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Staff Report:	10/26/00
Hearing Date:	1/9-12/01

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval

APPEAL NUMBER: A-5-PLV-00-417

APPLICANT: Playa Vista Capital, LLC (Playa Capital Company LLC)

PROJECT LOCATION: Culver Boulevard, between Lincoln Boulevard and the Marina Freeway, Playa Vista, City of Los Angeles (Los Angeles County)

PROJECT DESCRIPTION: Construction of modified and new ramp connections between Lincoln and Culver Boulevards, widen the southerly half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway to provide an additional eastbound lane, widen and improve grade level connections between Culver Boulevard and Marina Freeway, drainage, lighting and landscaping. The project will add 38 to 41 feet of pavement to the 34 to 37 foot wide road, and additional area to the connections to the Marina freeway, where the finished road may be as much as 104 feet wide. The project will require 23,000 cubic yards cut and fill.

APPELLANTS: Coalition to Save the Marina, Ballona Wetlands Land Trust and Wetlands Action Network

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission find that the City's approval of the locally issued coastal development permit raises **substantial issue** with the marine resource (Water Quality) and habitat policies of the Coastal Act. The proposed project is a road-widening project that is required in the certified LUP.

EXECUTIVE SUMMARY

The road widening is required as mitigation for the part of the Playa Vista project that: (a) is approved by the City; (b) is under construction; and (c) is located outside the Coastal Zone. The Commission approved this road widening (and associated widening of Lincoln Boulevard) in 1995 (5-95-148) but that permit has expired. The present 34-to 37-foot pavement would be widened by approximately 38 to 41 feet to provide turn pockets and an additional lane. The dedicated right-of-way would be increased from 65 feet to 83 feet along most of the right-of-way (the Marina Freeway connection involves a somewhat wider right-of-way reflecting the required ramp width of 104 feet.) The existing ramp that connects eastbound Culver Boulevard with northbound Lincoln Boulevard would be replaced with two ramps. These ramps would be built with a wider turn radius than the existing ramp in order to be consistent with modern highway standards. The new ramp would connect northbound Lincoln with eastbound Culver Boulevard and would connect westbound Culver Boulevard to northbound Lincoln Boulevard. The project also includes more generous at -grade ramps to connect Culver Boulevard to the Marina Freeway.

The appellants have identified a 0.19-acre area within the project footprint that supports mulefat, a wetland facultative plant. They also assert that the runoff from this development will impact areas that the Department of Fish and Game and the Corps have identified as wetlands. Two and a half acres of state-delineated wetlands do exist within the 69-acre site, known as Area C. These delineated wetlands are not located within the footprint of the proposed road, and in fact are located north of the road, adjacent to the northerly property line, while the widening is planned to occur on the south side of the road. The runoff from the widened road would be directed to Ballona Creek, which is located south of the road.

Parts of the project are is located in the vicinity of two registered archeological sites (LAN 54 and SR11). The Commission has approved the applicant's archaeological investigation plan, with conditions (5-98-164 Playa Capital.) The appeal raises issues about possible destruction of these sites. The permit approved activities planned in the Coastal Zone on the basis a 1991 Programmatic Agreement among the US Army Corps of Engineers, Los Angeles District, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer that addressed all 17 sites on the property. The Programmatic Agreement requires investigation of sites on the property before any grading occurs in the area of any site. Permit 5-98-164 requires that the Executive Director be informed if artifacts or human remains are discovered to determine whether the recovery (or reburial) can occur or whether the proposed actions need Commission concurrence.

Finally after the Commission approved the Playa Vista Land Use Plan in 1986, geological investigations conducted on behalf of the City have revealed that in some portions of Area D, which is adjacent to this site, there is measurable soil gas, thermogenic methane. In the same report, the consultant identified an inactive potential fault extending through this area and Area D just north of Lincoln Boulevard. The appellants assert that the Commission should examine these issues as they pertain to the first phase of the project and to this area, Area C and to roads and other unenclosed surface structures within it. The staff concurs that the presence of methane is a factor that will be relevant to the Commission's consideration of future development in Area C. However, the Commission finds that the gas is unlikely to affect the proposed road improvements because a road is not an enclosed structure and cannot act to concentrate methane. The Commission has no power to require reconsideration of projects that are located outside the Coastal Zone and therefore, the Playa Vista development occurring outside the coastal zone is not under review.

The Commission will consider its own permit for this road under the terms of Section 30601 (the dual permit provisions of the Coastal Act). Because many of the issues raised by the appellants have been addressed in the City's action and others are outside the Commission's jurisdiction, staff recommends that the Commission find that this appeal raises no substantial issue concerning the consistency of the City permit with the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. City of LA CDP No. 95-03 (August 1995), extended (October 1997), currently expired;
2. State CDP No. 5-95-148 (January 1996), extended (October 1997), currently expired:
3. City of LA CDP No. 00-3B (subject appeal)
4. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
5. Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista --August 1995
6. City of Los Angeles Local Coastal Program, Land Use Plan for Playa Vista (Section C4);
7. Coastal Development Permits: 5-91-463, 5-95-148, permit waiver 5-00-139, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151
8. City of Los Angeles Bureau of Engineering Staff Report, no 95-03 –August 2, 1995
9. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993:
10. Memorandum from the City Engineer dated May 10, 2000 –Public Works review of ETI report titled "Subsurface Geo-chemical Assessment of Methane Gas Occurrences" for the Playa Vista project -- file 1996-092;

11. Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. By Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc., April 17, 2000. [Also referred to as the Jones Report or "the ETI report]
12. Memorandum: Culver Boulevard Widening Project and Potential Soil Methane Hazards, Mark Johnsson, Senior Geologist, California Coastal Commission
13. Methane Potential Hazard Zones", Department of Building and Safety, City of Los Angeles, "Memorandum of General distribution, #92, March 19, 1991.
14. Memoranda: Department of Fish and Game, December 1991 relating to extent of wetlands in Playa Vista.
15. CCC Memorandum dated March 5, 1998 re Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista:
16. Facsimile: March 27-2000 Jurisdictional Determination, final delineation, Playa vista Ballona Wetlands
17. Palms, Mar Vista Del Rey District Plan, City of Los Angeles General Plan –Playa Vista Area C Specific Plan;
18. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
19. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
20. Agreement in Settlement in Litigation in the 1984 case of Friends of Ballona wetlands, et al. v. The California /Coastal Commission, et al./Case No. C525-826
21. Programmatic Agreement among the US Army Corps of Engineers, Los Angeles District, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer, regarding the implementation of the Playa Vista Project, 1991.
22. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
23. Judge Lew, Federal District Court, June 1998, summary judgement in Wetlands Action Network, et al. v. United States Army Corps of Engineers, above.
24. Davis and Namson, Consulting Geologists, "An Evaluation of the Subsurface Structure of the Playa Vista Project Site and Adjacent Area, Los Angeles CA," November 16, 2000.
25. Group Delta Consultants, "Geotechnical Investigation of Proposed Roadway Improvements for Culver Boulevard, Playa Vista Development, Los Angeles CA" June 9, 2000.
26. Camp, Dresser and McKee, "Report of Sampling and Analysis of Soil Gas for Methane Phase 2 Portion of Playa Vista," CDM Project 10610-30928.RT.RPT, November 2, 2000

APPEAL PROCEDURES

Section 30600(b) allows a local government to assume the authority to issue coastal development permits within its jurisdiction before certification of its local coastal program. The City of Los Angeles issues coastal development permits under this Section of the Coastal Act. The standard of review on appeal of a coastal development permit issued under Section 30600(b) is Chapter 3 of the Coastal Act. Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits prior to certification of a LCP.

After a final local action on a coastal development permit issued pursuant to Section 30600(b) of the Coastal Act prior to certification of the LCP, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice, which contains all the required information, a twenty working day appeal period begins. During the appeal period, any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602). Section 30621 of the Coastal Act states that a hearing on the appeal must be scheduled for hearing within 49 days of the receipt of a valid appeal. The appeal and local action are analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act (Section 30625(b)(1)). If the Commission finds substantial issue, the Commission holds a new public hearing to act on the coastal development permit as a de novo matter.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project.

The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

Section 30601 establishes that, in addition to a permit from local government pursuant to subdivisions (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for all major public works projects, for developments located within 100 feet of any wetland, estuary or stream, or located between the first public road paralleling the sea and the sea. The project is a major public works project, costing in excess of one hundred thousand dollars. This road-widening project is also located between Culver Boulevard, a public road, and the Ballona Channel, which because it is subject to tidal action, is regarded as an arm of the sea for purposes of Section 30601. Finally the ramps are located within 100 feet of Ballona Creek, a tidal estuary. If the Commission finds this appeal raises substantial issue with the local government's action, the de novo matter will be heard in conjunction with the permit filed in accordance with Section 30601. The applicant has submitted this permit request. The number of the "dual permit" for this identical development is 5-00-400 (Playa Capital).

I. APPELLANTS' CONTENTIONS

Appellants, Ballona Wetlands Land Trust, Coalition to Save the Marina and Wetlands Action Network raise the following issues as a basis for their appeal:

1. There is now substantial evidence of new significant impacts that were not identified in the EIR.

   A. Methane and toxic gas contamination of Phase One of Playa Vista. In June of 2000, the Los Angeles City Council directed the City to convene a special panel to study the extent of toxic oil field gases contamination at the Playa Vista Phase One site to determine if the hazards associated with the contamination can be fully mitigated to ensure human health and safety and environmental protection. The City's own independent peer reviewer, Victor Jones of ETI, Inc., postulates that the toxic oil field gases detected in the soil and groundwater extends into Area C. As of the date of the filing of this appeal, the special panel evaluating the threat to human health and safety and the environment has not concluded its study.

In fact the City of Los Angeles Department of Building and Safety has halted issuance of all new building and grading permits to Playa Vista until the toxic oil field gas study and seismic hazard evaluation is complete and it can be determined that any development of Phase One will not threaten the public's health and safety. Additionally, the City has put on hold all public subsidies to Playa Capital until such information is garnered.

This information was not known at the time the project permit was approved in 1995 and 1996. Therefore since new information (since phase one approval in 1995-1996) indicates that significant environmental impacts will occur as a result of this Project, the Project must be denied.

B. Geotechnical information.

The April 17, 2000 ETI, Inc., Report referenced herein also documented the discovery of a new fault, tentatively named the Lincoln Boulevard fault. This new information on significant geotechnical impacts warrants a new hearing for this Project. This new information is especially disturbing given that the project is located within an area of high risk for liquefaction.

2. The lead agency did not comply with the California Code of Regulations, Title 14, Article 10, Section 3720 Seismic Hazards Mapping Act.)

The project lies within a seismic hazard zone and accordingly the project must comply with the requirements set forth in the Seismic Hazards Mapping Act. Section 3724 sets forth specific criteria for project approval, which shall apply within seismic hazard zones and shall be used by affected lead agencies in complying with the Act.

3. There is a substantial increase in the significance of previous traffic impacts identified in the EIR.

As (*City*) Staff admits in its addendum to its final report, the LADOT did not consider the cumulative impacts of Costco, Regatta, GTE, LAX expansion and the 500-unit development at Lincoln and Fiji Way in Marina del Rey when it recommended these transportation mitigation measures. As a result of thee major projects, there will be substantial increase in the significance of the traffic impacts, when considered cumulatively with Phase One of the Playa vista Project.

4. Marine Environment considerations and Impacts.

The proposed improvements might impact the maintenance and enhancement or

restoration of areas of designated marine resources. Contrary to the staff report's contention, there are delineated wetlands within the area, which are restorable. In fact there is a full tidal flow that occurs in Area C, safely harboring thousands of California killifish (Fundulus californicus.) The Belding's Savannah sparrow, a State listed endangered song bird, uses the *Salicornia virginica* as a dispersal area and additional foraging are for fledged birds in Area C. In addition a species of special concern, the White-tailed Kite, has been documented in Area C. Accordingly, this project does not comply with Sections 30230 and 30231 of the Coastal Act. The project will not create a "minor increase in run-off" as the Staff Report asserts, but rather will arguably create significant increase in run-off into Area C. Moreover, modifying the existing storm drains to provide trash screens does nothing to mitigate non "trash" pollution such as heavy metals and other contaminants resulting from the Project.

An EIR/EIS is currently being conducted for Phase Two of the Playa Vista development (including Area C). The project must not be permitted until adequate environmental review is conducted and the environmental impacts associated with the Project analyzed.

5. Ownership of Area C

Area C is owned by the State of California, not Playa Capital. Although Playa Capital currently has an option to purchase the parcel, it has failed to fulfill the requirements of the option agreement and thus the legal enforceability of that option agreement is now in question.

The State Controller's office must be advised of the proposed projects and the lead agency must inquire with the State Controller and the State Lands Commission as to their position on this proposed project. Accordingly, the Project requires a new hearing.

6. Violation of the Clean Water Act.

Associated runoff from this project would violate the Clean Water Act because the applicant has failed to secure a discharge permit under Section 401.

7. Archaeological/Cultural Resources.

This project may impact archaeological and cultural resources.

8. Violation of the Clean Air Act.

Due to release of toxic oil field gases into the atmosphere.

II. LOCAL GOVERNMENT ACTION:

The local government, the City of Los Angeles, issued a coastal development permit with no special conditions, CDP–003B on November 2000, noting that the project was included in the EIR for the first phase Playa Vista project, and that the mitigation measures adopted as part of the EIR for the first phase applied.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a **Substantial Issue** exists with respect to the conformity of the project with the Coastal Act and Public Resources Code Section 30625(b)(1)).

MOTION: ***I move that the Commission determine that Appeal No. A-5-PLV-00-417 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.***

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. ***A-5-PLV-00-417*** presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act regarding consistency of a coastal development permit issued under Section 30600(b) with the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and History

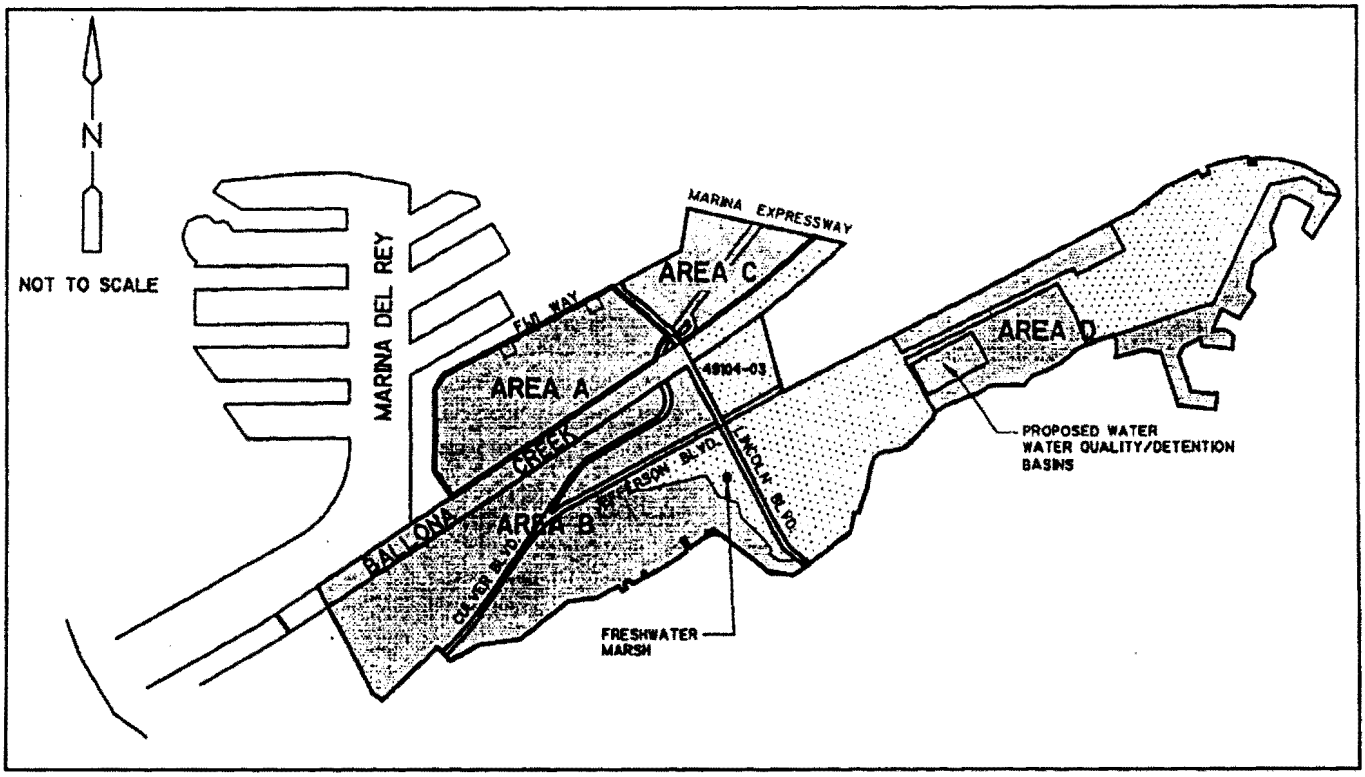
The project before the Commission is to (1) add a loop ramp that will connect north bound Lincoln Boulevard to east bound Culver Boulevard, (2) relocate, improve the radius of and widen a second loop ramp that presently connects east bound Culver Boulevard with north bound Lincoln Boulevard, and (3) add a lane to Culver Boulevard on the east side of Culver Boulevard from Lincoln Boulevard to the Marina Freeway, (Route 90), (4) widen and improve the connections between Culver Boulevard and the Marina Freeway and (5) add lighting, drainage and landscaping. Both the Commission and the City approved this identical project in 1995, as CDP 5-95-148. Due to financial difficulties, the applicant did not construct the project and the permit expired. This and related permit 5-99-139W (improvements to Lincoln approved as a waiver in the summer of 1999), are re-applications for the work authorized in CDP 5-95-148, the widening of Lincoln Boulevard and the widening of Culver Boulevard.

The following is the City's description of the project:

> "Description of Project:
>
> Construction of roadway improvements in the Playa Vista area. The Playa Vista project site is divided into four quadrants by Lincoln Boulevard as the north-south axis, and by the Ballona Channel as the east-west axis. The resulting quadrants have been designated as Areas A, B, C and D (Figure 1. Playa Vista Sub-Areas). The proposed improvements are located in quadrant C, the northeast quadrant, north of the Ballona Channel and east of Lincoln Boulevard, which is within the Coastal Zone.
>
> In the following analysis, "Culver Improvements" refers to the Phase 1A transportation mitigation measures that are on the south side of Culver Boulevard between Lincoln Boulevard and the Marina Freeway. The "Playa Vista Phase I project", or simply "Phase I", is used to refer to the entire scope of activities approved under Vesting Tentative Tract Map 49104 ("VTTM 49104"), including the Culver Improvements. ...
>
> The ... proposed roadway improvement ... consists of the construction of modified and new ramp connections between Lincoln and Culver Boulevards ("Culver Improvements"). The ramps will be in the southeastern quadrant of the interchange. One will provide a connection from eastbound Culver Boulevard to northbound Lincoln Boulevard (replacing an existing ramp), and the other will provide a new connection from northbound Lincoln Boulevard to eastbound Culver Boulevard. Improvements also include: the widening of the southerly half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway to provide an additional eastbound lane; construction of at-grade improvements to the Marina

Freeway on and off ramps at the intersection of Culver Boulevard, and public street appurtenances such as storm drains and street lights. " (City of LA CDP-00-3B Staff report)

UNDERLYING PROJECT:



The underlying project is the Playa Vista development, a planned community proposed to be located on approximately 1037 acres located in the Ballona gap, south of Venice and north of Westchester. The 1037 acre total includes the acreage of the Ballona Channel, some dedicated road areas, and some areas of bluff face located adjacent to Area D. The project development area, not including these bluff faces and channels consists of the following sub-areas: Area D, 406 acres, is located outside the coastal zone. Approximately 593 acres, 193.06 acres of it wetland, is located inside the Coastal Zone. These areas include Area A, (139 acres), Area B (385 acres); and Area C, (69 acres) where the present project is located. See **Figure 1. Playa Vista Sub-Areas, above**

1. Background

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.

Through the California Coastal Act's Local Coastal Program (LCP) process, Los Angeles County developed a Land Use Plan (LUP) for the Ballona Wetlands. The plan divided the area into four sub-areas, Areas A, B, C, and D (Area D is outside of the Coastal Zone). In 1984, the Commission certified the LUP with suggested modifications that were eventually accepted by the County. Several years after the completion of the LUP, the City of Los Angeles annexed parts of the County's LCP area, encompassing Areas B and C, into the City. The City developed an LUP, similar to the County's LUP, and in 1986 the Commission certified the LUP with suggested modifications, which were accepted by the City. The City's 1986 LUP identified the appropriate land uses for the areas within its jurisdictions

In response to the certification of the County of Los Angeles' LUP, and later the City of Los Angeles' LUP, the Friends of Ballona Wetlands, and several other groups, filed a law suit challenging the certification of the coastal land use plan, Friends of Ballona Wetlands, et al v. California Coastal Commission, et al. (Superior Court of the State of California, County of Los Angeles, Case No. 525-826).

In 1989, Maguire Thomas Partners-Playa Vista (MTP-PV) acquired management control of Playa Vista and worked with the parties involved in the lawsuit to resolve the issues raised by the litigation. Subsequently, the predecessor in interest, Maguire Thomas Partners entered into a Settlement Agreement with the Friends of Ballona Wetlands, the City, the County and the Commission. Under the Settlement Agreement, MTP-PV agreed to modify the proposed development and conduct wetlands restoration.

By entering into the settlement, the Commission did not approve the revised development. Instead, the settlement provides a means for full discretionary review with public input of the revised plans by the City, the County and the Commission. The revised plans are still evolving and the City has not sought approval of a revised LUP.

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

The proposed road-widening does not involve any state or federally designated wetlands, including the approximately 16.1 acres that were subject to a lawsuit filed against Corps and the court order halting all construction activities involved in the approximately 16.1 acres of Corps delineated wetlands (see Exhibit 11 pages 5 and 6). The Corps authorized this fill, in part, to authorize the construction of the freshwater marsh, which did involve fill of 8 acres of wetlands. Although the appellants express concern that the new drains

installed with the road will drain into these disputed wetlands, the road drains are not designed to discharge into the wetlands, instead, they would discharge into Ballona Creek.

In this appeal, the Commission is solely determining whether the proposed development -- widening of Culver Boulevard and new ramp connections -- is consistent with Chapter 3. The Commission's determination of Chapter 3 consistency is not tantamount to a decision that any other development proposed for the Playa Vista site shall be constructed. The Commission's action on this appeal, and the related permit application, will not in any way restrict the Commission's exercise of discretion when it reviews development proposed in the future on the Playa Vista site in the coastal zone.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The grounds for an appeal identified in Public Resources Code Section 30602 are that no substantial issue exists as to conformity of the approved development with Chapter 3 (commencing with Section 30200).

The term *"substantial issue"* is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent the policies of the Coastal Act;

2. The extent and scope of the development as approved or denied by the local government;

3. The significance of the coastal resources affected by the decision;

4. The extent to which the local government's decision could prejudice its ability to prepare an LCP that is consistent with the Coastal Act,

5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **substantial issue** exists for the reasons set forth below.

C. PUBLIC ACCESS ISSUES RAISED BY THE APPELLANTS:

The appellants assert the following:

There is a substantial increase in the significance of previous traffic impacts identified in the EIR.

The appellants contend that the EIR for Playa Vista Phase I (as noted, all traffic generation by Phase 1 is due to development located outside the coastal zone) did not identify all potential traffic generators and therefore the traffic levels after the project may be greater than anticipated. However Playa Vista Phase I identified occasionally, as "The Project" in this appeal is not before the Commission and not subject to the Commission's review. The road widening and two loop ramps are before the Commission.

The current traffic mitigation measures were based on the City's assessment of the traffic that would be generated by Phase I of the development, Tract 49104. Tract 49104 includes two areas within Area D, outside the coastal zone. This assessment was based on a model developed by during the preparation of the EIR by Barton Aschman consultants, and later revised in consultation with the City's traffic engineers and Caltrans. The conclusions made concerning likely levels of traffic were based on the number of units, the number of jobs and other destinations expected from the project in combination with a list of other traffic generators. The model was modified to some extent by taking into account the reduction of internal trips by internal jitneys, by measures to improve transit to the site, and by the contiguity of work sites and homes within the development. The 1993 EIR, modified to account for a sound studio complex in 1995, did take into account numerous projects that were then planned. Some of these projects have been developed, and some have been abandoned. In a recent Kaku inc. update, it was noted that the LAX expansion was included in the initial survey. Present traffic levels are less than predicted, in part because many "pipeline" projects are not yet completed.

Widening of Culver Boulevard and improvement of loop ramps and connectors as approved in this project would not prevent the City from requiring additional improvements to Culver and other streets if the appellants are correct and more traffic is generated than originally presumed in designing these ramps and widening. Improving access to eastbound Culver Boulevard is proposed as a method for directing traffic toward the freeway and off Lincoln Boulevard, which is a major coastal access route. Connecting Culver to north bound Lincoln is viewed by the applicant as improving access to Lincoln. Lincoln Boulevard is a major coastal access route: a major north/south road that delivers

commuter traffic, and on weekends, beach goers, to destinations in Santa Monica, Venice, Playa del Rey and the South Bay cities. The new ramp will allow travelers on northbound Lincoln to take Culver Boulevard to the Marina Freeway or farther to the Interstates 405 and 10. The City's approval of the widening of Culver Boulevard and the addition of ramps and freeway connections does not raise a substantial issue with respect to public access to and along the shoreline.

D. MARINE RESOURCES AND WATER QUALITY.

The appellants make several contentions with respect to marine resources:

> *1) The proposed improvements might impact the maintenance and enhancement or restoration of areas of designated marine resources. Contrary to the staff report's contention, there are delineated wetlands within the area, which are restorable. In fact there is a full tidal flow that occurs in Area C, safely harboring thousand of California killifish (Fundulus californicus.) The Belding's Savannah sparrow, a State listed endangered song bird, uses the Salicornia virginica as a dispersal area and additional foraging are for fledged birds in Area C. In addition a species of special concern, the White-tailed Kite, has been documented in Area C. Accordingly, this project does not comply with Sections 30230 and 30231 of the Coastal Act.*

Sections 30230 and 30231 of the Coastal Act state:

> **Section 30230.**
>
> 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.**
>
> 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.

IDENTIFIED WETLANDS

The Department of Fish and Game has identified 2.5 acres of wetland in Area C, the area subject to the proposed road improvement. (Exhibit 11). The identified wetland areas constitute a drainage channel (the Marina Storm Drain) that flows into the Marina del Rey and also a patch of Salicornia near the northwesterly corner of the site (Exhibits 9, 10, 11). The drainage channel is an identified Corps wetland. It flows in a culvert under Lincoln Boulevard into a similar channel in Area A that drains, through another culvert into Marina basin. If fish were found on the site, they would reside in this channel that has water. There is no other open water area in Area C. The widened road will not encroach into either of these identified wetlands; in fact both are north of Culver, while the widening and the proposed ramp improvements are located south of Culver. The proposed street drains are designed to drain into the Ballona Creek and not the Marina Storm Drain or the patch of Salicornia.

OTHER AREAS OF POTENTIAL INTEREST

There is a ±twenty-foot high mound of fill south of Culver Boulevard between Culver Boulevard and Ballona Creek that is occupied by Little League ball fields. West of this mound, and east of the present ramp, there is a depression. This depression supports some vegetation, including introduced weeds and mulefat. Mulefat, (Baccharis silicifolia) is a native plant that grows along streams, on the borders of wetlands and in areas that are seasonally wet. It is a wetland facultative plant, which means that it tolerates wet and saturated habitats, but is not dependent on them. It also is found in areas that are not wetlands or stream banks.

Under the Cowardin method of wetland delineation, a method used by the Department of Fish and Game in California, a site is a wetland if one of the following applies:

1) the area is periodically covered by shallow water, or
2) the soils are hydric (dark soils evidencing long term saturation), or
3) the vegetation found in the area is predominately wetland vegetation.

The area in which the proposed road widening is located is a historic wetland that has been altered by fill, by the channelization of Ballona Creek in the 1930's and by the construction of the marina in the 1960's. It is not flooded. The applicant submitted a soils report shows that the soils are not hydric, confirming reports prepared by the previous owner during preparation of the LUP. However, mulefat does appear in wetlands or adjacent to streambeds. In this case, the staff biologist visited the site at the invitation of

the applicant. He reported that, under the mulefat, he observed a thick cover of other species of plants. These plants, fennel, chrysanthemum, bristly oxtongue and mustard are weedy species that invade vacant fields. These weedy species were the predominate vegetation on this portion of the site. The staff biologist determined that this patch of mulefat and other species was not a wetland. Nonetheless, the staff biologist determined that the site did have some habitat value. The area in which the mulefat is found is where the fill supporting the ramps will be placed. The mulefat will be removed. The fill of this area without replacement of some vegetation that could provide comparable habitat value does raise an issue of an impact to habitat and loss of habitat values.

After conversations with staff, and its biological consultants, the applicant proposed to replace this area with a 1.1-acre habitat biofiltration basin that will also support some willows and some coastal sage scrub vegetation. This vegetation will provide habitat that is at least the equivalent of the mulefat area that will be removed, and will result in a much larger area with many more native pants than presently exist. It is not a wetland. It will supply feed, roosting areas and cover to resident birds. Because natives will be used, it will also support native insects, which fennel and mustard do not.

The City has indicated that it can approve this biofiltration basin addition as an immaterial amendment to the applicant's permit. However, the facility is not before the Commission at this time because it is not part of the City's present approval. The absence of mitigation for the native plant mulefat lost raises a substantial issue with the City permit's consistency with Section30230.

RUNOFF

The appellants also contend:

> *The project will not create a "minor increase in run-off" as the Staff Report asserts, but rather will arguably create significant increase in run-off into Area C. Moreover, modifying the existing storm drains to provide trash screens does nothing to mitigate non "trash" pollution such as heavy metals and other contaminants resulting from the Project.*

The appellants note that the increased road surface will result in increase run off. Run off from streets is typically polluted with grease, oils and other pollutants. The run-off will be directed toward Ballona Creek.

A significant additional area will be paved than is now paved. The applicant notes that the addition of a loop ramp and widening of Culver Boulevard would increase the impervious surfaces in Area C from 2.53 acres to 7.40 acres (including future road areas) of the total project drainage area of 21.3 Acres. Moreover impervious areas result in an increase in the volume and velocity of runoff, due in part to the loss of

infiltrative capacity of permeable space. Runoff conveys surface pollutants to receiving waters through the storm drain system.

Pollutants of concern associated with the proposed roadway development include heavy metals (copper, zinc, and lead), oil and grease. Other pollutants commonly found in urban runoff include pesticides, herbicides, suspended solids, floatables, and bacteria.

The receiving waters for the development, Ballona Estuary and Channel are listed on the 303 (d) list of impaired water bodies. According to the California Water Quality Control Board 1998 303 (d) list, the following parameters are causing impairment: Heavy Metals, Pesticides, Chem.A, PCBs, Tributylin, Trash, Enteric Viruses/High Coliform bacteria counts, toxicity and sediment toxicity.

The applicant's consultant from GeoSyntec, has examined the effect of the proposed development on the receiving waters, in part, relative to these parameters. A thorough discussion is provided in a GeoSyntec Consultants Report entitled "Stormwater System Water Quality Evaluation Report – Culver Loop Ramp and Widening" dated November 30, 2000, and signed by Eric W. Strecker, Associate GeoSyntec Consultants.

In the plans approved by the City, there is no treatment proposed for this run off other than trash racks. However, as noted above, the City has approved the addition of a vegetated debris basin to the project design, to address this issue, designed by the applicant, which is not yet part of this permit. As now approved by the City, this project raises substantial issue with regard to its conformity with Sections 30230 and 30231.

D. SAFETY OF DEVELOPMENT:

The appellant suggests that the discovery of soil gas, methane, in adjoining area D should be considered with the respect to the safety of the development.

A. *Methane and toxic gas contamination of Phase One of Playa Vista. In June of 2000, the Los Angeles City Council directed the City to convene a special panel to study the extent of toxic oil field gases contamination at the Playa Vista Phase One site to determine if the hazards associated with the contamination can be fully mitigated to ensure human health and safety and environmental protection. The City's own independent peer reviewer, Victor Jones of ETI, Inc., postulates that the toxic oil field gases detected in the soil and groundwater extends into Area C. As of the date of the filing of this appeal, the special panel evaluating the threat to human health and safety and the environment has not concluded its study.*

In fact the City of Los Angeles Department of Building and Safety has halted issuance of all new building and grading permits to Playa Vista until the toxic oil field gas study and seismic hazard evaluation is complete and it can be determined that any development of Phase One will not threaten the public's health and safety. Additionally, the City has put on hold all public subsidies to Playa Capital until such information is garnered.

This information was not known at the time the project permit was approved in 1995 and 1996. Therefore since new information (since phase one approval in 1995-1996) indicates that significant environmental impacts will occur as a result of this Project, the Project must be denied.

B. *Geotechnical information.*

The April 17, 2000 ETI, Inc., Report referenced herein also documented the discovery of a new fault, tentatively named the Lincoln Boulevard fault. This new information on significant geotechnical impacts warrants a new hearing for this Project. This new information is especially disturbing given that the project is located within an area of high risk for liquefaction.

Section 30253 of the Coastal Act provides:

Section 30253.

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.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

The project before the Commission on appeal is not the underlying Phase I project, which is outside the Commission's jurisdiction. The Commission does not have the ability to review the Phase I project. The relevant issue that the presence of gas raises is whether the potential presence of soil gas in Area C poses a danger to travelers on the proposed road Improvements. (See Exhibits 12-15 for materials on soil gas.)

The materials regarding the soil gas on this and the adjacent site were reviewed by the senior staff geologist. The staff geologist determined that there was not danger of explosion on a road or in a vehicle on the road and that the levels of concentration found on this portion of the site do not pose a hazard or would not prevent the construction of a road, a new lane, or loop connector:

> "It appears, [from review of the ETI report and a report on Area C by CDM, cited in the substantive file documents], that no significant methane seeps occur in the area investigated.
>
> Further methane would only be able to attain dangerous levels if it were allowed to accumulate in an enclosed space. No such enclosed space exists beneath the road bed. Any methane escaping from the soil beneath the roadbed would simply move laterally until a free path to the surface was encountered.
>
> Therefore it is my opinion that no explosion hazard exists in association of the widening of Culver Boulevard between Lincoln Boulevard and the Marina Freeway, nor will the construction of a ramp between Culver and Lincoln Boulevards create such a hazard. (Mark Johnsson, Staff Geologist, December, 2000, Exhibit 14)

City building rules only require venting of pavement when there is an area of 5,000 square feet, and that area is located within 15 feet of an enclosed structure. The only structure under consideration in this appeal is the road and the loop connectors. The road is not adjacent to any enclosed structure. (Exhibits 3 and 5).

The City addressed this issue in its findings on this permit, noting that many streets in the City, notably Wilshire Boulevard are located in areas in which there are methane seeps:

> **(6) Oil/Gas Concerns:** The "recent oil and gas incident" asked about in the public hearing was apparently one of 41 soil borings to depths of 60 to 80 feet made by Playa Vista at the direction of the City in specifically targeted soil areas. At 6 boring sites, enough gas was encountered at depth such that the exhausting gas expelled water, sand and grout. In some of the 6 instances, the expelled material went as high as approximately 40 feet. The exhausting ranged from a few hours to two days.
>
> Staff is aware of and sensitive to concern about methane gas seepage in the Playa Vista area. Exploration Technologies, Inc., (ETI) recently completed a review of historical data about the area and performed extensive sampling in the western portion of Phase 1 (Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. By Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc., April 17, 2000. [a.k.a. The Jones Report]). ETI did not sample in the area of the street improvements under review here, however they report two exploratory wells have

been drilled in vicinity of the proposed loop ramp connection between Lincoln Boulevard and Culver Boulevard. These were Kitselmann Del Rey #1, drilled to a total depth of 2,785 feet and Kitselmann Del Rey #2, drilled to a total depth of 3,434 feet. Both wells were plugged an abandoned as dry holes in 1922. Shallow natural gas was encountered in the wells while drilling at depths of 1,225 feet and 3,434 feet.

Special measures will be taken to intercept and safely vent soil gases away from structures and equipment vaults in the Playa Vista project. However, the street improvements to be constructed under this coastal development permit do not require such measures because the proposed roadway improvements will not require deep excavations likely to conduct dangerous concentrations of gas to the surface nor does the project involve structures designed for human use or occupancy or which would otherwise provide an opportunity for combustible gases to collect and come in contact with a combustion source. Staff notes that the proposed street and storm drain structures are common throughout the City of Los Angeles and have not been associated with oil or gas safety problems even where natural gas seepage to the surface does occur, such as in the Park La Brea area. Because the storm drains are designed for gravity flow, any methane gas that might enter the storm drain system would vent out of the catch basins and dissipate.

The proposed roadway improvements will not require deep excavation and do not involve subsurface structures designed for human use or occupancy. The proposed street and storm drain structures are common throughout the City of Los Angeles and have not been associated with oil or gas safety problems even where natural gas seepage to the surface does occur, such as in the Park La Brea area. (Staff report CDP 003B, City of Los Angeles.)

The Commission finds that the City reviewed this issue carefully with respect to the safety of the road. The City reviewed extensive material that it's consultant, ETI, had prepared. Event though safety is an important issue, the locally issued permit raises no substantial issue with respect to conformity with the hazard policies of the Coastal Act.

The appellants also raise an issue of a possible fault identified by the ETI team on Area C:

Geotechnical information.

The April 17, 2000 ETI, Inc., Report referenced herein also documented the discovery of a new fault, tentatively named the Lincoln Boulevard fault. This new information on significant geotechnical impacts warrants a new hearing for this Project. This new information is especially disturbing given that the project is located within an area of high risk for liquefaction.

This suspected fault, if it can be confirmed, was mapped by Jones *et al.* in the area in which the street and loop ramp are located. While Jones (ETI, 2000) suggests that the City might consider setting new structures back from this potential fault, the final

recommendations do not include recommend set backs even from enclosed structures. The report recommends only that structures be required to install vents, membranes and collection devices to avoid concentrating methane within enclosed spaces.

Again, the staff geologist reviewed available evidence with respect to the fault. He determined that the existence of the fault was not proven and that, even if it is present, the fault does not raise a significant safety issue with respect to an earth-supported ramp or a road. There are many roads throughout the state that are located on identified or unidentified faults. The Commission finds that widening an existing road on a possible fault does not raise a substantial issue with respect to the hazard policies of the Coastal Act.

Finally, the appellants allege that the project lies within a seismic hazard zone and that accordingly the project must comply with the requirements of the Seismic Hazard Mapping Act (Public Resources Code, Section 2690 et seq. and 14 California Code of Regulations, Section 3720 et seq.). They allege that the project must comply with the specific criteria for project approval which apply within seismic hazard zones and which affected lead agencies are required to employ.

It is true that the proposed road is underlain by liquefiable soils. The soils could, by the estimate of the project geologist, settle 0.6 inches in the event of an earthquake severe enough to liquefy the soils. The draft EIR speculates that in some areas of the site this could be as much as 4 –6 inches. Neither of these reports discusses lateral spreading, which could be a severe problem in the case of structures located in liquefaction zones. Even though Culver Boulevard did not suffer liquefaction damage at the time of the Sylmar Quake or the Northridge quake, other roads in Los Angeles, including the freeway bridges at La Cienega Boulevard did suffer damage. The project must comply with applicable building standards and earthquake safety standards. The Commission finds that compliance with these standards will provide a reasonable level of public safety and therefore the proposed project does not present an unacceptable risk resulting from liquefaction hazards.

The Seismic Hazard Mapping Act does not apply to this road-widening project. The applicant points out that the Seismic Hazard Mapping Act defines a "project " as either a (i) subdivisions of land and (ii) certain structures for human occupancy. (Public Resources Code Sections 2621.6 and 2693(d)). [The Act also does not apply to alterations or additions to any structure which do not exceed 50 percent of the value of the structure or 50 percent of the existing floor area. (Public Resources Code Section 2693(d)(2))]. The construction of this road and ramp project is neither a subdivision nor structure for human occupancy. Therefore no requirements other than the geologic reports prepared for this road by the applicant and reviewed by the Department of Public Works are required.

Even though the issues of safety to the public are important and warrant review in a full hearing, the Commission finds that the local government considered these matters thoroughly and that the information on which it based its decision was careful and complete. Therefore the Commission finds that the appeal raises no substantial issue with respect to hazards to life and property.

E. CEQA

The appellants note that this Area C is part of the Phase II EIR and only the Phase I EIR has been approved. They ask how any development can be approved in an area that is not evaluated in an EIR. The opponents suggest that approval of a road in this area would eliminate other alternatives that might be considered in Phase II.

The applicant responds that the impacts of these road improvements were analyzed in the first phase EIR as an off-site improvement. Secondly, the applicant notes that a road already exists, the project will simply widen it to 74 to 77 feet (104 feet at the Freeway connection) by adding a lane. The construction of a road in this area does not represent a road extension into an area that presently has no roads.

The opponents raised this issue at City hearings. With respect to this issue, the City findings state:

> California Environmental Quality Act.
>
> **Segmentation:** The environmental effects of the street improvements have not been segmented from those of the Playa Vista development approved by VTTM 49104. The Culver improvements are within Area C, but are approved as Condition No. 118 of VTTM 49104. Thus, they are part of phase I of the development. The Environmental Impact Report (EIR) No. 90-0200, certified by the City Council, evaluated the effects of all of the First Phase Playa Vista development, including the street improvements and cumulative impacts from other projects
>
> As discussed above, in Section I, Summary, above, under Applicable permits, Permissions and Approvals, an EIR was prepared and certified in 1993 in connection with the City's approval of VTTM 49104, of which these Culver Improvements are a part. The Culver Improvements were previously analyzed in the EIR and approved as part of VTTM 49104. Public comments were submitted at the hearing (verbal) and in writing (one via fax).
>
> In November, 1999, and April 17, 2000, reports on methane and other chemicals were prepared in connection with applications for building and grading permits which were required for the development approved as part of VTTM 49104. Neither the comments nor other information and evidence presented to staff constitutes substantial evidence that there would be new significant impacts or a substantial increase in the significance of any previous impacts identified in the EIR. Therefore, no additional environmental clearance is

required under State CEQA Guidelines, in particular Guidelines nos. 15162 *et seq* or Public Resources Code Section 21167. (Staff report CDP-3B, City of Los Angeles)

The Commission notes that the City did address these issues. In addition, the Commission is not empowered to review the compliance of the applicant and the City with CEQA. An appeal is reviewed with respect to the compliance of the development with Chapter 3 of the Coastal Act, and whether the development is the least damaging feasible alternative. The Commission finds that issues raised with respect to compliance with CEQA raise no substantial issue with respect to consistency with Chapter 3 of the Coastal Act.

F. CLEAN WATER ACT.

The appellants assert that the project does not comply with the Clean Water Act:

Violation of the Clean Water Act.

Associated runoff from this project would violate the Clean Water Act because the applicant has failed to secure a discharge permit under Section 401.

Section 401 is a federal act, and assuring compliance with it does not fall into the Commission's jurisdiction. The Commission has found that the project raises a substantial issue with respect to Coastal Act Water Quality policies. A 401 permit is a discharge permit granted in conjunction with a 404 permit that may allow dredge or fill within waters of the United States (A non-navigable stream or wetland). No 404 permit is needed for this road widening because no waters of the United States (federal wetlands) are involved.

The applicant received a Section 404 permit from the Corps of Engineers allowing the fill of federal wetlands elsewhere on this Area C. The mapped federal wetlands are not located within the footprint of this development or of the proposed staging areas. The 404 permit does not apply to this project because this road-widening project does not include any activity in federal wetlands. The Commission recognizes that the 404 permit applying to other parts of the site has been challenged in litigation and that action is still pending. However, the area in which the road-widening project is proposed is outside federal wetlands, requires no fill of federal wetlands and is not within federal jurisdiction. Therefore, the dispute regarding approval of the 404 permit for Area C is not relevant to consideration of this project.

G. CLEAN AIR ACT.

The appellants assert that a the City, in approving the project was in violation of the Clean Air Act:

Violation of the Clean Air Act.

Due to release of toxic oil field gases into the atmosphere.

The State Air Resources Board regulates air quality.

Section 30414 states:

Section 30414.

(a) The State Air Resources Board and air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. The provisions of this division do not authorize the commission or any local government to establish any ambient air quality standard or emission standard, air pollution control program or facility, or to modify any ambient air quality standard, emission standard, or air pollution control program or facility which has been established by the state board or by an air pollution control district.

(b) Any provision of any certified local coastal program which establishes or modifies any ambient air quality standard, any emission standard, any air pollution control program or facility shall be inoperative.

(c) The State Air Resources Board and any air pollution control district may recommend ways in which actions of the commission or any local government can complement or assist in the implementation of established air quality programs.

(Amended by Ch. 1246, Stats. 1982.)

The local arm of the State Air Resources Board, the South Coast Air Quality Management District, SCAQMD regulates air quality. Staffers in their enforcement division explain that methane in the concentrations found on this site also do not fall into their purview and are not regulated. As described above, the Commission does not regulate air quality. The issue of air quality does not raise a substantial issue with respect to conformity of the approved road project with chapter 3 of the Coastal Act.

H. ARCHAEOLOGICAL RESOURCES.

The Coastal Act provides that the Commission shall protect archaeological or paleontological resources consistent with the policies and actions of the State Historic Preservation Officer.

Section 30244.

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

In permit 5-98-164 approved on October 18, 1998, the Commission reviewed a Programmatic Agreement between the applicant and the State Historic Preservation Officer, the Corps, the applicant and representatives of two families of the Gabrielenos regarding exploration of potential archaeology sites. The Gabrielenos (Tongva tribe) have been identified as the most likely descendants of the former inhabitants. Two of these registered sites, (LAN 54 and SR11), are in the vicinity of the planned grading and fill planned in this development.

The programmatic agreement provides for exploration of the sites and for curation of any finds. The sites in this area are shell deposits that include ash colored soils. The coastal development permit authorizing exploration (5-98-164) provides that in the event that resources are found a recovery plan be drafted and provided to the Executive Director. The Executive Director will determine whether the recovery can proceed or whether an amendment to the permit is required. The city staff report reviewed the requirements that had been imposed on the developer with respect to the protection of archaeological and paleontological resources.

The City EIR requires that detailed exploration occur before any grading for any purpose. The programmatic agreement, and the present City permit, requires the applicant to explore the identified sites before work occurs. There are standards for recovery and curation in the programmatic agreement. The State Historic Preservation Officer is party to the agreement. Therefore the locally approved permit raises no substantial issue with regard to the conformity with Section 30244 of the Coastal Act.

I. OWNERSHIP OF AREA C

The appellant asserts that the applicant does not own Area C and therefore has no right to undertake the development.

Ownership of Area C

Area C is owned by the State of California, not Playa Capital. Although Playa Capital currently has an option to purchase the parcel, it has failed to fulfill the requirements of the option agreement and thus the legal enforceability of that option agreement is now in question.

The State Controller's office must be advised of the proposed projects and the lead agency must inquire with the State Controller and the state lands commission as to their position on this proposed project. Accordingly, the Project requires a new hearing.

The Howard Hughes estate (Summa Corporation) transferred Area C to a trust for benefit of the State as part of a tax settlement. The property is owned by the US Trust Company of California NA for the benefit of the State of California. The portion of Area C within which the proposed Lincoln/Culver ramp improvements are to be constructed is covered by an irrevocable offer to dedicate an easement to the City for public road purposes approved by the trustee and also approved by the City Engineer on November 21, 1995. The dedication for the road was signed by the trust company with the permission of the State Controller's office. The City will record the dedication when it accepts the improvements. The U.S. Trust Company has indicated that it consents to construction of the project on the property. The balance of the area within which the Lincoln/Culver ramp improvements are to be constructed is outside of Playa Vista Area C and within a City of Los Angeles owned right-of-way. (Culver Boulevard is a City right of-way. Portions of the loop ramp is already dedicated to the City by the then owner of Playa Vista for purposes of road widening). The City issued a permit for the project, which indicates that it consents to construction of the project on the property.

In response to the appellant's concerns, the State Controller has been added to the notification list for the Commission's hearing on this matter. The appellants allege that Playa Vista has missed deadlines on payments owned to the Controller. The Commission cannot evaluate development based on whether money owed for whatever purpose has been paid. The Commission has no jurisdiction or control over the applicant with regard to contracts between the applicant and other parties, or deadlines, payments, property transfers or other financial matters. The Commission's responsibility is to review all appeals of permits issued under 30600(b) with respect to compliance with Chapter 3 of the Coastal Act.

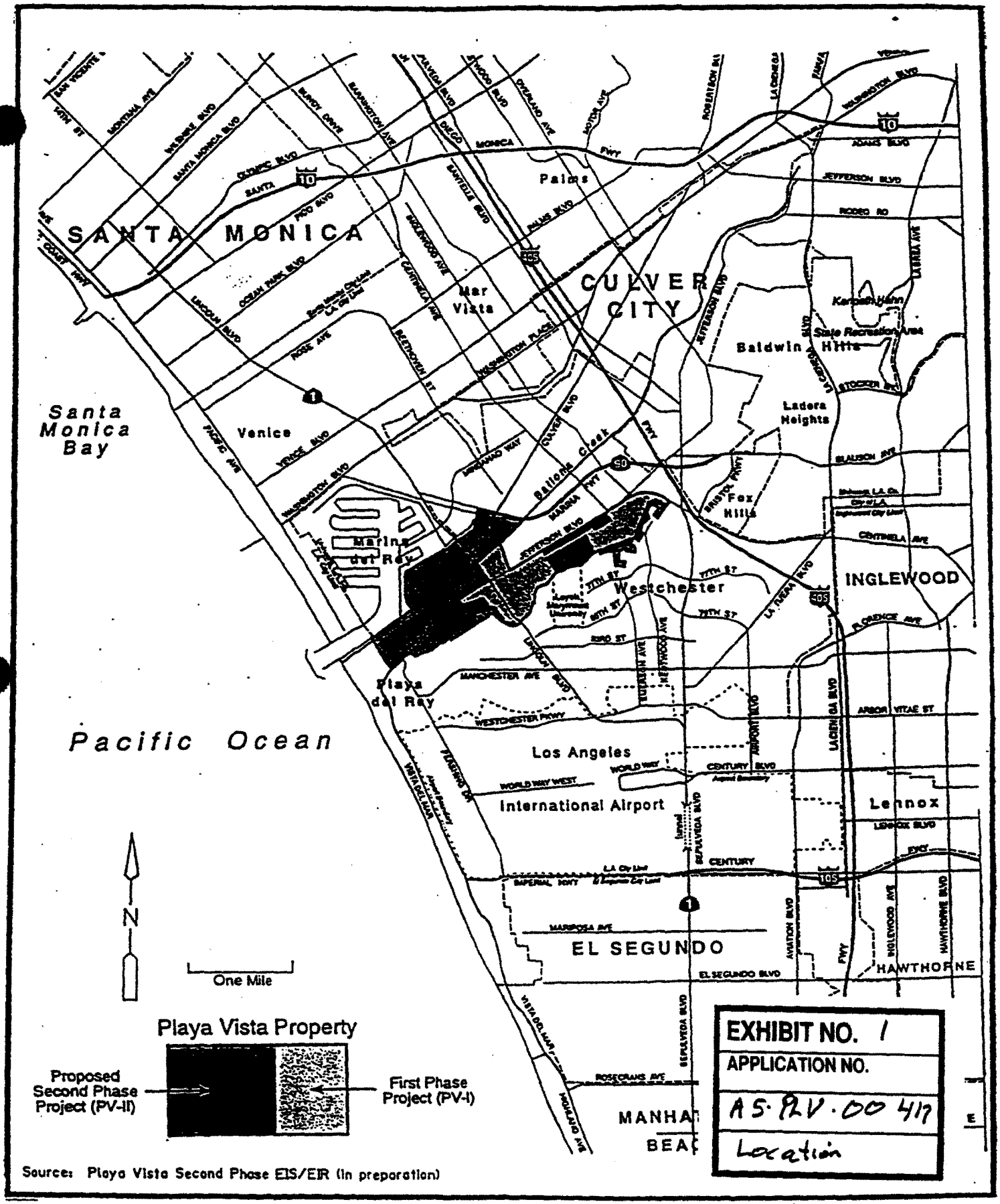
J. SUMMARY

The Commission finds that the approval of the project by the City raises a substantial issue with respect to the habitat and water resource policies of the Coastal Act. While Playa Vista does support many significant coastal resources of statewide importance, this particular project will not have a significant effect on coastal resources with two exceptions. These are the impacts of the project on run off to an estuary, Ballona Creek, which provides water to a wetland of statewide importance and the impacts of the project on 0.19 acres of mulefat. The mulefat has habitat value because of its proximity to the Ballona wetland. The mulefat could function as upland support for the bird and animal life

on the nearby wetland. The removal of mulefat and other vegetation, and the construction of impervious areas without adequate filtration for chemicals and oils raises a substantial issue with respect to conformity with Sections 30230 and 30231 of the Coastal Act.

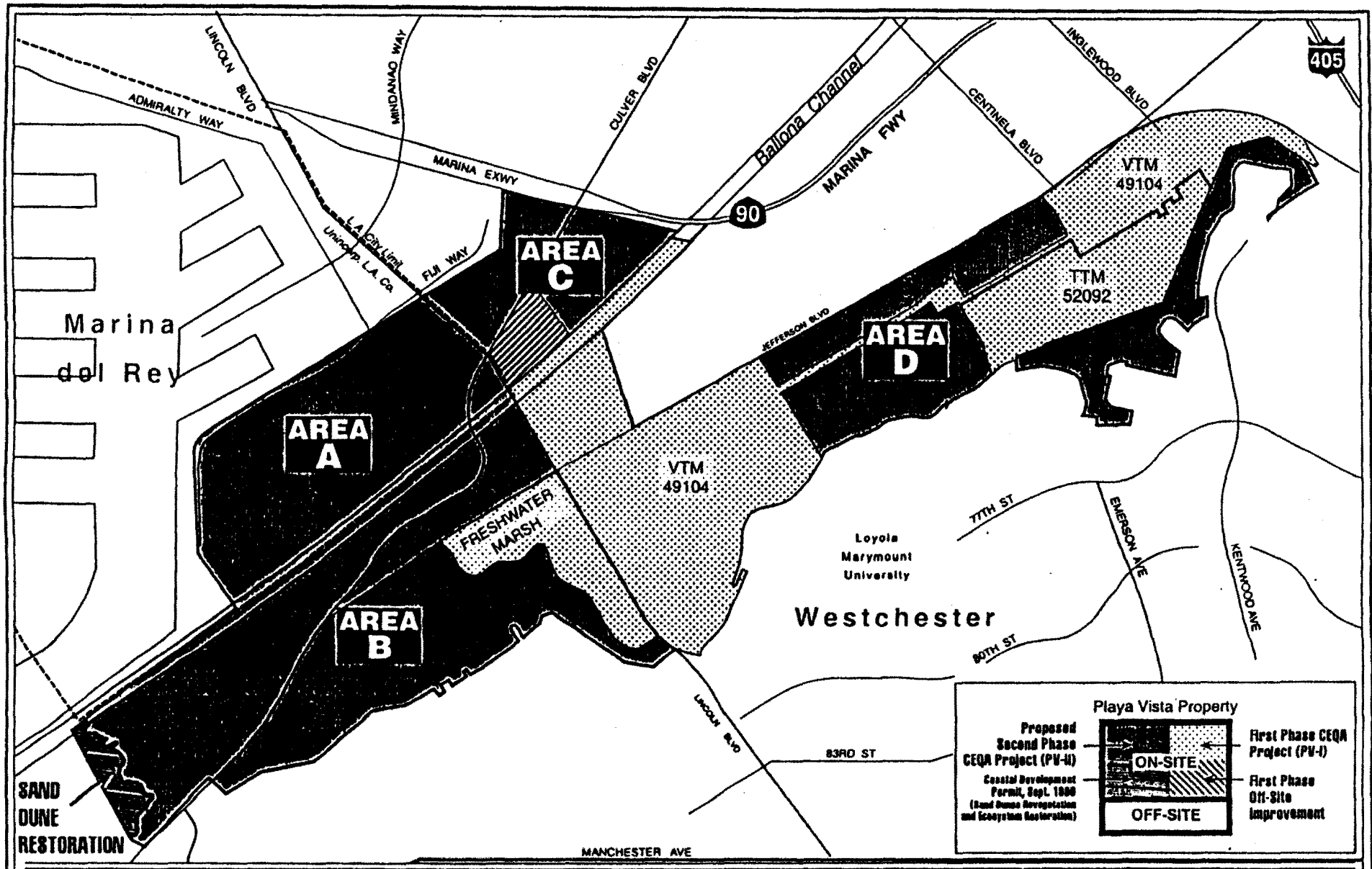
The other resources actually affected by the decision were not significant (roadside weeds), or, if significant, (the archaeological deposits) have been addressed in previous permits and conditional approvals by many agencies. All other issues raised by the appellant, though they include issues about which the Commission has been concerned, were dealt with thoroughly and adequately by the City in its analysis of the project. The City based its approval on a thorough analysis of the applicable laws, based on a full examination of the facts, and analyzed these facts with respect the consistency of the development with the Coastal Act. The development, though part of a much larger project, as approved by the local government is limited in scope and on its impact on coastal zone resources. The widening of this road will not establish a new road in an area that did not have roads and will not affect the land uses that might occur in Area C or that the Commission might wish to approve within this area. The City adequately and completely analyzed the potential hazard issues. The City has demonstrated that the project will assure safety of the public and is not hazardous. While the Ballona wetland is an important wetland of statewide importance this appeal does not raise issues of statewide significance other than water quality and the upland habitat that might support the nearby wetland.

H:\playa vista\culver widening permit\A-5-PLV-00-417 SI findings.doc



Source: Playa Vista Second Phase EIS/EIR (in preparation)

Figure 1. Location of Playa Vista Development
(Modified after CDM, 1998)



PCR

A S PLV 00417
Exhibit 1
B Area

N

1/4 Mile

Source: PCR Services Corporation, 1998

November 1999

Figure 4
Playa Vista Project Sub-Areas

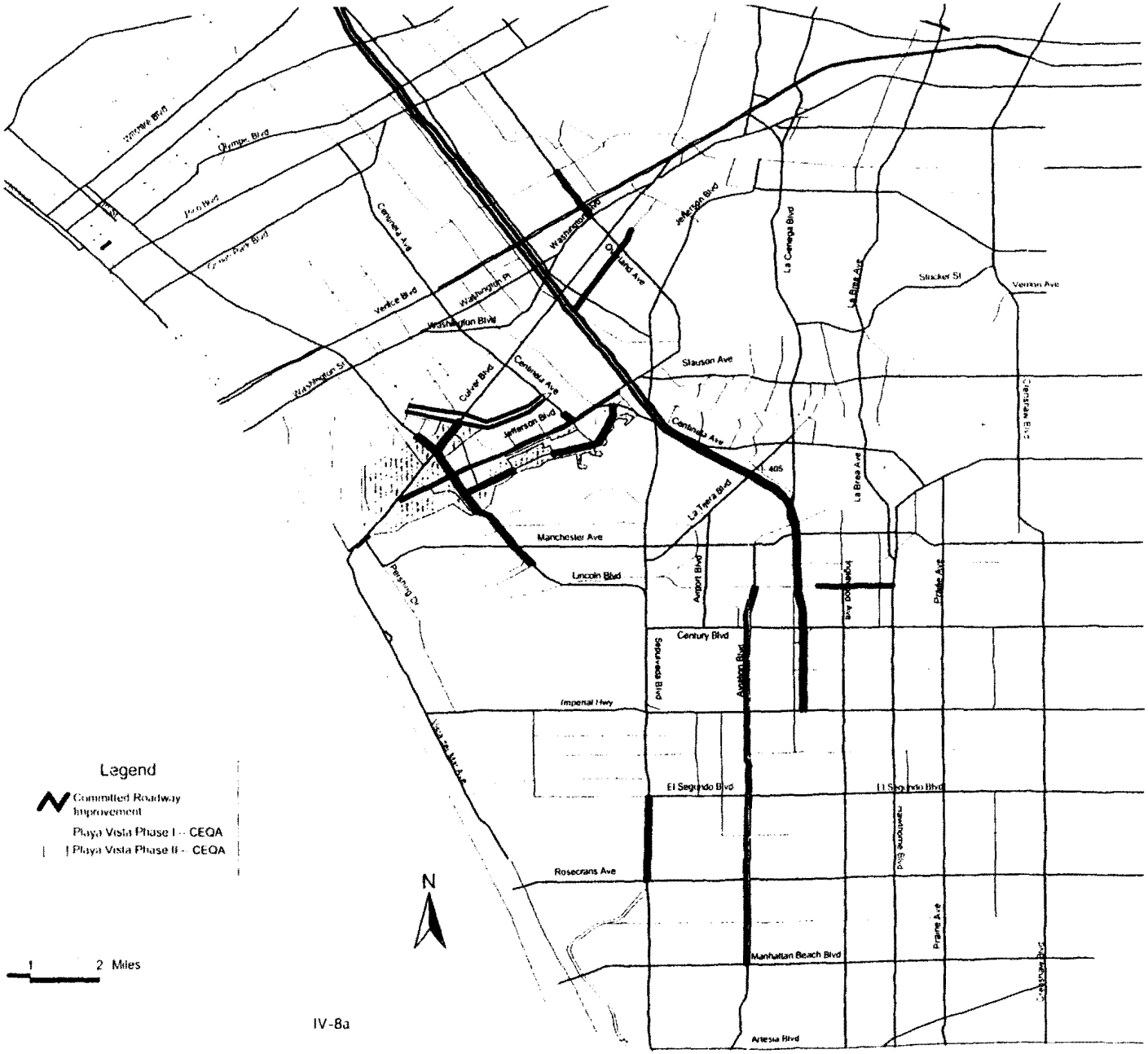


EXHIBIT NO. 2
APPLICATION NO.
A5PLV00417
Traffic improvements phase 1

FIGURE 4-3
COMMITTED BASE ROADWAY IMPROVEMENTS

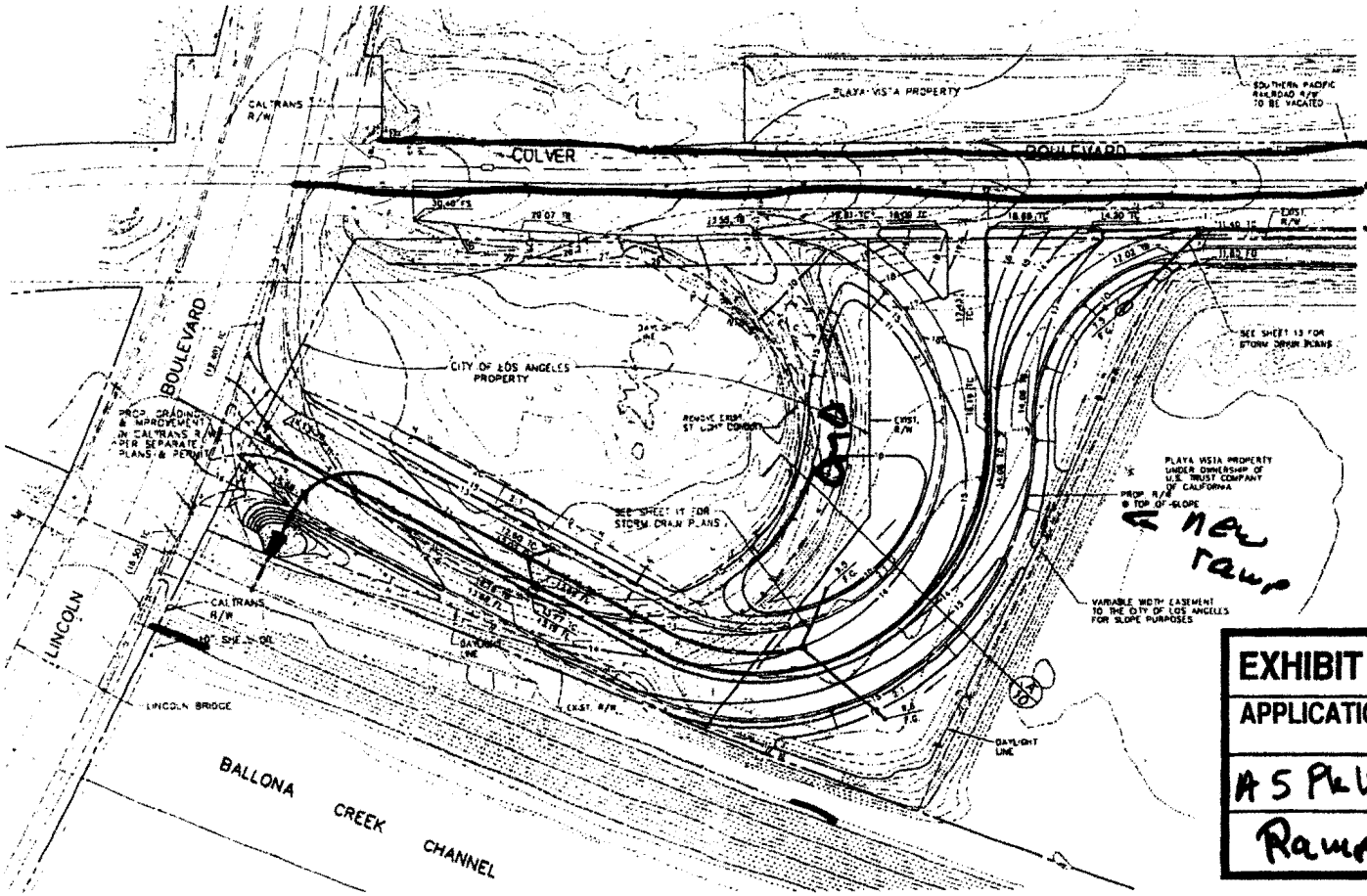
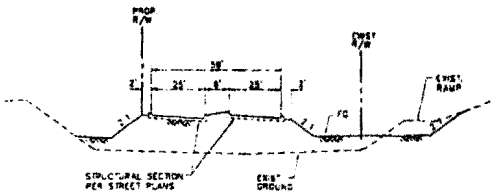
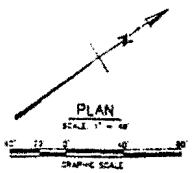


EXHIBIT NO. 8
APPLICATION NO.
A5 PLA 00 417
Ramp



GRADING SECTION (A/10)
NOT TO SCALE



ESTIMATED EARTHWORK QUANTITIES

RAW CUT: 4,000 C.Y.
RAW FILL: 19,000 C.Y.

THE ABOVE LISTED QUANTITIES REFLECT THE ENGINEER'S ESTIMATE OF THE EARTHWORK VOLUMES

THESE QUANTITIES ARE FOR DESIGN AND BONDING PURPOSES ONLY, AND NOT FOR CONTRACT PURPOSES.

THE CONTRACTOR IS RESPONSIBLE FOR COMPUTING HIS OWN QUANTITIES

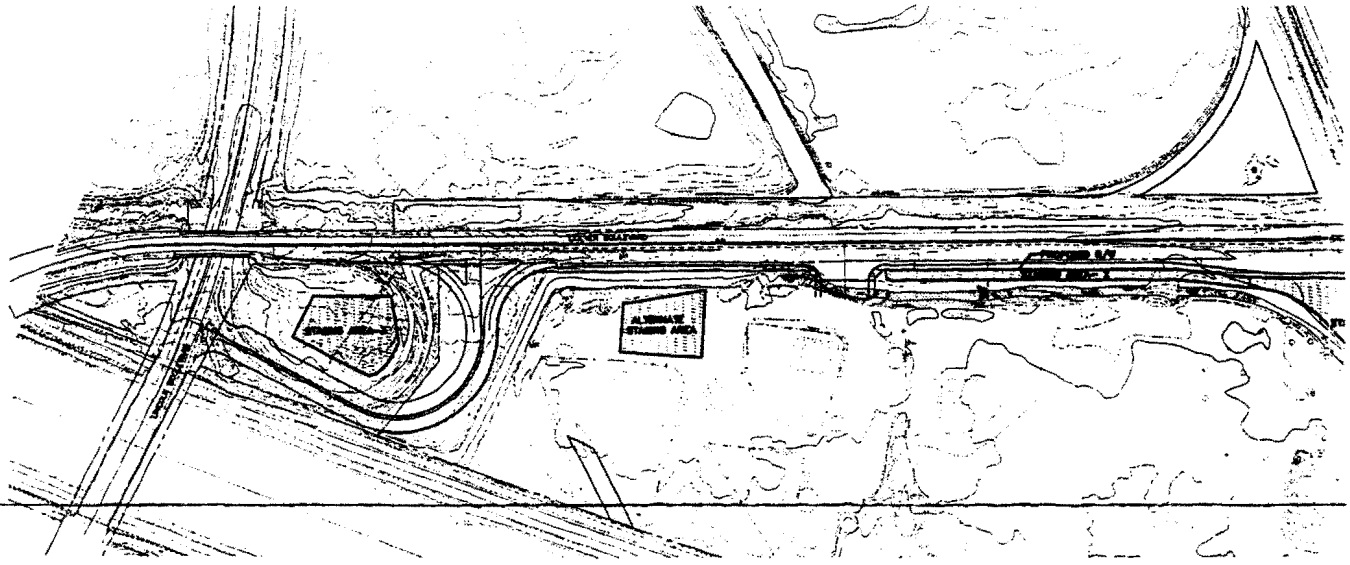
ALL GRADING SHALL BE IN CONFORMANCE WITH THE APPROVED GEOTECHNICAL REPORTS FOR THE PROPOSED WETLANDS RESTORATION AND PROPOSED DEVELOPMENT NORTH OF JEFFERSON BOULEVARD PLAYA VISTA PROJECT-PARCEL 8, DATED AUGUST 8, 1991, AND THE REPORT OF RECOMMENDATIONS FOR GRADING AND STORM DRAIN SUPPORT PHASE 1A AND RESTORATION WETLAND GRADING PLAYA VISTA PROJECT, DATED NOVEMBER 4, 1991.

TR 49104
PLAYA VISTA DEVELOPMENT – PHASE 1
PHASE 1A TRAFFIC MITIGATION – CULVER BOULEVARD
CHECK PERMIT BD401335, CONST. PERMIT BC–

PSOMAS

CITY OF LOS ANGELES
CITY ENGINEER

SCALES	SHEET 10	INDEX NUMBER



PLAN

FIGURE

P S O M A S
11444 West Olympic Boulevard, Suite 750
West Los Angeles, CA 90064-1549
(310) 954-3700 (310) 954-3777 (FAX)

CULVER BOULEVARD, I
CONSTRUCTION STA

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Plans of improvements

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

Lincoln Bl. & Jefferson Bl.
DOT Case No. CTC 91-025

5. PLV 00417
Exhibit #5 p1
Excerpts from EIR mitigation measures

Date: May 13, 1993

To: Merryl Edelstein, Senior Planner
Attn: Dick Takase, City Planner
Department of City Planning

From: Haripal S. Vir, Senior Transportation Engineer
Department of Transportation

Subject: PLAYA VISTA PROJECT - PHASE I
AMENDMENT TO THE INITIAL TRAFFIC ASSESSMENT AND MITIGATION LETTER DATED SEPTEMBER 16, 1992
EIR NO. 90-0200 (C) (CUB) (CUZ) (GPA) (SUB) (VAC) (ZC)

This letter amends our traffic assessment letter dated September 16, 1992. With the release of the project's Draft EIR in September 1992 and receipt of several comments on the proposed traffic mitigation measures, it became necessary to propose alternate mitigation measures at certain intersections. It should be noted that the Playa Vista Phase I mitigation measures adequately mitigated the traffic impacts as described in the Draft EIR. However, due to numerous requests for alternate access to the Marina Freeway and Caltrans' concerns regarding the proposed northbound "loop ramp" at the Jefferson Boulevard / I-405 freeway interchange, the Department of Transportation recommends alternate mitigation requirements which affect the following intersections/street segments:

- Lincoln Boulevard/Culver Boulevard interchange
- Bay Street bridge and connection to Culver Boulevard
- Culver Boulevard / Marina Freeway interchange
- Jefferson Boulevard between Lincoln Boulevard and San Diego Freeway
- Centinela Avenue between Marina Freeway and Jefferson Boulevard

The proposal is to construct a new ramp connection from northbound Lincoln Boulevard to eastbound Culver Boulevard and the Bay Street connection to Culver Boulevard (over Ballona Creek Channel) in order to provide a new access to Culver Boulevard and the Marina Freeway. This alternate mitigation will provide motorists on Lincoln Boulevard and Jefferson Boulevard with an alternate access route to the northbound San Diego Freeway via Culver Boulevard and Marina Freeway. These regional roadway improvements will

divert traffic and, thereby, relieve congestion on Jefferson Boulevard between Lincoln Boulevard and the San Diego Freeway (including Jefferson Boulevard at San Diego Freeway northbound ramps) and on Centinela Avenue between Jefferson Boulevard and Culver Boulevard.

In addition to Caltrans' comments, there were a number of additional concerns from local jurisdictions and municipalities including the City of Santa Monica. The City of Santa Monica requested that impacts within the City of Santa Monica be re-evaluated using an alternate traffic assignment. In the process of doing this, a new impact was identified at the intersection of Main Street and Rose Avenue in Los Angeles. The City of Santa Monica also requested that the intersection of Centinela Avenue and Short Avenue be evaluated. This resulted in an additional impact. The signalized intersection of Centinela/Washington immediately north of Short Avenue was also analyzed and found to be not impacted.

These two additional impacted intersections change the Phase I impacted intersections to a total of 54 intersections (including 50 within the City of Los Angeles, 3 in Los Angeles County, and 1 in Culver City) which can be fully or partially mitigated. These additional intersections are summarized as follows:

- Centinela Avenue and Short Avenue
- Main Street and Rose Avenue

Due to these alternate mitigation requirements and additional impacted intersections, our traffic assessment letter dated September 16, 1992 is revised as follows:

A. <u>Paragraph on Page 3 of the September 16, 1992 Assessment Letter</u>

Replace the paragraph on Page 3 of the letter that reads:

"Three of the remaining five intersections, as stated below, can be only partially mitigated and will yield a projected level of service (LOS) of C or better with the proposed mitigations. Generally, DOT considers any intersections functioning at LOS C or better to be at a good operating condition.

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- Centinela Avenue and Mesmer Avenue

- Jefferson Boulevard and Mesmer Avenue
- Jefferson Boulevard and San Diego Freeway southbound ramp"

with the following text:

"Four of the remaining five impacted intersections, as stated below, can be only partially mitigated; however the projected levels of service (LOS) will be C or better with the proposed mitigations. Generally, DOT considers any intersection functioning at LOS C or better to be at a good operating condition. Additionally, the mitigations provided by the project at other intersections in the vicinity of these four intersections would add capacity in excess of that needed by the project impact. DOT considers these mitigations sufficient to offset the residual significant impact at the following intersections:

- Centinela Avenue and Mesmer Avenue
- Centinela Avenue and Teale Street
- Jefferson Boulevard and Mesmer Avenue
- Jefferson Boulevard and San Diego Freeway southbound ramp"

and add the following text:

"With the alternate mitigation for Jefferson Boulevard/I-405 northbound ramps, four of the remaining five impacted intersections, as stated below, can be only partially mitigated and will yield a projected level of service (LOS) A or B as shown below with the proposed mitigations. Level of Service A is the highest quality of service a particular highway or intersection can provide. Level of Service B represents an intersection which operates well. Additionally, the mitigations provided by the project at other intersections in the vicinity of these two intersections would add capacity in excess of that needed by the project impact. DOT considers these mitigations sufficient to offset the residual significant impact at these intersections.

- Centinela Avenue and Mesmer Avenue (LOS A)
- Centinela Avenue and Teale Street (LOS A)
- Jefferson Boulevard and Mesmer Avenue (LOS B)
- Jefferson Boulevard and McConnell Avenue (LOS A)"

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P3

B. Attachment "E" - Phase I Impact and Mitigation Summary

The Phase I - Attachment "E" - Impact and Mitigation Summary (LOS Table), has been updated for several reasons. First of all, alternate mitigation requirements will result in rerouting of traffic; hence the volume to capacity (V/C) ratios and corresponding levels of service at a number of intersections have been revised. Secondly, the recently constructed LAX ATSAC system along the Lincoln Boulevard and Sepulveda Boulevard corridors improved the existing LOS at several intersections which in turn prompted changes to the LOS-Table. And finally, the two intersections discussed above were added to the LOS Table as newly impacted study intersections. Please see the revised Attachment "E". The list of affected intersections is as follows:

- Alla Rd. and Jefferson Blvd. (rerouting)
- Bali Wy. and Lincoln Blvd. (correction)
- Beethoven St. and Jefferson Blvd. (rerouting)
- Centinela Ave. and Culver Blvd. (rerouting)
- Centinela Ave. and Jefferson Blvd. (rerouting)
- Centinela Ave. and Marina Freeway EB Ramps (rerouting)
- Centinela Ave. and Marina Freeway WB Ramps (rerouting)
- Centinela Ave. and Short Ave. (addition)
- Century Blvd. and Sepulveda Blvd. (LAX ATSAC)
- Culver Blvd. and Marina Freeway EB Ramps (rerouting)
- Culver Blvd. and Marina Freeway WB Ramps (rerouting)
- Hughes Terrace and Lincoln Blvd. (LAX ATSAC)
- Jefferson Blvd. and McConnell Ave. (rerouting)
- Jefferson Blvd. and Mesmer Ave. (rerouting)
- Jefferson Blvd. and San Diego Freeway NB Ramps (rerouting)
- Jefferson Blvd. and San Diego Freeway SB Ramps (rerouting)
- Jefferson Blvd. and Westlawn Ave. (rerouting)
- Lincoln Blvd. and Loyola Blvd. (LAX ATSAC)
- Lincoln Blvd. and Manchester Ave. (LAX ATSAC)
- Lincoln Blvd. and Sepulveda Blvd. (LAX ATSAC)
- Main St. and Rose Ave. (addition)
- Manchester Ave. and Sepulveda Blvd. (LAX ATSAC)

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C. Attachment "G" - Intersection Mitigation Descriptions Revised/Added/Deleted

A revised supplemental traffic analysis (dated April, 1993) has been prepared by Barton Aschman Associates, the traffic consultants, to assess the benefits of the new connection to Culver Boulevard and the additional impacts of the diverted traffic resulting from the improvements proposed as an alternate to the Jefferson Boulevard "loop ramp" at San Diego Freeway. After a careful review of the study, DOT has determined that the project-related traffic impacts can be adequately mitigated with the following changes to the mitigation requirements stated in our letter dated September 16, 1992. Attachment "G" of the September 16, 1992 Assessment Letter is amended as stated below:

Additional Required Physical Roadway and Intersection Improvements - **The following improvements should be added to the "description of physical roadway and intersection improvements":**

1. Bay Street Bridge (additional) - (see attached Drawings "BB-1", "BB-2" signed May 6, 1993)

   a. Construct the Bay Street Bridge to City standards over the Ballona Creek Channel with an 80-foot roadway and two 10-foot (minimum) sidewalks to connect north of Jefferson Boulevard and Culver Boulevard.

   b. Stripe Bay Street between Culver Boulevard and "B" Street to provide two through lanes in both the northbound and southbound directions.

   c. Bike lanes should be provided from Ballona Creek Bridge southerly. Construct ingress and egress to provide access to the existing bike path along the north levee of the Ballona Creek.

   This improvement would require approval and coordination of the Los Angeles County Flood Control and the Army Corps of Engineers.

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2. Bay Street and Culver Boulevard (additional) - (see attached Drawing "AA-1", "AA-2" signed May 6, 1993)

   a. Dedicate property and improve both sides of Culver Boulevard from Lincoln Boulevard to a point approximately 640 feet easterly of Bay Street centerline to provide up to a 74-foot roadway within a right-of-way varying between 92 feet and 94 feet.

   b. Stripe Culver Boulevard to provide one through lane and one shared through/right-turn lane in the eastbound direction and two left-turn only lanes and two through lanes in the westbound direction.

   c. Stripe Bay Street to provide two through lanes in the southbound direction and one shared left-turn/right-turn lane and one right-turn only lane in the northbound direction.

   d. Concurrent with LADOT's determination as to warrants for a traffic signal, the applicant is required to fund the design and installation of a traffic signal at this intersection.

3. Centinela Avenue and Short Avenue (additional)

   The proposed project can mitigate the project-related traffic impacts at this intersection by contributing $120,000 to a project in the City's Five Year Capital Improvement Program proposed at this location.

4. Culver Boulevard and Lincoln Boulevard Interchange, "south-east quadrant" (additional) - (see attached Drawing "AA-1" signed May 6, 1993)

   a. Dedicate, construct, and realign the existing ramp to provide a new interchange in the south-east quadrant of Lincoln Boulevard and Culver Boulevard to provide two separate roadways connecting (1) the northbound Lincoln Boulevard to the eastbound Culver Boulevard and, (2) the eastbound westbound Culver Boulevard to the northbound Lincoln Boulevard.

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b. Restripe Lincoln Boulevard at the interchange turn-off to provide three through lanes and one right turn only lane in the northbound direction.

c. Widen a portion of the Lincoln Boulevard bridge over Ballona Creek on the east side to accommodate the northbound right-turn only lane at the new interchange turn-off.

d. Restripe Culver Boulevard at the interchange to provide one left-turn only lane and one through lane in the westbound direction.

e. Concurrent with LADOT's determination as to warrants for a traffic signal, the applicant is required to fund the design and installation of a traffic signal at this intersection.

This improvement would require the coordination and approval of the County of Los Angeles, Caltrans, Los Angeles County Flood Control, and the Army Corps of Engineers.

5. Culver Boulevard and Marina Freeway (Route 90) Grade Separation (additional) - (see attached Drawings "AA-2", "AA-3", and "AA-4" signed May 6, 1993)

Design a complete grade separation at the Culver/Route 90 interchange and complete the construction as described below:

a. Westbound Grade Separation - Guarantee the westbound portion prior to the issuance of any certificate of occupancy of office space in sub-phase 1F and complete construction of the westbound portion of the grade separation between Ballona Creek and a point approximately 1400 feet westerly of the Culver Boulevard centerline before the issuance of any certificate of occupancy beyond the initial 200,000 square feet of office space in the sub-phase 1F of Phase I Playa Vista.

b. Eastbound Grade Separation - Complete the eastbound portion of the grade separation in sequence with the westbound portion if adequate funding is provided by other sources including the Playa Vista Master

A5 PLV060417 p7
Exhibit 5

Plan, other developments, or public funding sources. This portion should be completed within 3 years of the availability of funding and approval of permits unless otherwise conditioned in future Playa Vista Master Plan conditions beyond Phase I.

The Marina Freeway is under the jurisdiction of Caltrans and any improvements must be coordinated with and approved by Caltrans.

6. Main Street and Rose Avenue (additional) - (see attached Drawing "CC-1" signed May 6, 1993)

a. Widen the east side of Main Street by 7 feet between Rose Avenue and the alley located approximately 180 feet southerly of the Rose Avenue centerline to provide a 34-foot half roadway and a sidewalk of varying between 7 feet and 9 feet within the existing half right-of-way.

b. Restripe Main Street to provide one left-turn only lane, one through lane and one shared through/right-turn lane in the northbound and southbound directions.

c. Widen the south side of Rose Avenue by 5 feet adjacent to the island/parking lot west of Main Street to provide a 25-foot half roadway and a 10-foot sidewalk within the existing 35-foot half right-of-way.

d. Restripe Rose Avenue to provide one left-turn only lane, one through lane and one right-turn only lane in the eastbound direction.

e. Restripe the City-owned off-street parking lot on the southwest corner of the intersection. Also, relocate the parking meters (if necessary) and set-back the chain-linked fence (northerly boundary) further south.

A5 PLU 00417 Exhibit 4 p 8

f. This improvement in street capacity requires on-street parking prohibition at all times on the west side of Main Street between a point approximately 110 feet south of Rose Avenue and a point approximately 180 feet southerly of Rose Avenue. This prohibition

System.

4. Centinela Avenue widening between the Marina Freeway (SR 90) and Jefferson Boulevard - Pages 6, 7 ; item 5; Option "B" (see attached Drawings "C-1(1)" through "C-3(1)")

Delete Option "A" entries. Substitute Option "B" as follows:

Projected-related traffic impacts on Centinela Avenue between Jefferson Boulevard and the Marina Freeway can be mitigated by providing six continuous through lanes in both the northbound and southbound directions during the a.m. and p.m. peak periods. This segment of Centinela Avenue is under the jurisdiction of the County of Los Angeles and any improvements must be coordinated with and approved by the County of Los Angeles.

a. These improvements require on-street parking restrictions on both the east and west side of Centinela Avenue between Jefferson Boulevard and the Marina Freeway. These restrictions will cause parking impacts and reduce on-street parking by 86 spaces during both the a.m. and p.m. peak periods.

b. In addition, access to Juniette Street at Centinela Avenue shall be restricted to right-turn inbound and outbound in both the eastbound and westbound directions. This will cause operational traffic impacts at Centinela Avenue and Juniette Street.

5. Culver Blvd and the Marina Freeway (SR 90) eastbound ramps (revised) - page 13; item 16 - (see attached Drawing "AA-2" and "AA-3" signed May 6, 1993)

a. Dedicate property along the project frontage on both sides of Culver Boulevard between the southerly property line of the 90-foot railroad right-of-way and a point approximately 480 feet southerly of the Marina Freeway eastbound ramp centerline to provide up to 106-foot right-of-way. Widen both the east and west sides of Culver Boulevard from the Marina Freeway Eastbound ramps to a point approximately

480 feet southerly of the Marina Freeway eastbound ramp centerline to provide up to 86-foot roadway, a 10-foot sidewalk on the south side and 10-foot dirt shoulder on the north side within a 106-foot right-of-way.

b. Widen both the north and south sides of the Marina Freeway eastbound roadway from Culver Boulevard to a point approximately 680 feet easterly of the Culver Boulevard centerline to provide up to a 48-foot roadway. Restripe the roadway for three lanes in the eastbound direction.

c. Restripe Culver Boulevard to provide two through lanes and two right-turn only lanes in the northbound direction and one left turn only lane and three through lanes in the southbound direction.

d. Relocate and modify signal equipment as required.

The Marina Freeway is under the jurisdiction of Caltrans and any improvements must be coordinated with and approved by Caltrans.

6. Culver Boulevard and the Marina Freeway (SR 90) westbound ramps (revised) - page 13, 14; item 17 - (see attached Drawing "AA-3" signed May 6, 1993)

a. Widen both sides of the Marina Freeway westbound off-ramp from Culver Boulevard to a point approximately 420 feet easterly of the Culver Boulevard centerline to provide up to a 60-foot roadway.

b. Widen the east side of Culver Boulevard by 2 feet from the Marina Freeway westbound roadway to a point approximately 340 feet northerly of the Marina Freeway westbound roadway centerline to provide a 42-foot half roadway and an 8-foot sidewalk within the existing 50-foot half right-of-way.

c. Relocate and modify signal equipment as required.

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The Marina Freeway is under the jurisdiction of Caltrans and any improvements must be coordinated with and approved by Caltrans.

7. Jefferson Boulevard and McConnell Avenue (deleted) - (see September 16, 1992 Assessment Letter, Attachment "G" page 18, item 26)

Delete the description of the intersection improvement that reads:

"a. Dedicate 14 feet of property and widen the south side of Jefferson Boulevard by 12 feet along the project frontage from Beethoven Street to Westlawn Avenue to provide a 54-foot half roadway within a 64-foot half right-of-way.

b. Remove the raised median islands on Jefferson Boulevard between Beethoven Street and Westlawn Avenue. Relocate and modify traffic signal equipment as required.

c. Restripe Jefferson Boulevard to provide one left-turn only lane and four through lanes in the eastbound direction and three through lanes and one shared through/right-turn lane in the westbound direction and midblock two-way left-turn lanes between Beethoven Street and Westlawn Avenue."

8. Jefferson Boulevard and Westlawn Avenue (deleted) - (see September 16, 1992 Assessment Letter, Attachment "G" page 20, item 30)

Delete the description of the intersection improvement that reads:

"a. Dedicate 14 feet of property and widen the south side of Jefferson Boulevard by 12 feet along the project frontage from McConnell Avenue to a point approximately 800 feet easterly of the Westlawn Avenue centerline to provide a 54-foot half roadway within a 64-foot half right-of-way.

b. Remove the raised median islands on Jefferson Boulevard between McConnell Avenue and Centinela Avenue. Relocate

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Exhibit 5, #11

and modify traffic signal equipment as required.

c. Restripe Jefferson Boulevard to provide one left-turn only lane and four through lanes in the eastbound direction and three through lanes and one shared through/right-turn lane in the westbound direction and midblock two-way left-turn lanes between McConnell Avenue and Centinela Avenue."

9. Jefferson Boulevard and the San Diego Freeway (I-405) northbound ramps (revised) - page 19: item 28: (see attached Drawing "A-11" signed May 6, 1993)

a. Widen the north side of Jefferson Boulevard up to 8 feet from the San Diego Freeway northbound on-ramp to a point approximately 180 feet easterly of the on-ramp centerline to provide up to a 52-foot half roadway and a 10-foot sidewalk. This widening may require the construction of a retaining wall on the north side of Jefferson Boulevard. Relocate, modify, or remove traffic signal equipment as required. The east leg of the intersection is under the jurisdiction of Culver City and any improvements must be coordinated with and approved by Culver City.

b. Widen both the east and west sides of the San Diego Freeway northbound on-ramp up to 6 feet from Jefferson Boulevard to a point approximately 400 feet northerly of the Jefferson Boulevard centerline to provide up to a 40-foot roadway. This widening may require the construction of a retaining wall on the east and/or west side(s) of the San Diego Freeway northbound on-ramp. Relocate, modify, or remove ramp metering equipment as required.

c. Restripe the San Diego Freeway northbound on-ramp to provide three through lanes.

d. Modify raised median island on Jefferson Boulevard (west leg) to facilitate northbound left turns from the San Diego Freeway to westbound Jefferson Boulevard.

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Exhibit 5
P 12

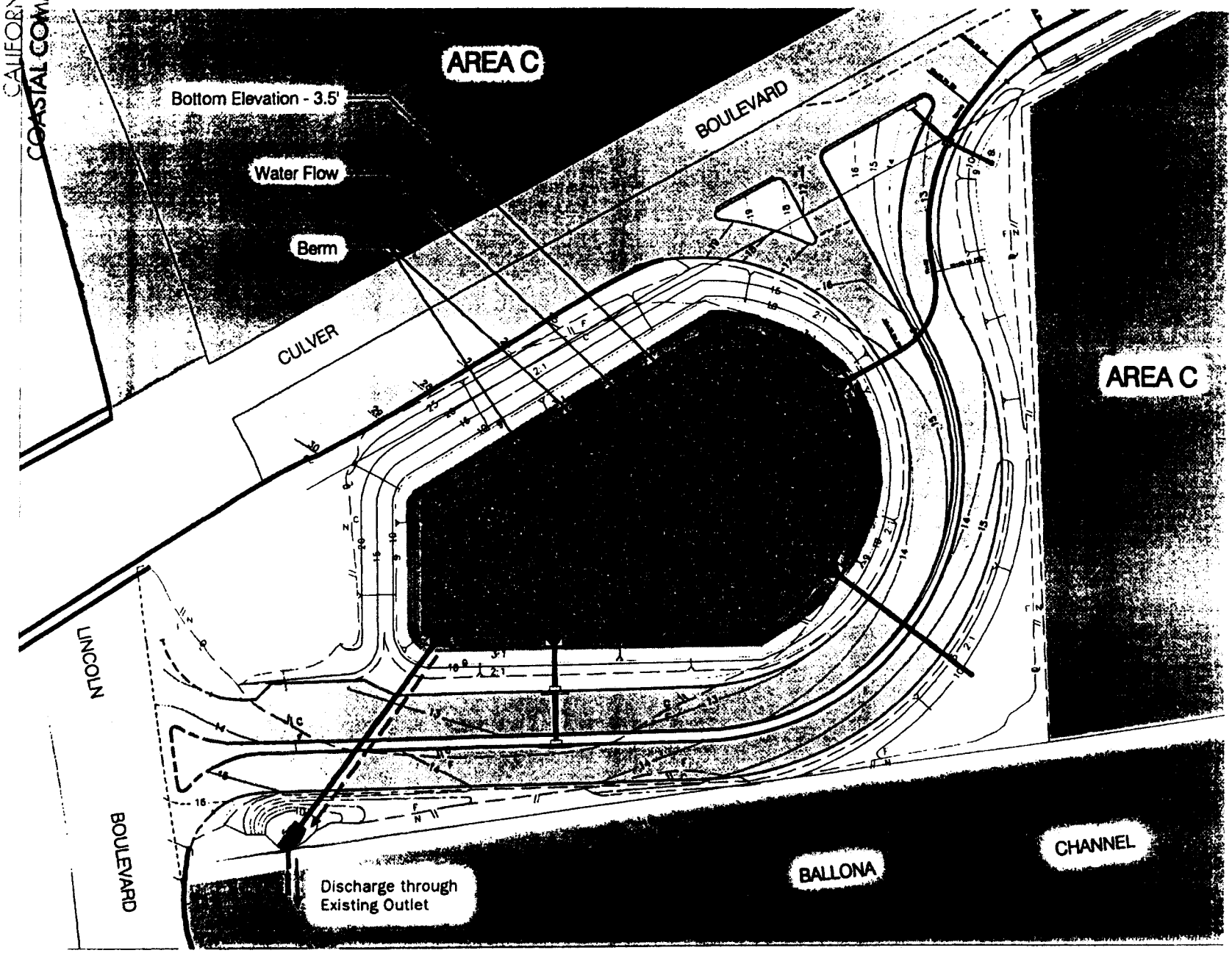

EXHIBIT 2 - WATER QUALITY BASIN SCHEMATIC PLAN

A 5 PLV 00417
Exhibit 6

KAKU ASSOCIATES
A Corporation
Transportation Planning
Traffic Engineering
Parking Studies

MEMORANDUM

TO: Tom Paradise, PCC
CC: Tim Connors, PCC
Catherine Tyrrell, PCC

FROM: Srinath Raju
Pat Gibson

SUBJECT: Culver Boulevard Ramp Improvements at Lincoln Boulevard

DATE: April 25, 2000 **REF:** 1062.27

This memorandum provides a brief clarification and discussion of the various benefits that the ramp improvements at Lincoln Boulevard and Culver Boulevard junction would provide. These benefits include those that the existing traffic would experience and also those that the projected future traffic would obtain.

Key benefits that both existing and future traffic would experience as a result of the construction of the Lincoln Boulevard NB on/off-ramp at Culver Boulevard include:

- Improved access and circulation to the Coastal zone areas
- Enhanced traffic circulation along regional facilities like Lincoln Boulevard, Mindanao Way, Jefferson Boulevard and Centinela Avenue
- Enhanced traffic circulation and access to/from Playa Vista Phase I project
- Improvement of the currently existing sub-standard, directional ramp to standard, full access ramps from Culver Boulevard to NB Lincoln Boulevard

A brief discussion of each of the above improvements follows.

Coastal Access Improvement: This improvement provides a connection from northbound Lincoln Boulevard to both east- and westbound Culver Boulevard thereby improving access to the Coastal zone areas adjacent to Culver Boulevard. Currently existing uses as well as future uses in the Coastal zone will be benefited by this improvement consisting of both a NB Lincoln Boulevard to EB and WB Culver Boulevard connection as well as a WB Culver Boulevard to NB Lincoln Boulevard traffic movement. Therefore, an additional circulation alternative to and from the uses within the Coastal zone area will now be made available by this proposed ramp improvement. Aslo, in the near future, Caltrans will be providing grade-separated interchange at the SR 90 and Culver Boulevard junction. This improvement would greatly improve access to the SR 90 to and from NB Lincoln Boulevard as well as the uses within the Coastal zone areas.

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Santa Monica CA 90401
(310) 458-9916 Fax (310) 394-7663

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Exhibit 6
p1
consultant report
traffic

Traffic Flow Enhancement along various regional facilities: Numerous roadways including Lincoln Boulevard, Mindanao Way, Jefferson Boulevard and Centinela Avenue would experience certain traffic flow enhancement benefits as a result of reduced turning movements at various critical intersections along the way to the SR 90 freeway. The Lincoln/Mindanao intersection would notice a reduction of approximately 150 northbound right turns during the morning peak hour since they would now utilize the new Lincoln / Culver connection. Further, the Lincoln / Jefferson intersection would also notice a reduction of approximately 200 northbound right turns on their way to the SR 90 freeway. Approximately 100 to 150 peak hour EB left turning vehicles at the Centinela Avenue / Jefferson Boulevard intersection could appear at the new ramp connection and travel along the SR 90 freeway. The new NB Lincoln Boulevard to EB Culver Boulevard to the SR 90 freeway route will provide an attractive path choice to numerous other SR 90 access route choices in the area. This alternative will draw existing traffic (approximately 350 to 400 vehicles in the peak periods) from those local path choices thereby reducing traffic on various segments of Lincoln Boulevard, Mindanao Way, Jefferson Boulevard and Centinela Avenue roadways. The potential local path choices that would experience indirect benefits would include the NB Lincoln to Mindanao Way to SR 90 freeway; the NB Lincoln to Jefferson Boulevard to Centinela Avenue to SR 90 freeway, and in the future with the Playa Vista Phase I Project, the NB Lincoln to Playa Vista Drive to Culver Boulevard to SR 90 freeway.

Access Enhancement to Playa Vista Phase I Project: This improvement would offer an additional route to get to the SR 90 freeway from the Playa Vista Phase I residential component, particularly the homes planned to be built in the northeast quadrant of the Lincoln Boulevard / Jefferson Boulevard intersection.. The other route would be offered when the office component on the west end of Playa Vista Phase I Project is built – that is the Playa Vista Drive to Culver Boulevard to SR 90 route.

Ramp Improvement to Standards: Currently, a sub-standard directional ramp that allows only an eastbound Culver Boulevard to northbound Lincoln Boulevard exists. This ramp is used extensively during the AM peak periods by the traffic from the Playa-del-Rey subdivisions and to a certain extent from the South Bay areas to the Santa Monica and West Los Angeles areas. The proposed improvement will provide a full eastbound and westbound Culver Boulevard to northbound Lincoln Boulevard interchange to standards thereby significantly improving safety and ease of operation.

Summarizing, this improvement would improve traffic circulation and access both directly and indirectly as detailed in the discussion above. If you have any questions or comments, please do not hesitate to call us at 310-458-9916.

A 5 PLV 00417
Consultant report
Exhibit 6
p2

Attachment: Section IV. Reasons Supporting This Appeal for Local Coastal Development Permit No. 00-3B ("Project")
Appeal of Local Coastal Development Permit No. 00-3B
Submitted by: Ballona Wetlands Land Trust;
Coalition to Save the Marina; and
Wetlands Action Network

Reason 1: There is new substantial evidence of new significant impacts that were not identified in the EIR.

A) Methane and Toxic Gas Contamination in Phase One of Playa Vista project

In June of 2000, the Los Angeles City Council directed the City to convene a special panel to study the extent of toxic oil field gases contamination at the Playa Vista Phase One site to determine if the hazards associated with the contamination can be fully mitigated to ensure human health and safety and environmental protection. The City's own independent peer reviewer, Victor Jones of ETI, Inc., postulates that the toxic oil field gases detected in the soil and groundwater extends into Area C. As of the date of the filing of this appeal, the special panel evaluating the threat to human health and safety and the environment has not concluded its study.

In fact, the City of Los Angeles Department of Building & Safety has halted issuance of all new building and grading permits to Playa Vista until the toxic oil field gas study and seismic hazard evaluation is complete and it can be determined that any development of Phase One will not threaten the public's health and safety. Additionally, the City has put on hold all public subsidies to Playa Capital until such information is garnered.

This information was not known at the time the Project permit was approved in 1995 and 1996. Therefore, since new information (since Phase One approvals in 1995/1996) indicates that significant environmental impacts will occur as a result of this Project, the Project must be denied.

B) Geotechnical Information

The April 17, 2000 ETI, Inc., Report referenced herein also documented the discovery of a new fault, tentatively named the Lincoln Boulevard Fault. This new information on significant geotechnical impacts warrants a new hearing for this Project. This new information is especially disturbing given that the Project is located within an area at high risk for liquifaction.

Reason 2: The Lead Agency did not comply with California Code of Regulations, Title 14, Article 10, Section 3720 (Seismic Hazards Mapping Act).

The Project lies within a Seismic Hazard Zone and accordingly, the Project must comply with the requirements set forth in the Seismic Hazards Mapping Act. Section 3724 sets forth specific criteria for project approval which shall apply within seismic hazard zones and shall be used by affected lead agencies in complying with the Act.

A5 PLV 00417 Exhibit 7
Appeal

Reason 3: There is a substantial increase in the significance of previous traffic impacts identified in the EIR.

As Staff admits in its addendum to its Final Report, the LADOT did not consider the cumulative impacts of Costco, Regata, GTE, LAX expansion, and the 500 unit development at Lincoln and Fiji Way in Marina del Rey when it recommended these transportation mitigation measures. As a result of these major projects, there will be a substantial increase in the significance of the traffic impacts, when considered cumulatively with Phase One of the Playa Vista project.

Reason 4: Marine Environment Considerations and Impacts

The proposed improvements might impact the maintenance, enhancement or restoration of areas of designated marine resources. Contrary to the staff report's contention, there are delineated wetlands within the area and are restorable. In fact, there is full tidal flow that occurs in Area C, safely harboring thousands of California Killifish (Fundulus californicus). The Belding's Savannah Sparrow, a State-listed endangered song bird uses the Salifcornia virginica as a dispersal area and additional foraging area for fledged birds in Area C. In addition, a Species of Special Concern, the White-Tailed Kite, has been documented in Area C. Accordingly, this project does not comply with Section 30230 and 30231 of the Coastal Act.

The Project will not create a "minor increase in run-off" as the Staff Report asserts, but rather will arguably create significant increase in run-off into Area C. Moreover, modifying the existing storm drains to provide trash screens does nothing to mitigate non-"trash" pollution such as heavy metals and other contaminants resulting from the Project.

An EIR/EIS is currently being conducted for Phase Two of the Playa Vista development (including Area C). The project must not be permitted until adequate environmental review is conducted and the environmental impacts associated with the Project analyzed.

Reason 5: Ownership of Area C

Area C is owned by the State of California, not Playa Capital. Although Playa Capital currently has an option to purchase the parcel, it has failed to fulfill the requirements of the option agreement and thus the legal enforceability of that option agreement is now in question.

The State Controller's office must be advised of the proposed project and the lead agency must inquire with the State Controller and the State Lands Commission as to their position on this proposed project. Accordingly, the Project requires a new hearing.

Reason 6: Violation of the Clean Water Act

Associated runoff from this project would violate the Clean Water Act because the applicant has failed to secure a discharge permit under Section 401.

Reason 7: Archaeological/Cultural Resources

The Project may impact archaeological and cultural resources.

Reason 8: Violation of the Clean Air Act

Due to release of toxic oil field gases into the atmosphere.

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Exhibit 7
appeal p2

KAKU ASSOCIATES
A Corporation
Transportation Planning
Traffic Engineering
Parking Studies

PLAYA VISTA
STRATEGIC PLANNING
NOV 6 2000
RECEIVED

MEMORANDUM

TO: Catherine Tyrell, PCC
CC: Marc Huffman, PCC

FROM: Srinath Raju

SUBJECT: Clarification of Playa Vista First Phase Project Traffic Estimates

DATE: November 2, 2000 **REF:** 1062.54

This memorandum briefly summarizes the traffic estimates prepared for the Playa Vista First Phase Project (including the assumptions utilized and the methodology employed) along the Lincoln Boulevard and Culver Boulevard travel corridors immediately adjacent to the site and compares the same to current existing (1998) traffic volume counts conducted at the same locations. The use of these travel estimates in the planning of transportation facility improvements in this area is also discussed in this memorandum.

Attachment A summarizes the traffic volume estimates from Playa Vista First Phase Project Environmental Impact Report document along the subject facilities and provides a comparison of the same with actual 1998 ground counts at the same locations. The Playa Vista First Phase EIR Future (1997) without Project traffic forecasts included the following two components of cumulative growth:

1. An ambient growth factor (1.5% per year) from Base 1990 conditions to Future 1997 conditions, and
2. Growth in traffic due to background related projects in the vicinity of the project site. A total of 188 different development projects were included in the related projects list, of which some have occurred already, some are planned for in the near future and some will never get developed. Examples of the background related projects included in the Playa Vista First Phase Project EIR are LAX Airport Expansion (20 MAP), LAX North-side, Continental City Development and Hughes Entertainment Center. The total Related Projects within the study area included up to 22 million square feet of office space, 6,800 residential units, up to 2.7 million square feet of retail space and up to 10,000 hotel rooms

The future travel forecasts including the Playa Vista First Phase Project traffic was utilized to estimate the roadway system requirements and the deficiencies in the existing system. The roadway improvements planned along Lincoln Boulevard, Culver Boulevard, SR 90, Jefferson Boulevard, Sepulveda Boulevard and Centinela Avenue in the vicinity of the Playa Vista Project all included accommodating the increased traffic due to cumulative growth (including ambient growth

[illegible]

A5 PLV DD 417
Exhibit 8

Consultant Report
Repeat traffic levels

and background related projects like LAX expansion, LAX North-side, Hughes Entertainment Center, Loyola Marymount Expansion and Continental City Development) and growth due to the Playa Vista Project.

From Attachment A, the following observations and inferences can be made:

1. A lot of the anticipated cumulative growth referred to above and included in the estimation of future traffic conditions in the Playa Vista First Phase Project EIR has not yet occurred in the region. This can be observed by comparing the existing 1998 ground counts with the future base (1997) traffic volumes along Lincoln Boulevard in the vicinity of the project site estimated by the Playa Vista First Phase Project EIR. The future base traffic volumes are approximately 500 to 1000 vehicles per hour per direction higher than the existing 1998 ground counts. Along Culver Boulevard, the existing ground counts seem to vary from being equal to what was predicted at one or two locations to approximately 800 to 1000 vehicles less than what was predicted in the Playa Vista First Phase Project EIR. Overall roadway traffic flows indicate that along both Lincoln Boulevard and Culver Boulevard during both AM and PM peak periods, traffic volumes are currently lower (per ground counts from 1998) than the predicted Playa Vista First Phase Project EIR's Future Year (1997) cumulative base traffic flows.
2. A comparison of the intersection operations at the various critical intersections along Lincoln Boulevard and Culver Boulevard indicate that the 1998 ground count based volume-to-capacity (V/C) ratios and consequently, the levels of service are much better than the predicted future year 1997 cumulative base V/C ratios and levels of service, respectively, at the same locations, from the Playa Vista First Phase Project EIR. This also indicates that the high level of cumulative growth predicted in the Playa Vista First Phase Project EIR has not occurred.
3. In the design of the various transportation facilities' improvements, the Playa Vista First Phase Project EIR used conservative traffic estimates including all the potential cumulative growth in the region. A good portion of this growth has not yet occurred but the design of the facilities improvements contemplated in the Playa Vista First Phase Project's EIR anticipated this land use growth and accommodated the same.

If you have any questions or comments, please do not hesitate to call me at 310-458-9916.

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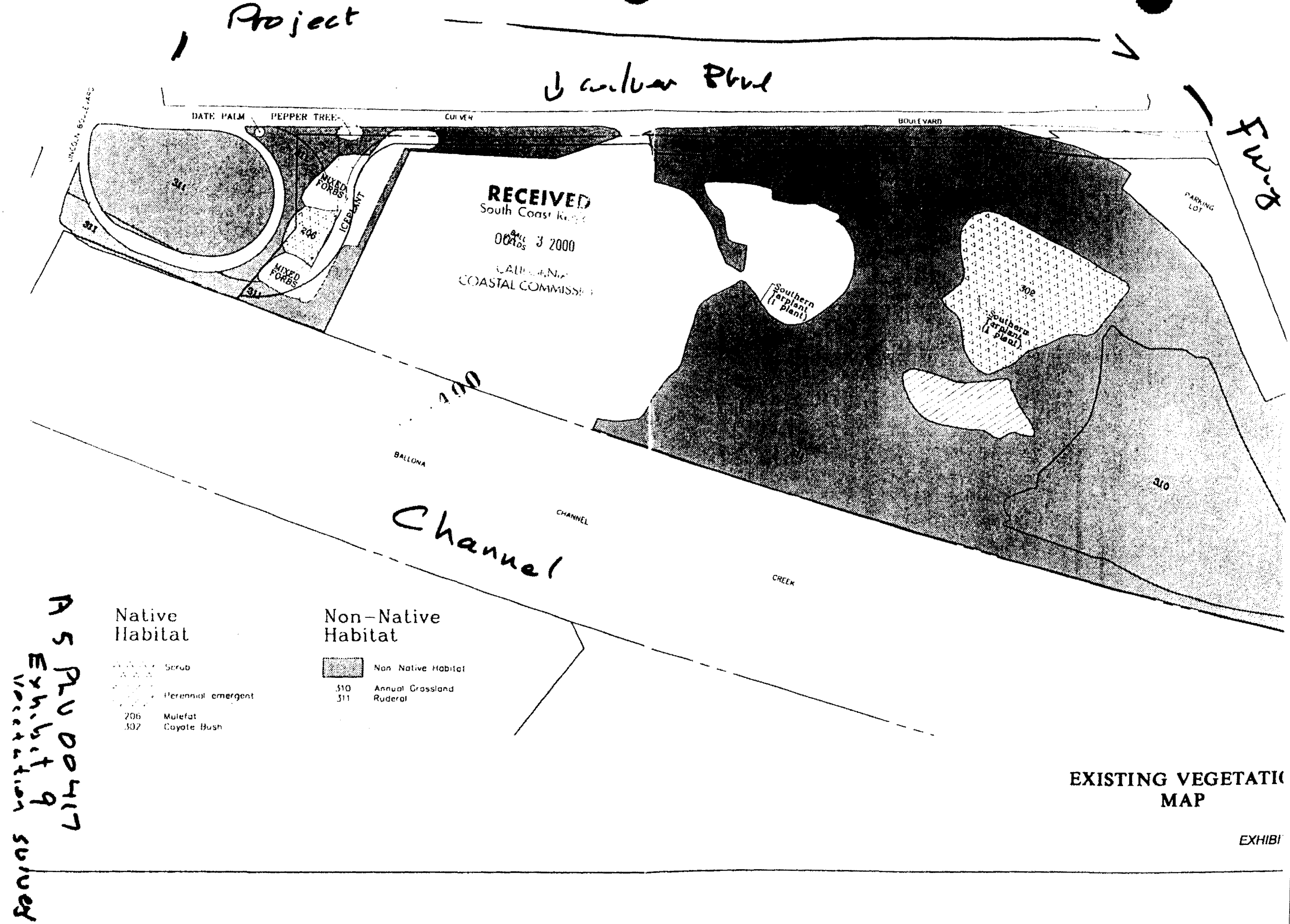
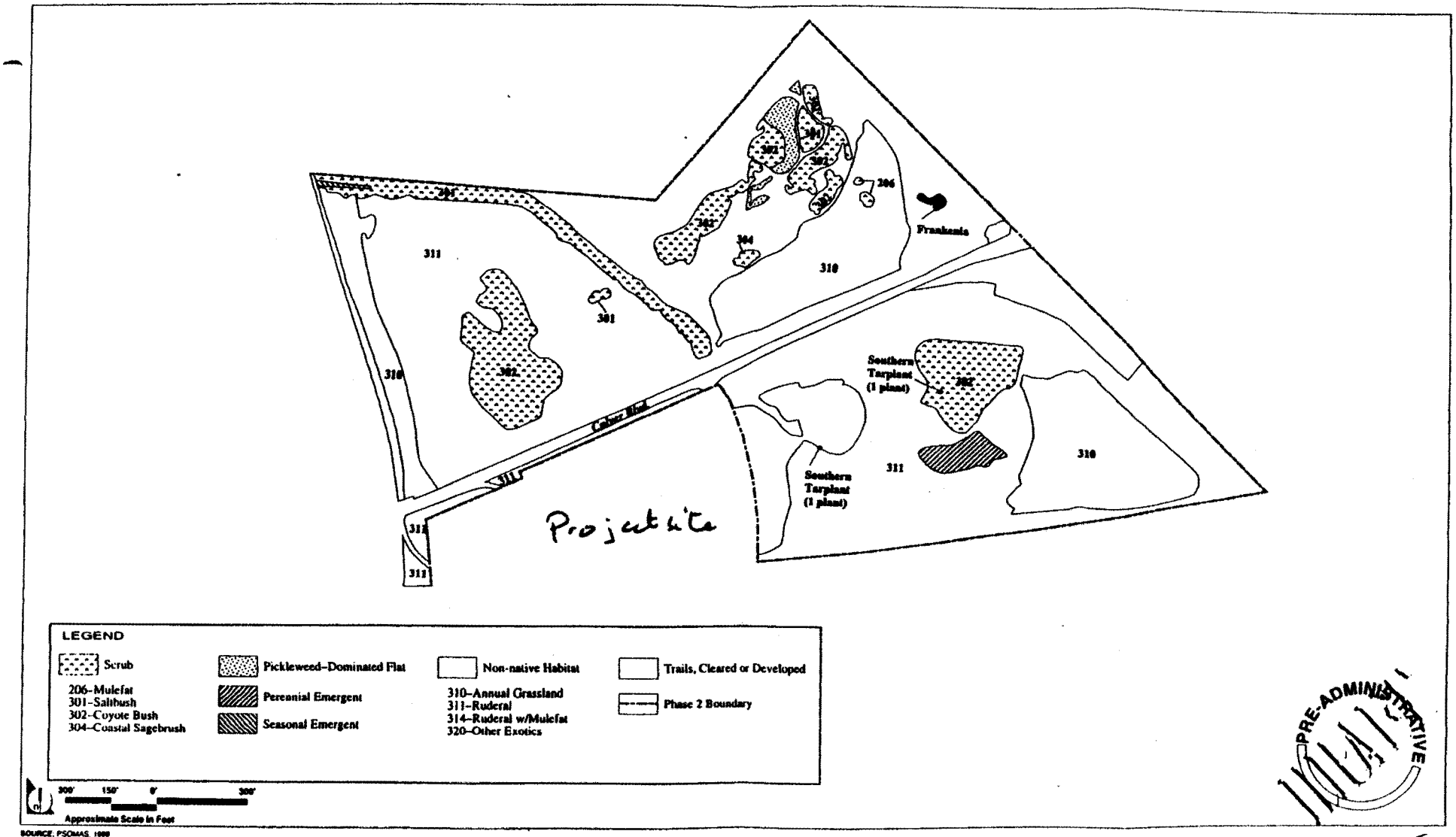
Exhibit 6 p2


Project
Culver Blvd
Fwy
DATE PALM
PEPPER TREE
CULVER
BOULEVARD
MIXED FORBS
ICEPLANT
206
311
MIXED FORBS
PARKING LOT
302
310
Southern Tarplant (1 plant)
Southern Tarplant (1 plant)
RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION
BALLONA
CHANNEL
CREEK
Channel
Native Habitat
Scrub
Perennial emergent
206 Mulefat
302 Coyote Bush
Non-Native Habitat
Non Native Habitat
310 Annual Grassland
311 Ruderal

EXISTING VEGETATI
MAP

EXHIBI



SOURCE: PSOMAS, 1999

FIGURE II D-6c

Vegetation of Area C

3/00

Vegetation Survey Area C

AES PLV 00417
Exhibit 10

Memorandum

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

Date : December 20, 1991

From : Department of Fish and Game

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

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

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

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

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

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

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

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

Exhibit 11 p2
A 5 PLU 00417
Wetland delineation

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

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

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

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

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

A5 PLV 00417
Exhibit 11
p 3
wetland

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

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

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

Howard A. Sarasohn for

Pete Bontadelli
Director

cc: Mr. William Shafroth
Resources Agency

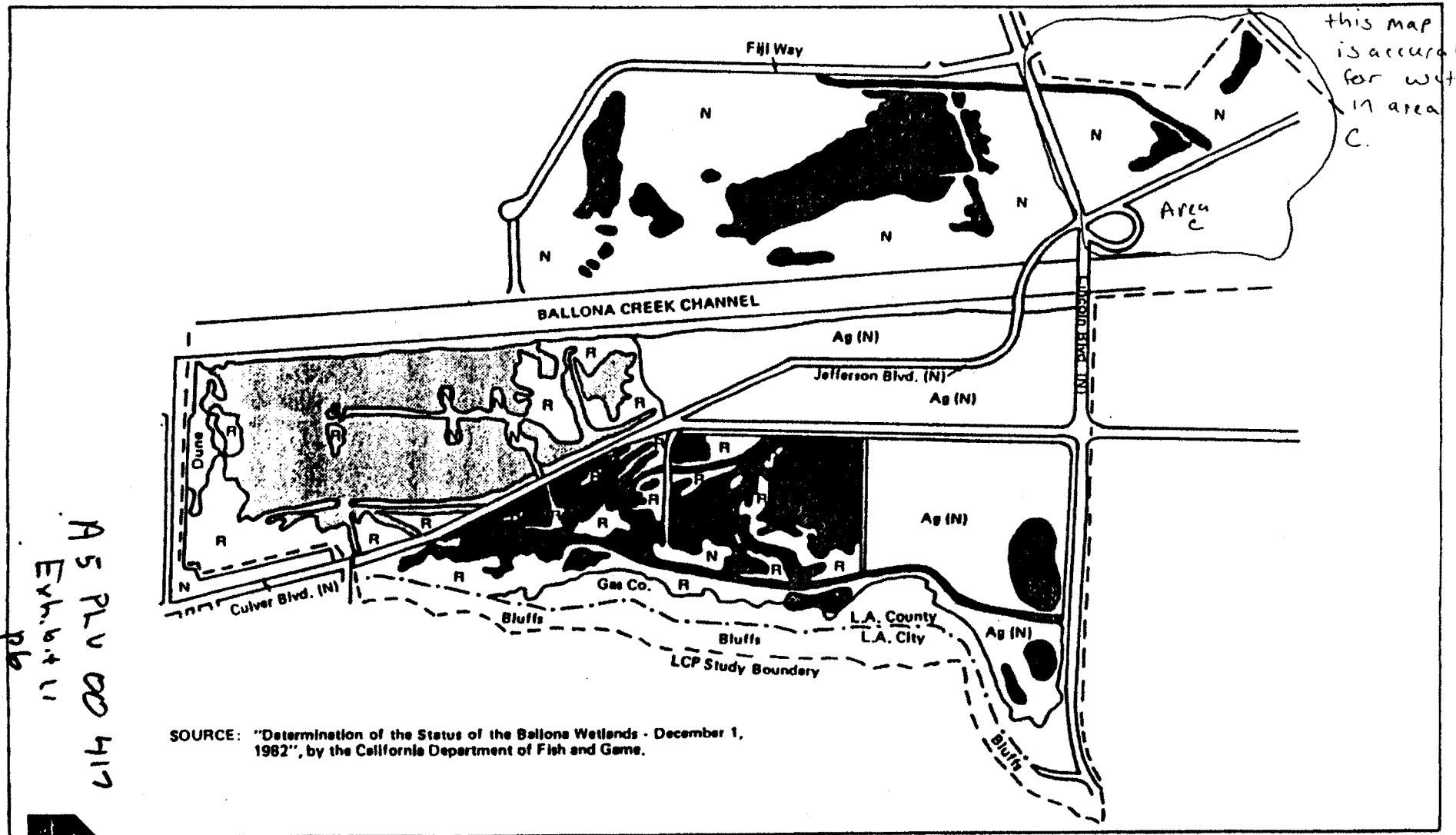
A 5 PLV00417
Exhibit 11 p4

This map is accurate for wetlands in Area B

A 5 PLV 00417
Exhibit 11 p5
attached to

map 14

PRESENT STATUS OF THE BALLONA REGION



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

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

this map is accurate for wetl in area C.

A5 PLV 00 417 Exhibit 11 pb attached wetland map

Gas issue Summary from ETI

EXECUTIVE SUMMARY

Exploration Technologies, Inc. (ETI) was retained in May 1999 by the City of Los Angeles, Department of Building and Safety (LADBS), and Playa Capital to serve as Peer Reviewer regarding subsurface methane gas issues in the proposed Playa Vista Development in Los Angeles, California. In order to provide adequate methane data for evaluation, ETI designed and supervised the collection and analysis of two shallow soil vapor surveys consisting of 812 sites placed on a 100 foot staggered grid over the First Phase of the Playa Vista Development. The soil gas samples were collected by Scientific Geochemical Services in Casper, Wyoming and analyzed by Microseeps in Pittsburgh, Pennsylvania. Using the soil gas data as a guide, 32 monitor wells were installed by Camp, Dresser and McKee and sampled for their free and dissolved gases. Gas analysis for these samples were also conducted by Microseeps. Stable carbon isotopes for the free gases in the ground water were analyzed by Isotech Labs in Champaign, Illinois.

This soil gas and ground water data have defined two main areas of methane gas seepage, one very large thermogenic gas anomaly (the soil gas expression is over 1700 feet in length and 200 feet wide) in Track 01 and another, slightly smaller thermogenic gas anomaly (slightly smaller in size, but not in concentrations) in the southern part of Track 02. Anomalous levels of ethane, propane and butanes are coincident with methane in both anomalies, inferring that the methane is related to deeper thermogenic sources. The free gases and the dissolved gas anomalies in the ground water within the 50-foot gravel aquifer are also directly related to the soil gas anomalies indicating a vertical migration pathway from deeper sources. Methane isotopes completes this investigation, confirming a common, thermogenic source for the gases measured within these two anomalous areas.

The source of the thermogenic gas observed at the Site is most likely derived from shallow natural gas sands within the Upper Pliocene Pico Formation, probably sourced from the gross interval from 510 feet to 3434 feet, encountered in the non-commercial wells surrounding the Site. There is a north-south linear trend (1700 feet long and 200 feet wide) of very large to intermediate methane concentrations defined by soil gas, dissolved gas, free gas and isotopes measured in the aquifer, which lies to the east and parallel to Lincoln Boulevard. This anomaly has been interpreted as migration of thermogenic gases from depth from a proposed subsurface fault, herein named the Lincoln Boulevard Fault.

The position and attitude of the proposed Lincoln Boulevard Fault is based upon a combination of subsurface geologic data, surface topographic lineations, and a north-south trend of anomalous geochemical data. With respect to seismicity, this fault should be considered as a potentially active low potential fault. Geochemically, this fault is an active pathway for vertical natural gas migration. The proposed Lincoln Boulevard Fault provides a permeable vertical pathway for the natural gases at depth to migrate to the near-surface and have the observed distribution and concentrations.

A 5 PLU 00 417
Exhibit 12
ETI report
excerpt p 1

A future earthquake with an epicenter close to the site could potentially cause a rapid flux of very large volumes of thermogenic methane gas to the surface along the Lincoln Boulevard Fault plane. Because the geologic data from the surrounding wells is only of a general nature and of an early vintage, it is not possible to calculate, or even estimate, the volumes of shallow natural gas beneath the Site. Adequate well logs or other testing data is not available.

Present data indicate that the anomalous methane gas concentrations could extend to the north into Area C. Data from this assessment do not show any evidence that the source of thermogenic gas is from the gas storage facility.

Methane mitigation systems should be required for all buildings in the First Phase of the Playa Vista Development. The design of the methane mitigation systems should follow the same specifications as previously modified and approved for the Fountain Park Apartments in Tract 03.

Because of the very high methane concentrations in soil vapor in the Tract 01 and Tract 02 anomalies, and the future potential for an earthquake-induced flux of additional very large volumes of methane gas in these same anomalous areas, it is recommended that there be mitigation of the 50-foot gravel aquifer in these two areas. A monitor well system should be required to continuously measure methane gas concentrations in the 50-foot gravel aquifer.

A similar subsurface methane assessment should be conducted in the Tract 49104-04 and Tract 52092 areas of the remainder of the First Phase Playa Vista Development. Although the available data is too limited in scope for adequate evaluation, there is no question that a similar methane issue exists in these areas.

Although only leaking minor amounts of thermogenic gas, the Universal City Syndicate Vidor #1 well and the Cooperative Development Co. Community #1 well should be re-abandoned.

A 5 PLV 00417
Exhibit 12
Eti Report
(summary)
p 2

7.0 CONCLUSIONS

1. Results from this comprehensive assessment indicate the source of the anomalous thermogenic methane is primarily from shallow natural gas within the Upper Pliocene Pico Formation. These shallow natural gas sands are beneath the area of First Phase Playa Vista Development, and are migrating up the Lincoln Boulevard Fault.

2. A previous subsurface methane assessment, limited to the area of Tract 03, indicated that the probable source of anomalous methane was leakage of thermogenic gas from the Universal City Syndicate Vidor #1 well. Although there is some leakage from this well, the dominant seepage appears to issue from a natural, fault related seep.

3. Methane concentrations in soil gas samples from the near-subsurface and from groundwater samples within the 50-foot gravel aquifer range from background to nearly 100%. The correlation between these samples is excellent, indicating migration from natural subsurface pathways.

4. There are two main areas of high methane concentrations (above 70% methane, see Plate 11) in the west half of Tract 01 and the south half of Tract 02. Anomalous levels of ethane, propane, and butanes are also coincident with these two methane seepage areas, indicating the methane is related to deeper thermogenic sources.

5. There is a north-south linear trend (1700 feet long and 200 feet wide) of very large to intermediate methane concentrations of soil gas, which lies to the east and parallel to Lincoln Boulevard. This anomaly has been interpreted as migration of thermogenic gases from depth from an associated subsurface fault.

6. Areas of anomalous methane concentrations dissolved in groundwater and methane from free gas in the groundwater from the 50-foot gravel aquifer are coincident with the anomalous areas of ethane, propane and butanes, which are only sourced by thermogenic sources. The data indicate that all three data sets have a common origin. This correlation of independent data sets confirms that the methane is from a deeper thermogenic source.

7. Methane isotope analyses on free gases collected from the 50-foot gravel aquifer further confirm a thermogenic source for the anomalous methane gas. Areas of background to low methane concentrations are primarily biogenic in origin, but bear a spatial relationship that suggests that the biogenic gases have been generated in response to the thermogenic gases.

8. Three independent analytical data sets (soil gas, groundwater, and isotopes) are in concert and confirm that the source of areas of anomalous methane soil gas is due solely to a thermogenic source.

A 5 PLV 60417
ETI report
excerpts (conclusions)
Exhibit 12 p 3

9. The source of the thermogenic gas observed at the Site is most likely derived from shallow natural gas sands within the Upper Pliocene Pico Formation, probably sourced from the gross interval from 510 feet to 3434 feet, encountered in the non-commercial wells surrounding the Site.

10. It is not possible to calculate, or even estimate, the volumes of shallow natural gas beneath the Site due to nature of the surrounding well data. Adequate well logs or other testing data is not available.

11. The position and attitude of the proposed Lincoln Boulevard Fault is based upon a combination of subsurface geologic data, surface topographic lineations, and a north-south trend of anomalous geochemical data. With respect to seismic activity, this fault should be considered as a potentially active low-potential fault. Geochemically, this fault is an active pathway for vertical natural gas migration.

12. The proposed Lincoln Boulevard Fault provides a permeable vertical pathway for the natural gases at depth to migrate to the near-surface, and exhibit the distribution and magnitudes observed.

13. A future earthquake with an epicenter close to the Site could potentially cause a rapid flux of very large volumes of thermogenic methane gas to the surface along the Lincoln Boulevard Fault plane.

14. Present data indicate that the anomalous methane gas concentrations could extend to the north into Area C.

15. Data from this assessment do not show any evidence that the source of thermogenic gas is from the gas storage facility.

ETI conclusion (excerpt)
PA 5 PLV 00 417

Exhibit 12 p 4

8.0 RECOMMENDATIONS

1. Methane mitigation systems should be required for all buildings in the First Phase of the Playa Vista Development. The design of the methane mitigation systems should follow the same specifications as previously approved for the Fountain Park Apartments in Track 03.

2. Because of the very high methane concentrations of free gas (greater than 70 %, see free gas contour map, Plate 11) in the gravel aquifer, and the future potential for an earthquake-induced flux of large volumes of methane gas in these same anomalous areas, it is recommended that there be mitigation of the 50-foot gravel aquifer in these areas having methane concentration in excess of 70%.

3. For the methane mitigation system of the 50-Foot gravel aquifer a pump and treat methane stripper system is recommended. Pump tests in the aquifer are required in order to determine the number and spacing of the recovery wells required. This must also include water reinjection to prevent subsidence.

4. A monitoring well system following the design approved for the Visitor Center in Track 03 will also be required to continuously measure methane gas concentrations in the 50-foot gravel aquifer.

5. A similar subsurface methane assessment should be conducted in the Tract 49104-04 and Tract 52092 areas of the First Phase Playa Vista Development.

6. Although only leaking minor amounts of thermogenic gas, the Universal City Syndicate Vidor #1 well and the Cooperative Development Co. Community #1 well should be re-abandoned.

7. In the future, methane assessments should be conducted and methane mitigation and monitoring systems completely designed at sites slated for development before zoning is approved.

8. A similar subsurface methane assessment should be conducted in the area of Second Phase Playa Vista Development before zoning use is established and, more important, to aid in the planning.

9. The City of Los Angeles Methane Gas Code should be revised to provide conditions for mitigation based upon whether the methane gas is of a biogenic or thermogenic origin.

A S PLV 00417
Exhibit 12 p 5
ETI & TI report
excerpt pg 5
recommendation

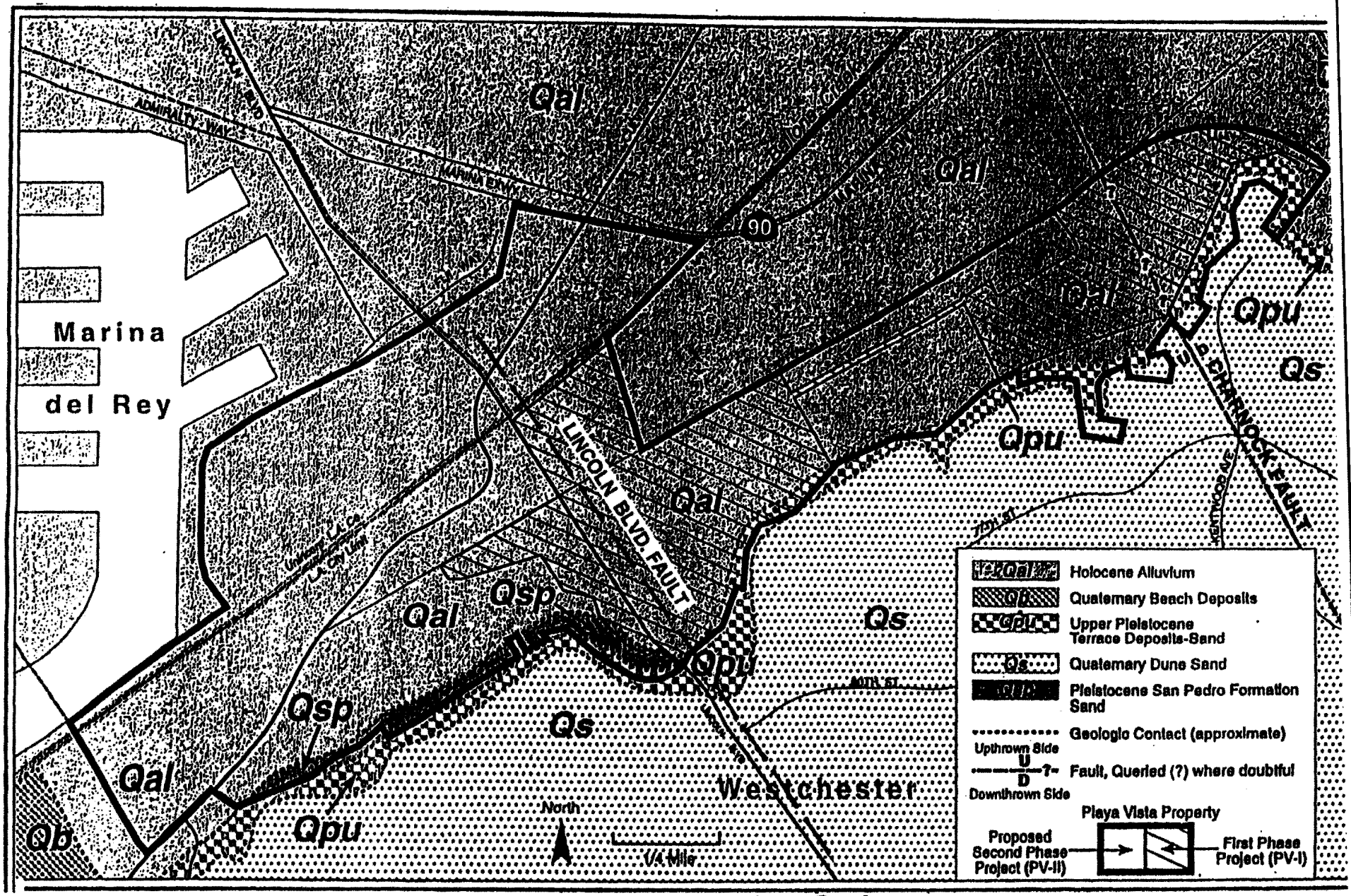


Figure 4. Generalized Surface Geology
(Modified after CDM, 1998)

AS PLV00417 ETI report excerpts
Figure
Exhibit 12 p

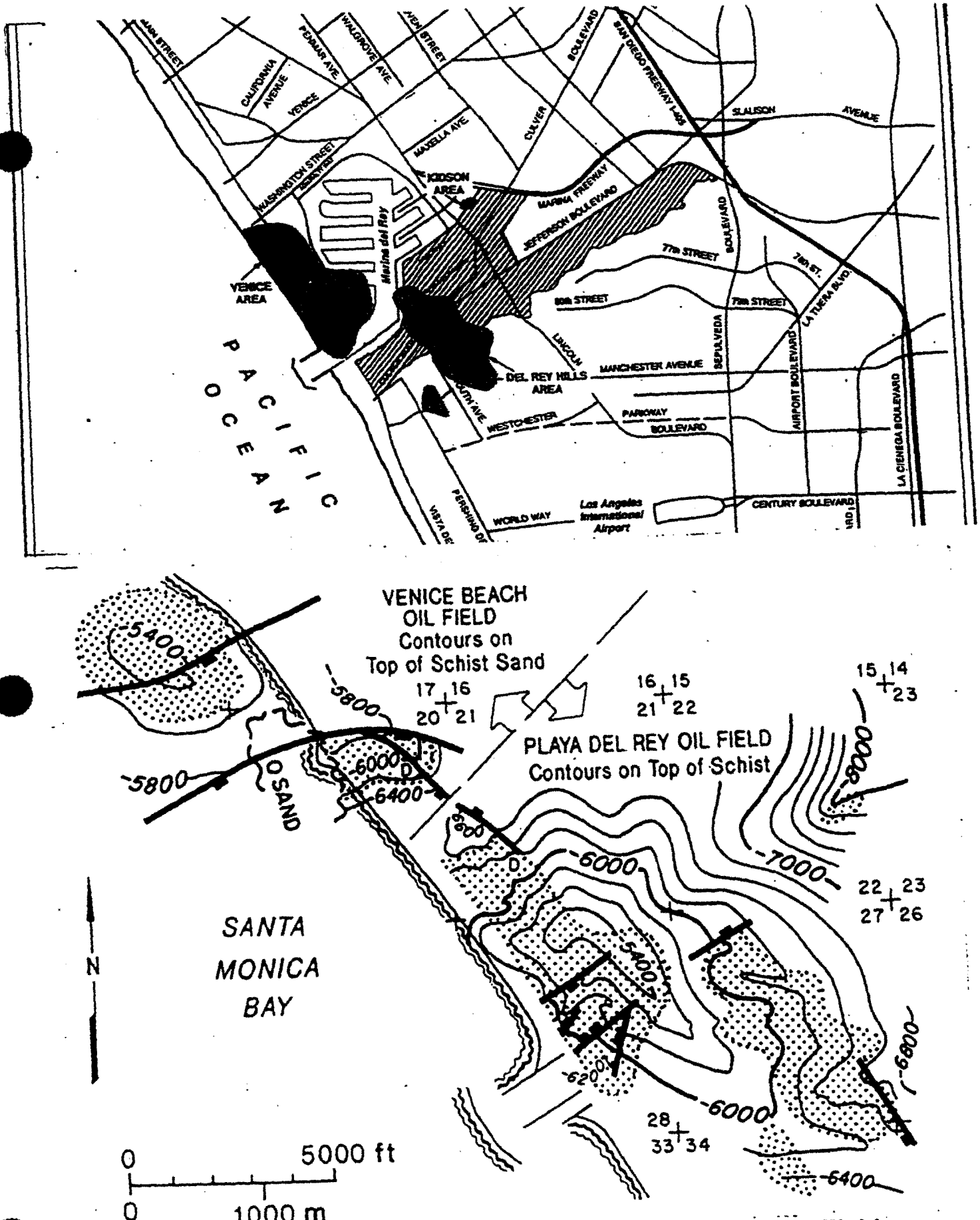
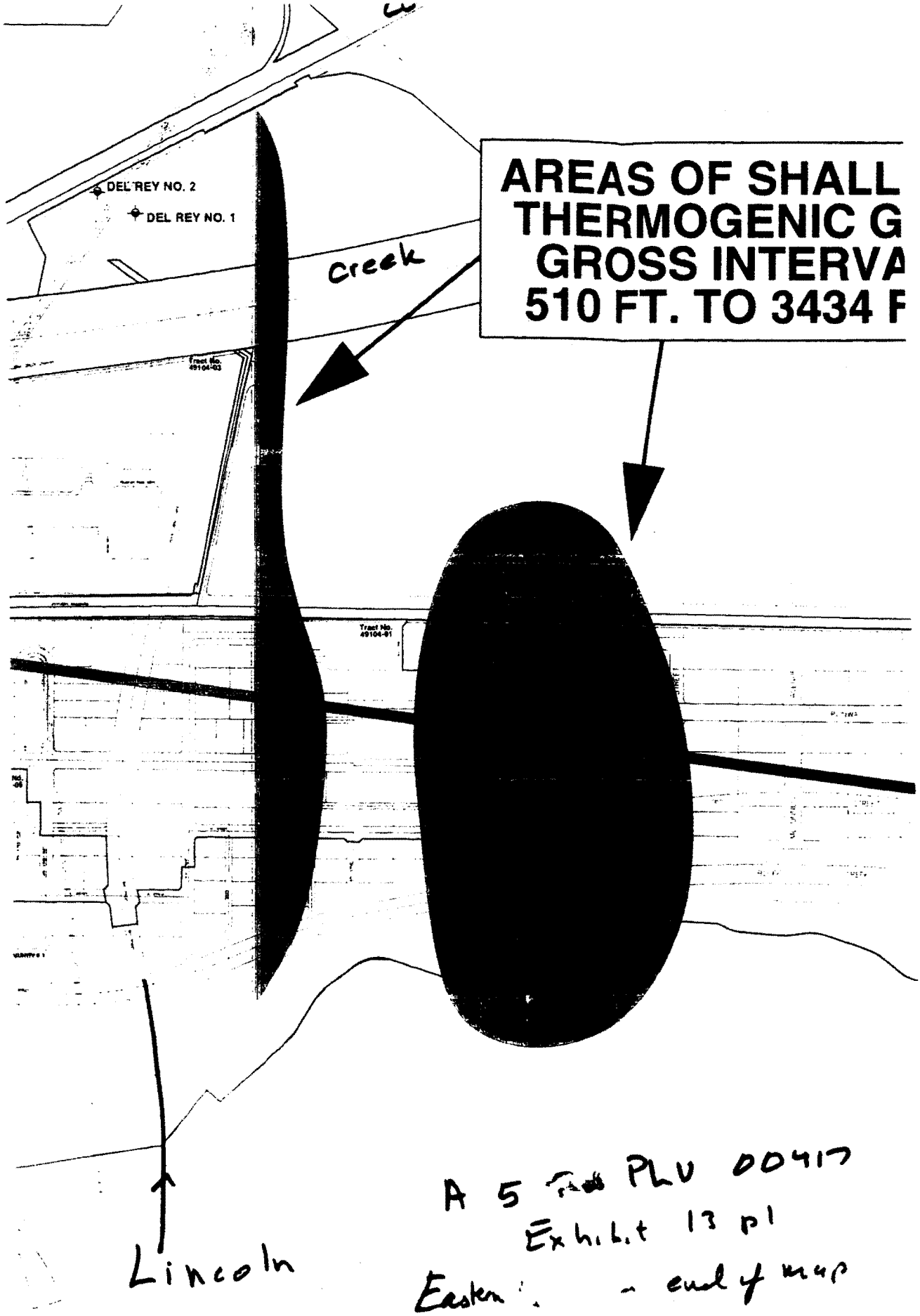
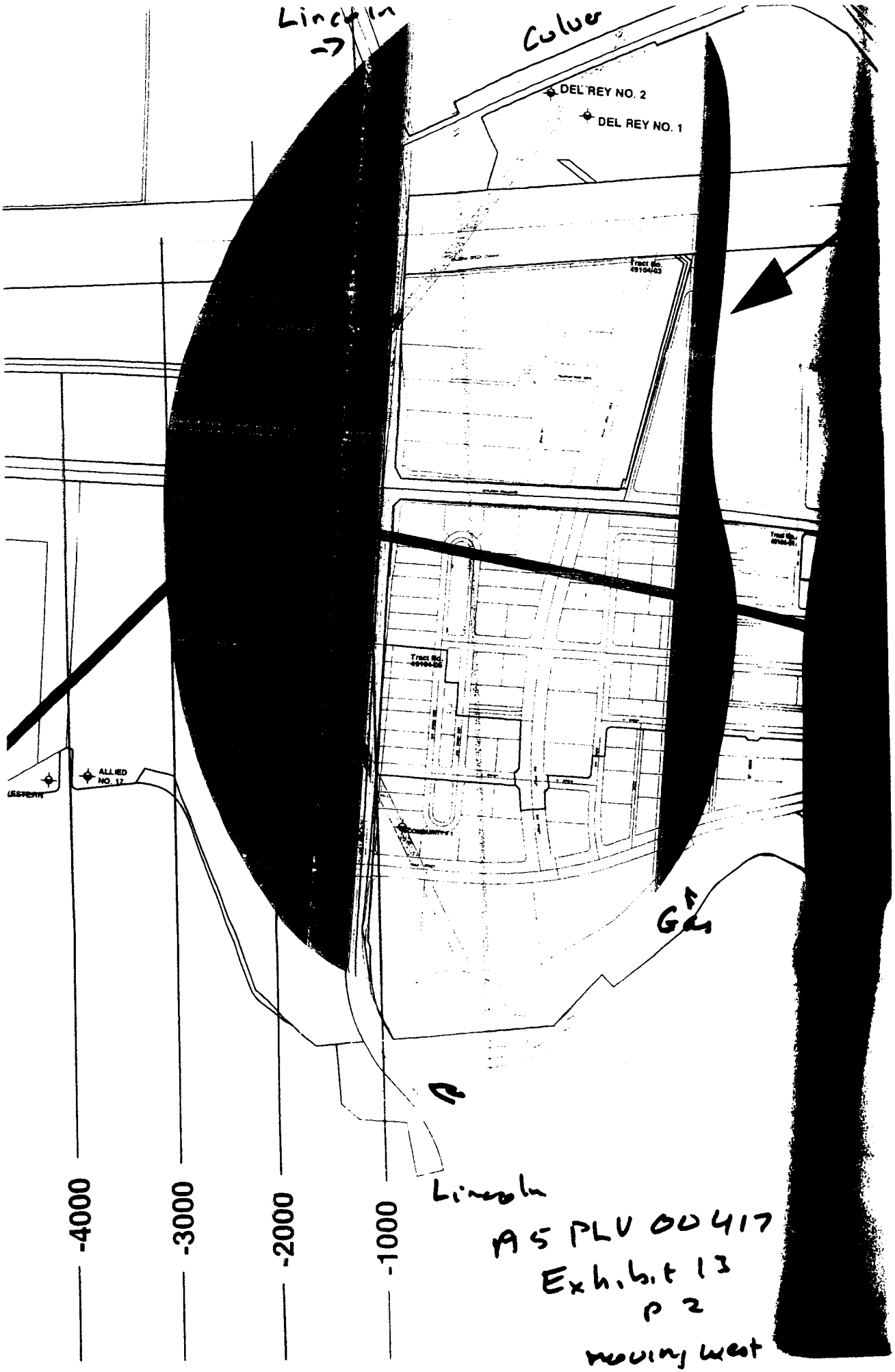


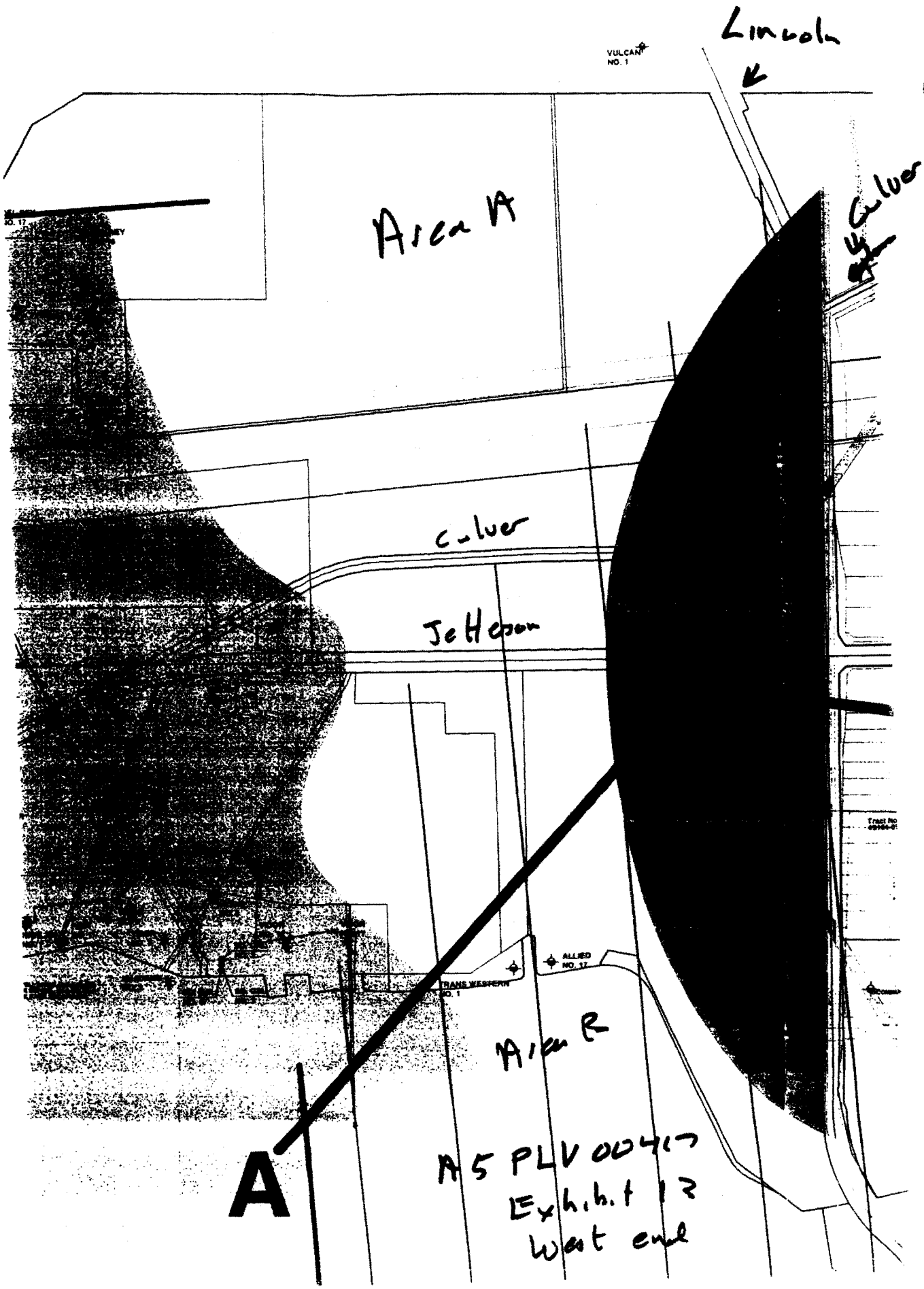
Figure 6. Location and Structure of Playa del Rey Oil Field

A 5 PLY 00 417
Exhibit 12 p 7
Map



A 5 PLV 00417
Exhibit 13 pl
Eastern - end of map
1 of 3


Culver
DEL REY NO. 2
DEL REY NO. 1
ALLIED NO. 12
-4000
-3000
-2000
-1000
Lincoln
AS PLU 00417
Exhibit 13
p 2
moving west


Lincoln
VULCAN NO. 1
Area A
Culver
Culver
Jefferson
ALLIED NO. 12
TRANS WESTERN NO. 1
Area B
A
A5 PLV 00417
Exhibit 12
West end

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
VOICE AND TDD (415) 904- 5200
FAX (415) 904- 5400

12 December 2000

MEMORANDUM

To: Pam Emerson, Los Angeles Area Supervisor
From: Mark Johnsson, Senior Geologist
Re: Culver Boulevard widening project and potential soil methane hazards

At your request, I have reviewed the following document relevant to the proposed widening of Culver Boulevard and ramp construction at the intersection of Lincoln and Culver Boulevards, Los Angeles:

Camp Dresser and McKee 2000, "Soil gas sampling and analysis for portions of Playa Vista areas A and C near Culver Boulevard widening project", 4 p. geologic letter report to Maria P. Hoye dated 27 November 2000 and signed by A. J. Skidmore and M. Zych (RG).

As you are aware, a concern has been raised that the proposed development would be at risk of explosion due to buildup of methane from gas seeps known to exist in the vicinity. The report describes a soil gas sampling protocol that would appear adequate to characterize methane concentrations adjacent to Culver Boulevard between Lincoln and Boulevard and the Marina Expressway. Although the sample spacing was too coarse to adequately delineate an anomaly, it was appropriate for the detection of an anomaly sufficient to pose a hazard to the proposed development. The other parts of the sampling protocol appear to be adequate

The report indicates that soil methane concentrations encountered range from 0.48 to 5.43 ppmv. For reference, the concentration of methane in the atmosphere is currently about 1.75 ppmv, and the lower explosive limit of methane is 50,000 ppmv; thus the values reported in the referenced document represent essentially background levels. Although no data are provided with which to assess methane flux, it seems reasonable to assume that the flux is very low, since limited exchange of soil gas with the atmosphere at the 4-foot sampling depth would otherwise have resulted in much higher methane concentrations in soil gas. Accordingly, it appears that no significant methane seeps occur in the area investigated.

Further, methane would only be able to attain dangerous levels if it were allowed to accumulate in an enclosed space. No such enclosed space exists beneath a roadbed. Any

A 5 PLV 00-417
Exhibit 14
p 1
staff geologist letter

methane escaping from the soil beneath the roadbed would simply move laterally until a free path to the surface was encountered.

Therefore, it is my opinion that no explosion hazard exists in association of the widening of Culver Boulevard between Lincoln Boulevard and the Marina Expressway, nor will the construction of a ramp between Culver and Lincoln Boulevards create such a hazard.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Mark Johnsson
Senior Geologist

A 5 PLU 00417
Exhibit 14
p 2
Evaluation of Hazard

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: May 10, 2000

To: William T. Fujioka, General Manager
City Administrative Officer

From: Vitaly B.Troyan, P.E.
City Engineer

By: Michael P. Brown, Manager
Geotechnical Engineering Division

Subject: PUBLIC WORKS REVIEW OF ETI REPORT TITLED "SUBSURFACE GEOCHEMICAL ASSESSMENT OF METHANE GAS OCCURRENCES" DATED APRIL 17, 2000 - PLAYA VISTA PROJECT - (File 96-092) WO E1200434

Per the request of the Department of Building and Safety, the Department of Public Works, Geotechnical Engineering Division (GED) has reviewed the subject report from Exploration Technologies, Inc. (ETI) with a focus on the distribution of hydrogen sulfide and benzene, toluene, ethylbenzene and xylene (BTEX) at this site. GED has also reviewed the data, conclusions and recommendations contained in this and a previous report from ETI dated November 29, 1999.

The April 17, 2000 ETI report presents the results of a soil gas survey of the upper 4 feet of soil at the site. The top 4 feet of fill that was tested was either native soil, old (20+ year) fill or new (less than 2 years old) fill, depending on the specific site location. Various levels of different gases contained in the native soil were documented. In some locations, the recently placed fill above the old soil/fill is up to 30 feet thick. This new fill has not had the time to reach gas concentration equilibrium with the deeper gas sources that underlie the new fill. The new fill was also sampled at 4 feet and therefore may show artificially low gas concentrations. The highest concentrations of hydrogen sulfide and BTEX in the current ETI maps correlate with areas where native soil and older fill were sampled as opposed to areas of the recently placed fill. As such for purposes of our review, we have assumed that the highest concentrations of hydrogen sulfide and BTEX found in the soil gas survey uniformly underlie the entire project.

Hydrogen sulfide levels do not appear to correlate with the occurrence of thermogenic methane, therefore two sources of hydrogen sulfide are likely. First, some hydrogen sulfide appears to be derived from shallow organic soil material, either naturally occurring, or imported to the site years ago and has been referred to by ETI as the "La Brea-area fill" or other oil-field spoils. BTEX concentrations generally correlate with hydrogen sulfide levels. In addition, both gases also are believed to be migrating with the deeper source of methane.

CONCLUSIONS

1. The methane mitigation system, consisting of a vapor barrier and ventilation and monitoring system and recommended by ETI for all structures in the project, is expected to be adequate to mitigate hydrogen sulfide and BTEX gases and prevent their accumulation below or within structures. The additional active "pump-and-treat" groundwater remediation system

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or its equivalent as proposed by ETI is expected to decrease gas pressure in the subsurface, which will further decrease the migration of hydrogen sulfide and BTEX with the methane.

2. ETI's recommended minimum thickness of the sand-gravel or crushed rock continuous blanket for the vapor barrier/ventilation system appears to be adequate. In a phone conversation, ETI and GED mutually agreed that the horizontal pipes should be entirely within a continuous gravel blanket and not in soil filled trenches.

CLOSING STATEMENT

At this time ETI's recommendations are to rely on passive or barometric venting that will be converted to an active, fan-driven venting system when the appropriate action limits as defined in the ETI report are reached. The most recent schematic plans for the mitigation systems that this office has seen are in the November 29, 1999 preliminary report by ETI. The mitigation systems, including the groundwater remediation system in the areas of highest methane, are believed by this Department to be adequate to safely deal with the hydrogen sulfide and BTEX gases. GED understands that the mitigation systems are still being refined and will be worked out during the building permit stage.

If you have any questions with this review, please contact Mike Mulhern, CEG 1507, HG 306 at (213) 847-4011.

c: Susan Rowghani, District Engineer, West Los Angeles Engineering District
Susan Pfann, Deputy City Attorney

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Exhibit 15
City evaluation