

CALIFORNIA COASTAL COMMISSION

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Filed: 5/23/00
49th Day: 7/11/00
180th Day: 11/19/00
Staff: AJP-LB
Staff Report: 7/13/00
Hearing Date: 8/8-11/00

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** A-5-PDR-00-077/ 5-99-329**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 6 lots within and partially within the Coastal Zone and construction of a proposed 70-foot wide entrance road off 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 approximately .39 acres coastal sage scrub; and restoration of 10.46 acres of bluff face including revegetation of 8.16 acres with coastal sage scrub; construction of five below-grade soldier pile walls; construction of a .32 acre public view park; dedication of open space; removal of check dams within the large ravine (Hastings Canyon); and on-site and off-site infrastructure improvements associated with a 32 acre, 114-single family lot, subdivision that is outside of the Commission's jurisdiction except for the bluff face and lower portion of ravine (Hastings Canyon). Total grading within the coastal zone will be approximately 64,640 cubic yards of cut. The portion of the project site within the coastal zone consists of 11.95 acres. The applicant is also proposing to dedicate as open space 15 off-site lots (approximately 1.9 acres) along Cabora Drive.

Summary of Staff Recommendation

The proposed project raises Coastal Act issues regarding grading, landform alteration and visual impacts. To mitigate the impacts, staff recommends approval of the proposed project with special conditions regarding the elimination of the access road (Street "A"), that is located on the face of the bluff, and all associated grading; dedication of open space and public trail, landscaping and fuel modification, grading, future improvements, and assumption of risk.

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 (#99-016) 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 application 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.

The proposed project was before the Commission in August 1999 (A-5-PDR-99-130/5-99-151). The project was similar to the currently proposed project but included a total of 83,935 cubic yards of total grading, the filling of the 0.8 acre portion of Hastings Canyon within the Coastal Zone, and the construction of retaining walls within the erosion gullies along the bluff face. After a public hearing and testimony, the Commission denied the project due to excessive grading, landform alternation and visual impacts within the coastal zone. The applicant subsequently revised the project by reducing the amount of grading, by eliminating filling of the portion of Hastings Canyon within the Coastal Zone, and removed the retaining walls within the gullies. The applicant resubmitted the revised project to the City of Los Angeles for a local coastal development permit (#99-016) and then resubmitted a new coastal development permit application to the Commission's Long Beach office.

STAFF RECOMMENDATION:

Staff recommends that the commission adopt the following resolutions:

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION
FOR A-5-PPL-00-077:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #A-5-PPL-00-077 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-99-329:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-99-329 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that

the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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. Revised Tentative Tract Map

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a revised Tentative Tract Map indicating:

- a) the elimination of Street "A" and view park and all associated grading, as depicted in Exhibits No. 3 and 9;
- b) the elimination of the vista point and all associated grading, located in the northwest portion of the property, as depicted in Exhibits No. 3 and 9;
- c) the provision of an access point for accessing the bluff top public trail in the northeast portion of the site, as generally depicted in Exhibit No. 18.

B. The permittee shall undertake development in accordance with the approved final plans. 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.

2. Open Space Deed Restriction

A. No development as defined in Section 30106 of the Coastal Act shall occur in Lots No. 115, 116, and 121 (referenced below as "open space lots"), as shown on revised Tentative Tract Map No. 51122 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) grading and drainage improvements in accordance with revised Tract Map No. 51122; and (f) construction of buried soldier pile erosion control systems in accordance with the letter (including plans submitted therewith) submitted by the Project Engineer (RBF) dated May 3, 2000.

B. Concurrently with the recordation of Tract Map No. 51122 The applicant shall execute and record over the above-described open space Lots a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space 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 approved amendment to this coastal development permit.

3. Responsibility for Maintenance of Open Space Lots and Common Areas

A. Consistent with the applicant's proposed project description, the applicant and any successors in interest shall maintain the three open space Lots in the

Coastal Zone and all common improvements including, but not limited to, the public trail, bluff face and planting areas, reflected in revised Tentative Tract Map No. 51122.

B. Concurrently with the recordation of Tract Map No. 51122, the applicant shall execute and record over all of the above-identified Lots a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions. 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 approved amendment to this coastal development permit.

4. Trail Lateral Access

A. Concurrently with the recordation of Tract Map No. 51122, 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 of an easement for lateral public access and passive recreational use along the bluff top in accordance with the approved coastal development permit. 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 approved amendment to this coastal development permit. This requirement shall be reflected in the provisions of the offer.

5. Future Development Deed Restriction

A. This permit is only for the development described Coastal Development Permit No. 5-99-329. 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 the Coastal Zone in revised Tentative Tract Map No. 51122. Accordingly, any future improvements to the permitted development, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), and any grading, which are proposed within the restricted area shall require an amendment to Permit No. 5-99-329 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. Concurrently with the recordation of Tract Map No. 51122, 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 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 approved amendment to this coastal development permit.

6. Assumption of Risk

A. Concurrently with the recordation of Tract Map No. 51122, the applicant shall execute and record over Lots 115, 116 and 121 of said Tract Map 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 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.

B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record over the above-described lots a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A of this condition. 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 approved amendment to this coastal development permit.

7. Habitat Restoration Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, final plans and specifications for the implementation of the West Bluffs Coastal Sage Scrub Habitat Restoration Plan prepared by EARTHWORKS Construction & Design dated March 2000 (the "Habitat Restoration Plan")

B. The permittee shall undertake development in accordance with the approved final Habitat Restoration Plan. Any proposed changes to the approved final Habitat Restoration Plan shall be reported to the Executive Director. No changes to the approved final Habitat Restoration Plan shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Pursuant to the plan, applicant shall monitor the project annually and replace plants that fail to establish in order to achieve 80% total coverage of native plants species. The annual monitoring report shall be submitted to the Executive Director.

C. 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 Habitat Restoration Plan monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies that the on-site landscaping is in conformance with the Habitat Restoration Plan approved pursuant to this Condition and provides no less than 80% coverage and resists invasion by exotic plant species as demonstrated by less than 25% coverage of weed species (percentages are measured in absolute values). The monitoring report shall include photographic documentation of plant species and plant coverage.

If the Habitat Restoration Plan monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the Habitat Restoration Plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental Habitat Restoration Plan for the review and approval of the Executive Director. The revised Habitat Restoration 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 Habitat Restoration Plan that have failed or are not in conformance with the original approved Habitat Restoration Plan.

8. Grading

A. All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, 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 shall be in compliance with the Habitat Restoration Plan. Non-native plants used for temporary stabilization shall not be invasive or persistent species (see exhibit No. 20 for list of invasive plants). Such temporary planting shall be adequate to provide sufficient slope stabilization within 90 days and shall be repeated, if necessary, to provide such stabilization. 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 City 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 naturally occurring on 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 this coastal development permit.

9. Submittal of Final Grading plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, final grading plans which include grading for the access road the view park and the drainage setback area/pedestrian trail.

10. Staging Area

Prior to the commencement of grading 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 or other City-approved permits.

11. 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.

12. Archaeological Resources

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall agree in writing, subject to the review and approval of the Executive Director, to the following:

A. Curation Facility.

1. Artifacts collected as a result of this project shall be curated at a qualified curation facility, such as the Los Angeles County Museum of Natural History. 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:

(a) the curation facility meets the State Office of Historic Preservation Guidelines for Curation of Archaeological Collections; and

(b) evidence of the facility's willingness to accept the collection.

3. 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.

13. Master Covenant And Agreement

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a Master Covenant and Agreement in a form and content acceptable to the Executive Director, pursuant to which the applicant shall agree to comply with Special Conditions Nos. 1, 2, 3, 4, 5 and 6. Such Master Covenant And Agreement shall be recorded against applicant's entire parcel, 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 Master Covenant And Agreement. The Master Covenant and Agreement may be terminated upon the Executive Director's determination that Special Conditions Nos. 1, 2, 3, 4, 5 and 6 have all been complied with.

15. City Conditions

Any proposed change to such procedures, operations and activities, including but not limited to changes in the City requirements shall be reported to the Executive Director to determine if an amendment to this permit is necessary. This action has no effect on local conditions imposed pursuant to an authority other than the Coastal Act. This action has no effect on local conditions imposed pursuant to an authority other than the Coastal Act.

16. Permit 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 Executive Director and may require Commission approval.

V. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to the resubdivision and merger of 12 lots into 6 lots within and partially within the Coastal Zone and construction of a proposed 70-foot wide entrance road off 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 approximately .39 acres coastal sage scrub; and restoration of 10.46 acres of bluff face including revegetation with coastal sage scrub; construction of five below grade soldier pile walls; construction of a .32 acre public view park; dedication of open space; removal of check

dams within the large ravine (Hastings Canyon); and on-site and off-site infrastructure improvements associated with a 32 acre, 114- single-family lot subdivision that is outside of the Commission's jurisdiction, except for the bluff face and lower portion of ravine (Hastings Canyon). Total grading within the coastal zone will be approximately 64,640 cubic yards of cut. The portion of the project site within the coastal zone consists of 11.95 acres (see Exhibits No. 2 and 3). The applicant is also proposing to dedicate as open space 15 off-site lots (approximately 1.9 acres) along Cabora Drive.

The Coastal Zone boundary is generally located at the top of the bluff, which varies between the 145 to 150 foot elevation. In the northwestern portion of the site, the boundary descends down into Hastings Canyon then up to Berger Avenue/Veragua Drive. In the northwestern portion of the property the boundary line follows the bluff edge and then descends down the east facing slope approximately 90 feet to Lincoln Boulevard.

The Tentative Tract Map proposes to subdivide the Coastal Zone, or bluff face area, into six open space lots, some of which partially extend outside of the coastal zone. 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 (see Exhibit No. 3).

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 merged into one of the proposed open space lots. The Tract Map will also vacate a section of Hastings Avenue (unimproved roadway) within Hastings Canyon that was previously dedicated with Tract 9167 (see Exhibits No. 4 and 5).

As proposed, no residential development will occur within the Coastal Zone. Residential lots will be set back from the bluff edge 30-90 feet. Only the rear portions of 3 lots extend into the Coastal Zone. The planned residential structures, which are all located outside of the coastal zone, will be setback an additional 15 to 25 feet from the rear property lines.

The property within the Commission's jurisdiction consists of 11.95 acres or 27% of the total project site. 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 ravine 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 (see Exhibits 4 and 5). The proposed project will not fill or grade that portion of the ravine that is within the coastal zone. The only development proposed within this portion of the ravine is the removal of two concrete check dams, that have been undermined, and revegetation.

The applicant is proposing to grade approximately 3.26 acres, or 27% of the 11.95 acres within the coastal zone. Grading within the coastal zone will consist of approximately 60,640 cubic yards of cut. Approximately 89%, or 54,000 cubic yards, of the cut will be for 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. The remaining 11%, or 6,640 cubic yards, would be along the top edge of the bluff face to create the proposed drainage setback area at the top of the bluff face and repair the smaller erosional features.

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 existing single-family residential community on the south. The northern boundary of the site generally follows the alignment of Cabora Drive, a service road along the face of the Westchester/Playa del Rey Bluffs, extending approximately 25-30 feet further north from the Cabora Drive along the northern and northeastern portion of the site, except for a small portion that extends approximately 100 feet north of the Cabora Drive. In the western portion of the site the boundary line follows approximately the southern edge of Cabora Drive (Exhibits No. 2-4).

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 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 (see Exhibits No. 2A and B).

The site overlooks the Ballona Wetlands to the north and northwest. The bluff face is highly visible from Lincoln Boulevard, which runs in a north-south direction to the east of the project, and Jefferson and Culver Boulevard that run east-west and are located north of the project site.

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 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 the lots subject to this permit application.

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. The lots have little buildable area atop the bluff, so the homes are built mainly down the bluff face. 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 prior to the Coastal Zone Boundary Adjustment. Since the boundary adjustment there have been approximately seven single-family residential developments approved by the Commission for construction along this portion of the bluff.

The lower portion of the proposed site was within the Coastal Zone prior to the Coastal Zone Boundary Adjustment. 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, including wetlands, 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.

Since the proposed project was originally submitted to the Commission, a number of letters have been submitted, both in support and in opposition to the project. The letters are attached as Exhibit No. 19.

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 of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253 of the Coastal Act states in part:

New development shall:

(1) 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 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 (see Exhibit No. 2A). The bluff is capped by Quaternary Terrace Deposits that range in thickness from approximately 20-35 feet. Pleistocene marine sediments (poorly consolidated sand with occasional gravel and cobble layers) underlie the Terrace Deposits. The bluff material 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 undeveloped parcel along the Westchester bluffs. The bluffs on the project site are relatively undeveloped but over the years have been modified by the construction of Lincoln Boulevard, installation of drainage channels, the North Outfall Sewer, and grading and paving of 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 bluff tops 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.

The proposed project will require 60,640 cubic yards of total grading (cut) along the upper bluff face and bluff top for the construction of the access road (Street "A") leading to the interior lots, and for erosion control and drainage improvements along the bluff edge (see Exhibits No. 9 and 10A-F). Approximately 54,000 cubic yards of grading, or 89% of the total grading, will be necessary for the construction of Street "A". Approximately 6,640 cubic yards will be for bluff edge erosion control and drainage improvements.

1. Street "A"

Street "A" will be approximately 50-60 feet wide and extend approximately 480 feet from Lincoln Boulevard up the northeastern portion of the property to the top of the mesa, which is outside of the Coastal Zone. The road cut for Street "A", as it traverses up the bluff face, will lower the elevation of the bluff face and top of the bluff from approximately 10 to 56 feet. Grading for the road will require approximately 54,000 cubic yards of grading with a 90 foot high by 260 foot wide, engineered 2:1 cut slope on the down slope side of the proposed street.

According to the EIR, with proposed revegetation of the cut slope for Street "A", 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 of the proposed development site, the visual impact of the proposed project would be substantially less than the surrounding development.

The Commission does not agree that impacts from Street "A" will not be significant. Section 30251 of the Coastal Act states in part that the scenic and visual qualities of coastal areas shall be protected and development shall minimize the alteration of natural landforms, enhance visual quality in visually degraded areas, protect the scenic and visual qualities of coastal areas, and site and design development to protect views to and along scenic coastal areas.

As stated, the 11.95 acre bluff face within the coastal zone, is part of the last large undeveloped parcels atop the Westchester bluff and immediately adjacent to the Ballona wetlands. It is a prominent, highly visible geologic feature and constitutes a scenic coastal feature. The grading for Street "A", street improvements, and brush clearance for fire department requirements, will create an approximately 480 foot long visible swath along the bluff face. The street and grading will be visible along the coastal routes of Lincoln Boulevard, which is a main north-south coastal access corridor, and Jefferson

Boulevard, a main east-west coastal access corridor, providing access from the inland areas to the beaches of Playa del Rey and Dockweiler.

The 54,000 cubic yards of grading and construction of a 90 foot high engineered slope for the construction of Street "A" is a significant amount of grading and natural landform alteration. The applicant, however, argues that, due to historical grading for Lincoln Boulevard, the slope is not a natural landform and Section 30251 of the Coastal Act should not apply to this portion of the proposed development. To support the applicant's argument, the applicant has submitted historical aerial photographs and topographic maps that show that the bluff, prior to the construction of Lincoln Boulevard in the 1930's, was a continuous bluff formation that extended to the east, across the present location of Lincoln Boulevard (see Exhibits No. 11 and 12). The construction of Lincoln Boulevard required extensive grading to lower the gradient, and laying back the slopes along the sides of the new road. This grading activity affected the northeast corner of the proposed development site, in the location of the proposed Street "A". Therefore, the applicant concludes, the bluff slope in this section of the property is not natural. Furthermore, the applicant states that Lincoln Boulevard will be widened as part of the Playa Vista development traffic mitigation measures and the applicant is required to dedicate a variable width widening of 10 to 17 feet along Lincoln Boulevard frontage for a planned half-street pavement width of 57 feet.

Although the bluff was altered by the construction of Lincoln Boulevard, the northeast portion of the proposed project site still retains the geomorphologic features of a bluff. Furthermore, the bluff was altered more than 60 years ago and is viewed by many, in its present form, as a natural landform and considered a highly scenic feature. Therefore, the area should still be considered a natural landform and a visually significant geologic feature that should be protected under Section 30251 of the Coastal Act.

Furthermore, while the Playa Vista traffic mitigation measures along Lincoln Boulevard may further alter the project property, at this time, the Commission staff has not reviewed those traffic mitigation measures or the Playa Vista project, which would need to be approved by the Commission. Therefore, at this time, staff can not speculate as to the scope of work or amount of grading that would be required along the project property's Lincoln Boulevard frontage without the proposed Street "A".

To minimize grading and landform alteration, as required under Section 30251 of the Coastal Act, there is an alternative to Street "A" that will provide access to the property without requiring grading within the coastal zone. Alternative access to the site can be provided from the existing residential streets along the southern portion of the property (see Section F, Public Access and Traffic, for a discussion of this alternative). By eliminating Street "A", there will be a net reduction of approximately 54,000 cubic yards of grading within the coastal zone, which would be required for the construction of Street "A" and the adjacent view park.

The Commission must consider the impacts to coastal resources and coastal access within the coastal zone and consider alternatives that would be less environmentally damaging. Since the City has not ruled out the use of the existing residential streets as potential access for the development of the site, this alternative should be considered a viable alternative that would have less of an environmental impact than the proposed Street "A". Therefore, the Commission can not find that the proposed project with Street "A" is consistent with Section 30251 of the Coastal Act.

The applicant argues that any impacts to coastal resources from the construction of Street "A" can be mitigated through landscaping and restoration. The applicant has provided restoration plans that include revegetating the entire bluff face with native plant material, including coastal sage scrub. To further mitigate the impacts of the road, the applicant is proposing, as part of the development proposal, to retire the development potential of 15 off-site residential lots, through a recorded open space deed restriction. The 15 lots are located west of the development site, immediately south (upslope) of Cabora Drive. The 87-100 foot deep lots extend from Cabora Drive, upslope to approximately the middle of the 140-foot bluff face. The upper half of the bluff face consists of 16 single-family lots. Eleven of these upper bluff face lots are developed with multiple-story single-family residences that cascade down the bluff face. The remaining five lots are vacant.

The 15 lots offered by the applicant, are part of Tract no. 9167, which was created in the 1930's. Access to the lots are via Cabora Drive, which is a dedicated public road that extends from Lincoln Boulevard, located east of the lots, and to Falmouth Avenue, located west of the lots. Cabora Drive is currently used as a City utility access road and is not opened to the public. In addition to the 15 lots owned by the applicant, there are approximately 21 additional lots, under separate ownership, located on the north side (downslope) of Cabora Drive.

The applicant argues that by offering to retire these 15 lots from future development, the area (1.9 acres) will be preserved as open space, reducing any potential impacts that development of the lots and necessary improvements to Cabora Drive will have on the bluff and adjacent Ballona wetlands.

Although the 1.9 acres could be preserved as open space through the applicants' offer, there has been no evidence submitted at this time, regarding the development potential of the lots along Cabora Drive. As stated, these 15 lots, along with other vacant lots along Cabora Drive, were created in the 1930's, and at this time, not one of the lots in this area have been developed, nor does the City have plans on improving Cabora Drive to provide access to the lots.

Furthermore, these 15 lots are located below a tier of lots that are developed with residences that cascade halfway down the bluff face. Because of the adjacent development, the scenic value of this bluff area has been diminished. Therefore, the mitigation value of these 15 lots is not equivalent to the value of the undeveloped and scenic bluffs along the proposed project site. Nor does the proposal to maintain the 15 lots as open space as mitigation comply with the Coastal Act requirement to minimize landform alteration on the project site itself. As explained above, landform alteration and visual impacts can be eliminated by providing access to the proposed residences by extending existing streets and, if necessary, reducing the project size or incorporating other mitigation measures to prevent significant adverse impacts on traffic on existing streets.

Therefore, since there are alternatives to accessing the property that will eliminate a significant amount of grading and reduce the visual impact within the coastal zone and allow the applicant to provide access to the site, this coastal development permit is conditioned to remove Street "A" from the Coastal Zone. The applicant shall submit a revised Tentative Tract Map showing the elimination of Street "A", and all associated grading, from within the boundaries of the Coastal Zone.

2. Bluff Top Grading

The proposed grading within and along the bluff edge will impact approximately 2.31 acres or 19% of the total 11.95 acres within the Coastal Zone. Grading along the top of the bluff will lower the bluff edge, which varies from approximately the 143 to 150 foot elevations, which is the coastal zone boundary, from a minimum of approximately 5 feet to a maximum of approximately 19 feet. In the eastern portion of the site (Lots 1-6) the existing elevation along the bluff edge is approximately 143 to 150 feet. Proposed grading will lower the bluff edge to approximately 13 to 19 feet, with a daylight line at approximately 130". Along the middle section, Lots 7-16, the existing elevations along the bluff edge is approximately 140-145 feet. Grading will lower the bluff edge by approximately 5 feet, except in front of Lots 7 and 8 where the edge will be lowered by approximately 15 feet to an elevation of 130 feet. Lots 17 to 26, located in the northwestern portion of the property have an existing bluff edge elevation at 150 feet. Grading will lower the existing elevation by approximately 5 to 12 feet.

The grading along the bluff edge is required by the City as a condition of development. To ensure stability of the site and prevent soil erosion due to surface runoff, the City would have generally required the applicant to regrade the entire slope at 2:1 and require the use of culverts along the bluff face to control runoff. In order to develop the bluff mesa consistent with the City's building standards but also preserve the majority of the bluff face in its natural condition, as opposed to regrading the entire slope at a 2:1 engineered slope, the City's Building and Safety Department required, as an alternative, that the bluff edge be graded so that runoff drains away from bluff edge to reduce runoff

onto the bluff face to prevent further erosion of the bluff and to ensure geologic stability of the bluff. The City has also required that all residential development be setback 15 feet behind a theoretical 2:1 projection line drawn from the base of the bluff to the top of the bluff.

Although the grading will impact only 19% of the area, removal of 5 to 19 feet of bluff top will result in the alteration of the existing bluff edge and could have adverse impacts on the visual quality of the bluffs. Section 30251 of the Coastal Act states in part that the scenic and visual qualities of coastal areas shall be protected and development shall minimize the alteration of natural landforms and enhance visual quality in visually degraded areas. The lowering of the bluff edge a 5 to 19 feet in various locations can result in visual impacts. However, the applicant is limiting the grading to only 19% of the site and is limiting the amount being removed from the edge to the minimum necessary to comply with the City's Building and Safety requirements. Furthermore, the applicant is proposing to mitigate any adverse Impacts through planting and restoration of the ungraded portion of the bluff face.

The purpose of the grading of the bluff top is to direct drainage away from the bluff face and direct it to a drainage swale that will collect drainage and carry it laterally across the top of the bluff to a catch basin connecting to the project's proposed on-site storm drain system. The drainage swale is designed as part of the bluff top trail, which meanders in and out of the coastal zone. Moreover, the proposed grading will provide geologic stability and erosion control along the bluff face and reduce the amount of sloughing and erosion that is occurring along this area that has potential impacts to the wetlands through deposition of sediments.

To further reduce erosion along the bluff face within the erosion gullies, two soldier pile/retaining walls are proposed partially within the Coastal Zone. The walls will be buried atop the bluff and immediately above and outside of the erosional gullies. One wall, which is a total of approximately 25 linear feet, will extend approximately 10 feet into the Coastal Zone. The second wall, measuring a total of approximately 160 linear feet, will have approximately 40 linear feet in the Coastal Zone. The erosional gullies below the walls will not be altered other than with landscaping to minimize further erosion.

To mitigate the visual impacts from grading along the bluff edge, the applicant proposes to landscape all graded areas and restore approximately 9.64 acres of natural bluff face, that will remain ungraded within the Coastal Zone. The restoration plan includes the removal of all non-native vegetation and replanting with native vegetation, including Diegan sage scrub. Combined with the proposed 30 to 90 foot setbacks between the top of the bluff face and the rear property lines of the proposed residential lots and the additional setback of 15 to 25 feet for the residential structures from the rear lot line, the impact from the development will be reduced.

In addition to the landscaping and restoration, the applicant is proposing to incorporate a public view trail along the top of the graded bluff within the drainage setback area, to provide an added public benefit. The trail will extend from Berger Avenue, in the northwest portion of the property, to the eastern portion of the site. The trail will be approximately 6 foot wide and located within a 10-foot wide public access easement. Approximately 530 lineal feet of the total 2,100 feet of the proposed bluff trail is within the Coastal Zone. The construction of the trail will not require any additional grading since the trail will be located within the graded area that is needed for the drainage setback improvements.

The grading plan was developed by the applicant and the City as an alternative to a reconstructed slope, and although the bluff edge will be altered, 81% percent of the bluff face will remain ungraded and restored with native landscaping. The proposed restoration and enhancement of the degraded bluff face, and access and open space improvements can adequately mitigate the impacts due to grading and landform alteration. Therefore, the proposed grading along the top of the bluff (not including Street "A") can be found consistent with Section 30251 of the Coastal Act. With the elimination of Street "A", the applicant may need to extend the grading along the bluff edge for necessary erosion control and drainage improvements similar to the other portions of the bluff. This grading should be nominal and be limited to the top edge of the bluff where the remaining bluff face will be ungraded. The revised grading plans required to indicate the removal of Street "A" from the Coastal Zone shall also include grading for the erosion and drainage improvements, and be limited to the top edge of the existing bluff.

Furthermore, there is additional grading that is not necessary for erosion control or stability of the slope. The proposed project includes an approximately 2,800 square foot flat "trail vista point" in the northwestern portion of the property. The grading for this vista point will push the grading out approximately 40 to 60 feet beyond the trail to create the flat pad. The grading that will create the "trail vista point" is not necessary for the bluff top drainage improvements and does not minimize grading pursuant to Section 30251 of the Coastal Act.

The vista point can be eliminated and the grading can be brought back up the slope to the minimum needed for the drainage improvements. This will eliminate the pad and a portion of the grading along this portion of the bluff. By eliminating the pad area, drainage should not be a problem, since this area is generally a high point and the plans indicate that, at this location, drainage will be directed to the east and west to proposed catch basins. Therefore, as a condition of this permit, the applicant shall submit revised plans showing the elimination of the vista point, and all associated grading, in the northwest portion of the site.

Moreover, to ensure that the trail and open space areas remain as open space, and open to the public, a special condition requiring the dedication of the open space and the use of the trail for public use is necessary, as described in the Public Access section below. Furthermore, to ensure that the open space and trail are maintained, a special condition requiring the applicant or future property owners to maintain the areas, including the public trail and all landscaped areas is necessary.

To ensure that the visual impacts due to the remaining grading along the bluff edge will be minimized, the applicant has submitted a landscaping plan using coastal sage scrub and other native plants. All graded areas, including the ungraded areas of the bluff face will be landscaped. To ensure that the landscaping is completed consistent with the submitted plan, a special condition is necessary to require that landscaping is carried out consistent with the plan and that the landscaping be monitored to ensure adequate coverage and success.

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 or slump) 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. 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. Furthermore, the Commission's approval of this project is based on a review of a professional design prepared by the project engineers and geologists and reviewed by the City of Los Angeles. Therefore, the Commission has imposed a condition requiring the applicant to carry out the work as fully described in its submittal. Similarly, interpretations of the meaning of a proposal or even of a condition can vary especially when the applicant is faced with field conditions. Therefore, the Commission is requiring that the applicant, as it has freely in the past, accept site visits in order to determine compliance with the Commission's conditions. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act.

F. Public Access and Traffic

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 applicant is proposing to provide a public access trail along the bluff edge and a public view park adjacent to the proposed access road (Street "A"). See Exhibit No. 13. The public access trail will be a 6-foot wide concrete trail, within a 10-foot wide public access easement, along the top of the bluff. The trail will be constructed within the proposed bluff top drainage setback area. The trail will run from Street "A" in the northeast portion of the site to Berger Avenue in the southwest corner of the site (outside of the Coastal Zone). 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 trail will be located in front of the proposed residential development. The City's Tract conditions require dedication of this trail for public use.

The proposed 2,100 foot long public trail will provide public access along the bluff over property that is currently private. The trail will offer unobstructed views to the general public of the Ballona Wetlands, Santa Monica Bay, and the Santa Monica Mountains. The public trail, as located, will enhance public access.

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 road, which is partially (the northern half of the road) is in the Coastal Zone, will provide approximately 23 parking spaces on the north side within the Coastal Zone and 25 spaces on the south side outside of the Coastal Zone. Furthermore, approximately 11.5 acres or 96% of the property (Lots No. 115, 116, and 121) within the coastal zone, including the trail, is being offered by the applicant, as open space, through the recordation of a deed restriction.

However, due to the substantial amount of grading and landform required to construct Street "A" and view park, and the adverse visual impacts, the proposed project can not be found consistent with the visual policies of the Coastal Act (see Section E. Visual Resources/Landform Alteration). Therefore, as a condition of this coastal development permit Street "A" and the view park are required to be removed from the proposed project.

As conditioned, with the elimination of Street "A" and the public access that would have been provided by the access road, the project will continue to provide bluff top public access via the public trail with the entrance from Berger Avenue to the west. However, with the elimination of Street "A", the trail may terminate along the northeastern part of the bluff top without a public access point from the residential street. This will require trail users to turn around and may discourage the use of the eastern portion of the trail or the entire trail. To ensure adequate public access of the trail, it is important for the trail to provide access points along both ends of the trail. Therefore, the applicant shall submit revised plans indicating that the trail will have public access in the northeastern portion of the property from the adjacent internal streets.

Furthermore, the denial of Street "A" will require the use of the adjacent residential neighborhood to provide vehicle access for the residential development. With this access alternative, traffic from the 85 internal residential lots, which would have entered the project site from Street "A", via Lincoln Boulevard and Hughes Terrace, would enter the project site via Lincoln Boulevard and 83rd Street and various neighborhood streets off of Manchester Avenue, that are located south of the project site and lead to the site. These access routes would be outside of the coastal zone.

The impact from these alternative access routes would be to the adjacent residential neighborhood outside of the coastal zone from increased traffic and circulation. According to the EIR, this alternative would result in adverse impacts to the Level of Service at Lincoln and 83rd Street, with lesser increases at Manchester Boulevard and

Rayford Drive, Park Hill Avenue or Hastings Street also possible. In addition, the EIR indicates that impacts on existing neighborhood streets would be greater and increases in traffic on the most heavily traveled residential streets could be as much as 3.5 times greater with this alternative.

The applicant argues that because of these impacts to the adjacent neighborhood and greater impacts to key intersections, Street "A" is the best alternative and one that is preferred by the City. The City has submitted a letter, dated May 18, 2000, stating the City's Department of Transportation (LADOT) position regarding site access (see Exhibit No. 19). The letter states that LADOT determined that the proposed Street "A" location is the preferred access route for the site because the existing roadways and surrounding intersections cannot accommodate the addition of traffic from the entire 114-unit development. The City indicates that other access alternatives were examined, including elimination of direct access from Lincoln Boulevard. Based on their analysis of the traffic, the City states that the elimination of site access from Lincoln Boulevard would result in significant, unmitigatable impacts at the intersection of Lincoln Boulevard and 83rd Street, and would add increased traffic to the cross streets along Manchester Avenue, affecting traffic flow along this coastal access corridor.

The EIR indicates that, except for Lincoln Boulevard and 83rd Street, which operates at LOS F during morning peak and LOS D during the peak evening, studied intersections in the project vicinity operate at LOS A or B (LOS A to C operate with little or no intersection congestion. LOS D typically is the level for which a metropolitan area street system is designed. LOS E represents volumes at or near the capacity of the highway that may result in stoppages of momentary duration. LOS F occurs when a facility is overloaded and is characterized by stop-and-go traffic with stoppages of long duration).

Although the City has stated that Street "A" is the preferred alternative, the City has not indicated that access from the south through the existing residential neighborhood is not feasible with the development of the proposed site. If ingress/egress is required to be taken from the residential streets, there will be an increase in traffic through the adjacent residential neighborhood, which may affect the level of service at the various intersections. However, as stated in the EIR, all intersections except one, operate at levels with little or no intersection congestion (LOS A to B). Based on the EIR's data, these intersections have the current capacity to accept additional traffic without significantly impacting the level of service. The one intersection that operates at a worse level of service is at 83rd Street and Lincoln Boulevard. This intersection operates at LOS of F during peak periods. Eighty-third Street is the only street providing direct access to Lincoln Boulevard from this neighborhood.

Furthermore, there are six routes (Rayford Drive, Park Hill Drive, Hastings Avenue, Redlands Street, Gulana Avenue and 83rd Street) that lead out of the residential neighborhood and connect to the two major thoroughfares--Lincoln Boulevard and

Manchester Avenue (see Exhibit No. 14). These routes provide six alternative routes for the proposed development and for neighborhood residents to use during peak periods in the event one or more becomes congested. Moreover, although the intersection at 83rd Street and Lincoln Boulevard operates at a LOS of F during peak periods and may become more congested with the proposed development, the five other routes provide access to Manchester Boulevard, which provides direct access to Lincoln Boulevard.

The additional traffic to and from this neighborhood will not have a significant impact on coastal access. The project will generate approximately 1,220 trips per day, with approximately 95 trips during the morning peak hour, and 128 trips occurring during the evening peak hour. The impact from these trips would generally be to the residential neighborhood and will not significantly affect the flow of traffic along Lincoln Boulevard and Manchester Avenue. Moreover, the City can implement additional traffic measures to mitigate the traffic impacts to Lincoln Boulevard and Manchester Avenue, which serve as coastal corridors. Therefore, as conditioned, the proposed project will not have a significant impact on coastal access within the Coastal Zone. Therefore, the proposed project, 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 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.

According to the EIR urban development has exacerbated the erosion of Hastings Canyon and 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 a revised wetland delineation prepared this year for the Corps, Playa Vista identified 138.71 acres of wetland acreage in Area B (see Exhibit No. 8). This represents a reduction from the 1987 delineation (143.3 acres). This reduction is located on the expanding alluvial fan at the end of Hastings Canyon. The Corps has not determined whether this continued deposition will change its jurisdiction, but the fan has altered hydrology and function of the wetlands.

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 instability, and wetland impacts from sedimentation and pollution, that eventually get washed into the Ballona wetlands (5-98-282; 5-97-205; 5-97-349). The bluff face has also experienced erosion due to surface runoff and contributes to sedimentation.

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 face, with the remainder of the bluff faces disturbed and supporting non-native grassland. 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 (see Exhibit No. 7). 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 Commission's

staff biologist has inspected the area, including the vegetation on the bluff face and has determined that due to degraded nature of the vegetation, limited isolated patches of Coastal Sage Scrub, and presence of invasive plant species, the value of the habitat on the bluff is low and does not constitute an Environmentally Sensitive Habitat Area (ESHA).

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 (CDFG) objected to the inclusion of the 12 -acre portion of the bluff, between Falmouth Avenue and Lincoln Boulevard as environmentally sensitive habitat. The CDFG 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 project will impact approximately 0.141 acres of jurisdictional streambeds. Only a small percentage of the streambeds' length are located in the Coastal Zone. The streambeds are regulated by CDFG and the jurisdictional waters regulated by the Army Corps of Engineers (ACOE). The portion of this jurisdictional area that is located within the Coastal Zone will not be significantly impacted. Most of the jurisdictional area is in the portion of Hastings Canyon that is located outside of the Coastal Zone. The habitat values of the jurisdictional streambeds have been determined by CDFG an ACOE, to be of minimal value. Due to the impacts to coastal sage scrub, located in and outside of the Coastal Zone, and to the wetlands located 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 California Department of Fish and Game is requiring the applicant to restore .90 acres of habitat, representing a mitigation ratio of greater than 5:1 for the CDFG jurisdictional area impacted. The applicant is proposing to plant a total of 8.16 acres of Coastal Sage Scrub along the bluff face, including planting with other native vegetation along the natural and graded areas.

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, as proposed by the applicant, 9.64 acres or 81% of the bluff face, within the Coastal Zone, will be left ungraded and continue to serve as a buffer between the Ballona Wetlands and the residential areas to the south. However, since Street "A" will be deleted from the project, as a condition of the coastal

development permit, the area that will be ungraded will increase to approximately 89-93% of the total 11.95 acres found within the coastal zone.

b) Bluff Habitat

This property in its entirety provides several types of habitat: the mesa or bluff top, the bluff face, and gullies or ravines.

1) The bluff top. The bluff top, consisting of approximately 32.74 acres, is not in the Commission's jurisdiction. Whether or not the bluff top plays an important role in the ecosystem, is not an issue that the Commission can address, since it is not in the Commission's power to regulate development on the bluff top.

2) The bluff face, consisting of approximately 11.95 acres, 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 native 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.

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.

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

While Hastings Canyon does contain approximately .04 acres of wetlands, recognized by CDFG, in one isolated location, the wetland area is located outside the Coastal Zone. The applicant's biologist, representatives of the Department of Fish and Game, and the United States Army Corps of Engineers (Corps) and the Commission's staff biologist have

inspected the Canyon and have determined that the biological value of the ravine is low. The approximately 0.8 acres of Hastings Canyon that are within the Coastal Zone, along with the other smaller drainages, have been determined by CDFG not to contain any wetlands. In support of this, the applicant has provided a 1703 permit from the CDFG and a biological and soil analysis by its consultant (see Exhibits No. 8 and 9) that indicated that the areas do not contain wetlands. Furthermore, the Commission's staff biologist has inspected the site and agrees with the applicant's report and CDFG that the drainages within the Coastal Zone do not support any wetlands. Therefore, based on the information provided by the applicant and site inspections, there are no areas that contain wetlands on the project site within the Commission's jurisdiction and not subject to Section 30233 of the Coastal Act.

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. The applicant is proposing to preserve and enhance the existing native plant material on the bluff face (see Exhibit No. 15). The applicant has submitted a revegetation plan that requires the removal, to the greatest extent possible, of all exotic non-native vegetation. The removal program will employ hand and hand tools, as well as limited chemical means. The type of weed removal employed will depend on type of weeds, location, and slope stability.

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 has submitted a landscaping plan indicating the type and location of native vegetation and includes the removal of non-native plants. The plan also includes success and monitoring criteria. The restoration plan includes performance standards that require total native plant coverage of 80% and the site resists invasion by exotic plant species as demonstrated by less than 25% cover of wee species (percentages are based on absolute values).

To ensure that the landscaping and monitoring is carried out consistent with the submitted plan a special condition indicating the requirements for success and monitoring requirements is necessary. A report shall be required to be submitted to the Executive Director after five years to evaluate the success the landscaping and include remediation measures if the landscaping does not meet the success criteria. As conditioned to control grading, and to revegetate, the project conforms with Sections 30230, 30231, 30233 and 30240(a) of the Coastal Act.

c) Water Quality

The proposed project will redirect storm runoff from Hastings Canyon and existing surface runoff away from the bluff into an on-site stormdrain system (the West Bluffs Storm Drain). The on-site storm drain system will extend into Lincoln Boulevard and continue north along Lincoln Boulevard approximately 400 feet and connect with the approved box culvert that the Playa Vista project proposes to build under Lincoln Boulevard (see Exhibits No. 16A and B). The Playa Vista storm drain culvert was previously approved by the Coastal Commission as part of the Playa Vista Freshwater marsh Plan. The Playa Vista storm drain improvements were designed and approved to accept the drainage from the proposed West Bluffs Project.

The EIR indicates that by redirecting runoff from the bluff face into the new drainage system, runoff over the bluff face will be reduced by approximately 41.3 cubic feet per second of total flows. Moreover, sediment loads would decrease due to decreased erosion along the bluff face and Hastings Canyon.

As conditions in the City's permit, 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 stormdrain. The BMP measures will consist of catch basin filters, catch basin cleaning, storm drain system signage, and household hazardous waste collection and education. A catch basin maintenance program will be developed and approved by the City of Los Angeles Storm Water Management Division. The program will include provisions for periodic inspections, debris removal, local area cleanup, and replacement of filter materials, and will include a funding mechanism. A special condition is made part of this permit to ensure that the project incorporates Best Management Practices to improve water quality runoff.

The stormdrain was originally proposed by the applicant within Street "A"; however, because of the grading and visual impacts from Street "A", this coastal development permit is being conditioned to eliminate Street "A", and all associated grading, within the Coastal Zone. The elimination of the road will require the relocation of the stormdrain so that the bluff will not be altered. The on-site storm drain can be relocated to the south and outside of the coastal zone, which can then connect to the proposed off-site storm drain within Lincoln Boulevard. Relocating the proposed on-site storm drain to the south and outside of the Coastal Zone will ensure that the bluff within the Coastal Zone will not be significantly impacted by grading. Therefore, to ensure that the stormdrain has been removed from the Street "A" location the applicant shall submit revised plans that indicates that the on-site stormdrain has been removed from within the Coastal Zone. Therefore, the Commission finds, only as conditioned will the proposed project be consistent with Section 30230, 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. Coastal Resource Conflicts/Balancing

The applicant argues that the proposed project will improve the drainage and erosion problems that are currently occurring within Hastings Canyon and

impacting, through the deposition of sediment and runoff pollutants, the Ballona wetlands. Without the project, the applicant argues, the drainage and erosion problems will continue. Furthermore, the applicant is offering to dedicate as open space 15 off-site bluff face lots (1.9 acres) along Cabora Drive to mitigate any adverse impacts caused by the development of the access road. Therefore, the applicant argues, the Commission should consider balancing the impacts of the project with the benefits or environmental improvements that the project will have on the surrounding area and wetlands.

Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. This section provides that:

The legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

The mitigation measures that are proposed to improve water quality in Hastings Canyon and Ballona wetlands were imposed by the City as conditions of approval of the tract map for the applicant's proposed residential development outside of the coastal zone. The City approved the tract map for that development with the proposed Street "A" as the designated access road for 85 of the 114 total lots. New roads, such as the proposed Street "A", convey runoff more quickly than land that remains pervious and vegetated, and vehicles using the road contribute pollutants to the runoff. Therefore, some of the proposed drainage mitigation measures would be required to mitigate for the adverse impacts on erosion and water quality from construction of the proposed road. The other proposed drainage improvements that specifically address runoff into Hastings Canyon and Ballona wetlands were required by the City as condition of approval of the Tentative Tract Map, and therefore they should not be considered a net benefit that will result from the project proposed in this application. In this situation, the applicant's pending proposal does not present a conflict between policies of the Coastal Act.

There are additional reasons why the Commission does not agree with the applicant's argument. Although the project is proposing to redirect the drainage from Hastings Canyon into a new storm drain system that will drain to the Lincoln Boulevard storm drain, staff can not speculate if this drainage improvement would be developed with or without the proposed residential subdivision. In fact, in previous discussions with the City regarding the development of the lots along Veragua Drive (west of the proposed development site), the City indicated that it was their intent to develop a future program of storm water control and purification

for the area to protect the wetlands. Based on these discussions, all coastal development permits that are approved along Veragua Drive have a special condition that requires the applicant to record an agreement with the City that provides that the applicant participate on a fair share basis to pay any fees or assessments to finance projects which would improve drainage, filter runoff, or improve the water quality of the Ballona Wetlands. The drainage improvements include the Hastings canyon stormdrain.

To further mitigate the impacts of the road, the applicant is proposing, as part of the development proposal, to retire the development potential of 15 bluff face off-site residential lots, through a recorded open space deed restriction. The 15 lots are located west of the development site, immediately south (upslope) of Cabora Drive. The 87-100 foot deep lots extend from Cabora Drive, upslope to approximately the middle of the 140-foot bluff face. The upper half of the bluff face consists of 16 single-family lots. Eleven of these upper bluff face lots are developed with multiple-story single-family residences that cascade down the bluff face. The remaining five lots are vacant.

Access to the lots are via Cabora Drive, which is a dedicated public road that extends from Lincoln Boulevard, located east of the lots, and to Falmouth Avenue, located west of the lots. Cabora Drive is currently used as a City utility access road and is not opened to the public. In addition to the 15 lots owned by the applicant, there are approximately 21 additional lots, under separate ownership, located on the north side (downslope) of Cabora Drive.

The applicant argues that by offering to retire these 15 lots from future development, the area (1.9 acres) will be preserved as open space, reducing any potential impacts that development of the lots and necessary improvements to Cabora Drive will have on the bluff and adjacent Ballona wetlands.

Although the 1.9 acres could be preserved as open space through the applicants' offer, there has been no evidence submitted at this time, regarding the development potential of the lots along Cabora Drive. As stated, these 15 lots, along with other vacant lots along Cabora Drive, were created in the 1930's, and at this time, not one of the lots in this area have been developed, nor does the City have plans on improving Cabora Drive to provide access to the lots.

Furthermore, these 15 lots are located below a tier of lots that are developed with residences that cascade halfway down the bluff face. Because of the adjacent development, the scenic value of this bluff area has been diminished. Therefore, the mitigation value of these 15 lots is not equivalent to the value of the undeveloped and scenic bluffs along the proposed project site. Nor does the proposal to maintain the 15 lots as open space as mitigation comply with the Coastal Act requirement to minimize landform alteration on the project site itself.

As explained above, landform alteration and visual impacts can be eliminated by providing access to the proposed residences by extending existing streets and, if necessary, reducing the project size or incorporating other mitigation measures to prevent significant adverse impacts on traffic on existing streets.

Therefore, in the absence of the proposed development within the Coastal Zone and mitigation, it is possible that the 15 lots being offered as open space by the applicant will remain undeveloped and the stormdrain and runoff improvements would eventually be constructed without the proposed development of Street "A".

As stated above it does not appear that the applicant is proposing to implement measures to improve water quality that should be considered to provide a net benefit as part of the project that is before the Commission, since those measures are required to mitigate for the impacts of the development proposed in this application and/or were required as conditions of the City's approval of the applicant's proposed residential development outside the coastal zone. However, even if the applicant is proposing to implement measures to improve water quality that exceed the required mitigation, approval of Street "A" is not warranted under the balancing provisions of the Coastal Act.

As discussed above, the landform alteration and visual impacts due to the proposed Street "A" are not consistent with Section 30251 of the Coastal Act. However, the drainage improvements proposed as part of the project are consistent with Section 30231 of the Coastal Act because they would improve water quality.

a) Conflict

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that there is a substantial conflict between two statutory directives contained in Chapter 3 of the Coastal Act. The fact that a project is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict.

In this case, the proposed project is inconsistent with the landform alteration and visual impact policies of the Coastal Act because the proposed construction of Street "A" will substantially alter a prominent bluff, will have adverse visual impacts on a scenic area and will require substantial grading. Section 30251 requires that projects minimize landform alteration and avoid adverse visual impacts on coastal areas. As discussed above, the proposed construction of Street "A" is not consistent with these requirements. Therefore, denial of Street "A" will serve to prevent substantial landform alteration and adverse visual impacts to a scenic coastal area.

However, the applicant argues that if Street "A" is not constructed and the proposed development can not be developed then the drainage improvements will also not occur. The Commission does not agree, since there is no direct correlation between construction of Street "A" and the proposed drainage improvements. Construction of Street "A" does not result in the drainage improvements. Rather, the water quality improvements will not occur without the proposed project, as currently designed, since the current design is dependent on Street "A" for access.

If the Commission does not approve construction of Street "A", this means that the applicant will be required to redesign the proposed residential development outside of the coastal zone to provide alternative access routes using existing roads located to the south. The proposed drainage improvements could be part of any redesigned project for the site. Since the City required the drainage improvements as a condition of approval of the residential project, it is likely that the City would continue to require those improvements if the project is redesigned. Such a redesigned project could provide the drainage improvements but also be modified so that access to the residential development is provided by alternative access routes that will have less adverse impact on coastal resources than the proposed Street "A". Approximately 32.74 acres, or 73% of the applicant's property, is outside of the Coastal Zone and not located on the bluff, which provides the applicant adequate area for design alternatives. In addition, the Commission notes, as discussed above, even if the applicant's residential development does not proceed, it is possible that the City will construct the drainage improvements to improve water quality in Hastings Canyon and Ballona wetlands. This further indicates that this project does not involve a conflict between policies of the Coastal Act.

J. 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. In the certified LUP the proposed project site is designated for residential development. 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).

K. 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.

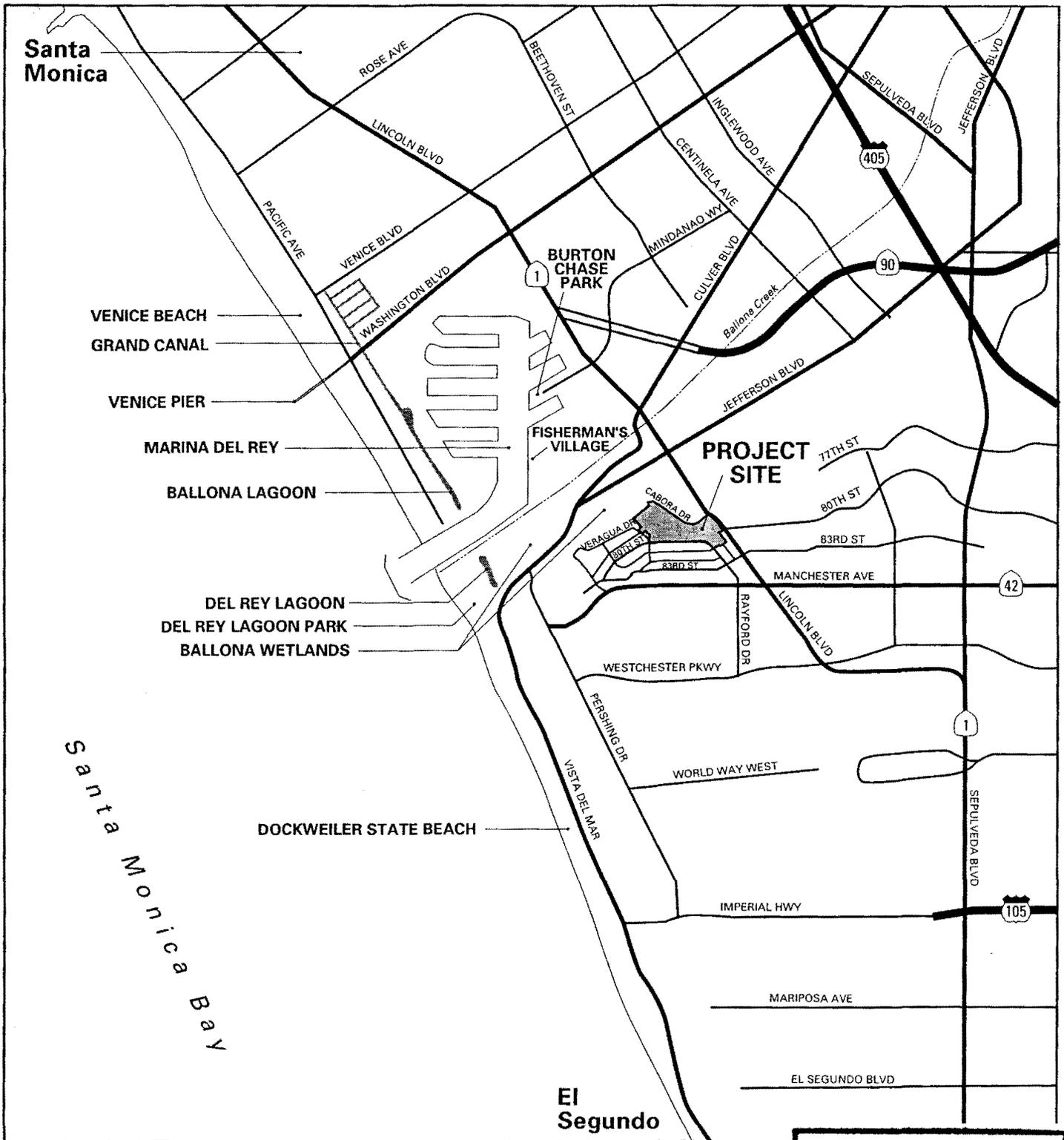
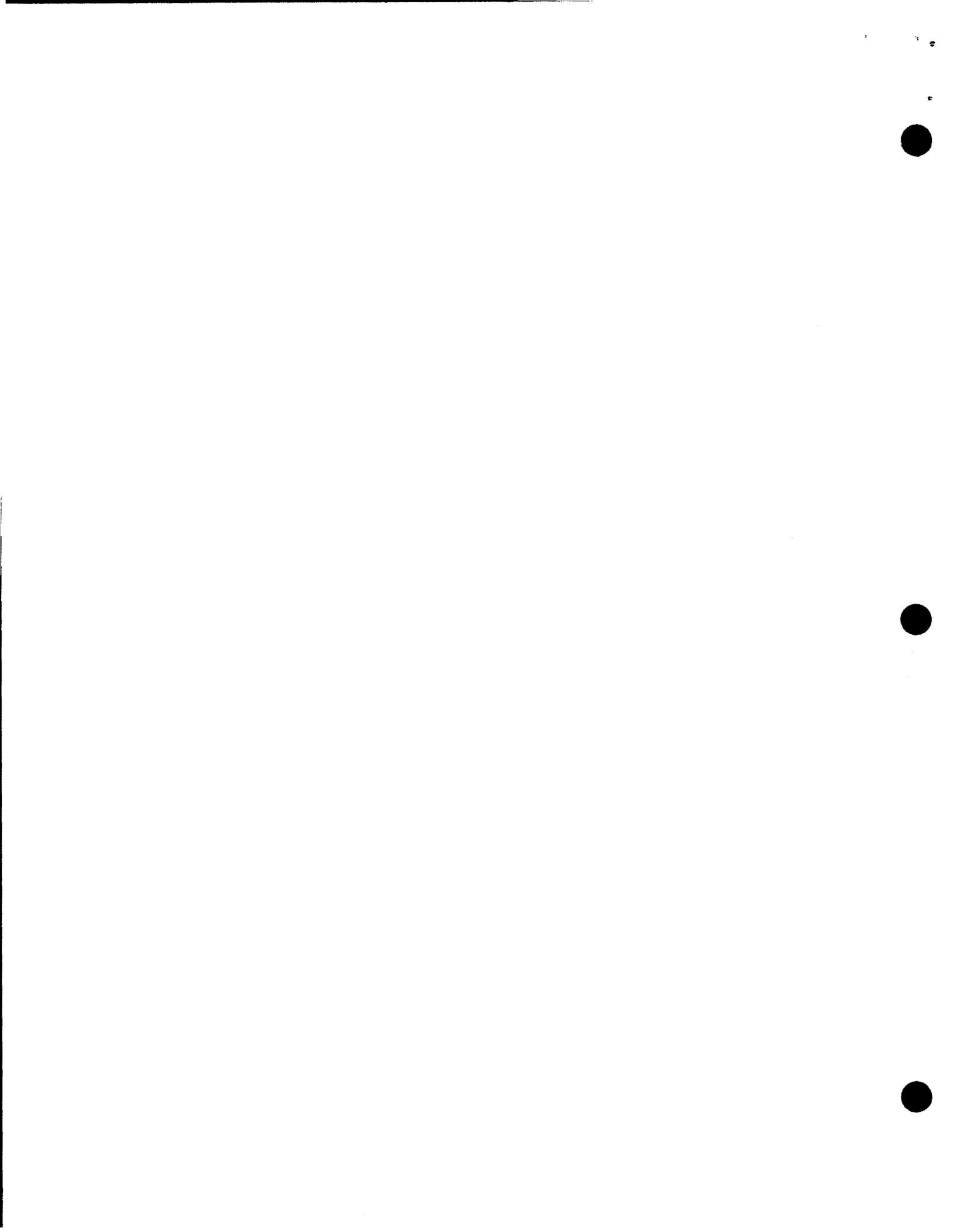


EXHIBIT NO. 1
APPLICATION NO. A-5-PDR-00-007 5-99-329
Vicinity Map
California Coastal Commission

Not to Scale



**COASTAL ZONE
BOUNDARY**

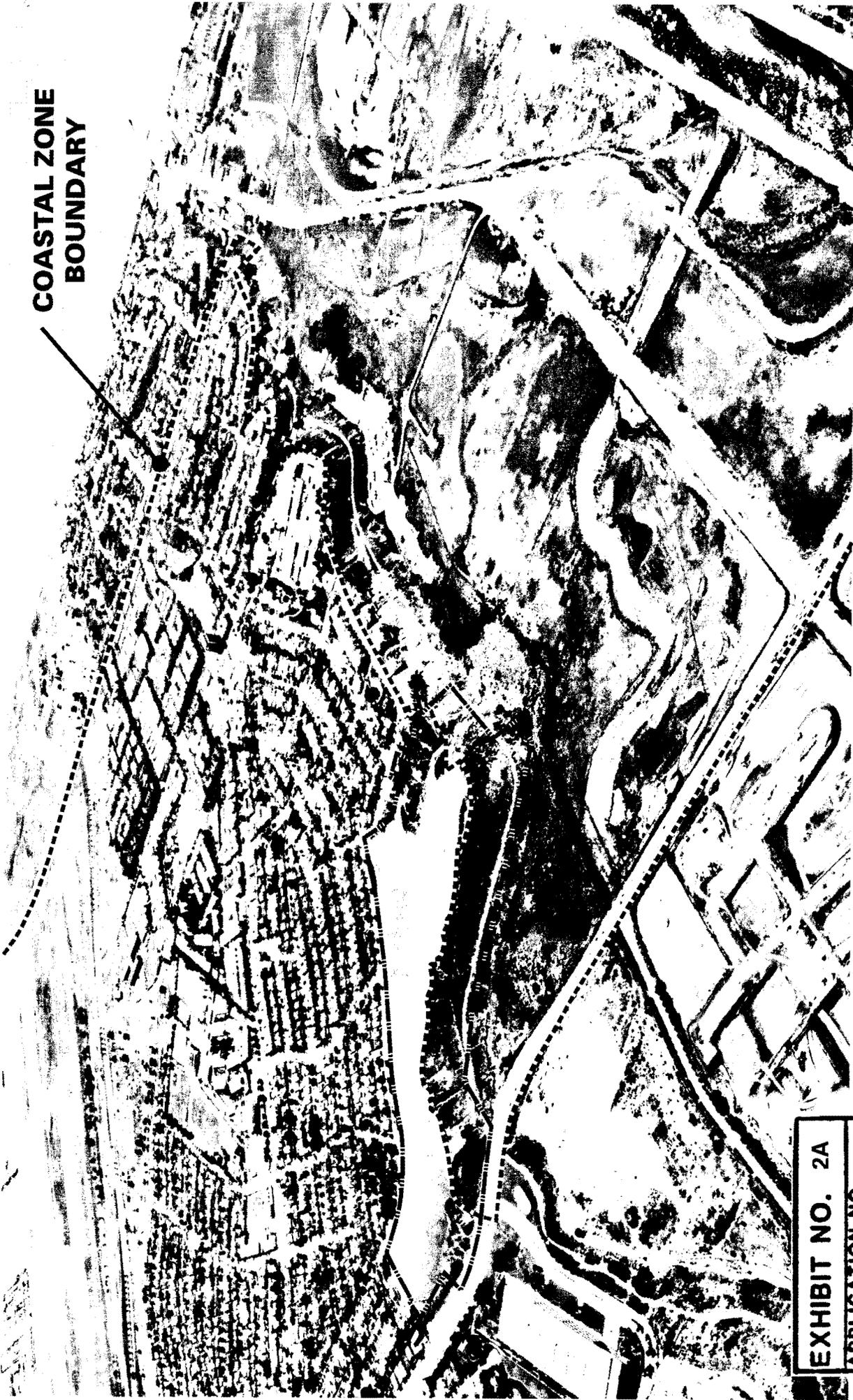


EXHIBIT NO. 2A

APPLICATION NO.
A-5-PDR-00-007

5-99-329

Aerial Photo



California Coastal Commission



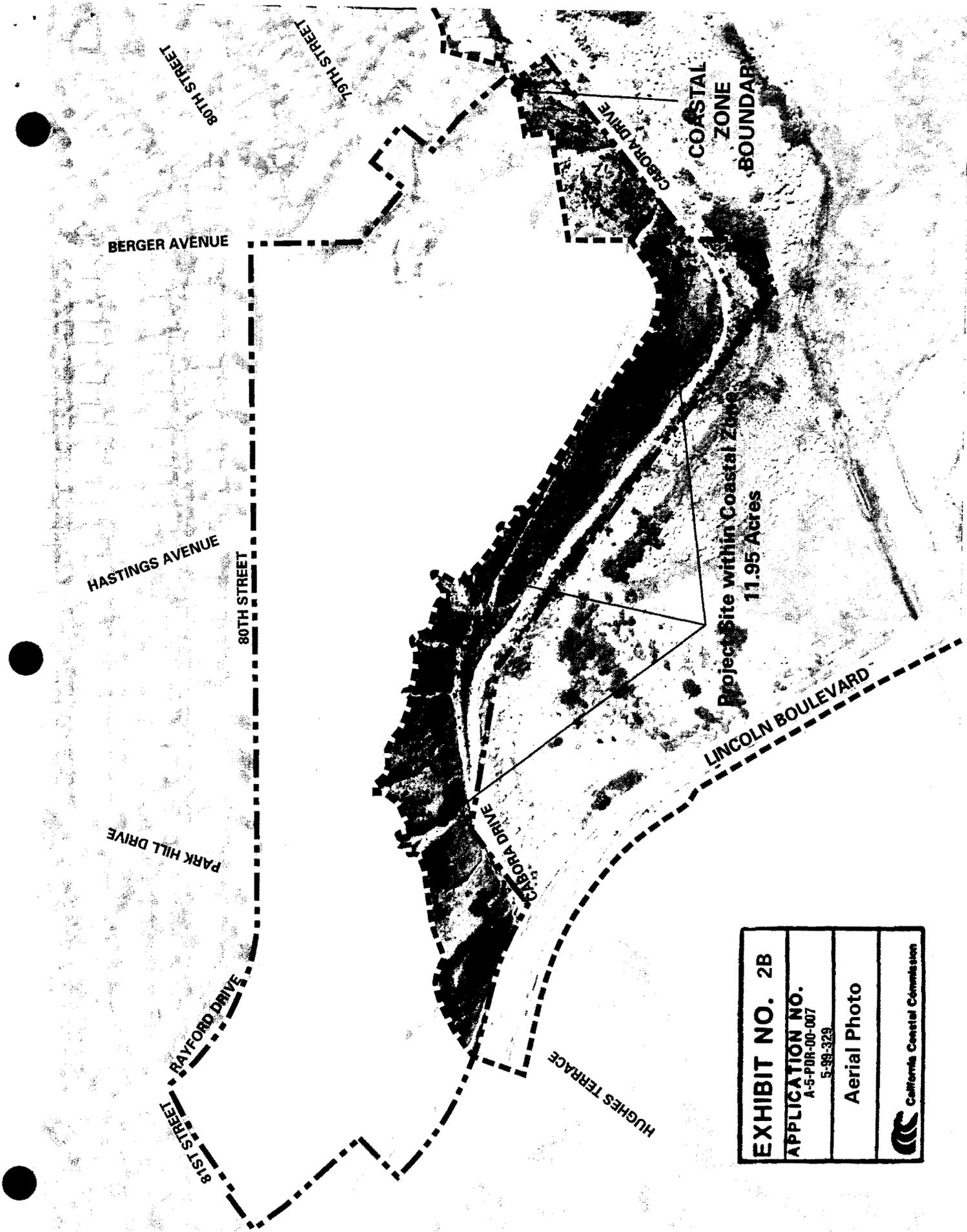
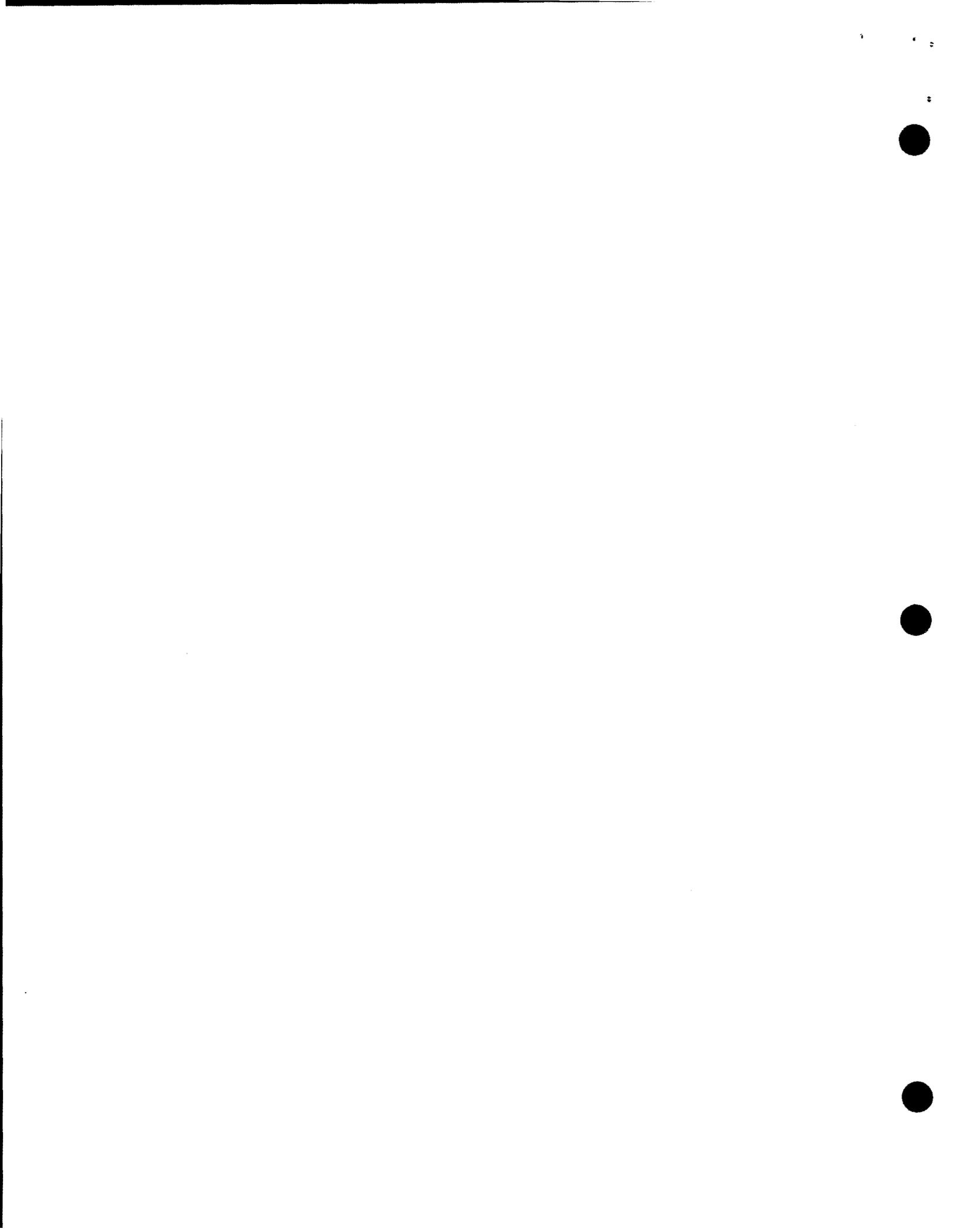


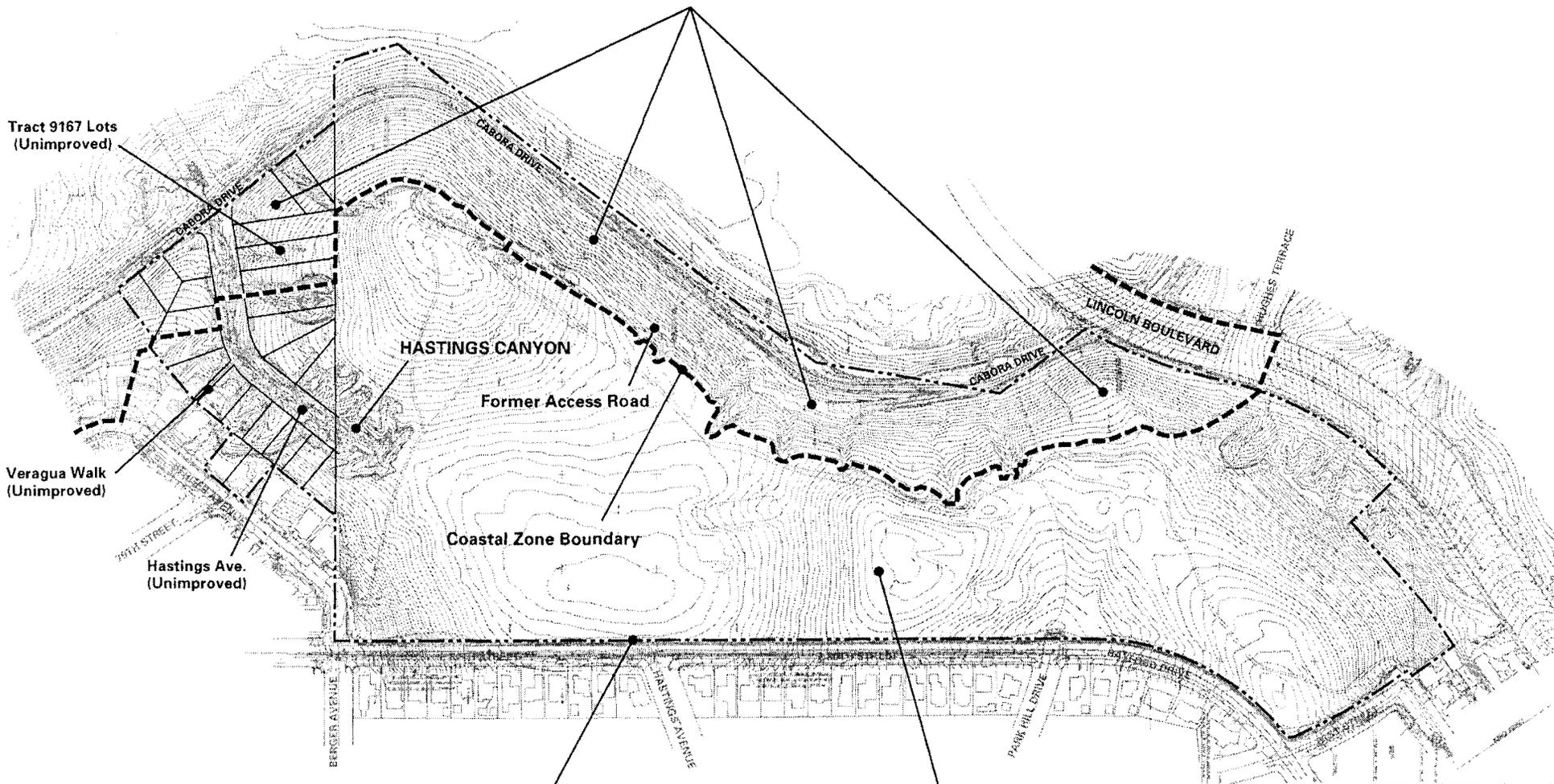
EXHIBIT NO. 2B
APPLICATION NO. A-5-PDR-00-007 5-99-329
Aerial Photo
 California Coastal Commission







Project Site
Within Coastal Zone (11.95 Ac.)



Tract 9167 Lots
(Unimproved)

Veragua Walk
(Unimproved)

Hastings Ave.
(Unimproved)

HASTINGS CANYON

Former Access Road

Coastal Zone Boundary

Project Boundary

Project Site
Outside Coastal Zone (32.74 Ac.)

EXHIBIT NO. 4
APPLICATION NO. A-5-PDR-00-007 5-99-329
Existing Conditions
 California Coastal Commission



Not to Scale



ROBERT BEIN, WILLIAM FROST & ASSOCIATES

8/99

JN10-033522-6539

WEST BLUFFS

Existing Conditions

Exhibit 2



Existing Tract 9167
Lots within Project Site

Existing Homes Built
Down Bluff Face and
Ravine on Tract 9167
Lots

Limits of
Proposed
Residential
Lots

COASTAL ZONE
BOUNDARY

EXHIBIT NO. 5
APPLICATION NO. A-5-PDR-00-007 5-99-329
Existing Residential Lots Extinguished By Proposed Development
 California Coastal Commission

1" = 100'

79TH STREET

BERGER AVENUE

HASTINGS AVENUE

CABORA DRIVE

WEST BLUFFS



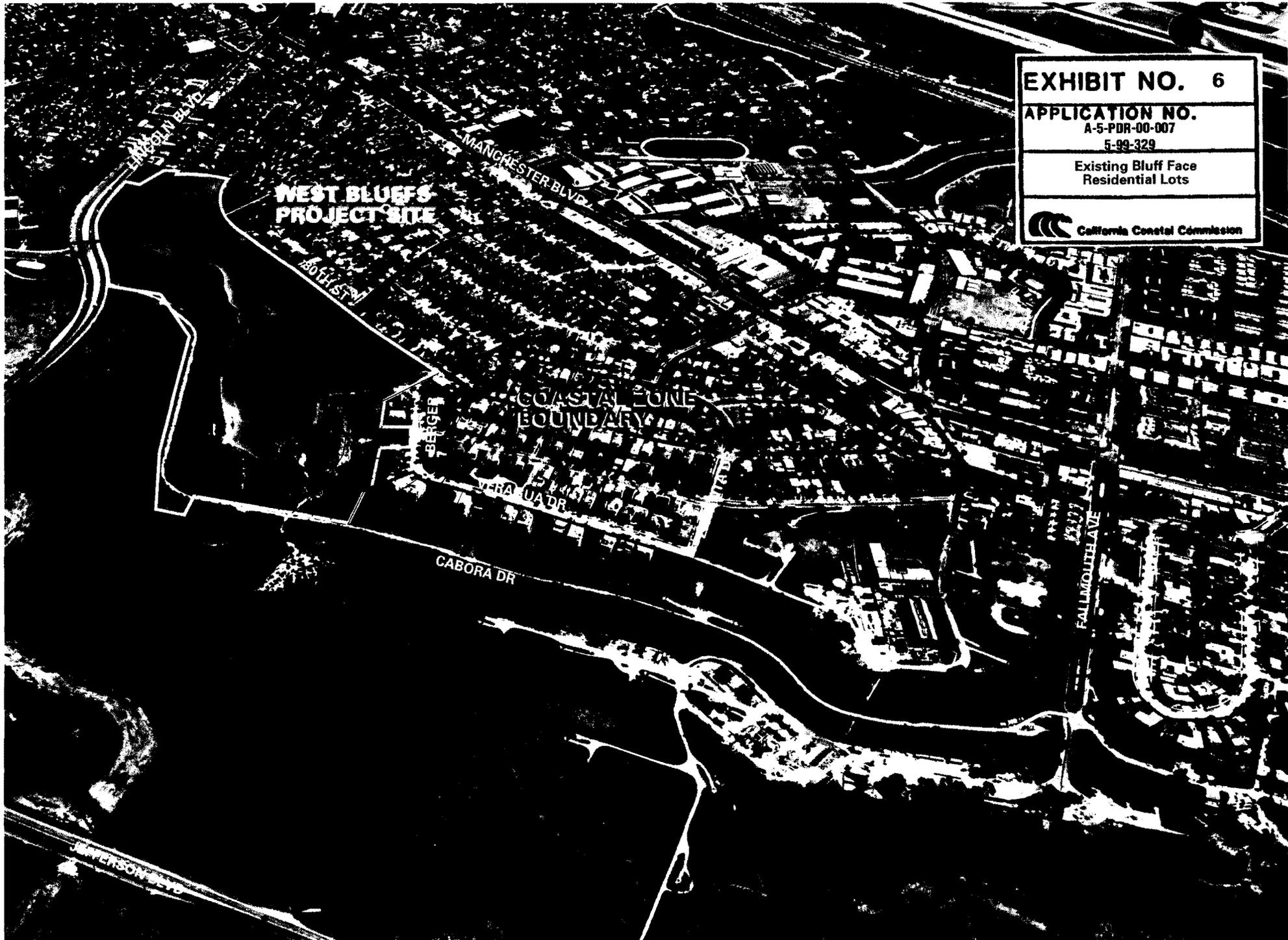


EXHIBIT NO. 6
APPLICATION NO. A-5-PDR-00-007 5-99-329
Existing Bluff Face Residential Lots
 California Coastal Commission

DATE OF PHOTOGRAPH: 9/20/1999

Existing bluff face residential lots established per Tract 9167 (recorded 1930)

WEST BLUEFS



EXHIBIT NO. 7

APPLICATION NO.

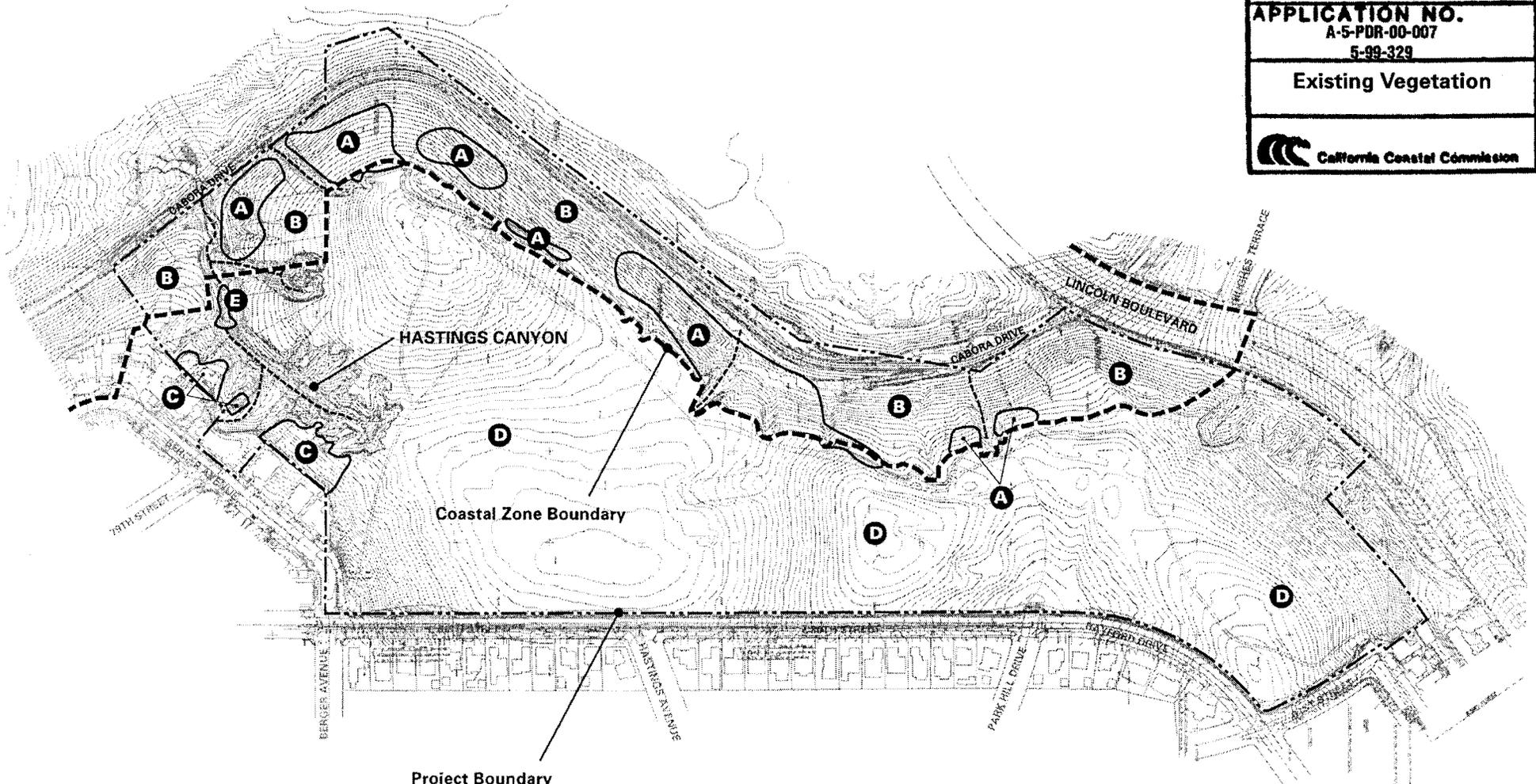
A-5-PDR-00-007

5-99-329

Existing Vegetation



California Coastal Commission



Source: Planning Consultants Research (5/98)

----- CDFG Stream Segments

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



Not to Scale



ROBERT BEIN, WILLIAM FROST & ASSOCIATES

8/99

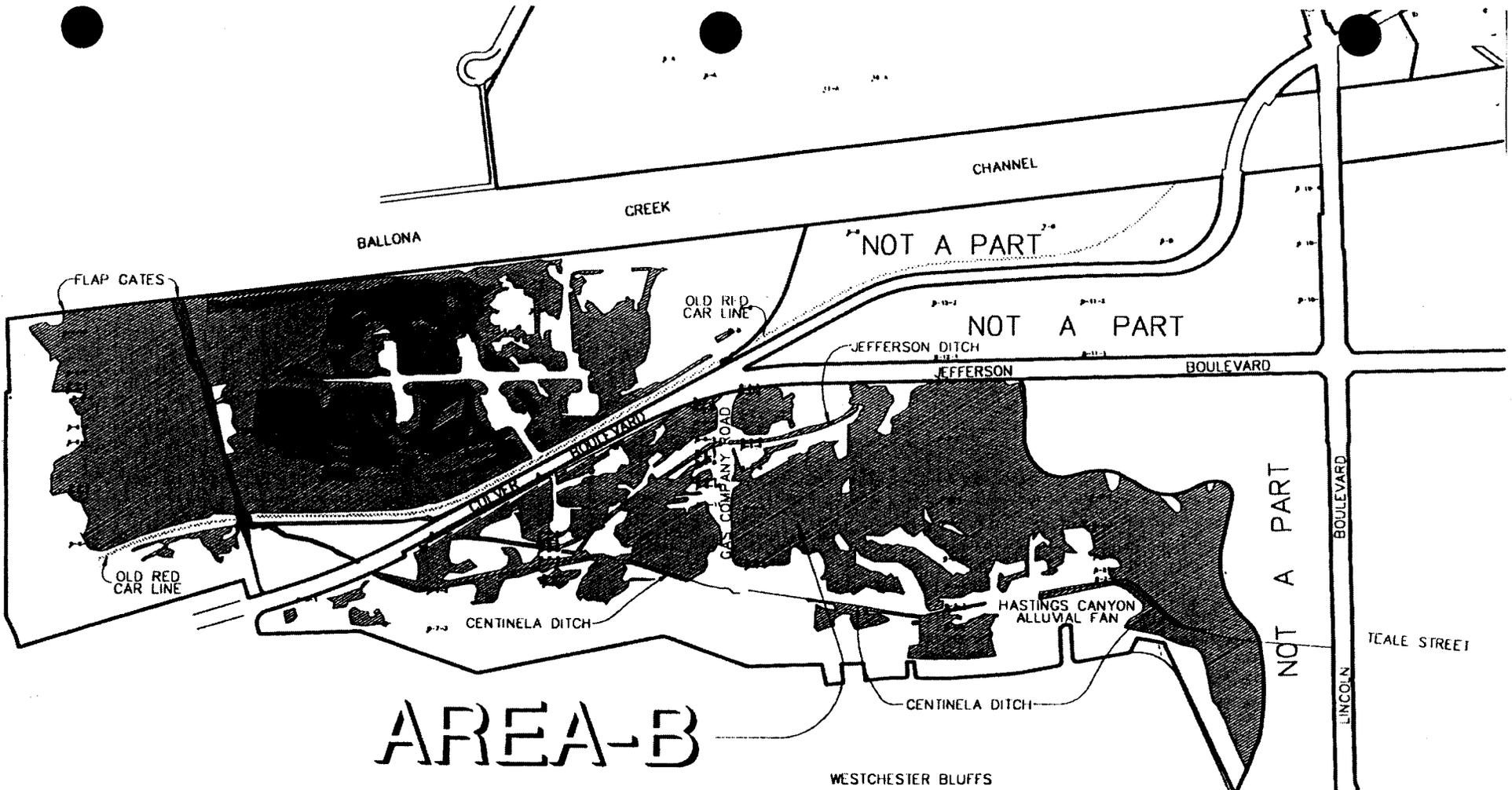
JN10-033522-6539

WEST BLUFFS

Existing Vegetation

Exhibit 3





-  WETLANDS
-  MUDFLATS
-  PERENNIAL WATERBODIES
-  OTHER WATERS
-  NONWETLANDS

EXHIBIT NO. 8
APPLICATION NO. A-5-PDR-00-007 5-99-329
Playa Vista Wetland Delineation
 California Coastal Commission

**Figure 5
Phase II
Area B**

**Playa Capital Company, LLC
Playa Vista Development**



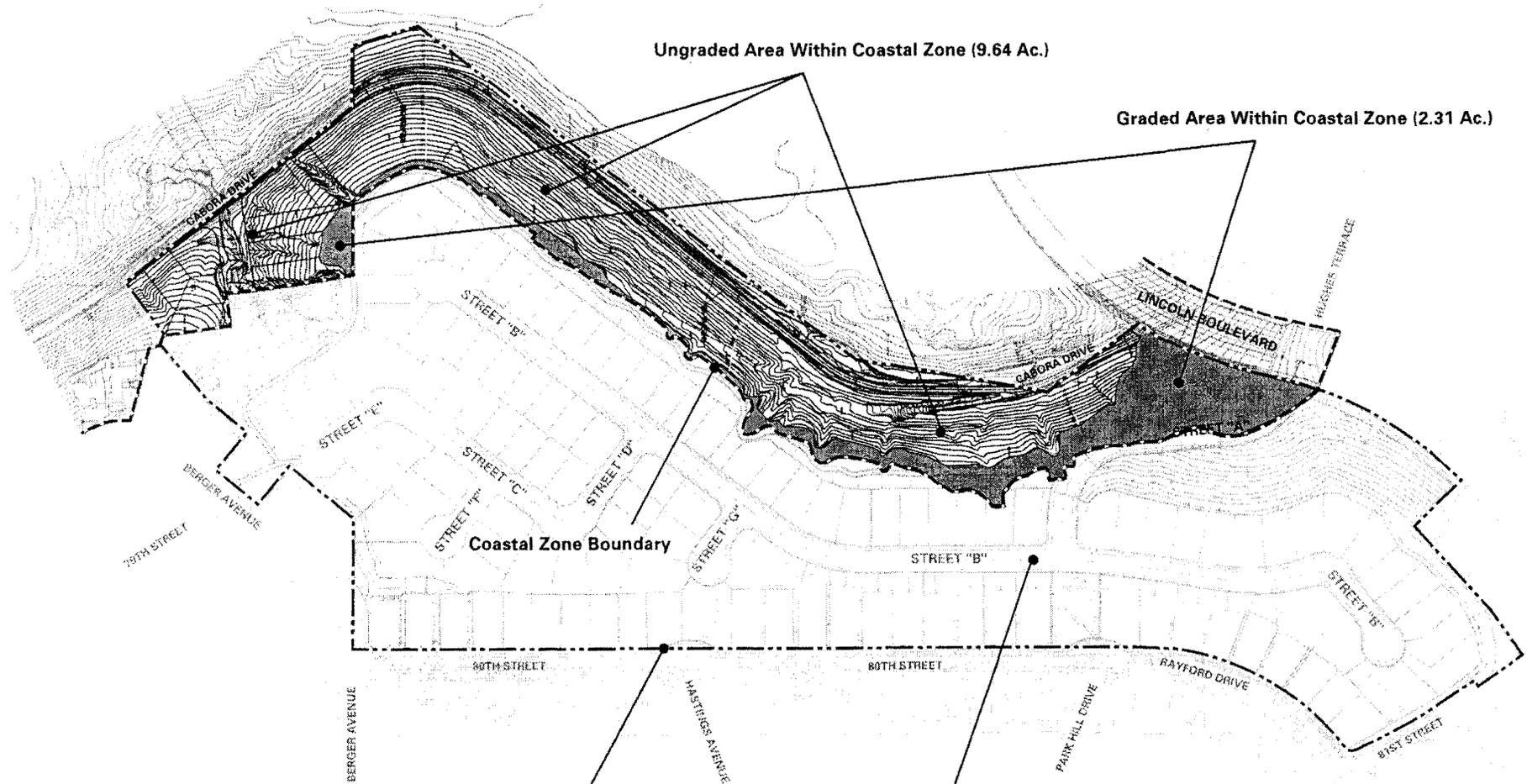
NOTE: For reduced size prints, original scale is in inches.

PSOMAS

DATE: 12/11/98 REVISED ON: 02/28/00
JOB No: 1PCC0201.84



-6-



Ungraded Area Within Coastal Zone (9.64 Ac.)

Graded Area Within Coastal Zone (2.31 Ac.)

Coastal Zone Boundary

Project Boundary

Project Outside Coastal Zone (32.74 Ac.)

EXHIBIT NO. 9
APPLICATION NO. A-5-PDR-00-007 5-99-329
Coastal Zone Grading Concept Plan
 California Coastal Commission



Not to Scale



ROBERT BEIN, WILLIAM FROST & ASSOCIATES

8/99

JN10-033522-6539

Coastal Zone Grading Concept Plan

WEST BLUFFS

Exhibit 4



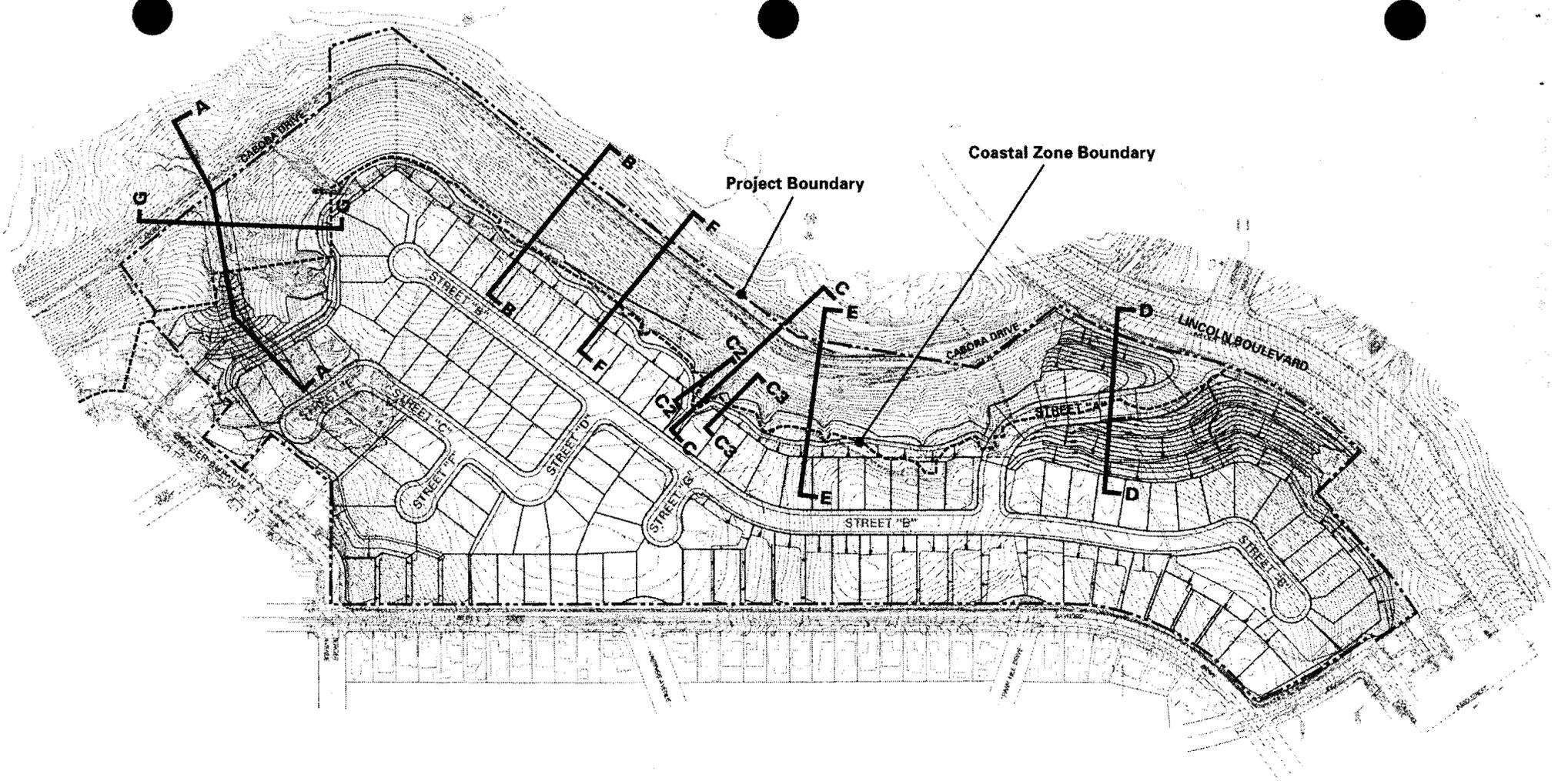


EXHIBIT NO. 10
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section Locations
 California Coastal Commission

 1" = 200'

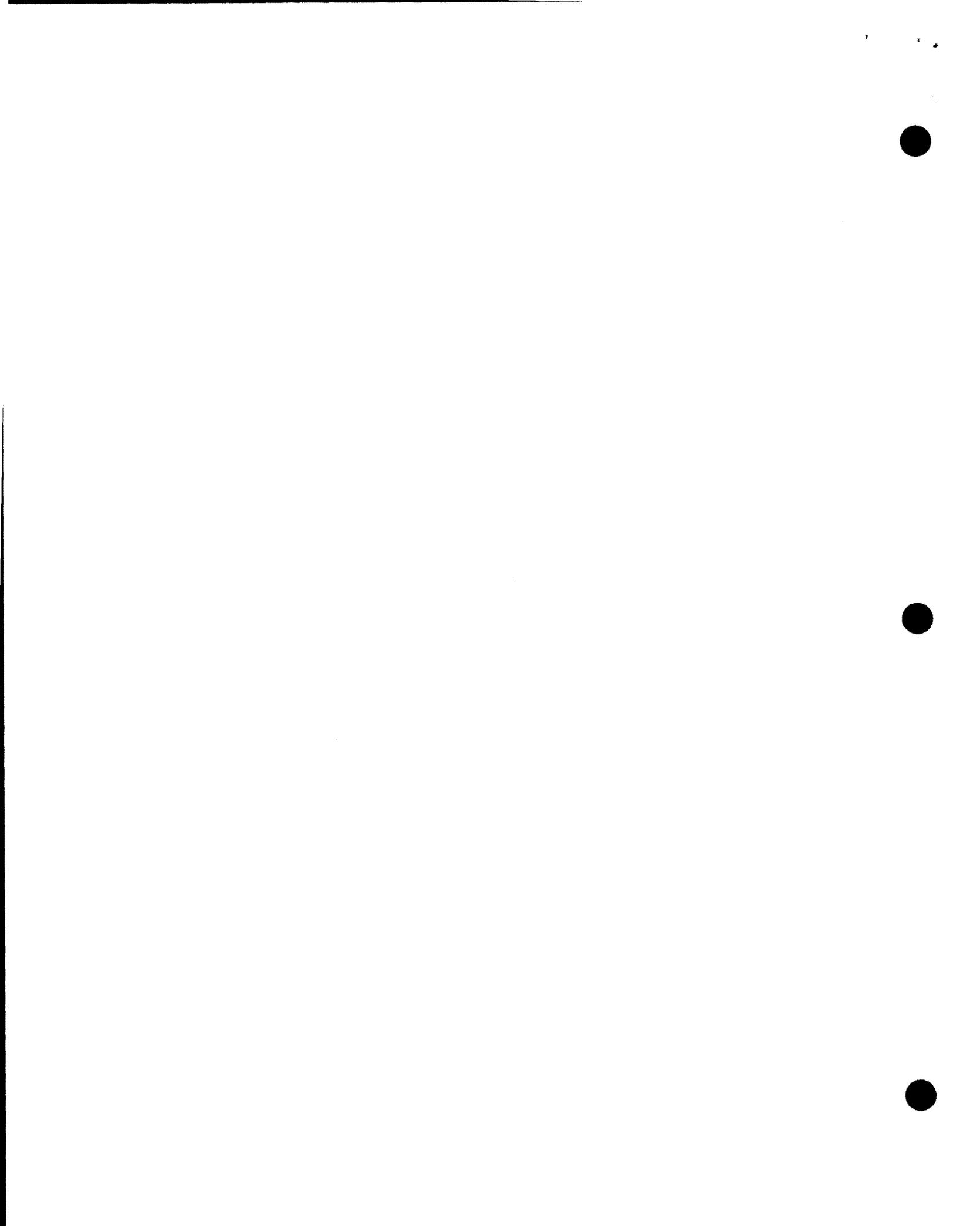
 **ROBERT BEIN, WILLIAM FROST & ASSOCIATES**
8/23/00

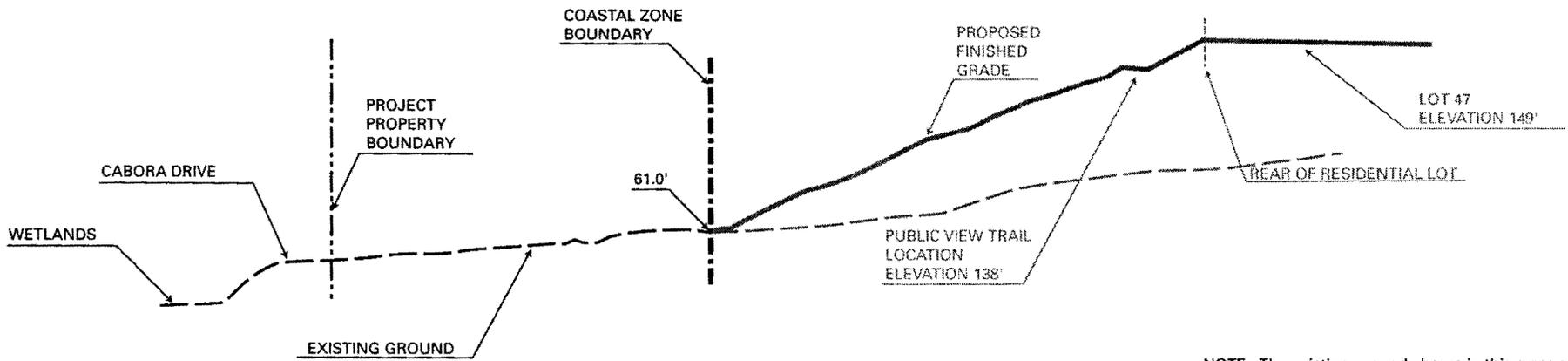
JN10-033522

WEST BLUFFS

Bluff Face Section Locations

Figure 3



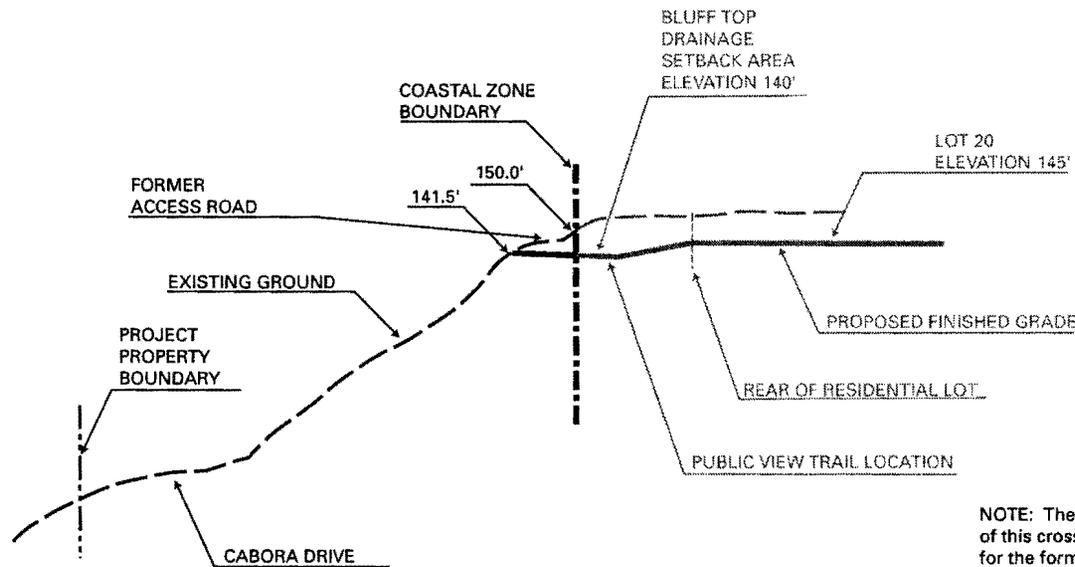


NOTE: The existing ground shown in this cross section represents the bottom of the ravine that has eroded into the project property.

EXHIBIT NO. 10A
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section A-A
 California Coastal Commission

1" = 50'



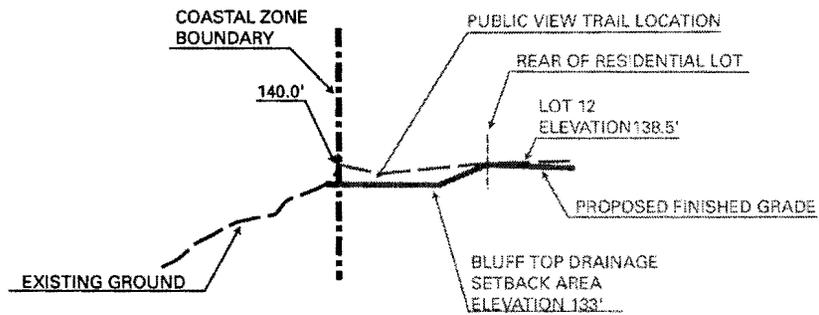


NOTE: The existing ground at the top of the bluff face in the area of this cross section has been over steepened by the past grading for the former radar site and access road. The proposed grading as shown in this cross section is intended to stabilize this area, provide drainage improvements, and prevent further significant erosion and sloughing on the bluff face.

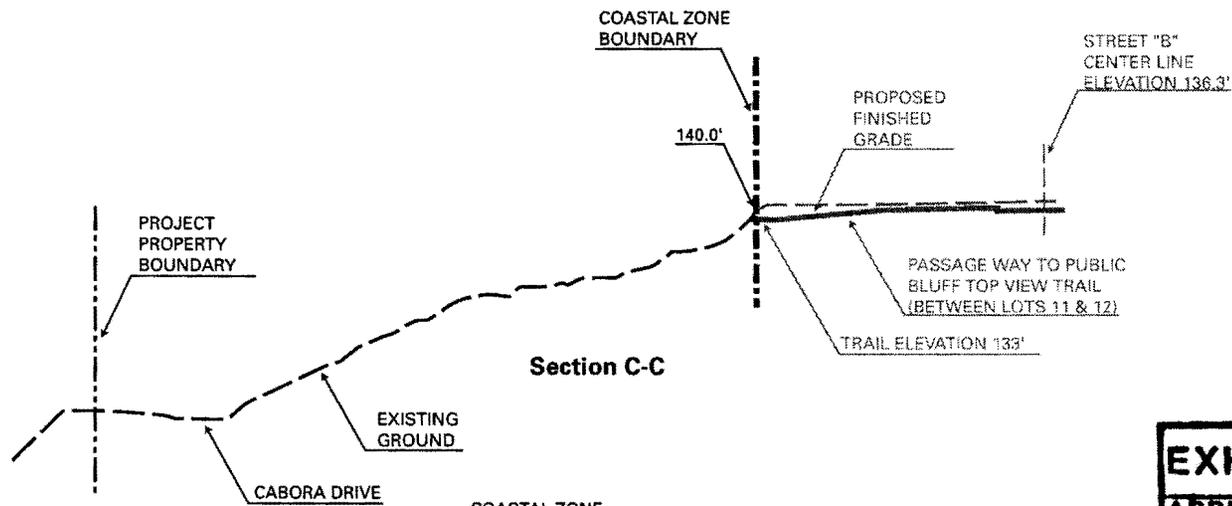
EXHIBIT NO. 10B
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section B-B
 California Coastal Commission

1" = 50'

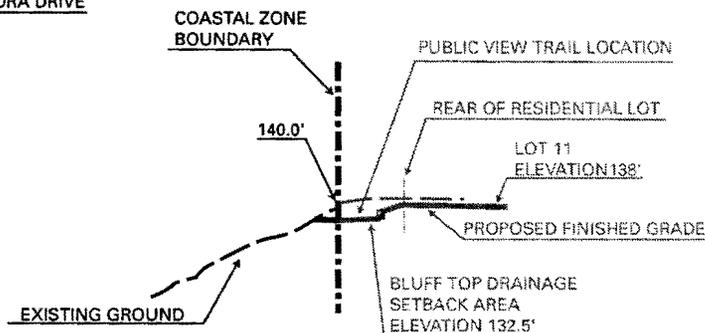




Section C2-C2



Section C-C

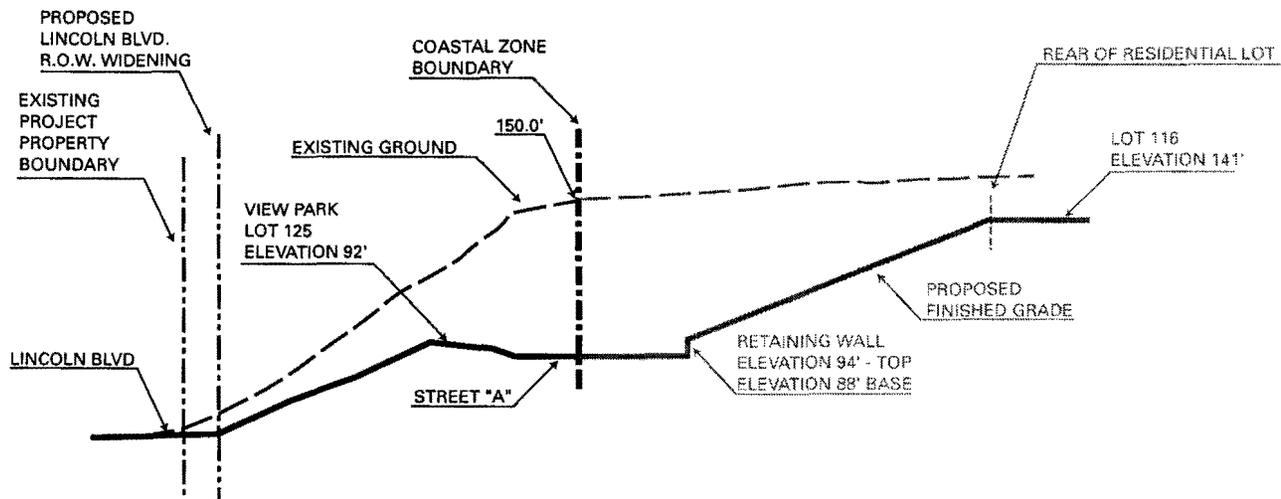


Section C3-C3

EXHIBIT NO. 10C
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section C-C
 California Coastal Commission

NOTE: The existing ground shown on the main cross section C-C represents the bottom of a significant erosional ravine on the northeast facing bluff face that has eroded into the bluff face and the project site above it. Cross section C2-C2 and C3-C3 are located immediately either side of this erosional feature and are shown here in the appropriate alignment. These other sections are provided to show the more typical bluff top condition which is not subject to the severe erosion.

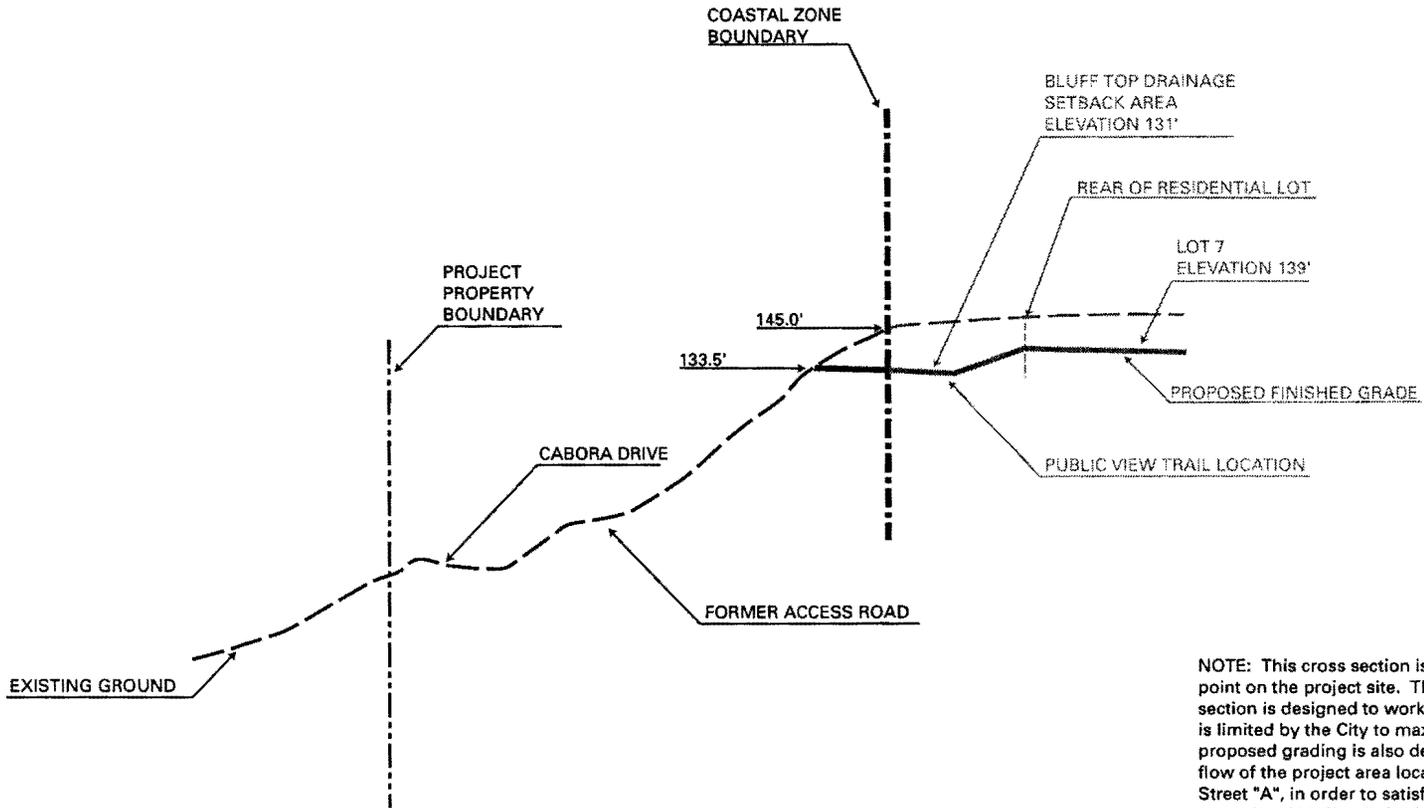




NOTE: Street "A" is designed at a maximum allowed 15% grade in order to minimize grading. A significant part of the proposed grading is required for the planned and approved Lincoln Boulevard widening even if Street "A" is not built. The "existing ground" in this section represents the previously disturbed graded slope left from the initial grading of Lincoln Blvd. (Late 1920's) and subsequent widening.

EXHIBIT NO. 10D
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section D-D
 California Coastal Commission



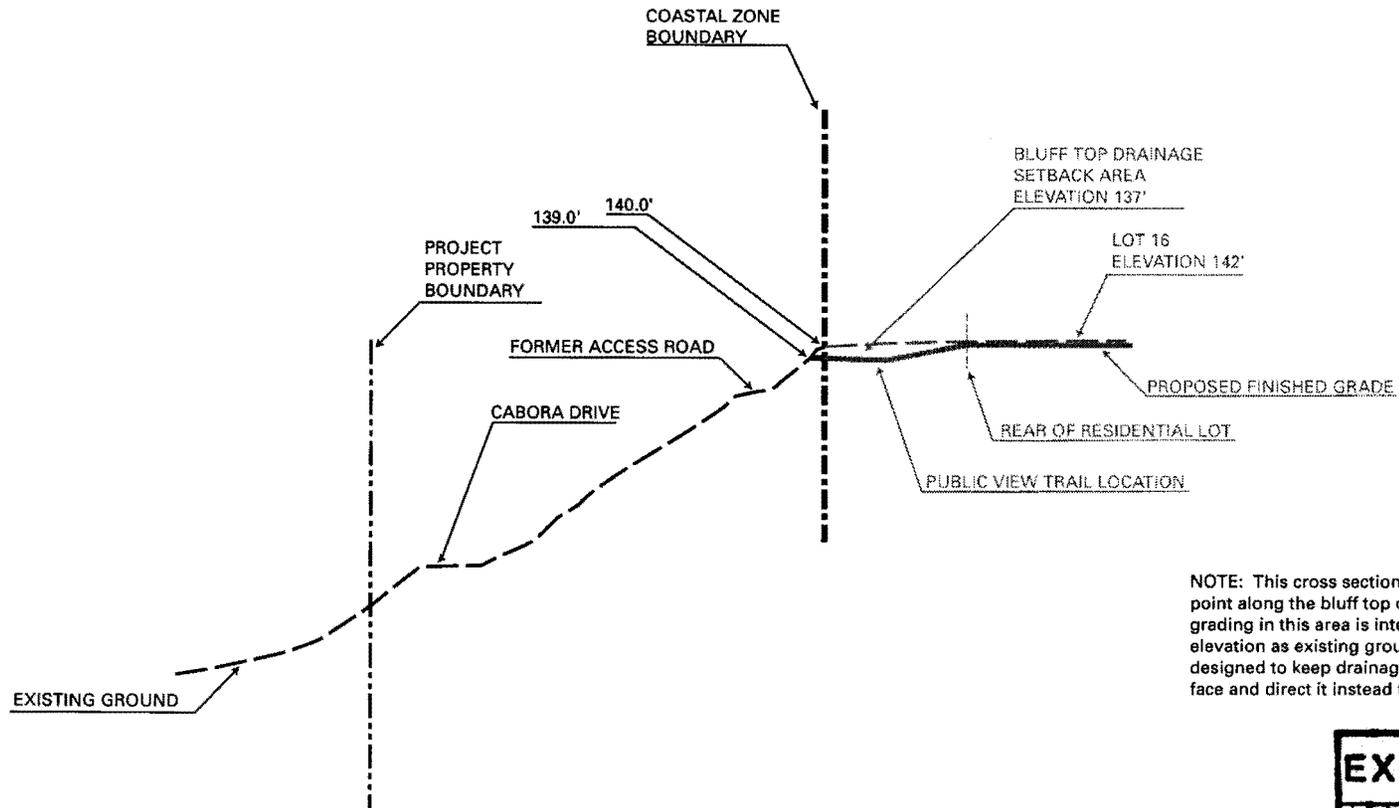


NOTE: This cross section is located in the area of an existing high point on the project site. The proposed grading in this cross section is designed to work in conjunction with Street "A", which is limited by the City to maximum allowed grade of 15%. The proposed grading is also designed to achieve positive drainage flow of the project area located above the bluff face towards Street "A", in order to satisfy project objectives of drainage control and bluff stabilization.

EXHIBIT NO. 10E
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section E-E
 California Coastal Commission

1" = 50'



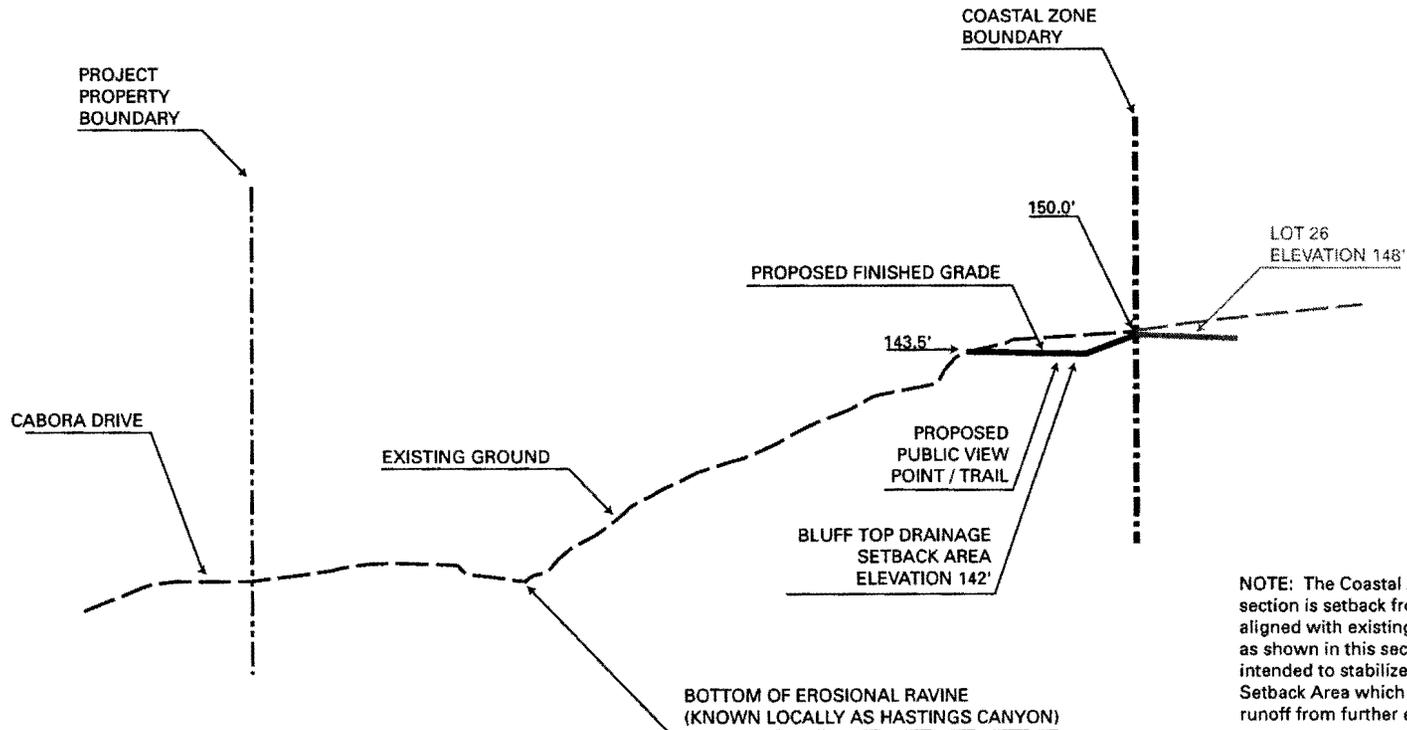


NOTE: This cross section is located in the area of an existing low point along the bluff top of the project site. The proposed grading in this area is intended to stay approximately at the same elevation as existing ground. The bluff top drainage setback is designed to keep drainage from flowing over the top of the bluff face and direct it instead towards Street "A".

EXHIBIT NO. 10F
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section F-F
 California Coastal Commission

1" = 50'





NOTE: The Coastal Zone Boundary in the particular area of this section is setback from the top of the bluff face because it is aligned with existing lot lines (Tract 9167). The proposed grading as shown in this section is located above the bluff face and is intended to stabilize the bluff by creating the Bluff Top Drainage Setback Area which prevents existing uncontrolled drainage runoff from further eroding the bluff face.

EXHIBIT NO. 10G
APPLICATION NO. A-5-PDR-00-007 5-99-329
Bluff Face Section G-G
 California Coastal Commission

1" = 50'

WEST BLUFFS

Bluff Face Section G - G

Figure 3G



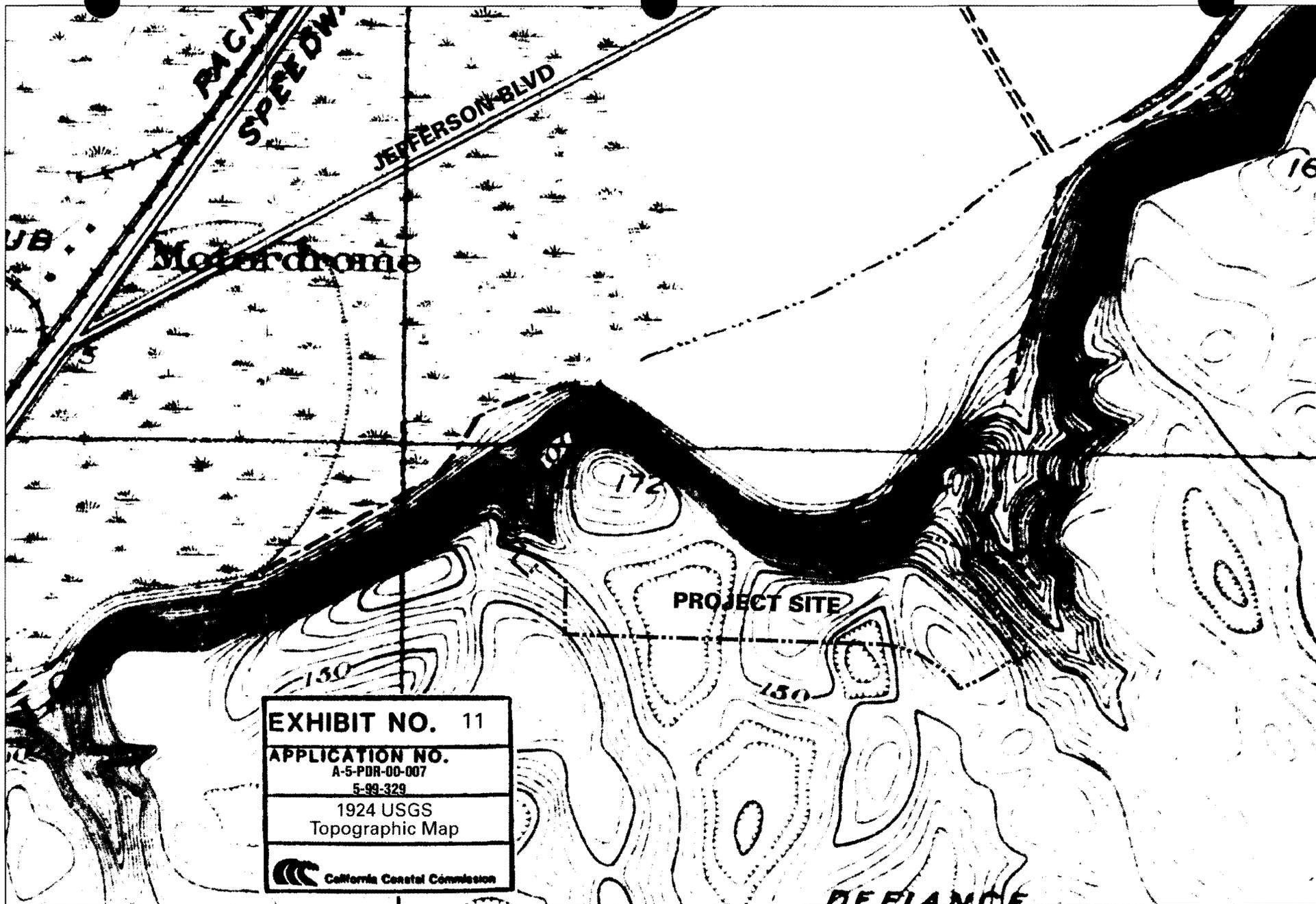


EXHIBIT NO. 11
APPLICATION NO. A-5-PDR-00-007 5-99-329
1924 USGS Topographic Map
 California Coastal Commission

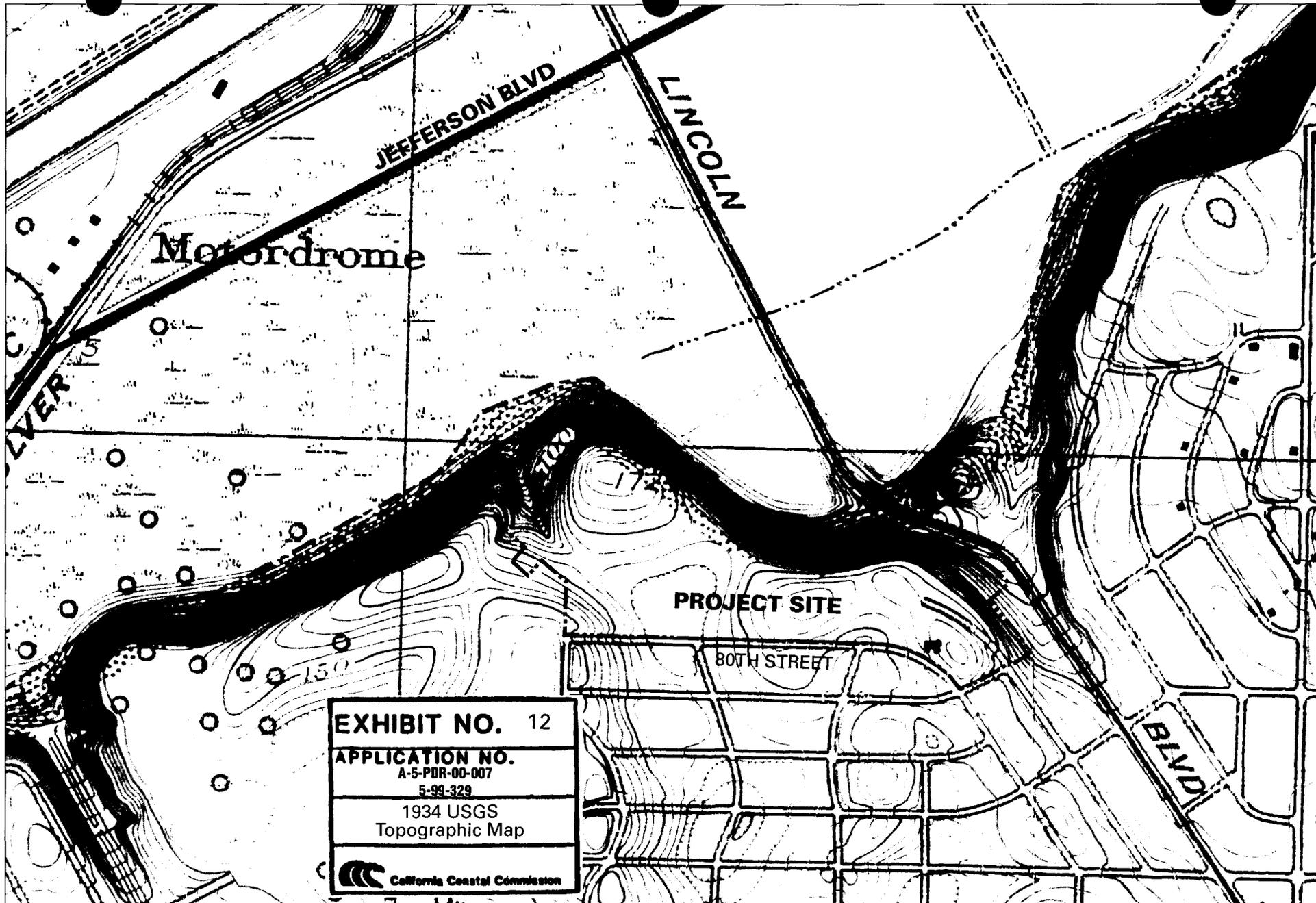


SOURCE: 1924 USGS Venice Quadrangle

APPROXIMATE SCALE: 1" = 700'

(The scale of this image has been increased from the original).





SOURCE: 1934 USGS Venice Quadrangle

APPROXIMATE SCALE: 1" = 700'

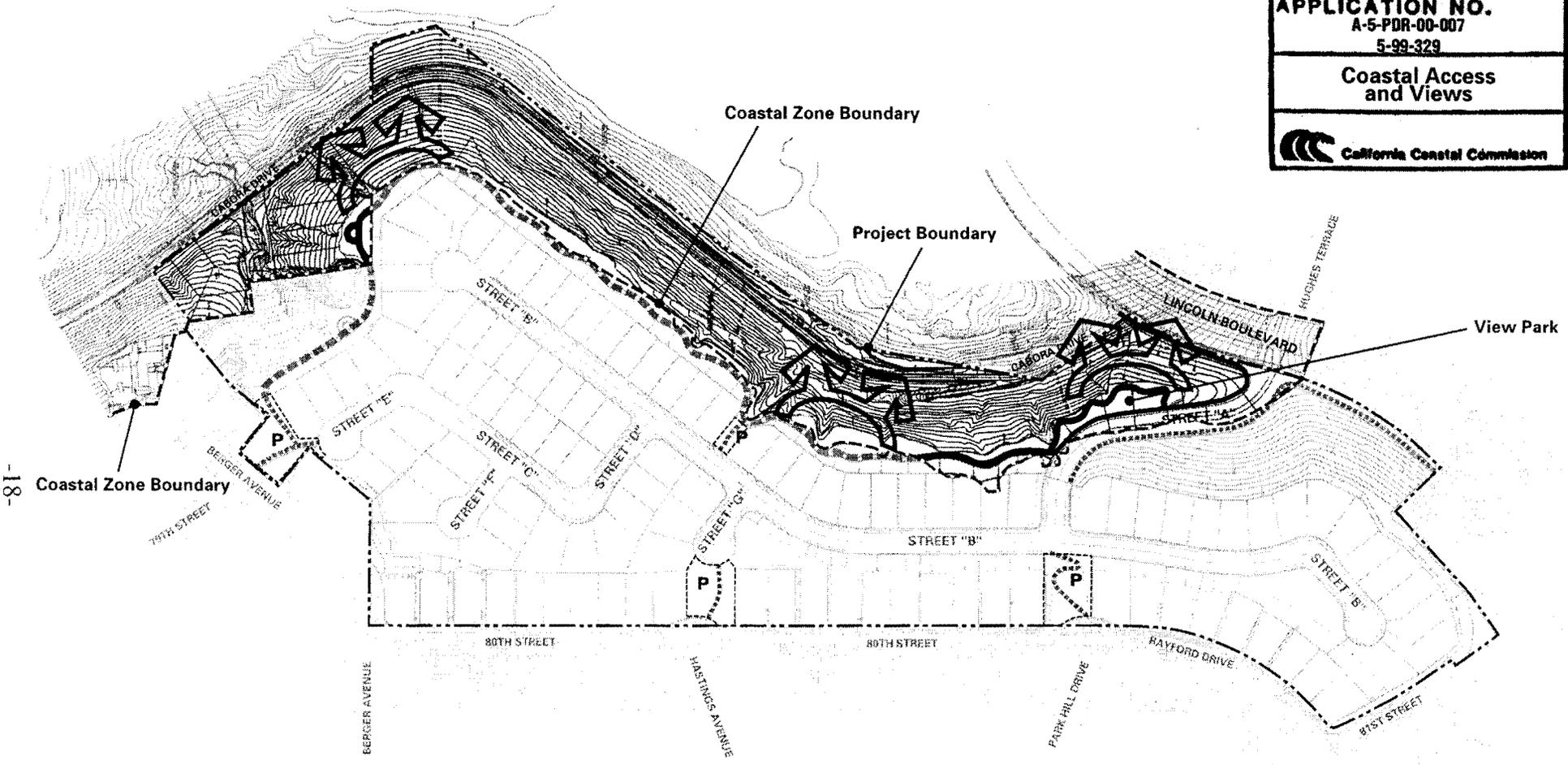
(The scale of this image has been increased from the original).



EXHIBIT NO. 13

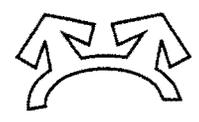
APPLICATION NO.
A-5-PDR-00-007
5-99-329

**Coastal Access
and Views**

-  Bluff Top Trail Within Coastal Zone
-  Bluff Top Trail Outside Coastal Zone
-  Sidewalk Links to Bluff Top Trail Within Coastal Zone
-  Trail & Sidewalk Links to Bluff Top Trail Outside Coastal Zone

Note: All project streets will include sidewalks on both sides.



Views of Santa Monica Bay (west), Ballona Wetlands, Marina Del Rey, Santa Monica, West Los Angeles, and Santa Monica Mountains

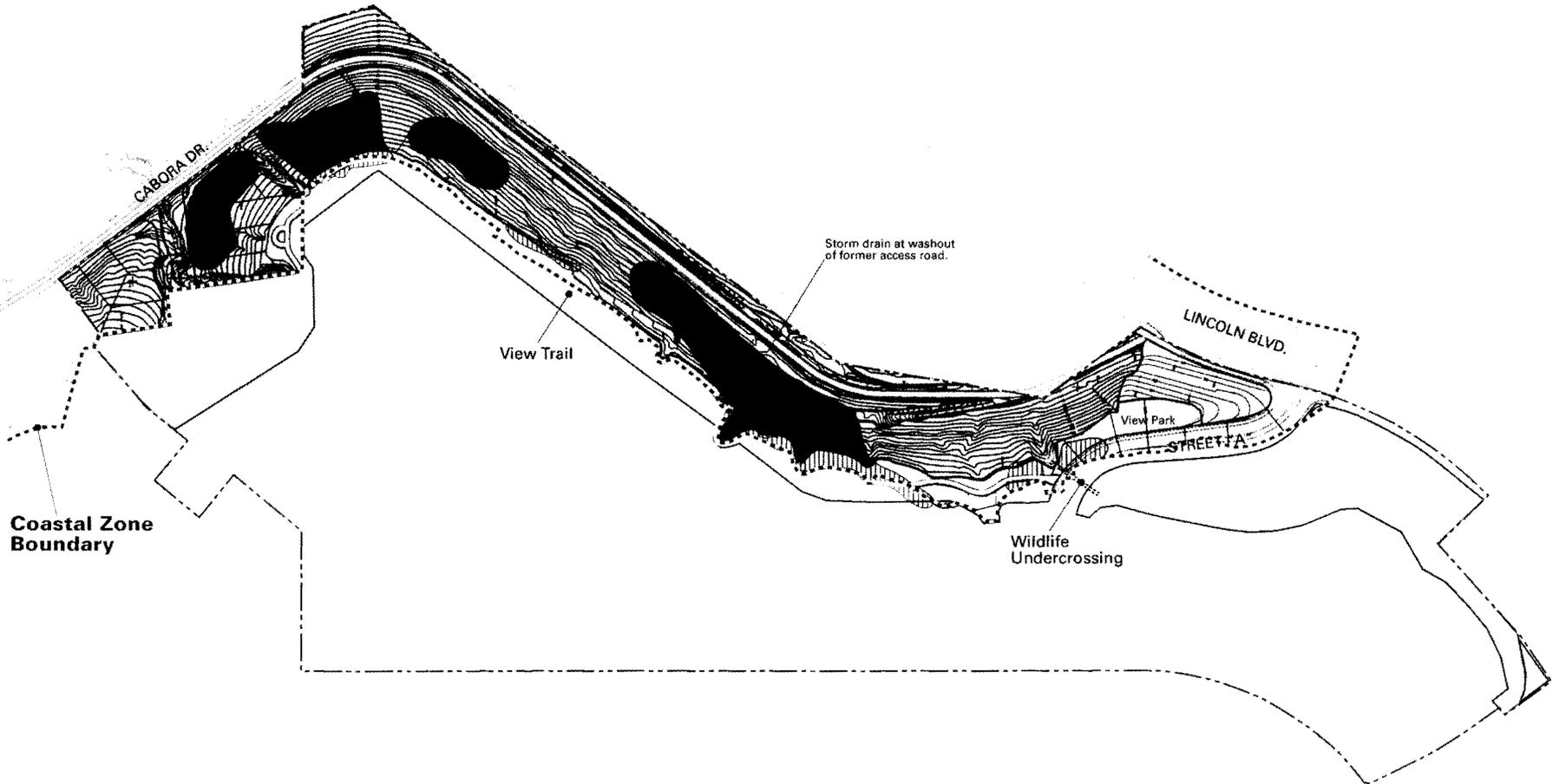


Park Areas Outside of Coastal Zone

 Not to Scale

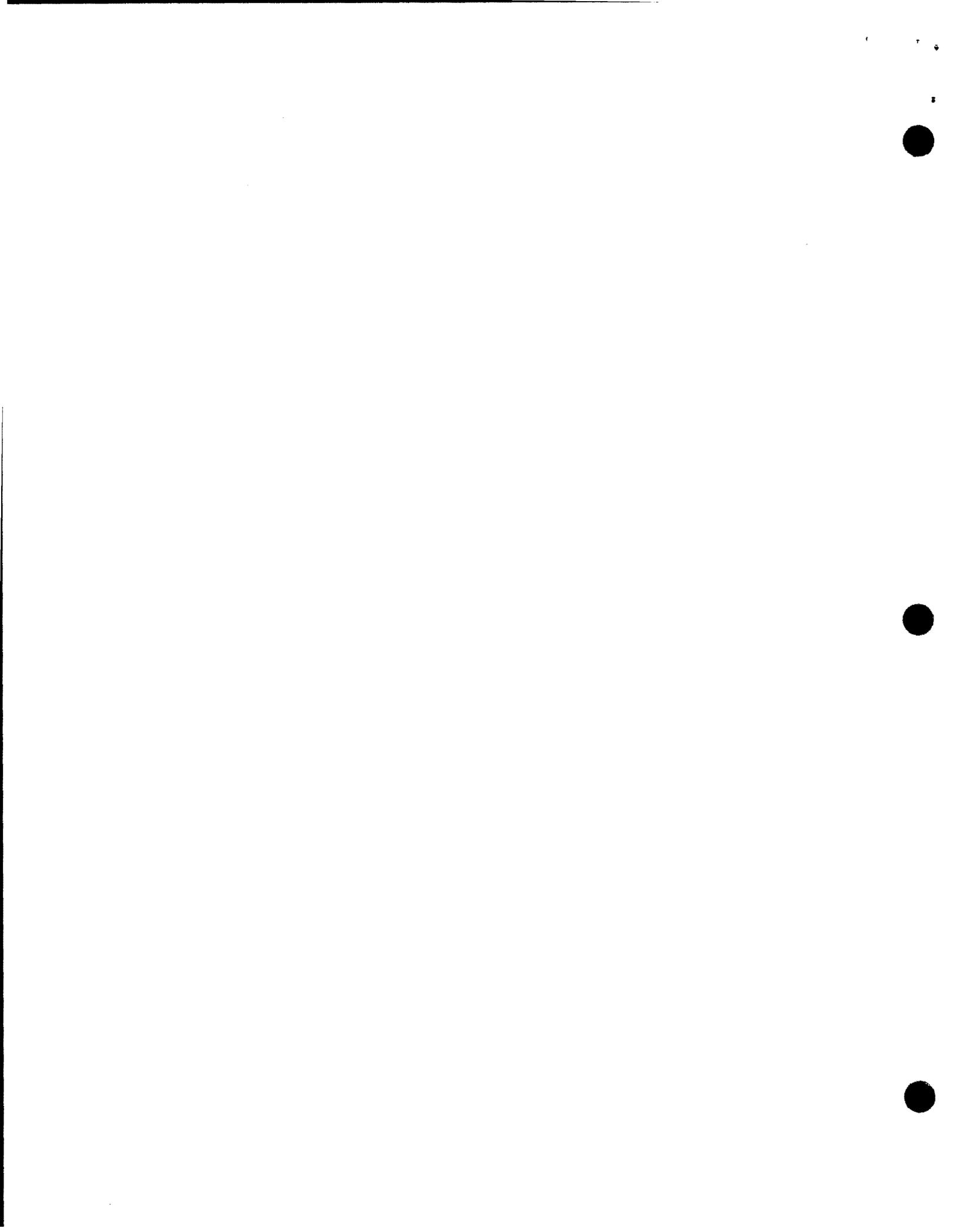




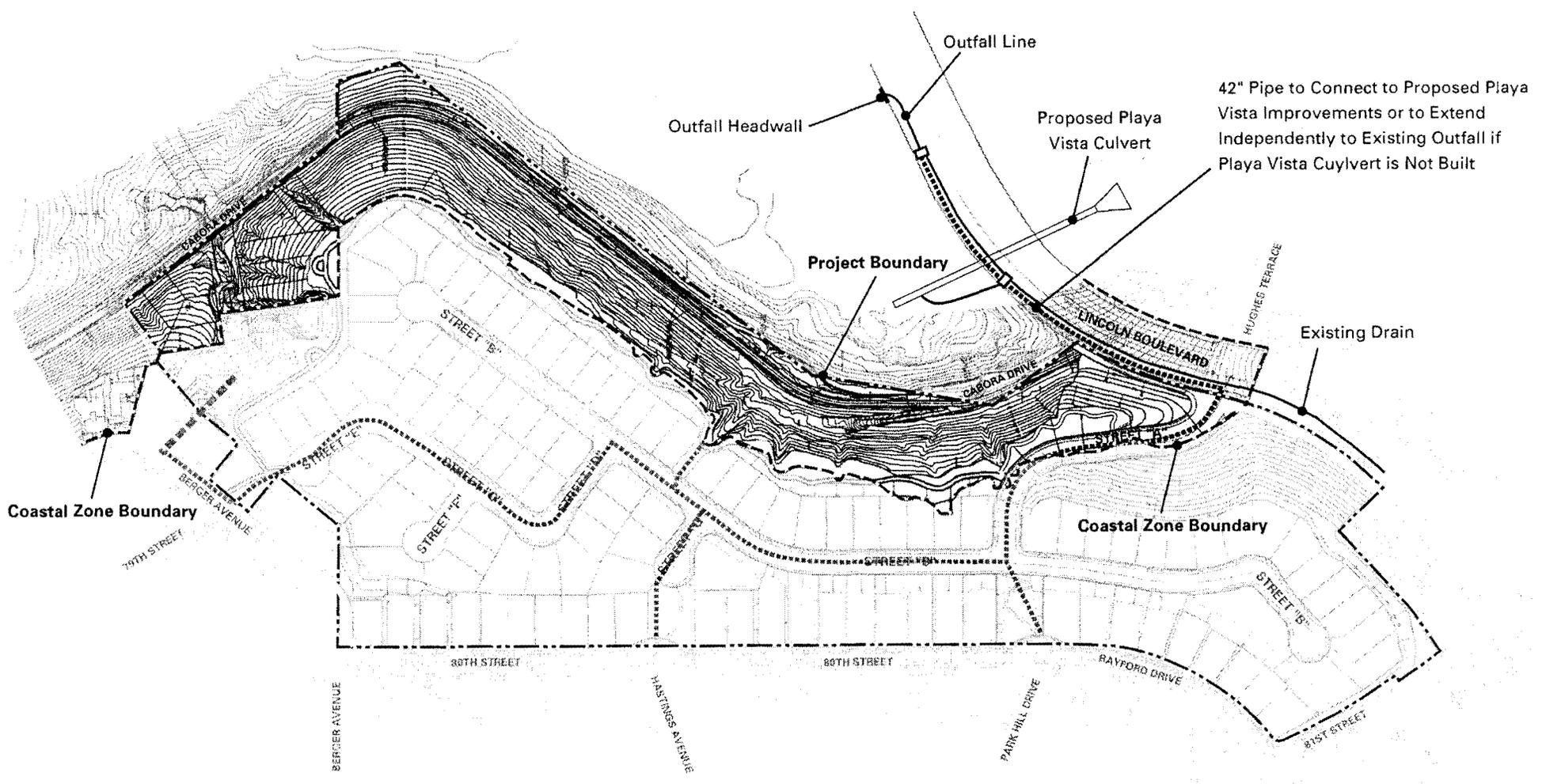


-  Existing degraded CSS to be preserved and enhanced
-  Exotic ruderal/annual grass to be restored to CSS
-  Engineered slopes to be revegetated to CSS

EXHIBIT NO. 15
APPLICATION NO. A-5-PDR-00-007 5-99-329
Coastal Sage Scrub Enhancement, Restoration and Revegetation Areas
 California Coastal Commission



-20-



42" Pipe to Connect to Proposed Playa Vista Improvements or to Extend Independently to Existing Outfall if Playa Vista Cuyvert is Not Built

Coastal Zone Boundary

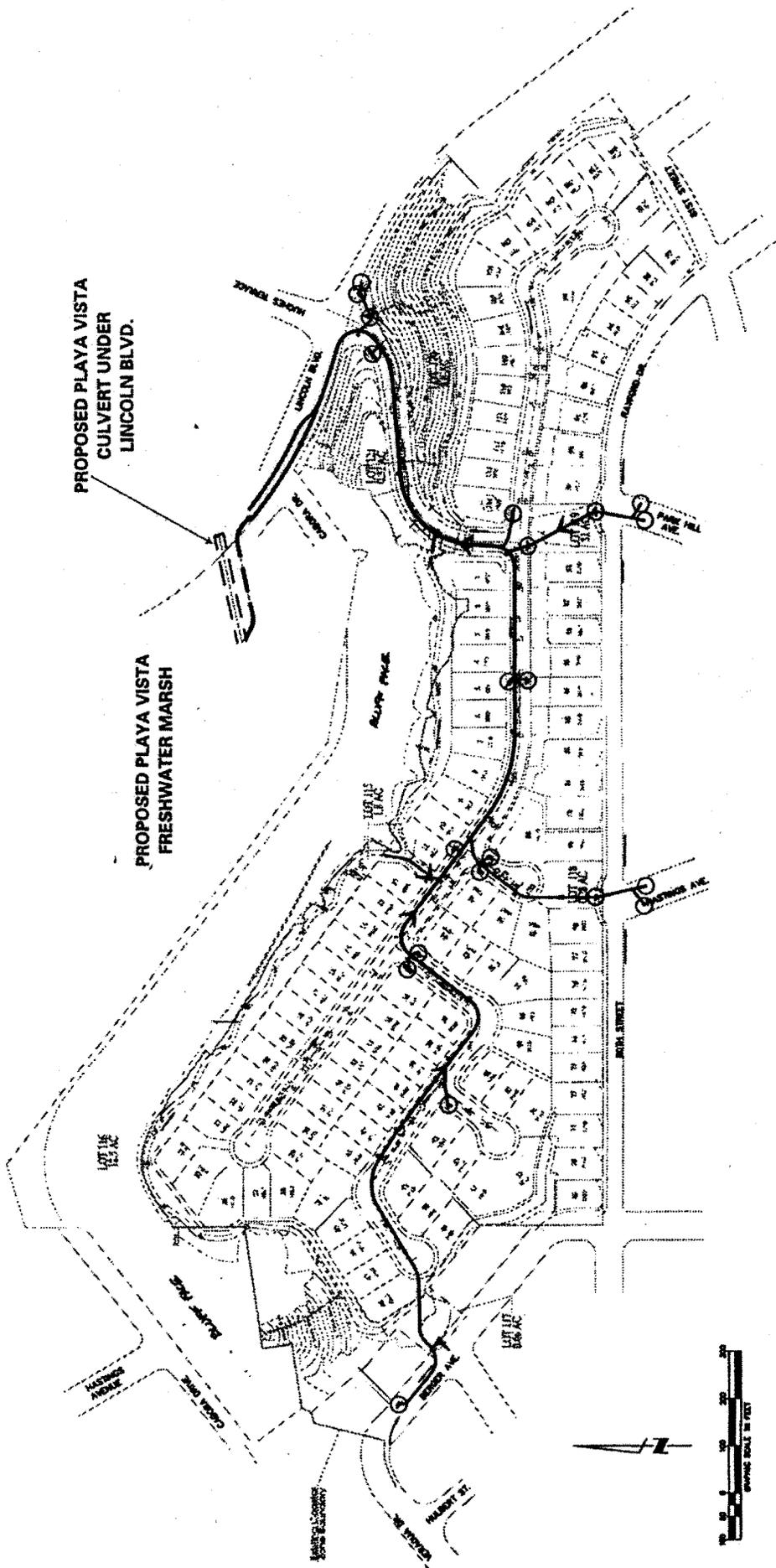
Coastal Zone Boundary

- 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. 16A
APPLICATION NO. A-5-PDR-00-007 5-99-329
Storm Drain Improvements
California Coastal Commission





WEST BLUFFS
Storm Drain System
FIGURE 3

EXHIBIT NO. 16B
APPLICATION NO. A-5-PDR-00-007 5-99-329
Storm Drain System
California Coastal Commission



RECEIVED



EXHIBIT NO. 17
APPLICATION NO. A-5-PDR-00-007 5-99-329
Fish and Game Letter
 California Coastal Commission

December 8, 1997

FEB 26 1998

PLANNING CONS
ENVIRONMENTAL PLANN

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:

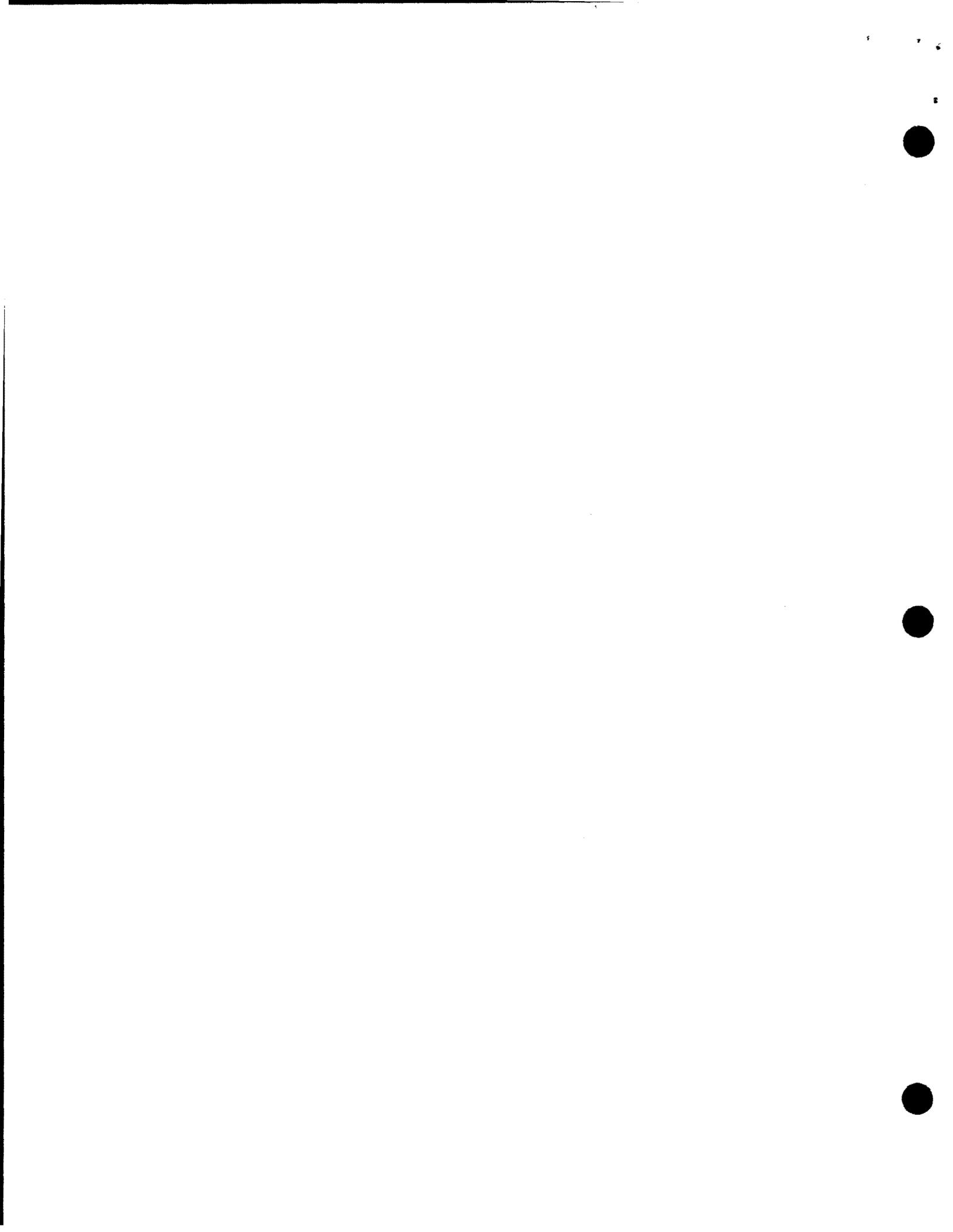
Thank you for having met with me and representatives of Planning Consultants Research and Catellus Residential Group, on Wednesday, October 15, 1997 at the project area referenced above. This letter is to confirm our field determinations from that meeting, and to review our preliminary verbal agreement 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.



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

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



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

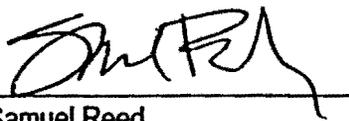
IMPACTS AND MITIGATION MEASURES

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).

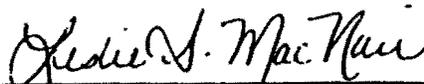
Therefore, the project developer shall be responsible for habitat enhancement to existing Diegan sage scrub habitat and removal of exotic vegetation on the bluff face. The mitigation area shall be comprised of no less than 0.90 acre, which is a mitigation ratio of 5:1. The location of the mitigation 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 Lauener, Catellus Residential Group



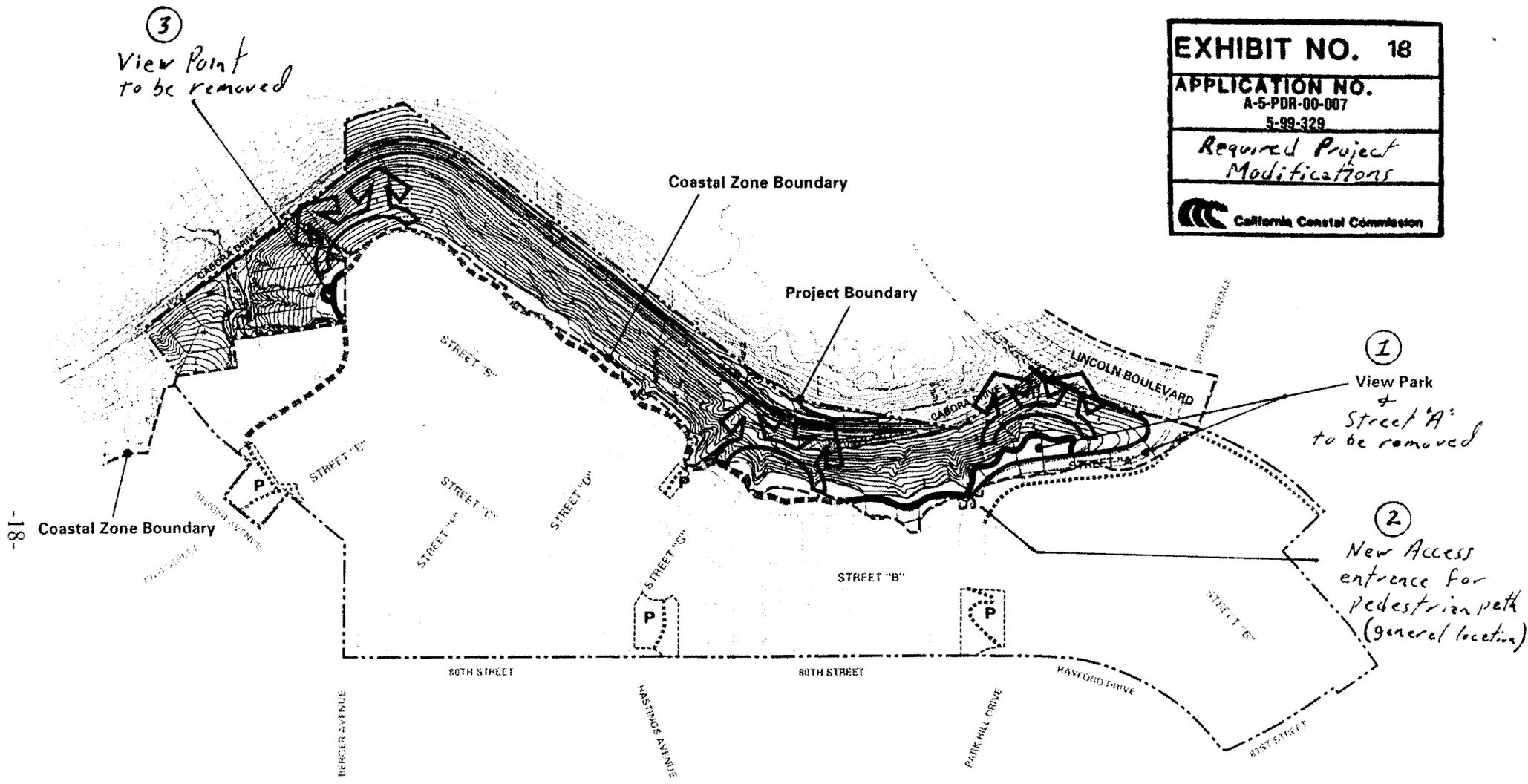
EXHIBIT NO. 18

APPLICATION NO.
A-5-PDR-00-007
5-99-329

*Required Project
Modifications*



California Coastal Commission

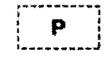


-  Bluff Top Trail Within Coastal Zone
-  Bluff Top Trail Outside Coastal Zone
-  Sidewalk Links to Bluff Top Trail Within Coastal Zone
-  Trail & Sidewalk Links to Bluff Top Trail Outside Coastal Zone

Note: All project streets will include sidewalks on both sides.

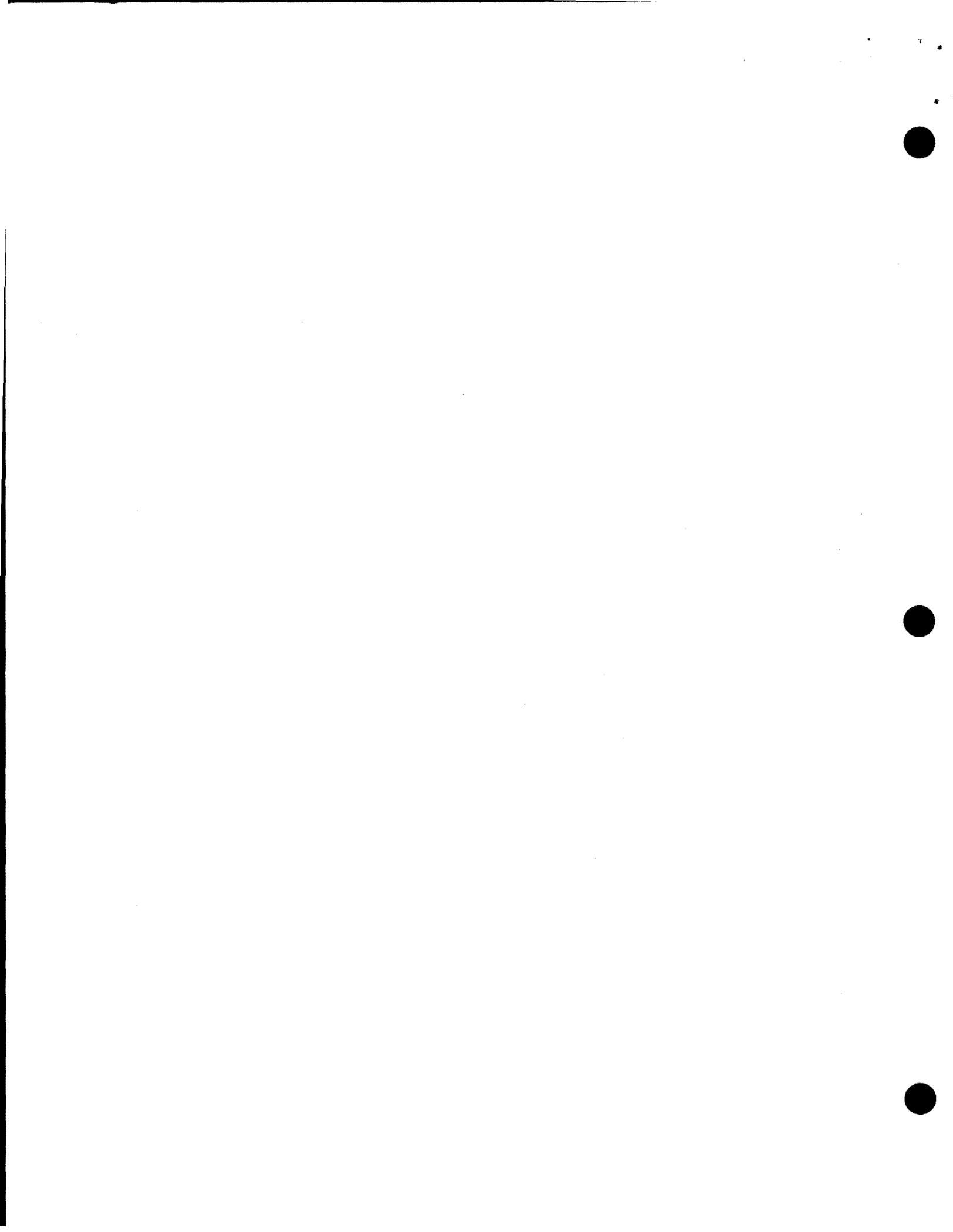


Views of Santa Monica Bay (west), Ballona Wetlands, Marina Del Rey, Santa Monica, West Los Angeles, and Santa Monica Mountains



Park Areas Outside of Coastal Zone

 Not to Scale



CITY OF LOS ANGELES

CALIFORNIA

FRANCES T. BANERJEE
GENERAL MANAGER



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
TRANSPORTATION

221 N. FIGUEROA STREET, SUITE 500
LOS ANGELES, CA 90012
(213) 580-1177
FAX: (213) 580-1188

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MAY 22 2000

CALIFORNIA
COASTAL COMMISS

May 18, 2000

Mr. Al Padilla
California Coastal Commission
200 Ocean Gate, Suite 1000
Long Beach, CA 90802

EXHIBIT NO. 19
Letter
Application Number A.S. PDR.00-077 + 5-99-329
City of Los Angeles Dept. of Transportation California Coastal Commission

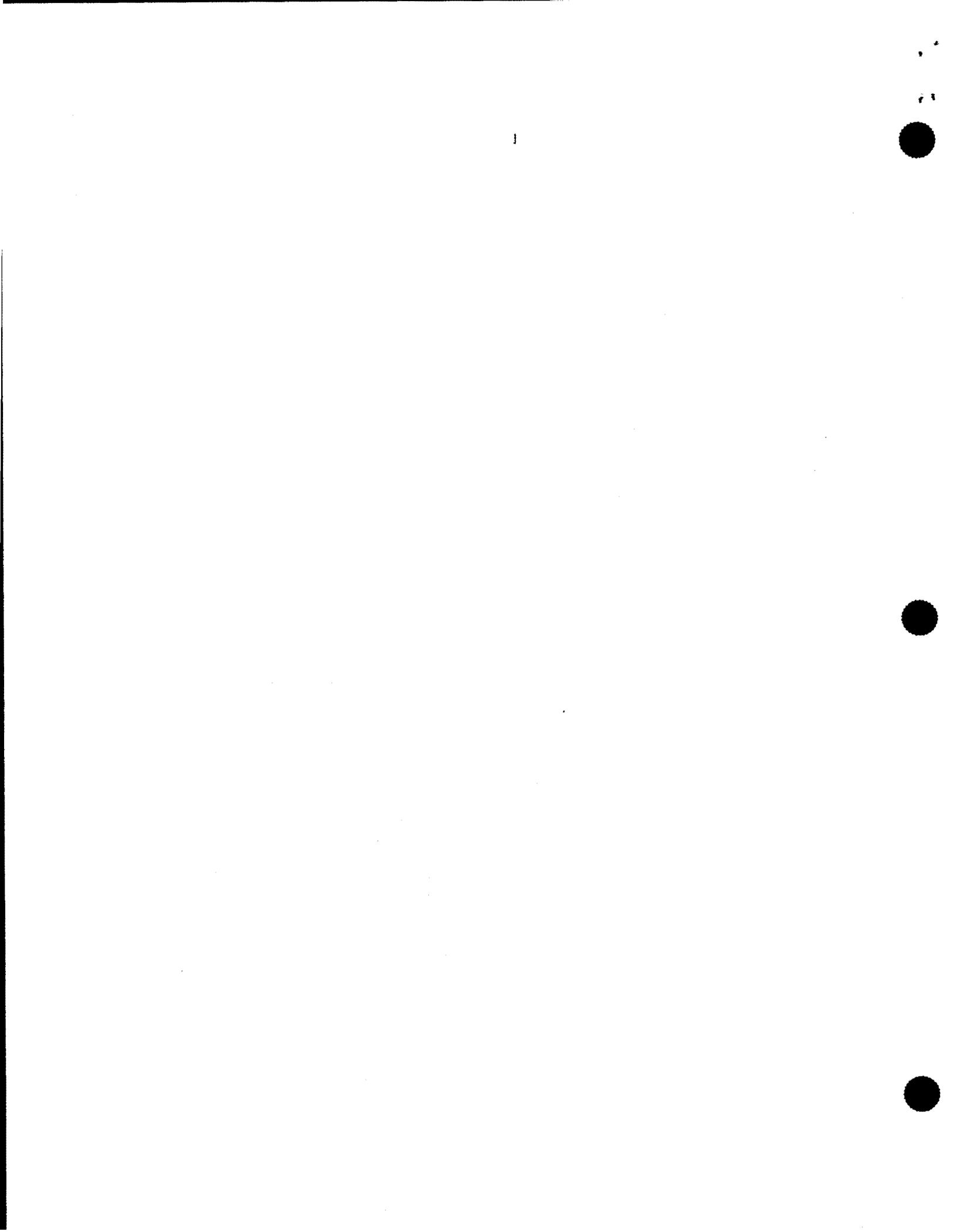
Dear Mr. Padilla:

This letter is to clarify LADOT's position regarding the proposed Street "A" access for the West Bluffs residential project. After review of the analyses performed for the subject project, LADOT has determined that the proposed Street "A" location opposite Hughes Terrace at Lincoln Boulevard is the preferred access for the site. Other access alternatives were examined, including relocation of Street "A" northerly or southerly of its proposed location and the elimination of direct-to-Lincoln Boulevard access altogether. Each of the alternatives was determined to be either physically infeasible, or would result in impacts to both local and coastal access routes.

One important conclusion by the Department is that the relocation of Street "A" to any point along the project's Lincoln Boulevard frontage other than the proposed intersection at Hughes Terrace would produce unacceptable traffic signal spacing, and impact traffic flow along this important Coastal access route. Thus, alternative Street "A" location access scenarios cannot be designed to function adequately.

The elimination of Street "A" or other Lincoln Boulevard access would result in all project-related traffic accessing the site via the existing roadway system south of the project. Analysis of this condition determined that a significant, unmitigatable impact would result at the intersection of Lincoln Boulevard and 83rd Street. Additionally, such an access scenario would add increased traffic to the cross streets along Manchester Avenue, affecting traffic flow along this Coastal access corridor. These impacts were not acceptable to the Department.

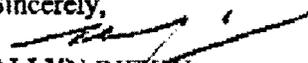
LADOT has determined that the proposed West Bluffs plan of providing access to the "interior" 85 homes of the project via Street "A," intersecting Lincoln Boulevard opposite Hughes Terrace, is the preferred access scenario. The existing roadway system south of the site exhibits sufficient capacity to accommodate the trips resulting from the 29 proposed homes fronting 80th Street without producing a significant impact. However, these existing roadways and surrounding intersections cannot accommodate the addition of traffic from the entire 14-unit development, and significant unmitigatable impacts would result.



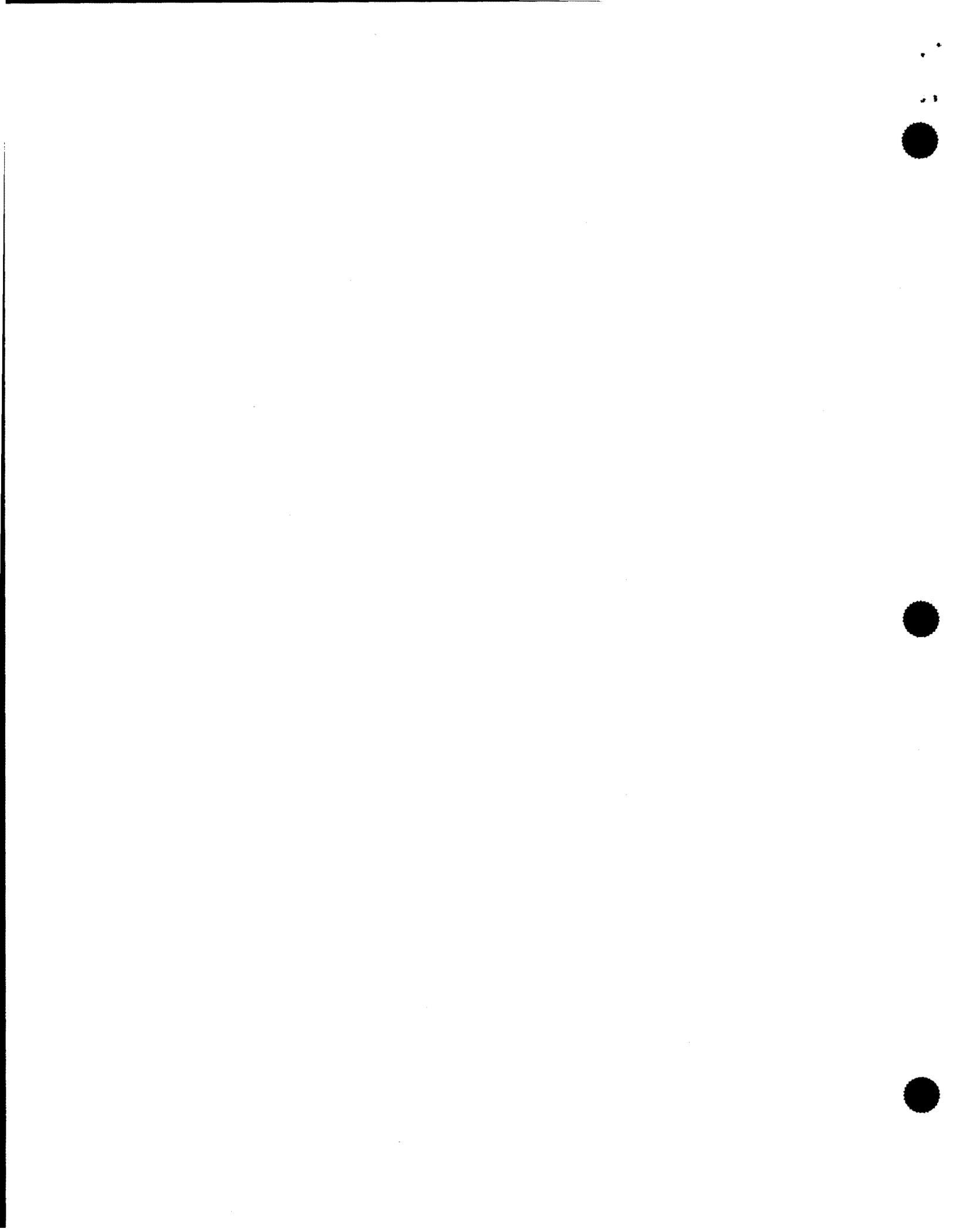
Mr. Al Padilla
May 18, 2000
Page 2

If you have questions regarding our conclusion, please call me (213) 580-1195 or Tim Conger (213) 485-2260 of our staff to discuss these findings.

Sincerely,


ALLYN RIFKIN
Principal Transportation Engineer

SI-A-Access



PROHIBITED INVASIVE ORNAMENTAL PLANTS

SCIENTIFIC NAME

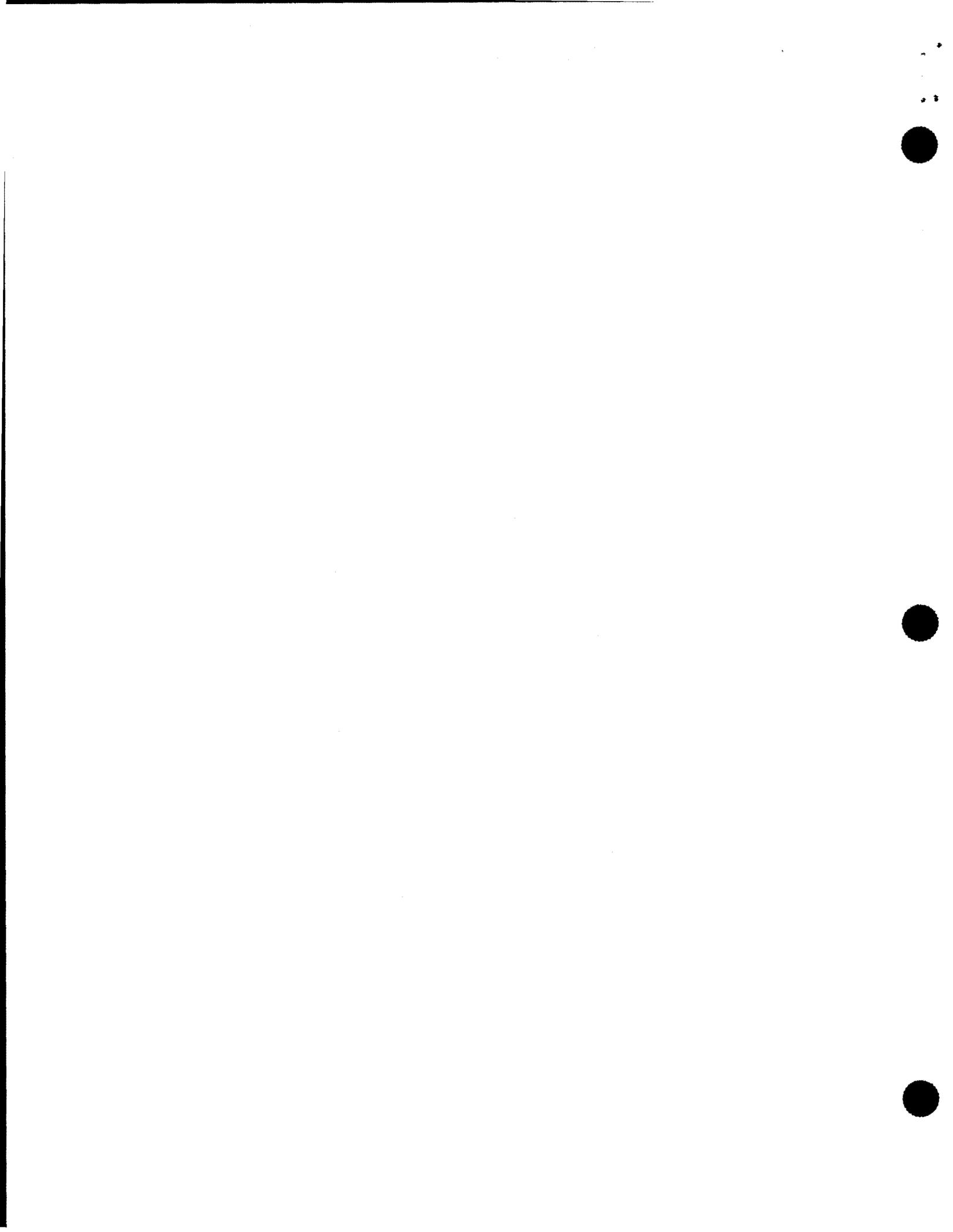
Acacia sp. (all species)
Acacia cyclops
Acacia dealbata
Acacia decurrens
Acacia longifolia
Acacia melanoxylon
Acacia redolens
Achillea millefolium var. *millefolium*
Agave americana
Ailanthus altissima
Aptenia cordifolia
Arctotheca calendula
Arctotis sp. (all species & hybrids)
Arundo donax
Asphodelus fistulosus
Atriplex glauca
Atriplex semibaccata
Carpobrotus chilensis
Carpobrotus edulis
Centranthus ruber
Chenopodium album
Chrysanthemum coronarium
Cistus sp. (all species)
Cortaderia jubata [*C. Atacamensis*]
Cortaderia dioica [*C. sellowana*]
Cotoneaster sp. (all species)
Cynodon dactylon
Cytisus sp. (all species)
Delosperma 'Alba'
Dimorphotheca sp. (all species)

Drosanthemum floribundum
Drosanthemum hispidum
Eucalyptus (all species)
Eupatorium coelestinum [*Ageratina* sp.]
Foeniculum vulgare
Gazania sp. (all species & hybrids)
Genista sp. (all species)
Hedera canariensis
Hedera helix

COMMON NAME

Acacia
 Acacia
 Acacia
 Green Wattle
 Sidney Golden Wattle
 Blackwood Acacia
 a.k.a. *A. Ongerup*
 Common Yarrow
 Century plant
 Tree of Heaven
 Red Apple
 Cape Weed
 African daisy
 Giant Reed or Arundo Grass
 Asphodie
 White Saltbush
 Australian Saltbush
 Ice Plant
 Hottentot Fig
 Red Valerian
 Pigweed, Lamb's Quarters
 Annual chrysanthemum
 Rockrose
 Atacama Pampas Grass
 Selloa Pampas Grass
 Cotoneaster
 Bermuda Grass
 Broom
 White Trailing Ice Plant
 African daisy, Cape marigold,
 Freeway daisy
 Rosea Ice Plant
 Purple Ice Plant
 Eucalyptus
 Mist Flower
 Sweet Fennel
 Gazania
 Broom
 Algerian Ivy
 English Ivy

EXHIBIT NO. 20
APPLICATION NO. <i>A-5-PDR-00-077 2nd</i> <i>5-99-329</i>
<i>Invasive plant List</i>
 California Coastal Commission

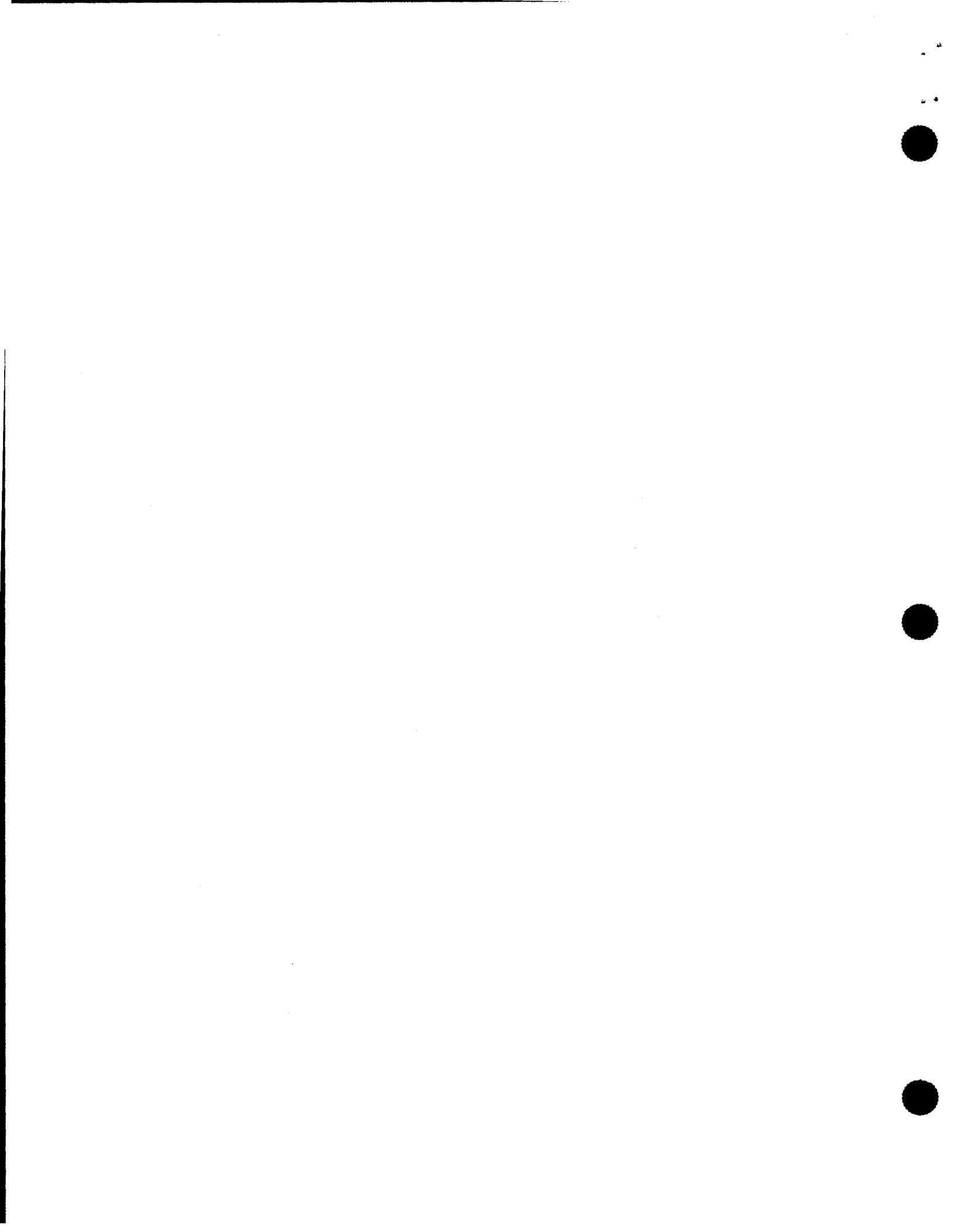


<i>Ipomoea acuminata</i>	Blue dawn flower, Mexican morning glory
<i>Lampranthus spectabilis</i>	Trailing Ice Plant
<i>Lantana camara</i>	Common garden lantana
<i>Limonium perezii</i>	Sea Lavender
<i>Linaria bipartita</i>	Toadflax
<i>Lobularia maritima</i>	Sweet Alyssum
<i>Lonicera japonica</i> 'Halliana'	Hall's Honeysuckle
<i>Lotus corniculatus</i>	Birdsfoot trefoil
<i>Lupinus</i> sp. (all non-native species)	Lupine
<i>Lupinus arboreus</i>	Yellow bush lupine
<i>Lupinus texanus</i>	Texas blue bonnets
<i>Malephora crocea</i>	Ice Plant
<i>Malephora luteola</i>	Ice Plant
<i>Mesembryanthemum crystallinum</i>	Crystal Ice Plant
<i>Mesembryanthemum nodiflorum</i>	Little Ice Plant
<i>Myoporum laetum</i>	Myoporum
<i>Nicotiana glauca</i>	Tree Tobacco
<i>Oenothera berlandieri</i>	Mexican Evening Primrose
<i>Olea europea</i>	Olive tree
<i>Opuntia ficus-indica</i>	Indian fig
<i>Osteospermum</i> sp. (all species)	Trailing African daisy, African daisy, Cape marigold, Freeway daisy
<i>Oxalis pes-caprae</i>	Bermuda Buttercup
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i>	Fountain Grass
<i>Phoenix canariensis</i>	Canary Island date palm
<i>Phoenix dactylifera</i>	Date palm
• <i>Plumbago auriculata</i>	Cape leadwort
<i>Ricinus communis</i>	Castorbean
<i>Rubus procerus</i>	Himalayan blackberry
<i>Schinus molle</i>	California Pepper Tree
<i>Schinus terebinthifolius</i>	Florida Pepper Tree
<i>Senecio mikanioides</i>	German Ivy
<i>Spartium junceum</i>	Spanish Broom
<i>Tamarix chinensis</i>	Tamarisk
<i>Trifolium tragiferum</i>	Strawberry clover
<i>Tropaeolum majus</i>	Nasturtium
<i>Ulex europaeus</i>	Prickley Broom
<i>Vinca major</i>	Periwinkle



L E T T E R S
F R O M T H E
P U B L I C

EXHIBIT NO. 21
APPLICATION NO. A-5-PDR-66-077 + 6-99-329
Letters from Public
 California Coastal Commission



Spirit of the Sage Council

Defending and Conserving Native Plants, Wildlife, Ecosystems and Sacred Lands

April 18, 2000

Sara Wan, Chair & Commissioners
California Coastal Commission
200 Ocean Gate Ave. #1000
Long Beach, CA 90802

Permit No. A-5-PDR-00-077

Dear Ms. Wan & Commissioners:

Spirit of the Sage Council was an appellant in the hearing you held last Thursday on April 13, 2000. We are glad you found substantial issue on our appeal. We are writing this letter to you to request that the hearing for the Coastal Development Permit for the West Bluff of the Ballona Wetlands be held locally in Los Angeles. The reason is that there are almost no major coastal resources left to save in Los Angeles, and as you could see from the last hearing, there is a lot of citizen interest in saving these very last resources.

In addition, this last natural bluff top of Ballona contains what is probably the very last vernal pool left in Los Angeles, as well as a 9,000 year old Shoshone Gabriellino village site. These are extremely precious resources, and deserve a full hearing where local citizens can attend.

We ask that the hearing be held locally in Los Angeles as it was last time so that local citizens can attend. The next hearing in LA is in November. If that is absolutely impossible, then we ask as a compromise that the hearing be held in August in Huntington Beach. That is about a 35 mile trip each way, but it at least is better than the 100 mile trip each way to Santa Barbara where the Commission meets in June.

We hope you will grant our request.

Sincerely,

Leeona Klippstein
Leeona Klippstein, Director

CC: AL PADILLA

1

2



April 6, 2000

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, Ca 90802-4302

RECEIVED
APR 13 2000
CALIFORNIA
COASTAL COMMISSION

Dear Commissioner and Alternates,

I have been notified that the Catellus Residential Group has filled for yet another permit to demolish and desecrate the small amount of Natural Wetlands and its small surrounding area to build tract housing. I find this action absolutely outrageous and against all our rules and laws that we have in place.

Please remember for all the people in this vast metropolitan area, we depend on you and your decision making powers. **Please protect us.** You are in your seat to protect the people. We don't need more wall-to-wall spec houses. We need to preserve some of our open space for a good and healthy life's balance. Please remember this when you hear their well orchestrated presentation.

Not everything is about money and concrete.

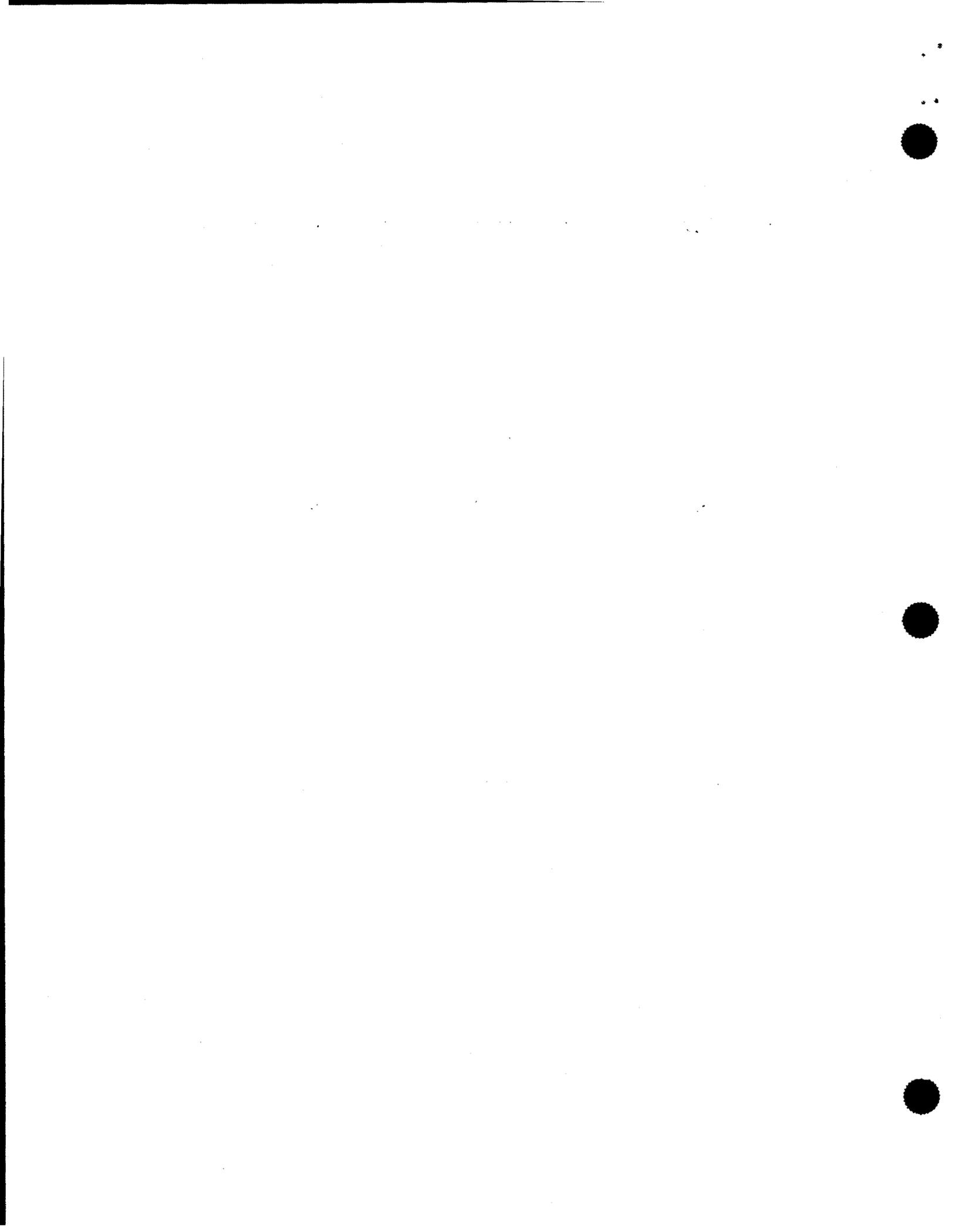
Thank you. And I wish you power and strength to do the right thing.

A-5-PDR-00-077

Joan and Robert McClellan
7911 Berger Avenue
Playa Del Rey, Ca 90293


Joan McClellan


Robert McClellan



April 4, 2000

RECEIVED
APR 05 2000

California Coastal Commission CALIFORNIA
P.O. Box 1450 COASTAL COMMISSION
200 Oceangate, 10th floor
Long Beach, CA 90802

Item # TH 4 b
Permit # A-5-PDR-00-077
Cindy Curphey

Dear California Coastal Commission:

I am writing as a concerned neighbor of the proposed development located at 7501 80th St. I have lived in this community for 15 years and have watched first hand the destruction of the wetlands and natural habitat.

After reading in the newspaper a few weeks ago about the new federal law protecting the wetlands and not disrupting the areas surrounding them, I came to realize how important it is that this development be stopped.

I walk the neighborhood several times a day with my dogs and drive in and out of the neighborhood even more times. In the last few months I have seen more herons on the property next to our home and on the property that Catellus Group wants to develop, then ever before. The property, which is in question, is right above the wetlands. When they begin the landfill and building of roads into the wetlands these 4-foot birds will have no place to go. These birds being so close to our homes already shows us the negative impact Playa Vista has on the wetlands by forcing these birds up to the bluff and onto rooftops looking for food. If you give Catellus Group approval for massive destruction of the West Bluffs their roads will force the wetlands into extinction.

Our only hope has been the California Coastal Commission because they seem to be the only planning commission in Los Angeles that can not be bought off and can see through the smoke screen Catellus has been blowing in our face.

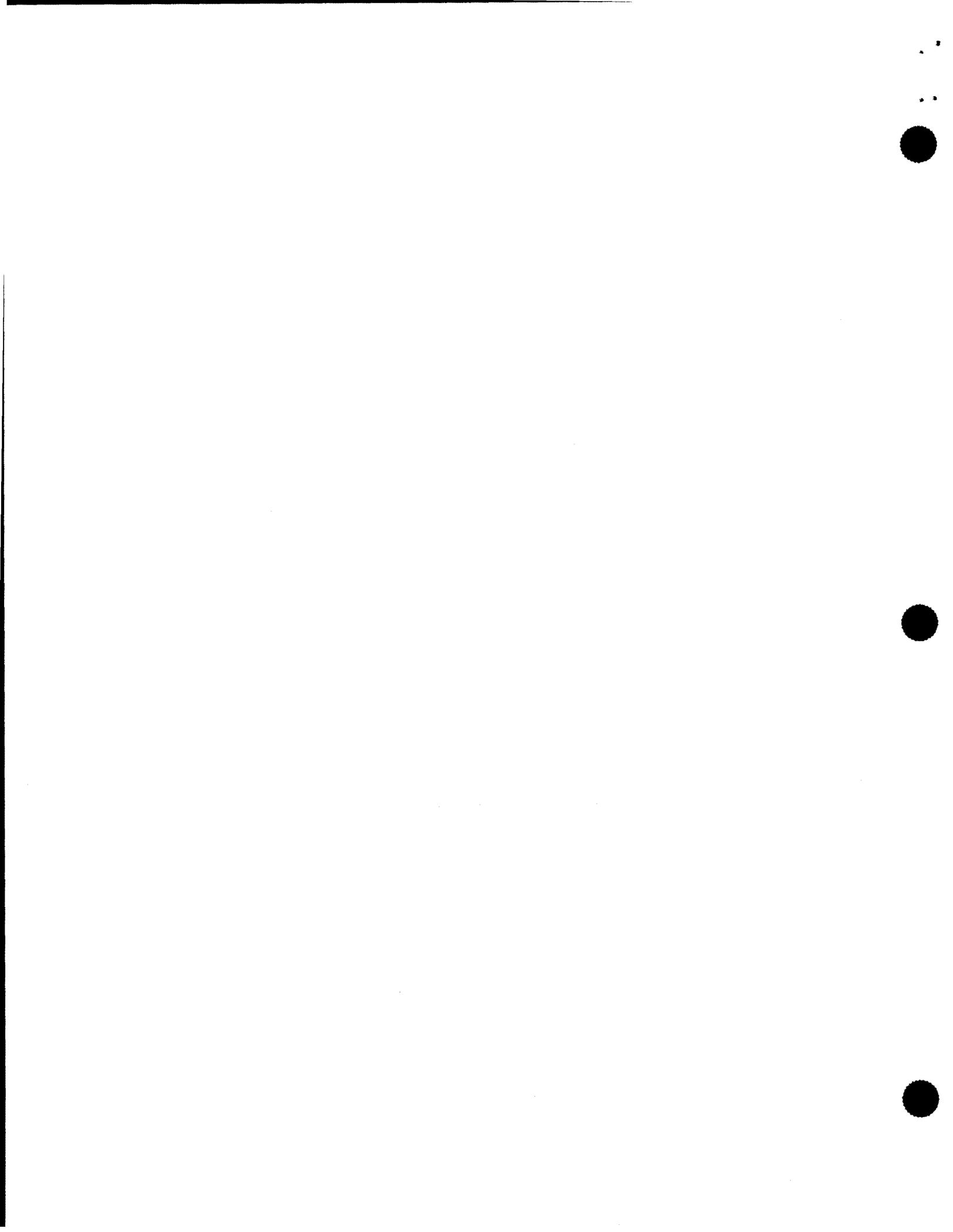
It is really sad to see a 4-foot heron on an empty lot between 2 homes looking for food.

Please take all this into consideration when you look at the destruction Catellus Group has planned for the West Bluffs.

Thank you for your time and consideration in this matter.

Sincerely,

Cindy Curphey
Cindy Curphey
7851 W. 80th St
Playa Del Rey, CA 90293



April 4, 2000

RECEIVED
APR 05 2000

California Coastal Commission
P.O. Box 1450
200 Oceangate, 10th floor
LongBeach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Item # TH 4 b
Permit # A-5-PDR-00-077
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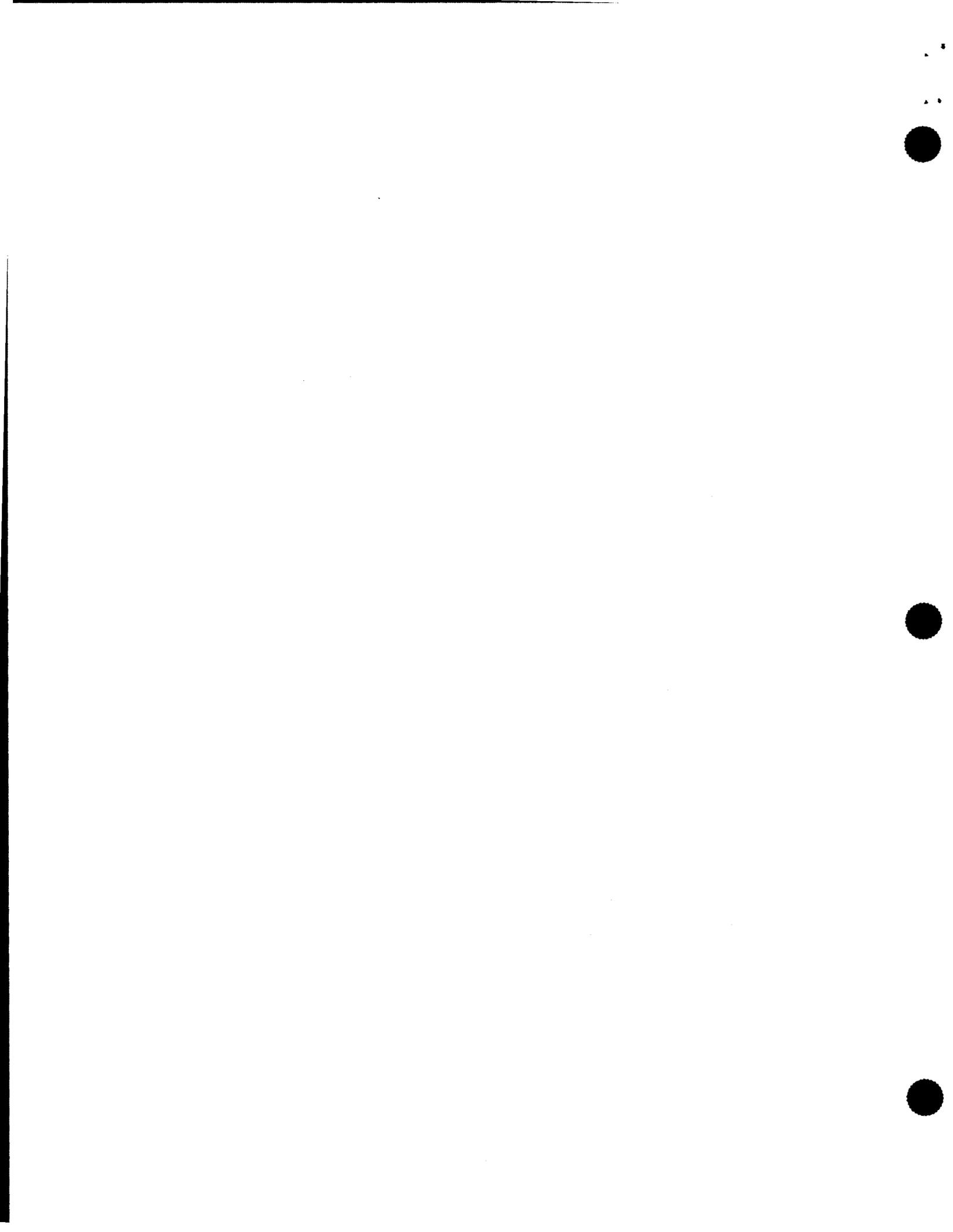
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Sincerely,

Cindy Curphey
Cindy Curphey
7851 W. 80th St
Playa Del Rey, CA 90293



**santa monica mountains
task force/sierra club
angeles chapter**



May 23, 2000

Box 344 • Woodland Hills, California 91365-0344

Sara Wan, Chair, California Coastal Commission
C/O Long Beach Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Ballona West Bluff

Dear Ms. Wan:

The Santa Monica Mountains Task Force of the Sierra Club strongly opposes the plan by Catellus Development Corporation to build a road up the bluff off of Lincoln near Howard Hughes Terrace.

This ill-conceived road and the plan to allow parking along the road up the bluff will seriously impact and damage very rare coastal sage habitat. The present wildlife corridors will be broken up. Linking wildlife corridors are vital for the health and preservation of wildlife.

The planned road will destroy the scenic value of this area, the last beautiful view of the wetlands west of Lincoln.

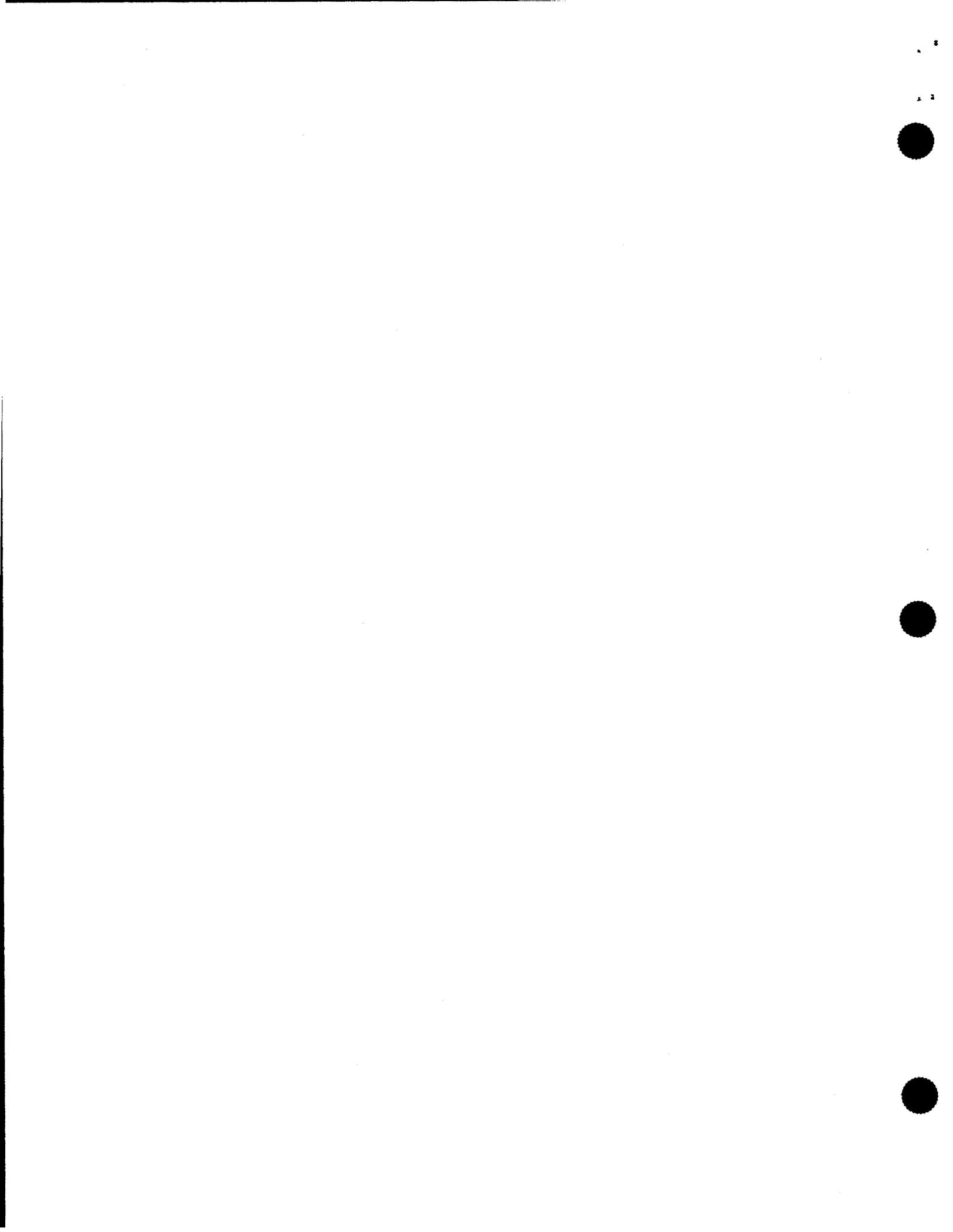
This site is also an important buffer zone for many of the wetland birds. Building the road will endanger the wetland birds.

Please vote against this plan to build a road.

Thank you.

Mary Ann Webster, Chair, SMMTF

(310) 559-3126



CRAIG A. SHERMAN
ATTORNEY AT LAW

1901 FIRST AVENUE, SUITE 335
SAN DIEGO, CA 92101-2322

RECEIVED
FEB 29 2000

CALIFORNIA FACSIMILE
COASTAL COMMISSION 702-9291

TELEPHONE
(619) 702-7892

July 20, 1999

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

Re: *A-5-PDR-99-130, Commission Appeal from the
City of Los Angeles grant of Coastal Development Permit No. CDP-93-013*

Dear Ms. Lee:

These comments are provided on behalf of my client Spirit of the Sage Council ("Sage Council") and other interested community groups and persons residing and intimately concerned with environmental and conservation issues of the Playa Vista, Westchester and Ballona areas.

The below comments are provided in support of the appeals by the Sage Council, the Coastal Commission, A Coalition of Concerned Communities, and Rao Boppana in opposition to the grant of a coastal development permit and request for a Coastal Zone boundary adjustment by the City of Los Angeles (Coastal Development Permit No. CDP-93-013) on behalf of developer and applicant, Catellus Residential Group for the project known as the West Bluffs residential subdivision development (Tentative Tract Map 51122) located at 7501 West 80th Street (collectively hereinafter referred to as "Project").

These comments seek to clarify and reconfirm the obvious significant environmental impacts to the Coastal Zone at the Project site which are unmitigated and do not adequately protect the coastal resources as required by Chapter 3 of the Californian Coastal Act and applicable general and specific plans of the City.

Incorporated into these comments are the Sage Council's previous opposition submitted to the Los Angeles City Council (City) on February 23, 1999 which is affixed hereto as Attachment A. The bottom line is that the Sage Council objects to this Project because the coastal zone impacts for this Project are just too great and the City's findings that other alternatives and mitigations are unavailable or infeasible are just not true. What is true is that the applicant, as authorized by the City, is just refusing to scale back its Project away from the bluff faces and is insisting that it be allowed to destroy and fully grade and fill a historic coastal canyon as part of its large scale private development.

Hastings Canyon not erosional feature -
beautiful canyon w/ homes for breeding
owls, other animals
source of water for wetlands & ecological
support area at bottom.

The Project Site is an Integral Biological Adjunct to the Coastal Wetlands Located Below and an Integral Part of the Scenic, Biological and Sensitive Resources of the Coastal Zone

Although the Project's environmental impact report does everything possible to minimize and eliminate *any possible* biological value of the coastal bluffs, it is clearly indicated that the coastal bluffs support many coastal zone and coastal wetlands related species. Local scientists and environmental groups have documented the value of Project site. (See Attachments B & C indicating biological resources and defects with the developer's environmental findings relative to this appeal.)

~~NOTED~~ In fact, in 1988 the City of Los Angeles recognized the relation and value of the coastal bluff faces and bluff tops of the Project are (referred to as the "Marina Bluffs") were an environmentally sensitive adjunct to the below existing Ballona Wetlands ecosystem. (Attachment D) The purpose of the 1988 request was to ensure that the permit and planning processes considered the impacts to the immediate and below coastal resources by including the entirety of the Marina Bluffs in the Coastal Zone. This is exactly the protection required to be afforded to this Project as indicated in a similar rejection of the project by the City itself recognizing the sensitive coastal zone qualities of the Ballona bluffs. (Attachment E)

While the exact boundary of the existing Coastal Zone appears to be in dispute, the protection afforded by the Coastal Act are not! (See Attachment F, copy of Stephen J. Kane's August 28, 1998 letter to Allys Hitt of Coastal Commission)¹

Significant Grading Within the Coastal Zone and the Proposal to Amend the Coastal Zone Boundary will result in a Significant Loss of Coastal Bluff Features

The proposal to amend the Coastal Zone Boundary (made under the premise of increasing the area within the Coastal Zone) will come at the expense of grading *at least* 3.26 acres within the existing Coastal Zone and by filling a natural coastal canyon with 265,000 cubic yards of earth requiring 300 trips per day for a period of four months (120 days).

^{1/} The history of and exact location of the Coastal Zone boundary is currently a subject of dispute. The Sage Council is currently investigating the history and will provide a submittal on its findings at a later time. Notwithstanding, approximately 25% of this Project indisputably lies within the existing Coastal Zone. Although, the impacts to the coastal zone by the loss of a bluff top and canyon far exceed the 25% which considers only impacts up to and including the bluff edge.

Further in derogation of the purposes of the Coastal Act, the additional Coastal Zone acreage created will be predominantly located immediately behind the backyard fences of the Project homeowners, subject to brush clearing, fire management and the whims of the Homeowners Association which will have full control and responsibility (without restriction) of all open spaces on the Project site. See, TTM 51122 Engineering Condition No. 13.

Most importantly, the applicant does little to avoid significant grading of 27% of the entire Project site which lies within the current Coastal Zone (direct impact to 3.26 acres not accounting for edge effects).

The Project's applicant provides a self-fulfilling prophecy that its actions are *benefiting* the rare coastal bluff features of the Coastal Zone. The applicant claims that construction of four retaining walls in the Coastal Zone:

“are proposed only to stabilize existing erosional features in lieu of filling these features down the bluff face.” (emphasis added)

Applicant letter to Planning Commission. p. 5 (D. Neal - 1/12/99)

However, the truth and reality is that such grading and filling is only necessary in response to developing the site in its current configuration with a maximum number of homes and to provide direct access to the Project from Lincoln Boulevard and proposed Street “A”. As discussed further below, a finding by the City that the Project, in its current form results in some *benefit* by grading Coastal Zone bluff faces (“eliminating erosional features”) is a determination which is not only a farce in contravention of the purposes of the Coastal Act, but is also not supported by the evidence.

The Coastal Commission should not assent, and legally cannot approve the developers plan to fill a historic coastal bluff canyon (Hastings Canyon) under the ridiculous and nonsensical proposition that it is providing a *benefit* by “eliminating an erosional feature.”

The Findings for Coastal Development Permit 93-013 are Conclusory, Incorrect, Misapply the Law, and are Not Supported by the Evidence

The December 9, 1998 findings for the grant of Coastal Development Permit No. 93-013 adopted by the Advisory Agency, as confirmed and ratified through the administrative processes of the City of Los Angeles (“CDP Findings”), fail to meet their essential purpose with respect to the limitations imposed by the Supreme Court relative to the adequacy and sufficiency of findings. Specifically, CDP Finding Nos. 1, 3, and 6, as found on pages 2-4 of

the December 9, 1998 Advisory Agency decision, as detailed below, are not supported by the substantial evidence, are conclusory, misapply the Coastal Act and other applicable guidelines and local ordinances related thereto, and fail to bridge the analytical gap between the findings and factual bases supporting such findings.

CDP Finding No. 1 is an improper application and interpretation of law which circumvents, ignores, and misapplies essential purposes of the California Coastal Act of 1976 which results in a finding which cannot be supported by the evidence due to its flawed application of law.

Chapter 3 of the Coastal Act is not merely a chapter concerned with "access," which is narrowly interpreted and analyzed in CDP Finding No. 1 only in the context of "parking."² While "access" may be one "objective" of Chapter 3 of the Coastal Act, it is not *the primary* objective of the Coastal Act as it applies to this Project.

In misapplying and narrowly construing the Coastal Act, the CDP Findings are devoid in analysis on important "primary" Coastal Act purposes including the filling of wetlands (§ 30233), protecting environmentally sensitive habitat areas (§ 30240(b)), maintaining coastal features and preserving views and aesthetics. (§ 30251) As succinctly stated in the Coastal Act, additionally relevant "primary" purposes of Chapter 3 of the Coastal Act which were wantonly ignored in CDP Finding No. 1 are:

The diking, filing, 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. Coastal Act, Chapter 3, § 30233. (emphasis added)

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Coastal Act, Chapter 3, § 30240(b). (emphasis added)

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 the surrounding area, and where feasible, to restore and enhance visual quality in visually degraded areas. Coastal Act, Chapter 3, § 30251. (emphasis added)

²/ Only six numbered sections of Chapter 3 which deal with "access" are found in Article Two of Chapter 3 of the Coastal Act. Cal. Public Res. Code §§ 30210-30214. Yet, other Articles in Chapter 3 which are arguably more relevant to this Project than "access," deal specifically with Land Resources (Article 5) and Development (Article 6). Public Res. Code §§30240 et seq. and §§ 30250 et seq.

As established throughout this and previously submitted comments, the grading of 3.26 acres of coastal bluffs (approximately 25% of the entire area within the Coastal Zone) for this Project is not an action which is in conformance with the more relevant and "primary" sections of Chapter 3 of the Coastal Act cited above. The determination of CDP Finding No. 1 is legally deficient in its application of the law and fails to make legally sufficient findings with respect to conformity with Chapter 3 of the Coastal Act.

The CDP Finding No. 3, which asserts that "all guidelines [January 1, 1982 Interpretive Guidelines of the Coastal Commission] have been met," is not supported by the substantial evidence. The CDP Finding No. 3 not only fails to bridge *any* analytical gap in connecting the ~~fact to this~~ fact to this conclusory finding, but also is so vague as to make the entire finding meaningless. Specifically, CDP Finding No. 3 amounts to vague "double-speak" such that no reasonable person can ascertain its meaning. CDP Finding No. 3, in relevant part provides:

"All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them."

First, the statement that "all guidelines have been met by the project prima facie" provides the reader *no other* understanding other than every single guideline has been met. This finding is hereby challenged. The term "appropriate" suggests discretion which the City decision-making agency *may have* or *may not have* required as conditions of certain aspects of the Project to conform to the guidelines.

If the Project does not conform to every single guideline, this finding fails as being false and cannot be substantiated. Furthermore, this finding fails completely in "bridging the gap" between the conclusory remark of CDP Finding No. 3 and the facts of the Project as applied to the guidelines.

CDP Finding No. 6 misinterprets and misapplies the law which provides police powers of the decision-making agency which reasonably and feasibly *could be* employed to reduce the impacts of the Project in the Coastal Zone. The powers of the City to protect the "health, safety and welfare" is a fundamental authority for the planning and regulation of development and includes broad powers to protect "public welfare" which encompass concepts of the spiritual as well as physical and aesthetic as well as monetary. Additionally, it is within the authority of the City's police power to determine that the community should be "beautiful as well as healthy," "spacious as well as clean," and "well-balanced as well as carefully planned." Berman v. Parker, (1954) 348 U.S.26.

The Coastal Act requires avoidance of wetlands and that the least damaging environmentally superior alternative be selected in order to avoid wetlands. Public Res. Code § 30233. It is not proper to impact wetlands under the guise of a CEQA Statement of Overriding Considerations as found in pages 5 through 8 of the December 9, 1998 findings for the grant of Coastal Development Permit No. 93-013 adopted by the Advisory Agency.

CDP Finding No. 6 provides:

There are no feasible alternatives or feasible mitigation measures . . . available for imposition by this authority under the power granted to it . . . that would substantially lessen any significant adverse impact that the development . . . may have on the environment.

With reference to previously provided comments and other comments made herein which are herein incorporated by reference, the City's finding of "infeasibility" of mitigation measures and other Project alternatives is not supported by the evidence in the record. Furthermore, the finding of "infeasibility" in CDP Finding No. 6, made in the context of the Coastal Act findings, serves to violate and frustrate many of the provisions of the Coastal Act.

Findings of "Infeasibility" of Alternatives and Mitigation Measures is Not Supported by the Evidence

No environmentally superior alternative is being selected to avoid impacts to the most sensitive environmental resources of the entire Project site - the coastal bluffs. For this reason, the Coastal Commission should overturn the City's approval of LCP 93-013 and should not accept the findings as reviewed and analyzed in the certified EIR. Supplemental review and mitigation is necessary.

The decision of the City violates the essential purpose of CEQA and the Coastal Act by not meeting the requirement to select a less impacting alternative, and failing to impose all possible mitigation measures which will mitigate all significant impacts to the greatest extent possible. Furthermore, the concept and requirement of "avoidance" with respect to wetlands and significant coastal land forms cannot be understated and ignored to the extent being done for this Project.

Based upon the physical constraints of the Project site and the expected environmental impacts known before the preparation of the SFEIR, certain environmental protections could have

reasonably been incorporated into the finally approved Project:

- avoidance of wetlands and riparian habitat as required by the trustee resource agencies and their mandates. (USFWS, CDFG and ACOE) See, for example, SFEIR, p.III-17.
- grading cuts and fills of Hastings Canyon and natural bluffs could have been avoided. Scenic Highways Plan, Bluffs Specific Plan and California Coastal Act. See, for example, SDEIR, pp. 189-190.
- selecting an alternative Project subdivision footprint/layout would preserve and protect unique scenic and environmental values of the coastal bluffs, could eliminate the extensive grading of the bluffs and the bluff top edges in the Coastal Zone being done for the contrived purpose of protecting the public and below wetlands from "slope instability."

Ostensible Project "Purpose" and "Infeasibility" of Avoidance are Not Supported by the Record Evidence

It is neither accurate, reasonable, or factually supported by the record evidence to state or make a finding that a primary goal of this Project is the "slope stabilization" and the elimination of dangerous or undesirable "erosion features." Rather, the purpose of this project is the private - for profit - subdivision of land and development of luxury residential homes by Catellus Corporation.

The City of Los Angeles has not, previous to the conjured concept in this development Project, characterized or recognized Hastings Canyon as a nuisance. This natural coastal bluff canyon feature has been identified on topography maps, years before man's intrusion into the region. The Project proposes to fill this natural coastal canyon with 250,000's cubic yards of dirt fill to build ocean view homes - in contravention of the requirement to preserve of natural coastal features.

The ostensible purpose to divert a stormwater drain and "stabilize existing erosional features" does not amount to substantial evidence to support the filling of a coastal canyon for the purpose of building luxury homes. The California Coastal Act, CEQA and other local laws prohibit such adverse impacts without proper avoidance or adequate mitigation.

The selection of a reasonable alternative which minimizes and avoids significant bluff and wetland impacts is a substantive and mandatory requirement of CEQA, not merely a

procedural one. Kings County Farm Bureau v. City of Hanford, (1990) 222 Cal.App.3d 692, 711, 730-731; Public Resources Code §§ 21002, 21081; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), and 15091(a).

Project Impacts of Wetlands and Coastal Zone Resources

The Sage Council agrees with the state trustee agency for plants and wildlife, the Department of Fish and Game (DFG), which provided prior comment opposing the elimination of water courses and/or their channelization or conversion to subsurface drains. The Sage Council and DFG maintain that all wetlands and water courses are to be retained and provided with ~~substantial setbacks~~ which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations.

The Project applicant admits that Hastings Canyon, its largest tributary channel and three additional on-site drainages, are considered "streambeds" by the Cal. Department of Fish and Game in accordance with Section 1601 of Fish and Game Code. Applicant Letter to U.S. Army Corps of Engineers, p. 3 (PCR - 4/23/98).

While much of the coastal bluff features of Hastings Canyon have been piece-meal labeled as - *partially* being restricted by local plans and districts, *partially* being in the Coastal Zone boundary, *partially* being designated a "water of the U.S." for purposes of the federal Clean Water Act, and *partially* being "streambed" under the California Fish and Game Code - the fact of the matter is that it is a highly regulated and unique feature of the coastal bluffs within the City of Los Angeles.

As a result, collectively, even when figured in the light most favorable to the developer that it deserves a Constitutional "fair use" of its land, Hastings Canyon remains a natural feature of the Ballona wetlands and Coastal Zone which the Project plans to fill with approximately 250,000's cubic yards of dirt fill.

SFEIR Fails To Provide Adequate Mitigation For Significant Impacts to Rare, Threatened and Endangered Species. On and Off-site Mitigation Possibilities Exist

CEQA requires that all feasible mitigation measures must be required as a condition of approval of this Project, notwithstanding the adoption of the Statement of Overriding Considerations. Public Res. Code § 21102.1(a); CEQA Guideline § 15093. However, notwithstanding the mandatory finding of significance that the proposed project will "reduce

the number or restrict the range of a rare or endangered plant or animal," the Project provides no mitigation for the loss of foraging habitat for birds of prey which are known to utilize the site.

The finding of "infeasibility" without offering mitigation for lost habitat - especially in light of Section 30240(b) of the Coastal Act as a Project site directly adjacent to an important environmentally sensitive wetland habitat - is not supported by the evidence. The grassland and ruderal vegetation throughout the bluff top provides foraging habitat for many federal and state Species of Special Concern including the listed bird species (California Horned Lark, Loggerhead Shrike, Black-Shouldered Kite, Cooper's Hawk, and Northern Harrier) which all use ruderal grasslands as foraging areas. (See Attachments B & C) Several of these species will be displaced from the project site by the proposed construction. No mitigation grasslands are offered for this loss of this regionally diminished habitat. The only mitigation of biological resources being offered for this Project is "habitat enhancement to existing Diegan Scrub habitat and removal of exotic vegetation on the bluff face." TTM 51122, Plant and Animal Life Condition No. 1.

Feasible mitigation measures reasonably should and could include adoption of a reduced density alternative, requirement of clustering homes away from the bluff faces, and a requirement of off-site mitigation. The City's police powers allows for the imposition of these conditions for Project approval, but the City has failed to require them in contravention of the purposes and requirements of CEQA and the Coastal Act.

Final Remarks

In light of the above, the Coastal Commission should uphold the appeals made by the Sage Council, the Coastal Commission and others, by and reject the approval of the Project, thereby rejecting the City's grant of CDP 93-013, and rejecting the Coastal Zone boundary adjustment because there are reasonable and feasible alternatives which can substantially lessen the effects on the environment and the Coastal Zone.

Thank you for your consideration of these concerns. Should you have any questions concerning any of the points raised herein, please do not hesitate to contact this office. Please notify this office of any administrative hearings or approvals related to this Project.

Sincerely,



Craig A. Sherman

Page Ten - July 20, 1999
Ms. Deborah Lee, California Coastal Commission
Commission Appeal A-5-PDR-99-130

cc: Mr. Rusty Areias, Chair, California Coastal Commission
Mr. Peter Douglas, Executive Director, Californian Coastal Commission
Mr. Al Padilla, Coastal Program Analyst, California Coastal Commission

Attachments:

- A. Sage Council's previous opposition to CDP 93-13 and CEQA deficiencies, authored by Craig A. Sherman on February 23, 1999
- B. Friends of Ballona Wetlands opposition to CDP 93-13 and CEQA deficiencies, authored by Howard Towner, Ph.D on October 16, 1998.
- C. Howard Towner, Ph.D.'s previous opposition to CDP 93-13 and CEQA deficiencies, dated July 5, 1998.
- D. August 4, 1988, Los Angeles City Council Decision request and decision to protect of subject Coastal Zone area
- E. March 3, 1988 decision of the Los Angeles City Council rejecting a similar project in a similar location for the same reasons as expressed herein, as required by the Coastal Act, and as set forth in the general and specific plans of the City.
- F. Stephen J. Kane's previous submission to Cal. Coastal Commission (Allyson Hitt) dated August 28, 1998.

CRAIG A. SHERMAN

ATTORNEY AT LAW

1901 FIRST AVENUE, SUITE 335
SAN DIEGO, CA 92101-2322

TELEPHONE
(619) 702-7892

FACSIMILE
(619) 702-9291

February 23, 1999

Mayor Richard Riordin and
~~Members of the City Council~~
City of Los Angeles
200 North Main Street, 6th Floor
Los Angeles, CA 90012

Re: *City Council Meeting, February 24, 1999*
Comments on Discretionary Decisions Relating to Appeal of the
West Bluffs Project - State Clearinghouse No. 97111005
Coastal Development Permit No. CDP-93-013

Dear Mayor Riordin and Members of the City Council:

These comments are provided on behalf of the public interest group Spirit of the Sage Council ("Sage Council") and other interested community groups and persons in the Playa Vista, Westchester and Ballona areas.

The below comments are provided in response to the certification of the Final Supplemental Environmental Impact Report ("SFEIR"), the approval of Coastal Development Permit No. 93-013, approval of Tentative Tract Map No. 51122 ("TTM 51122"), and other discretionary decisions related to development approvals for the West Bluffs Project located at 7501 West 80th Street (collectively hereinafter referred to as "Project").

These comments seek to clarify and reconfirm objections to this Project based upon previous issues and concerns raised before the Advisory Agency, Planning Commission and the Planning and Land Use Management Committee regarding this Project, including the corresponding appeals made by the Sage Council and the other appellants challenging this Project approval, which are hereby incorporated by reference.

Significant Grading Within the Coastal Zone and the Proposal to Amend the Coastal Zone Boundary will result in a Significant Loss of Coastal Bluff Features

The proposal to amend the Coastal Zone Boundary (made under the premise of increasing the area within the Coastal Zone) will come at the expense of grading *at least* 3.26 acres within the existing Coastal Zone and by filling a natural coastal canyon with 100,000's of cubic feet

of dirt fill.¹ Further in derogation of the purposes of the Coastal Act, the additional Coastal Zone acreage created will be predominantly located immediately behind the backyard fences of the Project homeowners, subject to brush clearing, fire management and the whims of the Homeowners Association will have full control and responsibility (without restriction) of all open spaces on the Project site. See, TTM 51122 Engineering Condition No. 13.

While the Project applicant seeks to gain favor from the City by claiming its extraordinary effort to protect coastal bluffs by not grading the entire coastal feature;

“a majority of the bluff face [is] to be left ungraded” and that “a dramatic shift from the ‘conventional’ grading normally required to a project of this kind; namely, to grade out the entire bluff face and put it back at a 2:1 slope, all as one engineered slope.”

Applicant letter to Planning Commission. p. 3 (D. Neal - 1/12/99)

the applicant does little to avoid significant grading of 27% of the entire Project site which lies within the current Coastal Zone (direct impact to 3.26 acres not accounting for edge effects).

Continuing the Project applicant's self-fulfilling prophecy that its actions are *benefiting* the rare coastal bluff features of the Coastal Zone, the applicant further claims that construction of four retaining walls in the Coastal Zone;

“are proposed only to stabilize existing erosional features in lieu of filling these features down the bluff face.” (emphasis added)

Applicant letter to Planning Commission. p. 5 (D. Neal - 1/12/99)

However, the truth and reality is that such grading is only necessary in response to developing the site in its current configuration with a maximum number of homes and direct access by Lincoln Boulevard and proposed Street “A”. As discussed further below, a finding by the City that the Project, in its current form results in some *benefit* by grading Coastal Zone bluff faces (“eliminating erosional features”) is a determination which is not only a farce in contravention of the purposes of the Coastal Act, but is also not supported by the evidence.

¹ / One condition of approval for the Project, Grading Condition No. 19 as found in the Dec. 9, 1998 decision of the Advisory Agency for Tentative Tract Map 51122, provides for an open-ended grading authorization to “further stabilize” the natural coastal bluffs. Condition No. 19 reads “Existing erosional features along the bluff would be removed and replaced with a manufactured slope. This manufactured slope would be constructed at the natural gradient and would be reinforced with the aid of geofabrics.”

Adopted Findings for Coastal Development Permit 93-013 are Not Supported by the Substantial Evidence, are Conclusory, Misapply the Law, and Fail to Bridge the Analytical Gap

A requirement in the adoption of findings is to bridge the analytical gap between the raw data and the ultimate decision. Topanga Ass'n for a Scenic Community v. County of Los Angeles, (1074) 11 Cal.3d 506, 514-517. Such findings serve specific purposes to (1) provide a framework for principled decisions, enhancing the integrity of the administrative process, (2) facilitate orderly analysis and reduce the likelihood that an agency will randomly leap from evidence to conclusion, (3) serve a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable, (4) enable the parties to determine whether and on what basis they should seek judicial review and remedies, and (5) apprise the reviewing court of the basis for the agency's decision.

The December 9, 1998 findings for the grant of Coastal Development Permit No. 93-013 adopted by the Advisory Agency, as confirmed and ratified through the administrative processes of the City of Los Angeles ("CDP Findings"), fail to meet their essential purpose with respect to the limitations imposed by the Supreme Court relative to the adequacy and sufficiency of findings. Specifically, CDP Finding Nos. 1, 3, and 6, as found on pages 2-4 of the December 9, 1998 Advisory Agency decision, as detailed below, are not supported by the substantial evidence, are conclusory, misapply the Coastal Act and other applicable guidelines and local ordinances related thereto, and fail to bridge the analytical gap between the findings and factual bases supporting such findings.

CDP Finding No. 1 is an improper application and interpretation of law which circumvents, ignores, and misapplies essential purposes of the California Coastal Act of 1976 which results in a finding which is cannot be supported by the evidence due to its flawed application of law. Chapter 3 of the Coastal Act is not merely a chapter concerned with "access," which is narrowly interpreted and analyzed in CDP Finding No. 1 only in the context of "parking."² While "access" may be one "objective" of Chapter 3 of the Coastal Act, it is not *the primary* objective of the Coastal Act as it applies to this Project. In misapplying and narrowly construing the Coastal Act, the CDP Findings are devoid in analysis on important "primary" Coastal Act purposes including the filling of wetlands (§ 30233), protecting environmentally sensitive habitat areas (§ 30240(b)), maintaining coastal features and preserving views and

^{2/} Only six numbered sections of Chapter 3 which deal with "access" are found in Article Two of Chapter 3 of the Coastal Act. Cal. Public Res. Code §§ 30210-30214. Yet, other Articles in Chapter 3 which are arguably more relevant to this Project than "access," deal specifically with Land Resources (Article 5) and Development (Article 6). Public Res. Code §§30240 et seq. and §§ 30250 et seq.

aesthetics. (§ 30251) As succinctly stated in the Coastal Act, a few relevant additional "primary" purposes of Chapter 3 of the Coastal Act which were wantonly ignored in CDP Finding No. 1 are:

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. Coastal Act, Chapter 3, § 30233. (emphasis added)

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Coastal Act, Chapter 3, § 30240(b). (emphasis added)

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 the surrounding area, and where feasible, to restore and enhance visual quality in visually degraded areas. Coastal Act, Chapter 3, § 30251. (emphasis added)

~~As established throughout this and previously submitted comments, the grading of 3.26 acres of coastal bluffs (approximately 25% of the entire area within the Coastal Zone) for this Project is not an action which is in conformance with the more relevant and "primary" sections of Chapter 3 of the Coastal Act cited above. The determination of CDP Finding No.1 is legally deficient in its application of the law and fails to make legally sufficient findings with respect to conformity with Chapter 3 of the Coastal Act.~~

The CDP Finding No. 3, which asserts that "all guidelines [January 1, 1982 Interpretive Guidelines of the Coastal Commission] have been met," is not supported by the substantial evidence. The CDP Finding No. 3 not only fails to bridge any analytical gap in connecting the fact to this conclusory finding, but also is so vague as to make the entire finding meaningless. Specifically, CDP Finding No. 3 amounts to vague "double-speak" such that no reasonable person can ascertain its meaning. CDP Finding No. 3, in relevant part provides:

"All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them."

First, the statement that "all guidelines have been met by the project prima facie" provides the reader *no other* understanding other than every single guideline has been met. This finding is hereby challenged. The term "appropriate" suggests discretion which the City decision-making agency *may have or may not have* required as conditions of certain aspects of the Project to conform to the guidelines.

If the Project does not conform to every single guideline, this finding fails as being false and cannot be substantiated. Furthermore, this finding fails completely in "bridging the gap" between the conclusory remark of CDP Finding No. 3 and the facts of the Project as applied to the guidelines.

Lastly, CDP Finding No. 6 misinterprets and misapplies the law which provides police powers of the decision-making agency which reasonably and feasibly *could be* employed to reduce the impacts of the Project in the Coastal Zone. The powers of the City to protect the "health, safety and welfare" is a fundamental authority for the planning and regulation of development and includes broad powers to protect "public welfare" which encompass concepts of the spiritual as well as physical and aesthetic as well as monetary. Additionally, it is within the authority of the City's police power to determine that the community should be "beautiful as well as healthy," "spacious as well as clean," and "well-balanced as well as carefully planned." Berman v. Parker, (1954) 348 U.S.26.

Notwithstanding the obvious power and authority under CEQA and many other laws to require conditions for approval which better protect and preserve the Coastal Zone and "general welfare," the Coastal Act requires avoidance of wetlands and that the least damaging environmentally superior alternative be selected in order to avoid wetlands. Public Res. Code § 30233. It is not proper to impact wetlands under the guise of a CEQA Statement of Overriding Considerations as found in pages 5 through 8 of the December 9, 1998 findings for the grant of Coastal Development Permit No. 93-013 adopted by the Advisory Agency.

CDP Finding No. 6 provides:

There are no feasible alternatives or feasible mitigation measures . . . available for imposition by this authority under the power granted to it . . . that would substantially lessen any significant adverse impact that the development . . . may have on the environment.

~~With reference to previously provided comments and other comments made herein which are~~ herein incorporated by reference, the City's finding of "infeasibility" of mitigation measures and other Project alternatives is not supported by the evidence in the record. Furthermore, the finding of "infeasibility" in CDP Finding No. 6, made in the context of the Coastal Act findings, serves to violate and frustrate provisions many of the provisions of the Coastal Act.

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Findings of "Infeasibility" of Alternatives and Mitigation Measures is Not Supported by the Evidence

No environmentally superior alternative is being selected to avoid impacts to the most sensitive environmental resources of the entire Project site - the coastal bluffs. For this reason, the City Council may not legally not approve the certification of the SFEIR and approve the grant of LCP 93-013.

The decision of the City violates the essential purpose of CEQA requiring the selection of an alternative, and imposition of all possible mitigation measures which will mitigate all significant impacts to the greatest extent possible. Furthermore, the concept and requirement of "avoidance" with respect to wetlands and significant coastal land forms cannot be understated and ignored to the extent being done for this Project.

Based upon the physical constraints of the Project site and the expected environmental impacts known before the preparation of the SFEIR, certain environmental protections could have reasonably been incorporated into any finally approved Project:

- avoidance of wetlands and riparian habitat as required by the trustee resource agencies and their mandates. (USFWS, CDFG and ACOE) See, for example, SFEIR, p.III-17.
- ~~grading cuts and fills of Hastings Canyon and natural bluffs could have been avoided.~~ Scenic Highways Plan, Bluffs Specific Plan and California Coastal Act. See, for example, SDEIR, pp. 189-190.
- selecting an alternative Project subdivision footprint/layout would preserve and protect unique scenic and environmental values of the coastal bluffs, could eliminate the extensive grading of the bluffs and the bluff top edges in the Coastal Zone being done for the contrived purpose of protecting the public and below wetlands from "slope instability."

Ostensible Project "Purpose" and "Infeasibility" of Avoidance are Not Supported by the Record Evidence

It is neither accurate, reasonable, or factually supported by the record evidence to state or make a finding that a primary goal of this Project is the "slope stabilization" and the elimination

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of dangerous or undesirable "erosion features." Rather, the purpose of this project is the private - for profit - subdivision of land and development of luxury residential homes by Catellus Corporation.

The City of Los Angeles has not, previous to the conjured concept in this development Project, characterized or recognized Hastings Canyon as a nuisance. This natural coastal bluff canyon feature has been identified on topography maps, years before man's intrusion into the region. The Project proposes to fill this natural coastal canyon with 100,000's of cubic feet of dirt fill to build ocean view homes - in contravention of the requirement to preserve of natural coastal features.

The ostensible purpose to divert a stormwater drain and "stabilize existing erosional features" does not amount to substantial evidence to support the filling of a coastal canyon for the purpose of building luxury homes. The California Coastal Act, CEQA and other local laws prohibit such adverse impacts without proper avoidance or adequate mitigation.

The selection of a reasonable alternative which minimizes and avoids significant bluff and wetland impacts is a substantive requirement of CEQA which is a mandatory requirement, not merely a procedural one. Kings County Farm Bureau v. City of Hanford, (1990) 222 Cal.App.3d 692, 711, 730-731; Public Resources Code §§ 21002, 21081; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), and 15091(a). In light of the above, the City must uphold the Sage Council's appeal and reject the approval of the Project, certification of the SFEIRa and grant of CDP 93-013, because there are reasonable and feasible alternatives which which can substantially lessen the environmental effects. Sierra Club v. Gilroy City Council, (1990) 222 Cal.App.3d 30, 41.

Project Impacts of Wetlands and Coastal Zone Resources

The Sage Council agrees with the state trustee agency for plants and wildlife, the Department of Fish and Game (DFG), which provided prior comment opposing the elimination of water courses and/or their channelization or conversion to subsurface drains. The Sage Council and DFG maintain that all wetlands and water courses are to be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations.

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The Project applicant admits that Hastings Canyon, its largest tributary channel and three additional on-site drainages, are considered "streambeds" by the Cal. Department of Fish and Game in accordance with Section 1601 of Fish and Game Code. Applicant Letter to U.S. Army Corps of Engineers, p. 3 (PCR - 4/23/98).

While much of the coastal bluff features of Hastings Canyon have been piece-meal labeled as - *partially* being restricted by local plans and districts, *partially* being in the Coastal Zone boundary, *partially* being designated a "water of the U.S." for purposes of the federal Clean Water Act, and *partially* being "streambed" under the California Fish and Game Code - the fact of the matter is that it is a highly regulated and unique feature of the coastal bluffs within the City of Los Angeles.

As a result, collectively, even when figured in the light most favorable to the developer deserves a Constitutional "fair use" of its land, Hastings Canyon remains a natural feature of the Ballona wetlands and Coastal Zone which the Project plans to fill with 100,000's of cubic feet of dirt fill.

SFEIR Fails To Provide Adequate Mitigation For Significant Impacts to Rare, Threatened and Endangered Species. On and Off-site Mitigation Possibilities Exist

CEQA requires that all feasible mitigation measures must be required as a condition of approval of this Project, notwithstanding the adoption of the Statement of Overriding Considerations. Public Res. Code § 21102.1(a); CEQA Guideline § 15093. However, notwithstanding the mandatory finding of significance that the proposed project will "reduce the number or restrict the range of a rare or endangered plant or animal," the Project provides no mitigation for the loss of foraging habitat for birds of prey which are known to utilize the site.

The finding of "infeasibility" without offering mitigation for lost habitat - especially in light of Section 30240(b) of the Coastal Act as a Project site directly adjacent to an important environmentally sensitive wetland habitat - is not supported by the evidence. The grassland and ruderal vegetation throughout the bluff top provides foraging habitat for many federal and state Species of Special Concern including the listed bird species (California Horned Lark, Loggerhead Shrike, Black-Shouldered Kite, Cooper's Hawk, and Northern Harrier) which all use ruderal grasslands as foraging areas. Several of these species will be displaced from the project site by the proposed construction. No mitigation grasslands are offered for this loss of this regionally diminished habitat. The only mitigation of biological resources being offered for this Project is "habitat enhancement to existing Diegan Scrub habitat and removal of exotic vegetation on the bluff face." TTM 51122, Plant and Animal Life Condition No. 1.



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October 16, 1998

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.

<http://eco.bio.lmu.edu/www/ballona/rest.htm>

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 (*Didelphis 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 maniculatus*)

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 affects 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

~~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 feet 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

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 foot 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

~~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(CDF)(PP)(ZEA), 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) Conal, Cheryl, *et al.* November, 1989. "The Field Survey and Background Report for Hastings Canyon and Adjacent Area." Environmental Management Service.
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- 3) Hovore, Frank, and Associates. June 1990 (rev May, 1993). "Hastings Canyon Biota Survey: Sensitive Species Inventory."
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- 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.

The project site was sampled in the spring (April and May 1990) and fall (September, October and November, 1989), but not in the winter and summer. This led to very incomplete data on species occurrences on the site.

The data in the reports are based upon a mere 8-month period, with gaps for December, January, February and March. For assessing the significance of this region for wintering birds and amphibians, surveys must be conducted in those winter months. These months are the peak period for wintering raptors in the Playa del Rey/Westchester area.

In general, several years of data must be evaluated to obtain an accurate picture of the long-term habitat values of any site.

Wintering raptors frequently use the bluff tops for foraging. Species observed in the past but that were not mentioned in this report include: peregrine falcon, prairie falcon and turkey vulture (K. Dial and H. Towner, personal observations). The EIR reports did verify the presence, in small numbers, of northern harrier, black-shouldered kite, red-tailed hawk, Cooper's hawk and sharp-shinned hawk. In some years, when rodent populations are high, the raptors are actually very common on the site. The site supports the last remaining flat, ruderal habitat in our local region and is important for the foraging activities of these birds. Another error was the mention of the sharp-shinned hawk as only a migrant. That species also winters in the Westchester area in small numbers.

Small mammal trapping was carried out by Hovore on only two nights in April, 1990. Much more thorough sampling should have been performed because of the proximity of the site to local endemic species (see *Microtus californicus stephensi* below).

The project area was only partially sampled. Very little time was given to surveying the entire area. Most of the effort was spent on the 9 acres comprising Hastings Canyon. However, the project as a whole encompasses 44 acres.

I could find no mention of any attempt to identify vernal pool habitat on the site. This rare habitat most likely existed on the bluff top before disking became frequent. There is a depression on the site which could potentially have had that plant association in the past and which could be restored.

For the above reasons, the individual reports and the Subsequent EIR consistently undervalue the significance of the bluff top.

2) The field studies were conducted in a non-representative time.

The sampling was done in 1989 and 1990, when the total precipitation for the rainfall year 1989-1990 (July 1-July 30) was only 7.35", 49% of the average for the L.A. Civic Center (Los Angeles Times, 7-5-98)! Moreover, that year followed three

consecutive years of sub-average precipitation. For those four years, the average rainfall at the Civic Center was 8.9", 59% of normal.

Further, from NOAA records, the rainfall at Los Angeles International Airport (LAX), approximately two miles from the study site, was even lower than at the Civic Center. For the four years ending in the rainfall year 1989-1990, at LAX the average for those years was only 6.9", 57% of normal.

These conditions constitute a drought. Under such circumstances, short-term field surveys will be misleading, since plant and animal populations will be much lower than normal.

3) The reports are biased.

The reports minimize the habitat values on the site, and therefore minimize the potential negative impacts of the proposed project. For example, Hovore's report recognized Cooper's hawk, black-shouldered kite and northern harrier as foraging over the project area, but asserted that "their use of the site would be transitory, as no population-supporting resources exist." (p.9) These and other raptorial birds utilize the site year after year for wintertime foraging. **This is not transitory!** The assessment also assumes that the bluff tops will continue to be frequently disked, allowing no opportunity for vegetation to re-occupy the site. Plenty of rodent food would be available year-round if the area were to be left alone.

In another example of minimizing potential impacts, Hovore also comments on the California horned lark, a federal Category 2 sub-species which frequents grasslands, which was observed on the site: "Overall, habitat losses for this subspecies would constitute an incremental, locally important but regionally insignificant impact." (p.9) **This impact would actually eliminate the bird from the region since the bluff tops on the project site are the last fragment of this habitat in the area.** Another grassland species which might be eliminated is the western meadowlark, a species which has experienced major local habitat reduction.

Hovore also observed loggerhead shrikes, a Category 2 sensitive species, and a silvery legless lizard, a Los Angeles County listed species. He vastly minimizes the effect of the proposed project on these species.

The Subsequent EIR summary of impacts on sensitive species in table 16 asserted incorrectly that the peregrine falcon roosts in tall trees. This endangered bird generally nests on cliffs and buildings. It has been observed on the project site and adjacent to it in the Ballona Wetlands. Nesting has occurred in the Marina del Rey area, and individuals forage for small birds in open areas on the bluff tops and in the wetlands.

No account in the reports is given as to what the resident biota would be if the regular weed control disking were terminated, and the area allowed to remain undisturbed. Under those circumstances, the faunal diversity and density would increase dramatically.

3) The individual reports vary in quality.

In the ConeJ Report (#1), the errors in spelling and grammar are amazing for supposedly professional writing. Examples are "stripped" skunk (p.7) and "sensitive" species (p.8 appendix, p. 6), "one these biologically sound alternatives" (p. 13). This level of carelessness makes the entire report suspect. If the authors failed to spend adequate time proofing their report, how could they have spent adequate time doing their field sampling?

4) The organization of the reports in the EIR is confusing.

The titles vary depending on where they are cited. It also appears that some of the pages became mixed up in the EIR.

5) Some species which have been observed in the region were not seen or cited in the surveys.

Examples:

The western skink (*Eumeces skiltonianus*), slender salamanders (*Batrachoseps* sp.) and western toad (*Bufo boreas*) have been observed (H. Towner, personal observation) on the bluff face on the east side of Lincoln Blvd., in habitat much the same as on the project site.

No mention is made in any of the reports as to the likelihood of occurrence of the Stephen's meadow vole (*Microtus californicus stephensi*). This subspecies is a narrow endemic once found only in a narrow strip near the coast from Sunset Beach to Pt. Magu. It still occurs at the base of the bluffs near Lincoln Blvd. (H. Towner and B. Leatherman, direct observation, 6/98; "Biota of the Ballona Region," Los Angeles County Natural History Museum Association, 1981). This rodent currently lacks legal

~~protection, but because of its narrow and highly reduced range, it should be considered as a candidate for listing.~~

6) The 1990 PCR Report does not cite the Los Angeles County Natural History Museum study of 1981.

This is a serious omission, since that study should have been consulted for information on species occurring in the area only 5 years previous to the first of the West Bluffs studies

The Subsequent EIR is based on the above reports and continues their bias. There are several criticisms of the report itself.

1) The "Alternatives Analysis" in the Subsequent EIR is flawed.

To state first that the "No Project Alternative" is the environmentally superior alternative, eliminate that alternative, then state that the "Reduced Density Alternative" is the environmentally superior alternative is highly misleading (p.7). The environmentally superior alternative is clearly "no project."

Unfortunately, some potentially less damaging alternatives which could be compared were not considered. For example, the "Reduced Density Alternative" does not preserve more open space, but instead, merely has higher average lot sizes. A more desirable alternative would be to reduce the developed area within the project site and have a 1:1 or other ratio of development to preserved bluff top. The density within the developed portion could be adjusted as needed to provide the amount of housing desired.

2) More acreage should be restored to mitigate the negative effects of the proposed project.

The Subsequent EIR states that mitigation of 0.9 acres (5:1 ratio) is required on the bluff face (pp. 152-153). Much more than that should be restored to mitigate the negative effects of the proposed development. This should be enforced as a legal condition.

3) The proposed Street A providing traffic access to Lincoln Blvd. represents a negative impact on the bluff face habitat.

This is especially true if the developer fails to provide the under-street culvert for wildlife previously mentioned in this document. The portion of the bluff to the south of Street A will be isolated from the remainder of the habitat on the bluff face. If the animal access way cannot be constructed and if Street A cannot be eliminated from the plans,

the street should be placed at the southernmost boundary of the property, and eliminate the approximately 6 lots that were added after the moving of Street A to the north after the 1991 plan.

4) There is no provision for "in perpetuity" monitoring of the restored habitat of the proposed project.

The EIR states that the bluff face will be restored in coordination with the Friends of Ballona Wetlands and under the supervision of a qualified landscape restoration

expert. First, the "coordination" of the Friends of Ballona Wetlands exists only to monitor the restoration process, and ensure the health of the surrounding wetlands. As we are generally against the proposed project, it is misleading to assume the Friends are working in cooperation with the developer. Second, there is no provision for "in perpetuity" monitoring of this habitat in the EIR, only a short-term monitoring plan for the time immediately after restoration. A long-term plan should be included in the EIR and legally required if the project is built. The Diegan coastal sage scrub formation is threatened in southern California, and every step should be taken to ensure its enhancement and preservation. This habitat will require continual monitoring and perhaps thinning, since it is normally maintained by fire in its natural state.

5) The cumulative impact of the project is misleading.

Howard Hughes Corporation, its affiliates, its land purchasers and Loyola Marymount University have in recent years destroyed all other sites with similar upland habitat. Because the project site contains the last remaining bluff top habitat in the region, the cumulative impact of the proposed project would be detrimental for some local species of wildlife.

Overall, the Subsequent EIR states that the project implementation would result in "less than significant" impacts on biological resources. Further, it also states that no mitigation measures are required to reduce project impacts on biological resources. I dispute those claims and assert that the EIR needs to take into account historical conditions, potential habitat values if the site were left undisturbed, and more alternatives to the project as proposed. The likely impacts of the proposed project are very negative and highly significant.

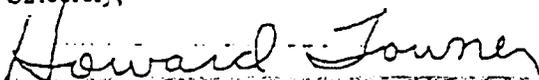
The Friends realize that the proposed development involves many other issues, namely, traffic, noise pollution, safety, etc. But since we are an environmental organization, this position statement has evaluated the project in terms of its environmental and ecological impacts on the top of the bluffs, the bluff face, and the Ballona Wetlands, in relation to the the Coastal Act, the Coastal Bluffs Specific Plan, and the Big House Ordinance. The Friends ask that you carefully review this document,

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~~acknowledging our 20 years of experience and expertise working to protect and restore~~
the last remaining wetland in Los Angeles County-- a wetland that adjoins the proposed
Catellus site, and would be profoundly affected by it.

Thank you for your time and consideration. The Friends would also like to thank
the West Bluffs Steering Committee and the surrounding community for their support
and help with this highly sensitive issue.

Sincerely,



Howard Towner, Ph.D

Professor of Biology, Loyola Marymount University

Treasurer, Board of Directors, Friends of Ballona Wetlands

cc: Councilperson Ruth Galanter

Peter Douglas, Director, California Coastal Commission

Pam Emerson, California Coastal Commission

QUALIFICATIONS

* Dr. Howard Towner is a biology professor at Loyola Marymount University. His qualifications include a Ph.D in biology from Stanford University with a specialty in ecology and evolution, and 25 years of experience with the proposed project site. A resident of Westchester, Dr. Towner has extensive knowledge of the bluffs and their biota. He has sampled and examined the bluff plants and vertebrates many times. He currently serves as Treasurer for the Friends of Ballona Wetlands Board of Directors.

ATTN: DAVID KABASHIMA - RE: WEST BLUFF DEVELOPMENT TENTATIVE TRACT NO. 51111
BY DEVELOPER, CATELLUS CORP.

Subj: Westbluff
Date: 98-09-13 15:55:08 EDT
From: 73277.573@compuserve.com (Howard Towner)
Sender: 73277.573@compuserve.com (Howard Towner)
To: fourkanes@aol.com (Steve Kane)

Steve,

The EIR comments follow this introduction. I couldn't get LMU's e-mail to work, otherwise they would have been in Word 2.0 format:

My major points in the comments are that the developers did an incomplete job on the biotic part of the EIR, basically ignoring the bluff top, and that the surveys were done in drought years when animal and plant populations would have been way down.

Howard

8114 Westlawn Avenue
Los Angeles, CA 90045
5 July, 1998

Nadar Plafkin or Latyeef Sholebo, Project Coordinator
Department of City Planning
221 N. Figueroa Street, Room 1500
Los Angeles, CA 90012

Dear sirs:

I am writing in reference to the draft EIR (EIR case #91-0675-SUB(CDP)(PP)(ZBA)) which was prepared for the proposed West Bluffs project (reference #9711105). This was titled by its authors as the "Subsequent EIR", apparently because an earlier EIR was completed several years ago.

My perspective on the proposed project comes from three sources: I am a resident of the area of the proposed project; I am a field biologist with over 25 years of experience and broad expertise with the flora and fauna of the local region; and I am a Board Member of the Friends of Ballona Wetlands, a nonprofit organization dedicated to the preservation and restoration of the Ballona Wetlands. The site of the proposed project is adjacent to those wetlands and its development could have profound effects upon them.

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

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I have several criticisms of these reports, some of which are major.

(1) The field studies were incomplete.

The project site was sampled in the spring (April and May, 1990) and fall (September, October and November, 1989), but not in the winter and summer. This led to incomplete data on species occurrences on the site.

The data in the reports are based upon a mere 8 month period, with gaps for December, January, February and March. For assessing the significance of this region for wintering birds and amphibians, surveys must be conducted in those winter months. These months are the peak period for wintering raptors in the Playa del Rey/Westchester area.

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Small mammal trapping was carried out by Hovore on only 2 nights in April, 1990. Much more thorough sampling should have been performed because of the proximity of the site to localities for local endemic species (see *Microtus californicus stephensi* below).

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site. This rare habitat could have existed on the bluff top before mowing became frequent. There is a depression on the site which could potentially have had that plant association in the past and which could be restored.

For the above reasons, the individual reports and the Subsequent EIR consistently undervalue the significance of the bluff top.

(2) The field studies were conducted in a non-representative time. The sampling was done in 1989 and 1990, when the total precipitation for the rainfall year 1989-90 (July 1-June 30) was only 7.35", 49% of the average for the L.A. Civic Center (Los Angeles Times, 7/5/98)! Moreover, that year followed three consecutive years of sub-average precipitation. For those four years, the average rainfall at the Civic Center was 8.9", 59% of normal.

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These conditions constitute a drought. Under such circumstances, short-term field surveys are going to be misleading, since plant and animal populations will be much lower than normal.

(3) The reports are biased toward minimizing the habitat values on the site, and therefore minimize the potential negative impacts of the proposed project. For example, Hovore's report recognized Cooper's hawk, black-shouldered kite and northern harrier as foraging over the project area, but asserted "that their use of the site would be transitory, as no population-supporting resources exist." (p. 9). These and other raptorial birds utilize the site year after year for wintertime foraging. This is not transitory! The assessment also assumes that the bluff tops will continue to be frequently disked, allowing no opportunity for vegetation to re-occupy the site. Plenty of rodent food would be available year-round if the area were to be left alone.

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The Subsequent EIR is based on the above reports and continues their bias. I have several criticisms of the overall report itself.

(1) The alternatives analysis in the Subsequent EIR is flawed. To state first that the "No Project Alternative" is the environmentally superior alternative, eliminate that alternative and then state that the "Reduced Density Alternative" is the environmentally superior alternative is highly misleading (p. 7). The environmentally superior alternative is clearly "no project".

Unfortunately, some potentially less damaging alternatives which could be compared were not considered. For example, the "Reduced Density

Alternative" does not preserve more open space, but instead merely has higher average lot sizes. A more desirable alternative would be to reduce the developed area within the project site and have a 1:1 or other ratio of development to preserved bluff top. The density within the developed portion could be adjusted as needed to provide the amount of housing desired.

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(3) The proposed "Street A" providing traffic access to Lincoln Blvd. represents a negative impact on the bluff face habitat. This is especially true if the developer fails to provide an under-street access way for wildlife. The portion of the bluff to the south of "Street A" will be isolated from the remainder of the habitat on the bluff face. If the animal access way cannot be constructed and if "Street A" cannot be eliminated from the plans, the street should be placed at the southernmost boundary of the property where it will not fragment the bluff face habitat.

(4) The EIR states that the bluff face will be restored in coordination with the Friends of Ballona Wetlands and under the supervision of a qualified landscape restoration expert. I could find no provision for in perpetuity monitoring of this habitat in the EIR, only a short-term monitoring plan for the time immediately after restoration. A long term plan should be included in the EIR and legally required if the project is permitted. The Diegan coastal sage scrub formation is threatened in southern California and every step should be taken to ensure its enhancement and preservation. This habitat will require continual monitoring and perhaps thinning, since it is normally maintained by fire in its natural state.

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Overall, the Subsequent EIR states that the project implementation would result in "less than significant" impacts to biological resources. Further, it also states that no mitigation measures are required to reduce project impacts on biological resources. I dispute those claims and assert that the EIR needs to take into account historical conditions, potential habitat values if the site were left undisturbed, and more alternatives to the project as proposed. The likely impacts of the proposed project are negative and highly significant.

Sincerely,

Howard F. Towner, Ph.D.

Professor of Biology, Loyola Marymount University
Board Member and Treasurer, Friends of Ballona
Wetlands

cc: Councilwoman Ruth Galanter
Ruth Lansford, President, Friends of Ballona Wetlands

----- Headers -----

Return-Path: <73277.573@compuserve.com>

Received: from relay26.mx.aol.com (relay26.mail.aol.com [172.31.109.26]) by air09.mail.aol.com (v49.1) with SMTP; Sun, 13 Sep 1998 15:55:08 -0400

Received: from arl-img-6.compuserve.com (arl-img-6.compuserve.com [149.174.217.136])

by relay26.mx.aol.com (8.8.8/8.8.5/AOL-4.0.0)

with ESMTP id PAA06314 for <fourkanes@aol.com>;

Sun, 13 Sep 1998 15:55:04 -0400 (EDT)

Received: (from root@localhost)

by arl-img-6.compuserve.com (8.8.6/8.8.6/2.14) id PAA18265

for fourkanes@aol.com; Sun, 13 Sep 1998 15:55:03 -0400 (EDT)

Date: Sun, 13 Sep 1998 15:48:31 -0400

From: Howard Towner <73277.573@compuserve.com>

Subject: Westbluff

Sender: Howard Towner <73277.573@compuserve.com>

To: Steve Kane <fourkanes@aol.com>

Message-ID: <199809131554_MC2-5950-8A05@compuserve.com>

MIME-Version: 1.0

Content-Transfer-Encoding: 7bit

Content-Type: text/plain; charset=us-ascii

Content-Disposition: inline



Los Angeles City Planning Department

Room 561 City Hall



Mr. Albert J. Jiljian
7924 Berger Ave.
Playa Del Rey, CA 90293

CITY PLAN CASE NO. 88-0102

Westchester - Playa del Rey
District Plan

Council District No. 6

Decision Date: August 4, 1988

FOR MORE PROTECTION

To: City Planning Commission

From: Kenneth C. Topping
Director of Planning

Requested by: City Council

SUBJECT: REQUEST TO THE CALIFORNIA COASTAL COMMISSION TO
ADJUST THE COASTAL ZONE BOUNDARY TO INCLUDE ALL
BLUFF-FACE PROPERTIES AND BLUFFTOP PROPERTIES ON
EITHER SIDE OF THE PUBLIC RIGHT-OF-WAY NEAREST THE
EDGE OF THE BLUFFTOP IN THE AREA KNOWN AS THE
MARINA BLUFFS AS SHOWN ON EXHIBIT "A"

SUMMARY AND RECOMMENDATIONS

The City Council has requested that the City Planning Department, in cooperation with the City Attorney, prepare a written request to the California Coastal Commission to adjust the Coastal Zone Boundary as described in Title 14, Subchapter 8, Article 1 of the Coastal Act.

The subject area is generally bounded by the southerly boundary of the Playa Vista Annexation area, Veragua Drive and Berger Avenue between Lincoln Boulevard and Falmouth Avenue.

Environmental Status

The subject request is exempt from the provisions of the California Environmental Quality Act pursuant to Article III 2(Q) of the City's CEQA Guidelines.

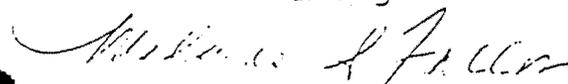
Action recommended by the staff: That the Commission:

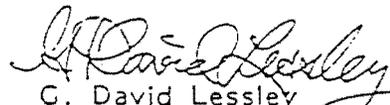
Adopt the following findings:

1. The subject expansion will simplify and clarify the permit and planning processes by including the entirety of the Marina Bluffs in the Coastal Zone.
2. The Marina Bluffs are an environmentally sensitive adjunct to the Ballona Wetlands, a coastal wetlands restoration project, and an integral part of the total ecosystem of the area.
3. The Marina Bluffs is the site of a variety of plant life and plays host to a variety of animal life.
4. The subject expansion is in conformance with the intents and purposes of the General Plan by conforming to the policies and objectives of the Westchester - Playa del Rey District Plan.
5. The subject request is exempt from the provisions of the California Environmental Quality Act pursuant to Article III 2(Q) of the City's CEQA Guidelines.

Approve and Recommend: That the City Council request the California Coastal Commission to adjust the Coastal Zone Boundary to include all bluff-face and blufftop properties located in whole or in part in that portion of the Westchester - Playa del Rey District Plan area bounded by the southerly boundary of the Playa Vista Annexation area (formerly the County boundary line) and 80th and 83rd streets, between Lincoln Boulevard and Pershing Drive.

KENNETH C. TOPPING
Director of Planning


Melanie S. Fallon
Deputy Director


G. David Lessley
Principal City Planner

STAFF REPORT

Request

The City Council has requested that the City Planning Commission consider a motion to request the California Coastal Commission extend the coastal zone boundary to include all bluff-face and blufftop properties located in whole or in part in that portion of the Westchester - Playa del Rey District Plan area generally bounded by southerly boundary of the Playa Vista Annexation area, Veragua Drive and Berger Avenue between Lincoln Boulevard and Falmouth Avenue.

Environmental Status

The subject request is exempt from the provisions of the California Environmental Quality Act pursuant to Article III 2(Q) of the City's CEQA Guidelines.

Background

On January 29, 1988, the City Council adopted a motion instructing the Department of City Planning, in cooperation with the City Attorney to prepare a written request to the California Coastal Commission to adjust the coastal zone boundary to include all bluff-face and blufftop properties on either side of the public right-of-way nearest the edge of the blufftop in the area known as the Marina Bluffs.

Discussion

The subject area is partially developed with single family dwellings on the blufftop portion. The remaining area is undeveloped. The undeveloped area serves as an environmental 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.

Streets and Highways

The Westchester - Playa del Rey District Plan designates Lincoln Boulevard as a Major Highway and Falmouth Avenue as a Secondary Highway.

Land Use and Zoning

The bluffs are largely undeveloped, planned and zoned for low density residential development. Medium density residential land use is planned along

portions of Lincoln Boulevard. Neighborhood and office commercial land uses are designated along portions of Lincoln Boulevard north of 83rd.

Other Plans

The area is currently subject to Ordinance No. 163,687 which regulates the issuance of building permits and the erection and construction of new structures in the subject area. This ordinance expires on September 5, 1988. A proposed ordinance replacing Ordinance No. 163,687 was approved by the Planning Commission on July 14, 1988.

Conclusion

Extension of the Coastal Zone Boundary to the south, will provide additional protections and regulations for the subject area, consistent with the area to the north.

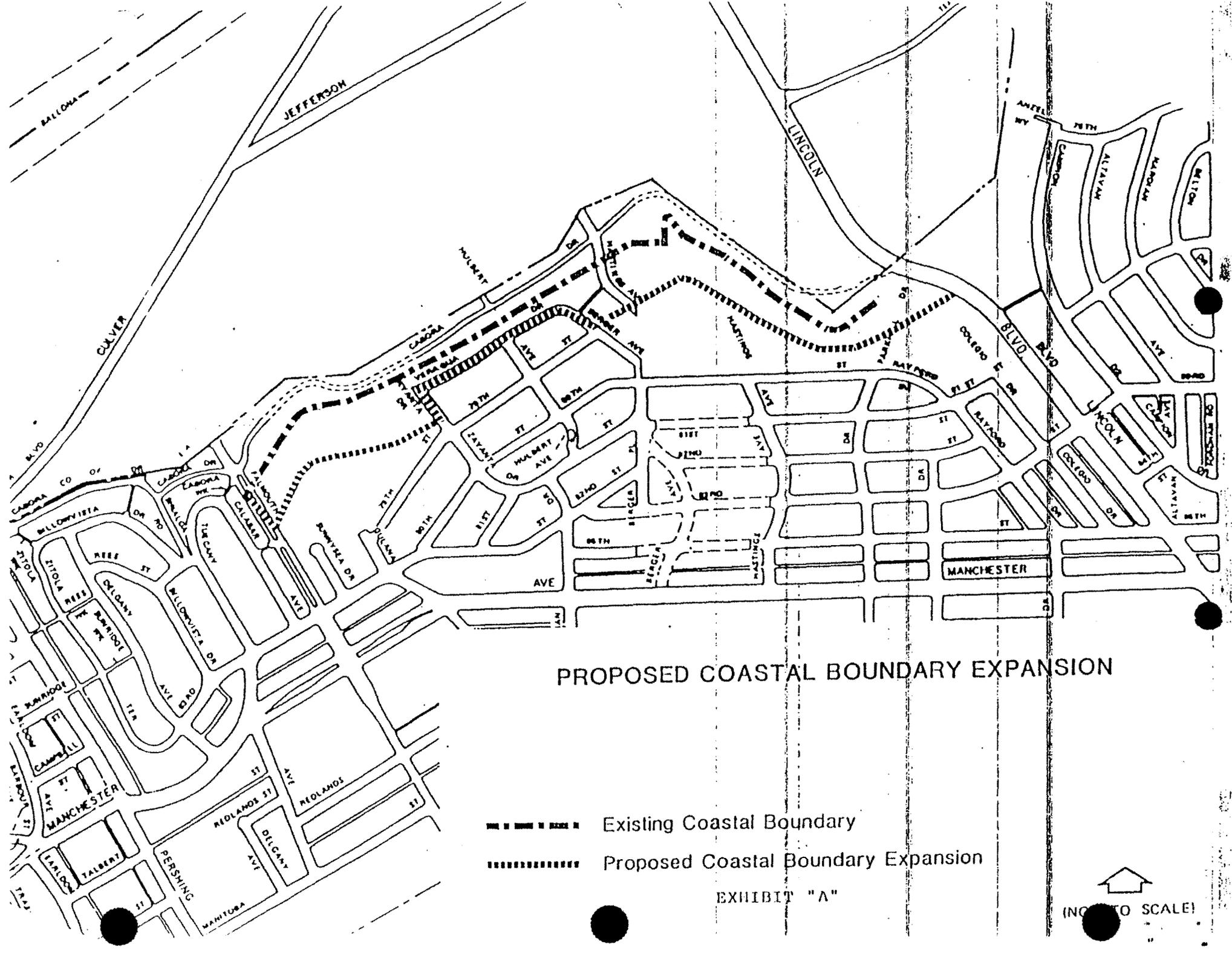
Therefore, staff recommends that the Commission approve the request to the California Coastal Commission to extend the Coastal Boundary.

Reviewed by:


Albert Landini
Senior City Planner

Prepared by:


Patricia Brown
City Planner



PROPOSED COASTAL BOUNDARY EXPANSION

- Existing Coastal Boundary
- ▨ Proposed Coastal Boundary Expansion

EXHIBIT "A"

(NOT TO SCALE)

CITY OF LOS ANGELES
CALIFORNIA

CITY PLANNING
COMMISSION

DANIEL P. GARCIA
PRESIDENT

WILLIAM G. LUDDY
VICE PRESIDENT

ROBERT J. ABERNETHY
SAM BOTWIN

SUZETTE NEUMAN

RAMONA HARD
SECRETARY



TOM BRADLEY
MAYOR

DEPARTMENT OF
CITY PLANNING
Room 561 City Hall
200 N. Spring St.
Los Angeles, CA 90012-4856

KENNETH C. TOPPING
DIRECTOR

KEI UYEDA
DEPUTY DIRECTOR

(213) 485-5073

Room 503, City Hall
485-5071

DECISION DATE: MAR 3 1998

Howard Hughes Realty
6167 Bristol Parkway, Ste. 330
Culver City, CA 90230

Psomas and Associates
3420 Ocean Park Boulevard
Santa Monica, CA 90405

RE: Tract No. 43416
Council District: 6
Existing Zone: R1-1
Community Plan: Westchester

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code and Section 66474.61 of the Subdivision Map Act, the Advisory Agency disapproved Tentative Tract No. 43416 located at 7011 - 7031 Kentwood Avenue, west of Centinela Avenue, and east of Hedding Street. The Advisory Agency's disapproval is based on the following:

1. THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION IS NOT CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

- a. The Conservation Plan of the Environmental Element of the Citywide plan recommends programs to regulate development in hillside and mountainous areas in order to minimize grading, preserve the natural terrain, maximize open space and enhance the quality of hillside areas. Additionally, the adopted Westchester-Playa Del Rey District Plan "stresses the preservation of open space and low density single-family residential areas."

Through the public hearing testimony, including the presentation of a video tape recording and through the Environmental Impact Report, it has been shown that the bluff and ravine areas are a unique and valuable environmental resource which gives this community one of its most distinctive and environmentally significant features. The proposed subdivision would grade the bluff area and fill major ravine areas, contrary to the provisions of the aforementioned adopted plans.

EXHIBIT E

b. The site is located in an area which is part of a proposed ordinance that will expand the area regulated by Ordinance 162,444 adopted on June 5, 1987 by the City Council. This proposal initiated by a City Council motion, dated November 25, 1987, underscores the significance of this area as an important open space reserve. The effectuation of this ordinance, similar to that already in effect, would require:

- ° Maximum retention of natural topographic features and qualities of scenic, geologic or historic interest that enhance the character of an area, including the natural skyline.
- ° Preservation of upland habitat necessary to ensure the diversity of wild life and native plant communities of a viable coastal wetlands ecosystem.
- ° Preservation of the bluffs as a scenic resource which are visible from Culver Boulevard, a designated scenic highway.
- ° Additional planning and zoning regulations which establish appropriate and adequate design standards and development controls that are necessary to avoid an irreplaceable loss of scenic resources for the Westchester-Playa Del Rey bluffs.
- ° That projects be developed in such a way that the buildings do not dominate the natural environment, i.e., the height does not obliterate existing views from adjacent public rights-of-way over the existing public view area and that impacts on Vistas from Culver Boulevard and the Ballona Wetlands are adequately mitigated.

The subdivision, as proposed, does not adequately address these concerns.

2. THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE WILDLIFE OR THEIR HABITAT.

The development as proposed with its extensive grading would permanently alter the face of the bluffs and the ravines which besides being significant natural features and contributing to the uniqueness of the area's topography, provide important habitat for wildlife. They also function as support habitat for the wetlands. Of particular concern is the destruction of the habitat for the Burrowing Owl, designated as a "Bird species of Special Concern" in California.

The Advisory Agency has not been presented with sufficient reasonable alternatives nor have such been adequately considered in the Environmental Impact Report to be satisfied that effective mitigation measures have been developed to lessen the above mentioned impact. For example, an alternative project should be designed which would limit the development to the bluff top and protect the bluff face and the ravines by designating them as open space.

3. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

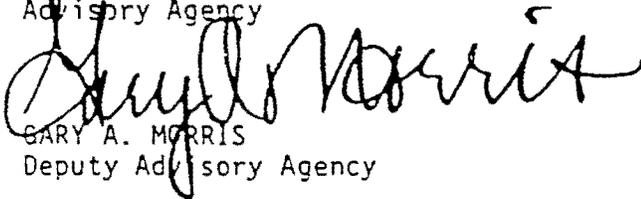
As demonstrated in No. 2 above, only a portion of the site, namely the bluff top only, is suitable for development without causing massive grading and consequential permanent environmental damage.

4. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE DENSITY OF DEVELOPMENT.

Further geologic-seismic information had been requested by the Department of Building and Safety, Grading Division, in a letter dated April 3, 1987. The additional information needed related mainly to geologic-seismic exploration of the Charnock fault, slope stability analysis, the "dune sand", ground water and the trimming of existing slope. No conditions of approval have been released by the Department of Building and Safety, to date. In the absence of such information, the Advisory Agency has determined that the geologic-seismic concerns have not been satisfactorily cleared and therefore it would be unsafe to approve this subdivision without the appropriate and complete conditions addressing these issues.

Further, The proposed density of the project cannot be suitably accommodated in a responsible hillside development limited to the top of the bluff. Lot sizes are to be substantially in conformance with the existing lot sizes of this established neighborhood. No alternative plans showing a reduced density were presented to the Advisory Agency.

Kenneth C. Topping
Advisory Agency


GARY A. MORRIS
Deputy Advisory Agency

GAM:AFC:sgs-y

NOTE: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the Department of City Planning, Room 655, City Hall, Los Angeles and appeal fees paid in Room 460-S, City Hall prior to the above 10-day time limit. Such appeal must be submitted in triplicate on Form CP-6500.

August 28, 1998

Ms. Allyson Hitt

~~California Coastal Commission~~

45 Fremont Street, Suite 1940

San Francisco, Ca. 94105

Phone # 415-904-5467

Dear Ms. Hitt:

As a community leader, member of the West Bluffs Steering Committee and a public servant (over 23 years) like yourself, I am writing to you in reference to a very sensitive development in our community. -This letter will hope to clear up a few matters that seem to be unclear regarding the Coastal zone boundary and related matters. Attached is a letter to Al Padilla regarding this matter.

I have yet to hear from him.

I am a Deputy County Assessor with over 23 years of expertise in real estate.

I am a licensed real estate Broker and Appraiser in the State of California. I have many other professional and personal distinctions over the course of my career.

I am sworn to uphold the laws of the State and local governments. My professional licenses fall under the control of the State's Department of Real Estate and the State's Board of Equalization.

In an effort to clear up the matter of the Coastal Commission's boundary, jurisdiction and extent of control of the development in our community (West Bluffs) I submit to you the following.

Page 179 of the developer's EIR states that: "only that portion of the project site that encompasses the bluff face is located within the California Coastal Zone."

Currently there is no Local Coastal Program that applies to this portion of the project site.

On January 7, 1993 the Los Angeles City Planning Commission approved the Coastal Bluffs Specific Plan (see attached). Additionally, the Planning Commission recommended that the specific plan proceed as the Local Coastal Program (LCP) for that area.

In that adopted ordinance, the Commission defined the bluff tops and bluff faces and included a map in that ordinance referring to that boundary line. This line represents the boundary line for the Coastal Zone, the area under your jurisdiction. This line is clearly defined and readily identifiable both on the

maps and by visual inspection. There are no doubts, speculations etc.

A copy of that line is included for your reference.

This line includes 23 subdivided lots (tract 9167) a public street (Hastings Ave) and a public walk (Veragua Walk) that provides coastal access.

Since much of the West Bluffs development falls within your jurisdiction, the West Bluffs Steering Committee has studied the Coastal Act in that it is very relevant in reference to this development.

Given that, applicable and important Coastal Act regulations that seem appropriate to this development include some of the following:

Section 30006 The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, developmentshould include the widest opportunity for public participation.

Section 30007.5 The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources

Section 30001.5 (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone.....

Section 30212 Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development.....

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 of surrounding areas.....shall be subordinate to the character of its setting.

Section 30252 The location and amount of new development should maintain and enhance public access to the coast by.....providing nonautomobile circulation within the development.

Section 30253 New development shall.....Assure stability.....or in anyway require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30601 Prior to certification of the LCP.....a coastal development permit shall be obtained from the commission forDevelopments within 300 feet of the top of the seaward face of any coastal bluff.

Section 30604(c) Every coastal development permit issuedshall include a specific finding that the development is in conformity with the public access and public recreation policies.

I have included a copy of the land use section of the 1998 EIR regarding the West Bluffs devilmnt. This is important in understanding the laws, issues, concerns and information that is necessary to make any informed and important decisions.

In closing, there are other thoughts, concerns and questions that I and the community have regarding this development.

I would, and maybe a few other individuals of our community's committee would like to fly up and meet with you to discuss this matter.

Please let me know when that is possible.

I have included a copy of the committee member's addresses, phones etc. so that

notification of anything relating to hearings, meetings etc. can be sent to us.

~~I would appreciate hearing from you in person. I have included my address~~

~~and phone for your reference.~~

Thank you for your time and concern.

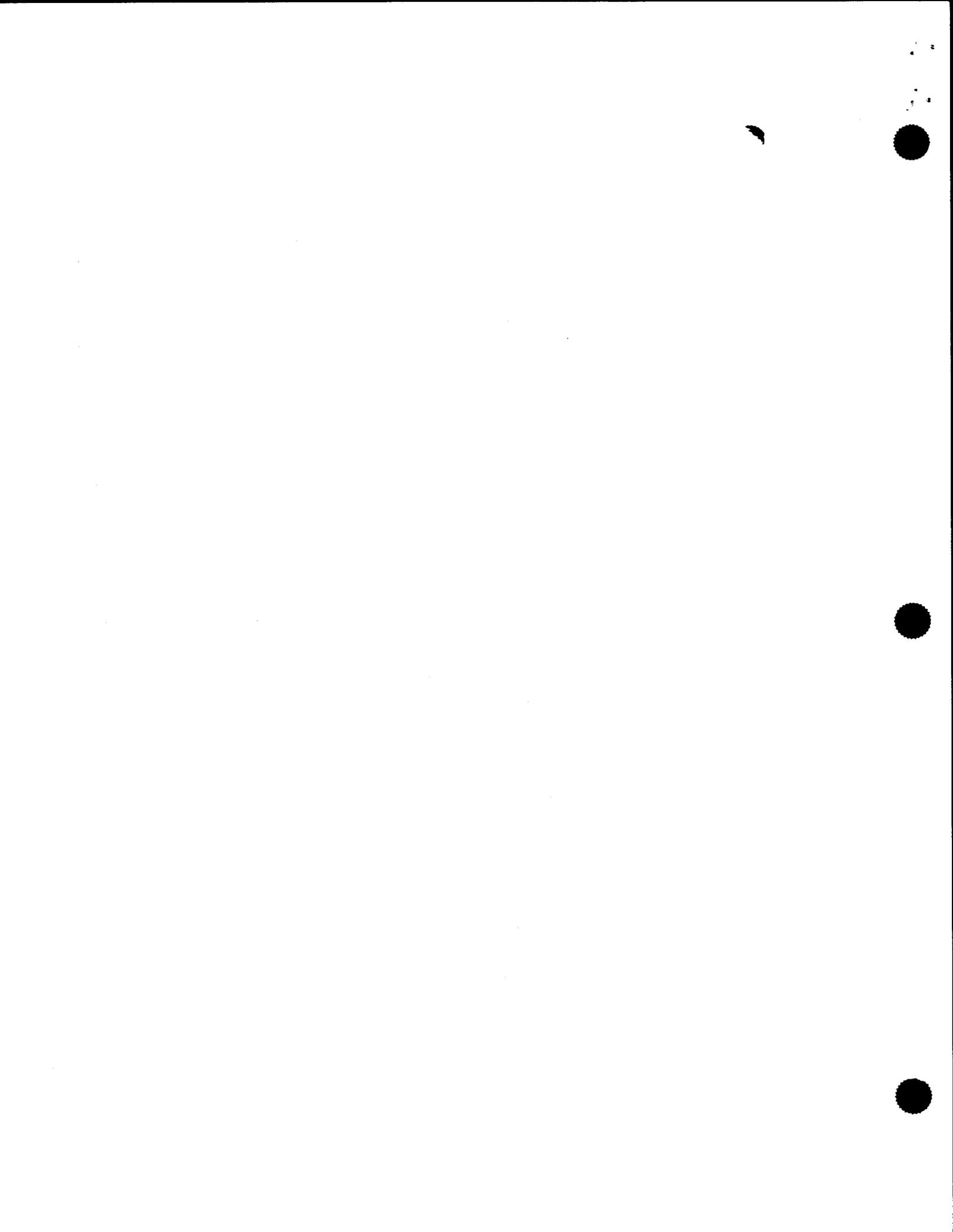
~~I look forward to hearing from you.~~

Sincerely,

Stephen J. Kane

Stephen J. Kane
7452 W. 80th. Street
Westchester, Ca. 90045

(310) 645-4633





ANGELES CHAPTER • SIERRA CLUB

3435 WILSHIRE BOULEVARD • SUITE 320 • LOS ANGELES • CALIFORNIA 90010-1904 • (213) 387-4287 • FAX (213) 387-5383

January 11, 2000

RECEIVED
FEB 29 2000

Los Angeles City Board of Zoning Appeals
Room 1540, 221 No. Figueroa St.
Los Angeles, CA 90012

CALIFORNIA
COASTAL COMMISSION

RE: CP 1999-2915 and CP 1999-2963 (West Bluff of Ballona)
ZA Case No. CDP-99-016

Dear Board Members:

I am writing this letter on behalf of the Airport Marina Group of the Angeles Chapter Sierra Club. We wish to inform you that the Sierra Club opposes the proposed development of the **very last** natural bluff of the Ballona Wetland ecosystem. We support the preservation of this last bluff due to its very sensitive ecological value and connection to the rest of this wetland habitat area, and because of its important cultural heritage value to the Shoshone Gabrielino Nation.

We urge you to deny this Coastal Development Permit, and instead to support the preservation and restoration of this wetland resource in keeping with the purpose of the California Coastal Act to protect coastal resources.

This CDP violates Section 30240 which states that development next to environmentally sensitive areas (the wetlands and the bluffs) should be designed to not degrade those areas and be compatible with their continuance as habitat. By destroying a vernal pool area, an important contiguous coastal sage habitat, and foraging for wetland species, this CDP does not meet requirements of Sec. 30240.

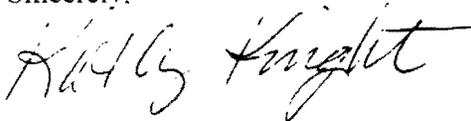
This CDP violates Section 30250 that states residential development should be located where it will not destroy coastal resources. The very last natural bluff of Ballona is a critical upland resource for the wetlands. It is dry land for wetland species to nest out of danger of flooding, it has one of the very last vernal pools in all of Los Angeles, it has a unique coastal sage community, it has the last natural view of a bluffs from a scenic coastal highway (Lincoln Blvd.) and it has a prehistoric village site, estimated to be 9,000 years old. that is the very last large ^{bluff} site left for the Shoshone Gabrielino Nation to preserve. This Nation has lost their other village sites to previous developers, including this applicant.

This bluff is important to save for many reasons, including the following:

- 1) Wetland bird species, as well as many other species rare in LA, use it for foraging
- 2) It has an extremely rare vernal pool area that probably provides the last chance in the City of Los Angeles for students to learn about vernal pool habitat. It's destruction would eliminate this unique opportunity.
- 3) It's coastal sage scrub is of special botanical concern due to being the only site where two forms of artemisia californica are found together - one grayish and one green. The green one appears to be unique to the bluff, and the loss of even one plant will result in loss of biological diversity. (Testimony of Travis Longcore at Calif. Coastal Commission). In addition, the proposed road through the bluffs will not only destroy outright through grading, rare coastal sage habitat, but it will additionally chop up sage habitat that will further degrade the habitat.
- 4) It provides dry land for wetland species to nest on.
- 5) It provides a critical buffer from the adjacent residential community to protect the wetlands from human impacts.
- 6) It is the site of an significant prehistoric (possibly 9,000 years old) village of the Shoshone Gabrielino people, who were taken from this land. Ballona was and is a sacred place to these Native Americans, and they have asked that this site be preserved. All the rest of their village sites of the Ballona Bluffs have been destroyed by development, including one by this developer, Catellus Development Corporation, east of Lincoln (Dunbarton Tract).
- 7) Development of this very last natural bluff of Ballona is opposed by ALL environmental groups that have studied it, including the Ballona Ecosystem Education Project, Friends of Ballona Wetlands, the West Bluff Conservation Association, and the 100 organization Coalition called "Citizens United to Save All of Ballona. This fact says a lot about the importance of the West Bluff.
- 8) There is a preponderance of biologists and other experts that favor saving this last bluff.
- 9) The California Coastal Commission voted UNANIMOUSLY on August 10, 1999 to deny this development permit due to its very negative impact on coastal resources.

Unfortunately, due to our information for your packets being due to you the day after the Christmas/New Year holidays, we missed that deadline. However, we have prepared a simple set of photographs/text to highlight why we urge you to vote to preserve the West Bluff of Ballona.

Sincerely,



Kathy Knight, Conservation Chair
Airport Marina Group
(310) 450-5961

ATTACHMENTS: 10

BALLONA WETLAND ECOSYSTEM

"THE CROWN JEWEL ECOSYSTEM OF LOS ANGELES"

WEST
BLUFF

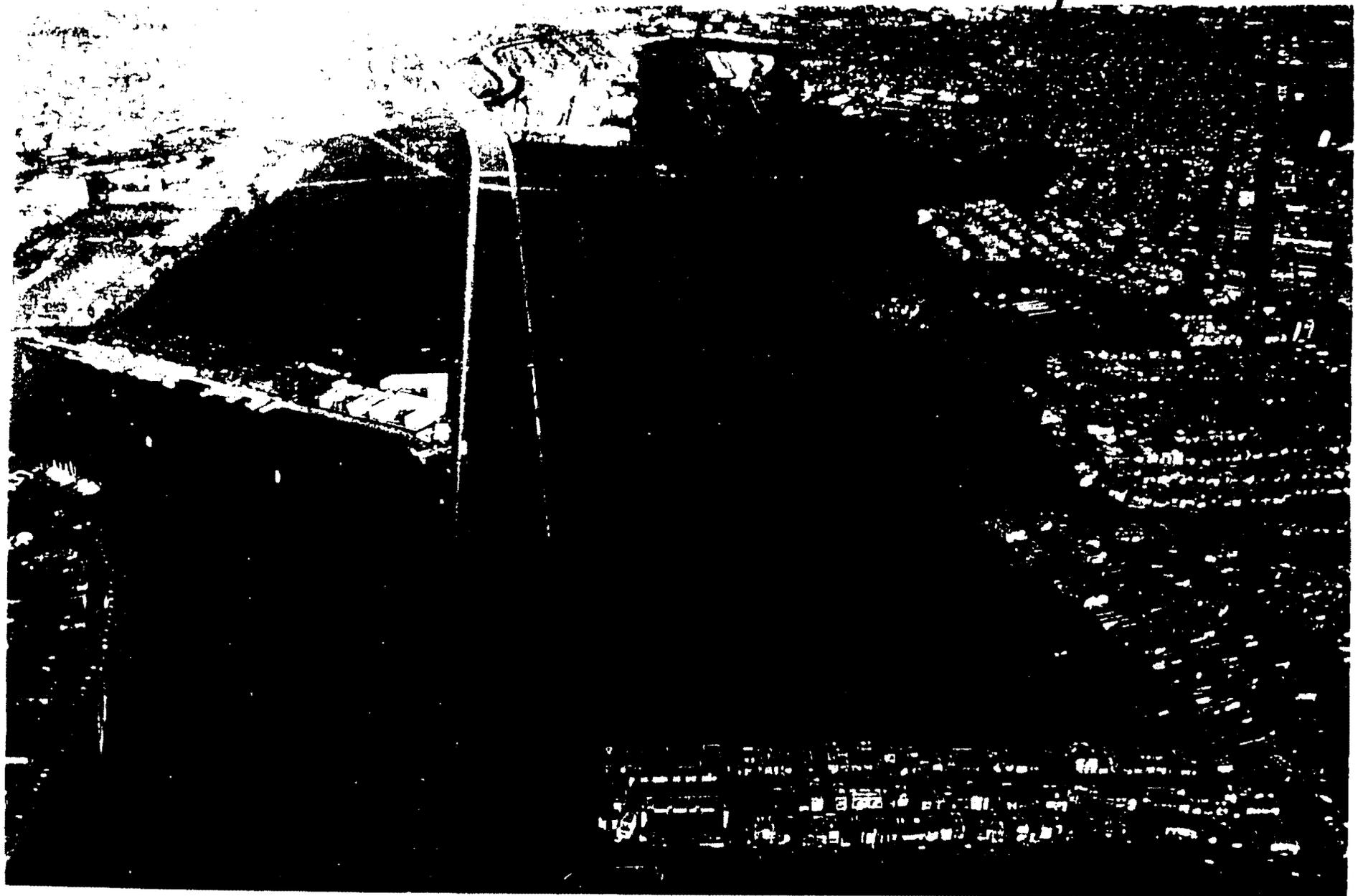




PHOTO BY ROB KINSLow 1997 - SHOWING VERNAL POOL (BELOW)

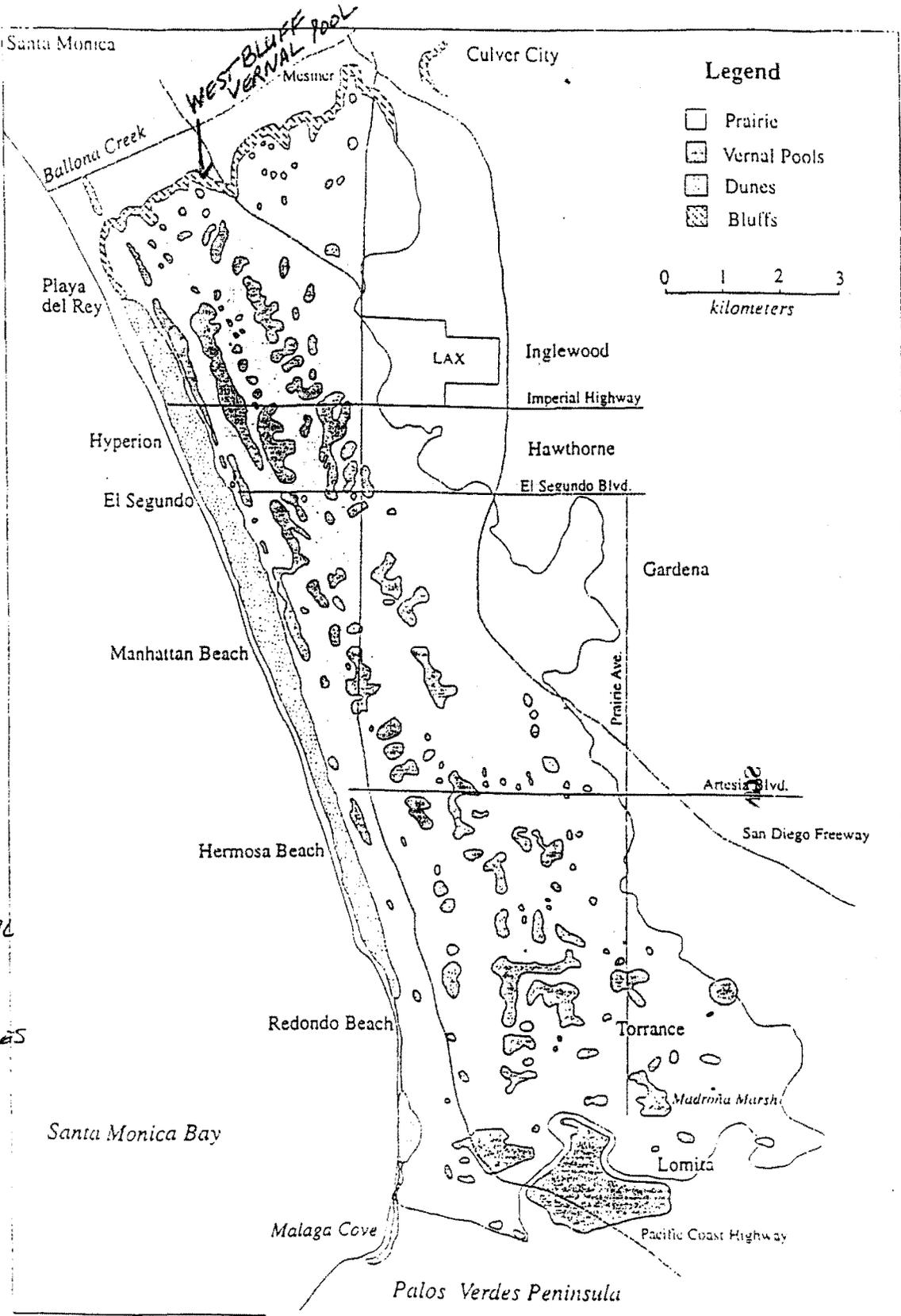




The vernal pools of the West bluffs fill with the spring rains and bloom with wildflowers in spring and summer. The development would destroy this rare wildlife habitat.(Photo # 1 by Robert Kinslow; #'s 2 and 3 by Rex Frankel)



Photos of Hastings Canyon: #1 by Kathy Knight; #'s 2 and 3 by Rex Frankel. Catellus Corporation seeks to fill in the canyon and build million dollar homes here.



→
 ALMOST ALL
 OF THESE
 VERNAL POOLS
 HAVE BEEN
 DESTROYED.
 TO OUR
 KNOWLEDGE
 THE WEST
 BLUFF VERNAL
 POOL IS THE
 LAST ONE
 IN LOS ANGELES
 CITY; AND
 THE LAST
 OF THE
 BALLONA
 BLUFFS.

THE LOS ANGELES COASTAL PRAIRIE.
 A VANISHED COMMUNITY

RUDI MATTONI and TRAVIS R. LONGCORE
 UCLA Department of Geography
 Box 951524
 Los Angeles, California 90095-1524



United States Department of the Interior
Fish and Wildlife Service
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



MAR 24 1999

Hadar Plafkin
Project Coordinator
Department of City Planning
City of Los Angeles
221 North Figueroa Street, Room 1500
Los Angeles, California 90012-2601

Re: West Bluffs Project, City of Los Angeles - State Clearing House No. 97111005;
Coastal Development Permit No. CDP-93-013

Dear Mr. Plafkin:

We have received an inquiry concerning the potential habitat losses associated with the West Bluffs Project located in the city of Los Angeles. We previously supplied comments on the Subsequent Draft Environmental Impact Report (SDEIR) for this project on July 6, 1998. At that time, we were unaware of the possible presence of a vernal pool wetland on the project site. ↙

Vernal pools are a unique specialized form of seasonal wetlands that once were found throughout California. The combination of appropriate soils, topography and Mediterranean climate needed for the creation and maintenance of vernal pools was probably never common in southern California. However, the coastal prairie in Los Angeles County historically contained a substantial number of vernal pools. Agricultural and urban development have contributed to the elimination of the majority of vernal pool habitat in southern California including Los Angeles County. Only remnant examples of this habitat remain. Nearly all vernal pool habitat has been lost in Los Angeles County.

Several species of plants and animals which are dependent upon vernal pool habitat are listed as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). In Los Angeles County, these include the federally endangered Riverside fairy shrimp (*Streptocephalus woottoni*), threatened spreading navarretia (*Navarretia fossalis*) and endangered California orcutt grass (*Orcuttia californica*). The western spadefoot toad (*Scaphiopus hammondii*), a State of California Species of Special Concern, is also a vernal pool species.

We do not have additional site-specific information for the project area. We strongly recommend that you seek assistance from a biologist familiar with your project site and with the listed species in assessing the actual potential for direct, indirect, and cumulative impacts likely to result from proposed activity. ↙

If there is no Federal involvement, and a listed species would be affected either directly or

indirectly by the project (i.e., take would occur), then an incidental take permit under section 10(a)(1)(B) of the Act is required prior to such take occurring. Section 9 of the Act prohibits the take of any federally listed endangered species by any person subject to the jurisdiction of the United States. Take includes "harass" and "harm", as defined by section 3 of the Act. Harass in the definition of take means "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering." Harm in the definition of take in the Act means "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." (see 50 CFR §17.3). Take incidental to an otherwise lawful activity may be authorized under sections 7 or 10 of the Act.

The application for an incidental take permit must be accompanied by a habitat conservation plan. Briefly, the plan would need to specify: 1) the impact which will likely result from the taking; 2) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps; 3) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and 4) such other measures that the Secretary of the Interior may require as being necessary or appropriate for purposes of the plan.

Should you have any questions regarding the species listed, or your responsibilities under the Act, please contact Carol Gorbics of my staff at (760) 431-9440.

Sincerely,

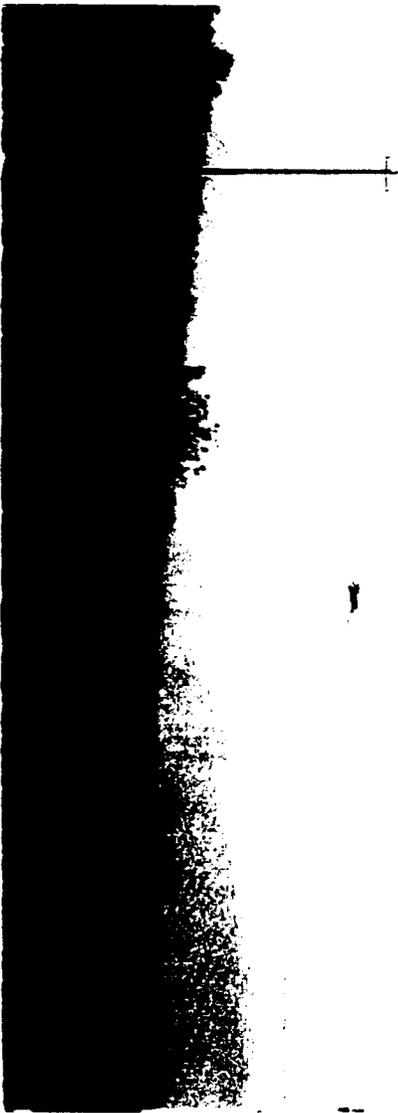


Jim A. Bartel
Assistant Field Supervisor

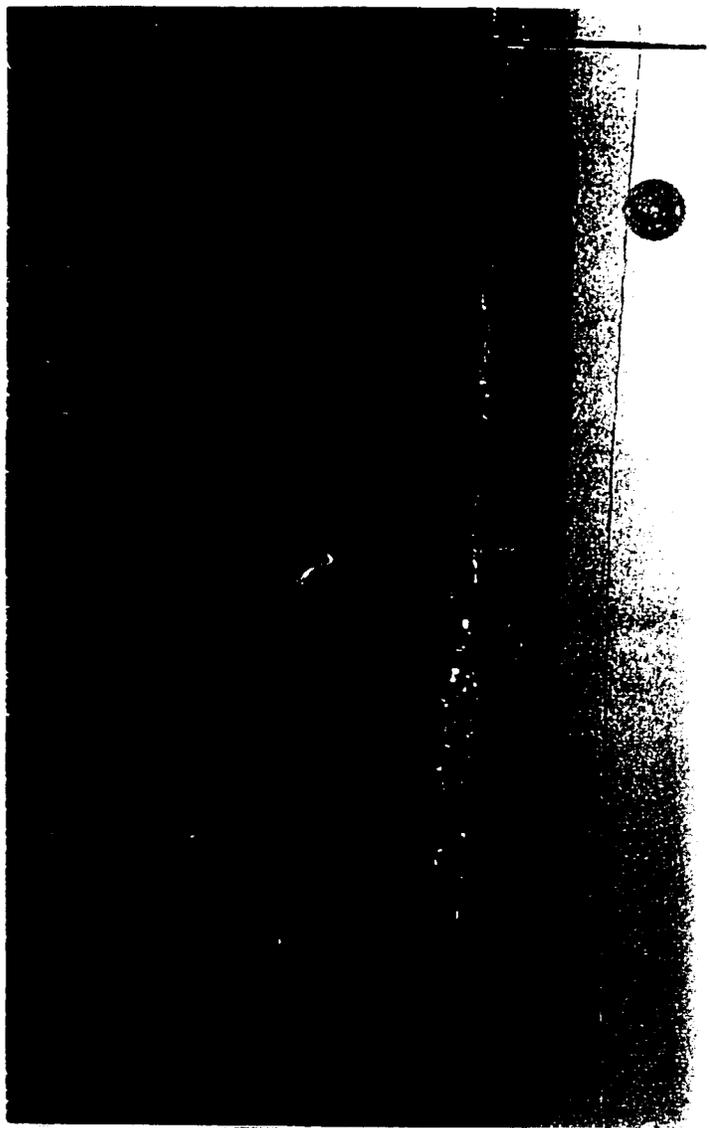
1-6-99-SP-13

Attachment

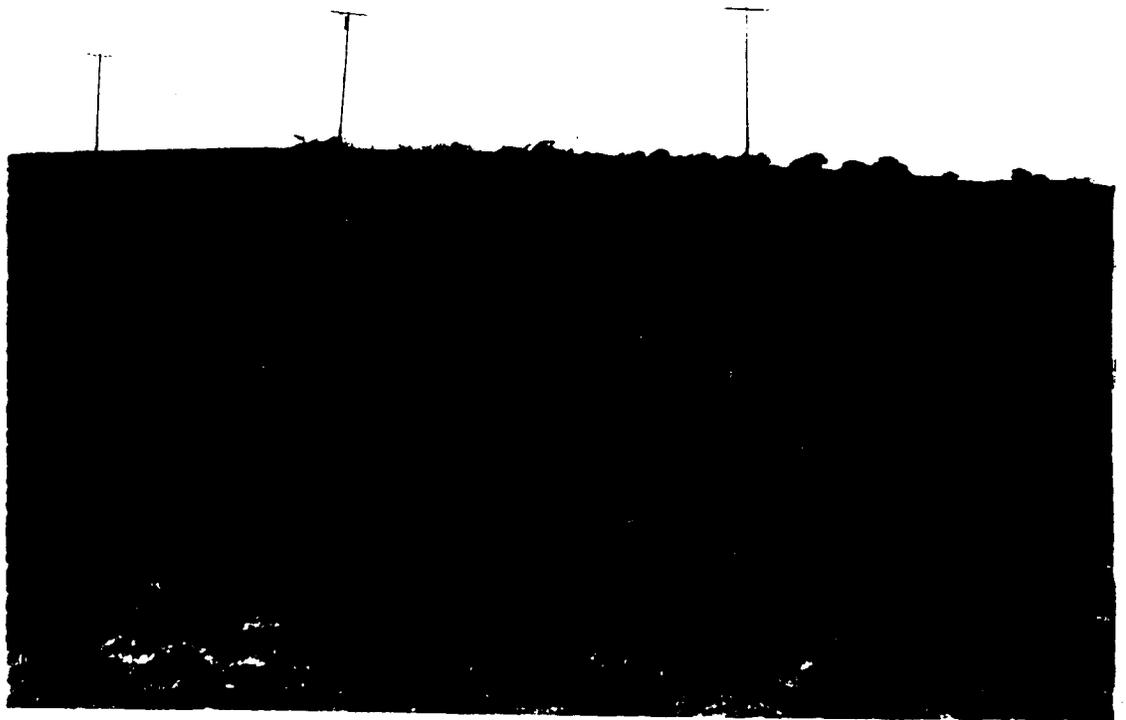
5-22-99



2-6-99



PHOTOS TAKEN
BY KATHY KNIGHT
OF GREAT BLUE
HERONS USING
BLUFF FOR
FOOD



5-22-99

PREPONDERANCE OF SCIENTIFIC COMMUNITY/CULTURAL EXPERTS

SUPPORT SAVING THE LAST NATURAL BLUFF

OF THE BALLONA ECOSYSTEM

Scientists/Experts Who Have Written/Testified to the Importance of Saving the West Bluff:

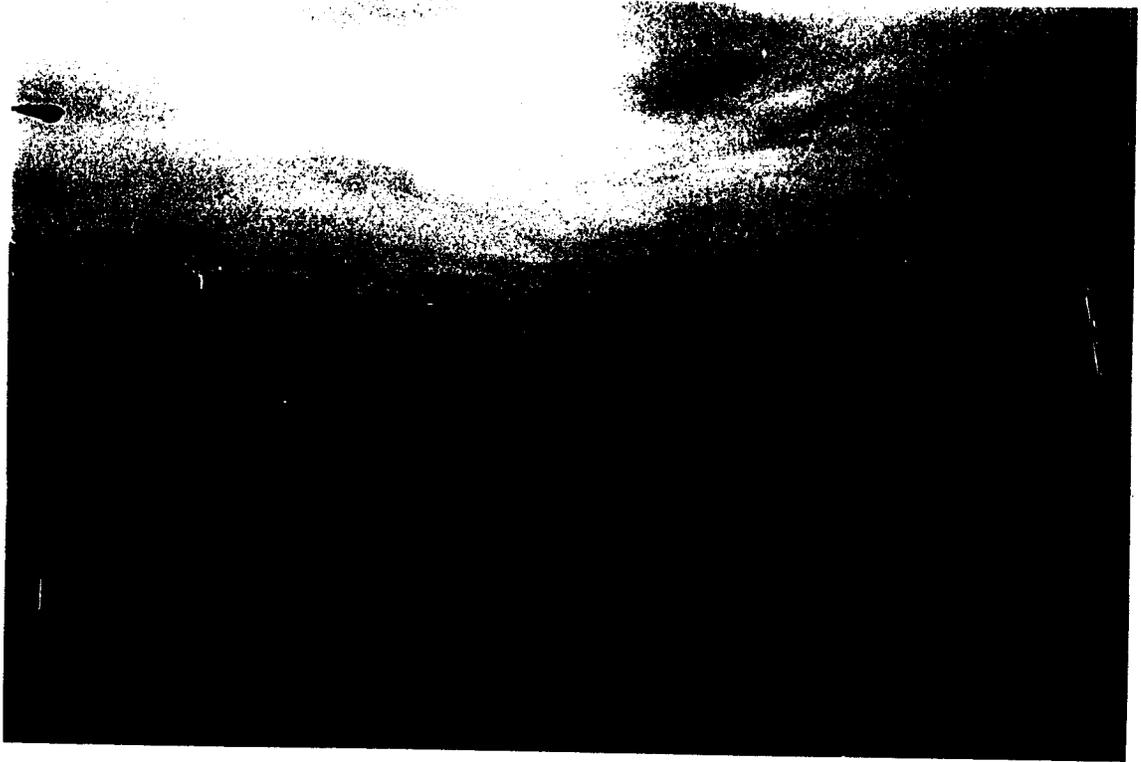
1. Travis Longcore (Co-Author of "The Vanishing Prairie Community")
2. Catherine Rich (Past President of Los Angeles Audubon Society)
3. Dr. Rudi Mattoni, UCLA Geography Dept. (Co-Author of "The Vanishing Prairie Community" showing historic vernal pool on West Bluff)
4. Dr. Howard Towner, Professor of Biology at Loyola Marymount University (refuted many arguments of Catellus' consultants and EIR conclusions)
5. Dr. Shawn Smallwood, biologist consultant for Spirit of the Sage Council
6. Dr. Joy Zedler, one of top wetlands restoration specialists in the country, supervised restoration of 2400 acre Tijuana Estuary in San Diego
7. Consultant biologists with Sierra Club
8. California Native Plant Society
9. Friends of Ballona Wetland's biologist
10. United States Fish & Wildlife Service - changed their minds after seeing documentation not provided by developer - now wants studies regarding potential impacts to biota associated with vernal pools (see following letter).
11. Dr. Rimmon C. Fay and Ellen Stern Harris (co-authored Coastal Act legislation and served as California Coastal Commissioners)
12. Chief Ya'Anna Vera Rocha of the Shoshone Gabrielino Nation wrote a letter (attached) asking that their last sacred village site of the Ballona Bluffs be preserved.
13. Archaeologist for City of Malibu wrote several long letters documenting human remains found on the prehistoric village site and the site's importance.

This is compared to only 8 biologists (USFWS has changed their position and apparently was not notified of this new permit so has not commented for this hearing).

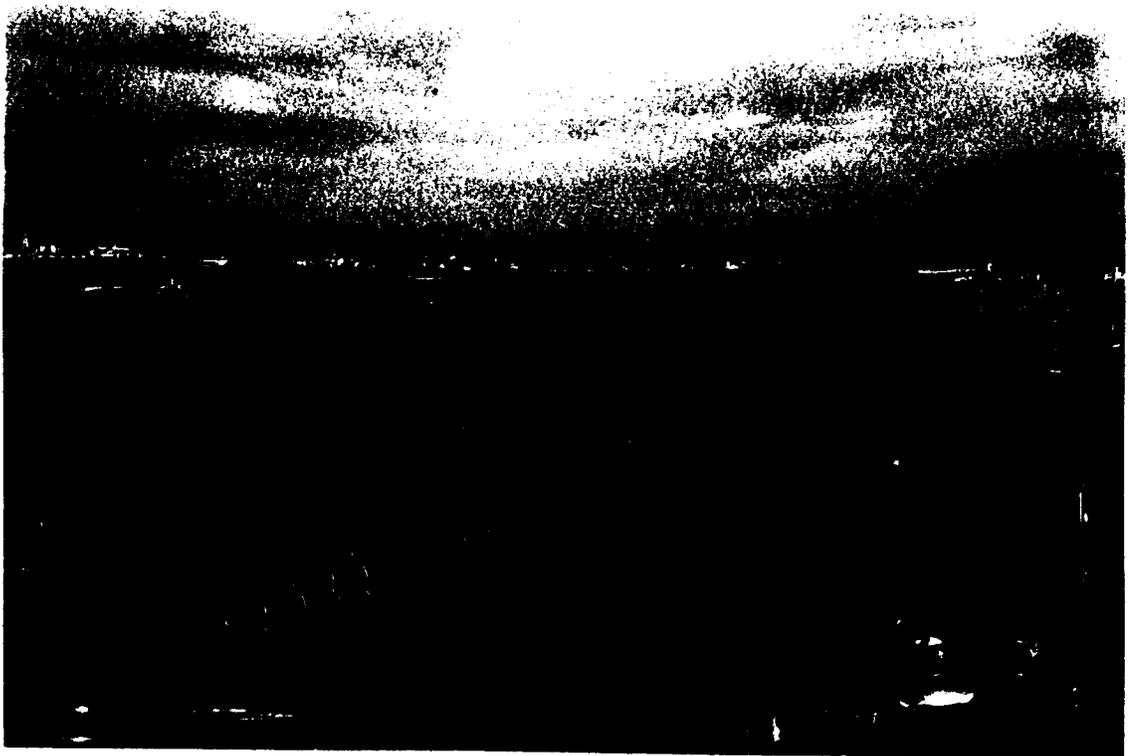
The staff report of November 17, 1999 does not state who these other biologists are, but we would guess that at least some of them have vested interests in this issue, e.g., are paid consultants for the developer.



save this view



DISCKING WEST BLUFF 1-9-99



RE: PROPOSED WEST BLUFF PROJECT

CCC 8-10-99



MLA HOUSING PROJECT - WESTCHESTER BLUFFS
EAST OF LINCOLN SHOWING BRUSH CLEARANCE
AREA AND VIEW SIMILAR TO THAT WHICH
WILL BE SEEN FROM PACIFIC COAST
HIGHWAY ON TOP OF WEST BLUFF.

PHOTO TAKEN
8-9-99 BY
KATHY KNIGHT
EXHIBIT 10

RE: PROPOSED WEST BLUFF PROJECT CAC 8-10-99



"RE-VEGETATION" OF CATULLUS' DEVELOPMENT
ON DUNBARTON TRACT.

BEGUN IN 1996 - AUGUST 1999 STILL NOT
DOING WELL. SLOPES WERE TOTALLY DE-NUDED
& WIT TOO STEEP.

PHOTO TAKEN 8-9-99
BY KATHY KNIGHT
EXHIBIT L

Indians Hope to Save Heritage in Ballona Wetlands

By JOHN L. MITCHELL, *Times Staff Writer*

The Ballona Wetlands, in a strange way, remind Vera Rocha of the strengths and weaknesses of her Indian ancestors.

"The Indians believed that land was all part of mother earth and from it she produced life for everyone to share. Indians didn't believe that this land is mine or this is yours. The lands was for everyone. I guess that is why they shared it with the white man," the 54-year-old woman from Baldwin Park said.

Rocha and her husband, Manuel, stood on a dirt trail leading to a rundown piece of property that for years she has privately held claim to. It is the Ballona Wetlands, a salt marsh between Marina del Rey and Playa del Rey. Once it extended for miles, but now its size is estimated at only about 200 acres.

At the edge of this undeveloped parcel a sign warns trespassers to keep out: "Private Property, Summa Corp." The corporation plans to put a \$1-billion development on a total of 926 acres.

Years ago, long before Europeans set foot here, the Ballona Wetlands and much of the land that is now considered the Westside of Los Angeles were ruled by Rocha's people, the Gabrieleno Indians.

To the Gabrielenos the Ballona Wetlands are sacred. They made their homes near the wetlands. They ate the fish hatched in the estuaries and hunted its wild rabbits. They used the rare pickleweed and other wild plants to make medicine. They buried their dead there.

Buried somewhere on Summa's property, the Rochas contend, lie the ruins of several Gabrieleno villages. The Indians would like to have these sites preserved as a cultural resource. The Rochas argued their case at hearings on the Local Coastal Plan held by the county Board of Supervisors. They lost.

Their memories—the family histories passed down over generations—could not compete with the high-priced studies produced elsewhere.

Summa's archeological study found no significant resources on the property except for the ruins of a village underneath Culver Boulevard, Summa spokeswoman Christine Henry said.

County planners agreed. They acknowledged the existence of the Culver Boulevard site but also noted that two additional sites are located on the bluffs overlooking the Ballona Wetlands.

"... During heavy rains, the low-lying

areas were not popular for permanent residences," the plan states. "Instead, as the recorded-site locations demonstrate, they were built up along the bluffs overlooking the marsh area."

Other reports indicate that there are many archeological sites in the area. Near the Ballona Creek—the lower portion of the Los Angeles River drainage system—were found some of the oldest human fossils in North America and artifacts dating back thousands of years.

The county plan says that if additional sites are discovered, they should, when feasible, be recorded and preserved. The county uses a section of the state's Coastal Act to define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors."

Despite the precautions, many environmentalists say that Summa's development could destroy the area's historical roots.

"The Summa Corp. and the county have managed to ignore the whole archaeological situation rather nicely," said Clay Singer, archaeology professor at Cal State Northridge. "This area has perhaps some of the last intact villages buried under the earth."

Under the county plan, Summa will preserve 165 acres of wetlands and develop the rest of the property with about 5,600

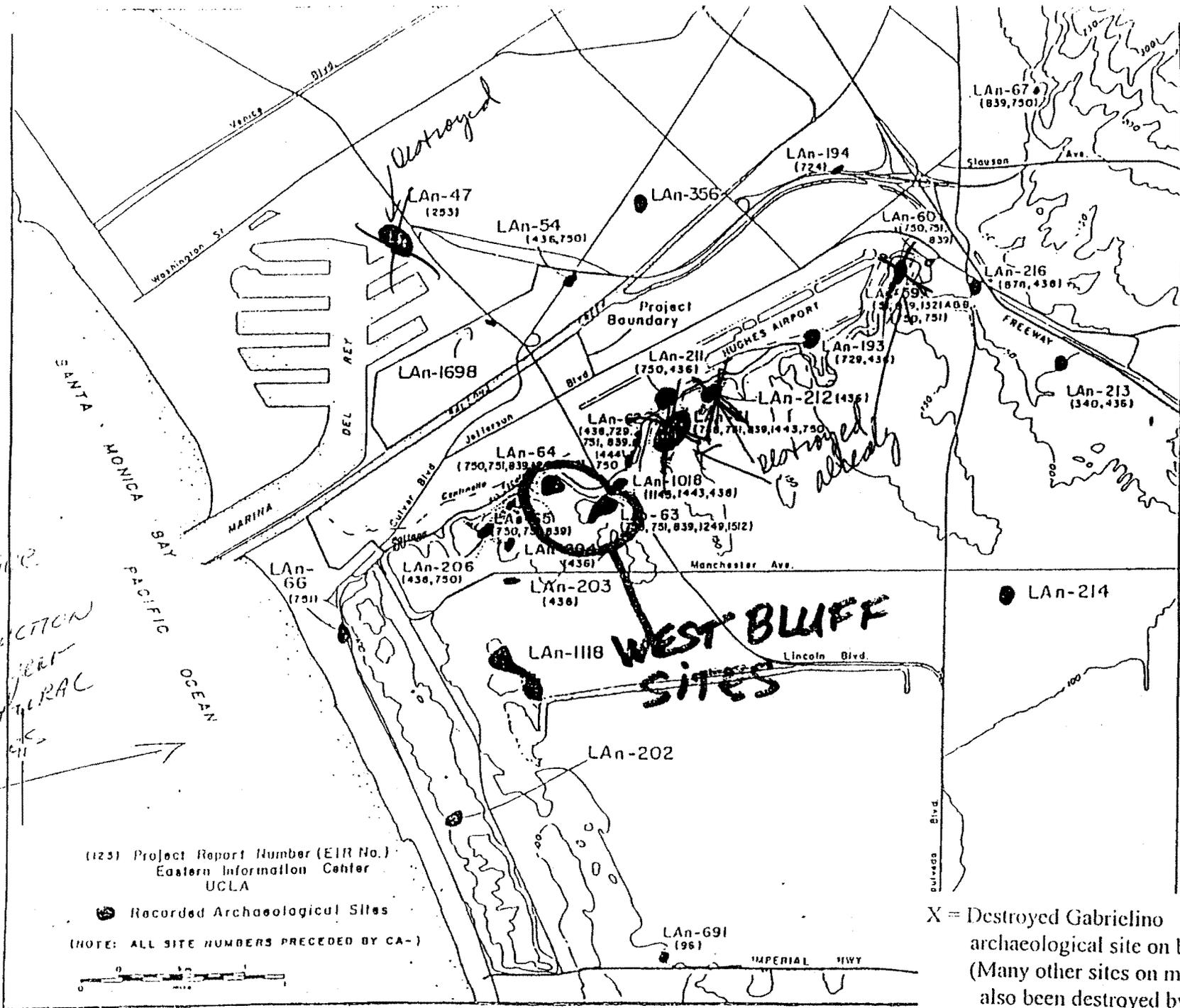


LOU MACK / Los Angeles Times

Manuel and Vera Rocha gather Indian herbs in wetlands beside Ballona Creek.

Please see BALLONA, Page 13

LOS ANGELES TIMES 1980'S

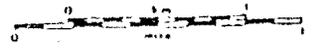


UNLIMITED
 IMPACTS
 NO DESTRUCTION
 OF 9,000 YEAR-
 OLD CULTURAL
 RESOURCES

(123) Project Report Number (EIR No.)
 Eastern Information Center
 UCLA

● Recorded Archaeological Sites

(NOTE: ALL SITE NUMBERS PRECEDED BY CA-)



X = Destroyed Gabriellino
 archaeological site on bluff top
 (Many other sites on map have
 also been destroyed by development)

Figure 4. Previously Recorded Archaeological Sites in the Del Rey Hills and Ballona Wetlands.
 (Relevant UCLA EIR indicated in parentheses).

Spirit of the Sage Council

Protecting and Conserving Biological Diversity, Native Plants, Native Animals and Native Lands

August 14, 1997

Vera Rocha, Co-Founder
Shoshone-Gabrielino Nation
Cultural Affairs Director

Leeona Klippstein, Co-Founder
Conservation Programs Director

Douglas Doepke, Treasurer
Policy Programs Coordinator

Steven Fisher, Ecologist
Science Programs Coordinator

Daniel Patterson, Ecologist
Desert Programs Coordinator

Patrick Mitchell, Naturalist
Peninsular Ranges Coordinator

Kathy Knight, Public Affairs
Coastal Wetlands Coordinator

Elizabeth Francis, Public Affairs
Arroyo Seco Coordinator

Al Kelly, Wildlife Biologist
San Bernardino Valley Coordinator

Udo Wald, Public Education
Interfaith Outreach Coordinator

Councilwoman Ruth Galanter
City of Los Angeles
200 N. Spring Street
Room 239
Los Angeles, CA. 90012
ATTN: Community Advisory Committee

RE: Proposed Howard Hughs Properties Development,
EIR No. 91-0675-SUB

Dear Councilwoman Galanter and Advisory Committee Members,

Spirit of the Sage Council (Sage Council) is a non-profit 501(c)3 project and coalition of over 30 grassroots conservation organizations and indigenous Native American Tribes. Co-founded by the Shoshone-Gabrielino Nation in 1991, the Sage Council is recognized nationally as a leader in important conservation issues related to the protection of endangered species, imperilled ecosystems and sacred lands.

We believe that it is important for the Councilwoman and Committee to be aware of our successes in having spearheaded campaigns that led to public acquisition of "private" land holdings. In San Bernardino County, a 763 acre reserve at North Etiwanda was created and evolved from our objections to a proposed golf course development by the Resolution Trust Corporation. Working cooperatively with local, state and federal agencies we found a way to come up with a bid of \$8 million -- that came out of Federal Highway and Caltrans funding to mitigate for a road expansion project in San Bernardino.

On the heels of the North Etiwanda acquisition, an adjacent 800 acres inholding in the National Forest at Day Canyon was acquired for conservation purposes. Again, the Sage Council worked cooperatively with the Forest Service, the private land holder and U.S. Fish & Wildlife Service.

Then more recently, the Sage Council was one of the seven appellants on the proposed Red Tail Golf Course development at Big Tujung(n)a Wash in Los Angeles.

At the national level, the Sage Council has provided important public policy analysis and litigation involving the federal Endangered Species Act

P.O. Box 77027-102 • Pasadena • CA • 91107 • Tele: 909-422-1637 • FAX: 562-946-9463 • U.S.A.

A non-profit project of Social and Environmental Entrepreneurs (SEE, Inc.), Malibu, CA.

Recycled Paper

Councilwoman Ruth Galanter and Advisory Committee
RE. Proposed Howard Hughs development, EIR No. 91-0675-SUB
Page Two

and proposed regulatory changes. See Spirit of the Sage Council, et al. v. Babbitt, Secretary of the Interior, et al successfully forcing the federal government to provide full public disclosure and comment on the "No Surprises" policy.

The Sage Council requests that you assist us, including the Shoshone-Gabrielino Nation, in protecting the "West Bluff" top of the Ballona Wetlands for our cultural and natural heritage. We believe that you can do so by recommending that the proposed 121 residential development and project proponents provide a "preferred alternative" that would include a "Resource Management Plan" for conservation and public acquisition. Therefore you would also need to support a "No Project Alternative," or explain concisely why the No Project Alternative or Preferred Alternative was not feasible.

The "West Bluff" top and all of Ballona is a significant Shoshone-Gabrielino village site, ceremonial grounds and sacred site. So much of the ancestral village site and sacred wetlands have already been taken and destroyed without the consent of the indigenous people that it is vitally important to protect all that remains. The "West Bluff" area is extremely significant culturally and biologically because the area has been left relatively intact and undisturbed. Unfortunately, the majority of our village sites, burials and sacred lands have been bulldozed and paved over. Grave diggers and archaeologists have robbed many artifacts from the Shoshone-Gabrielino and sold them to private collectors or placed them behind glass in museums (cultural zoos). We need this site to remain intact.

We ask you to work cooperatively with the Sage Council and Shoshone-Gabrielino Nation in protecting this little piece of unpaved sacred land and help us to enhance its ecological value. *Together we can have another success for Mother Earth.* If you have any questions please call Kathy Knight @ 310/450-5961

For our wild and sacred relations,

Chief Ya'Anna - Vera Rocha

Chief Ya'Anna, Vera Rocha
Shoshone-Gabrielino Nation
Spirit of the Sage Council

Kathy Knight

Kathy Knight
Coastal Wetlands Coordinator
Spirit of the Sage Council

Attached: October 6, 1996 letter to Mayor Richard Riordan
Maps identifying documented archeological sites of Ballona

cc. Jim Cohen, Executive Director
California Indian Legal Services

Senator Tom Hayden

Los Angeles City Council Members

Southern SIERRAN



Vol. 54 No. 12

December 1998

Published by the Angeles Chapter of the Sierra Club

Chapter News

December 1998 3

Chapter opposes Ballona bluff plan

By Kathy Knight

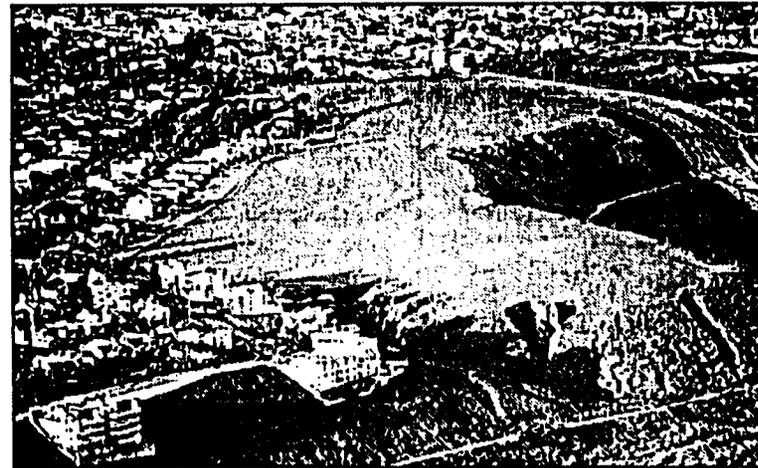
The Executive Committee of the Angeles Chapter voted to support the conservation and restoration of the West Bluff of the Ballona wetlands ecosystem in the westside of Los Angeles, the last natural bluff top overlooking the Ballona wetlands.

This 44-acre site, south of the Ballona Wetlands area and west of Lincoln Boulevard, is half coastal prairie ecosystem and half hillside. It is slated to become a 119-home development built by Catellus Development Corp. The bluff contains one of the last known uncovered village sites left in Los Angeles of the indigenous Shoshone Gabrielino Indians, according to Chester King, archeologist for the city of Malibu. Previous bluff-top village sites were destroyed by a UCLA housing tract, an expansion

of Loyola-Marymount University and another separate Catellus development.

The bluff top is rare and restorable, part of a coastal ecosystem that once extended south to Palos Verdes. It was once covered with native flowers such as poppies, lupine, phacelias, larkspur and native grasses, and has a vernal pool evident after spring rains. It provides home and foraging habitat for many species of animals that are native to the local area. Animals that call this bluff home include the legless lizard; great-horned, barn and burrowing owls; great blue herons; peregrine falcons; red-tailed hawks; turkey vultures; Pacific tree frog; western toads; California king snake and more.

The final environmental impact report has been completed and the proposed development is in the public hearing process.



ROBERT KINSLow

This West Bluff area that overlooks the Ballona Wetlands in West Los Angeles is slated to become a 119-home development.

If you would like to help save the West Bluff area, call Kathy Knight, vice chair of the Coastal Protection

Committee, at 310-581-0015 or check out the Web page at: savewestbluffs.org.

Citizens United to Save ALL of Ballona

MISSION
STATEMENT:
↓

Citizens United to Save All of Ballona is a coalition of organizations who support the goal to protect, acquire, restore & maintain the entire Ballona wetlands eco-system and surrounding undeveloped open space in a natural and self-sustaining state.

Following is the most current list of organizations who have agreed to support this goal.

*Action Resource Center (ARC)
Alliance for a Paving Moratorium
Alliance for Survival - L.A.
Amazon Watch
American Cetacean Society/L.A. Chapter
Americans for Democratic Action - (So. CA ADA)
Animal Legislative Action Network
Ark Trust, Inc.
Animal Protection Institute
Associated Students of Santa Monica College (26,000 students)
Association Pour La Protection Des Animaux Sauvages
Ballona Ecosystem Education Project
Ballona Valley Preservation League
Ballona Wetlands Land Trust
Bolsa Chica Land Trust
CAL BERG (California Public Interest Research Group)
California Earth Corps
California Native Plant Society/Santa Monica Chapter
Christians Caring for Creation
Christian Environmental Association
Citizens Environmentalists Against Selling-out the Earth (CEASE)
Country Connections
Earth Alert
Earth Connections
Earth First! - L.A.
Earth Spirit of Agape
Earth Trust Foundation
Ecology Center of So. California
Education Action for Animals
Endangered Species Coalition
FBW!
Food Not Bombs
Forest Action Network/CA
Fossil Fuels Policy Action Institute
Friends of Animals
Friends of the Forests
Friends of Sunset Park
The Fund for Animals*

MORE ON REVERSE...

The Fund for Animals
Great Whales Foundation
Green Corps of Santa Monica College
Greenpeace
Grey Panthers
Intl. Society for the Preservation of the Tropical Rainforest
The John Muir Project
L.A. County Green Party
L.A. Eco Village - Cooperative Resources & Services
L.A. Urban Alliance
Last Chance for Animals
Long Beach Greens
Los Angeles National Lawyers Guild
Loyola Marymount (LMU) Sierra Club Student Group
Mid-City Neighbors
The Nation Discussion Group
Native Forest Council
New Eden Foundation
PAX Christi
Peninsular Ranges Biodiversity Project
PETA (People for the Ethical Treatment of Animals)
Rainbow Club of LMU (Loyola Marymount University)
Rainforest Action Network
Reverence for Life Realized
River Valley Preservation Project
Safe Air Coalition
San Fernando Valley Greens
Santa Monica Unitarian Church Social Action Committee
Save Ahmanson Ranch/SEE
Save Our Coast
Sierra Club
SMC Vegetarian Club
Social & Environmental Entrepreneurs (SEE)
Society for the Preservation of Birds of Prey
South Bay Greens
Southwest Center for Biological Diversity
Southwestern Herpetologists Society
Spirit Awakening
Student Action for the Environment at USC
Surfrider Foundation
Theatre Flux
Theodore Payne Foundation
Tri-Star Investigations
UCLA Environmental Coalition
Vegetarian Society, Inc.
Wetlands Action Network
Wildlife Protection League
Women's International League for Peace & Freedom



Joanne M. Maguire
7005 Kentwood Court
Los Angeles, California 90045
(310) 338-1483

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JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

A-5-PDR-00-77
CDP 5 99 32 9

May 15, 2000

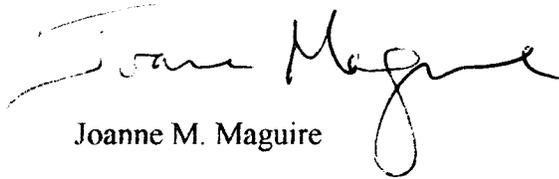
California Coastal Commission
South Coast Area
Attn: Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Dear Coastal Commissioners:

The Playa del Rey bluff slope eco-system will not survive without an intervention plan to stop runoff and soil erosion. Catellus Residential Group has agreed to mitigation measures that will allow this eco-system to rejuvenate. The choice to me is support a plan that addresses the needs that exist today or do nothing until it is too late. I prefer to be proactive in saving this area.

Please join with me in supporting the West Bluffs development and the mitigation measures it will provide to protect the Coastal Zone.

Yours truly,



Joanne M. Maguire

cc: R. Galanter
P. Lauener



Dr. Mary Jane Rotheram-Borus
255 E. Redlands Street
Playa Del Rey, California 90293
(310) 823-8541

A-5-PDR-00-77
CDP 5 99 32 9

May 15, 2000

California Coastal Commission
South Coast Area
Attn: Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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CALIFORNIA
COASTAL COMMISSION

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Yours truly,


Dr. Mary Jane Rotheram-Borus

cc: R. Galanter
P. Lauener



Joyce D. Rotheram
7005 Kentwood Court
Los Angeles, California 90045
(310) 338-1483

RECEIVED
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CALIFORNIA
COASTAL COMMISSION

A-5-PDR-00-77
CDP 5 99 32 9

May 15, 2000

California Coastal Commission
South Coast Area
Attn: Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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Yours truly,


Joyce D. Rotheram

cc: R. Galanter
P. Lauener



Ed Herrera
7340 W 82nd Street
Los Angeles, CA 90045
310-649-0597

RECEIVED
JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

May 23, 2000

California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

Re: CDP 5 99 329
A-5-PDR 00 77

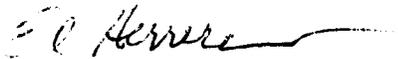
Dear Commissioners:

I support the changes Catellus Residential is recommending for the 11.95 acres of the West Bluffs development that is within the Coastal Zone.

Please include my comments in the Coastal Commission files for West Bluffs.

Yours truly,

Ed Herrera



CC: Councilwoman R. Galanter
P. Lauener



David Hoisch
2419B Clark Ln.
Redondo Beach, CA 90278

May 30, 2000

RECEIVED
JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

Re: CDP 5 99 329
A-5- PDR 00 77

Dear Commissioners:

I recently learned the Coastal Commission would be reviewing the proposed West Bluffs development in Playa del Rey at its June meeting in Santa Barbara. Regretfully, I am unable to attend the meeting. The distance is not as much of an issue as the time commitment required to participate at the Coastal Commission's Public Hearing.

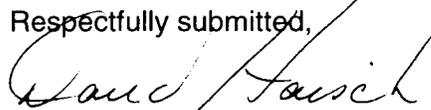
I do believe, however, that the Coastal Commission will consider all of the issues and concerns with respect to West Bluffs supporters and opponents, and make a decision that is fair and equitable to all.

I support the proposed West Bluffs development because I support the public's right to have access to coastal areas. I would like, someday in the near future, to be able to see the realization of Catellus Residential Group's efforts toward providing access to view parks, dedicated open space, a meandering bluff top trail, access to the coastal zone, and views of the oceans and mountains.

This parcel of land, left undeveloped, affords access to only a few. It is very difficult to access the coastal zone, today. Those risk-takers who are willing to traverse the hazardous and severely deteriorated bluff trail today are very few. The Catellus plan opens the area for the public's enjoyment and pleasure.

Please include my letter of support in the record of this meeting.

Respectfully submitted,


David Hoisch

Cc: Sixth District Councilwoman R. Galanter
P. Lauener

1
2
3



Richard A. Schoenfeld
7778 W. 79th Street
Playa del Rey, CA 90293-7902
(310) 827-4408 Home (323) 268-4830 Work

May 17, 2000

California Coastal Commission, South Coast Area
Attn: Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-3402

RECEIVED
JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

Re: CDP 5 99 329
A 5 PDR 00 77

Esteemed Coastal Commissioners:

I am a resident of Playa del Rey, approximately 7 houses from the west end of the proposed development referenced above.

If you walk into Hastings Canyon within the Coastal Zone, you will observe that it is basically sand and silt, accumulating from bluff top erosion before it is further washed into the Ballona Wetlands. The canyon has been eroding towards both 80th and 79th Streets at an alarming pace over the past twenty years. Unmitigated development has been allowed to occur in the Coastal Zone on a piecemeal basis as individual parcels were developed. This development activity has exacerbated the erosion problems within Hastings Canyon. Over the next few years, several homes will be threatened by continued erosion in this area, and the resulting silt and debris will continue to contaminate the Ballona Wetlands.

We now have the opportunity to correct an abuse before it is too late. Who else can be coerced into mitigating pre-existing conditions but a developer looking to mitigate the impacts of new development?

Catellus Residential Group has worked with the community for over two years to create a plan with which I can live. I invested my time because I believe the property will be developed for residential use. Who better to develop it than Catellus Residential Group? Catellus has reached out to members of this community, listening to our needs and addressing our reasonable requests. I feel Catellus has demonstrated a commitment to our neighborhood and I would like to see them develop the property with the quality product for which they are known.

I urge you to support the Coastal Zone mitigation measures Catellus has proposed and approve the Coastal Permit for the West Bluffs development.

Sincerely,



Richard A. Schoenfeld

cc: R. Galanter
P. Lauener

11
12
13



THE HUNTER GROUP
General/Electrical/A.V. Contractors
License # 484489

7117 Manchester Ave.
Los Angeles, CA 90045
Tel. (310)645-7226 Fax. (310)645-7004

A-5 PDR-00-77
CDP 5 99 32 9
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JUL 20 2000

May 16, 2000

California Coastal Commission
South Coast Area
200 Oceangate, Ste. 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

CALIFORNIA
COASTAL COMMISSION

Dear California Coastal Commission Members,

For several years, houses have been built along the bluff side areas of Playa Del Rey along Berger and Veragua. This land was developed with no concern for the impact to the environment, and no provisions to protect it. The developers were not concerned with coastal access, runoff, increased traffic flow, or refurbishment of the natural habitat disrupted by the necessities of construction.

In contrast, Catellus Residential Group has proposed extensive plans to protect and enhance the Coastal Zone involved in their project. They have agreed to protect the wetlands from storm and irrigation runoff, not only from their development, but also the existing development mentioned above. They have agreed to protect and restore the coastal sage that has been damaged as a result of prior unchecked and unplanned development. How many people in today's society offer to not only prevent a mess from their own work, but also to clean up the existing mess left by others? Why is there resistance to this project?

The benefits of this development to the Coastal Zone area in question and surrounding areas are obvious. I urge you to join me in support of this development.

Sincerely,



Steve Hunter
Local resident & business owner





Meczka Marketing/Research/Consulting, Inc.

Lobby Level / 5757 West Century Blvd. / Los Angeles, California 90045
(310) 670-4824 / Fax (310) 410-0780

May 22, 2000

California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

RECEIVED
JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

Re: CDP 5.99.329
A.5.PDR.00.77

Honorable Commissioners,

As a more than 20 year resident of the Westchester area, I personally encourage you to support and approve the West Bluffs as proposed by the Catellus Residential Group.

This project will replace the current eyesore abandoned appearance of the property immediately west of Lincoln, north and above the wetland restoration.

This project will dramatically improve the overall Westchester-Playa Del Rey experience both for residents and visitors. Further, the development of West Bluffs will well compliment the concurrent developmental activity at both Loyola Marymount University and Playa Vista

Hastings Canyon remains untouched. Most, if not all, of the changes are outside of the Coastal Zone. More view lots will be available. Setbacks from Hastings Canyon have increased. There is more open space overall. The parks will serve the needs of the community and will be paid for by the homeowner's association.

This is a win-win-win project for residents, the city and the community.

Please reflect the majority feeling of the community and support this project in the entire administrative process.

With appreciation,

Michael A. Meczka
President

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2
3



RECEIVED
JUL 20 2000
CALIFORNIA
COASTAL COMMISSION

23 May 2000

California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

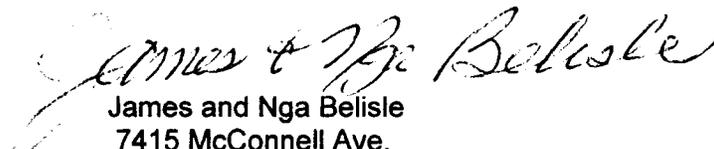
Dear Coastal Commissioners:

We are grateful for the opportunity to address you by letter as we are unable to attend the Coastal Commission in Santa Barbara. Over the last few years, we have made it a point to keep abreast of the many revisions made to the West Bluffs project both within the Coastal Zone and outside of its boundaries. We commend Catellus Residential Group for their efforts to work with the many different (and sometimes opposing) entities in the adjacent neighborhood, the community-at-large, the City of Los Angeles and, once again, the California Coastal Commission.

We trust you will judge this project for the protection and restoration benefits it provides for what is now a degraded coastal habitat area. Therefore, I will leave it to you, Honorable Commissioners, to do what you do best.

Please enter into the record that we are supporters of the proposed development. We believe it will revitalize a seriously degraded Coastal Bluff ecosystem as well as that of the wetland below of the bluff.

Very Truly yours,


James and Nga Belisle
7415 McConnell Ave.
Los Angeles, California 90045

CC: R. Galanter
P. Lauener



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JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

Erin Rotheram-Fuller
8500 Falmouth Avenue #3112
Playa Del Rey, California 90293
(310) 306-4346

A-5-PDR-00-77
CDP 5 99 32 9

May 15, 2000

California Coastal Commission
South Coast Area
Attn: Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Dear Coastal Commissioners:

The Playa del Rey bluff slope eco-system will not survive without an intervention plan to stop runoff and soil erosion. Catellus Residential Group has agreed to mitigation measures that will allow this eco-system to rejuvenate. The choice to me is support a plan that addresses the needs that exist today or do nothing until it is too late. I prefer to be proactive in saving this area.

Please join with me in supporting the West Bluffs development and the mitigation measures it will provide to protect the Coastal Zone.

Yours truly,



Erin Rotheram-Fuller

cc: R. Galanter
P. Lauener

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Cecere Trust

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CALIFORNIA
COASTAL COMMISSION
P.O. Box 88462
Los Angeles, CA. 90009-8462
(310) 410-2305
(310) 649-3294 24 Hr. FAX

May 15, 2000

CDP 5 99 329

A-5-PDR-00-77

California Coastal Commission
South Coast Area
Attention: Debra Lee
200 Oceangate Suite 1000
Long Beach, CA. 90802-4302

RE: Support of Catellus Revised Plan of West Bluffs

Dear Commissioners:

Since very early in 1960 my wife and I have lived and raised our children just 100' from the Catellus project just off Park Hill at 7417 W. 81st Street and *heartily support their new revised development.* This has to be the best planned residential development in all of Westchester and Playa Del Rey, a development that all of Los Angeles can be proud.

We have been to nearly all the neighborhood meetings in the last 25 months and to my observation all the opposition seems to come from outsiders **not my neighbors.** These so-called ecologists supported by Sierra Club monies all seem to belong to each other's organizations and have political aspirations. Some have already worked their way into Mayor Rirordan's newly formed Community Committees. *They want publicity* and will be after Councilwomen's Galanters position at the end of her term. Their pretence is for the ecology but they have their own selfish reasons.

We care for our community and being a native-born Angelino and former Eagle Scout I practice ecology and an avid outdoorsmen. My wife and I worked, gave freely of our time and financial support to numerous Westchester Civic and Youth Sports organizations since 1959.

With this new revision it not only helps stabilize the ecology it enhances the whole community providing badiy needed housing in a safe environment, at the same time broadening the tax base giving a huge tax increase for Los Angeles County, City, and a boost to local businesses.

We urge your support for our neighborhood and all of Los Angeles.

Sincerely,


Cecere Trust,
Salvatore C. Cecere and Roberta A. Cecere

CC: Councilwoman Ruth Galanter; Peter Lauener, Catellus



John Alfano
7818 west 79th St.
Playa del Rey Ca. 90293

May 17th, 2000

California Coastal Commission
South Coast Area
Attn. Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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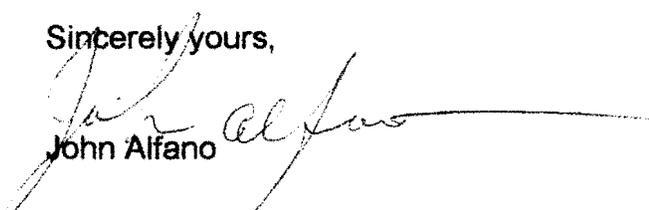
CALIFORNIA
COASTAL COMMISSION

Dear Commissioner:

The revised West Bluffs development plan leaves that portion of Hastings Canyon that lies within the Coastal zone untouched. It will not be filled. It will not be graded. It will not be developed for housing. In addition, bluff top set backs have been increased. The self imposed mitigation measures the developer has agreed to make West Bluffs a **win-win** project for its neighbors.

Please support this project.

Sincerely yours,


John Alfano



Re: CDP 5 99 329
A-5- PDR 00 77

Craig & Kateri Wiseman
7714 West 81st Street
Playa del Rey, CA 90293

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May 23, 2000

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

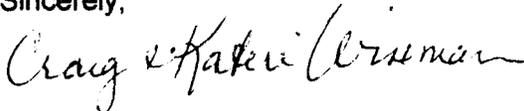
Dear Commissioners;

We hope that you will be able to make a fair and equitable decision on the future of Catellus Residential Group's proposed West Bluffs development. We support the project and feel that protracted public hearings have exacerbated the divisiveness that is always inherent to change. We believe the project is a good one.

The changes Catellus Residential Group is proposing to the project provide additional coastal zone mitigation, and successfully resolves longstanding environmental impacts with the project's Coastal Zone boundaries.

Please add our names to the list of supporters.

Sincerely,



CC: Councilwoman Galanter
P. Lauener



Tom and Carrie McClune
5471 West 76th Street
Westchester, CA 90045-3207

May 22, 2000

California Coastal Commission
South Coast Area
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

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CALIFORNIA
COASTAL COMMISSION

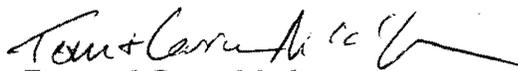
Dear Commissioners:

It is time to cut-to-the-chase and act to protect the Playa del Rey Bluffs and the wetlands below. Scientists, biologists, and other specialists that represent a project's supporters or its opponents will always find issues on which to disagree. While they debate these issues, the Bluffs and its adjacent ecosystem become more and more threatened.

Make a commitment now to protect our fragile ecosystem from the pollutants and contaminants that flow from the bluffs every time a sprinkler-head is activated to irrigate someone's yard. Another hurdle in the path of a developer motivated to mitigate pre-existing run-off is counter-productive to protecting the Coastal Zone.

Please join with us in supporting a development that provides mitigation, now, not when it is too late.

Very truly yours,


Tom and Carrie McClune

cc: R. Galanter
P. Lauener



John Kohut & Eva Cwynar-Kohut, MD
4612 Glencoe Avenue #3
Marina Del Rey, CA 90292

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JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

CDP 5 99 329
A-5-RDR-00 77

May 23, 2000

California Coastal Commission
South Coast Area
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

Dear Sirs:

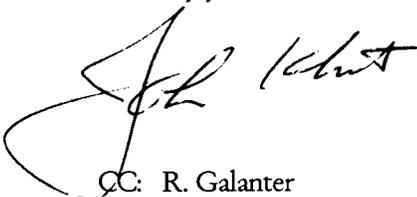
Everything about the proposed West Bluffs development suggests the need for compromise. The developer has made compromises again and again. But opponents are still staunch in their belief the only good project is "no project." They are unwilling to work toward concessions. Therefore it will be up to the Coastal Commission to render a decision as to the fate of this area.

Major changes have been made to the proposed project within the Coastal Zone boundaries. It appears, however, there will never be mitigation that will be acceptable to the small, but vocal group, who oppose West Bluffs. They live in homes on the bluff top or down the face of the bluff slope. Homes that could not be built today were it not for "grandfather clauses" within State and City codes. They live in two story homes, which previously wiped out the view of neighboring residents. Now those who oppose this project are waving the environmental flag and want to prohibit the coastal use and access to the remainder of this area.

Please consider the impetus behind their objections as you decide the fate of a project that, in our opinion, deserves your support.

We support the revisions to that portion of the proposed West Bluffs development that lies within the Coastal Zone.

Sincerely yours,



CC: R. Galanter
P. Lauener



California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Debra Lee

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CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

Please add this letter to those of my neighbors who believe that the revisions
Catellus Residential Group has made to the West Bluffs development within the Coastal
Zone demonstrates sensitivity to the uniqueness of the Playa del Rey Bluffs.

Thank you.

MLD 05-17-00

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ALFRED T. BAUM, D.D.S., M.S.D., F.A.C.D.

BRADLEY J. BAUM, B.S., D.D.S.

GARY M. BAUM, D.D.S., M.S.

ORTHODONTISTS

DIPLOMATES, AMERICAN BOARD OF ORTHODONTICS

California Coastal Commission
South Coast Area
Attn: Debra Lee
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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5-18-00
JUL 20 2000

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

I am unable to attend the Coastal Commission Hearing. Please enter my letter of into the record for the West Bluffs development. This project will benefit the local community in many ways. The sensitive environmental area located below this development will be protected by the measures the developer is taking not only during the construction, but long term protective measures are being implemented as well. There will be public access, through a system of green belts and parks, to an area that is currently inaccessible to the general public.

I have been involved in most of the 30 + community meetings that have helped shape West Bluffs into a project that has wide community support. The Catellus Corporation has gone through extraordinary lengths to meet numerous times with the local community members in several forums to devise a plan for this development. The local residents have shared in its planning

In particular, I support the proposed improvements to that portion of the West Bluffs development within the Coastal Zone including:

- Increased coastal access.
- The removal of retaining walls within the Coastal Zone.
- The elimination of grading and filling of Hastings Canyon within the Coastal Zone.
- Increased open space within the Coastal Zone.
- No development in that portion of Hastings Canyon that is within the Coastal Zone.
- A meandering pedestrian trail allowing the public coastal view access.

The West Bluffs project has my endorsement. Please join me in the support of this development.

Very truly yours,



Gary M. Baum DDS, MS

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