LB  
Staff Report: 8/21/99  
Hearing Date: 9/14-17/99

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-99-096 (Playa Capital)

**APPLICANT:** Playa Capital LLC

**AGENTS:** Robert Miller, Dale Neal

**PROJECT LOCATION:** Two thousand foot-long former railroad right-of-way and street northwest of and adjacent to Culver Boulevard, Playa Vista Area B. From intersection of Jefferson and Culver Boulevards, north for approximately 1,600 feet; and 400 additional feet and irregular polygon approximately 0.3 acres at junction with old Culver Boulevard, Area B, Ballona Wetlands, City of Los Angeles, Los Angeles County

**PROJECT DESCRIPTION:** Remove, by hand, castor beans and invasive plants from 2,000 foot long road and graded area by hand, apply herbicides with paint brush to stumps, seed the disturbed areas with coastal dune and coastal bluff scrub seed mix; document, monitor and repeat.

1) Approval in Concept, City of Los Angeles

2) Notice of Exemption, City of Los Angeles

**SUBSTANTIVE FILE DOCUMENTS:** See Appendix A

**SUMMARY OF STAFF RECOMMENDATION**

The purpose of the project is to reduce the seed bank of an invasive weed. There is insufficient area involved to result in permanent establishment of native habitat. Staff is recommending approval of the weed eradication and reseeding plan with conditions to assure that the applicant begins and completes the project in a timely manner, avoids additional impacts while the project is under construction; uses appropriate plant material that will establish in the site, and monitors and maintains the revegetation site during the first year.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**II. STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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.

### III. SPECIAL CONDITIONS

#### 1. Condition Compliance

Within 21 days of approval of Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### 2. Approved plant list.

All seeds and other plant materials shall be plants from the list provided by the applicant as Table 1 (Exhibit 6) and shall be collected from sources in the Ballona /Airport area.

#### 3. Time Limits.

The applicant shall begin the castor bean removal and re-seeding described in Exhibit 5 of this report within 30 days of approval of this permit. The applicant shall undertake the approved development within the following timeline:

- a) Within ten days of the approval of this permit, the applicant shall flag the castor beans and identified for eradication. The applicant shall subsequently remove the plants by the methods described in its letter of August 2, 1999. The plants eradicated shall be those identified in the applicant's letter of August 2, 1999. (Exhibit 5)
- b) On or before October 15, 1999, or at the beginning of the first rains, whichever is earlier, the applicant shall seed the area with seeds from the approved list provided by the applicant as Table 1. (Exhibit 6).

c) On or before November 15, 1999, or two weeks subsequent to the first rains, the applicant shall again remove any emergent castor beans and re seed the area using the plant list specified in Table 1, Exhibit 6.

d) On or before January 15 or two weeks subsequent to the second rains, the applicant shall again remove any emergent castor beans and re seed the area using the plant list specified in Table 1, Exhibit 6.

Failure to comply with these requirements may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### **4. Monitoring**

Records shall be made of the quantity and species of the seed mix applied. On or before March 15 and April 15, 2000, the applicant shall visit and photograph the site and note the number of castor beans, and whether or not any part of the vegetative cover consists of the natives planted from seed. On or before October 15, 1999, the applicant shall provide a schedule for the review and approval of the Executive Director. The schedule shall provide for monitoring the site and shall include no fewer than four visits from March through October 2000. The applicant shall record the success of the effort including 1) identification of the plant cover that predominates at the time of each visit, 2) whether any of the species that were seeded have persisted on the site, 3) the implications of the effort for the design of future revegetation efforts. On or before November 15, 2000 the applicant shall provide a written report to the Executive Director, including the information and photographs required above.

#### **5. Siltation.**

The applicant shall take necessary measure (BMP's) to prevent siltation and erosion from the site, including, but not limited to silt fences, sand bags and similar devices. Prior to issuance of the permit, the applicant shall provide an erosion control plan noting slopes and other features of the site and identifying the methods that will prevent siltation on the marsh from the road bed and other disturbed areas.

### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

#### **A. Project Description and History**

The applicant proposes to remove castor beans, an invasive weed, and re-seed an unpermitted 2,000-foot long haul road with native plants (Exhibits 2, 5 and 6). In 1998 the applicant scraped a haul road on an old railroad right-of-way and an

abandoned asphalt road. The railroad right-of-way is located in an area that is designated for housing in the certified LUP, but believed by the public to be a wetland. The haul road was scraped to facilitate construction of a surcharging berm planned to extend from Culver Blvd. to the Ballona creek channel. The berm, and the drain with which the berm was associated, were permitted in 5-91-463 (Maguire Thomas).

The applicant sought an after-the-fact permit for the haul road. The permit was reported to the Commission in August 1998. Members of the public opposed the application. The opponents stated the United States Army Corps of Engineers 404 permit that allowed fill for the freshwater marsh and a number of other scattered wetland patches, totaling 12 acres had been invalidated by the US District Court (Exhibit 16). The applicant withdrew the application for the haul road and completed the berm relying on the coastal development permit that was already in effect.

The applicant then submitted an application to revegetate the road. The revegetation would have involved disking the road and an extensive monitoring effort. In the opinion of staff, the use of heavy equipment was premature. In addition, in the opinion of the staff, even if such heavy equipment were used, it was unlikely that native plants would establish in a 2,000-foot long, twenty-five-foot wide strip in a weedy field. Staff informed the applicant of these concerns.

The applicants now propose to remove castor beans that have invaded the haul road, and re-seed all disturbed areas with coastal dune scrub and coastal bluff scrub plants that are endemic to the Ballona region. The applicant's proposal is found in Exhibits 5 and 6. Castor beans have invaded the nearby wetland area. They may be removed from the road area without disturbing any smaller plants that may be emerging on the berm or in adjacent areas. The applicant proposes to accomplish this without using any heavy equipment.

#### **B. Project Background/relationship to other permits**

On September 13, 1991, the Commission approved 5-91-463 (Maguire Thomas) an application by Maguire Thomas partners, the present applicant's predecessor in interest, to restore a 26.1-acre freshwater marsh, impacting 6.9 acres of then state-identified wetlands. The applicant proposed the marsh to accomplish two purposes: (1) to provide an additional freshwater habitat area over and above the habitat approved in a 1994 (1996) LUP, and (2) provide a reservoir and filtration system for fresh water runoff from the applicant's development that would be located inland of the Coastal Zone (Playa Vista Area D.) The project included a six-foot by ten-foot drain culvert, and a low berm, to ensure that excessive freshwater would not flow into the Ballona saltmarsh and reduce the salinity of the marsh. This drain was planned to discharge into the Ballona Creek channel. Lands designated for future development separated the freshwater marsh from Ballona Creek. The applicant proposed to route the drain in a culvert under Jefferson and Culver Boulevards and under this undeveloped property to Ballona Creek. The soils were saturated with a

high water table. The berm was necessary to compress the soil so the drain would not pop up out of the earth.

In July 1998, the applicant requested after-the-fact approval of the unpaved construction access road that is the subject of this revegetation request, 5-91-463A3 (Playa Capital). The road is located in an area that is designated for housing in the certified LUP. The road was located outside the footprint of the marsh and therefore required separate approval. It is entirely located in Playa vista Phase II, and extends about sixteen feet south from the berm to the intersection of Culver and Jefferson Boulevards. A second, approximately four hundred-foot branch of the road, extends from the intersection of the berm and the channel to the haul road. This is an abandoned stretch of Culver Boulevard and is asphalt, which was covered by a thin layer of soil.

Playa Vista has sought permits from state and local agencies in two phases, commonly identified as Playa Vista Phase I and Playa Vista Phase II. Phase I (consists mainly of "Area D," land in the City of Los Angeles that is located outside the coastal zone, on which the City has now approved major development (Exhibit 12.) Only one part of the Phase I project is located in the coastal zone. That is the freshwater marsh, which the Commission approved in 1991. Although the marsh was to perform a flood control function for the first phase of Playa Vista, the developer proposed that the marsh also be designed to provide freshwater habitat and to allow contaminants to settle out before the water flowed into Ballona Creek. A third purpose of the marsh was to protect the restored 160-acre wetland from excessive freshwater. The freshwater marsh contained 8 acres of Corps designated wetland, four of which would be filled, four of which would be deepened. Playa Vista Phase II proposed project consists of restoration of 190 acres of saltmarsh and construction of 1800 high-density apartments in Area B. In addition the applicant proposes construction of a 40 acre marina or other boating facility and major commercial and residential development in Area A, which is located in Los Angeles County jurisdiction, and construction of extensive additional housing, commercial and office development east of Lincoln, in Area C (Exhibit 13.)

When Playa Vista sought Corps approval of its project, it requested Corps action in two phases. The first Corps phase was a Section 404-permit request to fill 8 acres of scattered small-scale wetland areas in areas B, C and D (in areas proposed for residential and commercial development), and to construct the freshwater marsh. The freshwater marsh required four acres of fill and would impact another four acres. The 12 acres of fill was approved in the Corps 404 permit in 1996. The Corps does not require a full EIS for the issuance of a 404 permit and did not require one in this instance. The second Corps phase includes wetland restoration in Area B and a boating facility in Area C (County of Los Angeles). The second (Corps) phase of the project contains extensive Corps-designated wetlands, was always required by the Corps to be addressed in an EIS.

By dividing the project into phases, the Corps deferred the major dredging, marina development, and wetland restoration proposals to its Phase II project, for which the Corps required an EIS. The development that the Corps Phase I approval made possible includes:

1. The construction of a 52-acre "freshwater marsh and drainage system" in and out of the Coastal Zone; including 4 acres of wetland impact for fill and 4 acres of impact for dredging.
2. The development of commercial, office and residential uses in Area C (located east of Lincoln but inside the Coastal Zone)
3. The development of commercial, office and residential uses in Area D (located east of Lincoln and outside the Coastal Zone),
4. The development of commercial, residential uses in a part of Area B located west of Lincoln and inside the Coastal Zone. (See Exhibits 11-15, proposed development Playa Vista.)

The granting of the 1996 404 permit for Corps Phase I without a full EIS was challenged in court. The district court set aside this permit in June 1998. The court determined that a full EIS was required in order to examine the feasible alternatives and impacts of incidental fill of 12 acres and impacts on another four acres. The judge concluded 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 judge found that real issues were unresolved, and enjoined the applicant from further filling of delineated wetlands until the Corps completes an EIS on the first phase of the project. However, in a subsequent clarification, the judge stated that the injunction did not prevent the applicant from working outside delineated federal wetlands, pending completion of the EIS. Pending appeal, all work on the marsh that is located in federal wetlands has ceased. The federal wetlands are fenced off. However some work, such as the drain and the berm around the wetland, was not subject to the injunction, and the applicant continued work on those parts of the project.

In the fall of 1998, the applicant completed the surcharge berm for the marsh drain without using the haul road, and withdrew the application for the haul road. Now the applicant is proposing to restore the area in the following manner: The applicant proposes to forgo the use of heavy equipment and remove invasive exotic vegetation by hand. The removal is proposed to be accomplished by 1) cutting the castor bean plants at their base by hand 2) removing the cut portion of the plants from the site,

and 3) applying a herbicide at the base of the plant to kill the roots. The herbicide shall be approved in advance by the Executive Director. The applicant intends to use a paintbrush and will not use an aerial spray to apply the herbicide. Then the applicant will seed the area with native annuals from the coastal dune scrub and coastal bluff scrub. This will be done in October and repeated twice after the rains begin. The applicant will also employ sandbags to prevent any possible erosion from the disturbed areas.

Playa Capital states that it intends to begin work as soon as the project is approved and complete it by February 1, 2000. The castor bean removal and re-seeding effort will be limited to the area that was disturbed by the applicant. The project will not involve any activity on the wetlands identified by the US Army Corps of Engineers (jurisdictional wetlands) or by the Department of Fish and Game within the Ballona Wetlands. (Exhibits 3, 17, and 18)

Approval of this castor bean eradication and reseeding will not limit the regulatory choices open to the United States Army Corps of Engineers in its preparation of an EIS for Playa Vista "Corps" Phase I, including delineation of wetlands. The proposed revegetation project is not located within the Corps Phase I Area.

Approval of the proposed revegetation project will also not prejudice the ability of the Corps to prepare an EIS for Phase II. The proposed revegetation project is located in the Corps Phase II. The road is located in Area B in an area now proposed for upland development, but which is advocated for restoration as wetlands by others. However, the land area adjacent to it was designated "agricultural land not feasible to restore" in Fish and Game's last delineation. It was not designated wetland by the Corps. Even if the road area or the adjacent area were subsequently designated as wetland, the installation of native plants and the removal of invasive plants on the elevated right of way does not commit the area to any use that is incompatible with wetland restoration. It would not prevent restoration as upland, it would not prevent grading and removal for wetland restoration.

In addition, if the area adjacent to it were not designated wetland, and was again approved as in the past for residential development, the area could be cleared without loss sensitive or irreplaceable habitat.

The proposed weed removal and re-seeding is in fact, a temporary activity. Revegetation may supply interim habitat, but the plants can easily be removed for wetland restoration or for the approved final use. The revegetation would not preclude any ultimate final use, whether the ultimate planning decision mandates dredging and/or restoration or whether the LUP continues to designate the area for housing.



### **C. Wetlands and Other Sensitive Habitat Areas.**

This road is located in a site of a historic saltmarsh, Ballona wetland. Section 30233 limits the allowable uses in wetlands to seven enumerated uses. Section 30240 requires the protection of environmentally sensitive habitat areas.

Ballona includes the largest undeveloped wetland in Los Angeles County. At one time, it covered several thousand acres, but fill, urban development and the channelization of Ballona creek has reduced its extent. In 1991, the Department of Fish and Game having assisted in the 1989 Corps of Engineers survey, identified 196.53 acres in the Ballona planning area, including 170.56 acres of wetland in Area B; 3.37 acres in Area D, 2.5 acres in Area C, and 20 acres in Area A north of the channel. (Exhibit 18)

Wetlands in Ballona have been surveyed numerous times to determine their nature and extent. Section 30121 of the Coastal Act and Section 13577(b) of the Commission's regulations instruct that wetlands include areas in which one of three indicators is present: hydric soils, periodic flooding or a predominance of hydrophytic plants. All surveys carried out in the past show that the site of the proposed revegetation is not wetland by this definition, although the area was once a wetland in the past. However, some opponents of the project question the surveys and also contend that historic wetlands should be protected in the same way that currently functioning wetlands are protected. The Coastal Act, however, has been interpreted by the Commission and the courts as protecting lands which are currently identified as sensitive habitat and/or wetlands.

Based on Fish and Game's most recent position, the road is not located on a wetland. The applicant has mapped the present road on a base map that contains the most recent wetlands delineations provided by the Corps. The map shows several wetland areas several hundred feet away, but does not show the road area as wetlands. (Exhibits 3 and 4) Since the road is not in a wetland, the limitations found in section 30233 do not apply to the area of the road. Moreover, in Ballona, both the wetland determination and the determination of appropriate buffers will take place in the certified LCP. As stated above, this area has been designated for housing in the currently certified LUP

The applicant proposes to "revegetate" the road. The applicant uses the term "revegetation" because the most recent plant surveys have not shown that any native plants or wetland plants are present, or are dominant within the road footprint. The applicant proposes to re-seed the area with coastal sage scrub (CSS) plants. As proposed, the project will not adversely affect any wetland area, and may reduce the seed bank of the castor beans, which have been invading wetland areas. However coastal sage scrub seedlings are not likely to displace the adjacent weeds, which are radishes and mustard. Mustard and radishes may shade out many of the seedlings.

The applicant chose to remove castor beans because they could invade wetland and dune areas that are likely to be restored. Removal of the mustard and radishes would take a much more extensive project, which could not be carried out during the preparation of soil and vegetation surveys for the EIS/EIR. As proposed, however, the project may improve the nearby wetland habitat and does not displace native plants or introduce plants that are incompatible with wetlands. Although the project will probably not provide significant habitat, it may provide useful information about the constraints of re-vegetation in this area. In order to ensure that the project is consistent with the wetland and habitat policies of the Coastal Act, the project has been conditioned to (1) protect nearby areas from siltation, (2) strictly follow the project protocol and (3) monitor the program, and (4) report on its progress, (5) use only seeds of native plants that can grow in the sandy, somewhat elevated soils of the railroad berm. As conditioned, the project is consistent with the wetland and habitat policies of the Coastal Act.

#### **D. PREJUDICE TO PREPARATION OF A LOCAL COASTAL PROGRAM.**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program which conforms with chapter 3 policies of the Coastal Act. The Commission has approved both the City of Los Angeles and the County of Los Angeles LUP's for the area affected by the proposed project. As conditioned, the weed eradication and reseeding project, located in an area slated for urban development, is consistent with Chapter 3 policies of the Coastal Act and would not preclude urban development as described in the certified Land Use Plan. To carry out the settlement of the Friends lawsuit, the applicant is required to seek an amendment to its LUP. If as a result of that amendment, this area is required to be developed for another use or restored as wetland, this project will not preclude that use. Therefore, the Commission finds that approval of this permit will not prejudice the ability of the local government to prepare a Local Coastal Program that is consistent with the Coastal Act.

#### **E. California Environmental Quality Act**

Section 13096 of the Commission's 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.

The project is located on one of the last undeveloped historic wetlands in Los Angeles County. In the Commission's action on the Land Use portion of the Local Coastal Program, the Commission identified the wetlands and mitigation measures that would fully mitigate any impacts on the wetlands. While federally-listed endangered species, the Brown Pelican and the least tern, feed in nearby creek channel and off shore areas and the State-listed Belding Savannah Sparrow nests nearby in a Salicornia marsh, none of these animals have been identified on the site of the development or the proposed site identified in this amended permit, nor has the Commission received any information in its previous action that this project will in any way affect these animals. Numerous studies have been undertaken concerning these issues, and the original permit has been conditioned to assure that the project will not have a significant adverse impact on resources.

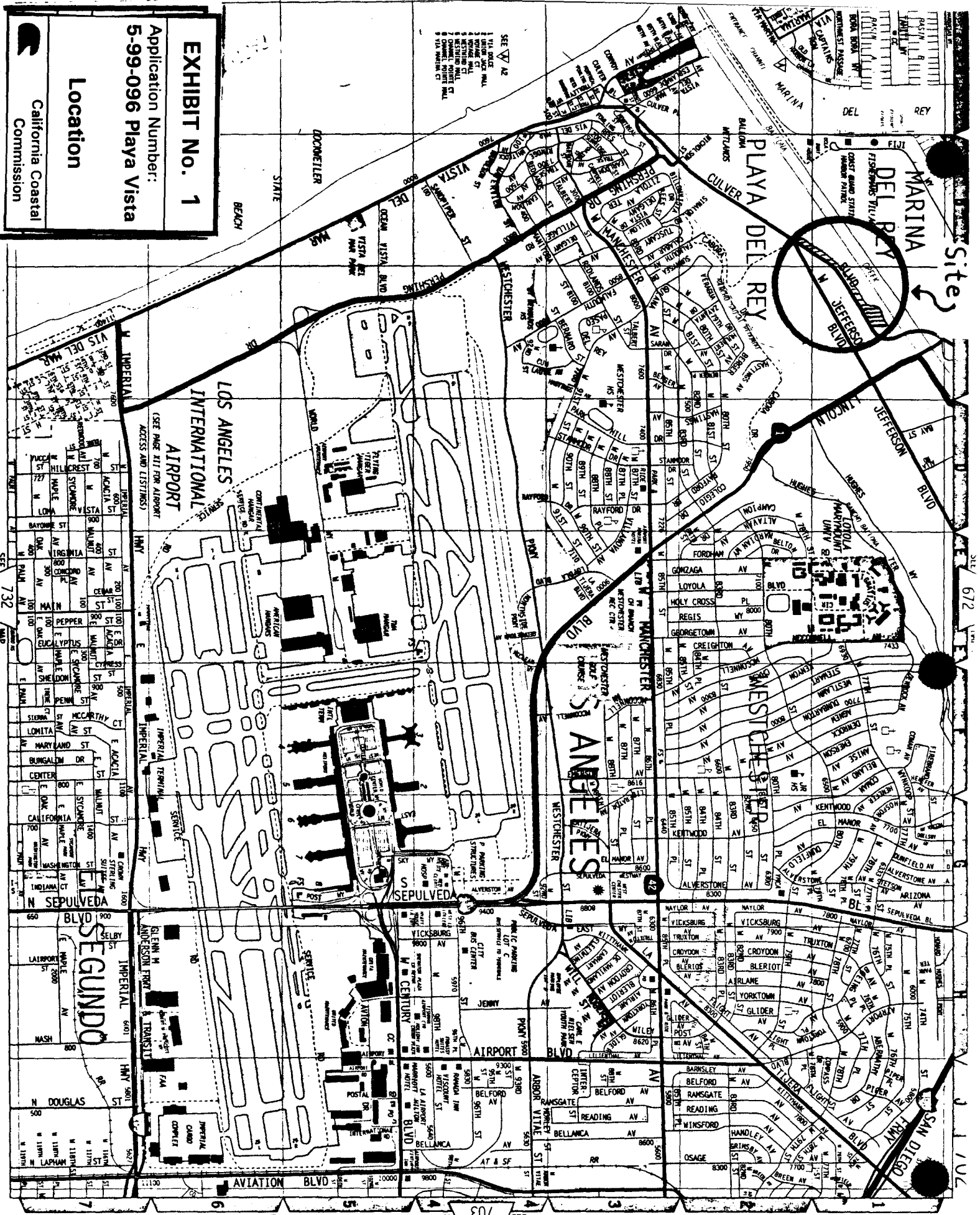
The removal of invasive plants and re-seeding of the haul road proposed in this permit is consistent with the policies of the Coastal Act of 1976 and the policies of the certified LUP. There are no other feasible mitigation measures or alternatives which would lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

**EXHIBIT No. 1**

Application Number:  
5-99-096 Playa Vista

**Location**

California Coastal  
Commission



# EXHIBIT No. 2

Application Number: 5-99-096  
Playa Vista

Site plan of road

California Coastal  
Commission

REMOVE ILLEGALLY DUMPED  
RUBBISH AND DEBRIS

SCRAPE OLD CULVER  
BLVD. EXISTING  
ASPHALT ROADBED

PROPOSED SURCHARGE  
PERMITTED UNDER COP 5-91-463  
STOCKPILE CENTERED  
ON FRESHWATER MARSH DRAIN  
PROPOSED SILT FENCE  
LOCATED 20 FEET FROM  
TOE OF PROPOSED BERM




SCRAPE OLD EXISTING  
PACIFIC ELECTRIC  
RAILWAY BERM

Los Angeles City Planning  
COASTAL ZONE PLAN  
APPROVED

- Approved in Concept *A14 98-062*  
☐ E-1 (20510 PRC)  
☐ E-2 (20510.1)  
☒ E-3 (20510.1) *CE 98-0607*  
Conclusion No. \_\_\_\_\_  
Date \_\_\_\_\_  
Issued \_\_\_\_\_  
Revised \_\_\_\_\_  
☐ State jurisdiction  
☐ Federal jurisdiction

- ☐ C.D.P. not applied or  
☐ Approval process completed  
By: *[Signature]* Date: *7/16/98*

## AREAS TO BE CLEARED:

-  OLD EXISTING PACIFIC RAILWAY BERM  
 OLD CULVER BLVD. EXISTING ASPHALT ROADBED  
 ILLEGALLY DUMPED RUBBISH AND DEBRIS

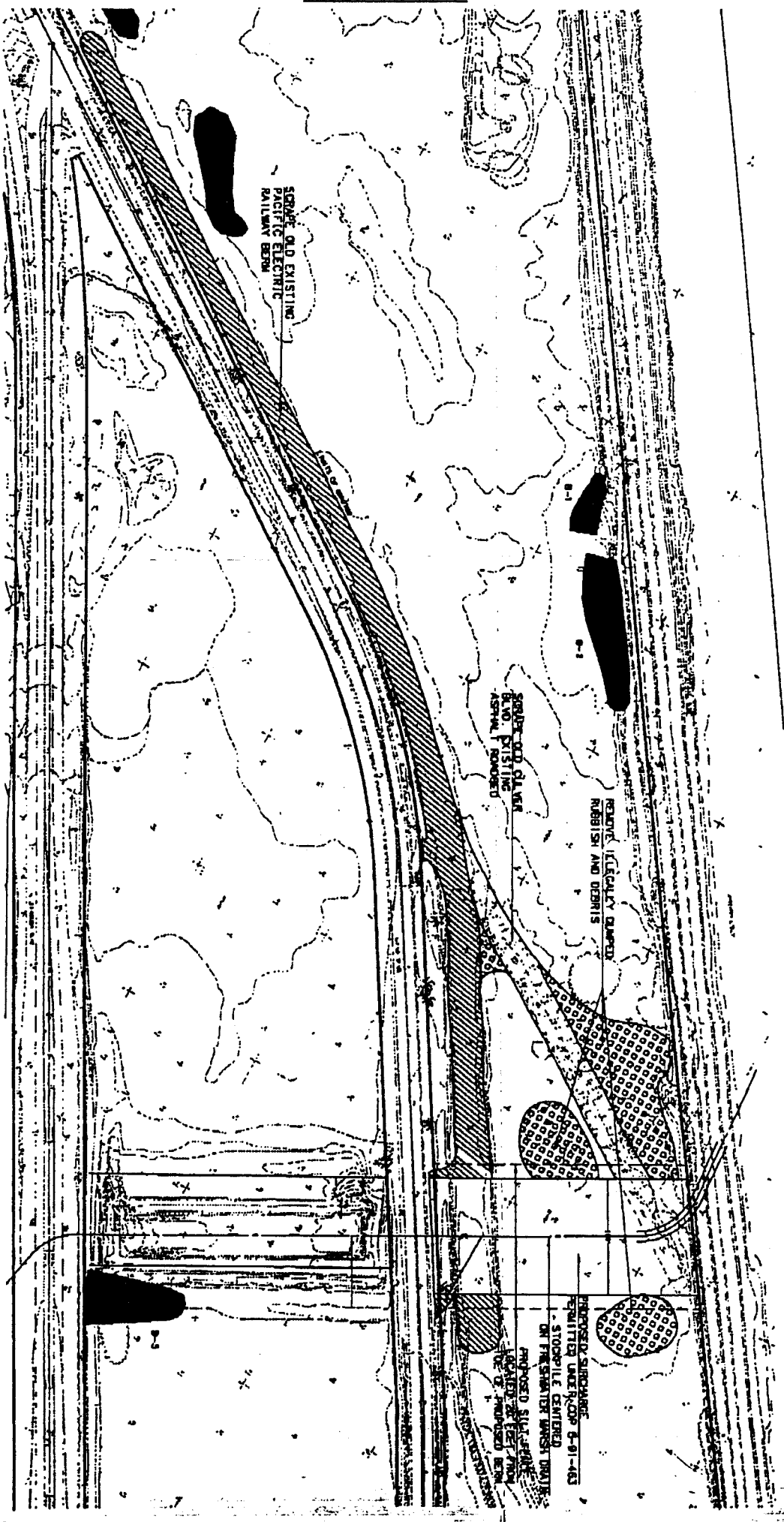
CLEAR ACCESS ROAD TO STOCKPILE

**PSOMAS**

DATE: 08/22/98 REVISED ON:  
JOB No: 1PCC0201.52 000

PV 733-01

Playa Capital Company, LLC  
Playa Vista Development



AREAS TO BE CLEARED

- OLD EXISTING PACIFIC RAILWAY BED
- OLD OLIVER BLVD EXISTING ASPHALT PAVED
- LEGALLY DUMPED RUBBISH AND DEBRIS

LEGEND

WETLAND DELINEATED WETLANDS

EXHIBIT No. 3

Application Number:  
5-99-096 Playa Vista

Federal wetland and  
road

California Coastal  
Commission

CLEAR ACCESS ROAD TO STOCKPILE

PROPOSED SURFACE  
QUALITY UNDER 5-91-465  
STOPSIDE CENTERED  
ON FRESHWATER TANK DRAIN

REMOVE OLD OLIVER  
BLVD EXISTING  
ASPHALT PAVED

REMOVE LEGALLY DUMPED  
RUBBISH AND DEBRIS

REMOVE OLD EXISTING  
PACIFIC ELECTRIC  
RAILWAY BED

NOTES

1. DATE OF FIELD SURVEY: 04/10/99
2. DATE OF FIELD SURVEY: 04/10/99
3. DATE OF FIELD SURVEY: 04/10/99
4. DATE OF FIELD SURVEY: 04/10/99
5. DATE OF FIELD SURVEY: 04/10/99

EXHIBIT No.

14a

Application Number:

5-99-096 Playa

Vista

Culvert and

freshwater marsh



California  
Coastal

Commission

Freshwater Wetlands  
Restoration  
Area

SEATTLE  
STREET

SEATTLE  
STREET

SEATTLE  
STREET

SEATTLE  
STREET

Culvert

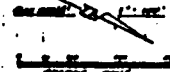
Culvert

Blvd

Ballone Channel

LINCOLN

BOULEVARD



PSOMAS

PLAYA VISTA  
SCHEMATIC GRADING PLAN  
FRESHWATER WETLAND

DATE: 04/10/99  
SCALE: 1" = 100'  
DRAWN BY: [signature]  
CHECKED BY: [signature]



## PLAYA VISTA

12555 W. JEFFERSON BLVD. # 300

TEL: 310.822.0074

LOS ANGELES, CALIFORNIA 90066

FAX: 310.821.9429

August 2, 1999

AUG 4 - 1999

Pam Emerson  
California Coastal Commission  
200 OceanGate, 10th Floor  
Long Beach, CA 90802

COASTAL COMMISSION

**Re: Application No. 5-99-096**

Dear Ms. Emerson:

The purpose of this letter is to request an amendment to our Permit Application No. 5-99-096.

By this letter Playa Capital Company (PCC) amends its Permit Application for Restoration 5-99-096 to specify the method of removal and restoration. We will forgo the use of heavy equipment to remove vegetation, and will instead remove invasive exotic vegetation by hand. The removal shall be accomplished by 1) cutting by hand the castor bean plants at their base 2) removing the cut portions of the plants from the site, and 3) applying a herbicide approved by the Executive Director of the Commission, to the base of the plants in order to kill the roots. The herbicides shall be applied with a paintbrush and care will be taken that none of the herbicide escapes. Aerial spray will not be used. We will restore the area with a seed mix that shall include native annuals Coastal Dune Scrub (CDS) and Coastal Bluff Scrub (CBS) plants listed in the original application.

PCC will complete removal and commence implementation of the restoration project by September 15, 1999, or the earliest possible date consistent with the Coastal Commission permitting process, and complete it by February 1, 2000. The seeds will be cast before October 15, 1999 (before the first rain) and twice after the first rain at biweekly intervals.

PCC will, prior to permit issuance, submit maps and photos of the area to the Commission. We will also provide for a field check by Commission staff of the before and after maps and photos submitted within 10 days of removal of the castor beans and again on or about January 15, 2000 after completion of the forgoing actions.

Finally, in order to prevent erosion from the removal of the castor bean plants, we hereby further amend the application to provide sandbags in the area adjacent to the embankment slopes that have been cleared by removal of castor beans where needed to control erosion.

Sincerely,

Robert Miller  
Vice President

**EXHIBIT No. 5**

Application Number:  
**5-99-096 Playa Vista**

Applicant's proposal



California Coastal  
Commission



**EXHIBIT No 6**Application Number:  
**5-99-096 Playa Vista**

Table1 seed list

California Coastal  
Commission**V. Seeding**

The seeds will be planted using broadcast seeding or other means recommended by a licensed landscape contractor. The target dates for seeding will be between November 30 and January 20. The planting may be performed earlier or later than these dates if conditions appear to be favorable.

Broadcast seeding is the uniform spreading of seed mix by hand. Seed may be mixed with equal parts of clean, damp sand to aid in broadcasting.

Broadcast seeding would occur only when winds are calm. As soon as the seeding is completed, the planting areas would be lightly watered from a water truck or hose in order to settle to soil and form a surface "crust" to protect the seeds.

The following species should be considered for use in the seed mix. The application in pounds per acre is also recommended. Seeds will be either collected on-site or purchased from a native seed collection service from a designated or known source. Changes in this seed mix may be made by the botanist and licensed landscape contractor.

**Table 1: Suggested Plant List**

| <i>Species Name</i>        | <i>lbs/acre</i> |
|----------------------------|-----------------|
| Phacelia ramosissima       | 1               |
| Heterotheca grandiflora    | 1               |
| Lotus scoparius            | 10              |
| Corethrogyne filaginifolia | 2               |
| Gnaphalium bicolor         | 1               |
| Lupinus bicolor            | 6               |
| Lasthenia glabrata         | 6               |
| Artemisia californica      | 2               |
| Baccharis pilularis        | 4               |
| Encelia californica        | 2               |

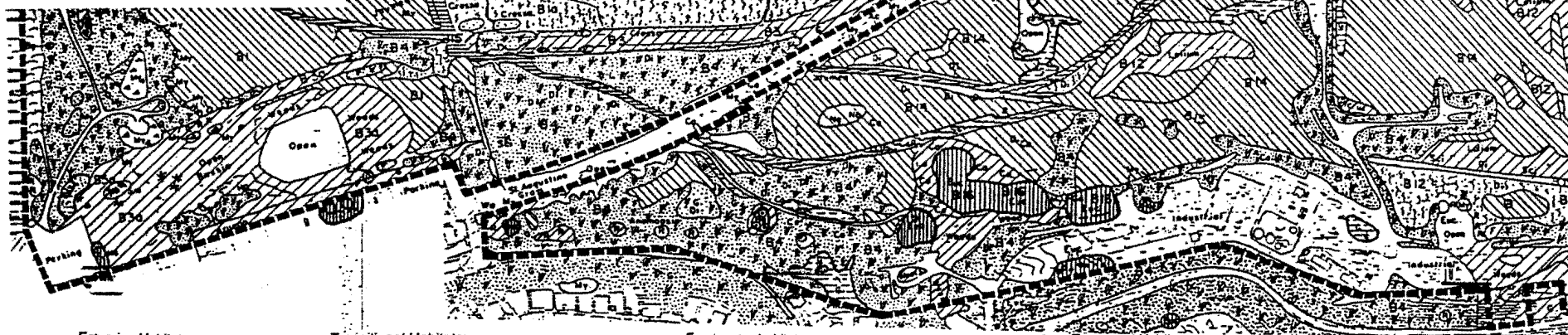
# BALLONA CREEK CHANNEL

## EXHIBIT No 7

Application Number:  
5-99-096 Playa Vista

Site vegetation from  
Draft EIS EIR

California Coastal  
Commission



**Estuarine Habitats:**  
OPEN SALT FLAT  
SALT MARSH

**Transitional Habitats:**  
WEEDS/COASTAL SCRUB  
SALT MARSH/SALT GRASS  
FRESHWATER MARSH/  
TERRESTRIAL TRANSITION

**Freshwater habitats:**  
WILLOW COMMUNITY  
SEEP WILLOW THICKETS  
CHANNEL/FRESHWATER MARSH  
CHANNEL/MUDFLAT

**Terrestrial Habitats:**  
OPEN DISTURBED/WEEDS  
ICE PLANT  
WEEDY FIELD/WEEDS  
GRASSLAND/HERBS

NON-NATIVE SHRUBS  
COASTAL DUNE  
EUCALYPTUS

North

Playa Vista EIS/EIR  
Affected Environment

Vol.  
III

PCR

FIGURE D-4  
SITE VEGETATION-AREA B WEST END

Source: Dr. E. Reed based on Dr. J. Herrickson, 1992.

12/12/97



# EXHIBIT No. 8

Application Number:  
5-99-096 Playa Vista

Vegetation survey

California Coastal  
Commission







- Estuarine Habitats:**
  - SALTMARSH
- Transitional Habitats:**
  - SALTMARSH/SALTGRASS
- Freshwater habitats:**
  - SEEPWILLOW THICKETS
  - WILLOW COMMUNITY
  - FRESHWATER MARSH
- Terrestrial Habitats:**
  - OPEN DISTURBED/WEEDS
  - COYOTE BUSH
  - ICEPLANT
  - EUCALYPTUS
  - GRASSLAND/HERBS

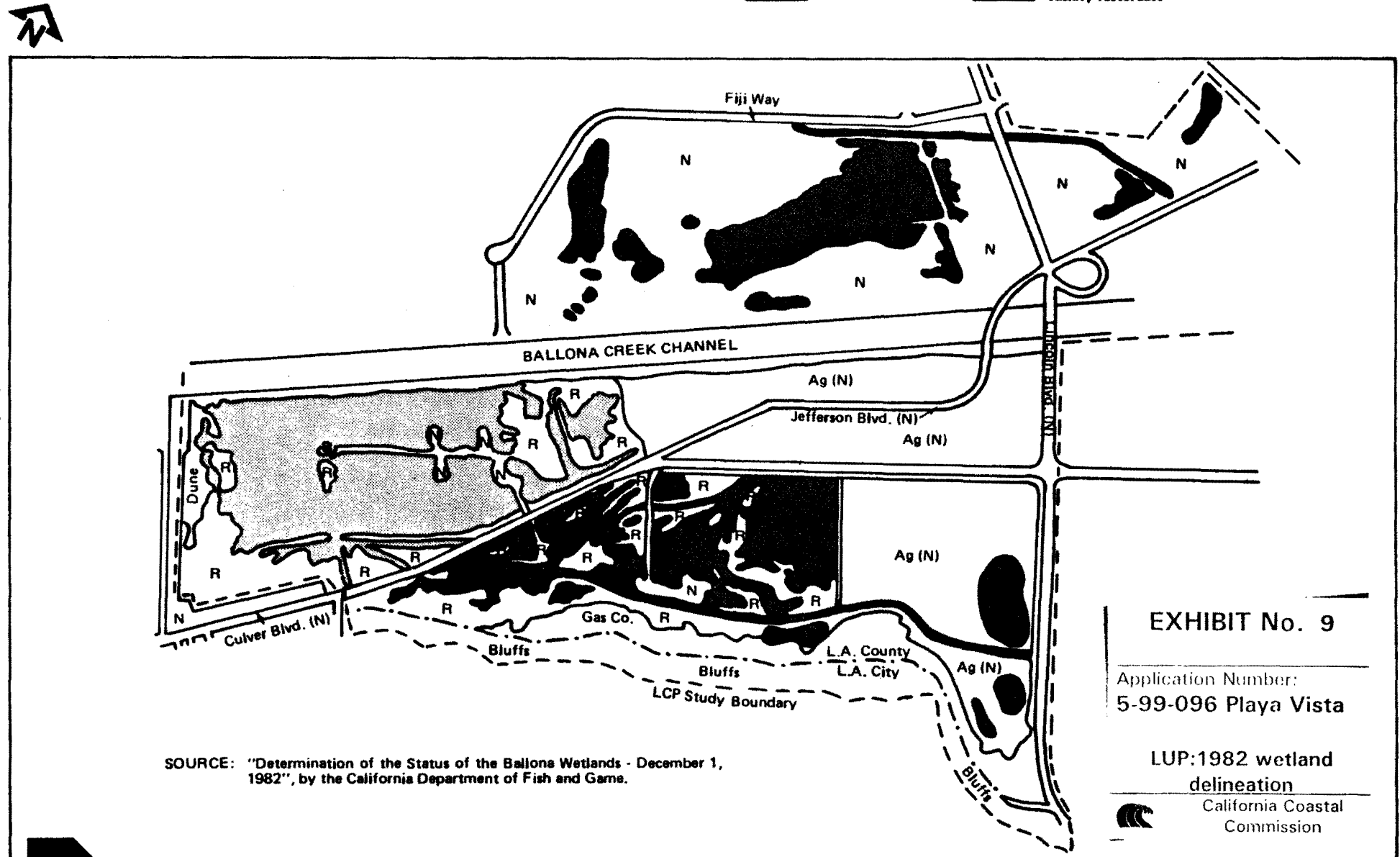
MATCH LINE - SEE FIGURE V.D.-2



map 14

PRESENT STATUS OF THE BALLONA REGION

|  |  |  |
|--|--|--|
|  Non-degraded wetland |  Feasibly restorable former wetland     |  Former wetlands Agricultural Field |
|  Degraded wetland     |  Former wetland not feasibly restorable |  Environmentally sensitive upland   |



SOURCE: "Determination of the Status of the Ballona Wetlands - December 1, 1982", by the California Department of Fish and Game.

EXHIBIT No. 9

Application Number:  
5-99-096 Playa Vista

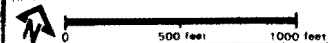
LUP:1982 wetland  
delineation

California Coastal  
Commission

local coastal program

map 25

AREA B - PROPOSED LAND USE PLAN



# EXHIBIT No. 10

Application Number  
5-99-096 Playa

Vista:

1984-1986 LUP

Uses in Area B

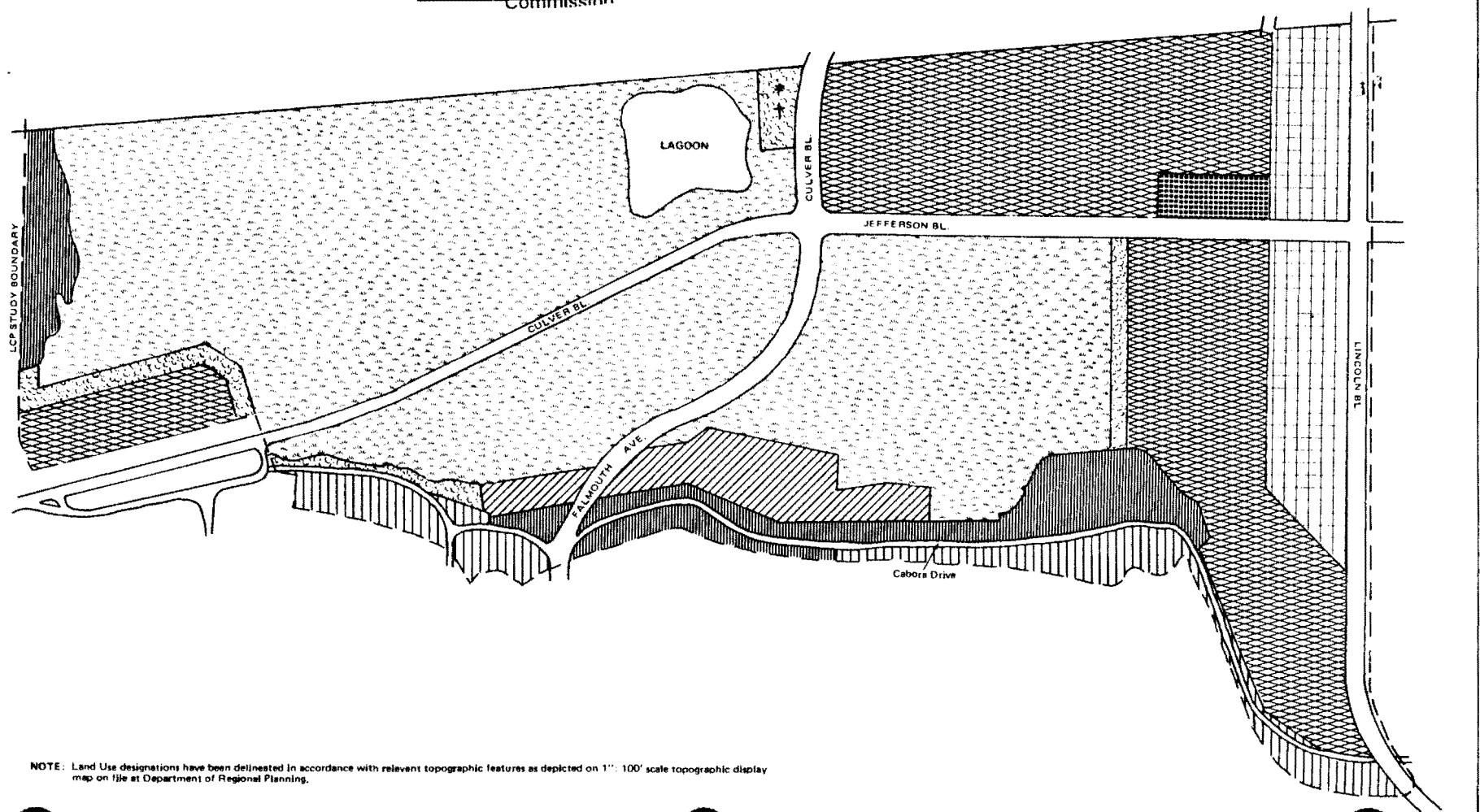
California  
Coastal

Commission

marina del rey/ballona

|                         |                                    |                                       |
|-------------------------|------------------------------------|---------------------------------------|
| Wetlands                | Water (Lagoon is part of Wetlands) | Commercial                            |
| Ecological Support Area | Residential III                    | Public Facilities (Energy Facilities) |
| Open Space              | Residential V                      | Residential I (City of Los Angeles)   |

\*Alternate Youth Hostel Location  
†Interpretive Center



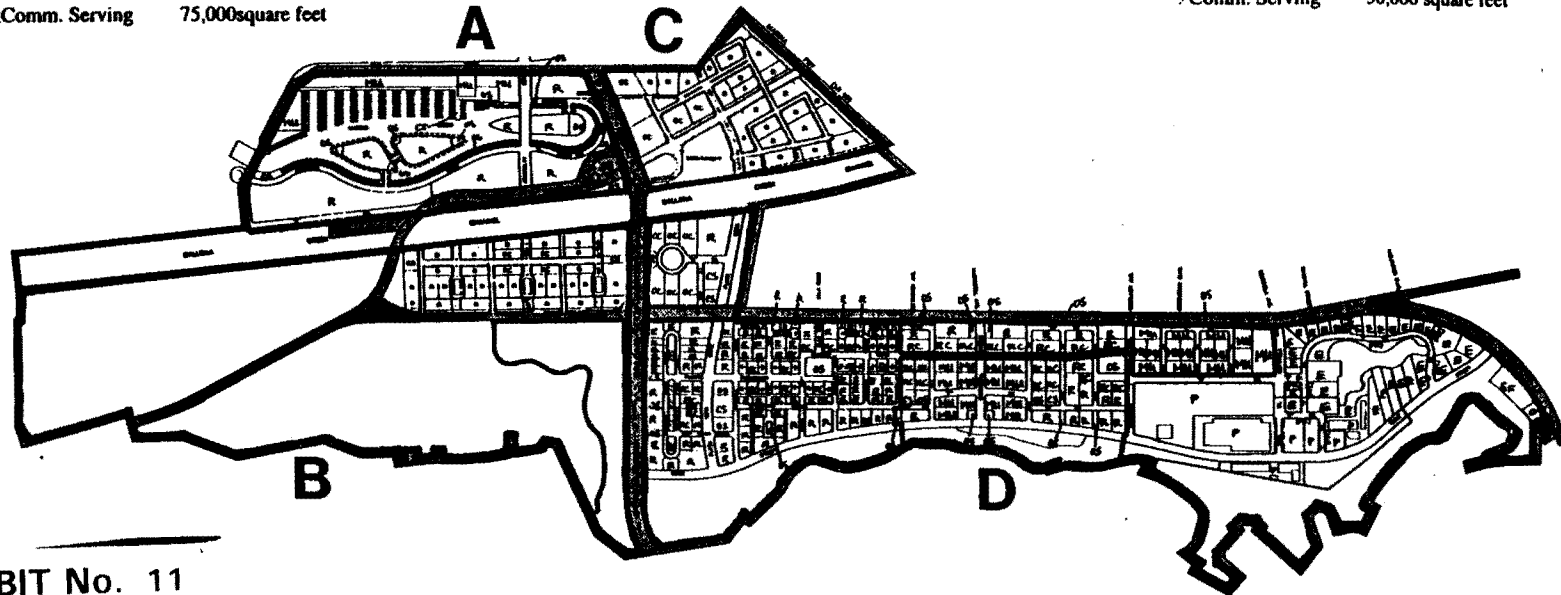
NOTE: Land Use designations have been delineated in accordance with relevant topographic features as depicted on 1" = 100' scale topographic display map on file at Department of Regional Planning.

**Area A - 139.1 acres**

|               |                      |
|---------------|----------------------|
| Residential   | 2,576 dwelling units |
| Retail        | 75,000 square feet   |
| Office        | 125,000 square feet  |
| Hotel         | 450 rooms            |
| Comm. Serving | 75,000 square feet   |

**Area C - 69.7 acres**

|               |                      |
|---------------|----------------------|
| Residential   | 2,032 dwelling units |
| Retail        | 150,000 square feet  |
| Office        | 900,000 square feet  |
| Comm. Serving | 30,000 square feet   |



**EXHIBIT No. 11**

Application Number:  
**5-99-096 Playa Vista**

**Post settlement master  
plan**

California Coastal  
Commission

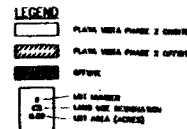
Playa Capital Company, LLC  
Playa Vista Development

**Area B - 336.1 acres**

|               |                      |
|---------------|----------------------|
| Residential   | 1,800 dwelling units |
| Retail        | 20,000 square feet   |
| Comm. Serving | 40,000 square feet   |

**Area D - 412.2 acres**

|               |                       |
|---------------|-----------------------|
| Residential   | 6,677 dwelling units  |
| Retail        | 350,000 square feet   |
| Office        | 4,225,000 square feet |
| Hotel         | 300 rooms             |
| Comm. Serving | 495,000 square feet   |



**LIST OF ABBREVIATIONS**

|                         |                           |
|-------------------------|---------------------------|
| C - COMMERCIAL          | E - EMPLOYEE              |
| CO - COMMUNITY SERVICES | OFFICE AND POST           |
| DO - DOWNTOWN           | PRODUCTION                |
| HO - HIGH OFFICE        | P - PRODUCTION, SERVICES, |
| HO - HIGH OFFICE        | AND SUPPORT               |
| HO - HIGH OFFICE        | O - OFFICE SPACE          |
| HO - HIGH OFFICE        | RE-ENVIRONMENTAL          |
| HO - HIGH OFFICE        | FACILITIES                |
| HO - HIGH OFFICE        |                           |
| HO - HIGH OFFICE        |                           |

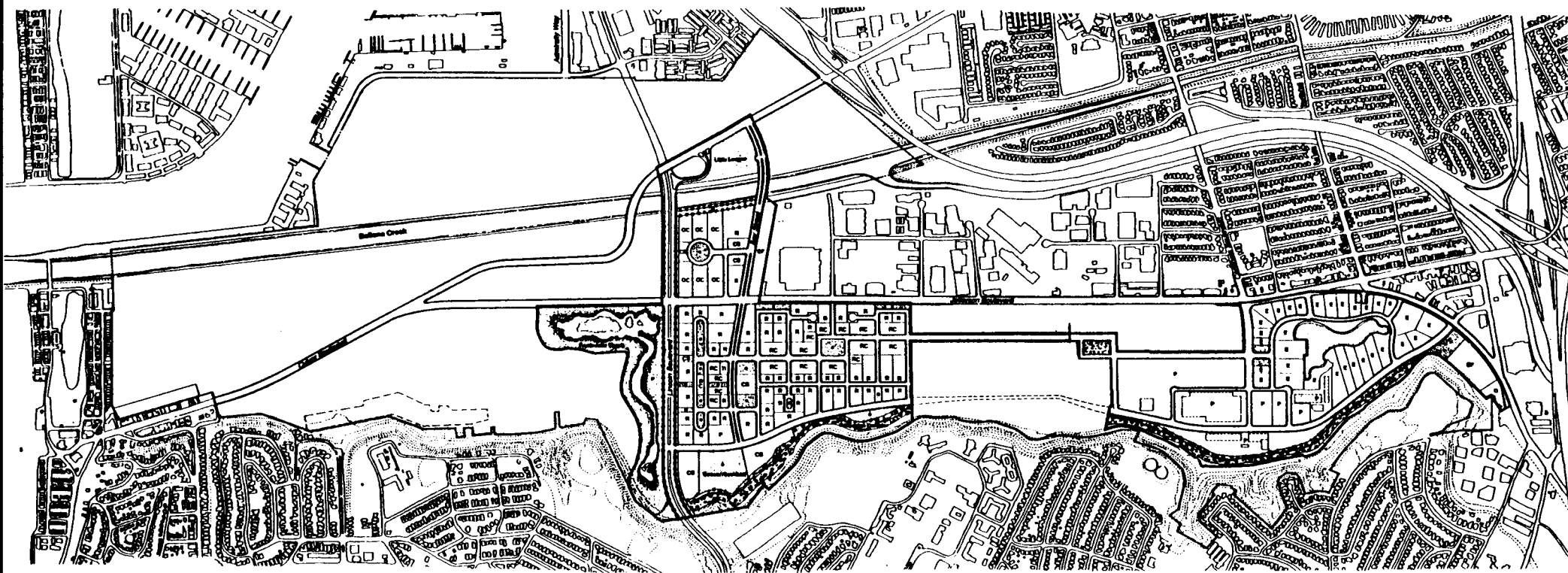
**PLAYA VISTA  
EIS/EIR MASTER PLAN**

**PSOMAS**

DATE: 06/01/99 REVISION: 01  
JOB NO. 00000001 SHEET 1 OF 1

Thu Jun 04 15:32:18 1998

E:\Pvista



ACTIVE OPEN SPACE  
PASSIVE OPEN SPACE  
COMMUNITY SERVING

**R** RESIDENTIAL  
**RC** RESIDENTIAL OVER GROUND FLOOR COMMERCIAL  
**C** VILLAGE CENTER

**O** OFFICE SPACE  
**OC** OFFICE OVER GROUND FLOOR RETAIL  
**OF** ENVIRONMENTAL FACILITIES

## EXHIBIT No. 12

Application Number:  
**5-99-096 Playa Vista**

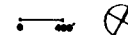
**Phase I proposed  
project**

California Coastal  
Commission

**PLAYA VISTA**  
FIRST PHASE AND ENTERTAINMENT,  
MEDIA, AND TECHNOLOGY CAMPUS

1 - 1ST FLOOR OFFICE AND POST PRODUCTION  
2 - PRODUCTION STAGE AND SUPPORT

## PLAYA VISTA - FIRST PHASE

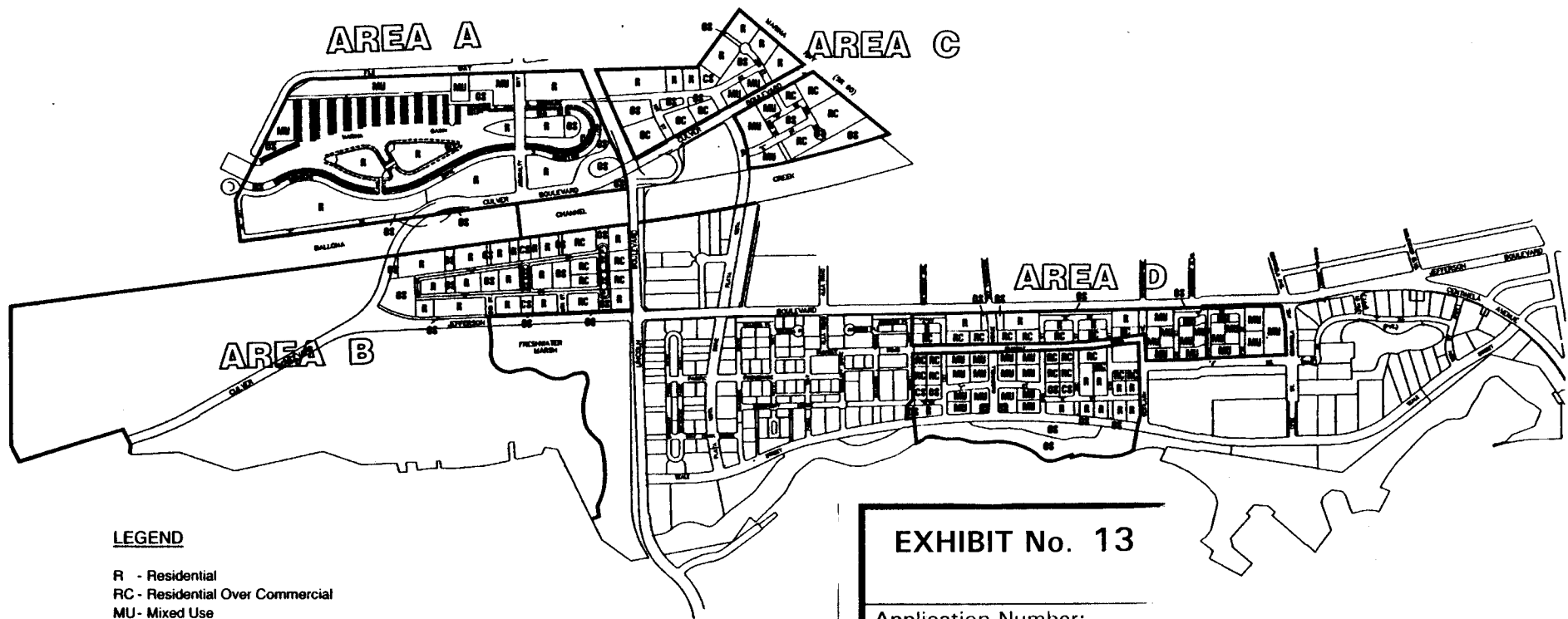


### Area D - West End

|               |                      |
|---------------|----------------------|
| Residential   | 3,246 dwelling units |
| Office        | 400,000 square feet  |
| Retail        | 25,000 square feet   |
| Comm. Serving | 65,000 square feet   |

### Area D - East End

|                |                       |
|----------------|-----------------------|
| Office         | 1,677,050 square feet |
| Retail         | 10,000 square feet    |
| Soundstages    | 332,500 square feet   |
| Studio Support | 797,400 square feet   |
| Comm. Serving  | 55,000 square feet    |



**LEGEND**

- R - Residential
- RC - Residential Over Commercial
- MU - Mixed Use
- OS - Open Space
- CS - Community Serving
- OC - Office Over Commercial

**EXHIBIT No. 13**

Application Number:  
**5-99-096 Playa Vista**

**Phase II proposed project**



California Coastal  
Commission

**Proposed Playa Vista  
Second Phase Project Draft EIS/EIR**

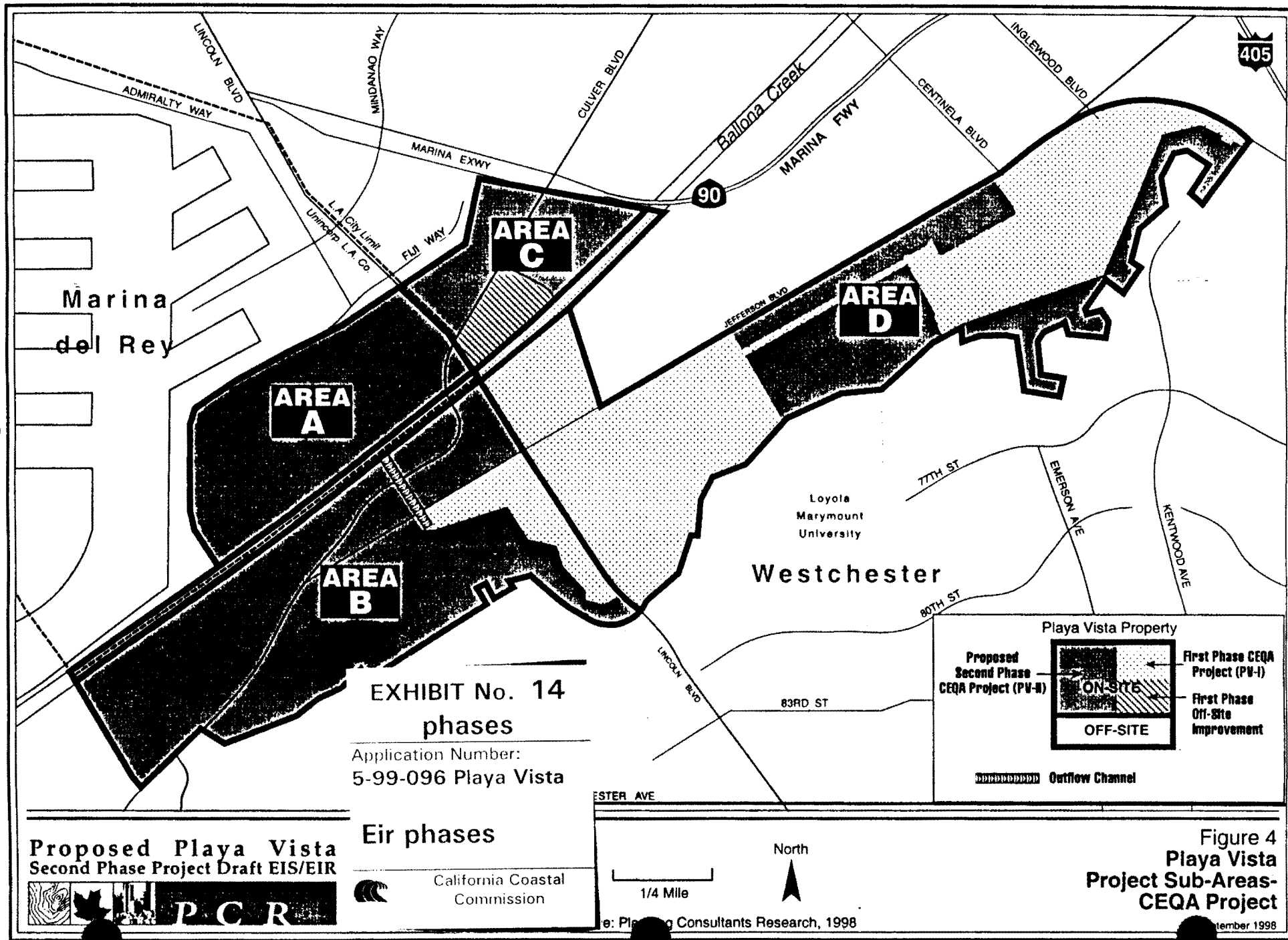


NOT TO SCALE

SOURCE: Base map by Psomas and Associates. Other info by PCR and Playa Capital Company

**Figure 6  
Proposed Land Uses**





Proposed Playa Vista  
Second Phase Project Draft EIS/EIR



EXHIBIT No. 14  
phases

Application Number:  
5-99-096 Playa Vista

Eir phases

California Coastal  
Commission

North  
1/4 Mile  
Planning Consultants Research, 1998

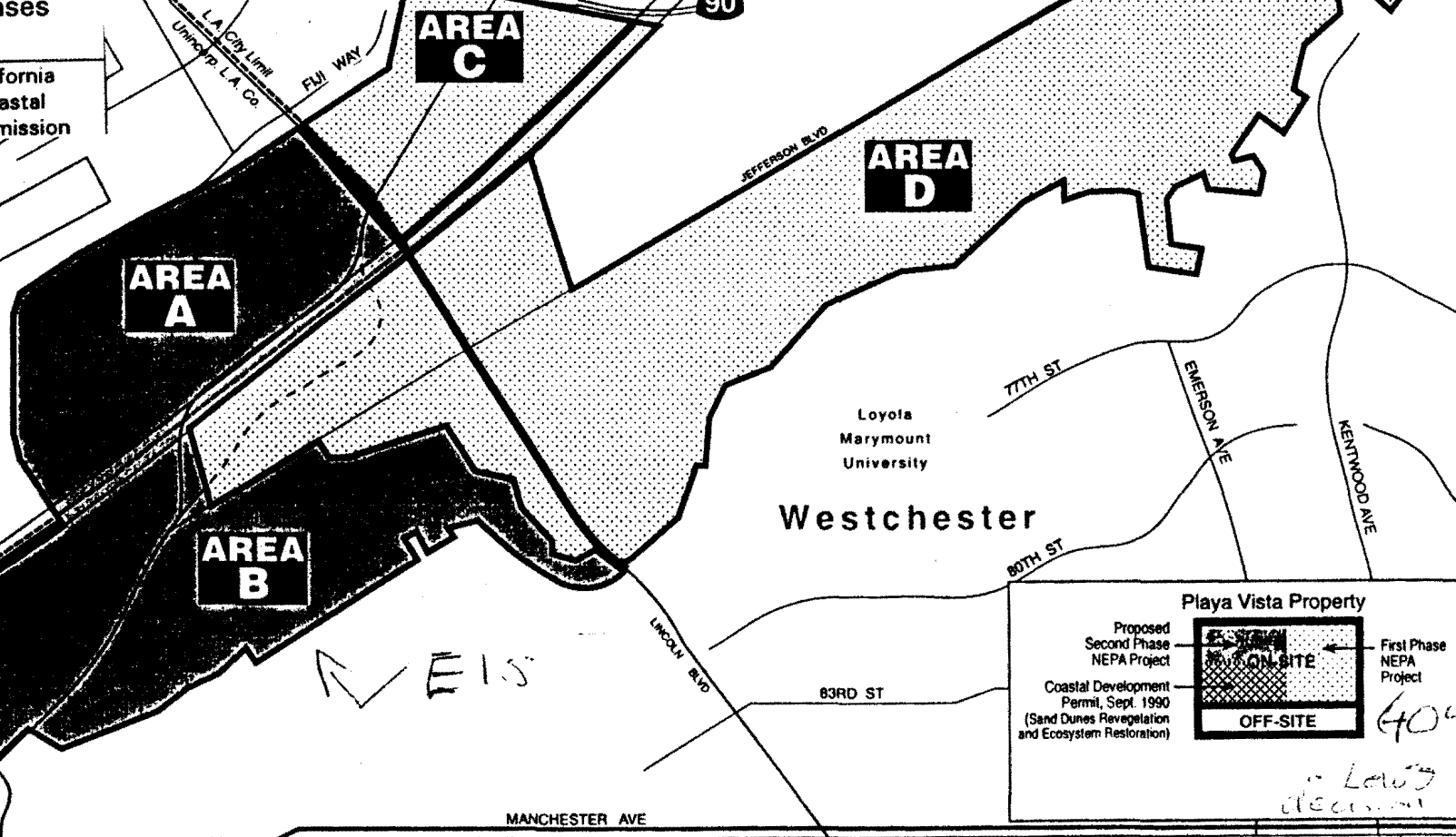
Figure 4  
Playa Vista  
Project Sub-Areas-  
CEQA Project

September 1998

**EXHIBIT No.  
15**

Application  
Number: **5-99-096**  
**Playa Vista**  
Corps phases

California  
Coastal  
Commission  
**Marina**  
**del Rey**



**Proposed Playa Vista  
Second Phase Project Draft EIS/EIR**



1/4 Mile

North

Source: Planning Consultants Research, 1998

**Figure 3  
Playa Vista Quadrants-  
NEPA Project**

September 1998

Application Number:  
5-99-096 Playa Vista

IV.

California Coastal  
CommissionConclusion

The Court GRANTS in part and DENIES in part Plaintiff's Motion to Augment the Administrative Record. The Court further GRANTS Plaintiffs' Motion for Summary Judgment on the grounds that the Corps impermissibly segmented its consideration of the environmental impacts of the project, failing to consider connected and cumulative actions. Even if the Corps' segmentation were proper, however, 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 Permit is therefore rescinded and all construction activities on the permitted area shall cease unless and until the Corps complies with its NEPA obligations. Finally, the Court DENIES Defendants' Motion for Summary Judgment, given the Court's findings as to the failings in the NEPA process in regard to the Permit at issue in this action.

IT IS SO ORDERED.

RONALD S W LEW

RONALD S.W. LEW  
United States District Judge

DATED: June 19, 1998

No. CV 96-8407 RSWL [AJWx] [Pltf's Motion to Augment the Admin.  
Rec.; Cross Motions for Summary Judgment]

(orders\[wetlands.npa]\p)

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

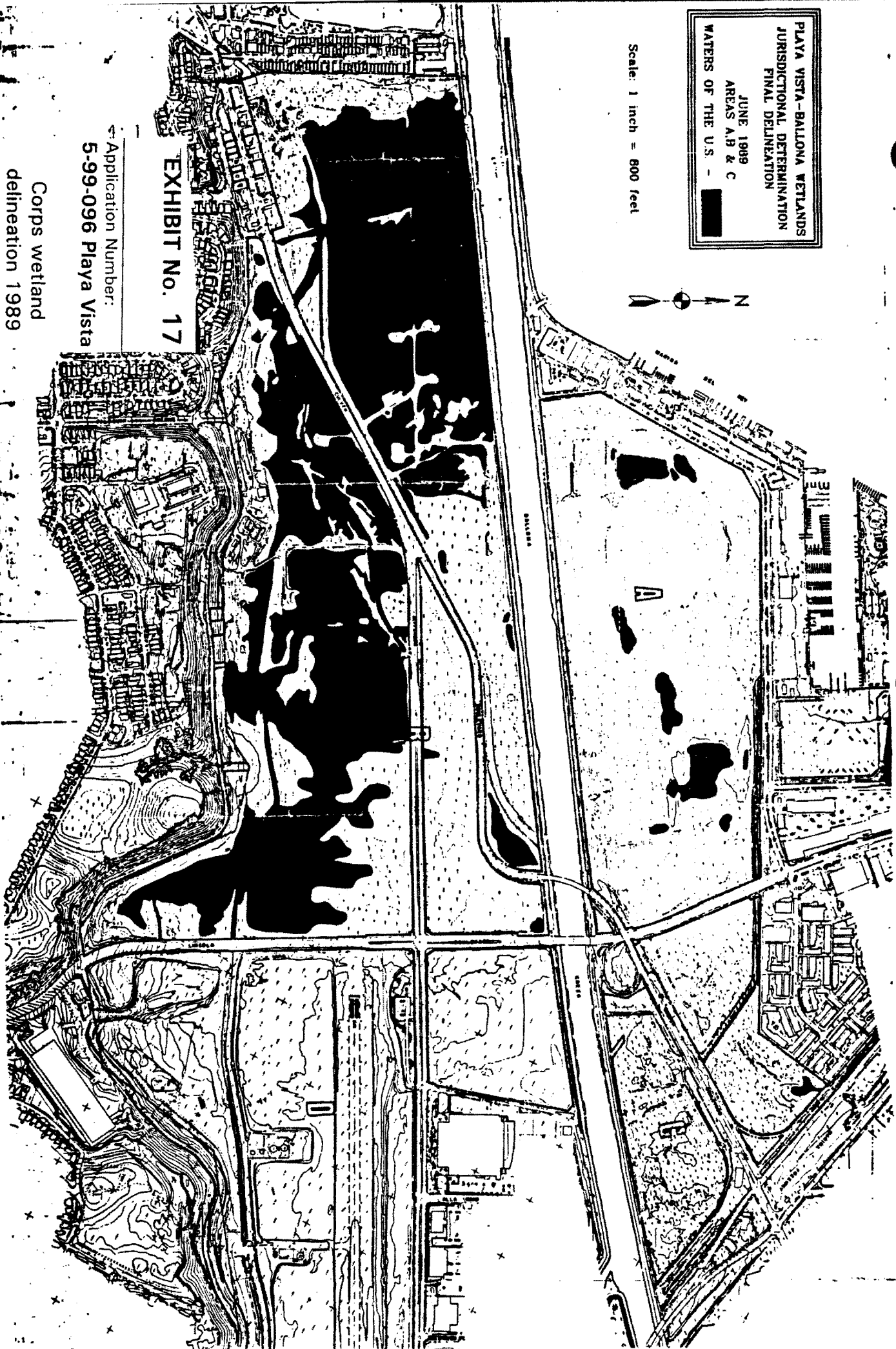
Scale: 1 inch = 800 feet



EXHIBIT No. 17

Application Number:  
5-99-096 Playa Vista

Corps wetland  
delineation 1989



## Memorandum

To : Mr. Jim Burns  
Assistant Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California

Date : December 20, 1991

RECEIVED  
DEC 24 1991  
CALIFORNIA  
COASTAL COMMISSION

EXHIBIT No. 18

Application Number:  
5-99-096 Playa Vista

1991 Fish and Game  
letter and maps (6  
pages)

From : Department of Fish and Game

Subject : Ballona Wetlands Acreage Determination Contained in the  
Department of Fish and Game's September 12, 1991 Memorandum to  
the Fish and Game Commission

The Department has provided the Coastal Commission with information regarding the extent and condition of wetland and other environmentally sensitive habitat areas within the Playa Vista Land Use Planning area for the past ten years. Our determinations in this regard were used by the Coastal Commission in certifying the Playa Vista Land Use Plan.

It seems that the primary, present, controversy is limited to the extent of wetland acreage north of the Ballona Creek Channel. It is important to recognize that this controversy existed at the time we prepared our September 12, 1991 memorandum to the Commission regarding approximately 52-acre "Freshwater Marsh/Open-Water Wetland-Riparian Area Project". This project was before the Commission at that time (Application Number 5-91-463). We provided the Commission with a map indicating the extent of pickleweed-dominated saltmarsh and other vegetative communities on the large fill area north of Ballona Creek Channel. Department personnel ground-truthed the accuracy of the vegetation map prior to its transmittal to the Commission, and we found it to be highly accurate. We also provided the Commission with a table indicating precisely quantified acreage for each of 28 distinct, independently-measured subareas of the pickleweed-dominated saltmarsh wetland type on the fill area. This totaled 19.95 acres which we rounded off to 20 acres for the purposes of discussion in the text of our 7-page memorandum.

We also mapped 17.66 acres of patchy pickleweed distributed within what was characterized as an upland vegetative association (page 2 of our September 1991 memorandum). Most of this 17.66 acres was dominated by pickleweed prior to the onset of the present drought cycle. Consequently, we found it likely that a portion of these 17.66 acres would again be dominated by pickleweed given a return of normal rainfall.

Lastly, we determined that portions of the 4.78 acres of saltflat were wetlands by virtue of periodic inundation which we

Mr. Jim Burns  
December 20, 1991  
Page Two

Exhibit 18 p 2  
5-99-96

observed several years ago but that was at the time of the field inspection of Area A, prior to transmittal of our September 12, 1991 memorandum, these saltflats did not function as wetlands.

Using the observation discussed in the presiding two paragraphs, and applying the wetland definition contained in the document entitled "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin, et al., 1979), we informed the Commission that not less than 20 acres of the Area A presently functioned as wetland by virtue of dominance by obligate hydrophytic vegetation even after five years of drought. Since our past wetland determinations on Area A included the acknowledgement of the presence of 2.5 acres of saltflat which functioned as wetland by virtue of periodic inundation we found it probable, and continue to find it probable, that 2.5 acres of saltflat would again function as wetland given a return of normal rainfall. We formerly identified 37.5 acres of wetland in Area A, and we continue to believe that, under normal rainfall conditions, 37.5 acres would again function as wetland. These 37.5 acres of wetland may be generally characterized as being composed of the 20 acres of existing pickleweed-dominated saltmarsh, 2.5 acres of saltflat, and 15 acres of recovered saltmarsh from the existing 17.66 acres of patchy pickleweed community. We reiterate for clarity that only the 20 acres of pickleweed-dominated saltmarsh presently functions as wetland.

We do not agree with the opinion which holds that the pickleweed-dominated flats are simply an indication of the saline nature of the original dredge spoils. In point of fact, there are several plant species in Area A which are very tolerant of saline soil conditions. Among these are salt grass (Distichlis spicata) and Atriplex spp. Further, Salicornia grows quite well in nonsaline soils. The patterns of vegetative dominance in Area A are based upon essentially two factors, soil salinity and substrate saturation. Where we have both saline soils and low-elevation (and therefore increased degree of substrate saturation) we find that competitive advantage is conferred upon pickleweed. In areas with low soil salinities at higher elevation (and therefore relatively little soil saturation) typical ruderal species predominate. In areas of similar elevation, and elevated soil salinities, we find Atriplex and Baccharis. In areas where soil saturation levels are especially high and the substrate is subject to inundation and/or has been highly compacted through time, we have saltflats which typically are too salty for pickleweed and at times may be too wet, too long to support pickleweed. Lastly there are areas, essentially the 17.66 acres of patchy pickleweed designated on the map we appended to our September 12, 1991 memorandum, where salinities and saturation are in a state of flux and in which after 5 years

Mr. Jim Burns  
December 20, 1991  
Page Three

5 99 96

Exhibit 18,3

of drought pickleweed is being out-competed by upland indicator species.

Additionally, we do not necessarily agree that substrate salinities in Area A are markedly different now than they were a decade ago. One has only to observe the pickleweed-dominated flats at Bolsa Chica, which have been isolated from tidal influence for 70 years, to see that maintenance of substrate salinity in an essentially closed system is definitely both possible and fairly frequently encountered in southern California.

In summary, we found that 20 acres of Area A functioned as wetland in September 1991, and that we saw little reason to assume that less than 37.5 acres of wetland would exist in Area A given normal rainfall. This continues to be our position.

It is important to realize that the Commission and the Department have used the Cowardin wetland definition for wetland identification purposes in the Commission's land use decisions since 1978 (when the 1979 document was still an operational draft); that the Commission allied the wetland definition contained in the Coastal Act with the U.S. Fish and Wildlife Service's (USFWS) wetland definition (i.e., Cowardin, 1979) in the Commission's Interpretive Guidelines (1982); and that the Commission very clearly indicates in these Interpretive Guidelines that the USFWS definition is to be used for wetland identification in the Coastal Zone. The USFWS definition identifies areas which are at least seasonally dominated by hydrophytes as wetlands. In Area A, 20 acres are dominated by Salicornia virginia, an obligate hydrophyte with a wetland occurrence probability in excess of 99 percent after five years of drought. The areas in which Salicornia virginia continues to dominate are usually at a somewhat lower elevation than the patchy pickleweed and other areas which do not presently function as wetlands. The reason that pickleweed continues to dominate the lower elevations is that these lower areas are wetter longer than the areas at higher elevations. Areas which are wet enough, long enough to support dominance by hydrophytic vegetation are wetlands per the USFWS definition. Any fair application of the Cowardin (USFWS) wetland definition to Area A will reveal the presence of not less than 20 acres of pickleweed-dominated saltmarsh, which is clearly a wetland type.

In Area B we are on record as having agreed with the Corps of Engineers identification of 170.56 acres of wetland. During the evolution of the now certified Playa Vista Land Use Plan, we predicted that, were it not for the then ongoing agricultural operation, wetlands in Area B would expand. These agricultural

Mr. Jim Burns  
December 20, 1991  
Page Four

activities ceased for approximately three years prior to the Corps' wetland determination, and, as we predicted, the wetlands did expand into the area which was formerly used for the production of barley and lima beans. Further, wetlands expanded in the triangular area south of Centinella Creek and immediately adjacent to Lincoln Boulevard presumably in response to increased run-off from recently developed areas located on the bluffs. We were instrumental in the ultimate designation of 170.56 acres of wetland by the Corps in Area B and we support that figure as accurate. In Area C, we identified 2.5 acres of wetland in our previous determination, and we continue to believe this to be an accurate assessment. In area D, outside the Coastal zone, east of Lincoln Boulevard and south of Ballona Creek Channel, we have not independently determined wetland acreage. However, we have examined the Corps' delineation, briefly inspected Area D, and find the Corps' identification of 3.47 acres of wetland in Area D to be accurate.

For these reasons we find that 196.53 acres of wetland presently exist within the overall planning area, and we find that 214.03 acres would likely exist given a return of normal precipitation.

Should you have questions regarding this memorandum, please contact Mr. Bob Radovich, Wetland Coordinator, Environmental Services Division, Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814, telephone (916) 653-9757.

*Howard A. Savarahn for*  
Pete Bontadelli  
Director

cc: Mr. William Shafroth  
Resources Agency

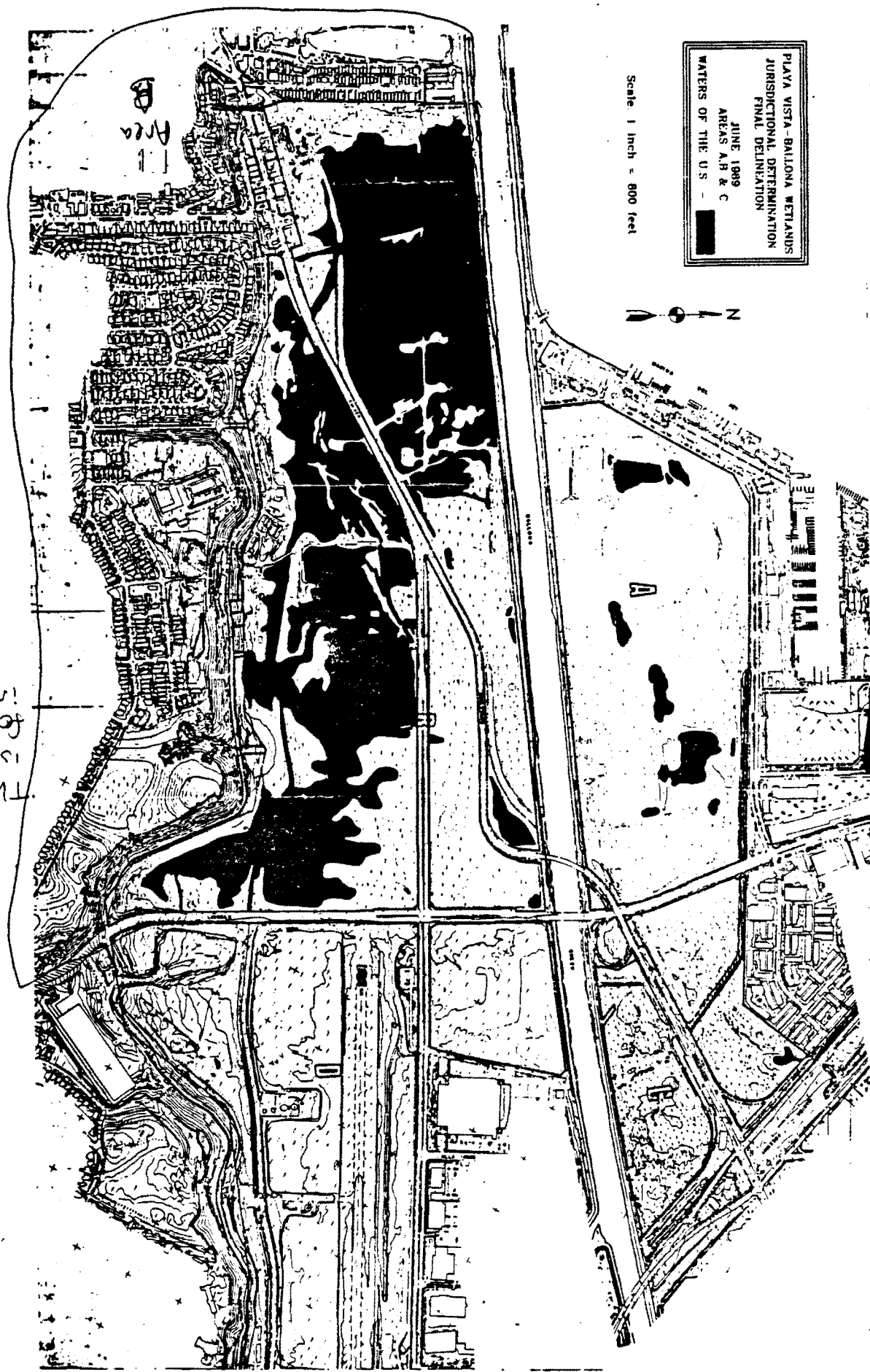
S. 99 96  
Exhibit 18  
P 4



599-96 Exhibit 18 p 5

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

Scale: 1 inch = 800 feet









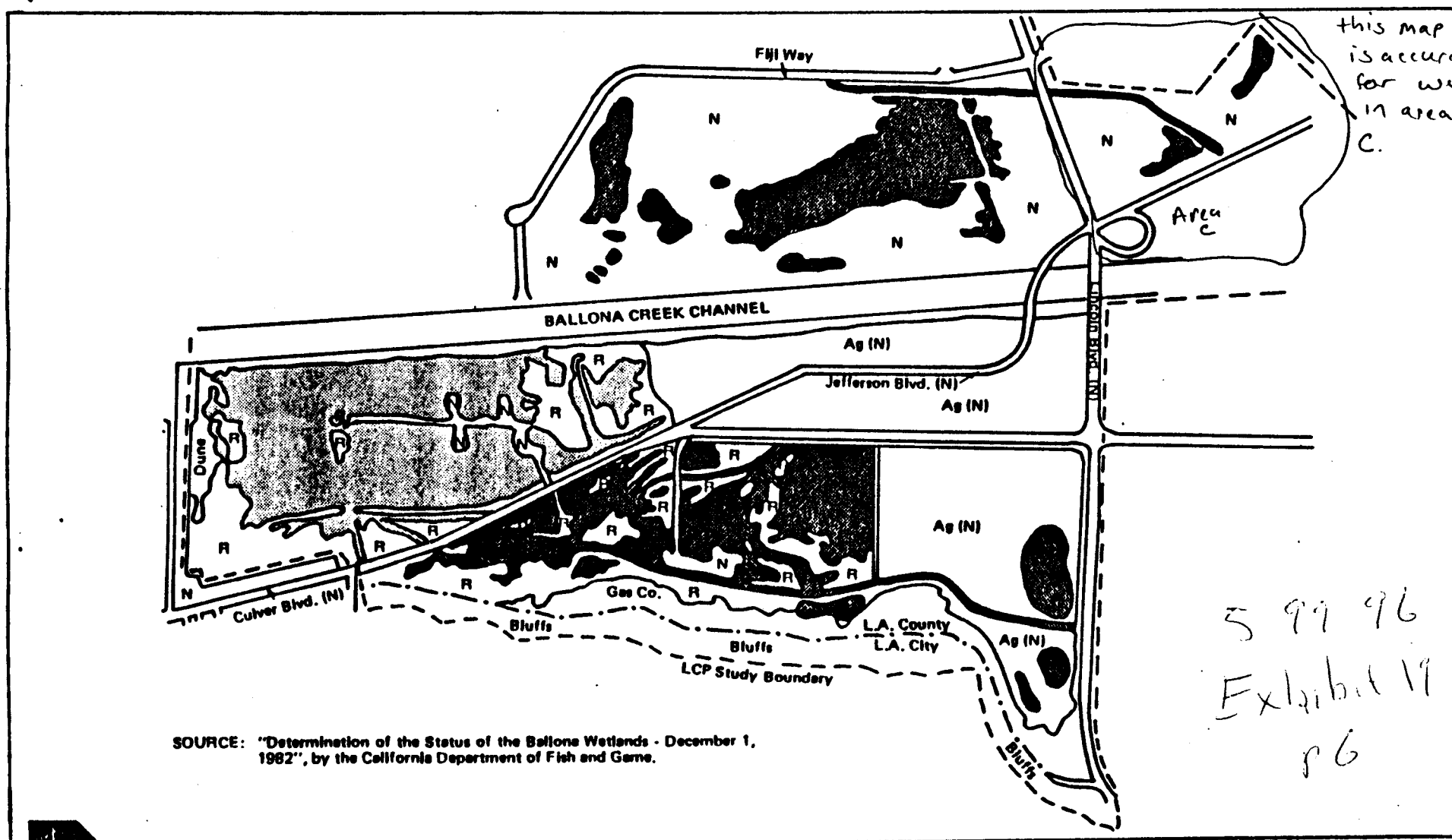
This map is accurate for wetlands in Area B.

# map 14

## PRESENT STATUS OF THE BALLONA REGION



|  |  |  |
|--|--|--|
|  Non-degraded wetland |  Feasibly restorable former wetland     |  Former wetlands Agricultural Field |
|  Degraded wetland     |  Former wetland not feasibly restorable |  Environmentally sensitive upland   |



SOURCE: "Determination of the Status of the Ballona Wetlands - December 1, 1982", by the California Department of Fish and Game.