

CALIFORNIA COASTAL COMMISSION

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Appeal Filed: 7/20/01
Permit Filed: 9/24/01
49 days waived
180 days 3/23/01
Staff: PE/LB
Staff Report: 10/30/01
Hearing Date: 11/17/01
Commission Action:



STAFF REPORT: SUBSTANTIAL ISSUE ON APPEAL
DE NOVO AND REGULAR CALENDAR

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions (CP-00-008)

APPEAL NUMBER: A-5-PLV-01-281
PERMIT NUMBER: 5-01-223

RECORD PACKET COPY

APPLICANT: Playa Capital LLC

PROJECT LOCATION: Directly east of Culver Blvd. and Jefferson Blvd
intersection Area B, Playa Vista, Los Angeles County

PROJECT DESCRIPTION: CDP 00-08: The project would demolish the existing "Y"-shaped intersection at Culver Boulevard and Jefferson Boulevard and construct a "T"-shaped, right-angled intersection. Project would reduce impervious surfaces by 5,983 sq. ft.

APPELLANTS: Executive Director/California Coastal Commission;
John Davis, Coalition to Save the Marina; and Ballona
Wetlands Land Trust

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission after a public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed because the project approved by City was approved with insufficient evidence regarding the project's consistency with the marine resource (water quality), wetland and habitat protection policies of the Coastal Act. The motion is found on **PAGE 8**, motions on de novo action and permit are found on **PAGE 19 AND 20**

Staff is recommending approval of the permit and the de novo appeal with conditions to limit construction and staging to areas that are outside the wetlands, to control siltation and to employ best management practices to minimize inflow of polluted street runoff after construction. The staff also recommends that disturbed areas be revegetated and that, in view of indirect wetlands impacts, that the applicant identify an area at least equal in size to the area disturbed by the project and remove invasive plants from that area. Finally, consistent with City approval, the applicant shall assure that a qualified biological monitor be on site at all times, that an archaeological monitor be present during initial grading and that construction shall not impact rare plants and nesting birds.

EXECUTIVE SUMMARY

The intersection is located in Area B, Playa Vista, a 335 -acre parcel west of Lincoln Boulevard, the portion of Playa Vista that all parties agree contains the greatest acreage of wetland and the wetlands that are in the best condition. The United States Army Corps of Engineers estimated in 1989 that there were 170.56 acres of wetland in Area B Playa Vista. In 1991, the Department of Fish and Game concurred with that delineation. The actual work of the proposed project is not located on a wetland and the proposed project will reduce the paved area within the intersection that is presently 15,644 square feet to 9,661 square feet, a net reduction of 5,983 square feet. Nevertheless, due to its location in a historic wetland and its present location adjacent to a wetland, the staff is recommending that the City's approval raises a substantial issue of conformity with the wetland protection policies of the Coastal Act.

The change in this intersection is required as mitigation for development that is already approved in Area D Playa Vista, the segment of the Playa Vista project that: (a) is under construction; and (b) is located outside the Coastal Zone. Culver and Jefferson Boulevards have been in existence for many years. Culver Boulevard is parallel to the route of the Pacific Electric Railway line that extended from Venice Boulevard to a turn of the century¹ settlement at the mouth of Ballona Creek optimistically called "Port Los Angeles". Jefferson Boulevard extends from near downtown Los Angeles to this intersection, where it ends. In this area, Jefferson Boulevard has a total of four lanes and a narrow shoulder. East of this intersection, between this intersection and Route 90, Culver Boulevard has only two lanes, one in each direction. The two roads meet at an acute angle at a traffic light. The project will remove some of the present "V" shaped intersection asphalt in a triangle between this new road way and the roadway that will remain, resulting in a net reduction in impervious paved area. The area between the rights of way has not been identified by any agency as a wetland, although historically it was wetland.

The 1989 United States Army Corps of Engineers wetland delineation both show that actual wetlands are located almost immediately adjacent to the south side of Jefferson Boulevard. The delineated Corps wetlands on the north side of Culver Boulevard are about 70 feet from the proposed roadwork and 55 feet from the staging area. There are wetlands almost adjacent to the south side of the current intersection. Exhibits 16 and 5)

The applicant contends that this intersection realignment will (1) improve the safety of the interchange, which has a high level of accidents; (2) decrease the area of impervious surfaces at the interchange; (3) increase the capacity of the interchange; and (4) is not located on any wetland. The applicant further contends that the staging areas are not located in a wetland and will not adversely affect wetland areas.

In the Executive Director's appeal, the contention is made that approving the intersection now may limit the choice of future restoration plans; that the local action is

¹ 19th to 20th centuries.

not based on a current wetland delineation; that the City approval does not include an analysis of the possible water quality impacts of this change or impacts of the development on nearby habitat. It is also asserted that the City approval does not discuss why this improvement could not be delayed until after the review and certification of the Second Phase Playa Vista EIS/EIR, which will include alternative wetland restoration plans.

Appellant John Davis, representing Save the Marina /Ballona Wetlands Land Trust, contends that the City violates Chapter 3 provisions and policies of the Coastal Act, the Clean Water Act, the National Environmental Protection Act and the California Environmental Quality Act.

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 City of Los Angeles pre-certification permit ordinance delegates review of all public works projects to the Department of Public Works. 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 in two parts. First, the Commission must determine whether the appeal of the local approval of the proposed project raises a "substantial issue" or "no substantial issue" concerning the decision's conformity with Chapter 3 of the Coastal Act. 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.

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. After hearing testimony, the Commission will 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.

The *de novo* hearing has been scheduled at the same Commission hearing as this substantial issue hearing. Because this is an appeal of a local government permit issued by the City of Los Angeles under Section 30600(b) of the Coastal Act, the standard of review is the Coastal Act. Sections 13330-3343 of the California Code of Regulations further explain the appeal process for permits issued by a local government under Section 30600(b) of the Coastal Act.

DUAL PERMIT JURISDICTION

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 intersection improvement project is located within 100 feet of a wetland. Finally the project staging areas are located north of Culver Boulevard, 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. 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 5-01-223 (Playa Capital).

SUBSTANTIVE FILE DOCUMENTS

1. Pete Bontadelli, Department of Fish and game, MEMORANDUM: Ballona Wetland acreage determination Contained in the Department of Fish and Games September 12, 1991 Memorandum to the Fish and Game Commission, December 20, 1991.
2. Los Angeles County Museum of Natural History, Significant Ecological Areas of Los Angeles County, 1976.
3. John Dixon, Coastal Commission Senior Biologist, Memorandum, 10/25/01, "October 24 site visits, la Ballona area."
(Additional substantive file documents are found in the Appendix).

I. APPELLANTS' CONTENTIONS

Appellants, Coalition to Save the Marina and the Ballona Wetlands Land Trust raise the following issues as a basis for their appeal: the City action violates Chapter 3 provisions and policies of the Coastal Act, the Clean Water Act, the National Environmental Protection Act and the California Environmental Quality Act

In the Executive Director's appeal, the contention is made that

- The local action does not include and is not based on a recent wetland delineation in the immediate area of the project using the Cowardin method of wetland delineation
- The analysis limited itself to direct displacement of (Corps) wetlands and did not address indirect effects of the construction or of the completed project on nearby wetlands.
- The local action does not adequately address water quality of the road runoff and impacts on surrounding water bodies and habitat areas.
- Realignment of this intersection is a requirement of the Playa Vista First Phase EIR. The locally issued permit does not explain the reasons the City has required this intersection improvement or why this improvement could not be delayed until Phase Two development decisions are made.
- The local approval cites the Phase I EIR that does not purport to analyze impacts of development at the location of this road improvement
- The intersection now may limit the choice of future restoration plans which will be analyzed in the amended LUP;
- Realignment of this intersection is a requirement of the Playa Vista First Phase EIR. The locally issued permit does not explain the reasons the City has required this intersection improvement or why this improvement could not be delayed until Phase Two development decisions are made.

A complete text of the appeal is attached.

II. LOCAL GOVERNMENT ACTION:

On March 30, 2001, the City Engineer approved coastal development permit CDP-00-008 for realignment of the intersection of Culver and Jefferson Boulevards with a special condition which required the applicant, Playa Capital, to conduct a field survey to identify sensitive avian species prior to construction, and a second special condition requiring the applicant to place temporary fencing around construction areas. The Ballona Wetlands Land Trust, the Coalition to Save the Marina and the Wetlands Action Network appealed the decision to the Board of Public Works. On May 24, 2001, the City of Los Angeles Board of Public Works heard the appeal and sustained the City Engineer's action. The Board made the following findings regarding the realignment of the intersection:

1. That whereas the proposed project achieves a balance between public access and private rights, the developments in conformity with public access and recreation policies of Chapter 3 of the California Coastal Act of 1976.
2. Whereas with specific mitigation measures affecting land resources (temporary fencing placed around construction area and a field survey to

identify sensitive avian species), the proposed development will not significantly affect the public access, recreation, marine environment, land resources or industrial development, the development is in conformity with chapter 3 of the California Coastal Act of 1976.

3. That whereas the development is in conformity with the Playa del Rey District Plan [the certified LUP] and the Coastal Act, therefore the proposed development will not prejudiced the ability of the City of Los Angeles to prepare a local coastal plan that is in conformity with Chapter 3 of the California Coastal Act of 1976.
4. That as evidenced in the staff report on this development, the interpretive guidelines for coastal planning and permits as established by the California Coastal Commission dated February 11, 1977 and subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making its determination.

The Board staff report, (Exhibit) which represent the underlying findings of the City in this matter, concluded that 1) the realignment was subject to the City council action approving the First Phase Playa Vista EIR², as mitigation measure F 14.

In response to an assertion that the area in which the project was proposed is a Significant Ecological Area, and that biological issues were not addressed, the Board found that there was an adequate biological survey, that there was a possibility of impact on sensitive avian species, and that the impacts were addressed with a condition.

To address a similar issue raised about marine resources, that City staff had not conducted a survey the Board noted that a vegetation survey had been prepared by the applicant's consultant Psomas:

Though wetland areas were identified north, south and east of the project site, the project will not involve or impact the biological productivity or water quality of coastal waters streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms as discussed in §30231. The Culver/Jefferson Boulevard intersection project should not disrupt or otherwise impact environmentally sensitive habitat areas and is consistent with §30231."

In the appeal to the Board of Public Works the appellant stated that additional impacts from increased imperviousness have not been addressed. The Board, report concluded that Ballona watershed is overwhelmingly urbanized and the intersection improvement will not significantly alter the level of imperviousness in the watershed. "The dedication is disturbed and heavily compacted while portions of the original in Section pavement will be removed. The issue...is not relevant to the permit."

² "The mitigation was adopted in EIR 90-0200-SUB(C) (CUZ) (CUB) which was certified on September 21, 1993. In December 1995 the City Council again reviewed the EIR along with an Addendum/Mitigated Negative Declaration, ...and again adopted findings.

In addressing an allegation that the City engineer had not adequately analyzed the safety of development, Board report continued:

"The appellant states that the City relied upon the applicant's experts to determine that safety of development was not an issue, and that the significance of the City's Chief Legislative Analyst (CLA) study of methane and seismic hazards for the Playa Vista Development was not addressed. "

The City of Los Angeles BOE (August 18, 2000) and the California coastal commission (October 26, 2000) previously found that soil gases in the area do not create a significant risk with regard to streets and storm drains. It appears unlikely that the intersection would affect, or be affected by these soil gases.

The City of Los Angeles CLA (City Legislative Analyst) office issued a (March 6, 2001) report, which updates the evaluation of potential risk factors – such as methane, subsidence, potential faults and health risks of BTEX and hydrogen sulfide-with respect to future public facilities for the Playa Vista project. Methane concentrations in the area of the intersection were less than ten (10) parts per billion. Furthermore it was determined that the gas field is neither leaking nor improperly maintained. The gas storage facility does not present a danger to workers or future residents using the intersections.

The Board in response to an assertion that the project does not comply with CEQA states:

The appellant asserts that the intersection improvement project does not comply with CEQA because this project is part of a larger traffic mitigation program for Playa Vista Phase 1A. As such, individual mitigation measures for Playa Vista Phase 1A must be analyzed together with all other component mitigation projects to avoid "piecemealing," which is prohibited by CEQA.

The proposed project is a City Council adopted mitigation measure for potential traffic impacts describe in the Playa Vista Phase I EIR. It is described as DOT Mitigation Measure F14 in EIR No. 90-0200-SUB(C)(CUZ)(CUB) which was certified by the City Council on September 1, 1993, when the City approved VTTM No. 49104 which was certified by the City council on September 21, 1993, when the City [Council approved] TTM no. 49104 (Playa Vista Phase I). In December of 1995 the City Council again reviewed and considered the EIR along with a combined Addendum Mitigated Negative Declaration, prepared in connection with its approval of a modification to VTTM No. 49104 and its approval of VTM No. 52092, and again adopted findings. Therefore the requirements of CEQA have been satisfied. (Board Action, May 24, 2001, issued June 7, 2001) (Exhibit)

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a **substantial issue** does exist 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-01-281 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-01-281** raises 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND HISTORY

The applicant proposes to realign the intersection of Culver Boulevard and Jefferson Boulevard in Area B Playa Vista. Area B Playa Vista is a 338-acre undeveloped tract located south of the Ballona Channel, west of Lincoln Boulevard and east of Playa Del Rey. When the United States Army Corps of Engineers (ACOE or the Corps) surveyed it in 1989, the Corps determined that it contained about 170 acres of wetland. Jefferson Boulevard and Culver Boulevard are existing, intersecting streets that were constructed on prisms of fill in the wetland many years ago, long before the adoption of the Coastal Act. Culver Boulevard was constructed in the 1920's, paralleling the route of a streetcar line (Pacific Electric Railway). The two streets intersect in a raised area that marked the western edge of agricultural field that was farmed late as the 1970's. The project would demolish the existing "Y"-shaped intersection at Culver Boulevard and Jefferson Boulevard and construct a "T"-shaped, right-angled intersection. The applicant asserts that all detours, and staging and equipment storage will be set back from delineated wetlands and that the final project will reduce the amount of impervious area from 15,644 square feet, its present size, to 9,661 square feet, a net reduction of 5, 983 square feet. (Exhibits 2, 3 and 4)

Changes to the intersection that the applicant proposes include:

- (1) Dedication of property (approximately 12,000 square feet) along the northeast corner of the intersection,
- (2) Realignment of the westbound roadway of Jefferson Boulevard approximately 150 feet northeasterly,
- (3) Relocation and modification of the existing traffic signal equipment.
- (4) Widening the northwest side of Culver Boulevard up to 5 feet and
- (5) Widening the southeast side of Culver Boulevard up to 11 feet from Jefferson Boulevard to a point approximately 780 feet northerly of the existing Jefferson Boulevard centerline to provide up to a 45-foot roadway within the existing 65-foot right-of-way. (Exhibit 9)

The change in this intersection is required as mitigation for development that is already approved in Area D Playa Vista, the part of the Playa Vista project that: (a) is under construction; and (b) is located outside the Coastal Zone. Culver and Jefferson Boulevards have been in existence for many years. Culver Boulevard is parallel to the route of the Pacific Electric Railway line that extended from Venice Boulevard to Port Los Angeles. Jefferson Boulevard extends from near downtown Los Angeles to this intersection, where it ends. In this area Jefferson Boulevard has a total of four lanes and a narrow shoulder. West of the terminus of Jefferson Boulevard, between this intersection and the beach, Culver Boulevard has two lanes in each direction also. East of this intersection, between this intersection and Route 90, Culver Boulevard has only two lanes, one in each direction. The two roads meet at an acute angle at a traffic light. The new roadway connector is proposed to extend from the south side of Culver Boulevard to the north side of Jefferson Boulevard. The centerline of the new connector will be located about 250 feet east of the present intersection. The project will remove some of the present "V" shaped intersection asphalt in a triangle between this new road way and the roadway that will remain, resulting in a net reduction in impervious paved area. The area between the rights of way has not been identified by any agency as a wetland, although historically it was wetland.

The 1989 United States Army Corps of Engineers³ wetland delineation both show that actual wetlands are located almost immediately adjacent to the south side of Jefferson Boulevard. The delineated Corps wetlands are about 70 feet from the proposed road work but almost adjacent to the south side of the current intersection. An enlarged map shows that these wetlands extend slightly into the southerly boundary of the Jefferson Boulevard right-of-way. An isolated patch of wetlands north of Culver Boulevard are located about 55 feet north of the staging area, and about 70 feet away from the proposed new road way. (Measurements appear slightly different on different size maps. Staff relied on the enlargement of the 1989 Corps map provided by the applicant to the City labeled "State Wetlands,"⁴ Exhibit 5.)

The applicant states:

³ In 1991 the Department of Fish and Game agreed that the Corps delineation of wetlands in Area B, 170.56 acres, was more accurate than the Department's 112-acre delineation for Area B that it provided to the Commission in 1984.

⁴ Due to the side effects of photographic enlargement and reduction, the map at a larger scale shows the wetlands closer than the map at the smaller scale.

This realignment increases the queuing area for Culver Boulevard northeast-bound through movement, which will provide sufficient vehicle storage capacity to accommodate a right-turn only lane in the northeast bound direction. The result of the realignment will be a net reduction of impervious surfaces of the intersection. After completion, travelers on Culver entering Jefferson east bound will be able to enter Jefferson without stopping. It will be possible to turn left from Culver Boulevard westbound onto Jefferson eastbound. This is not now possible to do safely.

The realignment is a required First Phase Traffic Mitigation Measure from the First Phase Playa Vista EIR. Its purpose is to increase the intersection capacity.

B. PROJECT BACKGROUND

This project is a roadway improvement first identified in the Marina del Rey/Ballona Land Use Plan, which was certified by the Commission in 1984. The realignment was an improvement identified by Barton and Aschman Associates in a 1982 study that addressed traffic improvements and street widening that would be necessary to accommodate development then proposed by Summa Corporation and others both inside and outside of the coastal zone. The report predicted the traffic impacts and outlined the necessary mitigation for "second generation" of the Marina del Rey and certain other major development then planned in the "subarea. The projects included a large commercial project near Centinela Boulevard and the 405, other commercial development in Culver City, Playa Vista development outside the coastal zone and major commercial and industrial projects near the Airport. When the City of Los Angeles annexed Areas B and C of Playa Vista as well as land outside the Coastal Zone owned by the same corporation, it resubmitted an identical Land Use Plan, which the Commission then approved in 1986, and effectively certified in 1987.

The new owner, Maguire Thomas, proposed major development and in September 1992, the City of Los Angeles released a draft of an EIR for a Master Plan Project for Playa Vista. Accompanying the Draft Master Plan Project EIR, the City also released a draft EIR for the project's First Phase, including detailed analysis of the impacts and the necessary mitigation measures of the project's First Phase. This intersection re-alignment was one of the mitigation measures proposed to improve traffic capacity sufficiently to accommodate the traffic the proposed development would be likely to generate. The Phase One development included office, commercial and residential development outside the coastal zone and a Freshwater Marsh inside the coastal zone.

The draft EIR for the First Phase Playa Vista included the following project summary:

	Dwel- ling units	Retail Sq. ft.	Com munity serving sq. ft	Office sq. ft	Hotel rooms	Parks Acres	Riparian outside CZ	Wetlands inside CZ
PHASE I	3,246	35,000	120,000	1,250,000 office	300	6.9	29.3 acres riparian 'corridor ' (26 acres riparian)	34.2 (26.1 acre fresh- water marsh)

The City Council approved the first phase in 1993. In 1993 the City amended its traffic mitigation measures to respond to comments from Caltrans. A summary of these amended mitigation measures are included in Exhibit 20. The proposed Culver/Jefferson realignment is included in both sets of mitigation measures. In 1995, the applicant sought an amendment to the approved First Phase Project to allow it to re-use the old Hughes Aircraft plant as a Media and Entertainment center. The amended Phase One, Playa Vista project included:

	Dwel- ling units	Retail Sq. ft.	Com- munity serving sq. ft	Office Industrial Media center sq. ft	Parks Acres	Riparian outside CZ	Wetlands inside CZ
AMENDED PHASE I	3,246	35,000	120,000	2,077,050 office 1,129,900 studio	6.9	29.3 acres riparian 'corridor ' (26 acres riparian)	34.2 (26.1 acre freshwater marsh)

The City contends that this and other road widening projects listed in the EIR and adopted as tract mitigation measures are necessary for development that is approved. It does not explain why this road widening cannot wait for the City to consider the second phase EIR. . However, the standard of review for this and other road improvements required in the First Phase Playa Vista mitigation measures is the consistency of the proposed development (in this case, the road) with the Coastal Act.

C. SUBSTANTIAL ISSUE ANALYSIS

1. BIOLOGICAL PRODUCTIVITY/WATER QUALITY

Section 30231 requires that development protect the productivity of coastal waters, streams, wetland, estuaries and lakes:

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.

- Appellants the Executive Director and John Davis raised issues about the adequacy of the analysis and the conditions addressing water quality protection in the City's action. They claim that the local approval is not based on an analysis of the relationship of the proposed new street intersection to all of the alternative wetland restoration alternatives or an analysis of the influence of the road on the hydrology of the wetland, presently and in each of the proposed restoration configurations.

Analysis. The City report did not analyze whether either during or after construction the proposed project would result in increased discharge of either pollutants or silt into the wetlands, which the City and the applicant acknowledged to be immediately contiguous to the site. Instead, the City's report addressed the level of compaction of the land within the footprint of the new pavement, noting that the new pavement would not increase the impervious area of the watershed. The city did not spell out the link between the reduced impervious surfaces and its conclusion that the project would not add to polluted run off. In addition, the City's analysis limited itself to direct displacement of (Corps) wetlands and did not address indirect effects of the construction or of the completed project on nearby wetlands. The wetland findings limited themselves to the determination that the physical development was not placed on land that is currently a wetland, and did not consider or enlarge on indirect effects -- whether or not, construction near a wetland would or would not have an adverse effect. The City did not analyze the hydrology of the development or the influence that the configuration might have on the hydrology of future configurations.

The City imposed no special conditions relating that the protection of the water quality of the wetlands during or after construction. The City did not analyze impact of development adjacent to or near wetlands on the health of the wetlands or attempt to address potential impacts through conditions. Therefore the Commission finds that there is a substantial issue with respect to the conformity of the City's action with respect to Section 30231 of the Coastal Act.

2. DIKING DREDGING OR FILLING WETLANDS SECTION 30233

Section 30233 limits wetland fill to limited circumstances and purposes. Recent court decisions have required that the Commission or the agency issuing a coastal development permit allow fill only for these purposes.

Section 30233

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

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

In its initial approval of CDP-00- 008, the City of Los Angeles Board of Public Works concluded that the development was consistent with wetland protection policies, citing the staff report, which stated:

"(Sections 30230-30236) : The proposed project will not impact the maintenance, enhancement or restoration of areas designated as marine resources. The improvements and the surrounding areas have been surveyed and environmentally sensitive habitat areas covered under §30411(b) have been identified. The dedication and intersections are not within any identified sensitive habitat areas. Though wetland areas were identified north south and east of the project site, the project will not involve or impact the biological productivity or water quality of coastal waters, streams wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms as discussed in §30231. Construction of the improvements will not involve the transport of any hazardous substances as prohibited by §30232. This project will not involve the diking filling or dredging of open coastal water (30233), commercial fishing and recreational boating facilities (30234), revetments, breakwaters of other construction altering the natural shoreline (30235). The project does not constitute an alteration of rivers or streams and therefore does not affect water supply and flood control (30236)." City staff report, board of public works,

- With respect to wetlands, the Executive Director's appeal stated: The local action does not include and is not based on a recent wetland delineation in the immediate area of the project using the Cowardin method of wetland delineation.

ANALYSIS. The City found that the roadwork was located 200 feet away from the wetlands. This finding was not consistent with the information in the City file. The map in the City file shows that the south side of Jefferson is adjacent to a wetland and the roadwork and stockpiling is 55 feet from the ACOE delineated wetland. The road is not 200 feet wide. The local government may have incorrectly interpreted the available maps. (Exhibit)

The local government's record relied on a 1989 wetland delineation carried out by the United States Army Corps of Engineers (ACOE) to ascertain whether or not the project would have impacts on wetlands. The Corps of Engineers requires the presence of three wetland indicators, inundation, hydric soils and a predominance of vegetation that is adapted to saturated soil conditions.

The Department of Fish and Game requires only one of these indicators to be present to determine that an area is a wetland. The indicators are:

- (1) The land is periodically inundated or saturated, or
- (2) The soils are hydric (soils that are periodically anaerobic due to saturation), or
- (3) The predominant vegetation is adapted to life in saturated soil conditions.

The method of delineation employed by the ACOE and relied on by the local government might not detect wetlands that would be considered wetlands under the criteria used by the State of California. The State criteria will typically result in a greater area of land delineated wetland, and is especially sensitive to seasonal wetlands or wetlands found in arid climates. 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 any one of the above criteria applies (Exhibit):

In its regulations, the Commission defines wetlands

13577(b) Wetland ... Wetlands shall be defined as land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, waterflow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface wet or saturated substrate at some time during each year and their location within or adjacent to vegetated wetlands or deepwater habitats. For purposes of this Section, the upland limit of a wetland shall be defined as:

(A) The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

(B) The boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or

(C) In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

The presence of either water on or near the soil surface, predominantly wetland vegetation, or predominantly hydric soils defines wetlands. The presence of only one indicator is enough--if the plants are there; the soils do not have to be hydric for an area to be defined as a wetland.

In 1984, the Department of Fish and Game delineated wetlands at Playa Vista (exhibits.) These maps did not include any area under cultivation as wetlands. Based on those maps, wetlands are immediately adjacent to the south side of Jefferson Boulevard, and west of the intersection, to the south side of Culver Boulevard. No wetlands are shown north of Culver Boulevard, in the immediate area of the intersection. The nearest wetlands are shown well west of this intersection. Based on the 1984 delineation, the work would be located a few hundred feet from wetlands.

However, in 1991, some years after agriculture ceased, the Department of Fish and Game adopted the Corps delineation of wetlands in Area B, resulting in an increase in the area that the Department identified as wetlands in Area B Playa Vista from 112 acres to 170.56 acres. The reason that the area determined to be wetland by the Corp in 1989 exceeded the area determined to be wetland by fish and game in 1984 reflects the department of fish and games then policy on agricultural use. Fish and Game noted in 1982 and 1984 that certain agricultural lands were not flooded, and did dry out, but it was possible that if they were not plowed every year, as they were in 1982, they would "revert" to wetland. Fish and game identified those areas as (AG) on their maps (Exhibit 16 page 6). (Letter, Bontadelli to Jim Burns, December 20 1991, exhibit 16) When the Corps resurveyed, agriculture had ceased and wetland vegetation had grown back Fish and game field checked and concurred with the Corps. However, the Department did not assert that the remaining (AG) areas located above 4.65 MLLW, which was the Corps line the corps chose to demarcate inundation, were wetlands. Base on the Corps map (enlarged by the applicant as the "Fish and Game" map in the City file) there is a wetland channel about 70 feet north of Culver Boulevard and about 55 feet from the 15 foot wide staging area. However, it is clear that this work is close to a wetland area and the exact location of the wetland, under state standards needs to be verified, and the impacts of the project on the wetland must be evaluated.

At the City level, the applicant did not provide an up-to-date delineation of this area using the Cowardin method to determine whether or not a wetland exists. Without a careful identification of the areas that might be wetland or a current delineation based on state standards, it is not possible to determine whether or not the development will be consistent with Section 30233. Without a discussion about the impacts of construction near a wetland, as noted below, it is impossible to determine whether or not the action is the least environmentally damaging alternative. Therefore the Commission finds that there is a substantial issue with respect to the conformity of the City's action with respect to Section 30233 of the Coastal Act.

3. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30231 of the Coastal Act is discussed above. Section 30240 of the Coastal Act requires:

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

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

In the Executive Director's appeal, it states: The local approval cites the Phase I EIR that does not purport to analyze impacts of development at the location of this road improvement.

Appellant John Davis contends that the project is inconsistent with Chapter 3 of the Coastal Act. However, at a local hearing, Mr. Davis contended that the area of the intersection was in a Significant Ecological Area.

Analysis. Area B Playa Vista contains 170 acres of wetland and at one time contained more. In the Playa Vista Draft Master Plan EIR and in numerous other surveys, several endangered or sensitive species were observed nesting or feeding in the area. These include the Belding's Savannah sparrow and other bird and insect species. Much of the Playa Vista area, including areas adjacent to this intersection, was also identified by the Los Angeles County Museum of Natural History in 1976, as one of the 62 sites in the county that are Significant Ecological Areas (SEA). However, the intersection itself was not designated as an SEA (Exhibit 13)

In analyzing the impacts of this development, the City staff confined itself to the immediate footprint of the roadway, but did not analyze how the work could impact areas around it and how or whether any wetland habitat would function differently as a result of the project. In response to a contention that this area is a Significant Ecological Area—the City responded that it had reviewed a biological survey. The biological survey limited itself to the immediate area around the work. The survey did not mention the Belding's Savannah sparrow; a state listed bird that nests in the wetland to the north of Culver Boulevard, and some distance south of the proposed project. There was no analysis concerning what kind of indirect impacts could be felt outside the footprint of the construction and of measures to mitigate such impacts. Since the City findings did not analyze the issues of interaction of the project with nearby sensitive areas, it is not possible to determine whether the conclusion that there would be no impacts to habitat was correct.

The City imposed two special conditions to protect of the wetlands and other nearby sensitive habitat areas during or after construction: (1) protection of nesting birds found in the immediate area of fencing and 2) place temporary fencing around the job site and staging area to confine the trucks to that area. The nesting birds in question were mourning doves, which occasionally nest in the grassland in the immediate area of the road. The City's analysis was a very narrow analysis of immediate impacts within the footprint of the development, so it is impossible to determine whether or not these measures are sufficient to protect environmentally sensitive habitat in Area B. Therefore, the Commission finds that there is a substantial issue with respect to the conformity of the City's action with Sections 30231 and 30240 of the Coastal Act.

4. PREJUDICE TO THE DEVELOPMENT OF A LOCAL COASTAL PROGRAM THAT IS CONSISTENT WITH THE COASTAL ACT

Section 30604 (a) of the Coastal Act states:

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

In the Commission appeal, the Executive Director stated that:

There is a certified LUP for this area, which will be required to be amended when the final plans for Playa Vista are submitted.⁵ City has not drafted the revised LUP, which would incorporate such a restoration plan. Therefore, it is impossible to determine the consistency of the present project with the preferred alternative for wetland restoration with the local coastal program. The City has not drafted the revised LUP, which would incorporate such a restoration plan. Therefore, it is impossible to determine the consistency of the present project with the preferred alternative for wetland restoration) with the local coastal program. Approval of the project at this time may prejudice the ability of local government, the City of Los Angeles to adopt an LCP that is consistent with the Coastal Act and which will be most protective of resources.

- Executive Director's appeal further stated: "The major issue is whether building this road now will limit the choices of wetland restoration plans. Improving the road is premature given that the final wetland restoration plan has not been chosen. The road may have different impacts on the hydrology of the wetland under different restoration configurations."
- Realignment of this intersection is a requirement of the Playa Vista First Phase EIR. The locally issued permit does not explain the reasons the City has required this intersection improvement or why this improvement could not be delayed until Phase Two development decisions are made.

⁵ As noted elsewhere, in the settlement of the "Friends of Ballona" lawsuit (see substantive file documents), Playa Capital's predecessor, Maguire Thomas Partners-Playa Vista agreed to commit additional area to wetlands and pay an agreed on sum, about \$1,000,000 for restoration. This would require an amendment to the LUP. Maguire Thomas Partners -Playa Vista also indicated that the revision that incorporated the additional wetlands would include changes in the mix and location of uses outside of the restored wetlands. The various restoration alternatives would be considered in an EIR and in the LUP amendment.

Analysis.

The certified Land use plan is not the standard of review, which is chapter 3 of the Coastal Act. There are difficult issues having to do with how to combine restoration with future development, which the City, the Public, the Commission and the developer will need to address.

The City 's approval of a new road without considering these issues does not raise a Substantial Issue. Section 30604 is not a Chapter 3 policy. Section 30625(b)(1) mentions only consistency with Chapter 3 policies. However, the Commission will consider prejudice of the LCP if it finds substantial issue, since Section 30604 is part of the standard of review of the application on appeal.

5. CEQA

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

The City found that the project conformed to CEQA because it was a mitigation measure required in a certified EIR. In analyzing this contention locally the Board of Public Works found:

"The proposed project is a City Council adopted mitigation measure for potential traffic impacts describe in the Playa Vista Phase I EIR. It is described as DOT Mitigation Measure F14 in EIR No. 90-0200-SUB(C)(CUZ)(CUB) which was certified by the City Council on September 1, 1993, when the City approved VTTM No. 49104 which was certified by the City council on September 21, 1993, when the City [Council approved] TTM no. 49104 (Playa Vista Phase I). In December of 1995 the City Council again reviewed and considered the EIR along with a combined Addendum Mitigated Negative Declaration, prepared in connection with its approval of a modification to VTTM No. 49104 and its approval of VTM No. 52092, and again adopted findings. "

As noted above, the standard of review for substantial issue on appeal is whether the local government's approval raises a substantial issue of conformity with the policies of Chapter 3 of the Coastal Act. Section 13096 is not a Chapter 3 policy. However, the Commission will consider conformity with CEQA if it finds substantial issue, since the requirements of Section 13096 are part of the standard of review of the application on appeal

6. NATIONAL ENVIRONMENTAL POLICY ACT VIOLATIONS

Appellant John Davis objects that the project is not consistent with NEPA. The Commission does not have the authority to enforce NEPA. This contention does not address standards of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal pursuant to Coastal Act Section 30602. The area that contains this intersection is within the study area of the Playa Vista Phase II EIS/EIR, which is nearing completion. However, whether improving this intersection, which will not fill Corps jurisdictional wetlands, needs to wait until that EIS is complete is a question that is in the jurisdiction of the Corps and not of the Commission.

V. DE NOVO ACTION, APPROVAL WITH CONDITIONS

Staff is recommending approval of the permit de novo with conditions to limit construction and staging to areas that are outside the wetlands, to control siltation and to employ best management practices to minimize inflow of polluted street runoff after construction. The staff also recommends that disturbed areas be revegetated and that, in view of indirect impacts on wetlands and wetlands habitat, that the applicant identify an area at least equal in size to the area disturbed by the project and remove invasive plants from that area. Finally, consistent with city approval, the applicant shall assure that a qualified biological monitor be on site at all times, that an archaeological monitor be present during initial grading and that construction shall not impact rare plants and nesting birds. Finally, staff recommends that the applicant seek Corps authorization in advance of construction and obtain all necessary permits from state agencies, most specifically, the Regional Water Quality Control Board.

Staff recommends that the Commission approve the permit for the development with conditions by adopting the following motions.

FIRST MOTION

MOTION: *I move that the Commission approve Coastal Development Permit No. A-5-PLV-01-281 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves Coastal Development Permit No. **A-5-PLV-01-281** for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

SECOND MOTION

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-01-223 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves Coastal Development Permit No 5-01-223 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

VI STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

VII SPECIAL CONDITIONS.

1. STAGING AREAS FOR CONSTRUCTION

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit a plan for the review and written approval of the Executive Director consistent with Exhibit 2 and with the Revised Staging Areas shown on Exhibit 4 (Applicant's Exhibit B, revised 10/25/01.) The plan will indicate that zones of construction disturbance, including, but not limited to, the construction staging area(s) and construction corridor(s) and temporary detours. Such areas will not encroach onto wetlands identified by staff (noted as "Alkali Depression in Exhibit 2, provided by the applicant) or identified in the US Army Corps of Engineer Wetlands Map of 1989 (Corps Wetlands, Exhibit 10). Zones of construction disturbance will be set back no less than 50 feet from all Corps wetlands. Such zones of construction disturbance will also be set back no less than 12 feet from wetlands identified by staff, more specifically the wetland area shown as an "Alkali Depression" on Exhibit 2.

1. The plan shall demonstrate that:

- (a) Construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
- (b) The applicant shall place visible hazard fencing (no less than four feet tall, at least one foot outside the Corps Wetlands shown in Exhibits 5 and 10 and of the "Alkali Depression" noted in Exhibits 2, and 6. The fencing shall be placed to the

satisfaction of the Executive Director. The applicant shall place sandbags and/or plastic on the upland sides of each fence to avoid siltation into these protected areas.

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

(a) A site plan that depicts:

- (1) Limits of the staging area(s);
- (2) Construction corridor(s);
- (3) Construction site;
- (4) Location of construction fencing and temporary job trailers;
- (5) Location of stockpile areas;
- (6) Detours,; and
- (7) A temporary runoff control plan that directs runoff from the site through any necessary and appropriate Best Management Practices prior to discharge into Ballona wetland.

B. The permittee shall place the fences and sandbags noted in Section 1.A.2. (a), to the satisfaction of the Executive Director before beginning construction. The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans or location of fences or sandbags shall be reported to the Executive Director, in advance of the relocation. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. LANDSCAPE PLAN.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant will submit, for the review and written approval of the Executive Director, a plan for landscaping all areas disturbed by construction and not to be paved that is compatible with habitat restoration in the Ballona Wetlands. A qualified restoration specialist who is a biologist or licensed landscape architect shall prepare the plan.

The plan shall be consistent with the following requirements:

1. All vegetation planted on the site will consist of native, drought-tolerant plants typically found in the Ballona wetlands and associated dune and bluff faces. The seeds and cuttings employed shall be from sources in and adjacent to the Ballona wetlands and the Airport Dunes.
2. No non-native or invasive species will be employed or allowed to naturalize or persist on the site. Invasive plants are those identified in the California Native plant society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20,

1992 and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.

3. Planting will maintain views of the wetlands and bluffs.
4. Initial installation of all planting will be completed within 60 days after completion of construction.
5. The applicant will actively monitor the site for three years after permit issuance, remove non-natives and reinstall plants that have failed. The applicant will monitor and inspect the site no less than every 30 days during the first rainy season (November-March the first year after the newly constructed road is open to vehicles, and no less than every 60 days during the first year. Thereafter, the applicant will monitor the site every three months or on the Department of Transportation's regular landscape maintenance schedule, whichever is more frequent.
6. All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

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

1. A map showing the types, size, and locations of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features;
2. A schedule for installation of plants;
3. An identification of seed sources and plant communities of the plants planned to be employed;
4. A manual for maintenance methods and a plan for training maintenance employees in the cultivation requirements of the plants on the plant palette and on the identification of invasive plants;
5. A list of chemicals proposed to be employed and methods for their application. Said chemicals shall not be toxic to fish or wildlife or persistent in the environment. Herbicides shall be applied by hand application or by other methods that will prevent leakage, percolation or aerial drift into adjacent restoration areas. Pursuant to this:
 - a) An Integrated Pest Management Program shall be designed and implemented for all of the proposed landscaping/planting on the project site. Because of the project is located within the immediate watershed of Ballona wetland, where feasible and appropriate, alternatives to pesticides including, but not limited to, the following shall be employed:
 - (1) Introduction of natural predators such as ladybugs, lacewings, garter snakes and toads. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.
 - (2) Weeding, hoeing and trapping manually.
 - (3) Use of non-toxic, biodegradable, alternative pest control products.

- b) Where pesticides and/or herbicides are deemed necessary in conjunction with the IPM program, the following shall apply:

(1) All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.

(2) Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development; (Which are the Ballona Wetlands, Ballona Creek and Ballona Creek Estuary.) on the California State Water Resources Control Board 1998 Clean Water Act Section 303 (d) list, or any such list subsequently adopted by the Board shall not be employed. Products that shall also not be employed are those containing the following constituents:

(3) Chem A. (group of pesticides) – aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene, DDT., or any

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

3. **EROSION AND SEDIMENT CONTROL PLAN.**

A. **PRIOR TO ISSUANCE OF THE PERMIT**, the applicant shall submit for the review and written approval of the Executive Director an Erosion and Sediment Control Plan outlining appropriate Best Management Practices to limit, erosion and sedimentation during construction, such that no sediment escapes into the wetlands identified in Condition 1. Due to the sensitive location of the project, the plan must meet the following criteria:

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas, which will be delineated consistent with Condition 1 above as shown on Exhibit 2. All areas outside the zones of construction disturbance as described in condition and all wetlands and the alkali depression on-site (undisturbed areas) shall be clearly delineated on the project site with visible hazard fencing. Project working drawings shall indicate that no activity including

equipment staging or grading shall occur in any "undisturbed area" or in any "wetlands".

- 2) To the maximum extent practicable, construction shall occur in stages that limit the length of time that the soils are uncovered at any one time. Pursuant to this condition, the applicant shall provide a staging plan as part of its Erosion and Sediment Control Plan.
- 3) The plan shall specify that no grading shall take place during the rainy season (October 15 through April 1).
- 4) No Construction shall occur at night, and the construction are shall not be illuminated with work lights.
- 5) Applicant shall use, install or construct temporary drains and swales, gravel or sand bag barriers, fiber rolls, and silt fencing as appropriate. Applicant must also stabilize any stockpiled fill or cut or fill slopes with geotextiles or mats and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to and concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.
- 6) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days. Temporary measures shall include, but are not limited to, stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag and gravel bag barriers, silt fencing; temporary drains and swales and sediment basins. Given the sensitivity of adjacent habitat, sediment basins are not sufficient to capture sediment. They must be accompanied by more stringent means of controlling sediment in close proximity to marshes and wetlands as identified directly south of Jefferson Boulevard and as mapped as the "Alkali Flat" in Exhibit 6).
- 7) No sediment shall be discharged into Ballona Creek or Ballona Wetlands, or the "Alkali Flat".
- 8) Trucks and equipment shall not be allowed to track mud or other materials onto roads per methods outlined in Caltrans BMP CD29A (2), Caltrans Storm Water Quality Handbook, or an equivalent measure required by Los Angeles City Department of Public Works.
- 9) The applicant shall test soils for toxicity during excavation according to DTSC rules and RWQCB rules.
- 10) If toxic deposits are identified, other than non-water soluble aerially deposited lead, the toxic material shall be removed and transported to an appropriate disposal site approved for contaminants that may be discovered in the material. The site shall be an approved disposal site located outside the coastal zone.
- 11) No toxic material excavated shall be stockpiled on site for more than 24 hours.
- 12) Aerially deposited lead discovered during the excavation of the site shall be handled according to DTSC rules. If the lead is water-soluble, it shall be hauled offsite as indicated in Subsection A10 above. If it is

not soluble, it may be properly capped and used under the improved roadway, if consistent with DTSC approvals.

13) The applicant or its contractors shall not use lead-contaminated materials from off-site as road fill.

14) Airborne particulates shall be controlled consistent with the rules of the Air Quality Management District.

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

4. CONSTRUCTION AND POST-CONSTRUCTION WATER QUALITY MANAGEMENT PLAN.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide for the review and written approval of the Executive Director a Water Quality Management Plan. This plan shall include a list of best management practices to reduce and control the amount of polluted runoff that is discharged into the Ballona Wetland, or any other waterway. Pursuant to this requirement, the plan shall include:

1. Construction BMPs

- (a) All trash and debris shall be disposed in the proper recycling or trash receptacles at the end of each day.
- (b) All stock piles and construction material shall be covered and enclosed on all sides, shall be located as specified in condition 1 above, but in addition, as far away as possible from the identified wetlands, drain inlets, or any other waterway, and shall not be stored in contact with the soil.
- (c) Vehicles shall be refueled offsite.
- (d) Asphalt demolished from the site shall be removed within 48 hours. Asphalt shall not be stockpiled.
- (e) Contaminated sediments discovered during construction shall be permanently removed from the site and transported to an appropriate offsite disposal facility.
- (f) Staging areas shall include impermeable berms to catch fuel spills.
- (g) Spills of all solid and liquid materials shall be immediately cleaned up. Contaminated soils and clean-up materials shall be disposed of according to the requirements of this permit and the RWQCB. Dry spills should be swept, not washed or hosed. Wet spills on impermeable surfaces shall be absorbed, and absorbent materials properly disposed. Wet spills on soil shall be dug up and all exposed soils properly disposed.

- (h) Apply concrete, asphalt, and seal coat during dry weather to prevent contaminants from coming into contact with stormwater runoff.
- (i) Cover storm drain inlets and manholes when paving or applying seal coat, tack sea, slurry seal, fog seal, or similar materials.
- (j) Always park paving machines over drip pans or absorbent materials, since they tend to drip continuously.

2. Post Construction BMPs

- (a) Maintain post-development peak runoff rate and average volume at levels that are no greater than pre-development levels; AND
- (b) Reduce post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings; OR
- (c) If subsection 2b is not feasible, after construction has been completed and the site is permanently stabilized, reduce the average annual TSS loadings by 80% (for the purposes of this measure, an 80% TSS reduction is to be determined on an average basis and should not result in TSS lower than the pre-development level).
- (d) Install an appropriate suite of source control and structural treatment BMPs to achieve the above-stated goals. Structural treatment BMPs shall be designed to treat, infiltrate, or filter the amount of stormwater runoff generated by any storm event up to, and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.
- (e) BMPs must include intermediary catch basins, hydrocarbon filtration devices, and trash filters sized according to the above specifications.
- (f) Install energy dissipaters at the outlets of all discharge points.
- (g) Monitor and maintain all structural and non-structural BMPs, including, but not limited to, hydrocarbon filters, energy dissipaters, trash racks, and catch basins according to manufacturers' specifications and according to the regional climate. Such procedures shall occur at a frequency as specified by the manufacturer, where appropriate, and no less than a 30-day interval during the rainy season (October 1 – April 1).
- (h) Regularly patrol the area for discarded containers, trash and other materials likely to blow into or otherwise impact the marsh.
- (i) Otherwise comply with the orders of the RWQCB for large paved areas.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans

shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. ARCHAEOLOGICAL MONITOR

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence for the review and written approval of the Executive Director that the archaeological exploration permitted under CDP 5-98-164 has been undertaken, and that the reviewing agencies (The United States Army Corps of Engineers and the State Historic Preservation Officer) have determined that no further investigation of the sites in the vicinity of the approved road widening project is required. Pursuant to that agreement an archeological monitor shall be present during initial grading.
- (1) If cultural deposits or grave goods are unexpectedly uncovered during construction, work must stop until the archaeological monitor and the Native American monitor can evaluate the site and, if necessary, develop a treatment plan that is consistent with the programmatic agreement and with permit 5-98-164.
 - (2) If human remains are found, the Commission requires that the applicant carry out recovery or reburial consistent with the research design approved in the programmatic agreement and CDP 5-98-164.
- B. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. PROJECT LIGHTING.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide lighting plans for the review and written approval of the Executive Director. The plans shall provide :
1. During and after construction, Illumination shall be at the lowest levels allowed in federal and state standards on a secondary highway or streets.
 2. All lights shall be directed downward so that spillover outside the right of way shall not exceed ten feet.
 3. No night construction activities shall take place.
- B. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to

the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. BIOLOGICAL MONITOR/OFFSITE IMPACTS

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** and again before any vegetation is disturbed; a qualified biologist shall survey the site and prepare a report concerning the presence of (1) any rare plants listed on either the state or federal endangered or threatened species list or by the California Native Plant Society as species of concern (rare or listed plants), AND (2) nesting birds. If a nesting bird is found within or immediately adjacent to the footprints of the paving, detour or of the staging areas (area of disturbance noted in Special Condition 1), the work shall not proceed until the qualified biologist certifies that the chicks have fledged and that the work will not disturb the birds. If any rare or listed plant is found within the footprints of all areas of disturbance, the work shall not proceed. All reports shall be submitted, reviewed and accepted in writing by the Executive Director, and shall be filed in the Commission office prior to issuance of the permit and again prior to the start of work. The applicant shall place visible 48-inch high hazard fences around the area in which any rare plant has been found and prevent excavation, stockpiling, and the entry of vehicles or storage of equipment in this area. A biological monitor shall remain on site through out the roadwork.
- B. The permittee shall undertake development in accordance with this condition. Any proposed changes to the approved biological monitoring procedures shall be reported to the Executive Director. No changes to the approved biological monitoring procedures shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8 REMOVAL OF INVASIVE SPECIES.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall identify an area on its property no smaller than the total area of the zones of construction disturbance identified in Special Condition 1. The applicant shall submit a plan for the review and written approval of the Executive Director identifying this area and including methods for removal of invasive plants within this area. No dead plants shall be left on site and no persistent chemicals shall be employed. Herbicides may be employed if applied with small cans or paintbrushes to the stems of cut plants. Invasive plant are defined as including pampas grass, ice plant and/or castor beans or any other plant noted on the CNPS invasive plant list above. Unless authorized by an amendment to this permit, the invasive plant removal area shall not include any area identified as wetland in the Corps 1989 Wetland

Delineation or as Wetland or Wetland (AG) in the 1984 Fish and Game wetland delineation, Exhibits 10 and 11. The plan shall include the details of techniques, timing and methods of documentation of such removal. The applicant shall not undertake such work when there are nesting birds present in or near the invasive plants. Pursuant to this requirement, a qualified biological monitor shall survey the areas before the removal program begins.

- B. The removal shall be completed within one year of the issuance of this permit.
- C. The permittee shall undertake development in accordance with the approved final plan and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. DISPOSAL OF HAZARDOUS MATERIAL DISCOVERED DURING CONSTRUCTION.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide for the review and written approval of the Executive Director a contingency plan that has been reviewed by the RWQCB for testing of excavated materials for contamination.
 - (1) The plan shall include a contingency plan for excavation, and disposal of any contaminated hazardous materials that may be discovered during construction. If over-excavation is required, the applicant shall inform the Executive Director who shall determine whether an amendment to this permit is required.
 - (2) If the grading quantities exceed those estimated in the application an amendment is required. The plan shall identify testing protocols, and supervision and shall identify sites approved for disposal that are outside the coastal zone.
 - (3) All stockpiles shall be located within the zone of construction disturbance identified according to condition 1.
 - (4) Material shall not be stockpiled on site more than 24 hours.
- B. The permittee shall undertake development in accordance with the approved final plan and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. CORPS APPROVAL

Prior to commencement of construction, the applicant shall provide written evidence that United States Army Corps of Engineers has determined that no approval from the Corps

is required for this development to go forward prior to the Corps' approval of the pending Playa Vista Phase II EIS/EIS.

11. NO WORK DURING THE RAINY SEASON

The applicant shall not undertake any grading paving Dan land disturbance approved in this permit during the rainy season, October 15-march 30. The applicant may install lighting and landscaping during the rainy season.

VIII FINDINGS AND DECLARATIONS/ DE NOVO ACTION AND THE DUAL PERMIT.

The Commission adopts the following findings.

A. PROJECT DESCRIPTION

The applicant proposes to realign the intersection of Culver Boulevard and Jefferson Boulevard in Area B Playa Vista. As described in more detail in Section IV.A above, the project would demolish the existing "Y"-shaped intersection at Culver Boulevard and Jefferson Boulevard and construct a "T"-shaped, right-angled intersection. The applicant also asserts that all detours, and staging and equipment storage will be set back from delineated wetlands and will reduce the amount of impervious area from 15,644 square feet, its present size, to 9,661 square feet, a net reduction of 5,983 square feet. (Exhibits)

Changes to the intersection that the applicant proposes include:

- (1) Dedication of property (approximately 12,000 square feet) along the northeast corner of the intersection;
- (2) Realignment of the westbound roadway of Jefferson Boulevard approximately 150 feet northeasterly;
- (3) Relocation and modification of the existing traffic signal equipment;
- (4) Widening the northwest side of Culver Boulevard up to 5 feet and
- (5) Widening the southeast side of Culver Boulevard up to 11 feet from Jefferson Boulevard to a point approximately 780 feet northerly of the existing Jefferson Boulevard centerline to provide up to a 45-foot roadway within the existing 65-foot right-of-way. (Exhibits 2-4)

The centerline of the new connector will be located about 250 feet east of the present intersection. The project will remove some of the present "V" shaped intersection asphalt in a triangle between this new road way and the roadway that will remain, resulting in a net reduction in impervious paved area. The area between the rights -of-way has not been identified by any agency as a wetland, although historically it was wetland. The 1989 United States Army Corps of Engineers⁶ wetland delineation both

⁶ In 1991 the Department of Fish and Game agreed that the Corps delineation of wetlands in area B, 170 acres, was more accurate than the Department's former 112 acre delineation for Area B.

show that actual wetlands are located almost immediately adjacent to the south side of Jefferson Boulevard. The delineated Corps wetlands north of Culver Boulevard are about 70 feet from the proposed road work but almost adjacent to the south side of the current intersection. An enlarged map shows that these wetlands extend slightly into the southerly boundary of the Jefferson Boulevard right-of-way. An isolated patch of wetlands north of Culver Boulevard are located about 55 feet north of the staging area, and about 70 feet away from the proposed new road way. This wetland channel is separated from the road work by a railway berm (Exhibits 3, 4, 5, and 10.)

The applicant provided a vegetation map. The vegetation map shows a depression area of about 1,000 square feet north of the intersection. The Commission determines that additional area, mapped by the applicant as an Alkali Depression should be considered a possible wetland and should be subject to the provisions of Section 30233 of the Coastal Act until a new delineation occurs.

B WETLAND FILL, CONSISTENCY WITH SECTION 30233

As noted above, the project is a road way about seventy feet from two wetlands, a road-width away from one wetland and 70 feet away from another. On October 24, Senior Staff Biologist Dr. John Dixon visited the site. He observed an additional area just east of the present intersection that supports hydrophytic plants. Although staff does not do wetland delineations, it was his opinion that this area needed further investigation and that this area might be considered wetland if it had been delineated using the Cowardin method (see above):

"Culver & Jefferson Intersection

East of the intersection there is a roughly triangular area of compacted bare dirt. To the east of that there is a depressional area with a preponderance of wetland plants, principally alkali weed (*Cressa truxillensis*; FACW) and alkali mallow (*Malvella leprosa*; FAC) and patches of rabbits foot grass (*Polypogon monspeliensis*; FACW+) along the eastern edge. The higher area north and east of this depression along the edge of Culver is dominated by perennial ryegrass (*Lolium perenne*; FAC) and bristly ox-tongue (*Picris echiodes*; FAC). Across the street along the north side of Culver, there is a flat area adjacent to the road which in places is dominated by bermuda grass (*Cynodon dactylon*; FAC) and saltgrass (*Distichlis spicata*; FACW). The ground then rises 20 – 30 cm and forms a berm which supports a patchwork of upland and facultative wetland ruderal species such as *Chrysanthemum* sp. (NI), wild radish (*Raphanus sativa*; NI), foxtail chess (*Bromus madritensis*; NI), perennial ryegrass, bristly ox-tongue, alkali mallow, and English plantain (*Plantago lanceolata*; FAC-). There were no indicators of wetland hydrology or hydric soils in any of these areas. The area to be paved and the area proposed for staging activities (principally along the north and south edges of Culver) were marked with flagging. The [Winfield, the applicant's consultant's] wetland delineation report concluded that "...coastal wetlands are not present at the project impact area." I concur with this assessment. However, the depression containing alkali weed, alkali mallow, and

rabbits foot grass might delineate [as a wetland]. The originally proposed staging area was immediately adjacent to that area. In the field, we asked that the edge of the staging area be moved to the north to completely avoid the depression. This was done and I have received a new map showing the new alignment upon which we agreed. With that change, no potential wetland areas will be directly affected by construction activities" (Dixon, Memo, 10/25/01, Exhibit 8.)

This area is shown on the applicant's vegetation maps as dominated by *Cressa turxillensis*, (alkali weed,) a "facultative wetland plant" which means it can tolerate saturated soil but may also appear in other disturbed areas. The applicant has agreed to move the staging area back roughly 5 feet, from where it was originally approved by the City. As revised by the applicant the staging area would be set back about 12 feet from the depression (Exhibit 4.) Dr. Dixon observed that an old railroad embankment separates the mapped wetland north of Culver Boulevard from the intersection and the staging area. The mapped wetland will not be filled or impacted directly by this action. He also concurred that the area within the footprint of the new roadway was not a wetland.

Sections 30233, quoted above, requires that wetlands fill may occur for limited purposes. The Commission has determined that this project will not fill any wetland or area that might be considered wetland. However, it is so close to wetlands that fill could occur inadvertently during construction. In order to prevent that outcome, the Commission is requiring fencing of the work area, that all staging be set back 12 feet from the depression that might be considered wetland, and that other impact areas be set back 50 feet from wetlands. The Commission also requires conditions preventing discharges of silt or liquids into the wetland areas be implemented.

However indirect impacts could result from the construction. The most important mitigation measure the City imposed was a construction fence around the work areas and the wetlands to prevent entry by construction vehicles or storage of equipment. However, additional impacts from noise, as noted by the City, disruption of nesting birds and runoff could occur. Moreover, impacts such as noise could potentially reduce the range or feeding areas of other birds. The applicant's biological consultant (exhibits) believes that such impacts would not occur. The Commission finds that heavy equipment and machinery operating on a slightly raised road that is laid out in a wetland could cause impacts which have not been anticipated or studied. Moreover all indirect impacts are not mitigated by these actions. The noise and dust arising from the work will have some impacts.

The Commission concurs that this development reduces the area of pavement. However, for this to be an advantage to the habitat of the area, contaminated soils must be removed from the area, and the areas adjacent to the road and within the road be planted with plants that support wetlands species. After grading and disturbance, certain species of plants introduced plants that have succeeded in disturbed areas and farmlands because they are hardy and reproduce successfully, displace slower growing native plants and move into natural areas. These invasive plants shade out native species and make difficult for native species of insects that depend on the naturally occurring plants to survive. The biomass increases, but the diversity of the area, and

the productive of the natal habitat decreases. Such invasive plants, for example, ice plant, castor bean and pampas grass, already common in the areas, form and supplement a seed bank that can rapid overwhelm nearby restoration areas, causing permanent damage and reducing the productivity of the native species of the area. Therefore the Commission requires the applicant to increase the productivity of the native plants of the area and to enhance nearby areas by removing invasive plants that shade out native species and "take over" after grading.

As conditioned, to construct the intersection in the locations and by the methods proposed, which will not fill wetlands, to avoid siltation or removal of wetland vegetation by not allowing vehicles into the wetlands, to control siltation and to remove invasive plants in the wetland where the work is located, this project is consistent with Sections 30230 30231 and 30233.

**C. IMPACTS ON WETLANDS AND OTHER SENSITIVE HABITATS
CONSISTENCY WITH SECTIONS 30230, 30231 AND 30240**

Sections 30230 and 30231 require in part (see above for full citation)

Section 30230. 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, ... maintaining natural vegetation buffer areas that protect riparian habitats...

Section 30240

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas

This road is located on a prism of fill within a wetland. The area should be treated as wetlands buffer. The drainage from the road enters an unlined ditch adjacent to the road. Any water from this area enters the wetlands, and any silt or chemicals discharged during construction will enter the wetlands. The only reason to consider approving this project from a wetland impact point of view is that area covered by asphalt or other impervious surfaces is being reduced by this the project and it is possible to improve the quality of the water discharged from the road. However,

removing old road material is not without risks. Roads and the area under roadways may be polluted with lead and other material that cannot remain in the area.

Nevertheless, as noted above even with careful setback and avoidance of direct disruption some indirect impacts will occur, at least temporarily. Therefore the Commission requires, in condition number s 1, 2, 3, 4 and 11

- 1) Fencing installed and inspected delineating staging as shown on Exhibit 2 and 4 prior to construction.
- 2) Sandbags at edge of the fences.
- 3) Avoidance of herbicides.
- 4) No night work or night lights.
- 5) Replanting road side and road median area with low plants that support wetlands animals.
- 6) Biological monitor.
- 7) Cessation of work if nesting birds are observed in the work area.
- 8) Water quality and runoff conditions as indicated below.
- 9) Testing all soils excavated.
- 10) Removal of asphalt and contaminated soils.
- 11) Setback of construction areas from wetlands.
- 12) Post construction water quality plan.
- 13) Removal of invasive species.
- 14) No work in the rainy season
- 15) Disposal of any hazardous material properly.
- 16) Control of lighting during and after construction

Only as conditioned can the commission find that the development is consistent with Sections 30230, 30231 and 30240 with respect to development adjacent to environmentally sensitive habitat areas.

D. WATER QUALITY AND THE MARINE ENVIRONMENT CONSISTENCY WITH SECTIONS 30230 AND 30231

Section 30230 requires the protection of marine resources. Roads are major sources of pollutants that flow into water bodies. The project is directly adjacent to a wetland area. Both short term run off during construction and long term impacts after construction can affect Ballona wetland. Secondly the road now acts as a dam within a wetland system. Water flows under the road in tow location s where there are culverts. The applicant asserts that this project will not change the present hydrology of the wetland. Representatives of the City Department of Public Works agree, noting that any change in the road elevation or configuration that may occur as part of restoration, would require relocation of a great deal more roadway. They note that and that this intersection is only a minor Section of a road that extends approximately 7,500 feet from Lincoln Boulevard to Vista del Mar in Playa del Rey. Representatives of the City of Los Angeles Department of Public Works assert that the project will not change the present hydrology or commit the City to any particular future configuration. Other considerations, such as the location of existing utility distribution lines, would be, in their

estimation a much greater limitation on moving this road than this changed intersection configuration.

The applicable Coastal Act sections, 30230, and 30231 30233, are quoted above.

In considering the consistency of projects with the Coastal Act, the Commission has consistently required that the design and devices proposed be sized for a two year 24 hour storm event, and that the treatment could occur in 85% of the storms. Because this project is located in a low lying area, the Commission requires that the applicant provide detailed hydrological calculations, outlining how the roadway, and the water flowing off the roadway and the gravel filled "pervious area" will interact. The applicant has provided an opinion from a hydrological consultant. The consultant indicates that all water from this road flows into a roadside ditch, which on the south side of the road is contiguous to the salt marsh. The applicant notes that the increase in impervious area will not make the quality of the water flowing off the road and into the marsh worse. The applicant's consultant further asserts that, in his view, the runoff flowing into the ditches and percolating into the ground will result in fewer impacts to the marsh than "concentrating the run off with curbs and gutters." (See Exhibits 14,15.)

Even though the applicant has not proposed to use fossil filters, the Commission finds that due to the sensitivity of the area, low flow filters are appropriate and has required in conditions 4 and 5 that they be employed. The most immediate water quality impact of constructing a road adjacent to a wetland is siltation and damage from vehicles and their fuels. The Commission requires numerous conditions to avoid siltation as a result of construction and to confine dirt, vehicles, stockpiles and fuel and to prevent their escape into adjacent marsh. The applicant proposes to use standard sand bagging and other siltation control methods such as covering stockpiles and to use watering to reduce fugitive dust.

Another concern is the handling of older, contaminated sediments during construction. The applicant has not provided a system of testing the earth removed and has explained where and how it intends to dispose of excess asphalt and contaminated excavated earth. Area B is an old oil field. During the excavation of the Freshwater Marsh, which was also located in Area B, some contaminated sediment was discovered. The coastal development permit did not anticipate or address this problem. Instead it established standards for the elevations of the final grading and the marsh's functioning after construction and revegetation. However, the Regional Water Quality Control Board required Playa Capital to truck the sediments to various landfills outside the coastal zone. While there was some controversy with the DTSC, that had earlier delegated its oversight role to the Board, the material (drilling mud) was removed. The Commission in this case requires testing of sediments, and imposes certain standards for the removal of any toxic material found on the site. However, the determination of how toxic any substances are and which dump should appropriately receive excavated material remains in the jurisdiction of the RWQCB and the DTSC.

Again, with conditions to address construction methods, handling of contaminated sediments and the provision of detailed erosion and siltation control plans, this project

would conform to Sections 30230 and 30231 in terms of its potential impacts on water quality.

E. PUBLIC ACCESS AND RECREATION

These streets are major access routes to Dockweiler State Beach in Playa del Rey. Improving safety and access through this intersection will improve public access to the beach. This road is heavily traveled during weekdays, accommodating as much as 2,000 cars per hour on a two-lane segment between Jefferson Boulevard and the Marina freeway. On weekends, Jefferson Boulevard is a main beach access route from central Los Angeles. Adult bicycle teams use Jefferson Boulevard as a route from Los Angeles to the beach bike path. By making this corner safer, this project will improve public access to the beach. The project as proposed is consistent with the public access and recreation policies of the Coastal Act.

F. VISUAL IMPACTS

This project will not change the visual environment of the area or result in noticeable widening of the road. It will not change the scale of the road and will result in any greater asphalt area. The new pervious area will be filled with gravel, which will be visible, although the applicant intends to use "earth tone rock." The applicant's representatives state that it will be filled with gravel rather than being vegetated because, the City Department of Transportation was concerned about possible traffic hazards and maintenance costs of landscaping, and would not permit the pervious area to be landscaped..

G. PREJUDICE TO THE DEVELOPMENT OF THE LOCAL COASTAL PROGRAM

Coastal Act Section 30600 states in part

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

In 1984, the Commission certified a Land use Plan for this area that have been submitted by Los Angeles County, the Marina del Rey Ballona Land Use Plan. The Friends of Ballona Wetlands immediately sued the Commission and the County (Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826.) When the City of Los Angeles annexed the area, the City submitted an almost identical plan as it pertained to areas within its jurisdiction. On November 26, 1986, the Commission certified, with suggested modifications, the Land Use Plan portion of the City of Los Angeles, Playa Vista segment, Local Coastal Program. The Friends of Ballona Wetlands added the City to their lawsuit.

The certified LUP contains policies to guide the types, locations and intensity of future development in the Playa Vista area. The LUP designated most of Playa Vista for intense urban development, reserving 163 acres as wetland and additional area for other habitat purposes. The Land Use Plan portion includes all roads proposed in this project although the proposed roads do not include all of the widening envisioned in the LUP, but only widening appropriate to the first stage of development. When the Commission certified the LUP for this area in 1986, this road was included as a six-lane road.

In 1990-91 the new owner and the opponents settled the suit. The owner agreed to restore the wetlands and to save a larger area of wetlands than it had proposed to save in the past. The opponents agreed to a different configuration of the development and agreed not to oppose the development except as it impacted wetlands. The applicant, in settling the lawsuit, agreed to request an amendment to the certified LUP. The amended LUP would include a much larger restored saltmarsh area than the presently certified LUP. The Commission, the City and the County agreed to process the revised Land Use Plans expeditiously, but did not commit to approving any changes, having not evaluated the content of the changes according to the process required by the law..

As a first step, the applicant's predecessor submitted a Master Plan for Playa Vista to both the City and the County. In 1992, the City circulated both a Draft Master Plan EIR and a detailed Draft Phase I Playa Vista EIR, the latter of which the City certified in 1993. In Area B, the proposed Playa Vista Master Plan project would carry out the restoration program agreed to in the settlement. The Master Plan Project proposes restoration of over 198 acres of "estuarine"⁷ habitat, the creation of a 26.1-acre freshwater marsh facility, the restoration of about 12 acres of dunes and construction of 1800 dwelling units and 20,000 sq. ft. of retail uses. The Master Plan did not include a final design for a restored wetland, but deferred the design until alternative wetland restoration plans could be analyzed in a Phase II EIS/EIR and in the amendment to the Land Use Plan.

All public and agency testimony on future and interim restoration plans, such as the Corps 1135 project, and the Notices of Preparation for the Master Plan EIR discuss ways to allow more water into the wetlands. One major problem in restoring the area is how to get water under or around the existing roads, roads that are now constructed on prisms of fill over culverts. Possible restoration plans include plans that would restore the marsh at different levels of inundation. Resource agencies have commented, saying that higher levels of inundation might be more productive to fish but would impact species dependent on the Salicornia marsh, such as the Belding's Savannah sparrow. Flood control agencies have expressed concern that raising water levels could flood existing homes and businesses that are located on the north side of Culver Boulevard as it approaches Playa del Rey

The City and County of Los Angeles and the United States Army Corps of Engineers are currently preparing a draft EIS/EIR for the second phase of the Playa Vista

⁷"Estuarine" includes saltmarsh, mudflat, tidal channels and saltflats

development. Several alternatives for wetland mitigation and restoration are under consideration. From letters, testimony and communications from the public, from professional biologists and others, it is evident that there is a wide range of opinions concerning the goals of wetland restoration and the measures of success. Neither the draft EIS/EIR, nor the alternative plans are yet available for public review. The City has not drafted the revised LUP, which would incorporate such a restoration plan.

The Commission must consider whether approving the project at this time may prejudice the ability of local government, the City of Los Angeles to adopt an LCP that is consistent with the Coastal Act and which will be most protective of resources. James Doty, of the City of Los Angeles Department of Public Works, indicates that Public Works was not concerned about this issue in processing the present permit because it would be very expensive to raise or re-route this road. He believes that it is more probable that a restoration plan would add culverts and not re-route roads. He further indicated that the expense of changing this intersection would be quite a minor part of elevating or re-routing the road, and would not, in his opinion, determine the City's decision on alternatives. He added his opinion that any other public agency funding a restoration would consider expense in choosing alternatives. He argues that this improvement is so minor that it cannot be considered a permanent improvement and that it will not commit the City to approving any particular configuration in the LCP (James Doty, personal communication, October 2001). The biologist preparing the restoration section of the EIR, Eric Sakowitz, wrote to say that, in his opinion, this minor improvement would not be inconsistent with any of the likely alternatives (Exhibit 26.)

However, it is clear that the configuration of the restored wetland is not yet known. The Ballona Wetland is a dry upper marsh, dominated by salicornia and saltgrass and in some areas, suffering from invasive plants, such as ice plant and pampas grass that tolerate wet soils. Most alternatives increase the amount of water entering the marsh. All face constraints because the Ballona Wetlands are adjacent to commercial and residential structures that were constructed after the Corps constructed the food control channel at Ballona Creek. The channelization was perceived to be necessary to relieve the property along Culver Boulevard from periodic flooding.

The Commission notes that this project will add some asphalt to a 15,644 square foot intersection, and remove additional asphalt, resulting in a net reduction of 5,983 square feet of asphalt road surface. It is a minor and, as public works projects go, relatively inexpensive improvement. The Commission concurs that reconfiguring one intersection will not drive the City decision on patterns of restoration, and if the California Department of Parks and Recreation or a private agency acquires the area, one intersection will not limit its alternatives. The expense of relocating this intersection is minor, compared with the expense of any alternative that would reconfigure the roads though this wetland.

The proposed development is consistent with the policies of the certified LUP. As proposed, the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program.

H. CEQA

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

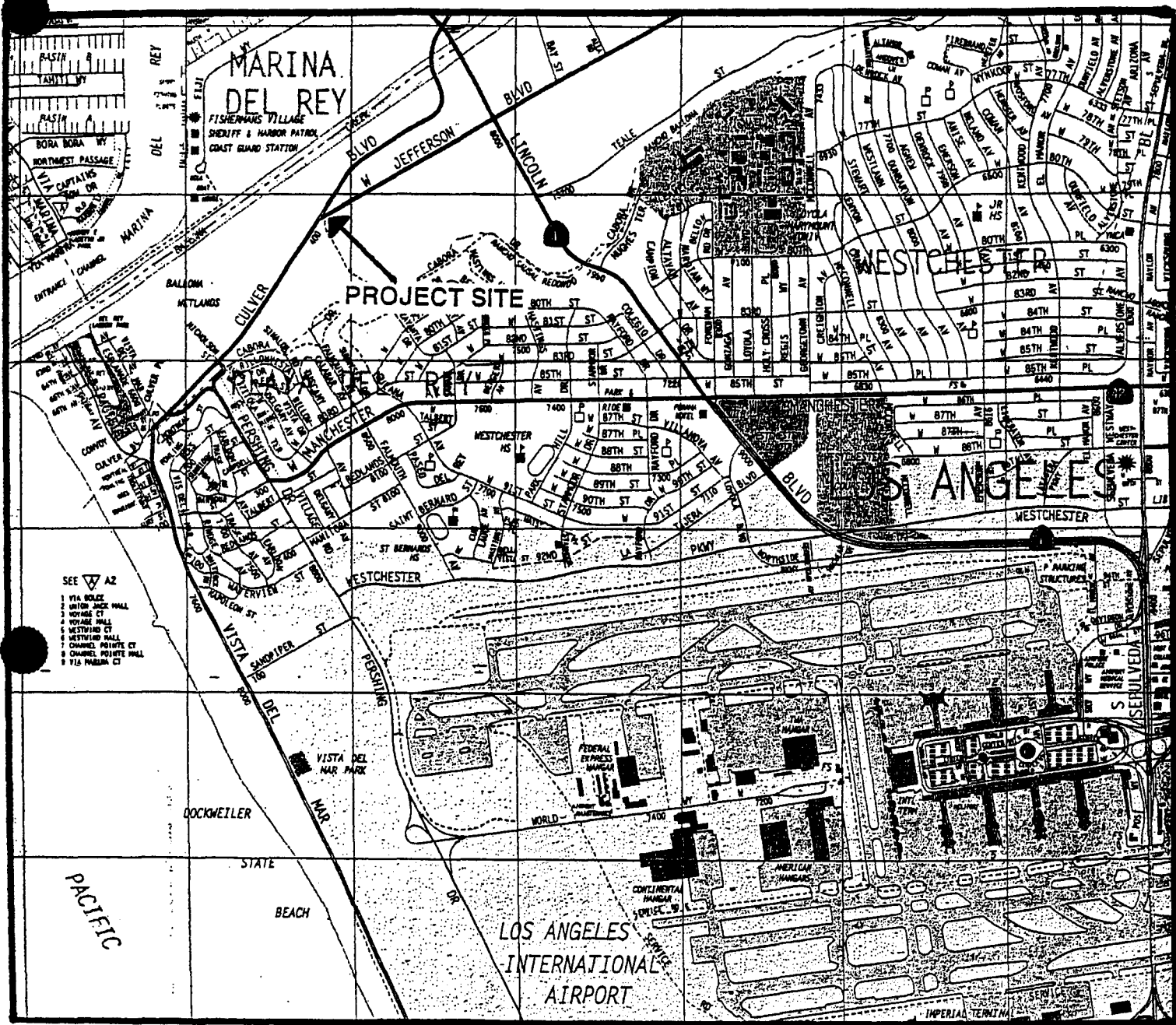
In the case, the project originally proposed could have had significant adverse impacts, but the applicant has avoided those impacts by changing its project, relocating the staging area away from the alkali depression that staff identified as a potential state wetland, and mitigating the remaining impacts through the implementation of the conditions proposed. There are no additional feasible alternatives or mitigation measures available that could substantially lessen any remaining significant adverse impact the activity may have on the environment. Therefore, the proposed project is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

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. Easement Agreement By and Between U.S. Trust Company of California, N.A. and Maguire Thomas Partners—Playa Vista, a California Limited Partnership, August 1990.
5. Security agreement regarding Area C between Kenneth Cory, State Controller and Summa Corporation, 1984, with first through fourth amendments.
6. Chief Deputy Controller to US Trust Company of California, October 30, 1998 correspondence and attached irrevocable offer to dedicate.
7. California Department of Transportation (CALTRANS), Encroachment Permit 798-6MC-0618; Encroachment Permit Rider 700-6RW-2956, November 8, 2000
8. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
9. Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista --August 1995
10. Los Angeles County Marina La Ballona certified LUP, October 1984.
11. City of Los Angeles Local Coastal Program, Certified Land Use Plan for Playa Vista 1987 (Section C4);
12. Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10, 1993.
13. Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993
14. Coastal Development Permits and Appeals: A-5-VEN-98-222(EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2: 5-00-139W; extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; 6-97-161,
15. City of Los Angeles Bureau of Engineering Staff Report, No. 95-03 --August 2, 1995
16. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
17. City of Los Angeles City Engineer, Memorandum Public Works review of ETI report titled "Subsurface Geo-chemical Assessment of Methane Gas Occurrences" for the Playa Vista project; file 1996-092; May 10, 2000
18. Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or "the ETI report."]

19. 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 page geologic letter report to Maria P Hoyer dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
20. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: "Culver Boulevard Widening Project and Potential Soil Methane Hazards"
21. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.
22. City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March, 2001
23. California Department of Fish and Game, Memorandum: Extent of Wetlands in Playa Vista, December 1991."
24. California Coastal Commission, Memorandum: "Volume II Preliminary Working draft EIS/EIR Existing Conditions —Playa Vista March 5, 1998"
25. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, —Playa Vista Area C Specific Plan;
26. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
27. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
28. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
29. 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
30. 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.
31. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
32. Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers.
33. Agreement Among U.S. Trust Company of California N. A, Maguire Thomas Partners — Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, September 28, 1990.
34. First Amendment to Agreement Among U.S. Trust Company of California N. A, Maguire Thomas Partners — Playa Vista Area C a California limited partnership, and Maguire Thomas Partners--Playa Vista, a California limited partnership, effective May 15, 1994.
35. Second Amendment to Agreement among U.S. Trust Company of California N. A, Maguire Thomas Partners — Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, entered into December 29, 1994.



VICINITY MAP

Source: 2000 Thomas Bros. Maps

5-01-223

A5 PLV 01 281

Location

Exhibit 1

PY 1317-02



Topography
+ Vegetation

RECEIVED
SEP 24 2001

CALIFORNIA
COASTAL COMMISSION

CULVER & JEFFERSON

CONSTRUCTION:

-  WIDENED ROADWAY
-  FUTURE LANDSCAPED ISLANDS

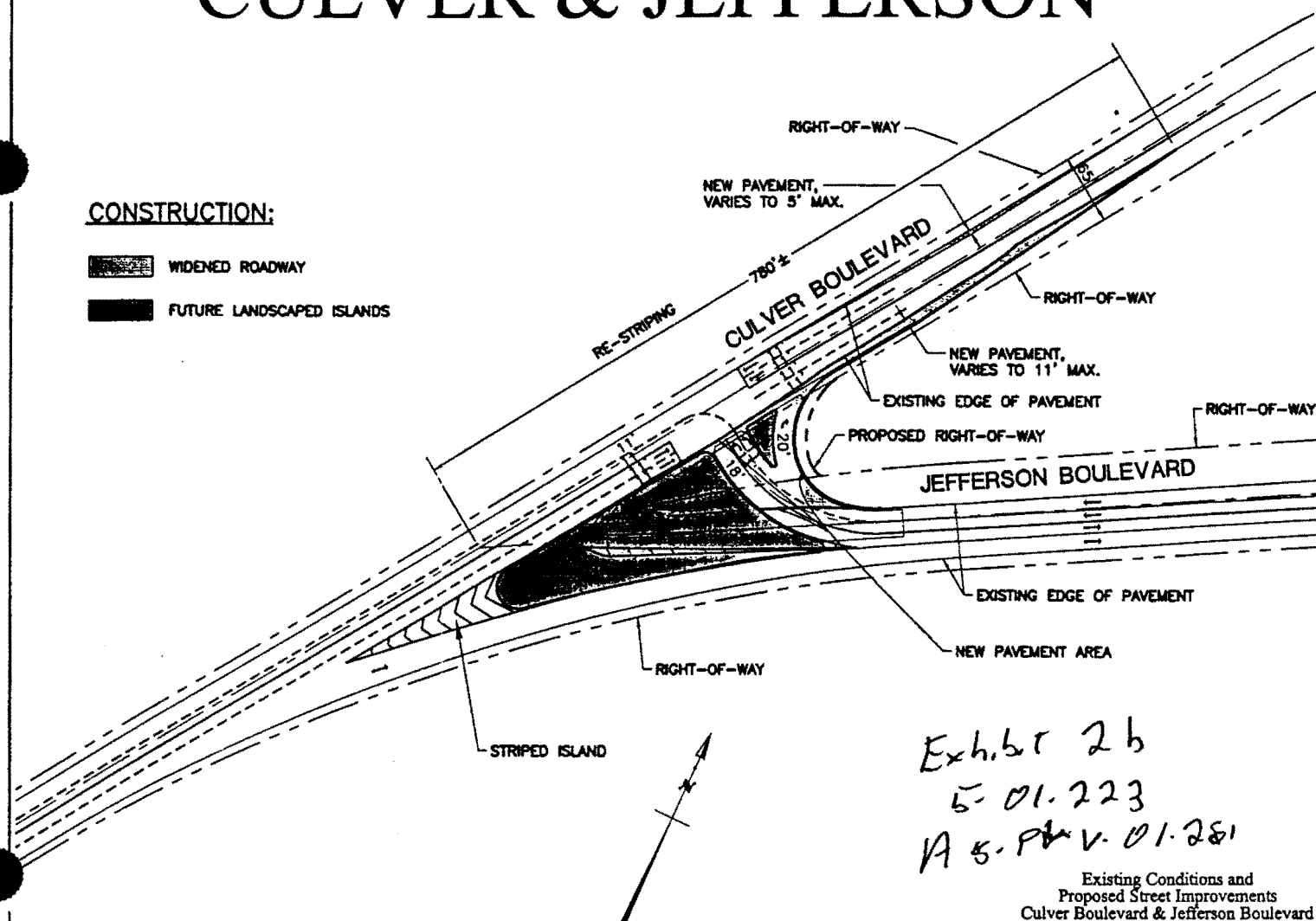


Exhibit 2b
5-01.223
A 5-PV. 01.281

Existing Conditions and
Proposed Street Improvements
Culver Boulevard & Jefferson Boulevard

PSOMAS

Playa Capital Company, LLC
Playa Vista Development

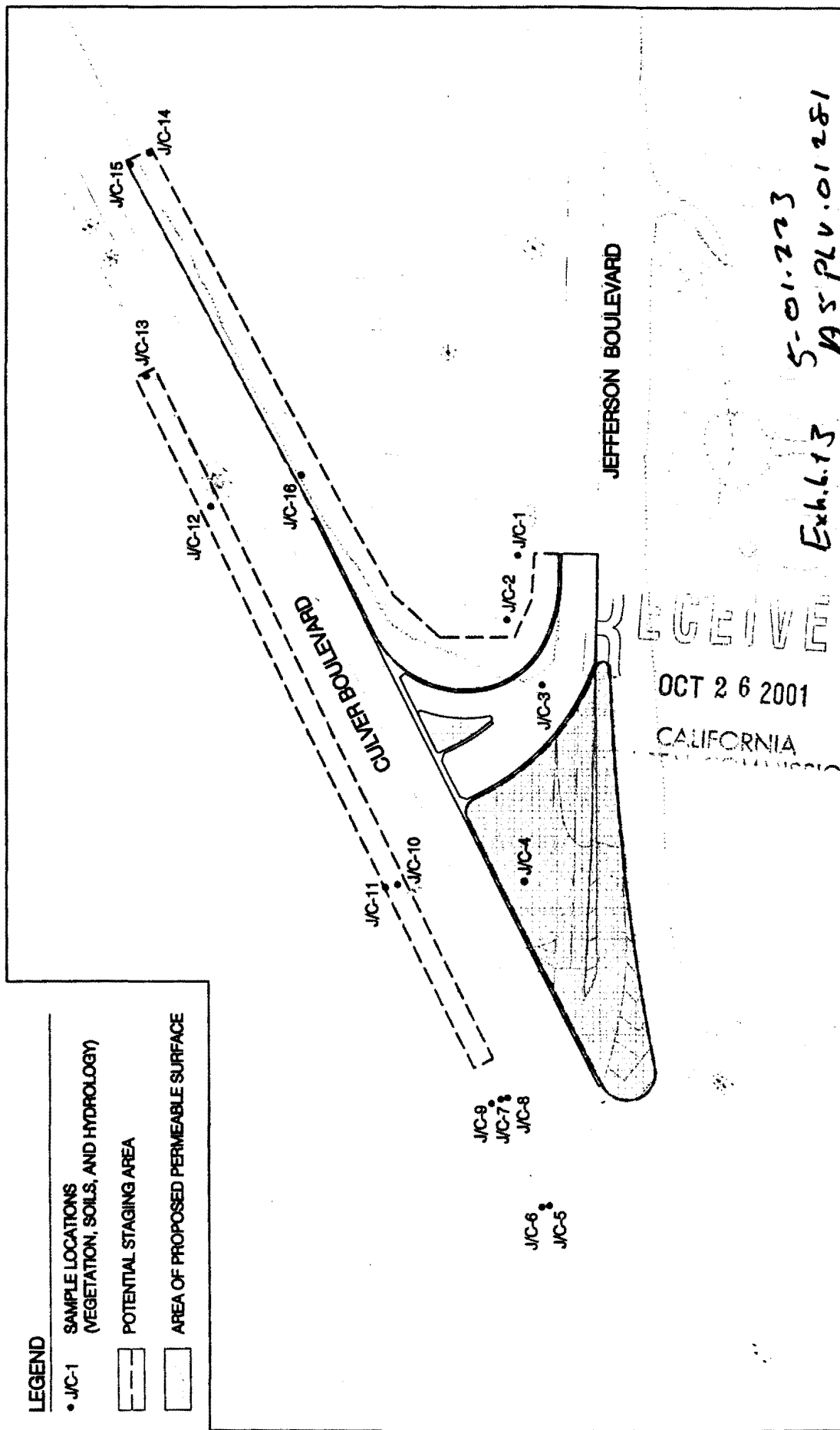
DATE: 09-18-01 REVISED: 09-18-01
JOB NO: 1000000417 SHEET: 1 OF 1
PSOMAS

LEGEND

• J/C-1 SAMPLE LOCATIONS
(VEGETATION, SOILS, AND HYDROLOGY)

--- POTENTIAL STAGING AREA

□ AREA OF PROPOSED PERMEABLE SURFACE

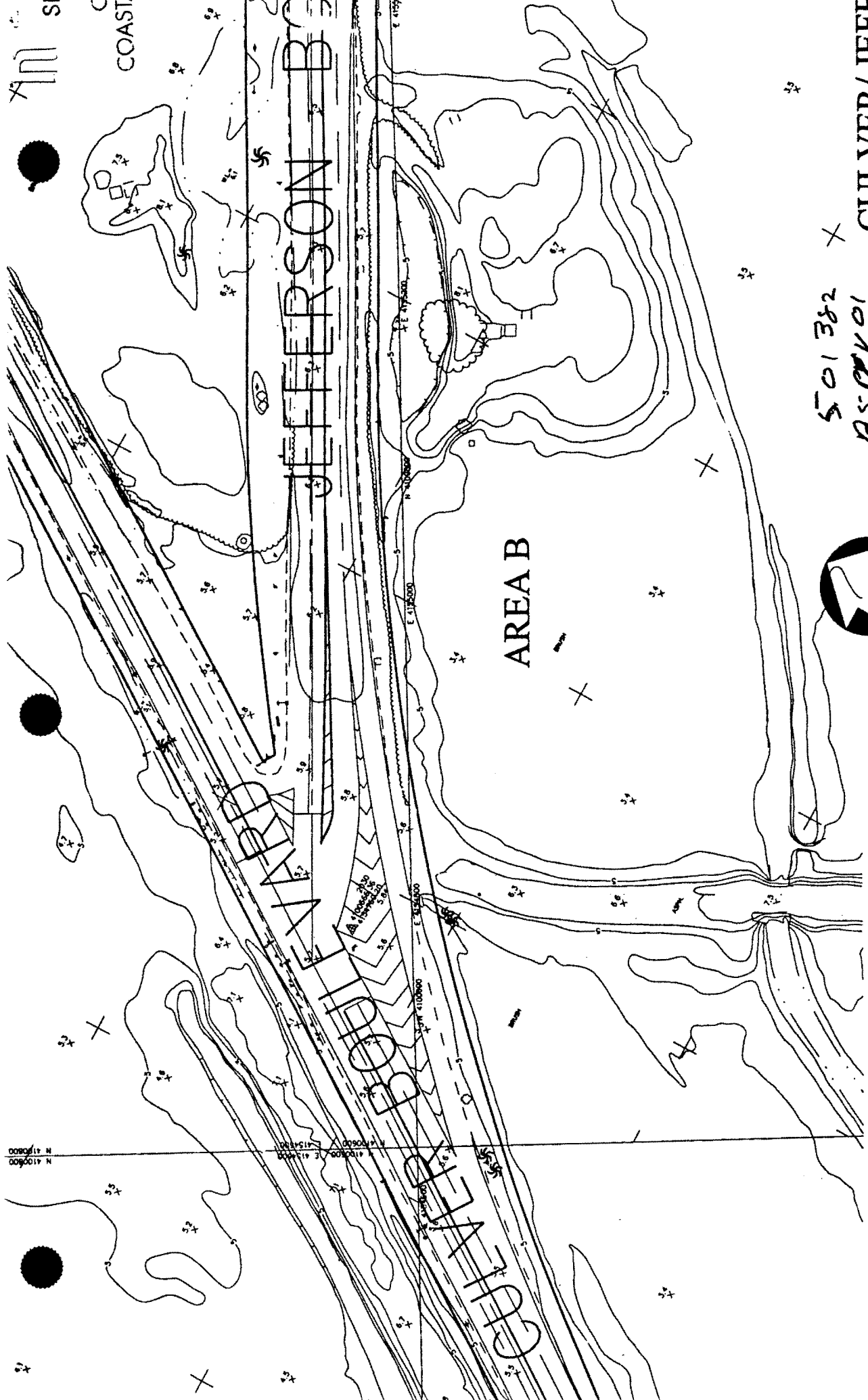


Sample Locations and Potential Staging Areas for the Culver/Jefferson Intersection

PLAYA VISTA



FORMA
OCTOBER 26, 2001
wpt/Phyllis Wain/13106/wainba/01_02.dwg



CULVER/JEFF
TOPOC

501382
AS 12/01
EXH. 6.1 36
topography



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

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SEP 24 2001

CALIFORNIA
COASTAL COMMISSION

JEFFERSON BOULEVARD

AREA B

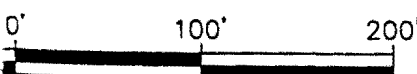
Exhibit 3C

5-01382

A-PV 01-X281

topos

CULVER/ JEFFERSON BOULEVARD
TOPOGRAPHIC EXHIBIT



size prints, original scale is in inches.

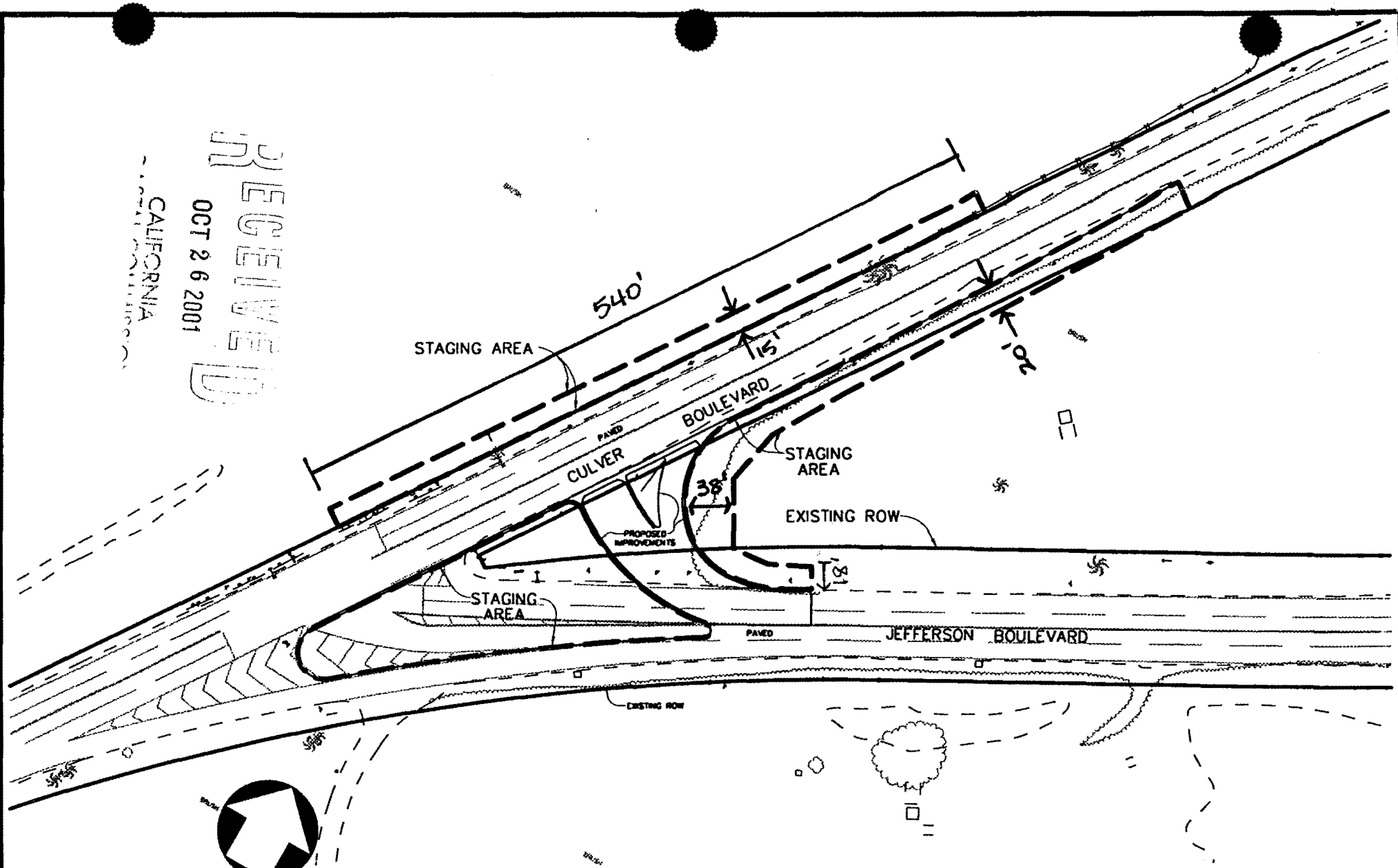
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CALIFORNIA



CULVER AND JEFFERSON BOULEVARD CONSTRUCTION STAGING EXHIBIT B

PSOMAS

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

Playa Capital Company, LLC
Playa Vista Development

Revised
5.01.382
A-5 PPH-D 1281
Exh. 6.4

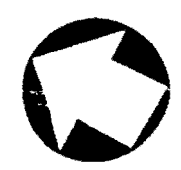
DATE: 10/25/2001 REVISED ON:
JOB No: 1PCC0205.14



Proposed
Inter
Area B
Jurisdiction
(1)

5-01-223
AS-PLU-01-281
Exhibit 5
enlarged wetland
delineation
Corps

3 AND CONSTRUCTION STAGING AREA. *Corrigendum since revised*



JURISDICTIONAL WETLANDS 1989 DELINEATION

ompany, LLC
elopment

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

- (h) Apply concrete, asphalt, and seal coat during dry weather to prevent contaminants from coming into contact with stormwater runoff.
- (i) Cover storm drain inlets and manholes when paving or applying seal coat, tack sea, slurry seal, fog seal, or similar materials.
- (j) Always park paving machines over drip pans or absorbent materials, since they tend to drip continuously.

2. Post Construction BMPs

- (a) Maintain post-development peak runoff rate and average volume at levels that are no greater than pre-development levels; AND
- (b) Reduce post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings; OR
- (c) If subsection 2b is not feasible, after construction has been completed and the site is permanently stabilized, reduce the average annual TSS loadings by 80% (for the purposes of this measure, an 80% TSS reduction is to be determined on an average basis and should not result in TSS lower than the pre-development level).
- (d) Install an appropriate suite of source control and structural treatment BMPs to achieve the above-stated goals. Structural treatment BMPs shall be designed to treat, infiltrate, or filter the amount of stormwater runoff generated by any storm event up to, and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.
- (e) BMPs must include intermediary catch basins, hydrocarbon filtration devices, and trash filters sized according to the above specifications.
- (f) Install energy dissipaters at the outlets of all discharge points.
- (g) Monitor and maintain all structural and non-structural BMPs, including, but not limited to, hydrocarbon filters, energy dissipaters, trash racks, and catch basins according to manufacturers' specifications and according to the regional climate. Such procedures shall occur at a frequency as specified by the manufacturer, where appropriate, and no less than a 30-day interval during the rainy season (October 1 – April 1).
- (h) Regularly patrol the area for discarded containers, trash and other materials likely to blow into or otherwise impact the marsh.
- (i) Otherwise comply with the orders of the RWQCB for large paved areas.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans

shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. ARCHAEOLOGICAL MONITOR

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence for the review and written approval of the Executive Director that the archaeological exploration permitted under CDP 5-98-164 has been undertaken, and that the reviewing agencies (The United States Army Corps of Engineers and the State Historic Preservation Officer) have determined that no further investigation of the sites in the vicinity of the approved road widening project is required. Pursuant to that agreement an archeological monitor shall be present during initial grading.
- (1) If cultural deposits or grave goods are unexpectedly uncovered during construction, work must stop until the archaeological monitor and the Native American monitor can evaluate the site and, if necessary, develop a treatment plan that is consistent with the programmatic agreement and with permit 5-98-164.
 - (2) If human remains are found, the Commission requires that the applicant carry out recovery or reburial consistent with the research design approved in the programmatic agreement and CDP 5-98-164.
- B. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. PROJECT LIGHTING.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide lighting plans for the review and written approval of the Executive Director. The plans shall provide :
1. During and after construction, Illumination shall be at the lowest levels allowed in federal and state standards on a secondary highway or streets.
 2. All lights shall be directed downward so that spillover outside the right of way shall not exceed ten feet.
 3. No night construction activities shall take place.
- B. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to

the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. BIOLOGICAL MONITOR/OFFSITE IMPACTS

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** and again before any vegetation is disturbed; a qualified biologist shall survey the site and prepare a report concerning the presence of (1) any rare plants listed on either the state or federal endangered or threatened species list or by the California Native Plant Society as species of concern (rare or listed plants), AND (2) nesting birds. If a nesting bird is found within or immediately adjacent to the footprints of the paving, detour or of the staging areas (area of disturbance noted in Special Condition 1), the work shall not proceed until the qualified biologist certifies that the chicks have fledged and that the work will not disturb the birds. If any rare or listed plant is found within the footprints of all areas of disturbance, the work shall not proceed. All reports shall be submitted, reviewed and accepted in writing by the Executive Director, and shall be filed in the Commission office prior to issuance of the permit and again prior to the start of work. The applicant shall place visible 48-inch high hazard fences around the area in which any rare plant has been found and prevent excavation, stockpiling, and the entry of vehicles or storage of equipment in this area. A biological monitor shall remain on site through out the roadwork.
- B. The permittee shall undertake development in accordance with this condition. Any proposed changes to the approved biological monitoring procedures shall be reported to the Executive Director. No changes to the approved biological monitoring procedures shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8 REMOVAL OF INVASIVE SPECIES.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall identify an area on its property no smaller than the total area of the zones of construction disturbance identified in Special Condition 1. The applicant shall submit a plan for the review and written approval of the Executive Director identifying this area and including methods for removal of invasive plants within this area. No dead plants shall be left on site and no persistent chemicals shall be employed. Herbicides may be employed if applied with small cans or paintbrushes to the stems of cut plants. Invasive plant are defined as including pampas grass, ice plant and/or castor beans or any other plant noted on the CNPS invasive plant list above. Unless authorized by an amendment to this permit, the invasive plant removal area shall not include any area identified as wetland in the Corps 1989 Wetland

Delineation or as Wetland or Wetland (AG) in the 1984 Fish and Game wetland delineation, Exhibits 10 and 11. The plan shall include the details of techniques, timing and methods of documentation of such removal. The applicant shall not undertake such work when there are nesting birds present in or near the invasive plants. Pursuant to this requirement, a qualified biological monitor shall survey the areas before the removal program begins.

- B. The removal shall be completed within one year of the issuance of this permit.
- C. The permittee shall undertake development in accordance with the approved final plan and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. **DISPOSAL OF HAZARDOUS MATERIAL DISCOVERED DURING CONSTRUCTION.**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide for the review and written approval of the Executive Director a contingency plan that has been reviewed by the RWQCB for testing of excavated materials for contamination.
 - (1) The plan shall include a contingency plan for excavation, and disposal of any contaminated hazardous materials that may be discovered during construction. If over-excavation is required, the applicant shall inform the Executive Director who shall determine whether an amendment to this permit is required.
 - (2) If the grading quantities exceed those estimated in the application an amendment is required. The plan shall identify testing protocols, and supervision and shall identify sites approved for disposal that are outside the coastal zone.
 - (3) All stockpiles shall be located within the zone of construction disturbance identified according to condition 1.
 - (4) Material shall not be stockpiled on site more than 24 hours.
- B. The permittee shall undertake development in accordance with the approved final plan and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. **CORPS APPROVAL**

Prior to commencement of construction, the applicant shall provide written evidence that United States Army Corps of Engineers has determined that no approval from the Corps

is required for this development to go forward prior to the Corps' approval of the pending Playa Vista Phase II EIS/EIS.

11. NO WORK DURING THE RAINY SEASON

The applicant shall not undertake any grading paving Dan land disturbance approved in this permit during the rainy season, October 15-march 30. The applicant may install lighting and landscaping during the rainy season.

VIII FINDINGS AND DECLARATIONS/ DE NOVO ACTION AND THE DUAL PERMIT.

The Commission adopts the following findings.

A. PROJECT DESCRIPTION

The applicant proposes to realign the intersection of Culver Boulevard and Jefferson Boulevard in Area B Playa Vista. As described in more detail in Section IV.A above, the project would demolish the existing "Y"-shaped intersection at Culver Boulevard and Jefferson Boulevard and construct a "T"-shaped, right-angled intersection. The applicant also asserts that all detours, and staging and equipment storage will be set back from delineated wetlands and will reduce the amount of impervious area from 15,644 square feet, its present size, to 9,661 square feet, a net reduction of 5,983 square feet. (Exhibits)

Changes to the intersection that the applicant proposes include:

- (1) Dedication of property (approximately 12,000 square feet) along the northeast corner of the intersection;
- (2) Realignment of the westbound roadway of Jefferson Boulevard approximately 150 feet northeasterly;
- (3) Relocation and modification of the existing traffic signal equipment;
- (4) Widening the northwest side of Culver Boulevard up to 5 feet and
- (5) Widening the southeast side of Culver Boulevard up to 11 feet from Jefferson Boulevard to a point approximately 780 feet northerly of the existing Jefferson Boulevard centerline to provide up to a 45-foot roadway within the existing 65-foot right-of-way. (Exhibits 2-4)

The centerline of the new connector will be located about 250 feet east of the present intersection. The project will remove some of the present "V" shaped intersection asphalt in a triangle between this new road way and the roadway that will remain, resulting in a net reduction in impervious paved area. The area between the rights -of-way has not been identified by any agency as a wetland, although historically it was wetland. The 1989 United States Army Corps of Engineers⁶ wetland delineation both

⁶ In 1991 the Department of Fish and Game agreed that the Corps delineation of wetlands in area B, 170 acres, was more accurate than the Department's former 112 acre delineation for Area B.

show that actual wetlands are located almost immediately adjacent to the south side of Jefferson Boulevard. The delineated Corps wetlands north of Culver Boulevard are about 70 feet from the proposed road work but almost adjacent to the south side of the current intersection. An enlarged map shows that these wetlands extend slightly into the southerly boundary of the Jefferson Boulevard right-of-way. An isolated patch of wetlands north of Culver Boulevard are located about 55 feet north of the staging area, and about 70 feet away from the proposed new road way. This wetland channel is separated from the road work by a railway berm (Exhibits 3, 4, 5, and 10.)

The applicant provided a vegetation map. The vegetation map shows a depression area of about 1,000 square feet north of the intersection. The Commission determines that additional area, mapped by the applicant as an Alkali Depression should be considered a possible wetland and should be subject to the provisions of Section 30233 of the Coastal Act until a new delineation occurs.

B WETLAND FILL, CONSISTENCY WITH SECTION 30233

As noted above, the project is a road way about seventy feet from two wetlands, a road-width away from one wetland and 70 feet away from another. On October 24, Senior Staff Biologist Dr. John Dixon visited the site. He observed an additional area just east of the present intersection that supports hydrophytic plants. Although staff does not do wetland delineations, it was his opinion that this area needed further investigation and that this area might be considered wetland if it had been delineated using the Cowardin method (see above):

"Culver & Jefferson Intersection

East of the intersection there is a roughly triangular area of compacted bare dirt. To the east of that there is a depressional area with a preponderance of wetland plants, principally alkali weed (*Cressa truxillensis*; FACW) and alkali mallow (*Malvella leprosa*; FAC) and patches of rabbits foot grass (*Polypogon monspeliensis*; FACW+) along the eastern edge. The higher area north and east of this depression along the edge of Culver is dominated by perennial ryegrass (*Lolium perenne*; FAC) and bristly ox-tongue (*Picris echiodes*; FAC). Across the street along the north side of Culver, there is a flat area adjacent to the road which in places is dominated by bermuda grass (*Cynodon dactylon*; FAC) and saltgrass (*Distichlis spicata*; FACW). The ground then rises 20 – 30 cm and forms a berm which supports a patchwork of upland and facultative wetland ruderal species such as *Chrysanthemum* sp. (NI), wild radish (*Raphanus sativa*; NI), foxtail chess (*Bromus madritensis*; NI), perennial ryegrass, bristly ox-tongue, alkali mallow, and English plantain (*Plantago lanceolata*; FAC-). There were no indicators of wetland hydrology or hydric soils in any of these areas. The area to be paved and the area proposed for staging activities (principally along the north and south edges of Culver) were marked with flagging. The [Winfield, the applicant's consultant's] wetland delineation report concluded that "...coastal wetlands are not present at the project impact area." I concur with this assessment. However, the depression containing alkali weed, alkali mallow, and

rabbits foot grass might delineate [as a wetland]. The originally proposed staging area was immediately adjacent to that area. In the field, we asked that the edge of the staging area be moved to the north to completely avoid the depression. This was done and I have received a new map showing the new alignment upon which we agreed. With that change, no potential wetland areas will be directly affected by construction activities" (Dixon, Memo, 10/25/01, Exhibit 8.)

This area is shown on the applicant's vegetation maps as dominated by *Cressa turxillensis*, (alkali weed,) a "facultative wetland plant" which means it can tolerate saturated soil but may also appear in other disturbed areas. The applicant has agreed to move the staging area back roughly 5 feet, from where it was originally approved by the City. As revised by the applicant the staging area would be set back about 12 feet from the depression (Exhibit 4.) Dr. Dixon observed that an old railroad embankment separates the mapped wetland north of Culver Boulevard from the intersection and the staging area. The mapped wetland will not be filled or impacted directly by this action. He also concurred that the area within the footprint of the new roadway was not a wetland.

Sections 30233, quoted above, requires that wetlands fill may occur for limited purposes. The Commission has determined that this project will not fill any wetland or area that might be considered wetland. However, it is so close to wetlands that fill could occur inadvertently during construction. In order to prevent that outcome, the Commission is requiring fencing of the work area, that all staging be set back 12 feet from the depression that might be considered wetland, and that other impact areas be set back 50 feet from wetlands. The Commission also requires conditions preventing discharges of silt or liquids into the wetland areas be implemented.

However indirect impacts could result from the construction. The most important mitigation measure the City imposed was a construction fence around the work areas and the wetlands to prevent entry by construction vehicles or storage of equipment. However, additional impacts from noise, as noted by the City, disruption of nesting birds and runoff could occur. Moreover, impacts such as noise could potentially reduce the range or feeding areas of other birds. The applicant's biological consultant (exhibits) believes that such impacts would not occur. The Commission finds that heavy equipment and machinery operating on a slightly raised road that is laid out in a wetland could cause impacts which have not been anticipated or studied. Moreover all indirect impacts are not mitigated by these actions. The noise and dust arising from the work will have some impacts.

The Commission concurs that this development reduces the area of pavement. However, for this to be an advantage to the habitat of the area, contaminated soils must be removed from the area, and the areas adjacent to the road and within the road be planted with plants that support wetlands species. After grading and disturbance, certain species of plants introduced plants that have succeeded in disturbed areas and farmlands because they are hardy and reproduce successfully, displace slower growing native plants and move into natural areas. These invasive plants shade out native species and make difficult for native species of insects that depend on the naturally occurring plants to survive. The biomass increases, but the diversity of the area, and

the productive of the natal habitat decreases. Such invasive plants, for example, ice plant, castor bean and pampas grass, already common in the areas, form and supplement a seed bank that can rapid overwhelm nearby restoration areas, causing permanent damage and reducing the productivity of the native species of the area. Therefore the Commission requires the applicant to increase the productivity of the native plants of the area and to enhance nearby areas by removing invasive plants that shade out native species and "take over" after grading.

As conditioned, to construct the intersection in the locations and by the methods proposed, which will not fill wetlands, to avoid siltation or removal of wetland vegetation by not allowing vehicles into the wetlands, to control siltation and to remove invasive plants in the wetland where the work is located, this project is consistent with Sections 30230 30231 and 30233.

**C. IMPACTS ON WETLANDS AND OTHER SENSITIVE HABITATS
CONSISTENCY WITH SECTIONS 30230, 30231 AND 30240**

Sections 30230 and 30231 require in part (see above for full citation)

Section 30230. 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, ... maintaining natural vegetation buffer areas that protect riparian habitats...

Section 30240

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas

This road is located on a prism of fill within a wetland. The area should be treated as wetlands buffer. The drainage from the road enters an unlined ditch adjacent to the road. Any water from this area enters the wetlands, and any silt or chemicals discharged during construction will enter the wetlands. The only reason to consider approving this project from a wetland impact point of view is that area covered by asphalt or other impervious surfaces is being reduced by this the project and it is possible to improve the quality of the water discharged from the road. However,

removing old road material is not without risks. Roads and the area under roadways may be polluted with lead and other material that cannot remain in the area.

Nevertheless, as noted above even with careful setback and avoidance of direct disruption some indirect impacts will occur, at least temporarily. Therefore the Commission requires, in condition number s 1, 2, 3, 4 and 11

- 1) Fencing installed and inspected delineating staging as shown on Exhibit 2 and 4 prior to construction.
- 2) Sandbags at edge of the fences.
- 3) Avoidance of herbicides.
- 4) No night work or night lights.
- 5) Replanting road side and road median area with low plants that support wetlands animals.
- 6) Biological monitor.
- 7) Cessation of work if nesting birds are observed in the work area.
- 8) Water quality and runoff conditions as indicated below.
- 9) Testing all soils excavated.
- 10) Removal of asphalt and contaminated soils.
- 11) Setback of construction areas from wetlands.
- 12) Post construction water quality plan.
- 13) Removal of invasive species.
- 14) No work in the rainy season
- 15) Disposal of any hazardous material properly.
- 16) Control of lighting during and after construction

Only as conditioned can the commission find that the development is consistent with Sections 30230, 30231 and 30240 with respect to development adjacent to environmentally sensitive habitat areas.

D. WATER QUALITY AND THE MARINE ENVIRONMENT CONSISTENCY WITH SECTIONS 30230 AND 30231

Section 30230 requires the protection of marine resources. Roads are major sources of pollutants that flow into water bodies. The project is directly adjacent to a wetland area. Both short term run off during construction and long term impacts after construction can affect Ballona wetland. Secondly the road now acts as a dam within a wetland system. Water flows under the road in tow location s where there are culverts. The applicant asserts that this project will not change the present hydrology of the wetland. Representatives of the City Department of Public Works agree, noting that any change in the road elevation or configuration that may occur as part of restoration, would require relocation of a great deal more roadway. They note that and that this intersection is only a minor Section of a road that extends approximately 7,500 feet from Lincoln Boulevard to Vista del Mar in Playa del Rey. Representatives of the City of Los Angeles Department of Public Works assert that the project will not change the present hydrology or commit the City to any particular future configuration. Other considerations, such as the location of existing utility distribution lines, would be, in their

estimation a much greater limitation on moving this road than this changed intersection configuration.

The applicable Coastal Act sections, 30230, and 30231 30233, are quoted above.

In considering the consistency of projects with the Coastal Act, the Commission has consistently required that the design and devices proposed be sized for a two year 24 hour storm event, and that the treatment could occur in 85% of the storms. Because this project is located in a low lying area, the Commission requires that the applicant provide detailed hydrological calculations, outlining how the roadway, and the water flowing off the roadway and the gravel filled "pervious area" will interact. The applicant has provided an opinion from a hydrological consultant. The consultant indicates that all water from this road flows into a roadside ditch, which on the south side of the road is contiguous to the salt marsh. The applicant notes that the increase in impervious area will not make the quality of the water flowing off the road and into the marsh worse. The applicant's consultant further asserts that, in his view, the runoff flowing into the ditches and percolating into the ground will result in fewer impacts to the marsh than "concentrating the run off with curbs and gutters." (See Exhibits 14,15.)

Even though the applicant has not proposed to use fossil filters, the Commission finds that due to the sensitivity of the area, low flow filters are appropriate and has required in conditions 4 and 5 that they be employed. The most immediate water quality impact of constructing a road adjacent to a wetland is siltation and damage from vehicles and their fuels. The Commission requires numerous conditions to avoid siltation as a result of construction and to confine dirt, vehicles, stockpiles and fuel and to prevent their escape into adjacent marsh. The applicant proposes to use standard sand bagging and other siltation control methods such as covering stockpiles and to use watering to reduce fugitive dust.

Another concern is the handling of older, contaminated sediments during construction. The applicant has not provided a system of testing the earth removed and has explained where and how it intends to dispose of excess asphalt and contaminated excavated earth. Area B is an old oil field. During the excavation of the Freshwater Marsh, which was also located in Area B, some contaminated sediment was discovered. The coastal development permit did not anticipate or address this problem. Instead it established standards for the elevations of the final grading and the marsh's functioning after construction and revegetation. However, the Regional Water Quality Control Board required Playa Capital to truck the sediments to various landfills outside the coastal zone. While there was some controversy with the DTSC, that had earlier delegated its oversight role to the Board, the material (drilling mud) was removed. The Commission in this case requires testing of sediments, and imposes certain standards for the removal of any toxic material found on the site. However, the determination of how toxic any substances are and which dump should appropriately receive excavated material remains in the jurisdiction of the RWQCB and the DTSC.

Again, with conditions to address construction methods, handling of contaminated sediments and the provision of detailed erosion and siltation control plans, this project

would conform to Sections 30230 and 30231 in terms of its potential impacts on water quality.

E. PUBLIC ACCESS AND RECREATION

These streets are major access routes to Dockweiler State Beach in Playa del Rey. Improving safety and access through this intersection will improve public access to the beach. This road is heavily traveled during weekdays, accommodating as much as 2,000 cars per hour on a two-lane segment between Jefferson Boulevard and the Marina freeway. On weekends, Jefferson Boulevard is a main beach access route from central Los Angeles. Adult bicycle teams use Jefferson Boulevard as a route from Los Angeles to the beach bike path. By making this corner safer, this project will improve public access to the beach. The project as proposed is consistent with the public access and recreation policies of the Coastal Act.

F. VISUAL IMPACTS

This project will not change the visual environment of the area or result in noticeable widening of the road. It will not change the scale of the road and will result in any greater asphalt area. The new pervious area will be filled with gravel, which will be visible, although the applicant intends to use "earth tone rock." The applicant's representatives state that it will be filled with gravel rather than being vegetated because, the City Department of Transportation was concerned about possible traffic hazards and maintenance costs of landscaping, and would not permit the pervious area to be landscaped..

G. PREJUDICE TO THE DEVELOPMENT OF THE LOCAL COASTAL PROGRAM

Coastal Act Section 30600 states in part

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

In 1984, the Commission certified a Land use Plan for this area that have been submitted by Los Angeles County, the Marina del Rey Ballona Land Use Plan. The Friends of Ballona Wetlands immediately sued the Commission and the County (Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826.) When the City of Los Angeles annexed the area, the City submitted an almost identical plan as it pertained to areas within its jurisdiction. On November 26, 1986, the Commission certified, with suggested modifications, the Land Use Plan portion of the City of Los Angeles, Playa Vista segment, Local Coastal Program. The Friends of Ballona Wetlands added the City to their lawsuit.

The certified LUP contains policies to guide the types, locations and intensity of future development in the Playa Vista area. The LUP designated most of Playa Vista for intense urban development, reserving 163 acres as wetland and additional area for other habitat purposes. The Land Use Plan portion includes all roads proposed in this project although the proposed roads do not include all of the widening envisioned in the LUP, but only widening appropriate to the first stage of development. When the Commission certified the LUP for this area in 1986, this road was included as a six-lane road.

In 1990-91 the new owner and the opponents settled the suit. The owner agreed to restore the wetlands and to save a larger area of wetlands than it had proposed to save in the past. The opponents agreed to a different configuration of the development and agreed not to oppose the development except as it impacted wetlands. The applicant, in settling the lawsuit, agreed to request an amendment to the certified LUP. The amended LUP would include a much larger restored saltmarsh area than the presently certified LUP. The Commission, the City and the County agreed to process the revised Land Use Plans expeditiously, but did not commit to approving any changes, having not evaluated the content of the changes according to the process required by the law..

As a first step, the applicant's predecessor submitted a Master Plan for Playa Vista to both the City and the County. In 1992, the City circulated both a Draft Master Plan EIR and a detailed Draft Phase I Playa Vista EIR, the latter of which the City certified in 1993. In Area B, the proposed Playa Vista Master Plan project would carry out the restoration program agreed to in the settlement. The Master Plan Project proposes restoration of over 198 acres of "estuarine"⁷ habitat, the creation of a 26.1-acre freshwater marsh facility, the restoration of about 12 acres of dunes and construction of 1800 dwelling units and 20,000 sq. ft. of retail uses. The Master Plan did not include a final design for a restored wetland, but deferred the design until alternative wetland restoration plans could be analyzed in a Phase II EIS/EIR and in the amendment to the Land Use Plan.

All public and agency testimony on future and interim restoration plans, such as the Corps 1135 project, and the Notices of Preparation for the Master Plan EIR discuss ways to allow more water into the wetlands. One major problem in restoring the area is how to get water under or around the existing roads, roads that are now constructed on prisms of fill over culverts. Possible restoration plans include plans that would restore the marsh at different levels of inundation. Resource agencies have commented, saying that higher levels of inundation might be more productive to fish but would impact species dependent on the Salicornia marsh, such as the Belding's Savannah sparrow. Flood control agencies have expressed concern that raising water levels could flood existing homes and businesses that are located on the north side of Culver Boulevard as it approaches Playa del Rey

The City and County of Los Angeles and the United States Army Corps of Engineers are currently preparing a draft EIS/EIR for the second phase of the Playa Vista

⁷"Estuarine" includes saltmarsh, mudflat, tidal channels and saltflats

development. Several alternatives for wetland mitigation and restoration are under consideration. From letters, testimony and communications from the public, from professional biologists and others, it is evident that there is a wide range of opinions concerning the goals of wetland restoration and the measures of success. Neither the draft EIS/EIR, nor the alternative plans are yet available for public review. The City has not drafted the revised LUP, which would incorporate such a restoration plan.

The Commission must consider whether approving the project at this time may prejudice the ability of local government, the City of Los Angeles to adopt an LCP that is consistent with the Coastal Act and which will be most protective of resources. James Doty, of the City of Los Angeles Department of Public Works, indicates that Public Works was not concerned about this issue in processing the present permit because it would be very expensive to raise or re-route this road. He believes that it is more probable that a restoration plan would add culverts and not re-route roads. He further indicated that the expense of changing this intersection would be quite a minor part of elevating or re-routing the road, and would not, in his opinion, determine the City's decision on alternatives. He added his opinion that any other public agency funding a restoration would consider expense in choosing alternatives. He argues that this improvement is so minor that it cannot be considered a permanent improvement and that it will not commit the City to approving any particular configuration in the LCP (James Doty, personal communication, October 2001). The biologist preparing the restoration section of the EIR, Eric Sakowitz, wrote to say that, in his opinion, this minor improvement would not be inconsistent with any of the likely alternatives (Exhibit 26.)

However, it is clear that the configuration of the restored wetland is not yet known. The Ballona Wetland is a dry upper marsh, dominated by salicornia and saltgrass and in some areas, suffering from invasive plants, such as ice plant and pampas grass that tolerate wet soils. Most alternatives increase the amount of water entering the marsh. All face constraints because the Ballona Wetlands are adjacent to commercial and residential structures that were constructed after the Corps constructed the food control channel at Ballona Creek. The channelization was perceived to be necessary to relieve the property along Culver Boulevard from periodic flooding.

The Commission notes that this project will add some asphalt to a 15,644 square foot intersection, and remove additional asphalt, resulting in a net reduction of 5,983 square feet of asphalt road surface. It is a minor and, as public works projects go, relatively inexpensive improvement. The Commission concurs that reconfiguring one intersection will not drive the City decision on patterns of restoration, and if the California Department of Parks and Recreation or a private agency acquires the area, one intersection will not limit its alternatives. The expense of relocating this intersection is minor, compared with the expense of any alternative that would reconfigure the roads though this wetland.

The proposed development is consistent with the policies of the certified LUP. As proposed, the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program.

H. CEQA

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

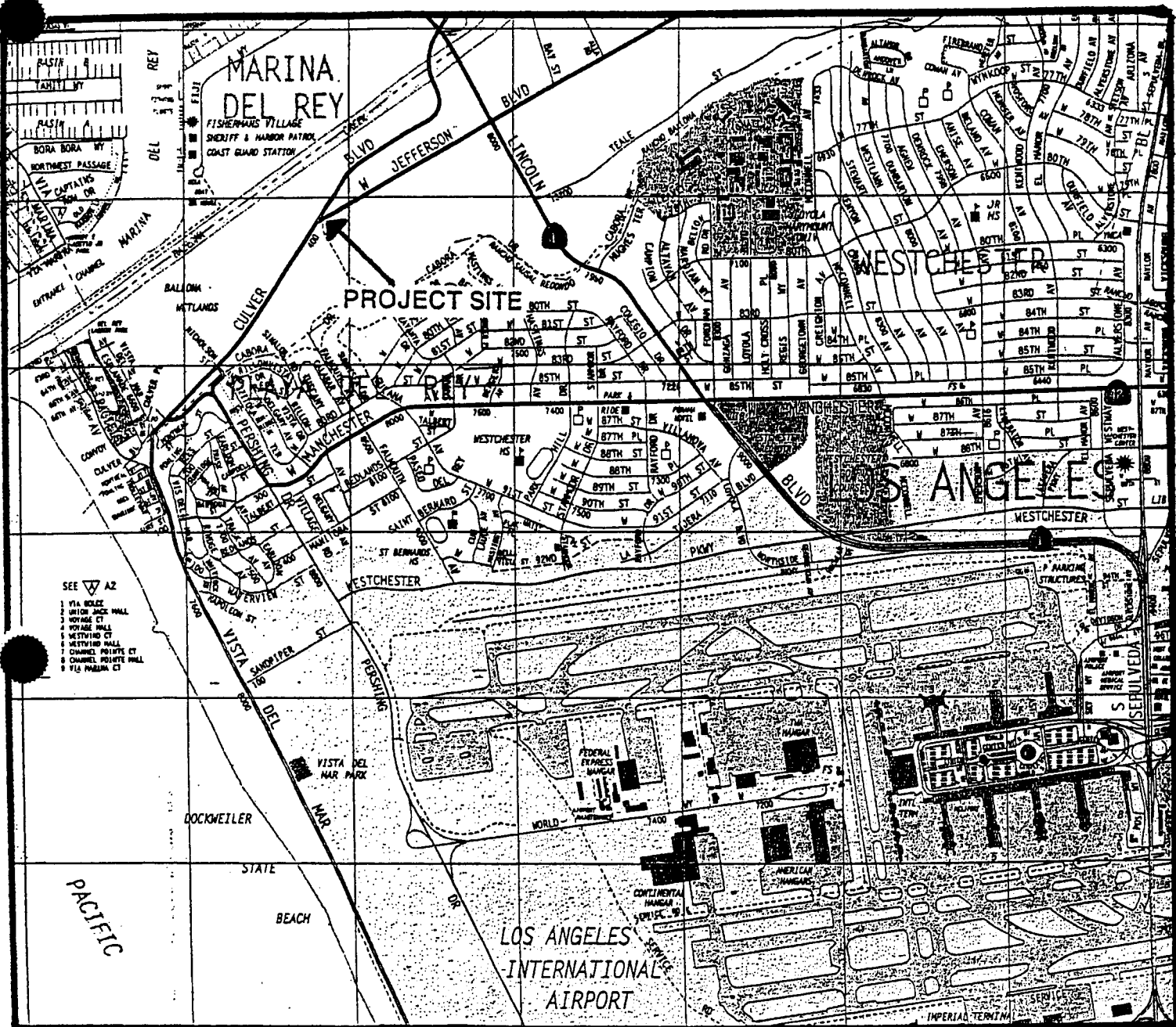
In the case, the project originally proposed could have had significant adverse impacts, but the applicant has avoided those impacts by changing its project, relocating the staging area away from the alkali depression that staff identified as a potential state wetland, and mitigating the remaining impacts through the implementation of the conditions proposed. There are no additional feasible alternatives or mitigation measures available that could substantially lessen any remaining significant adverse impact the activity may have on the environment. Therefore, the proposed project is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

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. Easement Agreement By and Between U.S. Trust Company of California, N.A. and Maguire Thomas Partners—Playa Vista, a California Limited Partnership, August 1990.
5. Security agreement regarding Area C between Kenneth Cory, State Controller and Summa Corporation, 1984, with first through fourth amendments.
6. Chief Deputy Controller to US Trust Company of California, October 30, 1998 correspondence and attached irrevocable offer to dedicate.
7. California Department of Transportation (CALTRANS), Encroachment Permit 798-6MC-0618; Encroachment Permit Rider 700-6RW-2956, November 8, 2000
8. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
9. Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista --August 1995
10. Los Angeles County Marina La Ballona certified LUP, October 1984.
11. City of Los Angeles Local Coastal Program, Certified Land Use Plan for Playa Vista 1987 (Section C4);
12. Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10, 1993.
13. Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993
14. Coastal Development Permits and Appeals: A-5-VEN-98-222(EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2: 5-00-139W; extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; 6-97-161,
15. City of Los Angeles Bureau of Engineering Staff Report, No. 95-03 --August 2, 1995
16. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
17. City of Los Angeles City Engineer, Memorandum Public Works review of ETI report titled "Subsurface Geo-chemical Assessment of Methane Gas Occurrences" for the Playa Vista project; file 1996-092; May 10, 2000
18. Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or "the ETI report."]

19. 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 page geologic letter report to Maria P Hoye dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
20. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: "Culver Boulevard Widening Project and Potential Soil Methane Hazards"
21. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.
22. City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March, 2001
23. California Department of Fish and Game, Memorandum: Extent of Wetlands in Playa Vista, December 1991."
24. California Coastal Commission, Memorandum: "Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998"
25. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, –Playa Vista Area C Specific Plan;
26. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
27. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
28. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
29. 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
30. 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.
31. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
32. Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers.
33. Agreement Among U.S. Trust Company of California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, September 28, 1990.
34. First Amendment to Agreement Among U.S. Trust Company of California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners--Playa Vista, a California limited partnership, effective May 15, 1994.
35. Second Amendment to Agreement among U.S. Trust Company of California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, entered into December 29, 1994.



VICINITY MAP

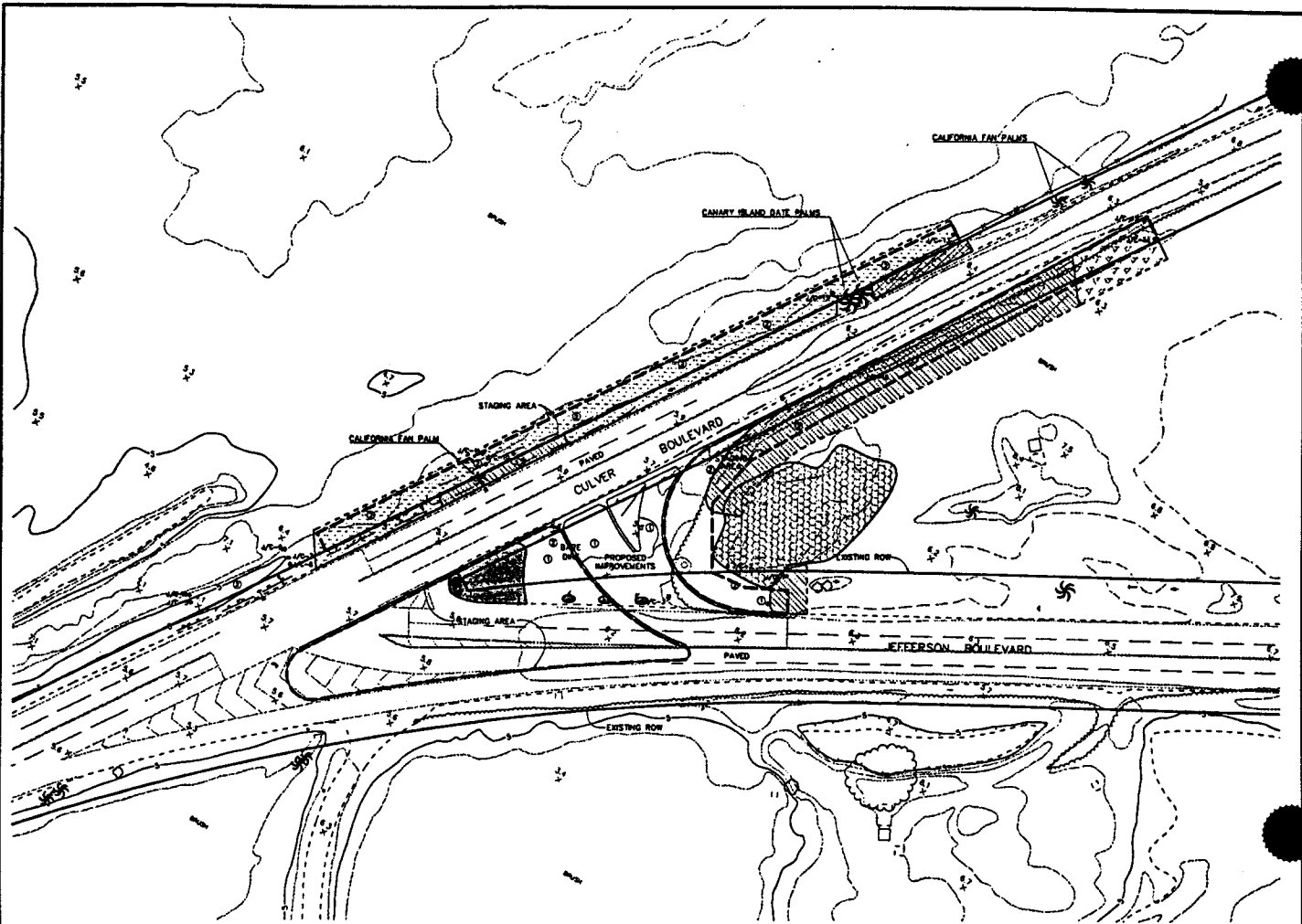
Source: 2000 Thomas Bros. Maps

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Location

Exhibit 1



HERBACEOUS ASSOCIATIONS

	RUDERAL (MIXED HERBACEOUS)		RUDERAL (RUDERAL BRISTLY OX-TONGUE DOMINATED)
	RUDERAL (ITALIAN RYE GRASS / BRISTLY OX-TONGUE) (--- COMMUNITY EXTENDS OFFSITE)		RUDERAL (ALKALI WEED)
	RUDERAL (RUDERAL BERMUDA GRASS / SALTGRASS)		ALKALI WEED / ITALIAN RYE GRASS

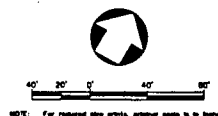
Note 1: Open dirt with elderly scattered vegetation
 Note 2: Ruderal vegetation dominated by *Lolium arundinaceum* (Italian ryegrass), *Bromus diandrus* (Foxtail bromus), *Eragrostis amabilis* (White meadowgrass) with *Conium maculatum* (Deadly nightshade) and *Conium maculatum* (Deadly nightshade)

FIGURE 1

PROPOSED CULVER BOULEVARD AND JEFFERSON BOULEVARD EXPANSION TOPOGRAPHY AND VEGETATION

PSOMAS

Playa Capital Company, LLC
 Playa Vista Development



DATE: 09/19/2001 REVISED ON: 10/25/2001
 JOB No: 1PCC0205.14

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Topography
 + Vegetation
 5-01.223
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 01261
 Exh. b. 2

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CULVER & JEFFERSON

CONSTRUCTION:

-  WIDENED ROADWAY
-  FUTURE LANDSCAPED ISLANDS

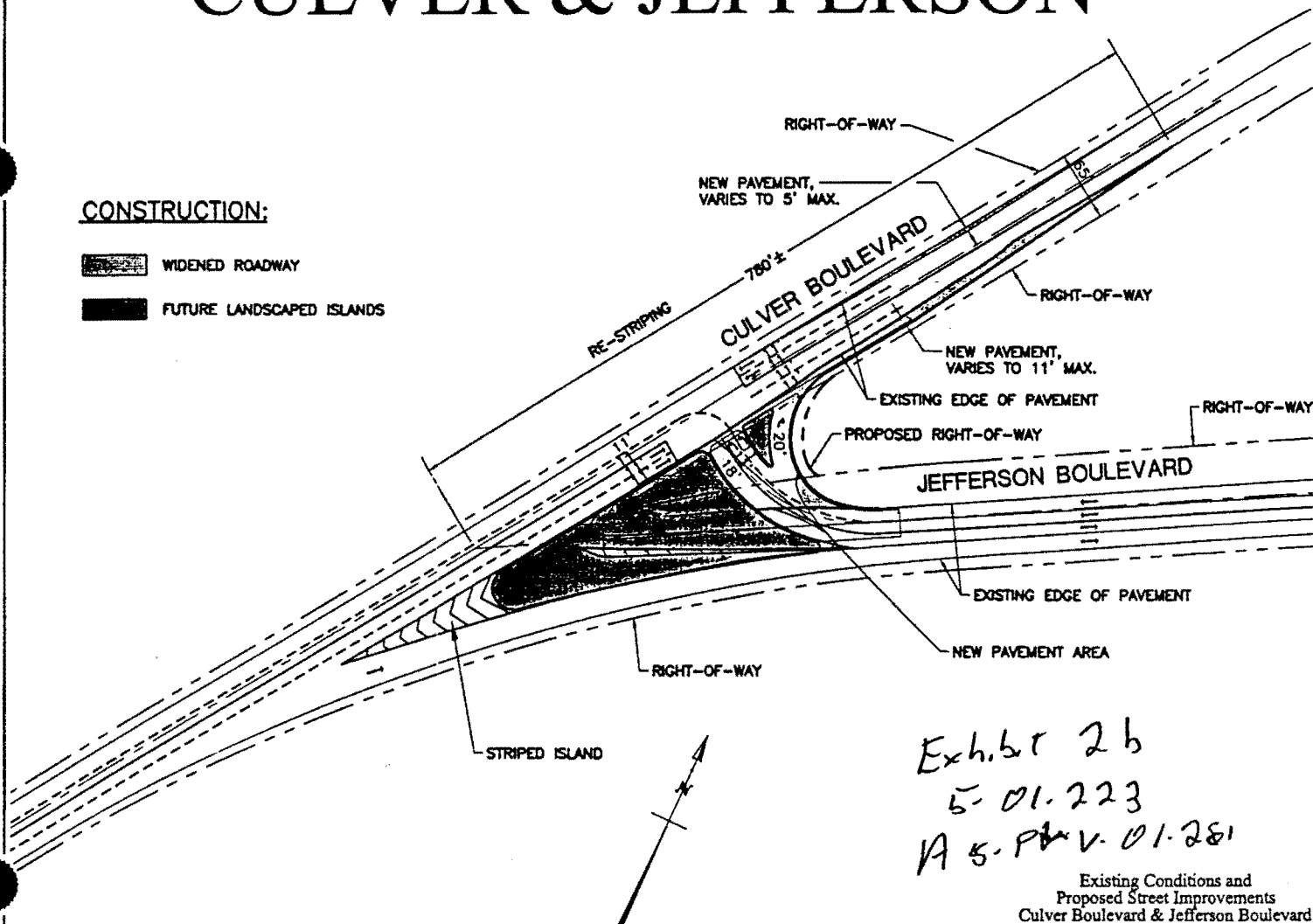


Exhibit 2b
5-01-223
A 5-P.V. 01-281

Playa Capital Company, LLC
Playa Vista Development

Existing Conditions and
Proposed Street Improvements
Culver Boulevard & Jefferson Boulevard

PSOMAS

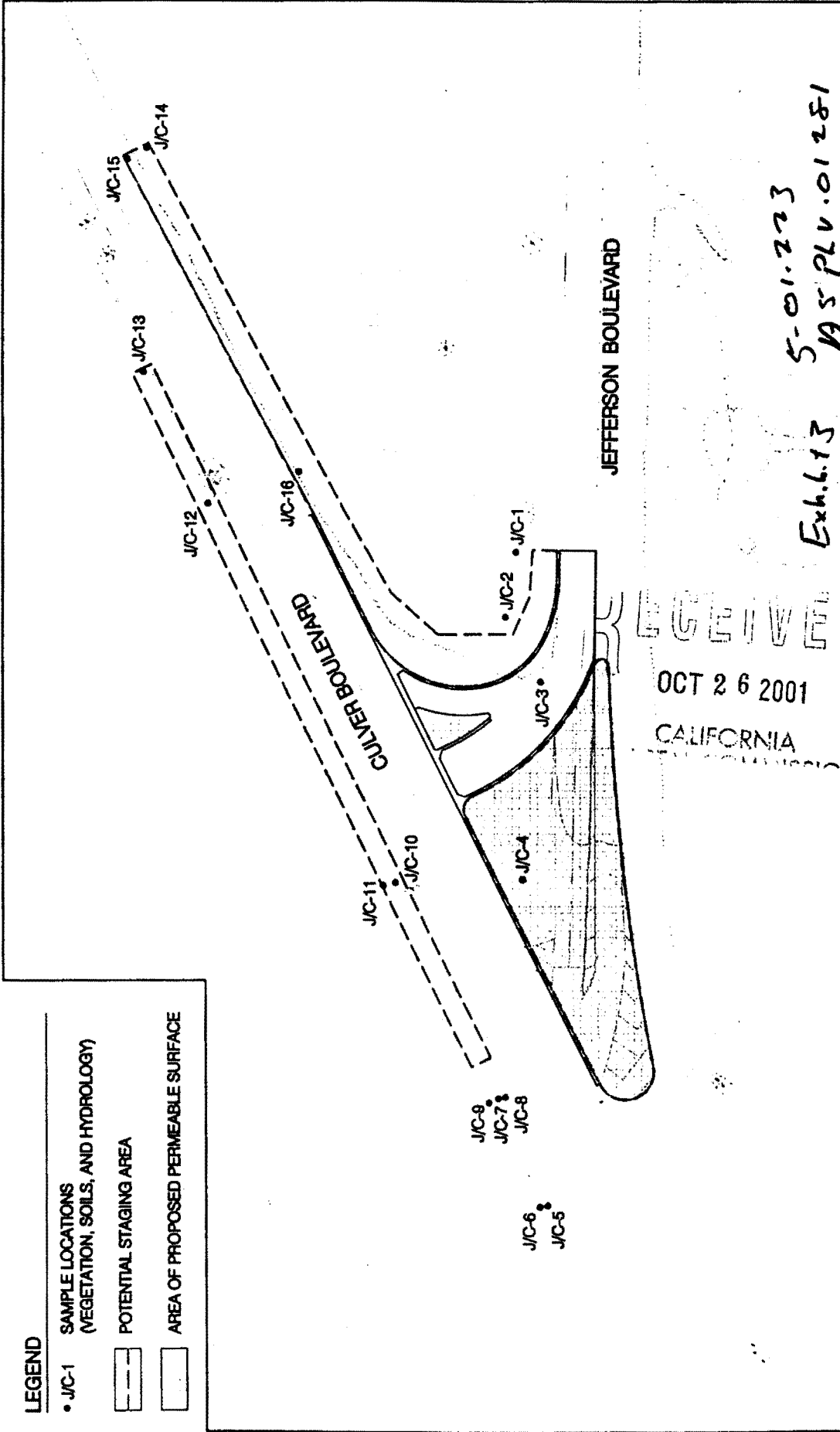
DATE: 08-18-01
BY: JMM/PSOMAS
SHEET: 1 OF 1

LEGEND

• J/C-1 SAMPLE LOCATIONS
(VEGETATION, SOILS, AND HYDROLOGY)

--- POTENTIAL STAGING AREA

□ AREA OF PROPOSED PERMEABLE SURFACE



Sample Locations and Potential Staging Areas for the Culver/Jefferson Intersection

PLAYA VISTA



SI

COAST

JEFFERSON B

AREA B

CULVER/ JEFF
TOPOC

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AS 12/01
Exh. b. + 36

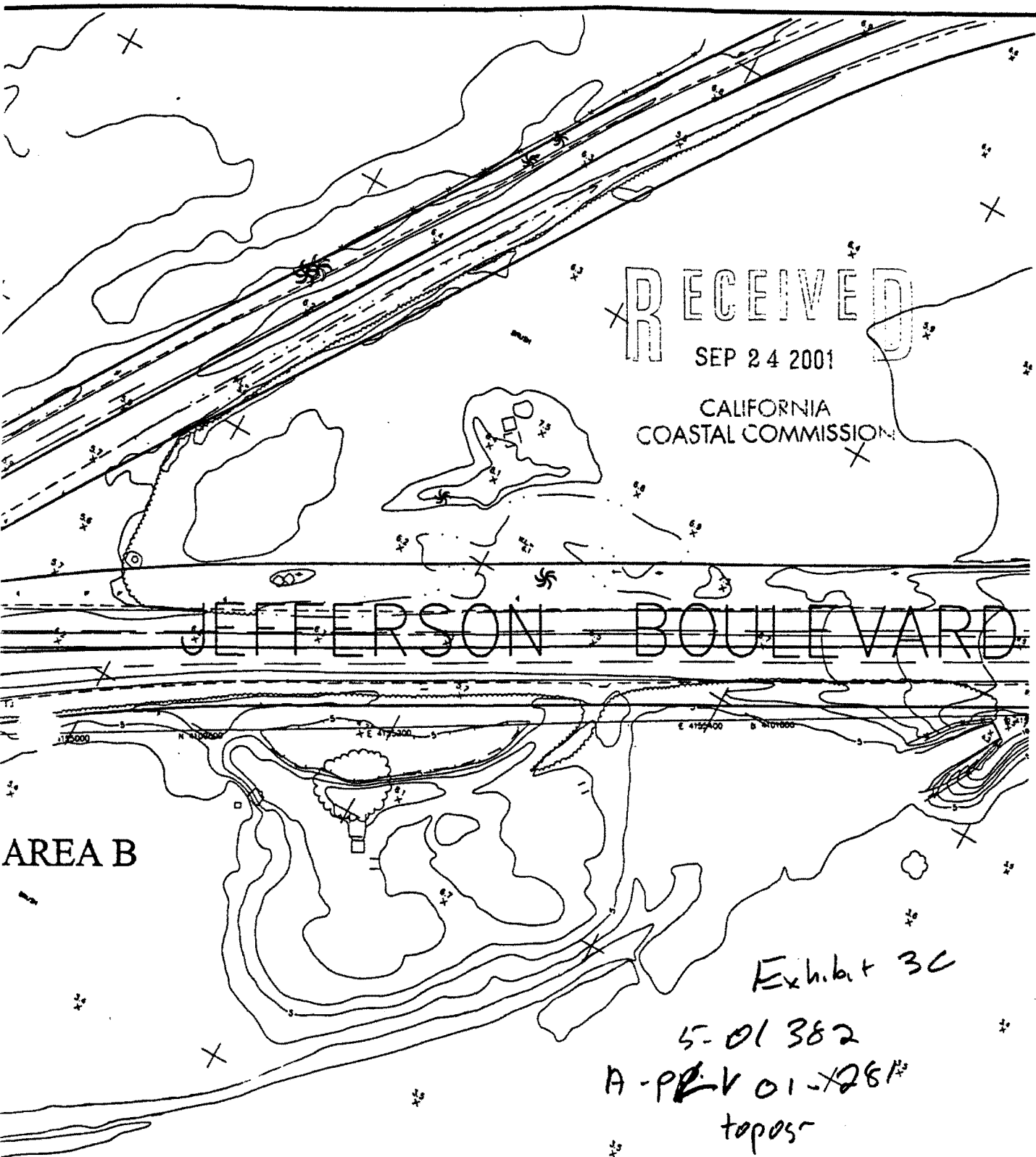
200' topography



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

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COASTAL COMMISSION

JEFFERSON BOULEVARD

AREA B

Exhibit 3C

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A-PV 01-281
topos

CULVER/ JEFFERSON BOULEVARD
TOPOGRAPHIC EXHIBIT

PSOMAS

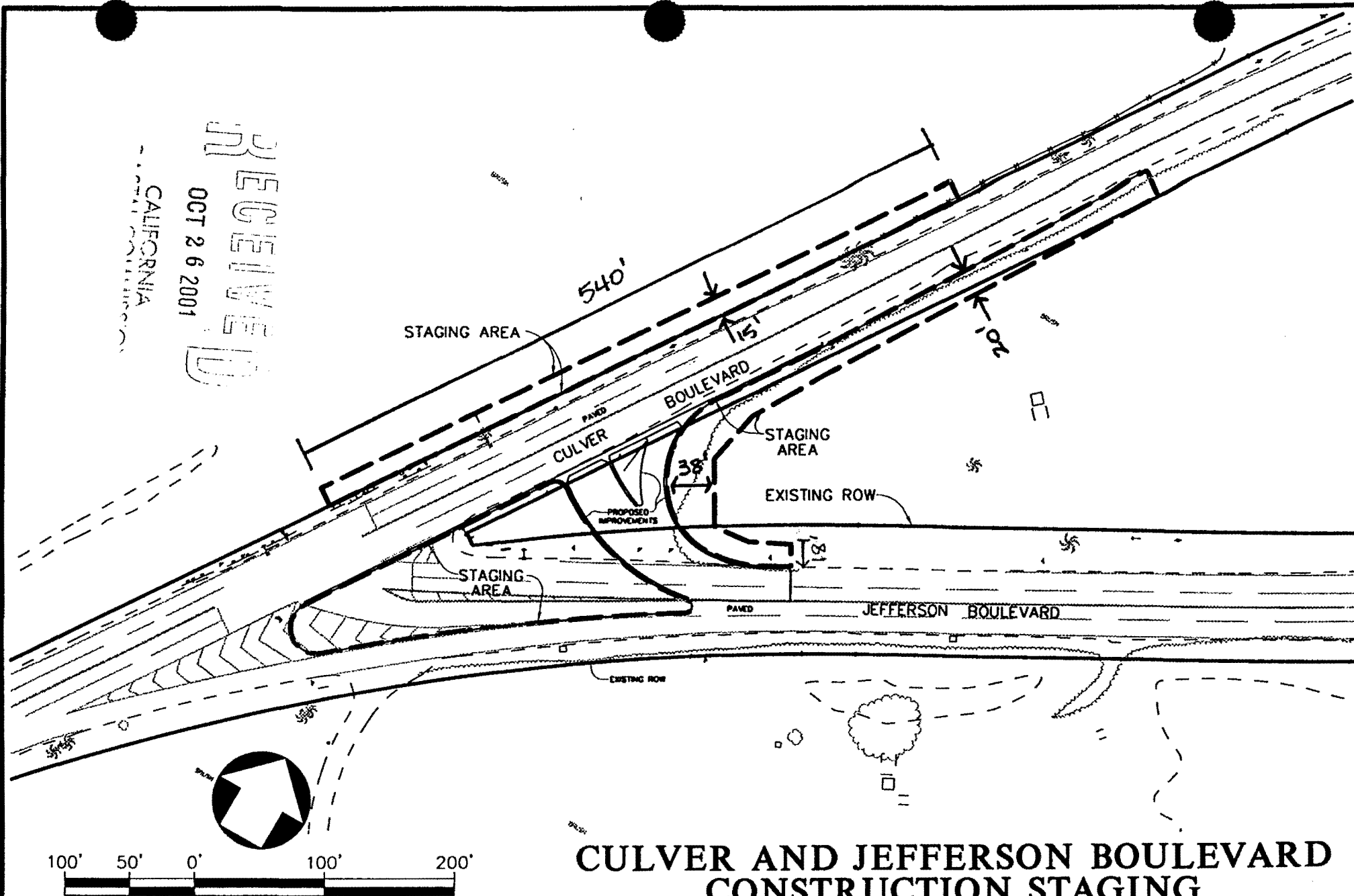
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PV 1329

size prints, original scale is in inches.

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CULVER AND JEFFERSON BOULEVARD CONSTRUCTION STAGING EXHIBIT B

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

Playa Capital Company, LLC
Playa Vista Development

Revised
S.O. 382
H.S. PPW-01281
Exh. 6.47

DATE: 10/25/2001 REVISED ON:
JOB No: 1PCC0205.14



Proposed Inter Area B Jurisdiction (1)

5-01-223

AS-PLC-01-281

Exhibit 5

enlarged wetland delineation

Corps

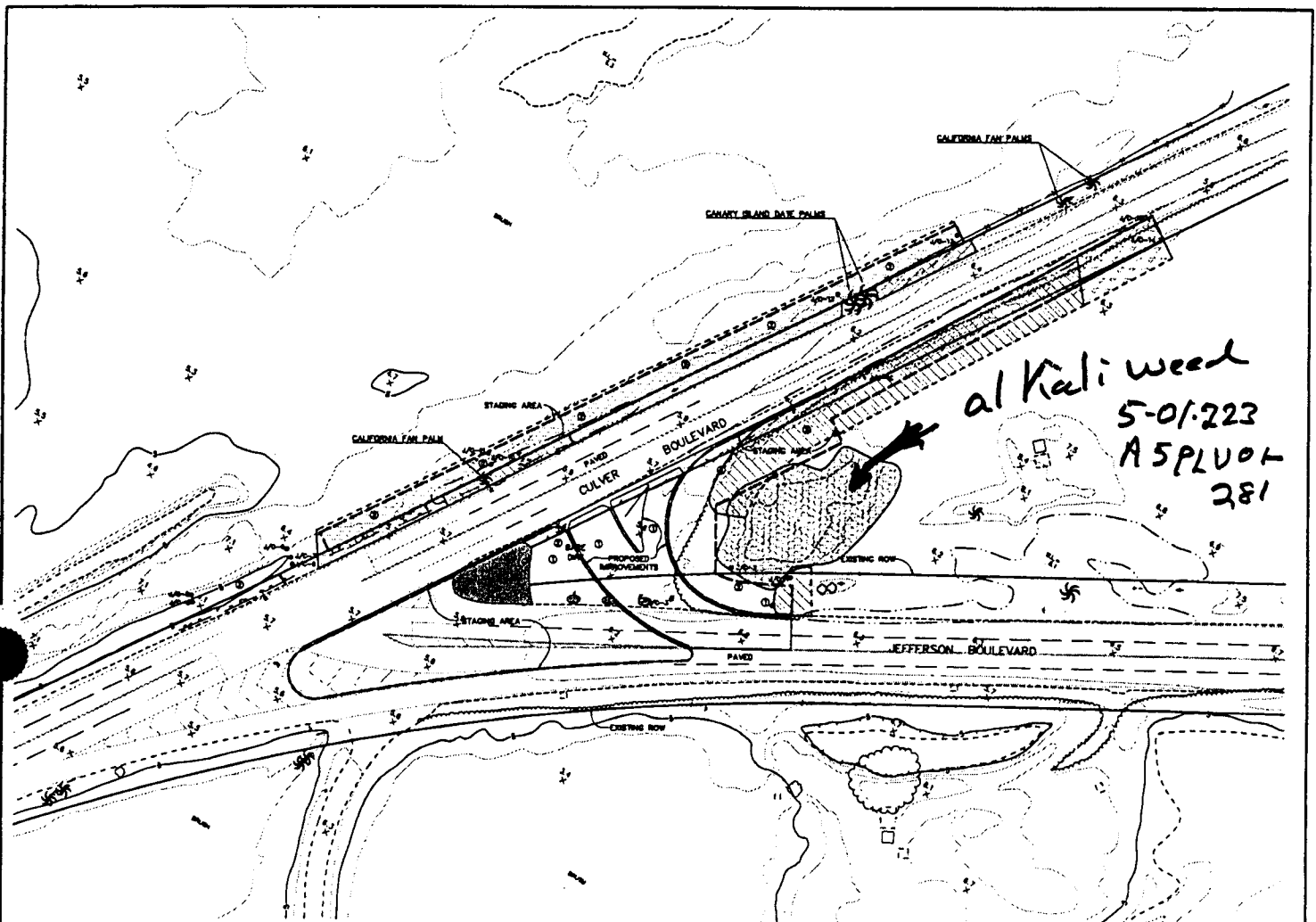
3 AND CONSTRUCTION STAGING AREA. *Original since revised*

JURISDICTIONAL WETLANDS 1989 DELINEATION

ompany, LLC

elopment

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



HERBACEOUS ASSOCIATIONS



RUDERAL (MIXED HERBACEOUS)



RUDERAL (ITALIAN RYE GRASS/ BRISTLY OX-TONGUE)
(---COMMUNITY EXTENDS OFFSITE)



RUDERAL (RUDERAL BORSALIDA GRASS/ SALTGRASS)



RUDERAL (RUDERAL BRISTLY OX-TONGUE DOMINATED)



RUDERAL (ALKALI WEED)



ALKALI WEED/ ITALIAN RYE GRASS

Note 1: Open dirt with elderly scattered vegetation
Note 2: Ruderal vegetation dominated by *Lithrum aureolum* (Italian ryegrass), *Scirpus americanus* (rip-pot bromus), *Eragrostis amabilis* (bristly ox-tongue) with *Cynodon dactylon* (set-back grass) and *Cyperus tenuifolius* (stink weed)

FIGURE 1

PROPOSED CULVER BOULEVARD AND JEFFERSON BOULEVARD EXPANSION TOPOGRAPHY AND VEGETATION

PSOMAS

Playa Capital Company, LLC
Playa Vista Development



DATE: 09/19/2001 REVISED ON: 09/21/2001
JOB No: 1PCC0205.14

PV 1317-02

Exhibit 6 5-01-223
A5 PLV 01
281

CALIFORNIA COASTAL COMMISSION

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



MEMORANDUM

FROM: John Dixon
TO: Pam Emerson
SUBJECT: October 24 site visits
DATE: October 25, 2001

On October 24, we visited 3 sites in the Ballona area to determine whether road construction activities are likely to have impacts on wetlands. These sites were 1) the intersection of Culver and Jefferson, 2) the Culver loop, and 3) the area adjacent to and south of Culver from the loop to the Marina freeway.

Culver & Jefferson Intersection

East of the intersection there is a roughly triangular area of compacted bare dirt. To the east of that there is a depression area with a preponderance of wetland plants, principally alkali weed (*Cressa truxillensis*; FACW) and alkali mallow (*Malvella leprosa*; FAC) and patches of rabbits foot grass (*Polypogon monspeliensis*; FACW+) along the eastern edge. The higher area north and east of this depression along the edge of Culver is dominated by perennial ryegrass (*Lolium perenne*; FAC) and bristly ox-tongue (*Picris echioides*; FAC). Across the street along the north side of Culver, there is a flat area adjacent to the road which in places is dominated by bermuda grass (*Cynodon dactylon*; FAC) and saltgrass (*Distichlis spicata*; FACW). The ground then rises 20 – 30 cm and forms a berm which supports a patchwork of upland and facultative wetland ruderal species such as *Chrysanthemum* sp. (NI), wild radish (*Raphanus sativa*; NI), foxtail chess (*Bromus madritensis*; NI), perennial ryegrass, bristly ox-tongue, alkali mallow, and English plantain (*Plantago lanceolata*; FAC-). There were no indicators of wetland hydrology or hydric soils in any of these areas. The area to be paved and the area proposed for staging activities (principally along the north and south edges of Culver) were marked with flagging. The wetland delineation report concluded that "...coastal wetlands are not present at the project impact area." I concur with this assessment. However, the depression containing alkali weed, alkali mallow, and rabbits foot grass might delineate. The originally proposed staging area was immediately adjacent to that area. In the field, we asked that the edge of the staging area be moved to the north to completely avoid the depression. This was done and I have received a new map showing the new alignment upon which we agreed. With that change, no potential wetland areas will be directly affected by construction activities.

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5-01-223
Exhibit 8.

Culver Loop Ramp

The new alignment for the Culver loop off-ramp at Lincoln was staked and flagged. The toe of the slope is well outside the area of mulefat that I previously concluded was wetland under the Coastal Act and Regulations.

Culver Boulevard Widening

The strip of land immediately south of Culver between Lincoln and the Marina freeway is proposed for widening. In general, the vegetation is dominated by weedy, non-native upland species. However, there are three areas where water might tend to flow or pond. The first is between the Culver loop and the entrance to the playing fields on the south side of the chain link fence adjacent to Culver. This is a gentle swale at the base of the slope below the playing fields. One section contains some facultative wetland plants. When the delineation¹ was done (May 8, 2001), this section was dominated by curly dock (*Rumex crispus*; FACW-), perennial ryegrass, and wild radish. On the day of our visit, the dominant vegetation was curly dock, bristly ox-tongue, and horseweed (*Conyza canadensis*; FAC). Other common species were castorbean (*Ricinus communis*; FACU), iceplant (*Carpobrotus edulis*; NI), perennial ryegrass, and morning glory (*Calystegia* sp.; gen. NI). There were no indicators of wetland hydrology or hydric soils. The second depressional area is just east of the entrance to the playing fields. The dominant vegetation was comprised of perennial ryegrass, bristly ox-tongue, fennel (*Foeniculum vulgare*; FACU-), castor bean, and wild oats (*Avena* sp.; NI). The third area is near the Marina freeway and is an excavated linear depression that was probably dug in fill and that containing construction debris. The ruderal vegetation in the excavated area was made up of wild radish, Chrysanthemum, castor bean, perennial ryegrass, fennel and bristly ox-tongue. The weedy, mostly exotic vegetation in all these areas is characteristic of disturbed areas and includes both upland and facultative wetland species. I concur with the conclusion of the wetland delineation that there are no areas qualifying as coastal wetlands in the project impact areas.

¹ Winfield, T.P. 2001. Delineation of coastal wetlands: Re-designed Culver loop ramp, expansion of Culver Boulevard, extension of Playa Vista Drive. A report to Playa Vista Corporation dated September 20, 2001.

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281

5. 01 223
Exhibit 8p2

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**Update of Vegetation Communities and Plant Species for the
Proposed Improvement of the Culver/Jefferson Intersection,
Playa Vista (Coastal Permit Application 5-01-223)**

September 21, 2001

Prepared for:

**PLAYA CAPITAL COMPANY, LLC
12555 West Jefferson Boulevard
Los Angeles, California 90066**

Prepared by:

**PSOMAS
3187 Redhill Avenue, Suite 250
Costa Mesa, CA 92626**

**Contact: Edith Read, Ph.D.
(714) 751-7373**

5-01-223
A 5-PLV 01 281
Exh. b + 9

Update of Vegetation at Jefferson/Culver Intersection

On September 7, 2001, I visited the site of the proposed improvements at the intersection of Jefferson and Culver Boulevards, including areas within 100 feet of these improvements. The purpose of the field work was to update existing information regarding vegetation communities and plant species that occur in the project area. Presently, the most updated maps of the area are contained in the forthcoming EIR/EIS for Phase Two of Playa Vista, but these maps were prepared (and the plant communities categorized) for the purpose of analyzing potential impacts of a much larger project (salt-marsh restoration). A more detailed, site-specific vegetation map and species list, based on recent field observations, is required for the Jefferson/Culver intersection improvement project.

Figure 1 provides a vegetation map based on my field observations. The entire project area is classified as "Ruderal" in the Phase Two EIR/EIS, and this general designation remains current. The designation means that the 75% or more of the plant cover in this area consists of weedy "pioneer" species that are typically the first to colonize open, disturbed ground and spread rapidly. However, several distinct associations of weedy species can be discerned within this general ruderal designation, as shown in Figure 1. Representative photographs of these associations are provided in Figures 2, 3 and 4.

Intersection Improvement

The proposed intersection improvement area consists of bare dirt and patches of mixed herbaceous vegetation in which species dominance varies by patch. Common species include Bermuda grass (*Cynodon dactylon*, FACU) (Figure 2, bottom photograph), bristly ox-tongue (*Picris echioides*, FAC), alkali mallow (*Malvella leprosa*, FAC*), telegraph weed (*Heterotheca grandiflora*, UPL), Australian saltbush (*Atriplex semibaccata*, FAC).

Staging Areas and Areas Within 100 Feet of Project

The staging area immediately east of the intersection improvement is occupied by alkali weed (*Cressa truxillensis*, FACW). The boundary of this vegetation is a minimum of 20 feet outside of the edge of the proposed improvement. Further east, the vegetation consists of a mixture of alkali weed, perennial ryegrass (*Lolium perenne*, FAC) and bristly ox-tongue (*Picris echioides*, FAC) (Figure 2, top photograph). One pickleweed plant (*Salicornia virginica*, OBL) occurs in the patch of alkali weed. The perennial ryegrass/bristly ox-tongue association extends beyond the patch of alkali weed and along the south side of Culver Blvd. (Figure 3, top photograph). At the extreme end of the proposed staging area along the south side of Culver, alkali weed replaces bristly ox-tongue as a co-dominant (Figure 3, bottom photograph).

The proposed staging area along the north side of Culver Blvd near the intersection are dominated by various mixtures of bristly ox-tongue, perennial ryegrass, and tree tobacco (*Nicotiana glauca*, FAC), along with an occasional palm tree (Figure 4). At the extreme

PSOMAS

09-21-01 M:\PCC020185\update of vegetation jefferson_culver

5-01 223
A 5-PLV. 01 281
Exh. b. + 9
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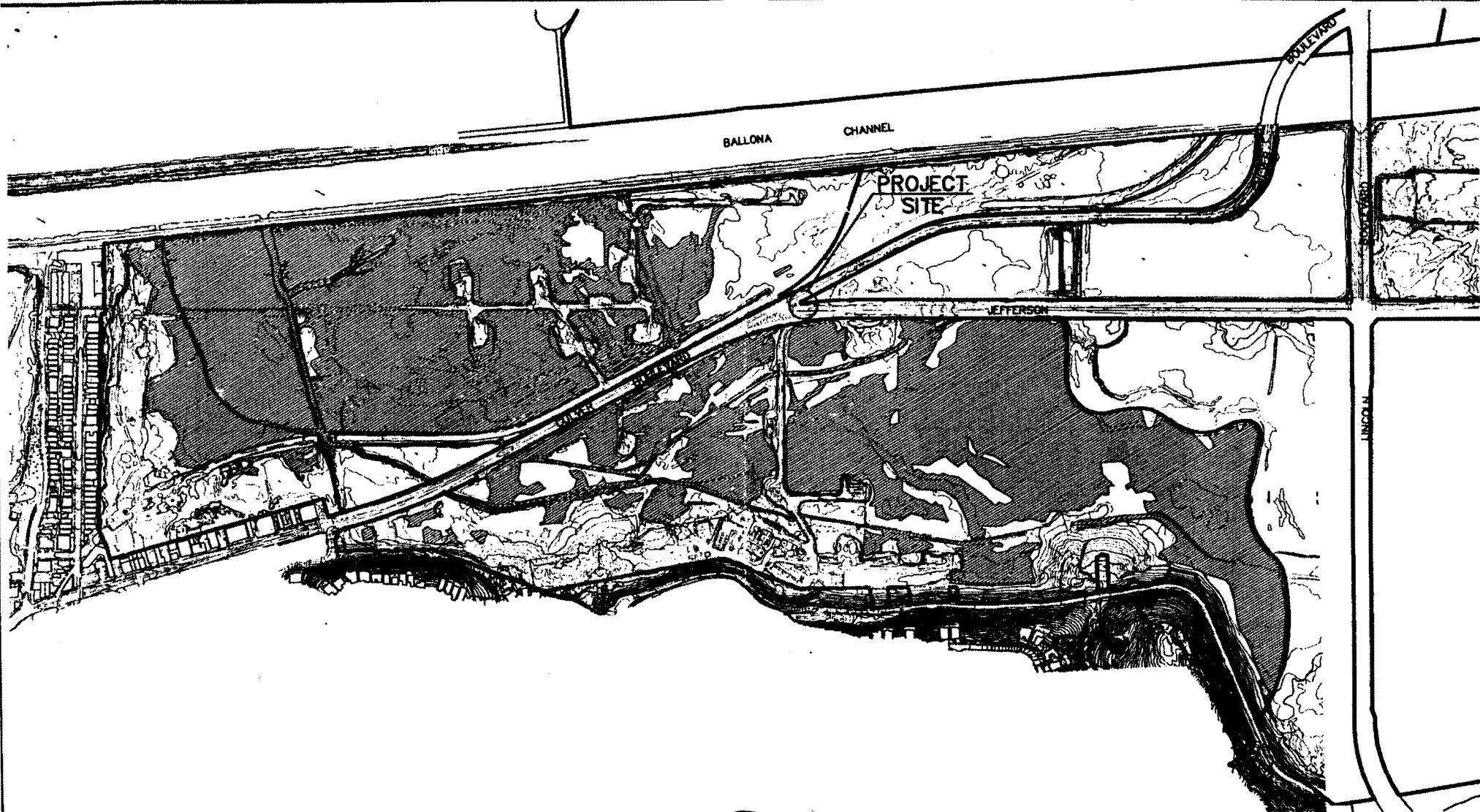
Update of Vegetation at Jefferson/Culver Intersection

far end of the staging area along the north side of Culver, saltgrass (*Distichlis spicata*, FACW) mixes with Bermuda grass as a co-dominant (Figure 4, bottom photograph).

S. 01. 223
A. S. PLN. 01. 281
Exh. 6 + 9
p 3₃

PSOMAS

09-21-01 M:\PCC020185\update of vegetation jeffereson_culver



Playa Capital Company, LLC
Playa Vista Development

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

Area B ACOE
Jurisdictional Waters
of the US

PSOMAS

DATE: 10/04/00 REVISED ON: 02/13/01
JOB No: 1PCC0204.47

PV 1192-06

A5 PLV-01-281
5-01-223
Evh. 6. + 10
10125 delineation

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

RECEIVED
 DEC 24 1991
 CALIFORNIA
 COASTAL COMM

EXHIBIT NO.	2
APPLICATION NO.	5-91-463
CONDITION COMPLIANCE	DFG'S WETLAND MEMO
California Coastal Commission	

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

195-PLV-01-251
 5-01-223
 Fish & Game
 Exhibit 11 81

Mr. Jim Burns
December 20, 1991
Page Two

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

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

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

Exh. b. 11
p2

Exh. b. 11, 2
A5 PLV 0128)
5-01-223

Mr. Jim Burns
December 20, 1991
Page Three

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

Exhibit 11 p 3 5-01-223
ASPLV 01-281

Mr. Jim Burns
December 20, 1991
Page Four

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

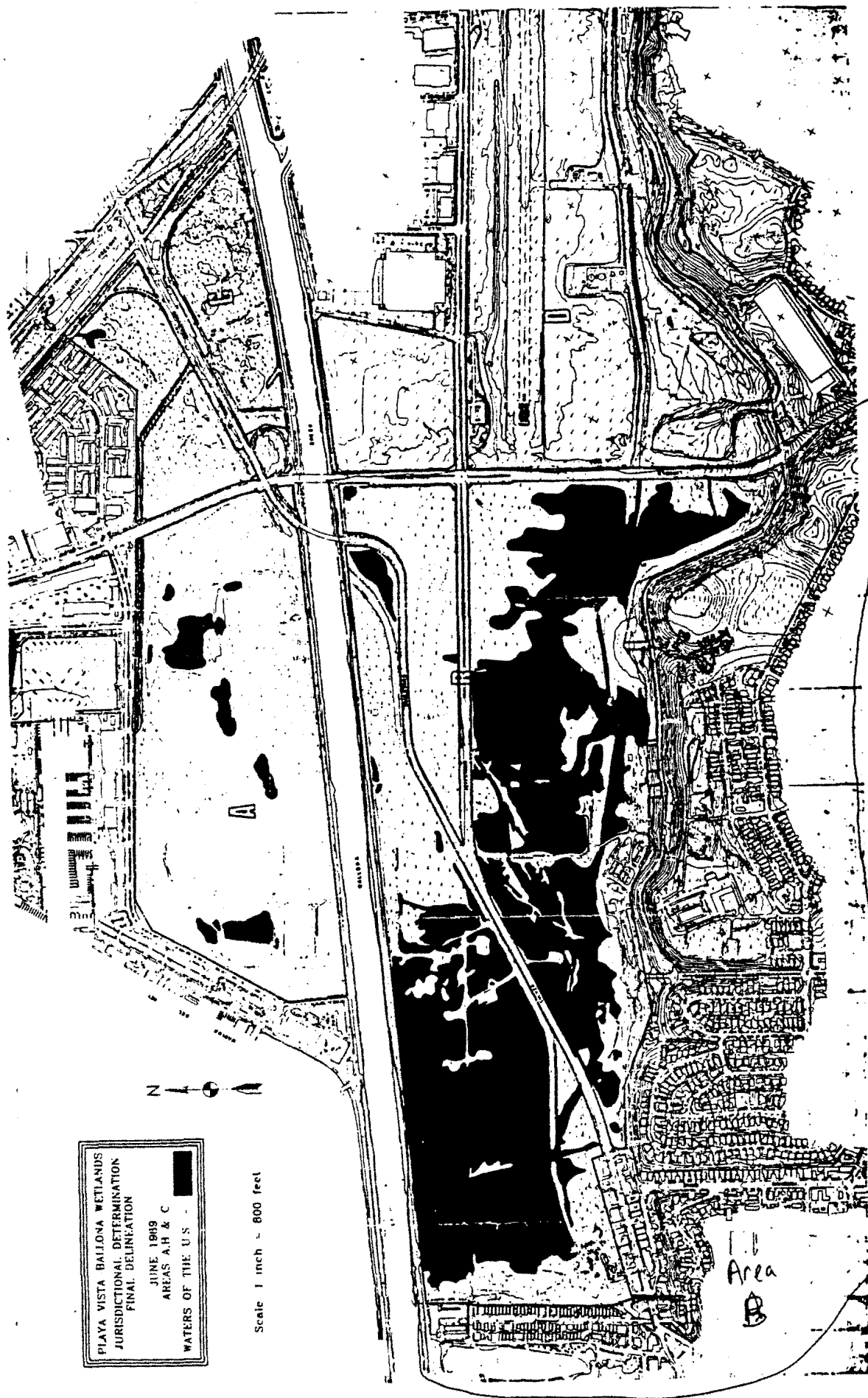
For these reasons we find that 196.53 acres of wetland presently exist within the overall planning area, and we find that 214.03 acres would likely exist given a return of normal precipitation.

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

Howard A. Savasohn for
Pete Bontadelli
Director

cc: Mr. William Shafroth
Resources Agency

*Exh. b. 11 p 4
A 5 PLV 01281
5-01-223
Fish & Game*



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

Scale 1 inch = 800 feet







This map
 is accurate
 for wetlands
 in Area

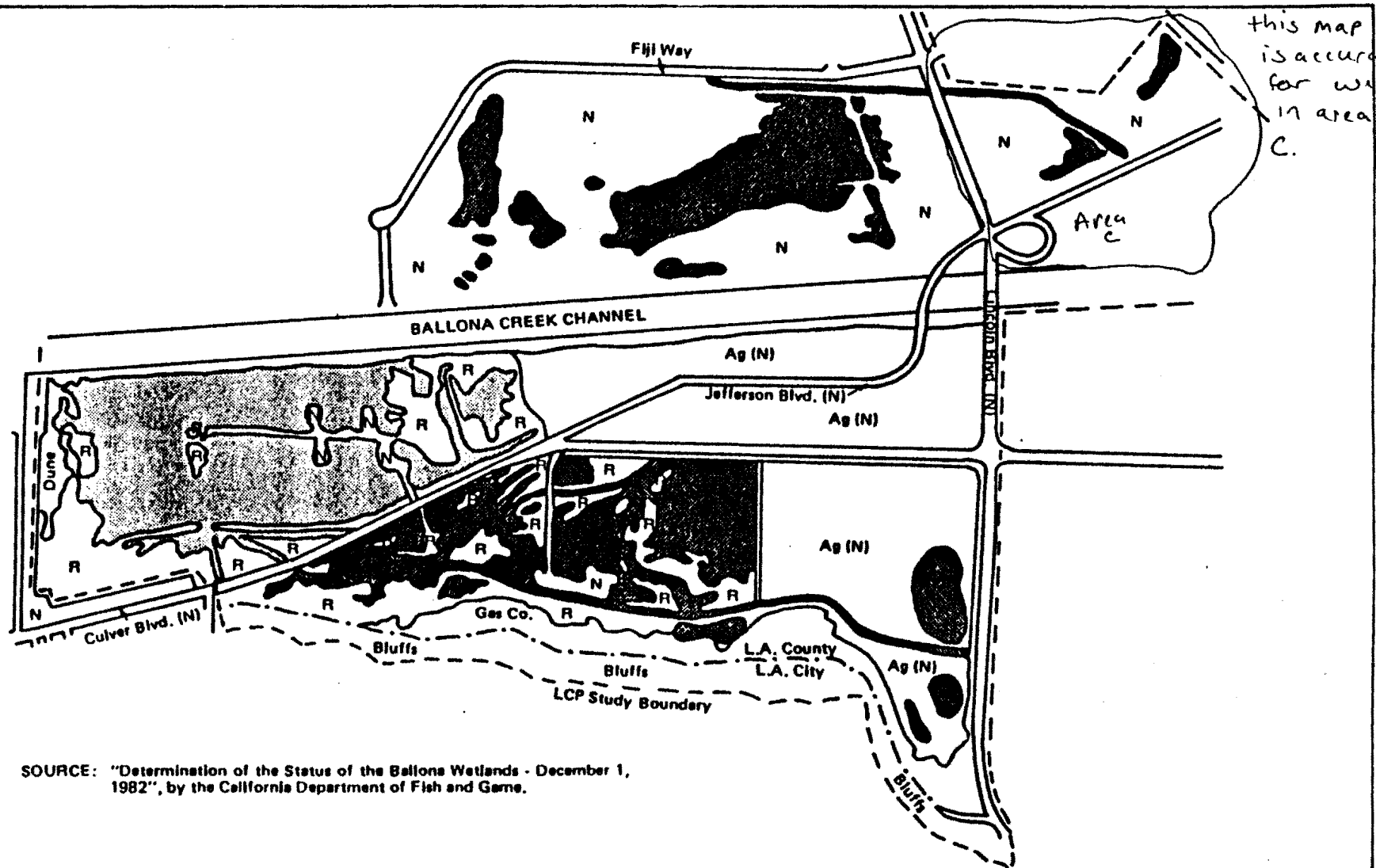
Area
 B

Exh. 6.1 P 5
 A 5. PLU 01281
 5.01.223

map 14

PRESENT STATUS OF THE BALLONA REGION

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



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

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

11-46

Exh. b. of 11 p. 6
A5 PLV 01 281
5-01-223

State of California

Memorandum

To : Mr. Jim Burns
Assistant Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-0213

Date : January 7, 1992

RECEIVED
JAN 15 1992
CALIFORNIA
COASTAL COMMISSION

From : Department of Fish and Game

Subject: Department of Fish and Game Wetland Identification Procedures

Thank you for your recent request regarding a clarification of the Department's wetland recognition criteria.

The Department has used the U.S. Fish and Wildlife Service's wetland definition, as presented and discussed in the document entitled "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin, et al. 1979), since its initial appearance as an operational draft document in 1978. Although this definition utilizes essentially the same wetland recognition criteria as virtually all other wetland definitions, we have found the Cowardin definition to be inherently more flexible and far superior to the wetland definition used by the Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) in discharging their responsibilities under the terms of the Federal Clean Water Act Section 404 Permit Program. In brief, the primary difference between these two often competing definitions is that the Corps/EPA definition requires the presence of all three wetland identification parameters (i.e., dominance by hydrophytic vegetation; wetland hydrology and hydric soils) whereas the Cowardin definition requires the presence of at least one of these parameters.

In considering and approving its "Interpretive Guidelines for Wetlands and Other Environmentally Sensitive Areas" in 1982, the California Coastal Commission established a synonymy between the wetland definition contained in the Coastal Act and the Cowardin wetland definition. Consequently, all wetland identification efforts of this Department within the Coastal Zone have applied the Cowardin definition.

Inasmuch as the Cowardin wetland definition requires the presence of at least one of the three wetland recognition criteria, wetlands identification by the Department consists of the union of all areas which are periodically inundated or saturated, or in which at least seasonal dominance by hydrophytes may be documented, or in which hydric soils are present. For these reasons, the Department's wetland identification procedures within the Coastal Zone have consisted of determining which areas are at least seasonally dominated by hydrophytic vegetation;

Fish & Game
delineation methods

Exhibit 12
5-01 223
AS PLU. 01281

Mr Jim Burns
January 7, 1992
Page Two

determining which areas are at least periodically inundated or saturated; and determining which areas possess hydric soils (which are, in fact, indicative of periodic saturation). The union of areas exhibiting any of these three criteria is, and has been, reported by the Department as being "wetland" for the purposes of the Coastal Commission.

Again, thank you for your recent request. Should you have questions regarding this memorandum please contact Mr. John Turner, Acting Chief of the Department's Environmental Services Division at 1416 Ninth Street, Sacramento, California 95814, telephone (916) 653-8711, or (CALNET 453-8711).

Howard A. Sarosohn for
Boyd Gibbons
Director

cc: Mr. John Turner, Acting Chief
Department of Fish and Game
Environmental Services Division

Mr. Bob Radovich
Department of Fish and Game
Environmental Services Division

AS-PLU 01281

S.O. 223

Exh. b. + 12

SIGNIFICANT ECOLOGICAL AREAS IN LOS ANGELES COUNTY

Over one hundred fifteen sites were identified or recommended for inclusion as significant ecological areas in Los Angeles County. Of these, sixty-two were selected for the final listing. A description of each area can be found in Appendix E.

During the final selection process, candidate areas within a geographical region were compared. For example, in the Santa Monica Mountain region, virtually every undisturbed canyon was recommended as a significant ecological area. Primary consideration was given to areas with ^{Item # 2} common or scientifically interesting features. For example, Dume, Upper La Sierra Canyon, Malibu Canyon, and Hepatic Gulch, and Cold Creek were selected to provide good examples of the more cats, and to ensure that the full range of the remaining biological and geographical diversity in the region had been sampled. For these reasons, Zuma Canyon, Tuna Canyon, Temescal-Rustic-Sullivan Canyons, Palo Comado Canyon, and Encino Reservoir were selected. They were picked over other areas on parameters such as size, condition of habitat, the diversity of communities present, presence of water, and information available. Similar selection procedures were followed in other regions of the county.

In addition to the sixty-two areas selected for inclusion, the riparian woodland community was identified as possessing significant biological resources. This community is described in Appendix E following the description of the sixty-two significant ecological areas.

from England & Nelson -32-
1976

Excerpt SFA study
5-01-223
A 5-PLV-01-281
Exh. 6.1 13 p1

Although the Angeles National Forest was not included in the study area, a limited amount of information on its resources was acquired during the course of the investigation. This data is also summarized in Appendix E.

RECOMMENDATIONS

Compatible Uses

The sixty-two significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities. Thus the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain as undisturbed relicts of what was once found throughout the region. However, to fulfill this function, all sixty-two significant ecological areas must be preserved in as near a pristine condition as possible.

Any intrusion by man into a natural community causes changes. Occasionally these can be beneficial, but most are not. Negative impacts generally result from the direct or indirect destruction of vegetation and wildlife. If the biotic resources of significant ecological areas are to be protected, and preserved in a pristine state, they must be left undisturbed. Thus the number of potential compatible uses is limited. Residential, agricultural, industrial, and commercial developments necessitate the removal of large areas of natural vegetation and are clearly incompatible uses.

Recreational uses can be compatible with a significant ecological area. However, the type of use and level of intensity will

depend on the characteristics of each area. Communities such as chaparral are resilient and can withstand a moderate amount of use. Others such as coastal dunes are highly susceptible to disturbance and are easily destroyed. The level of recreational use will also depend on the size of the area and its topography. Larger areas can support a limited amount of more intensive uses if they are localized and situated away from sensitive floral and faunal resources. This would be much more difficult to do in smaller areas and would necessitate a lighter amount of use.

The potential types of uses compatible with significant ecological area resources are described below. Each level of increasing intensity includes the uses described in the preceeding categories. The level of use appropriate to a individual significant ecological area is designated on the corresponding description sheet in Appendix E.

1. Regulated Scientific Study
2. Very Low Intensity Recreational Use - This category is intended for passive, recreational uses such as nature study, wildlife observation, photography, painting, sketching, and general outdoor experiences. The average visit to the area will probably be $\frac{1}{2}$ - 2 hours. A minimal number of trails should be provided for access only and should not be developed into a network for general hiking purposes. In marine environments, non-consumptive uses such as skin and scuba diving should be permitted. In all cases, efforts should be made to locate access trails away from riparian and oak woodland habitat, unique resources, and other sensitive areas. Intentional and unintentional destruction of the resources should be prevented, and collection of plant or animal specimens by the public should not be allowed. A limited number of interpretive and educational displays would be appropriate, but should not include major facilities.
3. Low Intensity Recreational Uses - The uses permitted under this category are identical to those under the previous heading, but can be more intense, with the visitor spending the better part of a day in the area. A

rainforests and deserts are not the same. In fact, the communities found within one desert can vary considerably. The Mojave Desert of southern California contains alkali sink, creosote bush scrub, shadscale scrub, riparian, Joshua tree woodland, and others. Variation also occurs within a single community. Joshua tree woodland can be dense or sparse; the understory vegetation can be creosote bush scrub, sagebrush scrub, or grassland; and the species composition and density can change with soil type and slope aspect. Chaparral found on the coastal side of the Santa Monica Mountains is different than that found in the San Gabriel Mountain foothills. A third type can be found at higher elevations of the San Gabriels, and a fourth type on the desert slopes of the transverse mountain ranges.

Animal communities vary in a similar manner. Woodpeckers are found in association with trees. However, the species found in Europe are not the same as those found in southern California. Within the communities of Los Angeles County, the woodpeckers found in coastal riparian areas are different than those found in desert riparian habitat, and neither are like those found in the yellow-pine forests in the San Gabriel Mountains. Numerous examples of differences in species composition over large geographical areas and between local communities and habitats can be given for both plants and animals.

Another more subtle type of variability is found within a single species of plant or animal. It can be called a subspecies, race, or variety, but it represents significant local or regional differences in a species. The Joshua tree has been divided into three subspecies that are found in various parts of the Mojave

Area # 29

Name: Ballona Creek

Quadrangle(s): Venice

Class 1 (2,3,4,5,7)

Resource Description: Ballona Creek is one of two remaining remnants of salt marsh between Ventura County and the Los Angeles-Orange County line. This type of habitat is one of the most productive in the world, and is used as a breeding ground by many marine and terrestrial organisms. Belding's savannah sparrow, a state recognized endangered species, occurs in the pickleweed flats on the south side of the creek. The California least tern breeds in the sandy areas around Ballona Lagoon, and is recognized as an endangered species by the state and federal governments.

The salt marsh, Ballona Creek Channel, Ballona Lagoon, and Del Rey Lagoon form an important complex of habitats that are heavily used by migratory birds. The area is recognized by ornithologists and bird watchers throughout the area for its rich birdlife during the spring and fall migrations, and during the winter season. This type of heavy use is common in salt marsh habitat, but has been artificially increased here by the loss of habitat in Marina Del Rey, and throughout most of southern California. This forces these birds to concentrate in the few remaining areas. Loss of this habitat type has led to reductions in the numbers of these birds present along our coast.

The salt marsh and lagoon at Ballona Creek are heavily used by academic institutions and conservation groups for educational field trips. This area serves as a type specimen of salt marsh habitat, and is the only accessible example in Los Angeles County.

Status: Portions of the area are owned by the State of California, and private owners including the Hughes Suma Corporation. The area is crossed by several large roads, and is surrounded by intense urban development. Ballona Lagoon is an active oil field. The vegetation in the area has been heavily impacted by human use, including off-road vehicles. Dogs and cats from neighboring residential areas disturb native species.

Information Source(s): Survey/Interview, Literature, ERC/UCLA.

Nature of Information: Through the use of the area by educators, and due to concern over the welfare of the California least tern and Belding's savannah sparrow by the the Department of Fish and Game, the resources of the area have been well documented.

Buffer Zone Requirement: None. Resources will be protected by recommended boundaries.

Compatible Uses: Very low intensity recreational uses are compatible with the resources in most of the area. However, breeding areas for the California least tern and the Belding's savan-

AS PLV 01.28A
5.01223
Ex 9, bit 13 p6



September 21, 2001

Information and Engineering Services

Ms. Catherine Tyrrell
PLAYA CAPITAL COMPANY, LLC
12555 Jefferson Boulevard, Suite 300
Los Angeles, CA 90066

RECEIVED
SEP 24 2001

Re: **Response to Coastal Commission Comments on CDP-00-08,**
Dated September 20, 2001 Psomas Job No. 1PCC0204.47

CALIFORNIA
COASTAL COMMISSION

Dear Catherine:

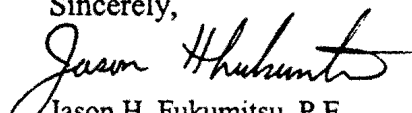
At your request, Psomas has reviewed the improvement plans for the Jefferson / Culver Boulevard intersection, prepared by Parsons Transportation Group as a part of the Playa Vista Phase I development. Psomas has previously prepared the hydrological analysis for the Playa Vista Master Plan of Drainage, Playa Vista Phase I drainage improvements, and the Playa Vista Phase II Master Plan of Drainage and wetlands restoration alternatives currently proposed in the EIS / EIR.

Upon review of the improvement plans, we have determined that the proposed improvements do not adversely affect the overall hydrological analysis for the Playa Vista Master Plan of Drainage and wetlands restoration alternatives – for both the Phase I and Phase II conditions. In fact, based upon the design presented, there is a slight improvement under Phase I conditions. With regards to Phase II development, since the final traffic mitigation requirements have not been established, the analysis was based upon a conceptual development footprint, which the proposed improvements fall within – consequently no adverse impacts to the Phase II analysis occurs.

In preparing our hydrological analysis, we utilized the City of Los Angeles' BPRR methodology, which assumes 100% imperviousness within street rights-of-way. The plans indicate a reduction in impervious area between existing and post development conditions, which demonstrates an improvement over theoretical and field conditions. Additionally, drainage patterns are maintained, so there is no diversion of runoff within the drainage watershed. All existing and future culverts are outside of the proposed improvements and not affected by the project.

If you have any additional questions, please feel free to call me.

Sincerely,


Jason H. Fukumitsu, P.E.
Senior Project Manager

cc: Wayne Smith, Michael Crehan- Psomas

5-01-223
AS PLV 01281
Exh. b. + 14

11444 West Olympic
Suite 750
West Los Angeles, CA
310.954.3700
310.954.3777 Fax
www.psomas.com



Type of Surface	Intersection Sq. Ft.		
	Existing	Proposed	Change
Asphalt Pavement (Impermeable)	15,644	9,661	-5,983

Proposed Improvements
Culver / Jefferson Intersection


PLAYA VISTA

10/20/11

AS-PLV 01241

5-01-223

Exh. b of 14 p 2

 **GEO SYNTec CONSULTANTS**
838 SW First Avenue, Suite 430
Portland, OR 97204

(503) 222-9518
(503) 242-1416 Fax

To: Pam Emerson

From: Eric Strecker

Date: October 12, 2001

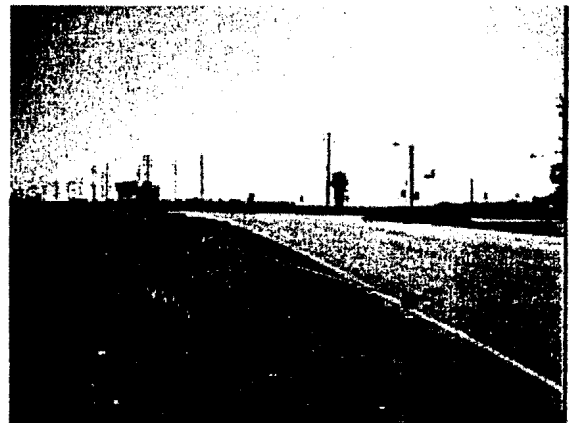
Re: Water Quality Responses (Item 13) to Application 5-01-223

Catherine Tyrrell (Playa Capital) and Wayne Smith (Psomas) have asked me to respond to Item number 13, of your September 17th, 2001 Memorandum. I apologize for the delay, but I ended up stuck in Alaska for an extra week following the Terrorist Attacks and have been struggling to catch up.

13. An analysis of the water quality of the road runoff. Will it be better or worse after the project is complete?

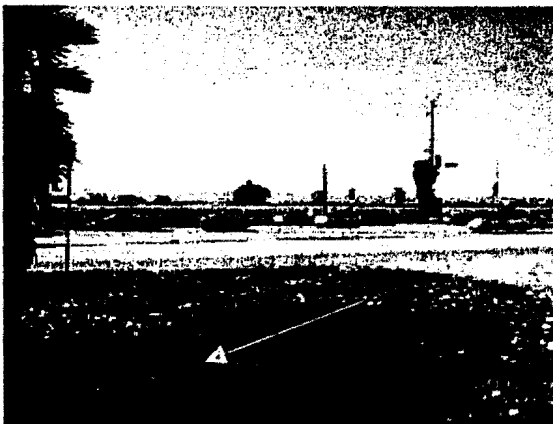
Based upon my own past field visits to the site, there are few formal drainage systems. Runoff from the paved areas is either drained to the north or south via overland flow and swale-like areas before being conveyed to the wetlands as displayed below.

Culver/Jefferson Interchange Water Quality



A5-PLV-01-223
5-01-223
Exh. 6.1 15 p1

Area where pavement will be removed (between Jefferson and Culver)



Current informal
BioFiltration area
south of interchange
that treats runoff
from existing and
future street
drainage

The attached pdf file, provided to me by Psomas and Associates (prepared by FORMA) shows the planned intersection improvements, including the areas where pavement will be removed. The amount of pavement will decrease from 15,644 sq. ft. to 9,661 sq. ft, a reduction of 5,983 square feet. This represents a reduction of over 38 percent. My understanding is that the smaller islands will be replaced with a crushed rock aggregate that will allow for rainfall falling on the new "islands" to soak in prior to overflowing. Based upon the fact that the "redevelopment" of the intersection will result in less pavement (the requirement applies to addition of 5,000 square feet or more impervious surfaces for redevelopment projects), the Los Angeles Standard Urban Stormwater Mitigation Plan Requirements do not appear to apply to this project. However, water quality has been considered in the design.

The plan for the improved intersection is to still utilize the existing informal drainage system to treat runoff as it does today (via overland flow). The reduction in pavement area will result in less runoff and should result in better water quality due to a decrease in runoff amounts and therefore pollutant loads. I believe that using the existing treatment to treat less area makes more sense than building curbs and gutters to collect, concentrate, and then treat flows. This concentration would likely result in less water quality treatment than the runoff receives via the in-place system, especially given that the other alternatives would likely be less effective treatment than the biofiltration (due to not wanting to place water quality facilities in potentially sensitive areas) areas that are in place today. Please call me with any questions that you might have.

AS-PLU 01-281

5-01-222

Exh. h. 15, 2

 GEO SYNTec CONSULTANTS

KAKU ASSOCIATES

A Corporation

Transportation Planning

Traffic Engineering

Parking Studies

MEMORANDUM

TO: Wayne Smith, Psomas
CC: Catherine Tyrrell, PCC

FROM: Srinath Raju *SR*

SUBJECT: Clarification of Traffic Issues
Culver Boulevard & Jefferson Boulevard Intersection

DATE: September 24, 2001

RECEIVED
SEP 24 2001

CALIFORNIA
COASTAL COMMISSION

REF: 1062.66

This memorandum briefly provides a response to the traffic issues raised in Pam Emerson's letter dated June 18, 2001 – Notice of Incomplete Application: 5-01-223 for the Culver Boulevard / Jefferson Boulevard intersection improvement / reconfiguration. This memorandum specifically addresses item numbers 3 and 14 detailed in that letter. Item number 3 questions the role of the intersection with respect to potential Playa Vista Phase II mitigation requirements. Item number 14 references current traffic levels on these roads at this location, and projected traffic levels including First and Second Phase Playa Vista traffic.

The Playa Vista First Phase Project mitigation measure requirement at this intersection calls for reconfiguration of the Jefferson Boulevard approach to meet the Culver Boulevard roadway at approximately a right angle, re-striping of all the approaches and widening the Culver Boulevard northbound departure roadway at the intersection to allow a safer merge area. Provision of Automated Traffic Surveillance and Control (ATSAC) at this signalized intersection is also required as part of the mitigations. By re-striping the northbound and southbound approaches at the intersection, the northbound storage area for vehicles stopped at the intersection would be increased, thereby allowing northbound Culver to eastbound Jefferson Boulevard right turns to occur unimpeded. Currently, the northbound through vehicles, by virtue of inadequate storage area, are restricting northbound to eastbound right turns at this intersection causing significant delays. The proposed First Phase improvement at this location is intended to alleviate this condition, improve overall intersection operations and improve safety particularly around the merge area north of the intersection.

Item 3: Discussion of Playa Vista Second Phase Project Proposed Mitigation at the Culver Boulevard / Jefferson Boulevard Intersection:

The Playa Vista Second Phase Project Transportation Plan in support of the Draft EIS/EIR is currently under preparation and is not yet complete. Several mitigation proposals at this intersection are being evaluated as part of this Study. All the proposed mitigation measures that

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Traffic
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Exhibit 16

September 24, 2001

Page 2

are being evaluated are consistent with the Playa Vista First Phase Project mitigation measures at this location.

One of the proposals being evaluated for improvement at this intersection includes widening of Culver Boulevard to two lanes in both directions with turn lanes. Adequate storage for the northbound through lanes along Culver Boulevard (improved as part of the Playa Vista First Phase Project mitigation measures) would continue to be maintained in the future mitigation designs at this location. Further, this future mitigation measure would provide a design that would allow implementation of a very efficient traffic signal phasing and timing plan to enhance intersection operations and would require the least possible additional roadway widening and reconfiguration at this location.

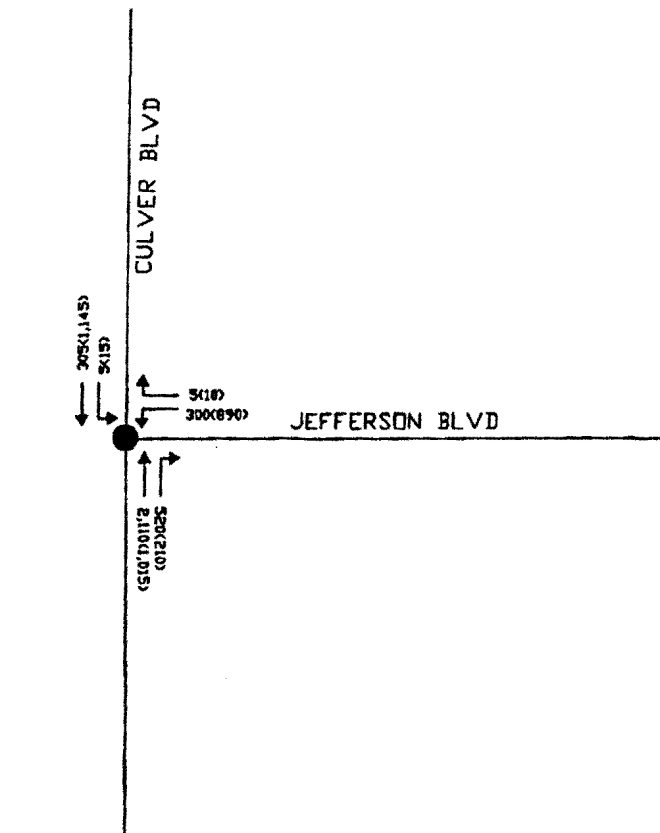
Another proposal for improvement evaluated at this location contemplates a different roadway configuration that would shift Culver Boulevard traffic to travel along Jefferson Boulevard and utilize a new extension of Admiralty Way to Jefferson Boulevard to access Culver Boulevard to the east. In this configuration, Culver Boulevard would stop at its intersection with Admiralty Way. Admiralty Way would connect to Jefferson Boulevard that would then connect westward to Culver Boulevard. LADOT and the County of Los Angeles Department of Public Works staff have not yet completed their review of these proposals. Irrespective of the future mitigation measure design chosen for improvement, this proposed Playa Vista First Phase Project improvement at the Culver Boulevard - Jefferson Boulevard intersection will not preclude or impact the provision of restoration measures for nearby or adjacent wetlands.

Item 14: Discussion of Traffic Levels at the Culver Boulevard - Jefferson Boulevard Intersection

Figure 1 provides the current traffic volumes and the future Playa Vista Phase I projected traffic volumes during the peak hours at the intersection of Culver Boulevard - Jefferson Boulevard. As can be seen, the traffic volumes at this location along Culver Boulevard range from an existing 2,600 vehicles to anticipated 3,200 vehicles during the AM peak hour in the northbound direction. In the southbound direction, Culver Boulevard is anticipated to carry approximately 1,800 vehicles (compared to 1,200 vehicles existing) in the PM peak hour. These traffic volumes are opposed along westbound Jefferson Boulevard by approximately 300 existing to 450 anticipated vehicles in the AM peak hour and approximately 900 existing vehicles to 1,350 anticipated vehicles in the PM peak hour. With the addition of future background and Playa Vista First Phase traffic and with the provision of the proposed Playa Vista First Phase traffic improvements, this intersection would operate satisfactorily, as is currently the case, during the peak hours.

If you have any questions or comments, please feel free to call at 310-458-9916.

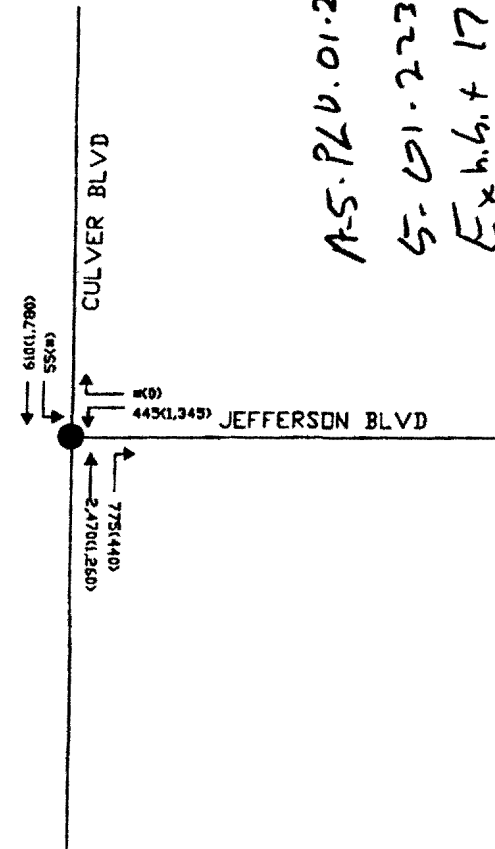
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EXISTING CONDITIONS

LEGEND:

- #(##) - AM(PM) Peak Hour Traffic Volumes
- Volumes rounded to the nearest 5 vehicles
- * - Negligible Traffic Volumes
- (1) - From Playa Vista First Phase Project EIR



FUTURE CONDITIONS
WITH PLAYA VISTA PHASE I (1)

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Exh. 6, + 17

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FIGURE 1
CULVER & JEFFERSON BOULEVARD INTERSECTION

Monitoring Phase: Pre-construction, construction.

Monitoring Frequency: Once at subdivision clearance, once at approval of "B" permit.

Action Indicating Compliance with Mitigation Measure(s): Clearance of subdivision conditions, issuance of "B" permit.

14. Culver and Jefferson
Add a northbound right-turn lane and contribute to the design and construction of ATSAC.

Enforcement Agency: Department of Public Works.

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

Monitoring Phase: Pre-construction, construction.

Monitoring Frequency: Once at subdivision clearance, once at approval of "B" permit.

Action Indicating Compliance with Mitigation Measure(s): Clearance of subdivision conditions, issuance of "B" permit.

15. Culver and Marina Freeway Eastbound
Add a second northbound right-turn lane and a southbound through lane on Culver.

Enforcement Agency: Department of Public Works.

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

Monitoring Phase: Pre-construction, construction.

Monitoring Frequency: Once at subdivision clearance, once at approval of "B" permit.

Action Indicating Compliance with Mitigation Measure(s): Clearance of subdivision conditions, issuance of "B" permit.

16. Culver and Marina Freeway Westbound
Convert the southbound right-turn lane into a shared through/right lane on Culver and add a westbound through lane on the offramp.

Enforcement Agency: Department of Public Works.

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Exh. 61 18 p1

Table V.L.1-10
1997 INTERSECTION OPERATING CONDITIONS—FIRST PHASE

			1997 Future without Project ^a		1997 Future with Project ^b		Impact	1997 Future with Project Mitigated ^c		Impact
Intersection		Period	V/C	LOS	V/C	LOS	V/C	V/C	LOS	V/C
City of Los Angeles (continued)										
Centinela	Teale	a.m.	0.426	A	0.755	C	0.329 ^d	0.549	A	0.123 ^{e,4}
		p.m.	0.406	A	0.642	B	0.236 ^d	0.436	A	0.030
Century	Sepulveda	a.m.	0.812	D	0.837	D	0.025 ^d	0.837	D	0.025 ^f
		p.m.	1.058	F	1.087	F	0.029 ^d	1.086	F	0.028 ^f
Culver	Inglewood	a.m.	0.953	E	0.987	E	0.034 ^d	0.937	E	(0.016)
		p.m.	0.971	E	0.971	E	0.000	0.879	D	(0.092)
Culver	Jefferson	a.m.	1.199	F	1.281	F	0.082 ^d	0.952	E	(0.247) ^e
		p.m.	1.029	F	1.087	F	0.058 ^d	1.009	F	(0.020) ^e
Culver	Marina Fwy EB Ramps	a.m.	1.679	F	1.719	F	0.040 ^d	1.325	F	(0.354)
		p.m.	1.265	F	1.281	F	0.016 ^d	1.100	F	(0.165)
Culver	Marina Fwy WB Ramps	a.m.	1.115	F	1.128	F	0.013 ^d	0.906	E	(0.209)
		p.m.	1.474	F	1.527	F	0.053 ^d	1.222	F	(0.252)

Note: Refer to page V.L.1-75 for footnotes.

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Exhibit 19 p1

Table V.L.1-6
1997 INTERSECTION OPERATING CONDITIONS -- FIRST PHASE

Intersection		Period	1990		1997		1997		Impact
			Existing		Future without Project ^a		Future with Project ^b		
			V/C	LOS	V/C	LOS	V/C	LOS	
City of Los Angeles (continued)									
Centinela	Marina Fwy WB Ramps	a.m.	0.710	C	0.863	D	1.075	F	0.212 ^c
		p.m.	0.733	C	0.915	E	0.975	E	0.060 ^c
Centinela	Mesmer	a.m.	0.489	A	0.562	A	0.769	C	0.207 ^c
		p.m.	0.333	A	0.439	A	0.575	A	0.136 ^c
Centinela	Teale	a.m.	0.379	A	0.426	A	0.755	C	0.329 ^c
		p.m.	0.321	A	0.406	A	0.642	B	0.236 ^c
Century	Sepulveda	a.m.	0.529	A	0.812	D	0.837	D	0.025 ^c
		p.m.	0.734	C	1.058	F	1.087	F	0.029 ^c
Culver	Inglewood	a.m.	0.837	D	0.953	E	0.987	E	0.034 ^c
		p.m.	0.803	D	0.971	E	0.971	E	0.000
Culver	Jefferson	a.m.	1.041	F	1.199	F	1.281	F	0.082 ^c
		p.m.	0.923	E	1.029	F	1.087	F	0.058 ^c
Culver	Marina Fwy EB Ramps	a.m.	1.323	F	1.679	F	1.719	F	0.040 ^c
		p.m.	0.943	E	1.265	F	1.281	F	0.016 ^c
Culver	Marina Fwy WB Ramps	a.m.	0.834	D	1.115	F	1.128	F	0.013 ^c
		p.m.	1.036	F	1.474	F	1.527	F	0.053 ^c

^a Existing plus Ambient Growth of 1.5 percent per year plus traffic from Related Projects and committed roadway improvements.

^b Existing plus Ambient Growth of 1.5 percent per year plus traffic from Related Projects plus First Phase Subdivision of Playa Vista.

^c Denotes significant impact.

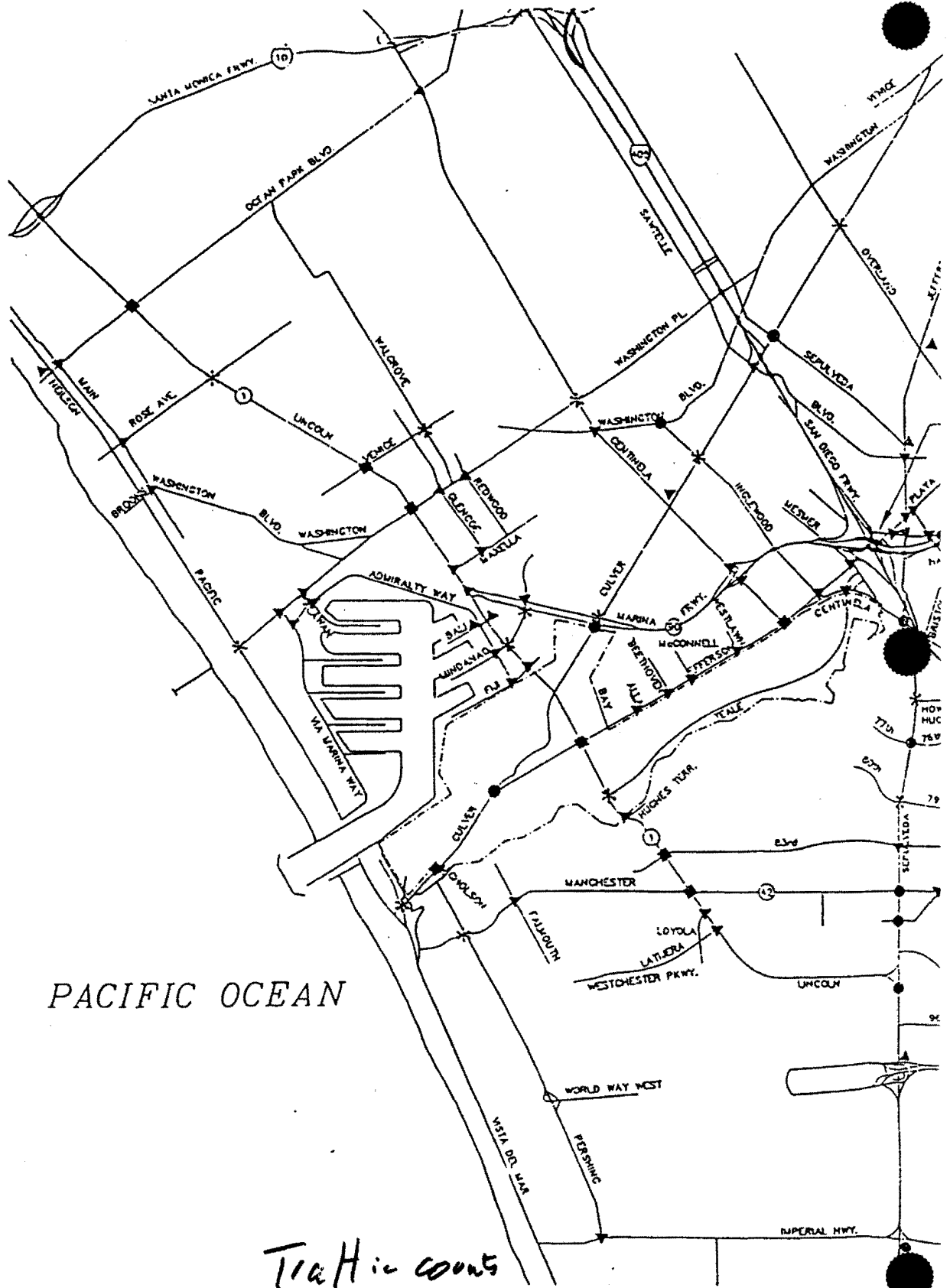
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Table V.L.1-9
CITY OF LOS ANGELES INTERSECTIONS

Subphase	Location	Program	Off-Site Intersection Improvements	Regional Improvements
1A	West end of Area D, South of Jefferson Boulevard	800 du 5,000 nsf retail 10,000 nsf office 15,000 sf community serving		<ul style="list-style-type: none"> Widening of Lincoln Boulevard to provide 4 northbound and 3 southbound lanes from Hughes Terrace north to Jefferson Boulevard. Completion of this improvement is subject to timely Caltrans approval of all permits. Construction of Bay Street from Jefferson Boulevard south to existing Teale Street. If connection cannot be made to Teale Street, alternate improvements will be construction of Lincoln/Jefferson intersection to ultimate design standards. Design ATSAC and pre-emption systems for Lincoln corridor.
1B	West end of Area D, north and south of Jefferson Boulevard	800 du 10,000 nsf retail 10,000 nsf office 25,000 sf community serving	<ul style="list-style-type: none"> Culver/Jefferson La Tijera/I-405 Freeway northbound 	<ul style="list-style-type: none"> Widening of Lincoln Boulevard to provide 4 northbound and 3 southbound lanes from Jefferson Boulevard to Ballona Creek Add a third northbound lane from Ballona Creek to Fiji Way Widening of Jefferson Boulevard from Lincoln Boulevard to Bay Street Provision of ATSAC and pre-emption systems along Lincoln corridor
1C	West end of Area D, north and south of Jefferson Boulevard	800 du 5,000 nsf retail 10,000 nsf office	<ul style="list-style-type: none"> Culver/Nicholson Culver/Vista del Mar Lincoln/Mindanao 	<ul style="list-style-type: none"> Construction of Bay Street south to "new" Teale Street and north midway to Ballona Creek Construction of "new" Teale Street from Lincoln Boulevard east to Bay Street Widening of Jefferson Boulevard from Bay Street to Beethoven Street Addition of northbound lane on Lincoln from La Tijera to Hughes Terrace Provision of two transit vehicles for Lincoln corridor
1D	West end of Area D, north and south of Jefferson Boulevard	846 du 20,000 nsf office 25,000 sf community serving	<ul style="list-style-type: none"> Centinelita/Marina Freeway eastbound Centinelita/Marina Freeway, westbound Jefferson/I-405 Freeway westbound right turn improvements at the existing northbound ramp Jefferson/I-405 Freeway eastbound right turn improvements at the existing southbound ramp 	<ul style="list-style-type: none"> Construction of "new" Teale Street from Bay Street to limit of First Phase west end Construction of Bay Street to Ballona Creek
1E	West end of Area D, north of Jefferson Boulevard	350,000 nsf office 5,000 nsf of retail	<ul style="list-style-type: none"> Centinelita/Culver Culver/Inglewood Culver/Marina Freeway eastbound Culver/Marina Freeway westbound Manchester/Pershing Marina Freeway eastbound/Mindanao Marina Freeway westbound/Mindanao 	<ul style="list-style-type: none"> Widening of Jefferson Boulevard from Beethoven east to I-405 and widening of Centinelita Avenue between Jefferson Boulevard and Junette Street Provision of two transit vehicles for Lincoln corridor Provide a Caltrans approved project study report (PSR) for the new northbound ramp from Jefferson Boulevard to the I-405
1F	East end of Area D	850,000 nsf office 10,000 nsf retail 300 hotel rooms 55,000 sf community serving	<ul style="list-style-type: none"> Centinelita/La Cienega Centinelita/La Tijera All intersection improvements along Sepulveda Boulevard Major/Mesmer 	<ul style="list-style-type: none"> Improvements to Centinelita Avenue from Marina Freeway south to Jefferson Construction of Centinelita Avenue south from Jefferson Boulevard to E Street Construction of Teale Street extension adjacent to east end Area D development Widening of existing Centinelita Avenue adjacent to east end Area D development Construction of a new northbound ramp from Jefferson Boulevard to I-405

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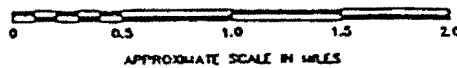
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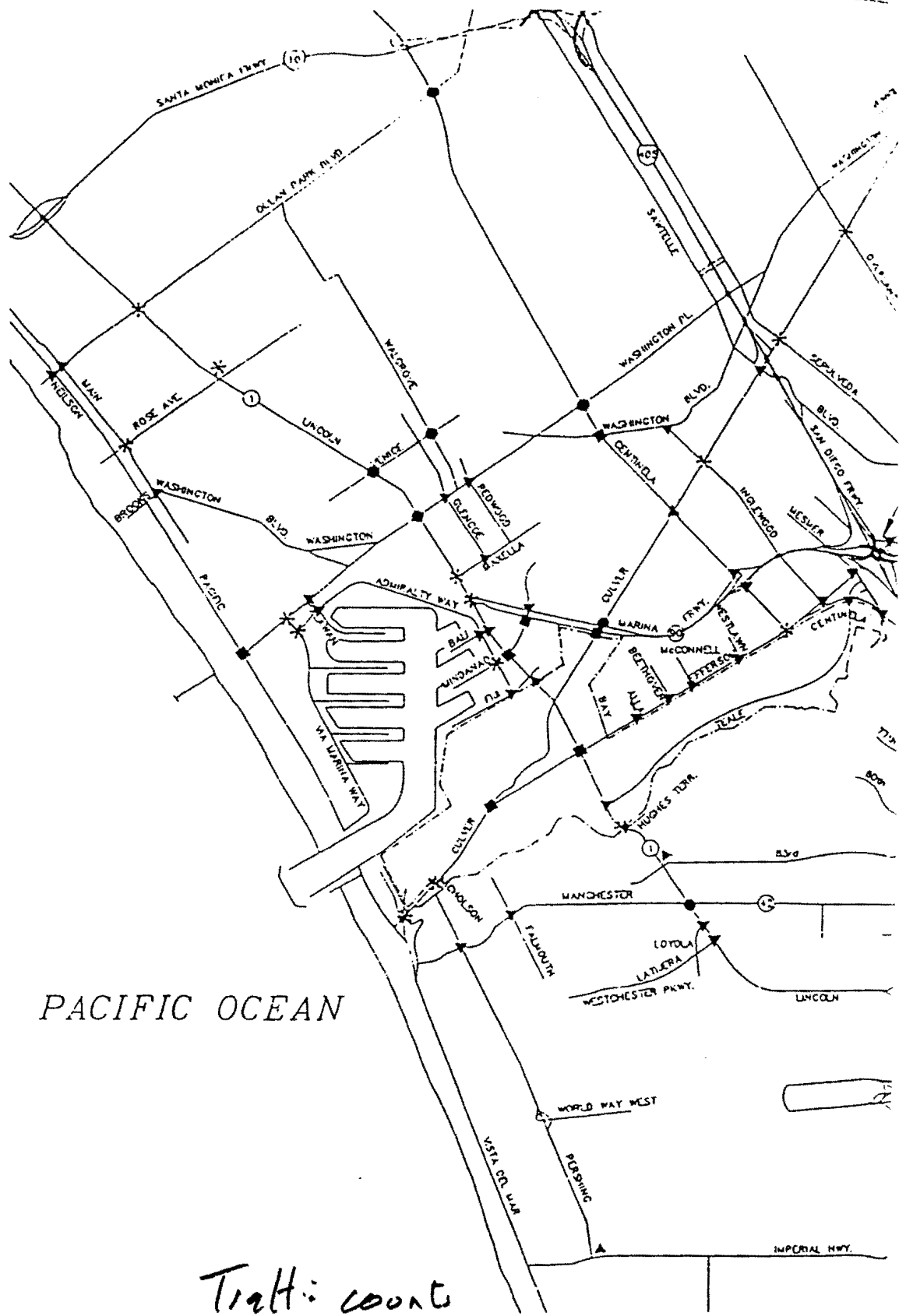
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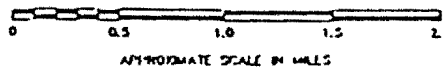


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Dresser
& McKee

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- ▲ - LEVEL-OF-SERVICE A,B,C
- * - LEVEL-OF-SERVICE D
- - LEVEL-OF-SERVICE E
- - LEVEL-OF-SERVICE F

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Camp
 Dresser
 & McKee

Planning
 Consultants
 Research



Figure V.L.1-3
 INTERSECTION LEVELS OF SERVICES-
 EXISTING CONDITIONS P.M. PEAK HOUR

The Lincoln, Sepulveda, Culver, and Centinela Corridors are currently operating during peak periods at LOS D, with average V/C ratios ranging from 0.806 to 0.892. Within each of these corridors, some intersections are operating in LOS E/F conditions, while others are at LOS C or better. These four corridors are typical urban arterials with free-flow speeds in the range of 30 to 35 miles per hour (mph). At LOS D, the Highway Capacity Manual suggests the average travel speeds for this type of street would be about 14 miles per hour.⁵ Average intersection delay at LOS D is between 25 and 40 seconds per vehicle. Under these conditions, motorists traveling in these four corridors would experience moderate levels of delay and, depending on signal timing, could spend up to half of their overall trip time waiting at intersections.

The Jefferson Corridor currently operates at LOS B, with an average V/C of 0.642 during peak periods. Free-flow speeds on arterials like Jefferson are typically in the 35 to 45 mph range, and average travel speeds at LOS B are about 28 mph. Intersection delay at LOS B ranges from 5 to 15 seconds per vehicle. Motorists on Jefferson would experience little delay and would be able to maintain free-flow speeds much of the time.

(4) Freeway Operations

Traffic volume counts for the Marina and San Diego Freeways in the study area were obtained from Caltrans District 7 for both mainline segments and entrance and exit ramps. Table V.L.1-2 on page V.L.1-12 shows the current volume levels on representative segments of the two freeways for both the a.m. and p.m. peak hour on weekdays.

Operating conditions on the freeways are also classified by level of service. LOS for freeways is based on the measured flow past a point as related to the estimated capacity of that section of roadway in vehicles per hour. Estimates of the capacity of the segments in Table V.L.1-2 have been made using approximations of lane capacity (2,000 vehicles per hour) and the number of lanes in each segment.

The San Diego Freeway (I-405) currently operates in LOS D or worse conditions through most of the study area during both commute peak periods. At LOS D, freeway speeds average 46 mph or less and drop to about 30 mph at the upper limit of LOS E. At LOS F conditions, speeds are typically less than 30 mph and are variable because of unstable flow

⁵ Arterial flow conditions and speeds are from Chapter 11 of the 1985 "Highway Capacity Manual" (Transportation Research Board Special Report 209).

EIR analysis

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Exhibit 22
p1

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Table V.L.1-2

FREEWAY OPERATIONS—EXISTING CONDITIONS

Freeway	Location	Lanes	a.m. Peak Hour			p.m. Peak Hour		
			Volume ^a	V/C	LOS ^b	Volume	V/C	LOS
I-405								
San Diego Freeway								
	north of La Tijera							
	Northbound	4	7,100	0.89	D	6,400	0.80	D
	Southbound	4	8,000	1.00	E	8,300	1.04	F
	north of Venice							
	Northbound	5	9,600	0.96	E	9,400	0.94	E
	Southbound	5	9,000	0.90	D	10,300	1.03	F
SR-90								
Marina Freeway								
	west of I-405							
	Eastbound	3	3,700	0.62	C	2,500	0.42	B
	Westbound	4	2,300	0.29	A	3,000	0.38	B

Source: Caltrans District 7.

^a Volumes counted in April 1990. Data is presented as vehicles per hour in one direction.

^b LOS stands for level of service and is based on the following V/C scale: 0.00 to 0.35 is LOS A, 0.351 to 0.54 is LOS B, 0.541 to 0.77 is LOS C, 0.771 to 0.93 is LOS D, 0.931 to 1.00 is LOS E, and above 1.00 is LOS F (see Table 3-1 of the 1985 "Highway Capacity Manual").

conditions.⁶ Conditions at the north end of the study area near the interchange with the Santa Monica Freeway (I-10) are more prone to periodic interruptions of flow because of the diverse movements of entering and exiting traffic at this interchange. Speeds on I-405 during peak periods near I-10 tend to be in the under 30 mph range.

Traffic flow on the I-405 Freeway is sensitive to entering flows from high-volume ramps in the study area. The interchange with the SR-90 Freeway introduces substantial volumes without the benefit of ramp metering, which tends to slow northbound travel speeds on I-405 upstream of the connector ramps. As noted above, a similar condition is present at the interchange with I-10. The remainder of the I-405 on-ramps in the study area are metered to control entering flows. Even with the metering, pockets of slower than average speed areas

⁶ Freeway operating conditions are from Chapter 3 of the 1985 "Highway Capacity Manual."

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form near the La Tijera ramps, where strong interaction occurs between LAX traffic and through traffic to the I-405 Freeway.

Peak-period conditions on the SR-90 Freeway are generally better than on the I-405 Freeway because of the lower volumes of traffic on SR-90 that are the result of the discontinuous nature of the facility. Northwest of Culver Boulevard, the SR-90 Freeway becomes an expressway with at-grade intersections at Culver Boulevard, Mindanao Way, and Lincoln Boulevard. East of I-405, the SR-90 Freeway terminates at Slauson Boulevard. Consequently, the SR-90 Freeway functions as a high-capacity distributor facility for the I-405 Freeway. Speeds on the SR-90 Freeway average between 54 and 60 mph as conditions range from LOS C to LOS A, respectively.

(5) Transit Operations

The transit systems that operate during business days and commute periods in the study area are the Southern California Rapid Transit District (SCRTD), which serves the City of Los Angeles and its outskirts, and the Santa Monica Municipal Bus and Culver City bus lines, which serve their respective cities and link major centers of activity. The Los Angeles Department of Transportation operates the "Commuter Express," a motor coach service used for subscription or day-to-day use for commuting to downtown Los Angeles; the buses operate only during peak hours and cover a large geographical area, including the Playa Vista vicinity. Local paratransit services (dial-a-ride) also exist but have limited areas of coverage or serve clientele with special needs; e.g., the elderly, handicapped, and/or student population. Multiple private transit services that provide point-to-point service to and from LAX also operate in the study area.

(a) Existing Routes. As illustrated in Figure V.L.1-4 on page V.L.1-14, the following SCRTD routes serve the Playa Vista site vicinity:

- Route 220: Robertson Boulevard-Culver Boulevard-LAX.
- Route 33: Venice Boulevard.
- Route 333: Venice Boulevard Limited.
- Route 436: Venice Boulevard Freeway Express (provides commuter service between Venice and downtown Los Angeles; see descriptions for Routes 437 and 438 below).
- Route 108: Slauson Avenue.
- Route 115: Manchester Boulevard-Firestone Boulevard-Pioneer Boulevard.
- Route 560: San Diego Freeway Express (Van Nuys-Westwood-LAX). This route operates on Sepulveda in the study area and will be monitored as part of the Congestion Management Program.

Exhibit 22 p3
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V. ENVIRONMENTAL IMPACT ANALYSIS
L. TRANSPORTATION AND CIRCULATION
1. TRAFFIC

The traffic portion of the transportation analysis focuses on the project and cumulative impacts on the ground transportation system in the vicinity of Playa Vista. The analysis employs methodology required by the City of Los Angeles Department of Transportation (LADOT).¹ Appendix O, Volume XIII through XV, contains the full text of the transportation analysis prepared for LADOT. This section is a summary of the report prepared for LADOT.

1. ENVIRONMENTAL SETTING

a. Existing Conditions

(1) Study Area

The study area delineated for this transportation analysis comprises approximately 30 square miles and extends from the City of Santa Monica on the north into the City of El Segundo on the south and from Culver City to the Pacific Ocean. Portions of the City of Inglewood and unincorporated Los Angeles County are also included. Figure III.A-2 (page III.A-3 of this DEIR) illustrates the major street and freeway network in the study area and places Playa Vista in relationship to the study area.

(2) Street System

Three regional freeways serve the area. The Santa Monica Freeway (I-10) provides an east-west link to downtown Los Angeles. The San Diego Freeway (I-405) is the major north-south facility in western Los Angeles. The Marina Freeway (SR-90) provides an east-west link from the San Diego Freeway to Marina del Rey.

The project vicinity is served to the north by a grid network of local and arterial streets. To the south and west of Playa Vista, the topography of the area causes the street network to be discontinuous and more curvilinear. The four streets that cross the Westchester/Playa del

¹ City of Los Angeles Department of Transportation, "Traffic Study Guidelines," July 1991.

Rey Bluffs (Sepulveda and Lincoln Boulevards, Pershing Drive, and Vista del Mar) provide the only access for north-south traffic movement through the western half of the study area.

Major arterials in the study area that currently serve the project are Lincoln, Jefferson, Sepulveda and Culver Boulevards and Centinela Avenue. Lincoln Boulevard (SR-1) is a north-south street that connects with Sepulveda Boulevard near Los Angeles International Airport (LAX) and extends north into Santa Monica. Jefferson Boulevard is an east-west street that borders and traverses the project site from a point west of Inglewood Boulevard west to a point within Area B where it terminates in a "Y" intersection with Culver Boulevard, providing a connection between Playa del Rey and coastal areas to the west and I-405 and Culver City on the east.

Toward the eastern end of the project, Centinela Avenue is a major north-south street that extends into Santa Monica and connects with Sepulveda Boulevard to the south. Culver Boulevard is a diagonal east-west street that bisects the western portion of the project and connects Playa del Rey and coastal areas farther south with Culver City.

Key coastal access routes in the project vicinity are Lincoln and Culver Boulevards and the Marina Freeway. Vista del Mar is another key coastal route located west of the project. Culver Boulevard connects with Vista del Mar in Playa del Rey.

(a) **City of Los Angeles General Plan Street Designations** - Study area roadways that are in the City of Los Angeles are classified as freeways, highways, or collector streets according to their General Plan designations.² Figure V.L.1-1 on page V.L.1-3 shows these designations for streets in the project vicinity. The functional categories are Major Highway, Secondary Highway, Collector Street, and Local Street. Major Highways are streets with six or eight travel lanes and high design speeds that are intended to carry regional traffic. Secondary Highways are four-lane streets with more moderate design speeds intended to serve subregional circulation. Collector Streets are two- and four-lane streets, also with moderate design speeds, that serve local circulation needs. Local Streets are two-lane, low design speed roadways that provide access to off-street land uses.

Lincoln Boulevard is designated a Major Highway from the northerly City of Los Angeles corporate limit to Venice Boulevard and from Westchester Parkway (under construction) to Sepulveda Boulevard. Between these two sections, Lincoln Boulevard is

² City of Los Angeles, "General Plan Street and Highway Designation Maps" and "Amendments to the Palms-Mar Vista-Del Rey and Westchester-Playa del Rey District Plans," Del Rey Addition 1-81, February 1986.

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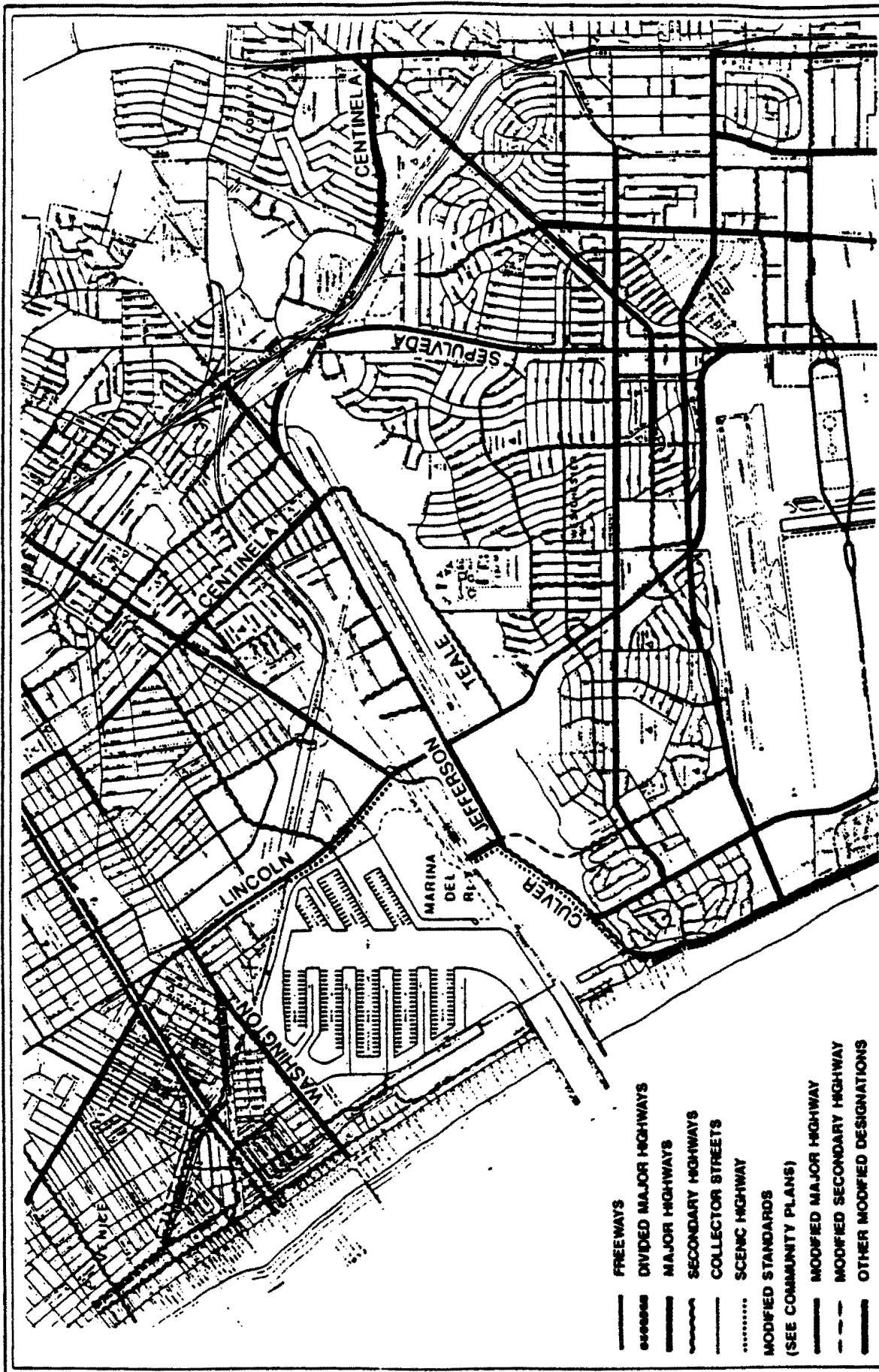


Figure V.L.1-1
GENERAL PLAN
STREET DESIGNATIONS

Source: Barton-Aschman Associates, Inc., 1992.



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designated as a Divided Major Highway. Between Washington Boulevard and Culver Boulevard, Lincoln Boulevard is also designated as a Scenic Highway.

Culver Boulevard from Lincoln Boulevard to the Marina Freeway is a Divided Major Highway and is a Major Highway from the Marina Freeway easterly to the boundary of Culver City. To the west of Lincoln Boulevard, the future alignment of Culver Boulevard is designated a Major Highway and a Scenic Highway to the intersection with Jefferson Boulevard.

Jefferson Boulevard between Culver and Lincoln Boulevards and between Centinela Avenue and Culver City is also designated a Major Highway. Between these segments, Jefferson Boulevard is a Divided Major Highway. Other Major Highways in the study area include Vista del Mar, Pershing Drive, Manchester Avenue, Westchester Parkway (under construction), Sepulveda Boulevard, Centinela Avenue, and Washington Boulevard. Vista del Mar is also designated a Scenic Highway.

Secondary Highways in the project vicinity are Culver Boulevard (Jefferson Boulevard to Vista del Mar), Falmouth Avenue, Hughes Terrace, Teale Street (inside Playa Vista only), Bay Street (future alignment), Alla Road (north of Jefferson Boulevard), Inglewood Boulevard, and Mindanao Way/Short Avenue. Culver Boulevard east of its intersection with Jefferson Boulevard is also designated a Scenic Highway.

Collector Streets near the project site include 83rd Street and Maxella, Glencoe, Redwood, and Mesmer Avenues.

The current alignment of Culver Boulevard between Jefferson and Lincoln Boulevards is designated a Local Street because of narrow roadway and low design speed.

(b) **Congestion Management Program Roadway System** - The Los Angeles County Transportation Commission (LACTC) is preparing a Congestion Management Program (CMP) for Los Angeles County.³ The CMP is a legislatively mandated program to monitor conditions on the transportation system and to manage congestion on that system. The statute requires that the CMP identify a network of roads, which at a minimum must include all State

³ See page V.L. 1-58 for discussion of the Congestion Management Plan. The Los Angeles County Transportation Commission, issued a draft of the CMP for Los Angeles County entitled "Congestion Management Program for Los Angeles County, Final Draft," August 14, 1991. However, the draft plan has undergone significant changes since that time and LACTC expects to adopt a revised CMP for Los Angeles County by the December 1, 1992 deadline.

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highways and principal arterials. The most recent draft of the CMP for Los Angeles County includes the following routes in the Playa Vista study area:

The San Diego Freeway (I-405)
 The Century Freeway (I-105, when complete)
 The Marina Freeway (SR-90)
 Lincoln Boulevard (north of Sepulveda Boulevard)
 Sepulveda Boulevard (south of Lincoln Boulevard)
 Manchester Avenue (until I-105 is complete)
 Venice Boulevard

Other routes have been identified for future consideration by LACTC. Although not currently part of the CMP, these routes will be included in the initial analysis of the CMP. Portions of the following streets in the project vicinity may be affected:

Sepulveda Boulevard (north of Lincoln Boulevard)
 Washington Boulevard (Lincoln Boulevard to I-405)
 La Tijera Boulevard (Sepulveda Boulevard to La Cienega Boulevard)
 La Cienega Boulevard (north of La Tijera Boulevard)
 Century Boulevard (east of Sepulveda Boulevard)

The following intersections will be monitored as part of the CMP:

Lincoln/Manchester
 Lincoln/Marina Expressway
 Manchester/Sepulveda
 Sepulveda/Lincoln

(3) Intersection Operating Conditions

One of the primary indicators of traffic impact is the operation of traffic through signalized intersections in the study area during peak volume periods. Through the NOP process, LADOT selected 105 locations in the study area for which detailed analyses were conducted. Of these study locations, 67 are in the City of Los Angeles, 22 are in Culver City, 3 each are in Santa Monica and Inglewood, and 10 are in Los Angeles County.

Manual counts of all traffic movements at these intersections were conducted in the fall of 1989 and spring of 1990. The counted volumes and the date of individual counts are shown

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in Appendix O, Volume XIII through XV. Traffic volumes were collected during both the a.m. and p.m. peak commute periods on weekdays. For this analysis, the highest hour of traffic for each period was identified. Across the study area, the highest hour of traffic generally occurred on weekdays between 7:30 and 8:30 a.m. for the morning peak and between 4:30 and 5:30 p.m. for the evening peak.

The coastal locale of the study area attracts recreational traffic during certain months and especially on weekends. To ascertain how traffic volumes fluctuate, a series of traffic counts was conducted along six representative roadway segments in the project area in the summer of 1990 and compared to intersection traffic counts conducted in the fall of 1989 and the spring of 1990. The traffic volumes were 20 to 50 percent higher in the fall and winter compared to the summer at all of the locations except one, which had higher volumes in the summer. This latter location had the closest proximity to the ocean and served direct coastal access points.

Evaluation of the count data showed that the recreational peaking effects are confined to the immediate coastal access routes. Numerically, the individual peak hours on nonsummer weekdays are equivalent to or greater than the peak-hour volumes on summer weekdays and on summer and nonsummer weekend days (see Appendix O, Volume XIII through XV). On this basis, the primary analysis periods are the weekday, nonsummer, morning and evening commute peak hours.

For the purposes of this analysis, intersection capacity has been analyzed using a method that assesses the cumulative operating conditions of the critical vehicle movements at each intersection. The critical movement analysis (CMA) methodology is required by LADOT for consistency with prior analyses in the Coastal Transportation Corridor Specific Plan area.

Intersection operating conditions are typically described in terms of level of service. Level of service (LOS) is a scale from A to F, in which A represents free-flow conditions (i.e., little or no delay) and F represents delayed conditions.⁴ Intersection capacity is reached at the upper limits of Level of Service E. Table V.L.1-1 on page V.L.1-7 describes traffic conditions at each level of service. Volume to capacity (V/C) ratios are used to calculate intersection operations and have been related to level of service. Appendix O, Volume XIII through XV, contains a full description of the capacity analysis techniques used. The relationship between level of service and V/C ratio is also shown in Table V.L.1-1 on page V.L.1-7.

⁴ Level of service, as used in this analysis, is a concept developed by the Transportation Research Board and described in the "Highway Capacity Manual" (Highway Research Board, Special Report 87, 1965).

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Table V.L.1-1

VEHICULAR LEVELS OF SERVICE AT SIGNALIZED INTERSECTIONS

Level of Service	Description	Volume/Capacity (V/C) Ratio ^a
A	Level of Service A describes a condition where the approach to an intersection appears quite open and turning movements are made easily. Little or no delay is experienced. No vehicles wait longer than one red traffic signal indication. The traffic operation can generally be described as excellent.	0.00-0.60 (of capacity)
B	Level of Service B describes a condition where the approach to an intersection is occasionally fully utilized and some delays may be encountered. Many drivers begin to feel somewhat restricted within groups of vehicles. The traffic operation can be generally described as very good.	0.61-0.70
C	Level of Service C describes a condition where the approach to an intersection is often fully utilized and back-ups may occur behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so. The driver may occasionally have to wait more than one red traffic signal indication. The traffic operation can generally be described as good.	0.71-0.80
D	Level of Service D describes a condition of increasing restriction causing substantial delays and queues of vehicles on approaches to the intersection during short times within the peak period. However, there are enough signal cycles with lower demand such that queues are periodically cleared, thus preventing excessive back-ups. The traffic operation can generally be described as fair.	0.81-0.90
E	Capacity occurs at Level of Service E. It represents the most vehicles that any particular intersection can accommodate. At capacity there may be long queues of vehicles waiting up-stream of the intersection and vehicles may be delayed up to several signal cycles. The traffic operation can generally be described as poor.	0.91-1.00
F	Level of Service F represents a jammed condition. Back-ups from locations downstream or on the cross street may restrict or prevent movement of vehicles out of the approach under consideration. Hence, volumes of vehicles passing through the intersection vary from signal cycle to signal cycle. Because of the jammed condition, this volume would be less than capacity.	>1.00

Source: Highway Research Board, "Highway Capacity Manual," Special Report 87, 1965.

^a Capacity is defined as Level of Service E.

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Exhibit 22 p10

Existing intersection operations for the a.m. and p.m. peak hours are illustrated by LOS range in Figures V.L.1-2 (a.m. peak hour) on page V.L.1-9 and V.L.1-3 (p.m. peak hour) on page V.L.1-10. The V/C ratios and levels of service for each location are also shown in Table V.L.1-6 on page V.L.1-38 of this DEIR. In Figures V.L.1-2 and V.L.1-3, Levels of Service A, B, and C are grouped together rather than kept separate because operations at LOS C or better are considered to be uncongested. LOS D represents the threshold of congested conditions. LOS D operations are considered to be acceptable on facilities in urban areas. LOS E and F conditions are congested.

Approximately half of the intersections analyzed currently operate in LOS C conditions or better during the a.m. and p.m. peak hours. Motorists at these intersections experience little to no delay and traffic flow is generally good. Level of Service D conditions are present at between 20 and 30 percent of the intersections. At these locations, motorists experience a tolerable amount of delay and traffic flows periodically queue on the higher volume approaches to intersections. About 10 percent of the intersections are operating at capacity (LOS E). At these locations, motorists experience measurable delay and traffic flow is restricted. About 15 percent of the locations are currently experiencing LOS F conditions.

The large number of intersections analyzed complicates the process of understanding conditions in the study area. To assist in better comprehension of intersection operations, travel conditions are described below on a travel corridor basis. Five corridors (Lincoln, Jefferson, Culver, and Sepulveda Boulevards and Centinela Avenue) have been chosen to provide a more manageable representation of the information displayed in Figures V.L.1-2 and V.L.1-3. These corridors are major arterials that extend throughout the study area. Approximately 60 percent of all of the analyzed intersections are contained within these five corridors. The limits of these corridors are as follows:

- Lincoln Boulevard from Ocean Park to Sepulveda Boulevards ("Lincoln").
- Sepulveda Boulevard from Culver Boulevard to Imperial Highway ("Sepulveda").
- Jefferson Boulevard from Culver to Sepulveda Boulevards ("Jefferson").
- Culver Boulevard from Vista del Mar to Overland Avenue ("Culver").
- Centinela Avenue from Ocean Park to Jefferson Boulevards ("Centinela").

These corridors contain between 7 and 17 study locations each. The results of the capacity analyses at the study locations in each corridor have been aggregated to provide an average V/C ratio and LOS. The corridor averages are intended to provide a means of comparison of travel conditions across the study area.

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Exhibit 22 p 11

September 24, 2001

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

RECEIVED
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CALIFORNIA
COASTAL COMMISSION
Information and Engineering Solutions

Re: Coastal Commission Application for Coastal Development Permit No. 5-01-223

Dear Ms. Emerson:

I am writing in response to your letter dated June 18, 2001 which concerned Coastal Commission Application No. 5-01-223 addressing certain road improvements to the Culver Boulevard and Jefferson Boulevard interchange (the "Project"). Much of the information you requested anticipated the release of the Phase II draft EIR/EIS to the public. The preparation of the Phase II draft EIR/EIS has not been completed and has not been submitted for public review. As a result, we have attempted to provide you with other information that we hope is responsive to your underlying concerns as we understand them.

Your letter indicated that there is a concern as to the potential impact and/or compatibility of the Project upon possible wetland restoration designs. As you are likely aware, there are a number of potential wetland restoration designs that have been discussed. These include (1) allow full-tidal flooding into about half of the wetlands, with mid-tidal flooding into the other half; (2) allow mid-tidal flooding only where the tidal flows would be constrained within the tidal channels in the eastern end of the site; (3) allow full-tidal flooding in all parts of the Ballona Wetlands; and (4) eliminate the fresh water marsh located on the eastern border of the wetlands.

The Project encompasses minor improvements to existing roadways to facilitate and improve traffic flow and safety. These improvements will not impose any impediments to any of the potential wetland restoration design alternatives. Moreover, the potential traffic mitigation measures that may be proposed to mitigate Phase II, including any relocation of Culver Blvd. will not impact wetland restoration design.

The following is a list of documents (attached) corresponding to each of the information items requested in your letter:

Exhibit 23
5-01-223
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IMPACT SCIENCES

30343 Canwood Street, Suite 210
Agoura Hills, California 91301
Telephone (818) 879-1100 FAX (818) 879-1440
impsci@impactsciences.com

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CALIFORNIA
COASTAL COMMISSION

September 19, 2001

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4302
Attention: Ms. Pam Emerson

**RE: Response to Issues 7 and 11; Letter Dated September 17, 2001
Notice of Incomplete Application 5-01-223**

Dear Ms. Emerson,

This letter is intended to respond to Issues 7 and 11 of the letter referenced above. Information provided in this letter is based on the results of on-site field investigations conducted on the Second Phase Playa Vista project site since 1995. The most recent surveys occurred in the spring through late summer of 2001.

With respect to Issue 11, concerns were raised regarding the impact of the road widening project on the special-status California brown pelican, California least tern and Beldings savannah sparrow. Data indicates that California brown pelican utilizes habitat in the coastal reaches of the Ballona Channel. In 1995, this bird occasionally rested on the open flats associated with the North Wetlands portion of Playa Vista Area B. However, this resting behavior has not been observed during field investigations conducted in 1998 or 2001. Observations of the behavior of California least tern indicates foraging by this small bird is limited to the Ballona Channel and occasionally forages of subtidal channels present in Area B. No California least terns nest were observed on the Second Phase Playa Vista project site. The nearest nesting colony occurs at a site located on Venice Beach north of the Marina del Rey main channel. Beldings savannah sparrow nesting has been restricted to a portion of the North Wetlands portion of Area B, since 1995, with 13 territories being defined in 2001. Field surveys in 1995 and 1998 indicated that foraging by this bird was also largely restricted to this portion of the project site where suitable habitat is present. In 2001, foraging occurred more regularly in the South Wetlands portion of Area B and some migrant birds were observed in the South Wetlands.

Other special-status species occur on the Second Phase Playa Vista project site. The majority of these species are restricted to saltmarsh habitat and subtidal channels that occur in the North Wetlands portion of Area B. None of these species significantly utilize habitat present within the construction zone due to the lack of suitable vegetation.

Given the distance between the construction site and habitat utilized by these birds, no direct impacts would occur. Indirect impacts associated with this project would involve short-term construction noise and direct human activity normally associated with a project of this type.

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Exh. 6 of 24

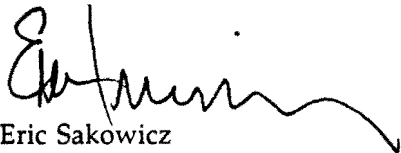
Ms. Emerson
September 19, 2001
Page 2

However, the construction zone is situated more than 400 meters from any habitat used for foraging, resting or nesting by these species. In any event, these birds regularly utilize habitat associated with a human environment. The populations of these species that have the potential to be impacted by this project have adapted to environmental conditions associated with an urban environment and are not known to be noise sensitive. Given the separation between the project site and the saltmarsh and/or subtidal channels, direct or indirect impacts to special status species are not considered significant.

With respect to Issue ~~II~~⁷, all Area B restoration alternatives anticipated some level of minor roadway improvements (i.e., surface paving, striping, shoulder treatment, etc.) within Area B. This project would not alter the general configuration of the habitat zones planned as part of any of the Area B alternatives, would not alter the area of restored habitat proposed, and would not alter implementation of the infrastructure required to provide the necessary hydrology to Area B.

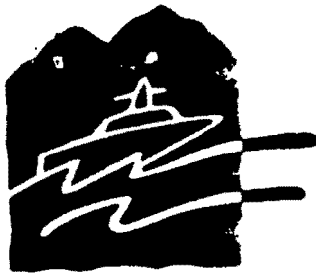
It was a pleasure preparing this information for your review. Should you have any questions or comments regarding this letter, please call.

Very truly yours,
IMPACT SCIENCES, INC.



Eric Sakowicz
Principal

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**SANTA MONICA
BAYKEEPER**
Protecting Our Bay
in cooperation with
The Frank G. Wells
Environmental Law Clinic &
the Water Keeper Alliance

June 7, 2001

RECEIVED
South Coast Regional Office

JUN 11 2001

CALIFORNIA
COASTAL COMMISSION

Via Facsimile and US Mail
(310) 456-5612 -WAN

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Application 5-00-400 (Playa Capital); A-5-PLV-00-417 (Playa Capital)

Dear Commissioners:

The Santa Monica BayKeeper hereby submits these comments in relation to the upcoming hearing for the Playa Capital Culver Boulevard, and adjacent to and south of existing Lincoln/Culver ramp, Area C Playa Vista, Los Angeles County (hereinafter "Area C Loop Project"), scheduled for hearing before the Commission June 13, 2001.¹

As an initial matter, the BayKeeper wishes to applaud Commission staffs' efforts in diligently reviewing this matter. Having a staff biologist visit the site of a potential development project not only serves the function of providing independent review of developers' sometimes erroneous conclusions, but it allows the agency to be more fully informed in its own decision making process.

Based on the overwhelming evidence in the staff report and the enormous amount of work on this project by environmental groups and regulatory agencies alike, we believe the only logical conclusion is to DENY the application for this project.

Not only does state law preclude the destruction of this area, but also good science dictates that this is one of the best places where protection and restoration will be possible in the near term. Such restoration should be focused in areas of historic wetland significance, and should not be traded for development of adjacent land.

As this Commission is well aware, Southern California suffers from an enormous loss of historic wetlands. Meanwhile, many have supported national efforts and

¹ We also hereby incorporate by reference those comments submitted on this matter by the Wetlands Action Network and the Ballona Wetlands Land Trust.

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A-5-PLV-01281

Exhibit 25

political platforms to restore 100,000 acres of wetlands a year nationally through 2010. In order to do this, though, it will be necessary for tough decisions to be made as to where this will happen. In Los Angeles County, for example, there are admittedly only a few undeveloped locations where historic wetland restoration is a possibility. Area C – and in fact the entire Ballona area – is one of those. If not there, where? A few smaller parcels in Malibu, but after that our options become seriously limited.

In addition to the obvious wetland concerns expressed by Commission staff and many others, BayKeeper has numerous water quality concerns involving this project. We believe that it is illegal to allow any additional pollutants from runoff in the Ballona Creek, if such pollutants are identified as causing impairment. Ballona Creek and Ballona Estuary are listed as impaired for arsenic, cadmium, copper, DDT, lead, PCBs, ChemA, chlordane, dieldrin, silver, tributyltin, zinc, enteric viruses, and trash. See 303(d) List of Impaired Waterways. Even with the proposed mitigation, BayKeeper does not believe this standard has been met. Moreover, the applicant has made no demonstration that the runoff from this project will even comply with water quality standards – standards that by their very definition are designed to be protective of beneficial uses. Section 303 of the Clean Water Act defines “water quality standards” as consisting of both the uses of the surface (navigable) waters involved and the water quality criteria, which are applied to protect those uses. See Los Angeles Regional Water Quality Control Board Basin Plan, p. 3-1. Under the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 2, Section 13050), these concepts are separately considered as beneficial uses and water quality objectives. Id.

Water quality standards consist of designated beneficial uses for state waters (like those identified above for Ballona Creek) and water quality criteria designed to protect those uses. 33 U.S.C. Section 1313; LARWQCB Basin Plan, at 3-1. Under the Clean Water Act, the states are primarily responsible for the adoption, and periodic review of water quality standards. 33 U.S.C. Section 1313. However, where a state does not act to adopt or update a standard, EPA can promulgate standards. Id. Pursuant to this authority, in 1992, EPA promulgated the National Toxics Rule (“NTR”), to bring noncomplying states, such as California, into compliance with the Clean Water Act. 40 C.F.R. 131.36. The federal government also recently enacted the California Toxics Rule (“CTR”) after California failed to do so. See 65 Fed. Reg. 31682, 31683 (U.S. EPA, May 18, 2000) (“Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the States of California”). Additional numeric water quality standards are also set forth in the Water Quality Control Plan, Ocean Waters of California (State Water Resources Control Board Resolution No. 97-026) (“Ocean Plan”). Further, water quality criteria include those narrative and numeric objectives set forth in the Water Quality Control Plan for the Los Angeles Region (“Basin Plan”) at Chapter 3.

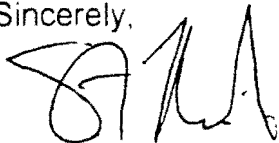
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Until such time as the applicant can demonstrate compliance with these standards – and numerous other legal requirements – this project should be denied.

Finally, the applicant has not demonstrated that it will eliminate non-stormwater flows to the creek. Indeed, the Clean Water Act requires states to "prohibit non-storm water discharges into the storm sewers." See 33 U.S.C. Sec. 1342 (p)(3)(B)(ii).

Santa Monica BayKeeper is a member of a coalition of more than 100 groups dedicated to the acquisition, preservation and restoration of the entire 1087-acre Ballona Wetlands ecosystem. Rather than allowing further destruction of our limited coastal wetlands, BayKeeper believes that a public park at Ballona will serve the best interest of this community. We look forward to assisting the State Controller, the Coastal Commission and the many others involved in making this vision a reality. Thank you for your consideration of these comments.

Sincerely,



Steve Fleischli
Executive Director

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