

**CALIFORNIA COASTAL COMMISSION**

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Appeal Filed: 10/12/00  
 Permit Filed: 9/25/01  
 180<sup>th</sup> Day permit 3/24/02  
 Staff: PE-LB  
 Staff Report: 11/1/01  
 Commission action: 11/16/01

**W18a**

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**REVISED FINDINGS**

**APPEAL NUMBER:** A-5-PLV-00-417 (Playa Capital)  
**APPLICATION NUMBER:** 5-01-382 (Playa Capital)  
**APPLICANT:** Playa Capital Company LLC  
**AGENTS:** Catherine Tyrrell, Playa Capital  
 Wayne Smith, Psomas Associates  
**PROJECT LOCATION:** Culver Boulevard, and adjacent to and south of existing  
 Lincoln/Culver ramp, Area C Playa Vista, Los Angeles County

**PROJECT DESCRIPTION:** Construct modified and new ramp connections between Lincoln and Culver Boulevards, widen the southerly half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway to provide an additional eastbound lane, widen and improve grade level connections between Culver Boulevard and Marina Freeway, and install drainage, lighting and landscaping. The project will add 27 to 41 feet of pavement to the 34 to 37 foot wide road, and additional area to the connections to the Marina Freeway, where the finished road may be as much as 104 feet wide. The project will require 23,000 cubic yards cut and fill.

**CHANGE IN DESCRIPTION DE NOVO:** Construct 0.57 acre extended detention/biofiltration basin and restoration area within curve of ramp loop, to capture and treat storm water run off from the widened roads, through detention-induced settling and biofiltration before it drains to Ballona Creek; install additional landscaping along Culver Boulevard and along recently widened portions of Lincoln Boulevard rights-of-way, reroute road so that it does not impinge on wetland areas, grading is reduced to 17,100 yards cut and fill, with 10,100 cubic yards exported.

**DATE OF COMMISSION ACTION:** November 16, 2001

**COMMISSION ACTION:** Approval with special conditions

**COMMISSIONERS ON PREVAILING SIDE (VOTING "YES"):** Commissioners Allgood; Detloff; Hart; McClain-Hill; McCoy; Potter; Soto; Susskind; Rose; Woolley.

**COMMISSIONERS VOTING "NO":** Chairman Wan

**SUMMARY OF COMMISSION ACTION:**

Staff recommends that the Commission adopt the following revised findings in support of the Commission's approval with special conditions of Coastal Development Permit 5-01 - 382 and the companion de novo action on Appeal A-5-PLV-00-417 on November 16,

2001. Coastal Development Permit 5-01-382 and Appeal A-5-PLV-00-417 are two designations for one project. At the Commission hearing on Wednesday, November 14, 2001, Commission staff revised its recommendation (in an addendum) to respond to technical issues raised by the applicant. Changes to the staff report in the addendum were recommended to clarify the intention of the conditions or to correct factual errors. In several cases staff also eliminated inconsistencies or practical difficulties that the applicant suggested could occur in carrying out the conditions. (See Applicant's Letter of November 12, 2000, "Technical corrections to staff reports").

In testimony on Wednesday, November 14, 2001, members of the public announced that on November 2, 2001, a group member had found heliotrope (*Heliotropium curassavicum*), within the area encircled by the current Culver Boulevard Loop Ramp. The Culver Boulevard Loop Ramp is the site of construction proposed in this project. Heliotrope is designated an obligate wetland species (OBL) in the U. S. Fish and Wildlife Service's list of wetland plants. An obligate plant is a plant that is found in wetlands more than 99% of the time that it is found. At the end of the day on November 14, 2001, the Commission continued the item and requested Dr. John Dixon, the Senior Staff Biologist, to visit the site and provide the Commission additional information with respect to the issues that had been raised regarding the site's possible status as a wetland; to determine whether the plant was present, and if it was present, whether the Culver Loop ramp or areas within it should be considered wetlands. The Commission also expressed concern about water quality issues raised by Heal the Bay and the Santa Monica BayKeeper.

On Friday, November 16, the Commission reconvened the hearing on application 5-01-382 and appeal A-5-PLV-00-417. The Commission received written and oral reports from Dr. Dixon, who indicated that the plant was present at several locations. Dr. Dixon stated, "At all sites, upland vegetation comprised more than 50 percent of the dominant species, the soils were sandy and without hydric indicators and there was no evidence of inundation. At P1 (one of the sampled sites) the greatest ground cover was contributed by heliotrope." As indicated by the first clause in the immediately preceding quote, even in the area where heliotrope contributed more ground cover than any other single species (area P1), among the several dominant species present, the number of upland species was greater than the number of hydrophytic species, and therefore there was not a preponderance of hydrophytic vegetation. As for the one wetland-indicator species that was common in area P1, he noted that the obligate designation is probably not appropriate for heliotrope in this region. Thus, given that none of the sites exhibited wetland hydrology, hydric soils or a predominance of wetland species in its vegetation, Dr. Dixon concluded that there are not wetlands at the subject site. (See pages 153, 159, 200-205 and 209 of the November 14, transcript Volume 2; and also pages 5 and 7 of – of the Friday November 16, transcript. See also Revised Findings Exhibit 1, attached at the end of the exhibits.)

At its continued hearing on November 16, 2001, the Commission reviewed additional material provided by the public and also reviewed a letter from the applicant that

suggested specific changes to the recommended special conditions addressing (1) water quality and (2) revegetation. These changes included (1) a change to the water biofiltration basin such that the draw-down time would not be limited to 24 hours, in order to allow enough moisture to support wetlands vegetation (Special Condition 1.A.(2) page 6); (2) removing a requirement to introduce snakes and toads (or any non-native animal) as part of the integrated pest management program (Special Condition 1.A. (6) page 7); (3) adding an additional reference source to identify invasive plants (Special Condition 2.A.(2), page 9); (4) requiring, as part of the landscape plan, that the applicant provide an analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation, (Special Condition 2.B.(6), page 10); (5) requiring again an additional reference source to identify invasive plants (condition 4.A.6, page 14); (6) specifically requiring trash racks at both the inlets and outlets of drains; (Special Condition 9.A.2(d) page 19); (7) requiring that in any area where invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director, (Special Condition 16.A, page 23). These changes to several conditions were adopted by referring to "Tabs D and E" of the applicant's letter of November 15, 2001 that provided its response to issues that had been raised by the public (See also letters from Heal the Bay and Friends of Ballona Wetlands; See also pages 58-60 of the transcript.)

The Commission approved no changes to the purpose and scope of the project. In adopting its changes, the Commission considered comments made by the public and the applicant, and accepted additions suggested by the applicant to address concerns raised by the public concerning water quality and habitat. The applicant concurs with this record of the Commission's action with one exception: its representatives have indicated that they believe the requirement to maintain 0.40 acres in the biofiltration basin as wetland vegetation should be a requirement to maintain 0.04 acres as wetland vegetation (Special Condition 4.A (2), page 11). The applicant states that the number is a result of a typographic error and is too large to feasibly construct. In drafting the condition, staff used a number that was roughly the same percentage of the basin devoted to wetlands in the larger basin that the Commission considered in April and June of 2001. The applicant did not identify the staff error at the hearing, and the Commission adopted the 0.40-acre figure. The staff is recommending that the Commission adopt findings and conditions reflecting the number, 0.40 acres, that was approved at its public hearing in November, 2001. If there is new information that was not available at the November 2001 hearing concerning the design details of the biofiltration basin, the Commission can consider the issue in a request to amend this Coastal Development Permit. The motion is found on page 4.

**Procedural Note:**

This project is located in the City of Los Angeles, which has assumed pre-certification permit jurisdiction under Section 30600(b) of the Coastal Act. While there is a certified

LUP for this area, the Commission has not certified implementation ordinances. Section 30600(b) allows a local jurisdiction to issue coastal development permits prior to certification of its Local Coastal Program, subject to appeals by any person within 20 working days of issuance of the permit.

The Coastal Act also identifies areas where, irrespective of the City's grant of a coastal development permit in its pre-certification program, the Commission must grant a second coastal development permit for all development. 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. This road-widening project is also located between Culver Boulevard, a public road, and the Ballona Channel, which, because it is subject to tidal action, is regarded as an arm of the sea for purposes of Section 30601. Finally, the ramps are located within 100 feet of Ballona Creek, a tidal estuary. Consequently, the applicant was required to, and did, submit independent applications for coastal development permits to both the City and the Coastal Commission.

On January 11, 2001, the Commission found that the appeal of local permit CDP-3B, appealed as A-5-PLV-00-417 (Playa Capital Company LLC), raised a substantial issue with respect to its conformity with the Coastal Act. In June, 2001, the Commission reviewed two applications in concert: it held De Novo hearings on Appeal A-5-PLV-00-417 and on permit application 5-00-400, which the applicant submitted in accordance with Section 30601. At the end of the June 2001 hearing the applicant withdrew permit 5-00-400, and requested that the Commission continue the appeal, pending revisions to the project description to address the Commission's concerns about wetlands. Subsequently the applicant has submitted a new permit application under Section 30601, and has revised, with the City's concurrence, the configuration of the loop proposed in Appeal A-5-PLV-00-417.

To avoid confusion, there is one set of findings and conditions applying to both permits, since the standard of review for both permits is identical--the Coastal Act. However, there are two motions and two resolutions.

#### **I. MOTIONS, STAFF RECOMMENDATION, AND RESOLUTIONS OF APPROVAL.**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the revised findings concerning its approval of the appealed local permit de novo and the direct coastal development permit application with special conditions.

**MOTION I.** I move that the Commission adopt the revised findings in support of the Commission's action on November 16, 2001, concerning Coastal Development Permit 5-00-382.

**MOTION II.** I move that the Commission adopt the revised findings in support of the Commission's action on November 16, 2001, concerning the Commission's approval with conditions of appealed permit A-5-PLV-00-417.

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote on the motions. Passage of these motions will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the October 8, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

**RESOLUTION TO ADOPT REVISED FINDINGS FOR PERMIT NUMBER 5-01-382:**

The Commission hereby adopts the findings set forth below for Coastal Development Permit **5-01-382** on the ground that the findings support the Commission's decision made on November 16, 2001 and accurately reflect the reasons for it.

**RESOLUTION TO ADOPT REVISED FINDINGS FOR APPEAL NUMBER A-5-PLV-00-417:**

The Commission hereby adopts the findings set forth below for appealed Coastal Development Permit **A-5-PLV-00-417** on the ground that the findings support the Commission's decision made on November 16, 2001 and accurately reflect the reasons for it.

**II. STANDARD CONDITIONS**

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

### III. SPECIAL CONDITIONS:

#### 1. EXTENDED BIOFILTRATION BASIN

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide final plans for the 0.57-acre extended detention/biofiltration basin (Water Quality Basin) for the review and written approval of the Executive Director. In reviewing the plans, the Executive Director shall consult with the staff of the Regional Water Quality Control Board and the City of Los Angeles Department of Public Works. The final plans shall demonstrate that the extended detention/biofiltration system will be designed, implemented and maintained consistent with the following specifications:

- 1) The capture goal (the volume of runoff from the development to be captured and detained) for the extended detention/bio-filtration system, shall be no less than the volume of stormwater runoff generated by all runoff events up to and including the 85th percentile, 24-hour runoff event (one inch in this location.)
- 2) Energy dissipaters shall be placed at the basin's entrance to minimize bottom erosion and re-suspension.
- 3) The basin shall be designed to provide bypass or have pass-through capabilities for large storm events; e.g. the 100-year storm runoff.
- 4) The system shall be maintained for the life of the project, in accordance with the applicable recommendations contained in the California Stormwater Best Management Practice Handbook - Municipal (1993), which include, but are not limited, to the following:
  - Conduct inspections semi-annually and after each significant storm; remove floatables.

- Check outlet regularly for clogging.
- Check banks and bottom of surface basin for erosion and correct as necessary.

5) Soil tests.

- a) Base line. Upon completion of excavation, the applicant shall test the soil horizon from the surface to six feet under the surface where it intends to construct the extended biofiltration basin for the pollutants listed below in Special Conditions 1, 2, and 8. The applicant shall report the results to the Executive Director.
- b) Test after construction. Upon completion of the extended biofiltration basin the applicant shall again test the soils the soil horizon from the surface to six feet under the surface, and report the results to the Executive Director.
- c) Test after operation. Five years after installation is complete; the applicant shall test the soil horizon from the surface to six feet under the surface to detect significant buildup of toxic materials that might impact the ground water.

The copies of the monitoring reports shall be provided to the Executive Director, the Los Angeles City Department of Public Works and the Regional Water Quality Control Board. Any removal and remediation of soils beneath the basin, if necessary, shall require an amendment to this permit. Periodic removal of accumulated sediments within the basin above the level of the finish elevation would not require an amendment to this permit.

6) Planting within the basin, and landscaping along the right of way, shall be installed as indicated in Special Condition 2 below, and maintained in accordance with the following water quality oriented "good housekeeping practices:"

(a) An Integrated Pest Management Program (IPM) shall be designed and implemented for all of the proposed landscaping/planting on the project site. Because of the project's location within the immediate watershed of Ballona wetland, where feasible and appropriate, alternatives to pesticides including, but not limited to, the following shall be implemented:

- Introduction of native natural predators. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.
- Weeding, hoeing and trapping manually.
- 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:

- 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.
- Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (Ballona Creek and Ballona Creek Estuary) on the California State Water Resources Control Board's 1998 Clean Water Act section 303 (d) list, or those appearing on the 2002 list shall not be employed. In addition to those products on the section 303(d) list, products that shall not be employed include but are not limited to those containing the following constituents:
  - Chem A. (group of pesticides) – aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene
  - DDT.

7) Limitations. This bio-remediation basin is sized to accommodate 5.1 acres of new pavement. If there is a changed pattern of water sources or if additional storm water is planned to be directed into this basin; the applicant shall notify the Executive Director who shall determine whether or not an amendment to this permit is required.

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

## 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 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 plants typically found in the Ballona wetlands and associated dune and bluff faces. The seeds and cuttings employed shall be as much as possible from sources in and adjacent to the Ballona wetlands and the Airport Dunes. If other Southern California sources are used, the locations of the seeds/cutting sources and the approximate number of plants and/or amount of seeds/cuttings from each source shall be reported to the Executive Director.
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; those species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999 and as updated periodically ([www.ceppc.org](http://www.ceppc.org)); 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. The site will be stabilized immediately with jute matting or other BMP, and initial installation of all planting will be completed within 60 days after the first rains after completion of construction.
5. The applicant will actively monitor the site for five 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.

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, and
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 needs of the plants on the plant palette and on the identification of invasive plant;
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 native natural predators. 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 (the Ballona Freshwater Marsh; Ballona wetlands, Ballona Creek and Ballona Creek Estuary) on the California Water Resources Board 1998 303 (d) list, or adopted updates of this list shall **not** be employed. Products that shall not be employed are those listed in condition 1A(7)(b) above or any determined by the Department of Fish and Game to be deleterious to the habitat or wildlife of the wetland.
6. An analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation.

C. 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. 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. The plan shall conform to the staging plan provided in Exhibit 4. The plan will indicate that zones of construction disturbance, including but not limited to the construction staging area(s), construction corridor(s) and temporary detours will not encroach onto wetlands areas identified by coastal staff or by the Department of Fish and Game or the United States Army Corps of Engineers Wetlands Map of 1989 (Exhibit 16, pages 5 and 6). Such zones of construction disturbance will be set back no less than 10 feet from any wetland including the "Mulefat with *Picris*" and the "Mulefat with Dock" areas noted on Exhibit 6.

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 48-inch high hazard fencing at least 1 foot outside the mapped wetlands and at least two feet outside the two mulefat areas noted above 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 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
- (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 3.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.

#### 4. LANDSCAPING AND EROSION CONTROL PLANS

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and written approval by the Executive Director. The landscaping and erosion control plans shall address temporary and permanent vegetation within the extended biofiltration basin (basin) and along the roadsides from which vegetation will be removed in this and the related Lincoln Boulevard roadway adjacent landscaping. The plans shall be reviewed and approved by the Los Angeles City Fire Department, the Los Angeles City Bureau of Street Maintenance and or Caltrans to ensure that the plants are in conformance with fire and highway safety practices and shall also be submitted to the Angeles Region of the California Department of Parks and Recreation for its comments. The plans shall incorporate the following:

1. Initial assessment. The applicant shall provide a brief initial assessment describing the soil type likely to be found on the roadside and in the basin at the completion of the construction of the road and measures necessary to assure the soils in the basin will be appropriate for wetland plants, the amount of water to be expected, the amount of irrigation necessary to maintain the project, and the measures that might be necessary to control invasive plants. The applicant shall take photographs of the area adjacent to the improvement area to document the existing condition as a part of the initial assessment.
2. Habitat Goals. Prior to preparing the landscaping plan for the basin, the applicant shall provide a statement of habitat goals prepared by a biologist or licensed landscape architect for the review and written approval of the Executive Director. The goals shall establish a minimum coverage of each type of plant community, *including no less than 0.40 acres of wetland or hydrophytic plants*<sup>1</sup>. Plans and notes shall also indicate the goals underlying the choices of any other plants shown for street side landscaping and indicate the habitat function of the proposed vegetation--the animals and other plants expected to benefit from the presence of the vegetation. All plants shall be native southern California plants of species

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<sup>1</sup> Applicant believes that this figure should be 0.04 acres, and that this is a typographic error. In the view of its engineers it is not possible to construct a wetland element of this size. Staff wrongly assumed that the amount of wetland in the new design would be about the same percentage of the area of the basin as in the previous version, and the applicant did not identify the error until it received the Notice of Intent to Issue Permit.

found in the Ballona Wetland area. The plan shall specify the seed source and as much as possible rely on seeds and cuttings from the Ballona/Airport area. The general goals of the plan shall be to provide support habitat for birds and insects found in the area presently or in the past.

3. After approval of the plan in concept, the applicant shall provide detailed plans and notes that show the location of plants, sizes of container plants, density of seeds if seeds are used, expected sources of seeds and container plants, a schedule of installation and a statement describing the methods necessary to install and maintain the basin and the kinds and frequency of maintenance expected to be necessary in the long term. The plan shall be drawn up with consideration of the limitations noted in Special Condition 1 above. As much as possible, native plants shall be derived from sources located within the Ballona region.
4. Based on the information in the plan and the initial assessment, the applicant shall prepare a monitoring schedule, providing (1) an initial report upon completion of initial planting, no later than the first day of December of the year in which the road is opened to traffic, to verify that the plants have been installed according to the approved plan, (2) no fewer than two additional reports in the first year after completion of the initial report, and (3) no fewer than one report in each subsequent year. The reports shall contain a brief description of the condition of the plants, the degree of coverage and the survival rate of various plants, either photographs, maps or illustrations and recommendations concerning activities necessary to achieve the stated "Habitat Goals" discussed above. The applicant shall, at the appropriate season, replant to remedy the deficiencies noted in the monitoring reports.
5. Vegetation planted in the extended biofiltration basin shall be native wetlands, coastal sage scrub and coastal prairie plants as shown on the plans submitted December 1, 2000, as modified based on the assessment of soils, any comments of the Resources Agencies or as required by the Executive Director.
6. At maturity, no less than 90% of the plant cover on road sides shall be coastal prairie or coastal sage scrub plants sited and chosen to avoid a build up of fuel for fires and other hazards and to improve the appearance of the road side. The goal of the roadside planting shall include buffering any future parks, trails or residential structures from the noise and visual impact of the road and providing an attractive passage through the area. Available lists of invasive plants are found in the California Native Plant Society, Santa Monica Mountains Chapter, document entitled

*Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains*, dated January 20, 1992, the California Exotic Plant Pest Council watch lists, cited above, and other Commission and US Fish and Wildlife service approved list of invasive plants such as the Ocean Trails invasive plant lists (A-5-RPV-93-005.) The Executive Director may identify additional invasive plants.

7. Such planting shall be adequate to provide 75% coverage within two (2) years and not less than 90 percent coverage within five years, and this requirement shall apply to all disturbed soils;
8. Plantings will be installed at the conclusion of the installation of pavement and drainage pipes. They shall be maintained in good growing condition throughout the life of the Phase I Playa Vista project and, whenever necessary shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

B. The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. The Executive Director may approve minor changes. No significant changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

## 5. **ARCHAEOLOGICAL RECOVERY**

**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 recovery permitted under CDP 5-98-164A 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. The "vicinity" means within 100 yards. If cultural deposits or grave goods (as defined by SHPO) are 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.

- A qualified archaeological monitor shall be present on the site during all project grading.
- If human remains are found, the Commission requires that the applicant carry out identification recovery or reburial consistent with the research design approved in the Programmatic Agreement and CDP 5-98-164.

**6. MAINTENANCE AND DEDICATION GUARANTEES FOR LIFE OF ROAD**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide an enforceable agreement for the review and written approval of the Executive Director providing for maintenance of the extended detention/biofiltration basin for the life of the road. The agreement shall include a source of funds and an identified agency or entity responsible for the collection of funds and carrying out the requirements of Special Conditions one and two above.

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. INSTALLATION OF TEN-FOOT WIDE SIDEWALK**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised plans for roadside improvements for the review and approval of the Executive Director. In addition to the landscaping required in Special Condition 2 above, the plans shall provide a ten-foot wide standard City sidewalk and a five foot wide landscaped buffer within a fifteen-foot corridor on the south side of Culver Boulevard in the area designated for that purpose. The sidewalk shall extend from the intersection with Route 90 to the entry of the Little League ball field or as otherwise required by the City of Los Angeles Department of Transportation (DOT). Landscaping shall be installed consistent with the requirements of Special Condition 2 as it pertains to roadside landscaping.

B. Pursuant to this requirement, the applicant shall provide an Interim Change Authorization from the Los Angeles City Department of Public Works approving the location and design of these features. Said sidewalk shall be located so that it will be feasible to connect it with the existing sidewalk in the City of Los Angeles immediately outside of the Coastal Zone, north of Route 90.

C. The applicant shall construct said sidewalk at the same time as the roadways and shall complete the work under the same contract and within the same timetable.

D. 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.

**8. EROSION AND SEDIMENT CONTROL PLAN.**

A. The applicant and its contractors will prevent any discharge of solids, earth, silt or harmful materials including fuels, debris or construction materials into the small wetland area identified by staff or into other wetlands. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT 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, to the maximum extent practicable, erosion and sedimentation during construction. Due to the sensitive location of the project, the plan must meet the following criteria:

- 1) The plan will delineate the areas to be disturbed by grading or construction activities and will include any temporary access roads, staging areas, and stockpile areas. Both the permitted zones of construction disturbance identified in Special Condition 3 and the wetlands mapped by the resource agencies and identified by staff (see Special Condition 6, "Mulefat with Dock" and "Mulefat with Picris") shall be staked, fenced and the location of the fencing approved by Executive Director. These wetland areas shall be clearly delineated on the project site with 4-foot high hazard fencing.
- 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) Grading shall be minimized to the maximum extent practicable during the rainy season (October 15 through April 1).
- 4) Applicant shall use, install or construct temporary drains and swales, gravel, sandbag barriers, fiber rolls, and silt fencing as appropriate. Applicant must also stabilize any stockpiled fill and cut or fill slopes with geotextiles or mats on all 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.
- 5) 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. The plan therefore 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.

- 6) Limit, to the maximum extent practicable, the sediment discharged into the Marina Drain, Ballona Creek or the mapped mulefat/wetland areas identified in Exhibit 6.
- 7) 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.
- 8) The applicant shall test soils for toxicity during excavation according to DTSC rules and RWQCB rules.
- 9) 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.
- 10) No toxic material excavated shall be stockpiled on site for more than 24 hours.
- 11) 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 sub-section A9 above. If it is not soluble, it may be properly capped and used under the improved roadway if consistent with DTSC approvals.
- 12) The Applicant or its contractors shall not use lead-contaminated materials from off-site as road fill.
- 13) Airborne particulates shall be controlled consistent with the rules of the Air Quality Management District.

B. 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.

**9. 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 Marina Drain, Ballona Creek, 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 Special Condition 3, above, but in addition, as far away as possible from the "mulefat" areas identified on Exhibit 2, drain inlets, or any other waterway, and shall not be stored in contact with the soil.
  - (c) Vehicles shall be refueled offsite, or in an on-site staging area with proper BMPs as delineated in the Water Quality Management Plan.
  - (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; clean-up materials shall be disposed of properly. Dry spills should be swept, not washed or hosed. Wet spills on impermeable surfaces shall be absorbed, and absorbent materials shall be 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 seal, 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) Reduce post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings; OR
  - (b) If the goal established in 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).

- (c) 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 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.
- (d) BMPs must include intermediary catch basins, hydrocarbon filtration devices, and trash filters sized according to the above specifications. Trash catching devices will be included in both the inlets to the biofiltration basins as well as the outlets. Install energy dissipaters at the outlets of all discharge points
- (e) 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).
- (f) Regularly patrol the area for discarded containers, trash, and other materials likely to blow into or otherwise impact adjacent wetlands or Ballona Creek.
- (g) 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.

## 10. 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) Illumination shall be at the lowest levels allowed in federal and state standards for secondary highways.
- (2) All lights shall be directed downward so that spillover outside the right of way shall not exceed ten feet.
- (3) No night work or night construction lighting shall be permitted.

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.

**11. PROOF OF AUTHORIZATION TO CONSTRUCT ROAD WAY AND EXTENDED DETENTION/BIOFILTRATION BASIN AND TO CONDUCT MAINTENANCE WORK ON COUNTY PROPERTY.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall provide for the review and written approval of the Executive Director a valid executed and recorded agreement from Los Angeles County, the owner of the land inside the "Culver Loop" that allows the City and/or the applicant and/or its successors in interest and/or the identified agency or entity pursuant to Special Condition No. 6 to construct the project as described in this permit as approved and to enter and maintain the extended detention/biofiltration basin. Such agreement shall include a valid "B" permit issued by the City of Los Angeles Department of Public Works with an Interim Change Authorization to include all work authorized by this coastal development permit and either proof of City ownership of the land or a legally enforceable executed easement from Los Angeles County allowing them to carry out the work described in City of Los Angeles "B permit" issued for the work and this coastal development permit. Said easement shall have been approved as to form by the City Attorney of the City of Los Angeles and by the Los Angeles County Counsel and by the U.S. Trust Company of California if a title report shows that any land inside the loop is owned in trust for the benefit of the State.
- B.** Said agreement shall be recorded free of prior liens that the Executive Director determines might affect the ability of the applicant or its successors to carry out the intended maintenance or construction.
- C.** The permittee shall undertake development in accordance with the approved final plans, schedule and other requirements, including requirements of its "B" permit. Any proposed changes to the final plans approved in this permit 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.

**12. PERMITS**

To assure that the City "B" permit or Storm Water Pollution Prevention Plan, are consistent with the Commission's action, **PRIOR TO ISSUANCE OF THE**

**COASTAL DEVELOPMENT PERMIT** the applicant shall provide for the review and written approval of the Executive Director proof that the City of Los Angeles has issued the B permit the Storm Water Pollution Prevention Plan, if required and all other necessary permits. Any proposed changes to the final plans approved in this permit 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.

**13. INSPECTION OF ABANDONED OIL WELL**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence to the satisfaction of the Executive Director that the City of Los Angeles Department of Public Works and/or the State of California Division of Oil and Gas has been notified of the presence of the abandoned oil well identified in the City Legislative Analyst's report entitled "City Investigation of Potential Issues of Concern for Community Facilities District No. 4, Playa Vista Development Project," March 2001 (Methane Report), as located on or near the proposed loop road and has either determined in writing that re-abandonment is unnecessary or has approved plans and a time table for any necessary re-abandonment of such well.

**14. BIOLOGICAL MONITOR/OFFSITE IMPACTS.**

**A. SOUTHERN TARPLANT/BIOLOGICAL MONITOR**

During any blooming period of the Lewis' evening primrose and of the Southern tarplant, which may occur no fewer than 11 months prior to the commencement of excavation, and **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and again before any vegetation is disturbed; a biologist whose qualifications have been reviewed and approved by the Executive Director shall survey the site and prepare a report to the Executive Director concerning the presence of (1) Southern tarplant *Centromadia parryi ssp australis*, (2) nesting birds. If a nesting bird is found within or immediately adjacent to the footprints of the excavation or of the staging areas, 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 the Southern tarplant is found within the footprints of excavation or of the staging areas, the work shall not proceed until a mitigation plan is provided for the review and approval of the Commission to determine whether such work is consistent with Chapter 3 of the Coastal Act. The mitigation plan shall consider avoidance, or salvage and replanting within Area B or C Ballona and shall recommend the option with the least disturbance. Any replanting in areas not subject to a currently valid coastal development permit that includes revegetation, such as 5-01-223 or 5-01-382, shall require an amendment to this permit or a new

permit. All reports shall be filed in the Commission office prior to issuance of the permit and again prior to the start of work. In addition to confining the work to the approved excavation areas, the applicant shall place visible orange plastic 48-inch high temporary fences around the area in which the tarplant has been found and will **keep out and prevent** excavation, stockpiling, and the entry of vehicles or storage of equipment in this (tarplant) area. A biological monitor shall remain on site through out the excavation. A copy of the Biological Monitor's reports shall be provided to the Executive Director and shall be available for the public. The Executive Director shall review and approve the qualifications of the biological monitor.

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.

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

**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. 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. If the grading quantities exceed those estimated in the permit application an amendment is required. The plan shall identify testing protocols, supervision and sites approved for disposal that are outside the coastal zone. 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 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. All stockpiles shall be located within the disturbed areas noted in Special Condition 1.

**16. REMOVAL OF INVASIVE SPECIES.**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall identify on its property no smaller than the areas of road improvement and the zones of construction disturbance identified pursuant to Special Condition 3. 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 plants 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 (1) in the Corps 1989 Wetland Delineation or as Wetland or Wetland (AG) (2) in the 1984 Fish and Game survey or (3) by the Coastal Commission staff in a written report. 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 area before the removal program begins. Areas in which invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director.

B. The removal shall be completed within one year of the issuance of this permit. The removal shall be carried out in accordance with the approved final invasive plant removal plan. Upon completion of the work the applicant shall provide a written summary and photographic evidence of its completion.

**17. NO WORK DURING THE RAINY SEASON**

The applicant shall not undertake the grading, paving and land disturbance approved in this permit during the rainy season, October 15-March 30. The applicant may install lighting, landscaping and conduct final finishing and clean up during the rainy season.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

## **A. PROJECT DESCRIPTION AND BACKGROUND**

The project before the Commission is to (1) add a loop ramp that will connect north-bound Lincoln Boulevard to east and west-bound Culver Boulevard, (2) relocate, improve the radius of and widen a second loop ramp that presently connects east bound Culver Boulevard with north bound Lincoln Boulevard, and (3) add a lane (27 or more feet of pavement within a 38-41 foot wide strip) to Culver Boulevard on the south side of Culver Boulevard from Lincoln Boulevard to the Marina Freeway, (Route 90), (4) construct ground level ramps between Culver Boulevard and the Marina Freeway, (5) add lighting, drainage and landscaping, and (6) install a 0.57 acre extended detention/bio-filtration basin. Both the Commission and the City approved the ramp and road widening portions of this project in 1995 as 5-95-148(Maguire Thomas). Due to financial difficulties, the applicant did not construct the project and the permit expired. This and recently approved coastal development permit 5-99-139, improvements to Lincoln Boulevard, are applications to seek re-approval of two parts of the project approved in CDP 5-95-148.

The proposed street widening is required to mitigate traffic generated by Playa Vista Phase One, two tracts located outside the Coastal Zone that the City of Los Angeles approved in 1995 (see Table 1). This and other widening projects were mitigation measures listed in the Phase I EIR, as amended, and required by the City. The addition is designed to add 27 feet, but because of lane width needed for weaving and turning, it will add 38 to 41 feet of pavement to the 34 to 37 foot-wide road, improve the safety of an existing ramp at Lincoln, provide a connection to north bound Lincoln from Culver Boulevard and provide an at-grade one way ramp connections at the Marina Freeway. The enlarged road would relieve Jefferson Boulevard from traffic seeking to take the northbound 405 from the homes and workplaces in the Phase I Playa Vista project and reduce its traffic impacts on Lincoln Boulevard, an already over-burdened north-south route. The improvement will make it possible to enter Culver Boulevard from northbound Lincoln and to exit Culver Boulevard onto Lincoln going in either direction.

There are other street and highway improvements that the Commission will consider at the present, November 2001 hearing. The City has also required the applicant to change the geometry of the intersection at Culver Boulevard and Jefferson Boulevard in Area B from a "V" shaped intersection to a "T" intersection. This matter is reported at this November 2001 hearing as 5-01-223 and A-5-PLV-01-281. The applicant has withdrawn an application for the extension of Playa Vista Drive (previously identified as "Bay Street") from Jefferson Boulevard to Culver Boulevard, the street subject to the current application

The project has traffic impacts that will be mitigated by work on two roads owned by Caltrans, Route 90 and Lincoln Boulevard. Caltrans has released an EIR for widening Lincoln Boulevard to eight lanes from Hughes Terrace, at the southern end of the Playa Vista project, to Fiji Way. The Commission has received no application for the bridge widening. The EIR does not analyze another project, which includes some other widening on Lincoln Boulevard. This project, which the Commission will probably consider in

January 2002, 5-01-184, includes widening Lincoln between Hughes Terrace (LMU Drive) and Jefferson Boulevard to eight lanes and other work that can occur without replacement of the Lincoln Boulevard Bridge over Ballona Creek. This project is also described as "between Sepulveda Boulevard and Fiji Way". Widening Lincoln Boulevard is a required mitigation measure for the First Phase of Playa Vista, which Playa Capital is financing. Caltrans' decision to present widening one road as two projects (a financial decision) has proved very confusing, because the description sounds the same and the area of work sounds the same, but each project involves different work.

Caltrans has submitted an application, 5-01-038 for a grade separation and bridge at Culver Boulevard and Route 90, bridging over Culver Boulevard at the Coastal Zone boundary. This application has been withdrawn and will be resubmitted with a goal of being heard in January. Playa Capital is only contributing its proportionate share of the cost of the Culver/Route 90 Bridge, because demand generated by Playa Vista is not the only reason that the bridge is needed. Playa Capital is paying for the design work of the Route 90 bridge and cannot proceed with an identified part of its project, until the grade separation is complete, but the bridge is required because of traffic demand generated by many sources, not only Playa Vista; Caltrans will pay for construction of the Route 90 bridge. (See traffic discussion Section I, Local Coastal Program, below, and also Exhibits 16-22.)

## **B. PROJECT BACKGROUND.**

As described below, the proposed road improvement is a required mitigation measure for the first phase of a much larger project. The 280 acre first phase includes two tracts located outside the Coastal Zone and A Freshwater Marsh/flood detention basin inside the coastal zone (5-91-463) (See Table I, below). The City approved these tracts in 1995. Most of the first phase development is located outside the Coastal Zone, including all Phase I residential, commercial and office structures. Some road and drainage facilities to serve Playa Vista Phase I are located within the Coastal Zone. These include: (a) this proposed widening of Culver Boulevard, (b) widening along Lincoln Boulevard (approved as 5-99-139), (c) the construction of 26.1 acre freshwater marsh restoration, 5-91-463(Maguire Thomas), and (d) other minor road widening and intersection improvements, including a changed intersection configuration at Culver and Jefferson within Area B. Development of the approved residential and commercial units outside the Coastal Zone cannot proceed without construction of this road-widening project. The standard of review for this road-widening project is whether or not it is consistent with Chapter 3 of the Coastal Act. The Commission cannot approve the road widening because it is a required mitigation measure for an approved project outside its jurisdiction, or deny the road widening based on its assessment of a project that is located outside the Coastal Zone.

The Playa Vista Project has long been controversial because of its size and intensity and because of the presence of wetlands. The Department of Fish and Game has identified 196.53 acres of wetlands on the Playa Vista property, including the 3.47 acres identified

by the Corps in Area D. (Area D is located outside the Coastal Zone.) Because the historic wetland was much larger than the presently identified wetland, the extent of the wetlands is also subject to controversy. In 1984, the Department of Fish and Game identified 2.5 acres of wetland in Area C (the northwest quadrant of Playa Vista.) This road widening is proposed in the southwest corner of Area C and along the entire south side of Culver Boulevard, which bisects Area C.

Most of Area C is owned by the State. The most immediate controversy in this case is whether the project is an appropriate use of State property. The State and Playa Vista agreed that Playa Vista had a right to purchase Area C for an agreed sum before December 31, 2000. After December 31, 2000, the right became a right of first refusal, which would last until December 31, 2005. Playa Vista failed to purchase Area C by December 31, 2000.

Because the applicant no longer has an automatic right to purchase it, Area C is now under consideration for development as a public park. Although development as a park requires an act of the legislature the Controller has advocated the transfer and the legislature is discussing the matter. Because of this interest, this report will address how adding a lane to the road and ramps connecting to Lincoln Boulevard and the Marina Freeway would impact the development or operation of a park. The Commission will also consider whether the widening of the road could impact habitat recovery efforts on the site.

Due to the presence of a small (2.5-acre) mapped wetland on the north side of Area C, the public has also raised issues whether the road and ramp building could impact that wetland and or other areas that are not mapped wetlands. The proposed project does not fill or drain into any of the mapped wetland areas on the project site.

In May 2001, the Commission's staff biologist visited the area of mulefat located within the ramp footprint and determined that that area is wetland. Facing a recommendation of denial, the applicant withdrew the permit application and redesigned the project. The applicant has now redesigned the ramp so that no wetland fill is involved. Opponents have also raised concerns that runoff from the road widening will adversely impact Ballona Creek or the drainage course found north of Culver Boulevard (mapped as the Marina Drain on flood control maps). The new road area will not drain to the Marina Drain or the patch of Salicornia that constitute the mapped wetlands found on the site. Some runoff from the widened road, like the existing road, will continue to drain into the small patch of mule fat. Staff is recommending filters to reduce pollutants from the road in this area. In response to concerns that the increased runoff will carry additional polluted waters into Ballona Creek, the applicant is proposing an extended detention/biofiltration basin to filter runoff from the road, which will then discharge to Ballona Creek. The drainage basin will be vegetated with wetland plants so it can provide both bio-remediation and habitat. Staff is recommending special conditions that will set standards for the capacity and design of that facility, as well as the methods employed for filtration.

The project involves the removal of about five acres of upland vegetative cover. Even though introduced annual grasses and weeds dominate the roadsides; they do provide shelter and some food for birds and other animals. The applicant is proposing to revegetate the 0.57-acre extended detention/biofiltration basin and the roadside areas adjacent to Culver Boulevard and also to newly widened Lincoln Boulevard. In order to assure (1) continued provision of habitat and (2) to assure that the new landscaping will not invade areas slated for restoration, staff is recommending that the plant material used in the road side areas use mostly native plants, and any non-native plants be drought-tolerant and non-invasive.

The project is located in an area underlain by oil and gas bearing sediments, which release gas through the soil. There are measurable levels of thermogenic soil gas within the area, although most recent surveys indicate that concentrations of soil gas in the immediate area of the proposed road are not hazardous. Soil gas levels in Area C are lower than those found in nearby Area D, which is located out of the coastal zone and south of this project. The City of Los Angeles has required the applicant to collect and vent soil gas under buildings in Area D, opponents have raised concerns that a road in Area C, a half a mile north, might also be subject to dangers from soil gas build up. Soil gases are dangerous when they build up in enclosed spaces and are then mixed with oxygen. The City of Los Angeles standards for protection of structures from soil gas exempt small structures and unenclosed areas from the burden of collecting and venting gases because dangerous concentrations of soil gases cannot build up in unenclosed areas or in small frame structures. The staff geologist has concurred with City's exemption of roads (exhibit). The staff of the Department of Public Works indicates that the City has not experienced problems with soil gas under roads, even in areas where structures are required to collect and vent methane. The staff geologist has reviewed the available reports and concurs that construction of the road will not raise dangers from soil gas. A long awaited report from the City Legislative Analyst indicates that Area C is not subject to high levels of soil gas except in one location, an abandoned oil well, located north of the roadway. The well showed a low level and is not expected to be hazardous. The City survey does not show elevated levels anywhere else in Area C. (Exhibit). No underground deposits or gas reserves were detected in Area C by the City legislative analyst study that was carried out in 2000. (See substantive file documents and exhibit).

The project will impact two mapped archaeological sites. Exploration and recovery of those sites is authorized in a programmatic agreement between the applicant, the US Army Corps of Engineers and the State Historic Preservation Officer that the Commission reviewed in approving 5-98-164. Exploration of these sites, but not recovery, is authorized in Coastal Development Permit 5-98-164. As a result of exploration, the applicant's archaeological recovery consultant determined that one site does contain cultural deposits. An archeological treatment plan is also on the November, 2001 agenda (5-98-164A.) The staff is recommending below that his project be conditioned such that construction in the area of the site cannot begin until treatment is complete. Staff

recommends that the recovery be completed and the reviewing agencies determine that no further exploration is necessary before the issuance of the present permit.

### C. RIGHT OF THE APPLICANT TO SUBMIT THE APPLICATION

Section 30601.5 of the Coastal Act allows a party to apply to the Commission to develop a piece of property over which the applicant is not the owner of a fee interest, without the owner of any superior interest joining as a co-applicant, provided that the applicant can demonstrate its legal right to use the property for the development. If the applicant does not own the property, however, the Commission must contact the legal owner and invite it to be a co-applicant.

Section 30601.5 States:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the Commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. **In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval. (Emphasis Added)**

Section 13053.5(b) of Title 14 of the California Code of Regulations requires that an applicant for development shall provide documentation of its "legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership, leasehold, enforceable option, [or] authority to acquire the specific property by eminent domain."

United States Trust Company of California, N. A. ("U.S. Trust Company") holds title to the greater part of Area C in trust, for benefit of the State of California. In asserting its right to develop the proposed improvements, Playa Capital provided an easement agreement between its predecessor in interest, Maguire Thomas-Playa Vista, and the U.S. Trust Company. It also provided a letter from the Los Angeles County Department of Public Works granting permission to work on the loop road and on the land within the loop and tax bills for land that was previously owned by the Pacific Electric Railroad. The applicant has also provided an agreement with Caltrans that allows it to encroach on the highway to install the ramps connecting to the Marina Freeway (California Department of Transportation (CALTRANS), Encroachment Permit 798-6MC-0618; Encroachment Permit Rider 700-6RW-2956, November 8, 2000.) To make it easier to understand the location of land owned by the various owners involved, the applicant also provided a map

incorporating this information (Exhibits). Finally, both the applicant and the Commission have contacted the U.S. Trust Company and invited it to be a co-applicant, pursuant to Section 30601.5.

The history of the land is as follows. When the previous owner of the property, Howard Hughes, died, his successor in interest, Summa Corporation, and the State agreed that the State would take Area C in lieu of part of the amount due in estate taxes. In a Security Agreement, dated August 29, 1984, and subsequently amended, the State also agreed that the Summa Corporation or its successors could buy back the land for an agreed on sum. In three amendments executed with Summa and successors in interest, which include Playa Capital, the amount was adjusted and the date was extended to December 31, 2000. After that time, the State would no longer be obliged to sell the property back to Summa's successor. However, Summa or its successor would retain a right of first refusal if the property were sold within five years of December 31, 2000. The Security Agreement, and subsequent amendments, gave Maguire Thomas-Playa Vista certain rights to fence, test, maintain and propose development on the Area C property. As the Controller and the public have pointed out, that agreement expired on December 31, 2000. Thus, at this time, Playa Capital no longer has a right to buy the property, but it does retain a right of first refusal if the property were sold within five years of December 31, 2000.

Independent of that agreement, in 1990, the U.S. Trust Company and the developer, Maguire Thomas Partners-Playa Vista, recorded an easement over the property granting Maguire Thomas (Summa's initial successor) or its partners or successors an easement to build certain road and infrastructure improvements. The applicant, Playa Capital Company, LLC, is Maguire Thomas-Playa Vista's successor.

The Commission notes that there is an executed offer to dedicate some of the land necessary to develop the Culver widening project. The applicant has provided documents indicating that on November 4, 1998, Sandee Parks, an executive with US Trust signed an offer to dedicate land necessary for the loop ramp to the City of Los Angeles (Exhibit). Los Angeles County already owns the land inside the existing loop and the loop itself, according to tax records and the Los Angeles County Public Works Department (Exhibits.) Some land necessary for the connector ramps to Route 90 are located on former Pacific Electric Railroad right-of-way owned in fee by the applicant. However, the applicant's representative agrees that additional land adjacent to Culver Boulevard, east of the ramp and west of the Marina Freeway that is required to accommodate weaving and transition lanes is not yet offered for dedication. Irrespective of the offers to dedicate, the applicant's right to develop that portion of the project derives from the Easement Agreement.

Completion of the Culver Boulevard project and the associated archaeological recovery, however, will require the use of some land where development of roads and utilities will be dependent on the Easement Agreement.

On May 14, 2001, the State Controller wrote the Commission Chair, stating in part:

"My office is opposed to any roads constructed or expanded on this parcel. As you know, this property is currently being held in trust for the benefit of the State of California. Moreover, efforts are currently underway to transfer the entire 73-acre parcel to the California Department of Parks and Recreation. Given that my office is entrusted with the responsibility and stewardship of this land until such time as we can transfer it to the Department of Parks and Recreation, I am notifying you that any purported consent previously given by my office to the applicant for the purpose of constructing or expanding roads on Area C is hereby withdrawn. Any such consent would have been premised upon Playa Capital exercising its option to purchase the 73 acres in issue. The option expired December 31, 2000, and was not renewed." (See Exhibit 25)

In asserting its rights to develop the road, the applicant provided documents as listed below.

1. Security agreement regarding Area C between Kenneth Cory, State Controller and Summa Corporation, 1984, with first through fourth amendments.
2. Copy of October 30, 1998 correspondence from Chief Deputy Controller to U.S. Trust Company of California with attached irrevocable offer to dedicate.
3. Easement agreement by and between Maguire Thomas Partners—Playa Vista and U.S. Trust Company, dated August, 30, 1990. (Exhibit 29)
4. Map and conditions of approval, Tentative Tract Number 44668, City of Los Angeles, May 4, 1987.

The applicant asserts that the Easement Agreement survives the termination of the Security Agreement, and the 1990 easement authorizes improvements that are defined in Section I.A.4, Page 3 of the Easement Agreement and Section I.A.6 of the Easement Agreement (Exhibits 26, 29)

In an August 9, 2001, letter to the Controller, the applicant's attorney, George Mihalstein asserted in part:

"[Y]our May 10<sup>th</sup> letter regarding Playa Capital's ability to process the Coastal Development Permit applications are unfounded for the following reasons:

- "The U.S. Trust Company of California ("USTCC") is the legal owner of Area C. It holds such property for the benefit of the State of California pursuant to and subject to the restrictions set forth in that certain amendment to Declaration of Trust dated December 11, 1984.

- "Area C is subject to a recorded easement agreement, dated August 30, 1990 ("Easement Agreement") ... This Easement Agreement, which by its express terms is a perpetual and irrevocable burden on Area C, remains in full force and effect. ...
- "Under the Easement Agreement, Playa Capital is entitled to enter upon Area C to plan and construct various roadway and other infrastructure improvements and has the right upon completion of such improvements to request that USTCC execute and deliver irrevocable offers to dedicate such improvements to the City of Los Angeles or other appropriate governmental entities. Playa Capital's rights under the Easement Agreement are not subject to any prior discretionary consent from USTCC, nor is USTCC required to seek the consent or approval of any other person or entity (including the Controller of the State of California) as a condition to Playa Capital's exercise of such rights. In addition, such rights are not subject to or in any respect dependent upon the status of the September 28, 1990 agreement, sometime referred to as the "Area C Option Agreement among the USTCC, MTP-PV and Maguire Thomas Partners-Playa Vista Area C
- "On November 4, 1998, USTCC executed an irrevocable offer to dedicate land within Area C for improvements to the Lincoln Culver loop ramp system and the widening of Culver Boulevard. Such offer to dedicate has not been modified or withdrawn and, since it is irrevocable, cannot be.
- "USTCC has been advised by Playa Capital, pursuant to Section 30601.5 of the California Coastal Act, that Playa Capital has filed Coastal Permit Application No.'s 5-00-400 and 5-01-107 and an application to amend Coastal Permit No. 5-98-164 with the California Coastal Commission. USTCC has not objected to such proceedings and has declined to participate as a co-applicant therein.

"Further, under the September 28, 1990 agreement between the Controller's office and Playa Capital's predecessor, the Controller's office promised to cooperate with Playa Capital's predecessor in effectuating applications for traffic improvement permits. See Controller's Agreement Art. 1, Section 1.1. The rights under this agreement were assigned to Playa Capital in October 1997. See Controller's Agreement, Art. 5, Section 5.1. ..." (See Exhibit 26 for entire text.)

Again, Section 30601.5 of the Coastal Act provides the following:

"Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the Commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interests of record in the affected property shall be

notified in writing of the permit application and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.”

Thus, it is not necessary for the Controller’s office, as owner of the property, to join as a co-applicant in this application. Indeed, as indicated above, the Controller’s office may not even need to approve of the proposal, if the applicant can demonstrate its legal interest in the property.

Again, under Section 30601.5, the applicant must demonstrate a legal right, interest, or other entitlement to use the property for the proposed development. That section also states, in part:

In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Pursuant to section 13053.5(b), Title 14 of the California Code of Regulations, an applicant must provide: “A description and documentation of the applicant’s legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.”

In this case, the Controller’s assertion that any approval given for use of the State trust property is revoked has created a dispute regarding the applicant’s legal right to carry out the project and/or comply with the required conditions of approval. The applicant’s representative has now responded to the Controller’s initial assertion, and the Commission finds no basis on which to disagree with that response. In addition Commission staff consulted with the California Attorney General’s office and received confirmation of its interpretation of the relevant documents. In sum, the Commission finds that the applicant has provided sufficient evidence of its right to complete the project in compliance with Section 30601.5 of the Coastal Act or Section 13053.5(b) of the Commission’s regulations for the Commission to proceed with the processing of the instant application.

In addition, the Commission notes that it has deferred final action on this case for a number of months while the applicant revised its project to address Coastal Act issues. The Commission further notes that in the intervening period there has been progress made on the larger issue raised by the Controller, the issue of reserving a significant additional portion of the Playa Vista property for public use and habitat protection.

Approval of other owners. The City of Los Angeles owns Culver Boulevard. Much of the actual loop in this revised plan is located on land that is owned in fee by the Los Angeles County Department of Public Works. The Connectors to the Route 90 freeway will encroach on land owned by Caltrans. When the City annexed Playa Vista in the mid-eighties, transfer of the loop road, and the area which it encircled, which were owned by

the County, was not completed, although the County had agreed to transfer all roads to the City (See Exhibits 27 and 28.) What seems to have happened is that the County transferred Culver Boulevard, but did not transfer the loop road, the land within the loop or the supporting slope (about 2.59 acres) to the City. Thus, in addition to the U.S. Trust Company, the City of Los Angeles, the County Department of Public Works, and the State Department of Transportation (Caltrans) all have some ownership interest in the land on which the development is proposed to occur (Exhibit 27.)

The applicant has provided an approved encroachment permit from Caltrans. The Los Angeles County Department of Public Works has issued a letter approving the road as well, and has agreed to record an easement allowing the applicant to construct the road. Jay Kin, Senior Transportation engineer at the City of Los Angeles Department of Transportation has written a letter approving the road as revised, and will issue a "B" permit when final working drawings are approved. Upon issuance of a "B" permit, the equivalent of a building permit, construction can begin. The Commission therefore finds that the applicant has received the authorization needed from the owners to apply for this road, pursuant to Section 13053.5(b), but until the applicant has a recorded easement from the County and a permit from the City, the applicant will not have the power to actually construct the road or to comply with the Commission's conditions. Therefore, Special Condition 11 requires the applicant to provide a "B" permit (which allows work on City streets,) and a recorded easement from Los Angeles County before the work can start.

Los Angeles County Department of Public Works has issued a letter approving the road, and has agreed to record an easement allowing the applicant to construct the road. The Commission finds that the applicant has received the authorization from the owner to apply for this road, but until the applicant has a recorded easement from the County, the applicant will not have the power to construct the road or comply with the Commission's conditions. Therefore, Special Condition 11 requires the applicant to provide a "B" permit (which allows work on City streets,) and a recorded easement from Los Angeles County before the work can start. The applicant has provided an approved encroachment permit from Caltrans.

#### **D. MARINE RESOURCES**

The project is proposed in an area that included a historic wetland. The project will also drain into Ballona Creek, which is an estuary. A previous design of this loop road would have resulted in fill of an area that the Commission's Senior Staff Biologist has identified as a wetland. The applicant withdrew the coastal development permit application for that project and has now revised the project so that it does not fill either the wetlands identified by the resources agencies or the small wetland area identified by Commission staff.

Sections 30230, 30231 and 30233 of the Coastal Act state:

Section 30230.

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

Section 30231.

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

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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

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

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

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

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

(7) Restoration purposes.

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

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

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

#### **WETLANDS IDENTIFIED IN 1984 BY THE DEPARTMENT OF FISH AND GAME**

In 1984 (and again in 1991) the Department of Fish and Game identified 2.5 acres of wetland in Area C (Exhibit 11, p6). The identified wetland areas constitute a drainage channel (the Marina Drain) that flows into the Marina del Rey and also a patch of Salicornia near the northwesterly corner of Area C (Exhibit). The drainage channel is an identified Corps wetland. It flows in a culvert under Lincoln Boulevard into a similar channel in Area A that drains, through another culvert into Marina Basin H. Any fish found on the site would reside in this channel that has water. The widened road will not encroach into either of these identified wetlands; in fact both are north of Culver, while the

widening and the ramps are south of Culver. The proposed street drains will drain into the Ballona Creek and not to the Marina Drain or the patch of *Salicornia* identified elsewhere.

#### **WETLANDS RECENTLY IDENTIFIED BY THE SENIOR STAFF BIOLOGIST**

This area was historically part of the Ballona wetlands. It was farmed as late as the 1950s. In the 1960's, construction activities in surrounding areas disturbed the site, which received considerable amounts of fill, probably at different times and from different sources. The site is now surrounded by low knolls formed by the levee for Ballona Creek, road embankments, and the twenty-foot high mound of fill south of Culver Boulevard between Culver Boulevard and Ballona Creek that is occupied by Little League ball fields. There is a depression west of this mound, and east of the present ramp. This depression supports a mix of native and exotic vegetation. The dominant vegetation is comprised of weedy exotic species characteristic of disturbed areas. There are also several small stands of mulefat (*Baccharis silicifolia*), a typically riparian species. Nine other species which are tolerant of wet conditions are present at the site, the most common being bristly oxtongue (*Picris echioides*) and curly dock (*Rumex crispus*). Mulefat is a native plant that grows along streams, on the borders of wetlands and in areas that are seasonally wet. Bristly oxtongue is found sometimes in wetlands, and sometimes in uplands. Curly dock is generally found in wet areas, but is also common in seasonally moist upland situations. All three of these species are wetland facultative plants, which means that they tolerate wet and saturated habitats, but are not dependent on them. They also are found in areas that are not wetlands or along stream banks.

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

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

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.

So, 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 April 2001, the Commission Senior Biologist, John Dixon, identified a depression located directly east of the existing loop ramp that was dominated by Mulefat, as a wetland. Dr. Dixon is the wetlands coordinator for the Commission responsible for issues of wetland delineation and wetland restoration throughout the coastal zone. While the applicant disagreed with the determination, the applicant no longer proposes development or vegetation removal within this depression. After construction, storm water from Culver Boulevard will not flow into this area, but will enter the extended biofiltration basin. The Commission finds that extraordinary care must be taken both during and after construction to prevent siltation into the wetland and to assure that storm water that flows into it has been properly filtered. (Exhibits 6 and 15, 17.)

The applicant has now provided revised plans that tighten the radius of the loop. The new loop and the fill supporting it will extend down the present fill slope but will not extend into the wetland (Exhibits 3, 4 and 11.) After the applicant revised its plans, the project engineer staked the toe of the slope that is proposed to support the loop ramp. Dr. Dixon visited the site and provided the following analysis:

#### **“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.” --John Dixon, October 25, 2001 (Exhibit 14.)

The public has also raised concerns about the status of vegetation in several areas in a roadside ditch on the south side of Culver Boulevard between the present loop ramp and the Marina Freeway. The Senior Staff Biologist also visited this ditch, which is located at the toe of a slope supporting the Little League ball fields.

#### **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 delineation<sup>2</sup> 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. John Dixon, October 25, 2001 (Exhibit 14.)

In testimony on Wednesday, November 14, 2001, members of the public announced that on November 2, 2001, a member of their group had found heliotrope (*Heliotropium currassavicum*), a wetland obligate plant, within the area encircled by the current Culver Boulevard Loop Ramp. The Culver Boulevard Loop Ramp is the site of part of the roadway and the biofiltration facility proposed in this project.

The Commission requested Dr. Dixon's opinion on whether the presence of heliotrope within the loop the indicated that all or part of the area was wetland. Dr. Dixon replied

The fundamental fact of wetlands is that they are wet. The soil is periodically saturated, or ponded, with water and anaerobic and therefore only hospitable to specially adaptive plants. The US Fish and Wildlife Service has compiled a list of such plants based on the field experience and best professional judgment of a committee of botanists, and the Service has given those plants special designations based on the frequency with which they are estimated to be found in wetlands. Obligate plants are estimated to have 99 percent of their occurrences in wetlands. Heliotrope is listed as an obligate plant and has been found in small clumps

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<sup>2</sup> 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 (Exhibit 17.)

scattered throughout the loop road site, which is intended as a retention basin. (Dixon, Transcript, page 200.)

Dr. Dixon explained, however, that the presence of an obligate species is not conclusive:

Now does the presence of these plants in this area make it a wetland? I do not think so, based on the photographs that I have seen, the topography and the vegetation analysis that has been done. The site is fill, and it is on a slope and as a result, it probably does not pond or saturate with water for significant periods of time. (Dixon, transcript, page 201)

Dr. Dixon also, in response to additional comments, described how a delineation is performed:

In wetland delineation, what one is looking for is what is the predominant vegetation. That is what it is, and in this kind of delineation and in this kind of situation the routine approach is to look within an area, five foot in radius and to list the five most dominant plants, the most abundant plant in that area and then to ask oneself are there greater than 50 percent of those plants wetland species. (Dixon, transcript, page 215)

In response to questions from the Commission, Dr. Edith Reed, the botanist who had conducted the plant survey for the applicant, stated that she had mapped this area as ruderal because of the dominance of upland weedy species." She stated, "I recollect seeing heliotrope that but did not put it on the dominance list. It is very typically found in upland situations like this."

Roy van der Hoek, the opponent who had observed the plants stated, in response to additional questions, that on November 2, [2001] he had found 15 individuals covering more than a five-foot diameter area. He had later looked them up and discovered that the US Fish and Wildlife Service lists marsh heliotrope as a wetland obligate plant.

In response to further questions, Dr. Dixon continued to describe the methodology used in California to delineate wetlands:

For California and for the Coastal Act and for the Department of Fish and Game the definition is different. In cases of both the federal and the state, the principle thing is water, whether the ground is saturated long enough for it to be anaerobic, and therefore fit mainly for specially adapted plants. The federal definition is linked to a methodology and they were developed together. The methodology calls for demonstrating that there are hydric soils, that there is hydrophytic vegetation and that there is a wetland hydrology—all [three elements]. There is no statutory methodology for California.

In practice, one uses the methods that have been developed by the Corps of Engineers that are in their '87 manuals. It is in the '89 manual and there is also guidance from the National Research Council and best professional judgment and, ultimately, this Commission decides what is a wetland. (Dixon, pages 215-216, transcript)

In preparing reports for this matter, Dr. Dixon reviewed technical documents on the methodology of wetland delineation and documents that had been prepared in the past in establishing wetland delineation in Playa Vista.<sup>3</sup> In a memorandum to the Commission Exhibit 15, he stated, in part:

In practice, the boundary is usually based on plants. Plants are generally considered hydrophytic if they are designated OBL, FACW, or FAC in a list compiled by the U.S. Fish and Wildlife Service.<sup>4</sup> The percentages of occurrences in wetlands are estimated to be > 99% for OBL, 66 – 99% for FACW, 33-66% for FAC, 1 – 33% for FACU, and < 1% for UPL species. Since the Coastal Commission only requires evidence of one of the three wetland characteristics (hydrophytic vegetation, hydric soils, or wetland hydrology), there is opportunity for error if the vegetation is dominated by one or two species that are also common in upland vegetation. ... This has led to the development of the so-called "FAC Neutral Rule" for determining the presence of hydrophytic vegetation. This rule does not utilize FAC species...in assessing the potential for hydrophytic vegetation, but weighs the abundance of OBL and FACW species against the abundance of FACU and UPL species." (Dixon, May 22 2001, Exhibit 15.)

Heliotrope is designated an obligate wetland species (OBL) in the U. S. Fish and Wildlife Service's list of wetland plants. The presence or absence of a single obligate species at a site, while providing important clues as to the location of wetlands, is not by itself a sufficient test for whether an area of is a wetland. None of the applicable standards for locating wetlands endorse looking only to the presence or absence of individuals of an obligate species. Instead all applicable standards require a delineation, which involves a comprehensive classification of all relevant species to determine which species are dominant. Thus, the presence of an obligate species alone may justify a delineation, but no accepted definition of wetlands includes the presence of a single obligate species as a sufficient condition. (See e.g. Corps of Engineers Wetlands Delineation Manual US

<sup>3</sup> Dr. Dixon, in his May 22, 2001 report submitted to the Commission on this permit 5-01-382 and the related appeal A-5-PLV-00-417, cites several reports concerning the delineation of wetlands in the Playa Vista area; including (1) Huffman, T. 1986, Determination of the Presence of Aquatic and Wetland Habitat subject to Federal Regulatory Jurisdiction within Ballona Creek Land Tract; a report submitted to the USEPA, dated September 1986; (2) Sanders, D. R. and Straw, W. T., 1987: determination of waters of the United States in Areas A B and C Of Playa Vista and a Hydrological Study of Areas A, B and C at Playa Vista., 1987; (3) Straw, W. T., March 2000: A report submitted to Playa Capital: a Hydrological Study of Playa Vista Phase II Federal Project. Dr. Dixon also states: "The definition in the regulations was adapted from Cowardin, I. M. Carter, V., Golet, F. C., and E. T. Larue, 1979: Classification of Wetlands and Deepwater Habitats of the United States," Office of Biological Services, U.S. Fish and Wildlife Service Washington, DC. Dr. Dixon further states: "The definition of upland limits are identical to those of the Service."

<sup>4</sup> Reed, P.B. 1988. "National List of Plant Species that Occur in Wetlands: National Summary." Biological Report 88(24). U.S. Fish and Wildlife Service, Washington, D.C.

Department of the Army, Vicksburg, MS (Jan., 1987) at 16-26). Also see the United States Fish and Wildlife language, noting that a wetland is land that is "supporting predominantly hydrophytes," adopted by the Commission in its Wetlands Guidelines in 2/4/1981. Similarly, the Winfield report, dated 9/2001, discusses the identification of wetlands by the predominance of hydrophytic species, although questioning the applicability of the standard to the Mulefat Area (See Exhibit 17). Indeed, in this case, the Commission determined that the presence of an obligate species warranted a more exhaustive examination of the locations where heliotrope was found.

At the end of the day on November 14, 2001, the Commission continued the item and requested Dr. Dixon, to visit the site and provide the Commission with additional information with respect to the issues that had been raised. In deciding to request Dr. Dixon to conduct an initial visit, the Commission considered testimony from Dr Dixon and of others present. The Commission was reluctant to continue the matter to the succeeding month for a report from an independent delineator until it had received a report from its staff because the Commission, the applicant and the public had devoted considerable time to the preparation for and conduct of the hearing. Without confirmation that there was indeed a wetland, the Commission was not willing to continue the item based on information provided at the last minute. However, the Commission determined that the reported presence of an obligate species warranted a more exhaustive examination of the locations where heliotrope was found.

Dr. Dixon visited the site on November 15, and inspected the site with representatives of Wetlands Action Network, the Sierra Club, John Hodder, a research biologist who had identified the "Mulefat Area" the previous spring, and the applicant. Dr. Dixon walked the entire site to assess the hydrology and vegetation. The group recorded every species of plant it identified at the site, including the locations of the plants. With respect to each location requested by any member of the group, Dr. Dixon assessed the vegetation by identifying and ranking dominant species.

On Friday, November 16, the Commission reconvened the hearing on application 5-01-382 and appeal A-5-PLV-00-417. The Commission received written and oral reports from Dr. Dixon, who indicated that the plant was present at several locations. Dr. Dixon stated, "At all sites, upland vegetation comprised more than 50 percent of the dominant species, the soils were sandy and without hydric indicators and there was no evidence of inundation. At P1 (one of the sampled sites) the greatest ground cover was contributed by heliotrope." As indicated by the first clause in the immediately preceding quote, even in the area where heliotrope contributed more ground cover than any other single species (area P1), among the several dominant species present, the number of upland species was greater than the number of hydrophytic species, and therefore there was not a preponderance of hydrophytic vegetation. As for the one wetland-indicator species that was common in area P1, he noted that the obligate designation is probably not appropriate for heliotrope in this region. He concluded that in his opinion, the area is not a wetland. Thus, given that none of the sites exhibited wetland hydrology, hydric soils or a

predominance of wetland vegetation species, Dr. Dixon concluded that there are not wetlands at the subject site. (See pages 7-9, transcript November 16, 2001 and attached report.)

The Commission considered the evidence before it, including public testimony, and concluded that the loop should be set back from the "Mulefat Area" in order to be consistent with Section 30233. The "Mulefat Area" was brought to the Commission's attention by the public in April 2001, and confirmed as a wetland by Dr. Dixon in June of 2001. The Commission also concluded, the ramp could be constructed within the footprint of the Culver Loop area consistent with Section 30233 because no wetland fill would occur.

## **RUNOFF**

The applicant notes that the originally proposed addition of a loop ramp and widening of Culver Boulevard would increase the impervious surfaces in Area C from 2.53 acres to 7.40 acres (including future road areas) of the total project drainage area of 21.3 Acres. At the hearing, the applicant clarified this figure as it applies to the project before the Commission (50-01-382--A-5-PLV-00-417), indicating that the increase in impermeable area related to the Culver Loop and Widening project is 1.99 acres, not five acres. Moreover, impervious areas result in an increase in the volume and velocity of runoff, due in part to the loss of infiltrative capacity of permeable space. Runoff conveys surface pollutants to receiving waters through the storm drain system.

Pollutants of concern associated with the proposed roadway development include heavy metals (copper, zinc, and lead), oil and grease. Other pollutants commonly found in urban runoff include pesticides, herbicides, suspended solids, floatables, and bacteria. The receiving waters for the development, Ballona Estuary and Channel are listed on the State's current Clean Water Act section 303(d) list of impaired water bodies. According to that list, the following parameters are causing impairment: Heavy Metals, Pesticides, Chem.A, PCBs, Tributlyn, Trash, Enteric Viruses/High Coliform bacteria counts, toxicity and sediment toxicity. The applicant's consultant from GeoSyntec has examined the effect of the proposed development on the receiving waters, in part, relative to these parameters. A thorough discussion is provided in a GeoSyntec Consultants Report entitled "Stormwater System Water Quality Evaluation Report – Culver Loop Ramp and Widening" dated November 30, 2000, and signed by Eric W. Strecker, Associate GeoSyntec Consultants.

The proposed stormwater system involves a storm drain system comprised of catch basins (inlets) and pipes that convey runoff off the roadways, and an extended detention biofiltration basin, to be located in the center area of the loop ramp, which will detain and treat runoff from the Playa Vista Culver Loop Ramp and the Culver Boulevard Widening Project. The extended detention/biofiltration basin will drain to the Ballona Channel.

The proposed extended detention/biofiltration basin incorporates a series of earthen vegetated berms that will direct water through native vegetation. The basin will provide pollutant removal through settling and biofiltration functions. According to the applicant's consultant, the extended biofiltration system was chosen because of its "expected high effectiveness in achieving good stormwater effluent quality ... and because of the fact significant land area was available for such a facility in the center of the loop. The consultant believes that, when practical, above-ground facilities are preferable to below ground, because they typically have improved performance due to more enhanced removal mechanisms such as photo-degradation." The consultant also indicates that with such a system, maintenance needs, that is, the need to remove trash and floatables, and to periodically remove polluted sediments, are more visible. In response to comments on this issue, the applicant, at the hearing, requested that the special condition 9.A (2)(d) be modified to specify that trash catching devices will be included in both the inlets to the biofiltration basins as well as the outlets and that the applicant be required to install energy dissipaters at the outlets of all discharge points.

With respect to heavy metals, the consultant asserts that due to the significant over-design of the BMP, the planned design of the system to treat existing runoff which is mostly untreated today, as well as runoff from the new impervious surfaces (roads proposed for the area in the future), and the targeted efficacy of the BMP, cadmium and other heavy metal loadings from this area are expected to be reduced by the BMP, and the quality of stormwater discharged from the site will almost certainly improve. Many of the pesticides of concern such as DDT, and from the Chem A group Aldrin/dieldrin and toxaphene, endrin, heptachlor, and heptachlor epoxide are now either banned or no longer in general use. Therefore, the proposed development is not expected to introduce these constituents to stormwater from this project. Additionally, the applicant's consultant contends that paving and landscaping should, in general, help to contain any historical sources of the pesticides in developed areas. According to the consultant, PCBs are typically highly absorbed to particulates, thus the proposed Best Management Practice (BMP) (described in detail below) should be effective at reducing any minor concentrations which might be present. Tributyltin is found in anti-fouling paints for vessels and is not expected to be present in new urban development of this type. The proposed BMP is expected to collect trash and reduce levels of coliform bacteria. The consultant contends that levels of coliform bacteria can be reduced by over 50% in water quality basins (such as the proposed BMP described below).

The applicant considered the new development-related stormwater mitigation requirements adopted by the Los Angeles Regional Water Quality Control Board (RWQCB) (Resolution No. R-00-02 [January 26, 2000] and Final Standard Stormwater Mitigation Plan [SUSMP] as revised after the Water Resources Board's October, 2000 final order.) Based on the consultant's calculations, the extended detention/biofiltration basin designed as proposed, will be able to accommodate eight (8) times the required minimum detention volume (3/4 of an inch in 24-hours) pursuant to the LA SUSMP

requirements. The Commission Senior Civil Engineer, Lesley Ewing, reviewed the plans of the 0.57 acre extended biofiltration basin revised to accommodate the revised ramp configuration and associated hydrology calculations. The review was necessary because this basin is smaller than the extended biofiltration basin submitted to the Commission in the spring of 2001. She concluded: "the reduced drainage basin and the smaller connector are large enough to handle the runoff from the 85<sup>th</sup> percentile storm event." All runoff from Culver Boulevard will now be directed through this basin and then into Ballona creek. (See also Exhibits 1 and 19.)

Prior to the applicant's modification of its proposal on appeal, and submittal of the revised application, 5-01-382, the Commission scheduled a hearing on an earlier version of the current proposal, for its June 2001 hearing. Having already found that the City-issued coastal development permit to raised substantial issues with respect to conformity with Chapter 3 of the Coastal Act, the Commission was scheduled to conduct a de novo review of that permit, as well as to review the dual permit application submitted by the applicant directly to the Commission (5-00-400). The project before the Commission at that time (the project that had been approved by the City and that was proposed in the same form in application number 5-00-400) involved constructing the ramps in a different location, which would have involved the fill of some wetlands. Just prior to the hearing, the applicant withdrew its application and postponed the hearing on its appeal. When the applicant subsequently submitted the current application (5-01-382) and amended the description of its approved project, the proposal no longer involved any wetland fill.

Due to the withdrawal, the Commission did not hear this matter in June. However, the Commission did receive a letter from Steve Fleischli, of the Santa Monica BayKeeper, in response to a public notice that these items had been scheduled. (Exhibit 18.) That letter objected to the prior version of the project on several bases, including the fact that it would have involved wetland fill. However, not all of the issues raised by the letter became moot when the proposal was restructured. The letter also states:

- 1) "this is one of the best places where protection and restoration will be possible in the near term" and,
- 2) "it is illegal to allow any additional pollutants from runoff in the Ballona Creek, if such pollutants are identified as causing impairment"

In issuing a coastal development permit the standard of review is Chapter 3. Other agencies, including the City of Los Angeles have the responsibility of enforcing other state laws. In this case the applicant withdrew an earlier design of the loop ramp that would fill a wetland area. In this action, the road and loop and extended biofiltration basin are located on fill. The extended biofiltration basin will actually create habitat in an area that is now depauperate, removing some fill that is presently there. Therefore this development does conform to the mandate to restore water quality where possible.

In response the second concern is that it is illegal to allow any additional pollutants from runoff in the Ballona Creek, if such pollutants are identified as causing impairment

- a) To the extent that the BayKeeper is arguing that the Clean Water Act prohibits this development, that issue was already addressed in the initial appeal, and the Commission found that argument to raise no substantial issue; thus, this is no longer before the Commission;
- b) In any event, the current version of the proposed project will result in a net *decrease* in pollutant loading to the receiving waters, including loadings of contaminants of concern as indicated by the 303(d) list; thus, as a factual matter, the project is NOT allowing additional pollutants into impaired receiving waters;
- c) Finally, although BayKeeper claims it is illegal to allow this construction, it has cited no legal prohibition on the issuance of a Coastal Act permit, and we are aware of no other relevant prohibitions.

The BayKeeper does cite a Clean Water Act (CWA) requirement that does "prohibit non-storm water discharges into the storm sewers." 33 U.S.C. section 1342(p)(3)(B)(ii). That section says is: "Permits for discharges from municipal storm sewers shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers." Thus, it requires that a specific provision be included in municipal stormwater permits. It is true that 40 CFR section 122.26(b)(8) defines municipal storm sewers to include state-owned road systems. Moreover, the State Water Resources Control Board has already issued such a permit, on July 15, 1999 (ORDER NO. 99 - 06 - DWQ; NPDES NO. CAS000003).

However, the City of Los Angeles and Los Angeles County, not the State, own Culver Boulevard and the loop. In any event the development conforms to the state water quality standards, which prevent any development that would **increase** the discharge of pollutants into an impaired water body. The project as proposed by the applicant and as required by conditions 1 and 9, diverts all present Culver Boulevard storm water into the extended biofiltration basin and, before discharging it into the basin, filters the water of most storms (up to an 85<sup>th</sup> percentile storm.) Therefore the project improves the quality of water discharged into Ballona Creek.

The Commission finds, however, that the performance of an extended detention biofiltration basin as a water quality treatment BMP intended to "treat" the capture volume, is dependent upon a variety of design influenced factors. It is critical to provide sufficient drawdown time for the capture volume, in order to produce a treatment function, which will occur through settling of solids and biological uptake through vegetation. According to the California Stormwater Best Management Practice Handbooks (1993), research demonstrates that a drawdown time of 24-40 hours for an extended detention basin, generally results in a removal efficiency of 60-80%. However, 40 hours is recommended in order to settle out the finer clay particles in California sediment that typically absorb toxic pollutants. In this case, due to the state of the receiving waters (parameters of

impairment include toxicity and sediment toxicity), and due to the feasibility based on basin design, the Commission finds a 40-hour drawdown time is appropriate, although the time may be extended if necessary to support wetland plants within the basin. The design specifications required by Special Condition 1 are based on recommendations contained in the California Stormwater BMP Handbook Municipal Volume (1993), project and site specific considerations described above. The Commission finds that if properly designed, extended detention/biofiltration basins can be very effective at removing constituents such as sediment, nutrients, heavy metals, toxic materials, floatables, oxygen demanding substances and oil & grease.

Further, the Commission finds that the use of vegetation combined with detention, as proposed, will significantly enhance the efficacy of the BMP by allowing biofiltration to occur. The value of this function is expected to offset potential impacts of vegetation maintenance. The offset will only occur if native wetland plants are used in saturated areas and native drought tolerant vegetation is used on the upper berms, coupled with an efficient low flow irrigation system, if such a system is necessary. In addition, Integrated Pest Management (IPM) techniques must be employed to avoid the release of toxic materials generated by the system itself. Integrated pest management techniques are more fully described below. These provisions are critical to reduce potential impacts, which could otherwise be associated with landscaping, such as the application of fertilizer and pesticides, which are sources of pollutants such as nutrients and organo-phosphates. It should also reduce intensive irrigation, which can also result in runoff, a carrier for pollutants.

The applicant proposes to commit to "minimizing the use of pesticides and herbicides through the use of native vegetation in much of the landscaping of the right-of-way and the BMP area (the loop) itself, and through careful and minimal applications and storage of any such materials". In fact, in this case, the applicant has agreed not to employ highly toxic or persistent pesticides to kill insect predators.

The Commission finds the use of native or adapted vegetation greatly reduces the need for intensive irrigation, which in turn reduces the potential for excessive irrigation to result in nuisance runoff from the site. Therefore, Special Condition 2 requires vegetation selected for landscaping to be native wetland vegetation within the saturated area of the basin and native drought-tolerant species with some adapted non-invasive material along roadsides. Additionally, any irrigation system used is required to be efficient; this will serve to prevent excess irrigation and resulting nuisance runoff from occurring. Plants that are well suited to regional conditions most often do not have to be sustained with heavy fertilizer or pesticide applications.

The Commission also finds that the use of native and drought-tolerant or adapted non-invasive vegetation will minimize the need for topical agents such as fertilizer and pesticides, thereby minimizing pollutants susceptible to stormwater and nuisance runoff from the site. However, due to the impaired state of the receiving waters, the Commission

finds that the applicant should pursue all feasible opportunities to further reduce the potential for the development to contribute pollutants to Ballona Creek and Estuary, particularly those parameters that have been cited as causing impairment to the waters.

The proposed use of native vegetation is an opportunity to use an Integrated Pest Management (IPM) Program. Alternative pest control techniques such as Integrated Pest Management and/or the use of non-toxic products can be effective in maintaining native or adapted vegetation, and therefore a potentially feasible option. IPM is an integrated approach, which combines limited pesticide use with more environmentally friendly pest control techniques. The goal of IPM is not to eliminate all pests, but to keep their populations at a manageable number. Pesticides can be a part of IPM techniques, but they are used in small quantities and only after all other alternatives have been reviewed. In this location next to a wetland, highly toxic and persistent chemicals should not be used, even if on occasion, plants sustain some damage. Therefore, Special Condition 1 requires the development and implementation of an IPM program for landscaping maintenance.

#### SILTATION DURING CONSTRUCTION.

Third, constructing a road adjacent to a wetland could result in siltation into the wetland. Any siltation could change the quality of the wetland areas, even obliterate them, especially given the shallow water found in the Marina Drain, and the sensitivity of the mulefat site to a possible change in ground elevation. Again discharge of toxic materials could harm the wetlands. The Commission requires numerous conditions to confine vehicles, stockpiles and fuel in identified zones of construction disturbance. The purpose of the condition is to avoid impacts on the wetlands and to prevent unplanned driving, storage or parking in the adjacent wetlands including the small wetland area identified by staff. The conditions require the applicant or its contractors to prevent discharge of solids, earth, silt or harmful materials including fuels, debris or construction materials into the small wetland area identified by staff or into other wetlands, such as the Marina Drain. 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.

A concern when excavating near a road and in an area that has been used to dispose of dredge spoils or construction debris over the years 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 any contaminated excavated earth. Area C is the site of an oil well and the area used to dispose of dredge material during the excavation of the Marina del Rey. During the excavation of the Freshwater Marsh that is located in area B, some contaminated sediments, drilling muds, were discovered. The coastal development permit did not anticipate or address this problem. Instead it established elevations of the completed project and standards for 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. The Commission in this case

requires testing of sediments, and imposes certain standards for the removal and stockpiling of any toxic material found on the site. However the determination of whether any soils are toxic and which dump should appropriately receive it remains in the jurisdiction of the RQWQCB and the DTSC.

Again, with conditions to address construction methods and handling of contaminated sediments, to ensure the appropriate design and maintenance of the structural BMPs, and to require 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 marine resources and water quality. The project is also consistent with Section 30233, as conditioned to avoid fill as presented to the Commission and to take measures to avoid unanticipated wetland fill.

As conditioned, the Commission finds the proposed stormwater system, and low-maintenance landscaping plans, shall serve to minimize impacts associated with stormwater and non-stormwater runoff from the proposed development, in a manner consistent with the water and marine resource policies of the Coastal Act.

#### **E. PUBLIC SHORELINE ACCESS**

The Coastal Act requires the Commission to protect shoreline access. Culver Boulevard is a major coastal access route in a network of heavily traveled roads. It is already heavily traveled during peak hours. Culver Boulevard was first constructed in the late 1920's. It extends from Playa del Rey to the intersection of Venice, Robertson, and Exposition Boulevards, following the route of a railway line that once served the beach cities. Culver Boulevard crosses Lincoln Boulevard on a bridge and only one connection from Culver Boulevard to Lincoln is possible: travelers eastbound on Culver Boulevard from the beach can now use a ramp to transition to northbound Lincoln Boulevard. It is not possible to turn from Lincoln Boulevard to Culver in either direction, or turn off westbound Culver Boulevard to Lincoln Boulevard.

The purpose of this project is to divert traffic originating in Playa Vista Phase One from Lincoln and Jefferson Boulevards by providing an alternate route from Area D Playa Vista to the 405 Freeway via Route 90. In this way, it is expected to reduce Playa Vista Phase I traffic impacts on one of the more important coastal access routes in Los Angeles, Lincoln Boulevard (Route 1). The eastbound Culver Boulevard/Route 90 ramps are already heavily used, performing at Level of Service (LOS) D and E during the evening peak hour. Additional capacity is needed on these ramps to accommodate Playa Vista Phase I and to reduce impacts on commuters from South Bay communities who use Culver Boulevard to access the 405 Freeway. The new loop ramps will provide a connection from westbound Culver Boulevard to Lincoln and from there to the South Bay, Marina del Rey, Venice Beach or Santa Monica. The project will make it possible to reach Area C via Lincoln Boulevard, which is now not possible (Exhibits 3 and 5).

Section 30210 of the Coastal Act requires maximum access and recreational opportunities to be provided.

Section 30210.

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

Section 30252 requires that new development be sited and designed to reduce traffic impacts and to improve and protect access to the coast:

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

This road widening is only one of the many road widening and other traffic mitigation measures that the City has required Playa Vista Phase One to provide. The Phase I EIR requires many automobile and non-automobile traffic mitigation measures (Exhibits 4 and 18). Traffic calculations for the entire project predict that the location of commercial, business and residential uses in the same complex, combined with the provisions of internal jitneys, will reduce the number of trips generated by the project by as much as 25% (when the project is built out). The project also includes measures to improve mass transit serving the project, although traffic planners indicate that no more than 2% of trips will occur on mass transit. The non-automobile traffic mitigation measures include alteration of traffic signals on Lincoln Boulevard to allow "smart" signals that will increase speed of busses and internal jitneys. Despite the careful planning, Playa Vista Phase I will have major impacts on the street system because it is a big project that will generate many trips.

The applicant's traffic engineers predict that 98% of trips from Phase I will be by automobile. Because most employees and residents of Phase I will make most trips in private cars, the project traffic mitigation measures must include widening streets and intersection improvements in a wide area surrounding the project. The purpose of the street widening and ramps proposed in this project is to allow private automobiles to leave the Playa Vista Phase I and reach the freeway system without impacting Lincoln Boulevard, which is one of the most heavily traveled streets in the City. This and other improvements would divert traffic from both Lincoln and Jefferson Boulevards enabling commuters and residents to reach the Marina Freeway without entering Lincoln Boulevard.

The applicant asserts that the purpose of the present project is to reduce the impact of Playa Vista Phase One on coastal access routes, including Lincoln Boulevard and improve public access to Area C. The road widening proposed in this application will reduce impacts on beach access routes, and make access to Area C possible from communities to the north and the south. The improvement of access and the mitigation of impacts to access attributable to an approved project that is located outside the coastal zone are consistent with the public access policies of the Coastal Act. Increased traffic on Lincoln Boulevard would have adverse impacts on beach access and public recreation and the proposal subject to this application will address and mitigate, in part, such impacts.

#### **F. RECREATION.**

The Coastal Act provides for protection of oceanfront land that is suitable for recreation and for recreation support.

##### Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

##### Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Controller has initiated a process that could lead to the State retaining Area C for public park purposes. The investigation is in its initial stage only. No funds have been allocated to create the park, and no legislative authorization to convert the land is yet approved. While no final decision has been made concerning the disposition of the property, the Commission can consider the compatibility of a 74-foot, three-lane roadway with a park. The Commission's ability to deny a project based on future use of the area as a park is limited by Section 30604(e), which states:

(e) No coastal development permit may be denied under this division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on, which the proposed development is to be located, unless the public agency has been specifically authorized to acquire the property and there are funds available, or funds which could reasonably be expected to be made available within one year, for the acquisition. If a permit has been denied for that reason and the property has not been acquired by a public agency within a reasonable period of time, a permit may not be denied for the development on grounds that the property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

The Commission notes that the 1990 easement does not allow the underlying landowner or its successor to object to the improvement. The Commission can, however consider methods to mitigate impacts on adjacent landowners and occupants, including possible parks.

Presently, the road is two lanes wide and carries significant commuter traffic. It carries 2,000 cars per hour at rush hour, according to Jay Kim, Senior Transportation Engineer, with the City of Los Angeles. It is hazardous to cross during morning or evening rush hours. Staff consulted with representatives of State Parks regarding their experience with major roads in parks. Many State Parks, such as California's north coast parks include major highways. In many ways, roads are difficult to manage in parks. This is because roads can cut off corners of a park, cut off habitat and can be a source of noise, reducing the quality of the recreational experience. They can be hazardous, and they can be barriers. An unrelieved expanse of asphalt is not attractive in an area that is supposed to represent and interpret California's natural heritage. The Department of Parks and Recreation is developing a plan to construct a park in the Baldwin Hills, which is crossed by two heavily traveled roads, La Cienega and La Brea Boulevards. As is the case with this road, there is little option to re-route the roads to a different location, because the roads are long established links in the transportation grid.

Although there are impacts, roads are necessary to provide access. Without the planned ramps, there is very limited access to this parcel. Few visitors, even in cities, go to parks on a bus. Roads can be used for parking and can separate active recreation areas and areas where human traffic should be limited. They can provide views of a park and retained natural open space.

The City of Santa Monica has recently adopted an open space plan that suggests methods to mitigate the visual and noise impacts of its roads and highways. One of the prime techniques suggested is the use of extensive planting. This includes street trees, landscaped median strips; jogging trails integrated with the roads, and the installation of a "freeway forest".

The simplest solution to soften the visual impact of the road would be to install a sidewalk or jogging trail where it can be safely accommodated and a vegetated strip beside the road.

The applicant's traffic engineer and the City Department of Transportation oppose on-street parking. A seventy-two foot roadway can accommodate on-street parking, the present roadway cannot, but this road was not designed with adequate capacity to provide on-street parking. Permission from the landowner is necessary before parking lots or trails elsewhere on the parcel can be constructed. For this reason, all public access improvements are part of the planned roadway and are located on the roadway within the scope of the initially anticipated Culver Boulevard roadway improvements. Vegetation can soften the visual impacts of a road and a vegetated strip is also required adjacent to this road and to recently widened portions of Lincoln Boulevard.

Parking. The current road does not have a paved shoulder and cannot provide any safe parking. One way that roads serve parks is to provide parking and entry to the park. A relatively quick and inexpensive way to provide public access support is to designate roadside areas to provide weekend parking. There is currently a bicycle path on the flood control right-of-way on Ballona Creek, adjacent to Area C. There is now no parking in Area C to serve this bike path and no real way to get to the bike path from the roads in the area.

Vegetated strip. There are several constraints on vegetation. Typical street trees are not consistent with the native vegetation that is found in this area, which is dominated by coastal sage scrub and dune plants. If this area were restored as habitat, possibly wetland, plants consistent with restoration would be necessary. However, one obstacle to restoration is the presence and the persistence of introduced grasses and invasive weeds that colonized the area after the fill was placed in the late 1950's and early 1960's. The other constraint is the quality of the soils, which are sandy dredge spoils, which may need significant alteration to support coastal sage scrub or wetland plants. If a park is developed, a long planning process will be necessary to determine the revegetation plans and the ultimate mix of activities. A landscape plan that would be compatible with restoration of Area C as a park or with future use for other purposes would include a coastal sage scrub buffer zone between the road and the rest of the area. Taller varieties of coastal sage scrub can mask the road from the other areas. Even a three foot high bush is higher than many cars, and will achieve some reduction in the visual impact of the road. In response to comments from the applicant regarding a need for clarification of condition language, the Commission adopted several minor changes recommended in the staff addendum. In addition, the Commission adopted changes recommended by the applicant in response to comments for the friends of Ballona wetlands regarding identification of invasive plants and eradication of invasive plants.

Jogging or bicycle trail. The applicant's plan for this area shows jogging trails and bike paths along several of the future streets in Area C, but not along Culver Boulevard. Instead the bike paths were to connect to the Ballona Creek path on the south property

line and over a new bridge connecting through Area D and eventually with Jefferson Boulevard, which is popular with recreational cyclists. The LUP provides for bicycle and jogging trails. More generally it states:

2b.2 As defined by the Coastal Act and specified in the specific design guidelines for each parcel in the local implementation program, new development shall provide additional recreational opportunities, including trails, bikeways, (additions and/or extensions of existing bike paths), open space/park areas and viewing areas as appropriate. Adequate support facilities (bike storage lockers, drinking fountains, etc.) shall also be provided.

Policy 3 refers mostly to Area B but also describes a trail along Culver Boulevard linking with the bike trail along the flood control channel in Area C. Playa Vista's eventual plans included a network of jogging trails. Several were planned for Area C, although none are designated along Culver Boulevard, which was identified as a major road. Currently, there is a jogging trail in the Culver median strip in Culver City and in Los Angeles, although just north of the Route 90 interchange, Culver Boulevard narrows and in this area, there is only a sidewalk. If it were possible to coordinate with Caltrans during consideration of their planned improvement to make it possible to route a trail under Route 90, a path in Area C could connect with existing trails. Such a trail would provide non-invasive recreational use pending more detailed park planning. An interim soft-footed trail along the south side of Culver Boulevard could be installed as part of this permit. If eventual plans show a different route, removal or relocation of such a trail could be easily accomplished.

Ultimate approval of either the applicant's final plan or a plan to develop the area as a park will take a number of years. The Commission finds that, as conditioned, to provide a sidewalk, and to landscape the road side with vegetation that can shelter and buffer the rest of the Area C from the noise and visual impact of the road on the park, this project will have minimal additional impact on any future park, given that the road and its traffic already exist. As conditioned, the project is consistent with Sections 30220, 30223, and 30604 of the Coastal Act. It provides additional recreational support to mitigate the impact of its increased traffic, and it does not commit the area to urban development.

#### **G. HAZARDS.**

The Coastal Act requires that the Commission examine development in terms of its effects on human safety and the safety of the development itself.

Section 30253 of the Coastal Act states:

Section 30253.

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. ...

This development is in an area that faces a number of risks:

Flooding. Historically, this area was subject to flooding. In the mid-thirties the US Army Corps of Engineers channelized Ballona Creek, which reduced flooding. However all flood control channels were designed on a model of the most likely storm and on level of runoff that was expected at the time the system was designed. With the increase of impervious surfaces in Los Angeles, some flood control facilities reach their capacity more often than in the past. According the Los Angeles County Flood Control District planners this facility was sized to accommodate the 1934 storm which is the equivalent of a hundred year storm; the recent information about the size of Los Angeles area storms indicates that many facilities designed for that storm may be over sized.

Earthquake. Because of high ground water levels and the presence of unconsolidated sediment, the area is subject to liquefaction. The certified LUP requires calculations of very high (0.5g) levels of bedrock acceleration prior to construction due to this condition. In the first phase EIR, it is estimated that after compression and dewatering, only the top four to six inches could liquefy in the event of a local severe earthquake. While this is not a significant amount for a road, it is significant for buildings. All new buildings will require special foundations as have been installed in the newer buildings along Lincoln Boulevard. Reports by ETI (April 17,2000) to the City indicated a possibility of a fault east of and parallel to Lincoln Boulevard have caused great concern. Further studies by the project geologists, and by consultants employed by the City Legislative Analyst have indicated that there is no evidence that such a fault exists. (See Substantive File Document Numbers 16, and 19)

Methane. The City is still debating the type and amounts of methane mitigation to require in new buildings in Playa Vista. Oil and natural gas deposits release gas through the soils in various concentrations. In Area D some soil gas has been measured in heavy enough concentrations to require "mitigation": foundation membranes, venting devices and the like. The Department of Building and Safety has adopted procedures and standards for reviewing development proposals in areas in which concentrations of soil gas have been measured: City of Los Angeles Department of Building and Safety, Memorandum of General Distribution, #92: Methane Potential Hazard Zones, March 19, 1991. To address neighboring Area D, the City Council established a committee, chaired by the City

Legislative Analyst to study whether the presence of methane in this area could or should change the City's decision to guarantee Mello/Roos road improvement bonds for the project. The bonds would be obligations of the future owners of this project. (Exhibit 13)

The most thorough study of soil gas emissions, the Jones ETI study, was done for adjacent Area D. The survey showed that concentrations in Area D were high enough to raise concerns about the safety of enclosed structures. The applicant has provided geology reports that also conclude that the road will be a safe structure. The soil gas survey prepared on behalf of the applicant for Areas A and C showed strikingly lower levels of concentrations of methane gas than the survey done for Area D. The City Department of Building and Safety has now approved that survey. (Exhibits 21, 22, and 23.)

Neither the City of Los Angeles Department of Public Works nor the project geologist found that such concerns applied to a road, a structure that is not enclosed but is placed on the ground surface. As noted above, the City Department of Public Works states that the City has not experienced problems associated with roads that have been located in high soil gas areas. After careful examinations of technical reports, including the methane gas surveys, the Commission's staff geologist has found no evidence that soil gas represents a hazard to the safety of the proposed road or the travelers on it. The staff geologist reviewed the Camp Dresser and McKee 2000, "Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project" report cited above and concluded:

" Although the sample spacing was too coarse to adequately delineate an anomaly, it was appropriate for the detection of an anomaly sufficient to pose a hazard to the proposed development.

The report indicates that soil methane concentrations encountered range from 0.48 to 5.43 ppmv<sup>5</sup>. For reference, the concentration of methane in the atmosphere is currently about 1.75 ppmv, and the lower explosive limit of methane is 50,000 ppmv; thus the values reported in the referenced document represents essentially background levels. ... Accordingly, it appears that no significant methane seeps occur in the area investigated.

Further, methane would only be able to attain dangerous levels if it were allowed to accumulate in an enclosed space. No such enclosed space exists beneath a roadbed. ... Therefore, it is my opinion that no explosion hazard exists in association with the widening of Culver Boulevard between Lincoln Boulevard and the Marina Expressway, nor will the construction of a ramp between Culver and Lincoln Boulevards create such a hazard." (Exhibit 24)

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<sup>5</sup> (Parts per million/volume)

The Commission finds that, as proposed, the project is consistent with Section 30253 and raises no issues of hazard to life and property. Section 30253 also requires conformity with the standards of the air quality district. The air quality district does not regulate methane. The increased traffic with associated increase in the discharge of more pollutants, is a function of the Phase I development and not this road. This road itself will not contribute to air quality problems.

#### **H. LAND RESOURCES/ENVIRONMENTALLY SENSITIVE HABITAT**

Section 30240 requires that environmentally sensitive habitat areas, and areas adjacent to parks shall be protected:

##### **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.

The Coastal Act requires the protection of areas of environmentally sensitive habitat and of areas adjacent to them. In this case, the most important habitat is found in the small patches of wetlands found on the site. One of these, as described above, is located adjacent to the fill slope of the present loop ramp, in a small depression dominated by mulefat. Other areas have been found north of Culver Boulevard, where there is 2.5 acres of wetland, mostly in the "Marina Drain", which connects this area to drainages to the north and to the Marina del Rey. Most of the area is disturbed, and covered with introduced weeds and grasses. Some coastal sage scrub plants occur.

However, the Playa Vista project biological consultant, Dr. Edith Read reports that in October 1995, visiting naturalists observed a population of 30 rare plants, which she identified as the southern tarplant (formerly identified as *Hemizonia australis* but now called *Centromadia parryi* ssp *australis*), on the adjacent escarpment on Area C. The southern tarplant, *Centromadia parryi* ssp *australis* is on list 1b of the California Native Plant Society. Southern Tarplants, according to Dr. Read, favor clay soil depressions that are relatively free of weeds. Dr. Read's initial report showed a very generalized area for the tarplant, which could have indicated overlap between the archaeological site and the area in which tarplant have been observed. Subsequent more detailed map on a larger scale showed that the two areas are at different elevations and are significantly offset. However, the Commission requires that the applicant fence the potential tarplant area with visible

hazard fencing and control trucks and staging so that no damage can occur during the archaeological treatment.

This plant is difficult to track because it blooms only a short period each year, and not every year. When it is not blooming, its small spring sprouts or dried leaves and stems are indistinguishable from the leaves and stems of other seasonal annuals. This plant has been mapped in two locations on Area C. Both of the locations are at some distance from this recovery excavation. However to assure that this plant is not disturbed the Commission requires that a biological monitor survey the site prior to the disturbing any vegetation. If the plant is found, the work shall not proceed. A report shall be filed in the Commission office prior to issuance of the permit and again prior to the start of work.

Like all extensive undeveloped sites near significant habitat, this site is used by a number of bird species both rare and common for nesting and feeding. Therefore the Commission requires that the biological monitor also survey for nesting birds and that no work take place in the immediate area of such birds until the hatchlings fledge.

Finally, the Commission notes that this site is adjacent to a Los Angeles County Significant Ecological Area number 29, Ballona wetlands. The SEA and most of the sensitive species, with the exception of the southern tar plant, such as Lewis' evening primrose are located on the north side of Culver Boulevard, the road widening and this archaeological recovery will be located on the south side of Culver Boulevard. While much off the site is no longer a wetland, it is only a few hundred yards from the creek and the present wetlands. The wetlands and the adjacent creeks and lagoons provide food for shore birds and seabirds, including the endangered Least tern and California Brown Pelican. Pelicans have been observed on the edges of the site, but not in this location. Instead the pelicans prefer the creek for feeding, and docks in the nearby Marina del Rey for loafing. The Least tern feeds in Ballona Creek and nests on nearby beaches. Belding's Savannah sparrows have been observed in Area C near patches of pickleweed located on the (north) side of Culver Boulevard, although no one has confirmed that they have nested there in at least twenty years.

The project will displace 5 acres of forbs and other cover, and also cause indirect noise impacts the habitat of the area, which is stressed. The applicant proposes to use native vegetation on the extended biofiltration basin and on roadsides. However, the Commission cannot find that these areas will provide adequate vegetative cover for the displaced birds and other animals unless:

- 1) The vegetation employed will support native birds and insects, which involves using native plants,
- 2) The vegetative cover in areas that have been denuded by road widening is replaced; and

3) There is an agreement acceptable to the City that this roadside landscaping will be part of the project landscaping and maintained for the life of the road approved in this project.

The applicant and the City have agreed on an enforceable method to maintain Phase One open space. Maintenance involves both physical maintenance, such as replacing failed plants as required in Special Conditions 1 and 2 of the permit and the identification of a successor in interest that can agree to maintain the area. The City of Los Angeles has required that the applicant and its successor take this responsibility for long-term maintenance by means of bonds and assessment districts payable by successors in the served areas.

Finally the project will cause a lot of clearance in a short time. Unless the applicant aggressively removes invasive introduced plants, these plants will squeeze out what upland habitat and native plants remain on the site. The habitat value of the area would be important to preserve if the area became a park. Therefore the Commission requires that the applicant identify an area in which it can remove invasive plants. The Commission further requires that the applicant monitor all its plantings to be sure that non-natives that force out native plants do not displace the rare plants that are found there, the southern tarplant and Lewis' evening primrose and other habitat.

In response to comments from the Friends of Ballona wetlands, the applicant suggested several refinements to the methods of construction and the identification of invasive plants, and a requirement that any revegetation plan include an analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation. In order to provide more water for wetland plant in the extended biofiltration basin the applicant requested that the Commission eliminate the recommendation that the biofiltration basin provide a drawdown time of no less than 40 hours. The Commission concurred with this request. The Commission at the request of the applicant removed all reference to the introduction of animals for pest control. The applicant based its request on a comment by the Friends of Ballona that it is very risky, biologically, to introduce animals into a habitat area that are not already present because it can upset the current balance of the ecosystem. The Commission also changed Special Condition 16 to require that in any area in which invasive plants are removed the applicant replant the area with native plants common in the Ballona wetland area because the applicant and the Friends state that invasive plants would reinvade unless natives were immediately replanted in their place. These changes were refinement to the original conditions intended to reduce the project's disturbance to the native habitat and did not change the intended effect of the conditions, which is to minimize clearance to those areas necessary to construction, and in any disturbed area to revegetate with appropriate plants common in this Ballona Wetlands area.

As conditioned, to avoid the southern tarplant to avoid disturbance of nesting birds, to remove non-natives attracted by the grading and to avoid siltation as described in the

preceding section, this project is consistent with the requirements of Sections 30240 and 30251 of the Coastal Act.

## **I. CULTURAL RESOURCES**

Section 30244 of the Coastal Act states:

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

Both the Coastal Act and the City's certified Land Use Plan require mitigation measures for development areas that contain significant cultural resources. In 1991, the Corps, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer, with the approval of the Tongva (Gabrieliño) tribal representatives, authorized a research and recovery project for all the identified or suspected archaeological sites in the Playa Vista project area. In 1998, the Commission approved Permit 5-98-164 that authorized preliminary exploration of the identified sites in the Coastal Zone portion of the Playa Vista Property. In approving Permit 5-98-164, the Commission found:

The proposed Research Design also includes detailed field and laboratory methods.

The proposed Research Design conforms to the Programmatic Agreement among the Corps of Engineers, the Advisory Council on Historic Preservation, and the State Office of Historic Preservation. In addition, the Programmatic Agreement has been reviewed and signed by Vera Rocha, Tribal Chairman of the Coastal Gabrieliños, Manuel Rocha, spiritual leader, and Cindi Alvitre, Chairperson Tribal Council.

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

According to the project's archaeologist, once a site is determined to contain significant cultural resources, a Treatment Plan (Mitigation Plan) will be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is

consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an amendment will be required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

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

The Commission approved the exploration but required the applicant to return for an amendment or for a new permit if recovery was necessary. Two archaeological sites identified for exploration in 5-98-164 are located within the footprints of the proposed road improvements. One of the sites proved to contain cultural deposits. The Commission is considering an amendment to 5-98-164A at the present hearing, November 2001. The City and Corps conditions require that this present road project should not go forward in the vicinity of the archaeological recovery project until the parties, including the Corps, the Native Americans and SHPO agree that recovery is complete and no further exploration is necessary. At its November 16, 2001 hearing the Commission approved this application and the related permit for archaeological recovery.

The Commission finds, therefore, that, as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act. The Commission notes that any additional work not described under the Commission's previously issued permit 5-98-164 or the new amendment 5-98-164A, if approved, shall require review by the Executive Director to determine if an amendment or a new permit would be required.

## **J. 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.

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 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 included 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 an eight-lane connector to the Marina Freeway. There is one other difference; the project does not bridge Lincoln Boulevard over Culver Boulevard but at this time retains the existing circa 1938 bridge over Lincoln.

This particular project is a required mitigation measure for the first phase of the Playa Vista development, but is also a response on the part to Caltrans and other transportation agencies to the degree of crowding that drivers on Lincoln now face, even before completion of Playa Vista's First Phase.

The Commission initially reviewed road widening plans and future traffic volumes for the Marina del Rey/Ballona area when it certified the Marina del Rey/Ballona Land Use Plan in 1984. The 1984 plan anticipated intense development in the sub-region and required major road improvements to accommodate it. Since then, the Commission has increased number of the peak hour trips that may be generated by new development in Marina del Rey from about 2400 peak hour trips to about 2700 peak hour trips. Traffic generation expected from Playa Vista has remained about the same, although Playa Capital has now proposed a different mix of uses than the Commission reviewed in 1984, when it certified the Marina del Rey/Ballona Land Use Plan.

Development approved in the Marina del Rey/Ballona Land Use Plan (exhibit) for both the Marina del Rey and for what is now Playa Vista included:

USE	Hotel rooms	Res-- taur- ant seats	Boat slips	Commer- cial sq. ft.	Marine Commer- -cial sq. ft.	Resi- dential units	Office sq. ft.
Marina del Rey	1,800	462	20 acres	14,000	"varies"	1,500	200,000
Playa vista Area A	1,800		26 acres	200,000	0	1,226	
Playa vista Area B				70,000	0	2,333	
Playa vista Area C				150,000	0	2,032	900,000
<b>TOTAL</b>	<b>3,600</b>	<b>462</b>	<b>46 acres</b>	<b>424,000</b>		<b>7,091</b>	<b>1,100,000</b>

Before approving this level of development Los Angeles County required the applicant with the biggest project, Summa Corporation, to prepare an evaluation of the traffic impacts of the development and a list of road widening projects that would accommodate it. In 1992 Los Angeles County accepted a study prepared by Barton Aschman Assoc. for Summa Corporation to address its proposed development. The study took into account development in "areas peripheral to the LCP zone" "inasmuch as this development will have a significant impact on LCP area traffic. The study took into account not only proposals in the Marina del Rey, and Summa's proposals but also it addressed traffic impacts expected from development in the "sub-area." This development included (1) a major project at the 405, Centinela and Sepulveda Boulevards, (2) 4 million square feet of Airport related commercial and industrial development, (3) 3.6 million square feet of commercial and industrial development in Culver City, and (4) "on the vacant property east of Lincoln and south of Ballona Creek, 3,200 dwelling units, 600 hotel rooms, 3 million square feet of office space and 400,000 square feet of commercial uses" (Playa Vista Area D).

The traffic improvements approved in the Marina del Rey/Ballona plan to accommodate that development included<sup>6</sup> (Exhibits):

- 1) Widening Lincoln Boulevard to eight lanes;
- 2) Constructing a four-way loop ramp at Culver and Lincoln Boulevards, lower Culver Boulevard, and bridge Lincoln Boulevard over it;
- 3) Widening Culver Boulevard to six lanes between Lincoln Boulevard and Vista del Mar; and to eight lanes between Lincoln Boulevard and the marina freeway, realigning Culver Boulevard in Area B;
- 4) Realigning the Culver Boulevard interchange with Jefferson Boulevard.
- 5) Extending Admiralty Way to the realigned Culver Boulevard;
- 6) Widening Jefferson Boulevard to six lanes;
- 7) Extending the Marina Freeway just west of Culver Boulevard with a grade-separated interchange at their intersection;
- 8) Extending Bay Street north of the Ballona Channel;
- 9) Building the "Marina Bypass" (a four-lane high-speed road along the Pacific Railroad right of way between Lincoln and Washington Boulevards;
- 10) Extending Falmouth as a four-lane road to Culver and Jefferson Boulevards.

Many of the proposals had been considered by transportation planning agencies for many years. The Barton Aschman report and the submitted LUP cite County and City transportation planners in explaining the choices.<sup>7</sup>

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<sup>6</sup> Presented in a different order with different numbers in the Land Use Plan. See Exhibit)

<sup>7</sup> Two of the improvements were since removed from the plan. Falmouth Avenue was removed as a result of the Friends' of Ballona lawsuit because it established a new road in the wetland. The City of Los Angeles withdrew its approval of the Marina Bypass, an unpopular improvement, and approved housing on the proposed right-of-way.

When City of Los Angeles annexed Areas B and C of the land subject to that plan, the City incorporated most of the traffic improvements into the Playa Vista Land Use Plan that the Commission certified in 1986.<sup>8</sup> The improvements included the extension of Admiralty Way to Culver Boulevard, widening Lincoln Boulevard to eight lanes, widening Culver and Jefferson Boulevards, and extending the Marina Freeway. With respect to Lincoln Boulevard and associated transportation improvements the certified Playa Vista LUP states:

*Page 43, Policy 14. At the Culver and Lincoln boulevards interchange, Culver Boulevard should be lowered to an at-grade level with Lincoln Boulevard bridged over it; and the following ramps shall be provided:*

- (a) A loop ramp in the southeast quadrant accommodating eastbound Culver Boulevard to north bound Lincoln Boulevard flow.*
- (b) A straight ramp in the southeast quadrant accommodating north bound Lincoln to eastbound Culver Boulevard flow.*
- (c) A loop ramp in the northeast quadrant accommodating westbound Culver to south bound Lincoln Boulevard flow (for reference only, located in Area A).*
- (d) A straight ramp in the northwest quadrant accommodating southbound Lincoln to westbound Culver Boulevard flow. (Outside City jurisdiction located in Los Angeles County.)*

*Page 43 policy 15: Widen Lincoln Boulevard to provide an eight-lane facility between Hughes Way<sup>9</sup> and Route 90.*

*Page 43 policy 16: Jefferson Boulevard will be developed as a basic six-lane facility with an additional eastbound lane between Lincoln Boulevard and Centinela Avenue. (Part of this is outside the coastal zone.)*

*Page 44, policy 17: Reserve right-of-way for a transit way linkage in the Lincoln Boulevard corridor.*

*Page 44 policy 18: Extend the Marina Freeway, just east of Culver Boulevard, with a grade-separated interchange at their intersection.*

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<sup>8</sup> The County did not adopt them, adopting only improvements within the Marina del Rey proper and a schedule of improvements that linked stages of development of Area A, which it had retained, to improvements by other Playa Vista project areas. When the County submitted a separate implementation program applying only to the Marina del Rey proper, it included only improvements to streets within the Marina was part of that plan. The County deferred policies addressing widening major streets outside the Marina such as rerouting Culver Boulevard and widening Lincoln as part of the future LCP for Area A, which was then still owned by the owners of Playa Vista.

<sup>9</sup> Hughes Way is now identified as Loyola Marymount University (LMU) Drive.

*Page 44, policy 19: Extend Bay Street, north of the Ballona Channel as a basic four-lane facility, construct a bridge across the Channel.*

When the City of Los Angeles reviewed the First Phase Playa Vista EIR in the early 1990's, the City based its traffic analysis on the Barton Aschman report and on an addendum that it had requested. The City required the first phase of many of these identified "road improvements" as mitigation measures, because they would increase road capacity. All development authorized in the First Phase EIR, with the exception of the Freshwater Marsh, is located outside the coastal zone, east of Lincoln Boulevard.

Phase One, Playa Vista, which is located outside the Coastal Zone, will include the following development.

	Dwel- ling units	Retail Sq. ft.	Community serving sq. ft	Office Industrial Media center sq. ft	Open space other habitat	Wetlan ds
Phase I	3,246	35,000	120,000	2,077,050 office 1,129,900 studio	26A	26

The traffic analysis of the First Phase Playa Vista EIR describes what were then current traffic volumes in this part of Lincoln Boulevard. Traffic was already heavy in 1990.

Intersection:		1990		1997 without project		1997 with project	
		Volume/ capacity	LOS	Volume/ capacity	LOS	Volume/ capacity	LOS
Lincoln/ Manchester	a.m.	0.979	E	1.225	F	1.261	F
	p.m.	1.121	F	1.356	F	1.422	F
Lincoln Jefferson	a.m.	0.971	E	1.274	F	1.454	F
	p.m.	0.967	E	1.334	F	1.547	F
Lincoln/ Maxella	a.m.	0.625	B	0.873	D	0.931	E
	p.m.	0.818	D	1.202	F	1.270	F
Lincoln/ Route 90	a.m.	0.763	C	0.975	E	1.044	F
	p.m.	0.804	D	1.151	F	1.207	F
Lincoln/ Washington	a.m.	0.977	E	1.364	F	1.415	F
	p.m.	1.105	F	1.534	F	1.512	F

Source: Playa Vista Draft First Phase EIR, Pages V.L.1-42 and V.L.-44:  
 Table V.L-I-6

The EIR anticipated that by 1997, even without the project, traffic levels would exceed level F (the most congested level of service, essentially stop and go) at several intersections. With the now approved project, the EIR anticipated that the level of service

would be significantly worse (third column). When it adopted the final EIR mitigation measures, the City of Los Angeles required the widening that is subject to the present application. In addition to ATSAC (speeding up traffic by manipulating traffic light intervals,) the City required the applicant to provide the following improvements to Lincoln Boulevard in the coastal zone<sup>10</sup>:

40. Lincoln and Mindanao (restriping and removal of islands, see Exhibit.)  
42 Lincoln and Teale St.

- (a) . Dedicate property and widen Lincoln Boulevard along the project frontage (both east and west sides from a point approximately 800 feet southerly of the proposed realigned Teale Street centerline to a point approximately 40 feet southerly of the Jefferson Boulevard centerline to Super Major highway standards with a 114 foot road way within a 134-foot right-of-way. However the applicant has offered to provide a 126-foot roadway within a 152-foot right of way. Relocate and modify traffic signal equipment as required. Lincoln Boulevard is under the jurisdiction of Caltrans and any improvements must be coordinated with and approved by Caltrans.
- (b) Dedicate, construct and realign Teale Street east of Lincoln Boulevard to provide an 84-foot roadway within a 108 foot right of way in order to provide two left turn-only lanes, one right turn-only lane and one bike lane in the westbound direction and three through lane and one bike lane in the eastbound direction.
- (c) Restripe Lincoln Boulevard to provide three through lanes and one shared through/right turn lane in the northbound direction and one left-turn only lane and four through lanes in the southbound direction.

After certification of the EIR, the applicant approached Caltrans regarding three improvements to Caltrans facilities required in the EIR mitigation measures: widening Lincoln boulevard, increasing the capacity of Jefferson and the Jefferson /405 interchange, and adding high speed surface level ramps at Culver and Route 90 (Marina Freeway). Caltrans responded that they agreed that there needed to be a way to reroute traffic off Lincoln to the east to the 405 Freeway and ultimately the 10 Freeway. However the geometry of the Jefferson 405 ramps prohibited the improvements that had been suggested (the ramp is too narrow to provide a safe turn with an additional lane.) Caltrans instead advocated establishing a parallel north south route, Bay Street (now known as Playa Vista drive,) that could deliver north south traffic to Culver Boulevard; building a bridge over Culver Boulevard as the first step to a full interchange of Route 90 and Culver boulevard; increasing capacity of a north/south street outside the coastal zone (Centinela). Caltrans agreed to the Lincoln widening, noting however that (1) the intersection of Lincoln Boulevard and Washington would still be at level F and above and that there were so many demands on Lincoln from the airport and other uses that Lincoln would still be

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<sup>10</sup> All the improvements required for the project as shown in Exhibit 32.

severely crowded. Caltrans advised also that the number of bus trips along this route must be increased to reduce demands on Lincoln Boulevard from Playa Vista. (Exhibits)

In response to this communication, the City revised its mitigation measures for phase one Playa Vista in May 1993 (Exhibit 32-37). In response, the City required the implementation of more of the LUP improvements as part of Phase I, adding the Culver Lincoln loop ramp and adding Bay Street to Culver Boulevard as an alternative north-south route to Lincoln to the phase one mitigation measures. The City also adopted strict transportation demand management measures. The required road projects were to be staged along with six identified stages of construction (exhibits). Lincoln Boulevard improved to eight lanes is one of the first projects that the EIR requires to be completed. This project will not provide all the widening that the Phase I EIR requires (although phase I measures allow combination of turn lanes with travel lanes. It does not provide extra buses, and it does not required four travel lanes all the way to from Teale Street to Fiji Way, because it does not provide 8 lanes. The remaining widening north of Jefferson would take place along with the bridge reconstruction that Caltrans plans to propose next year.

The Coastal Act provides that development must not overload coastal access routes. The studies by Barton Aschman did consider two ways to reach this goal: an alternative, lower level of development, with less road widening and an alternative higher level of development with more road widening. In 1983, Los Angeles County submitted an LUP, which the Commission certified in 1984, that showed intense development accompanied with an integrated system of road widening. The integrated system of road widening was designed to accommodate development that was proposed east of the coastal zone. According to the report the road widening would accommodate the proposed development and the traffic from related projects.

In approving the LUP in 1984 the Commission required a mass transit in addition to the road widening. The Commission modified the policy in its 1986 actions on the City and County versions of the same LUP to require only a mass transit right-of-way (a lane) and internal jitneys. In addition in its 1986 actions the Commission required that the City and the County plan their transportation improvements together, a policy that the Commission included and strengthened in approving additional development in the Marina del Rey in 1995.

This road is necessary to accommodate development that is already approved outside the coastal zone. The City and Caltrans determined that it is necessary to accommodate that development. However the road widening is part of a larger plan to accommodate high levels of development inside and outside the coastal zone. If these high levels in the coastal zone are changed, the full complement of roads may not be necessary. However the Commission does not now have an alternative traffic analysis that would address how to reduce the number of widening projects or the number of new roads.

This project involves less impact on resources and structures than the LUP. The Commission finds that the proposed roads are in locations identified by the certified LUP, and do not prevent development as envisioned in the plan from taking place.

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.

**K. 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.

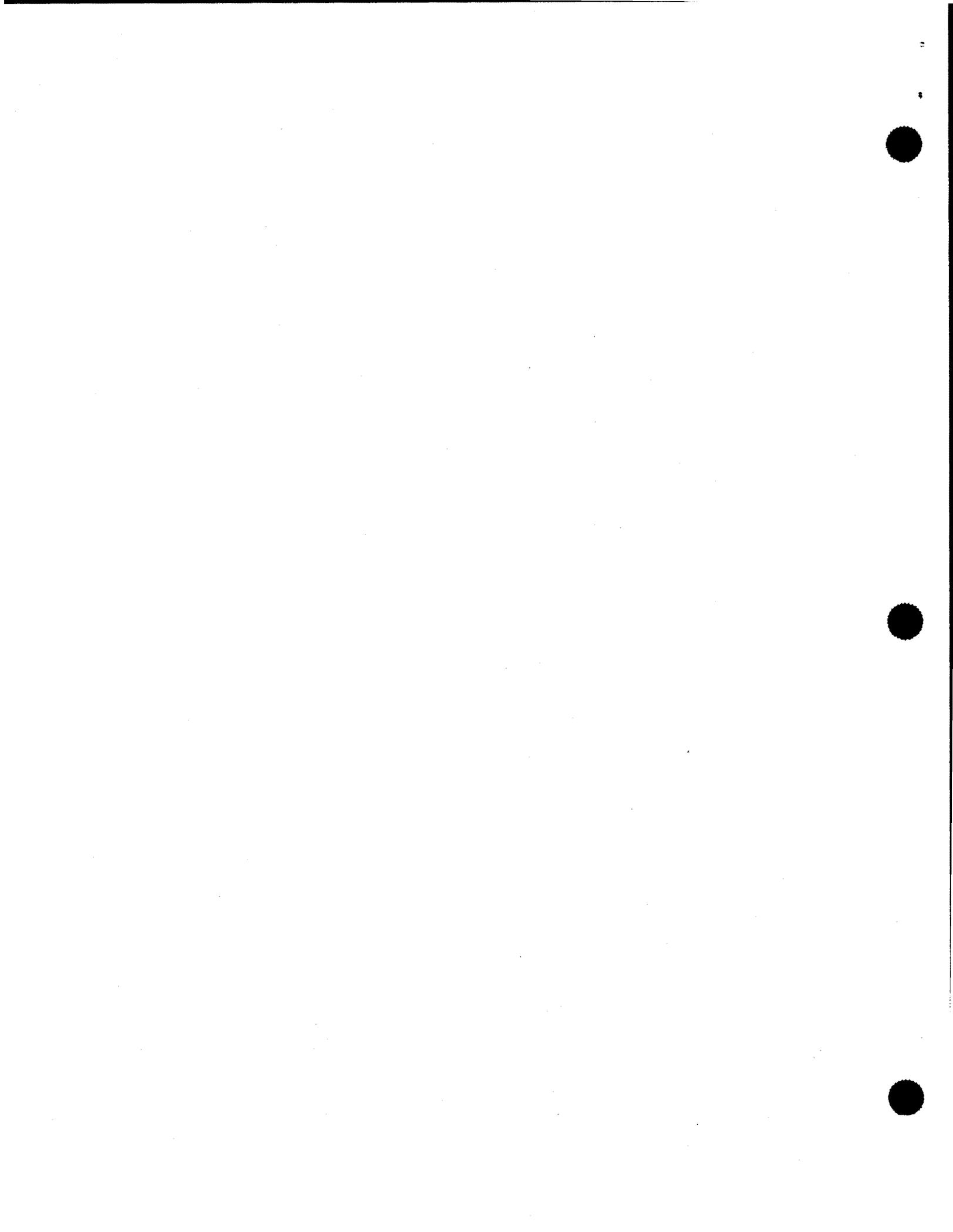
In the case, the project originally proposed could have had significant adverse impacts, but the applicant has avoided those impacts by changing its project, relocating the ramps away from the wetland, and mitigating the remaining impacts through the implementation of the conditions proposed. There are 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.
36. Davis and Namson, Consulting Geologists, "An evaluation of the subsurface structure of the Playa Vista Project Site and Adjacent Area, Los Angeles, California", November 16, 2000.



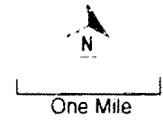
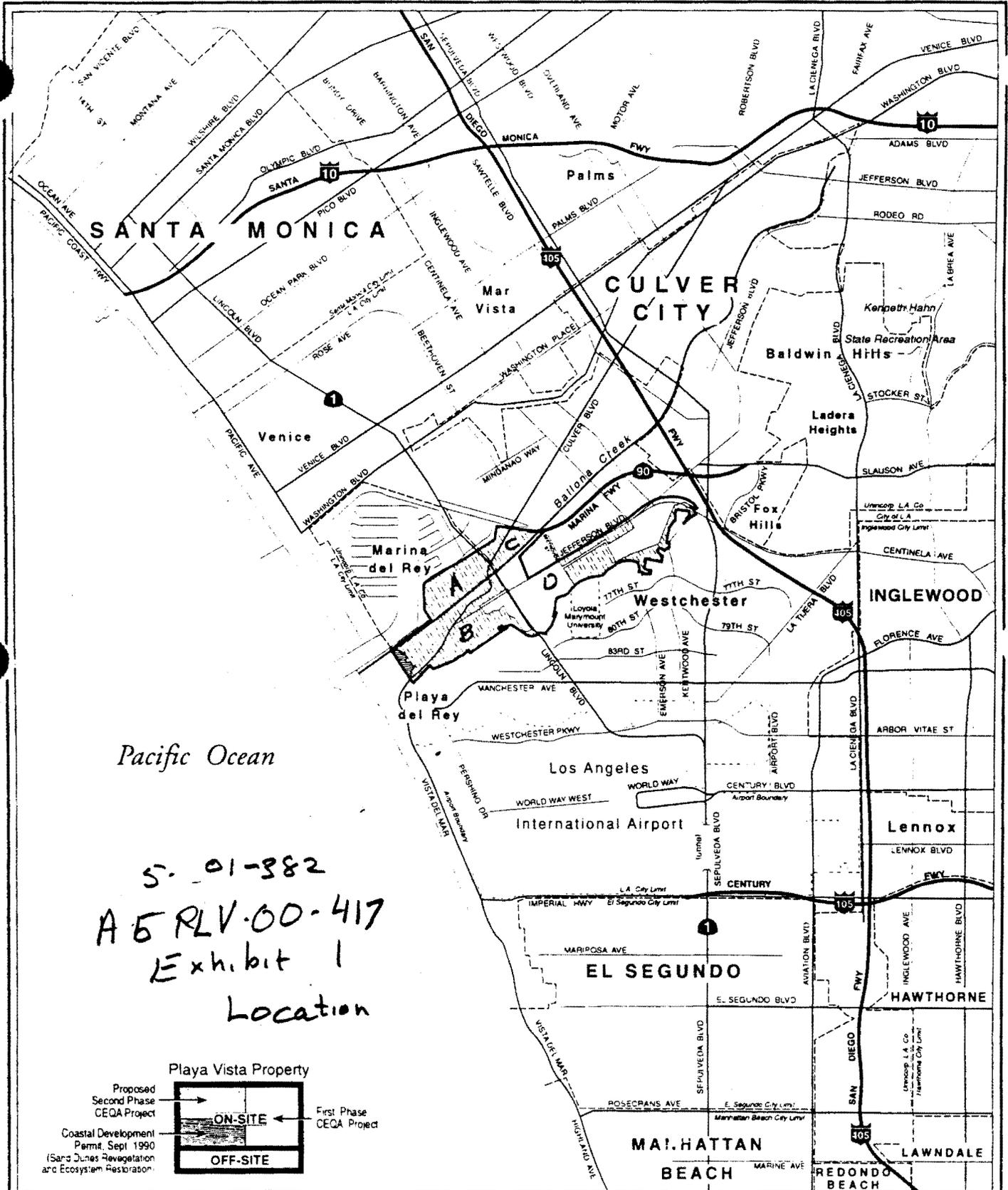
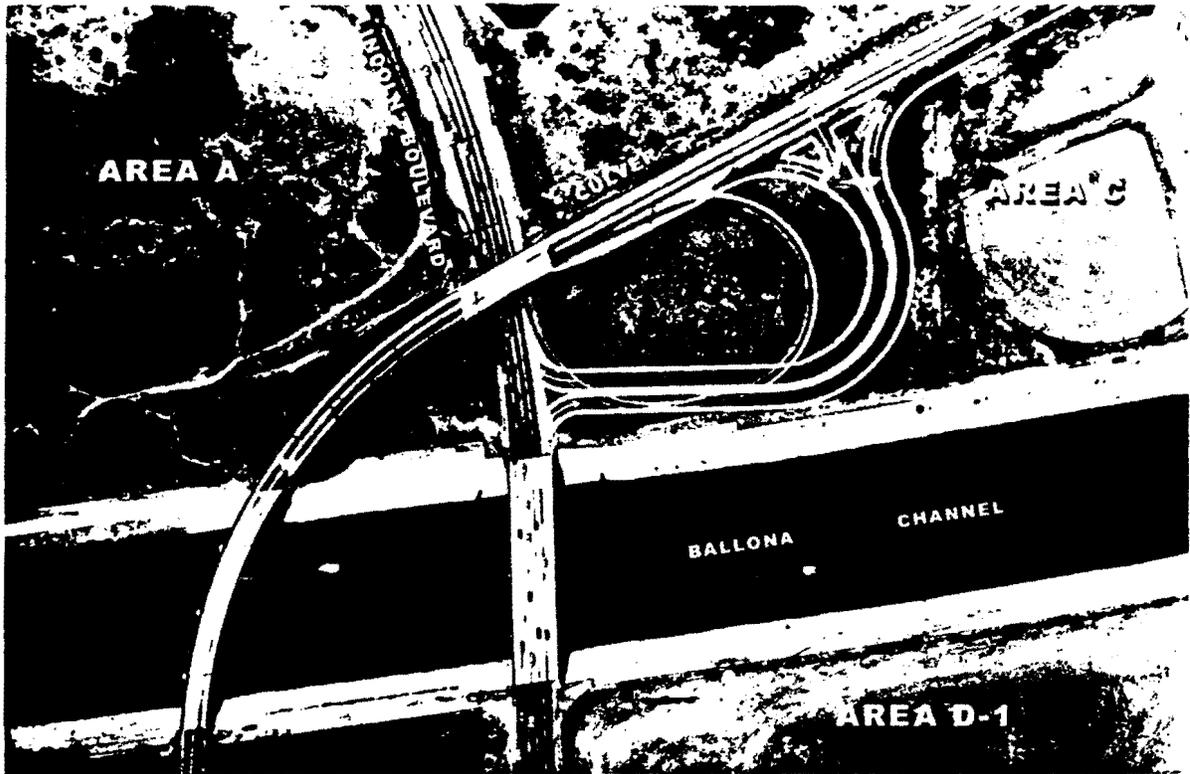


Figure 2.2-2  
Location of  
Playa Vista Property

Source PCR Services Corporation 1996

October 2000





Original Proposal



Revised Proposal

Exhibit  
3

S-01 382

AS-PLV-CC 417

Revision

FIGURE 1

Comparison of Original and Revised  
Proposal for Lincoln-Culver Ramp

 PLAYA VISTA

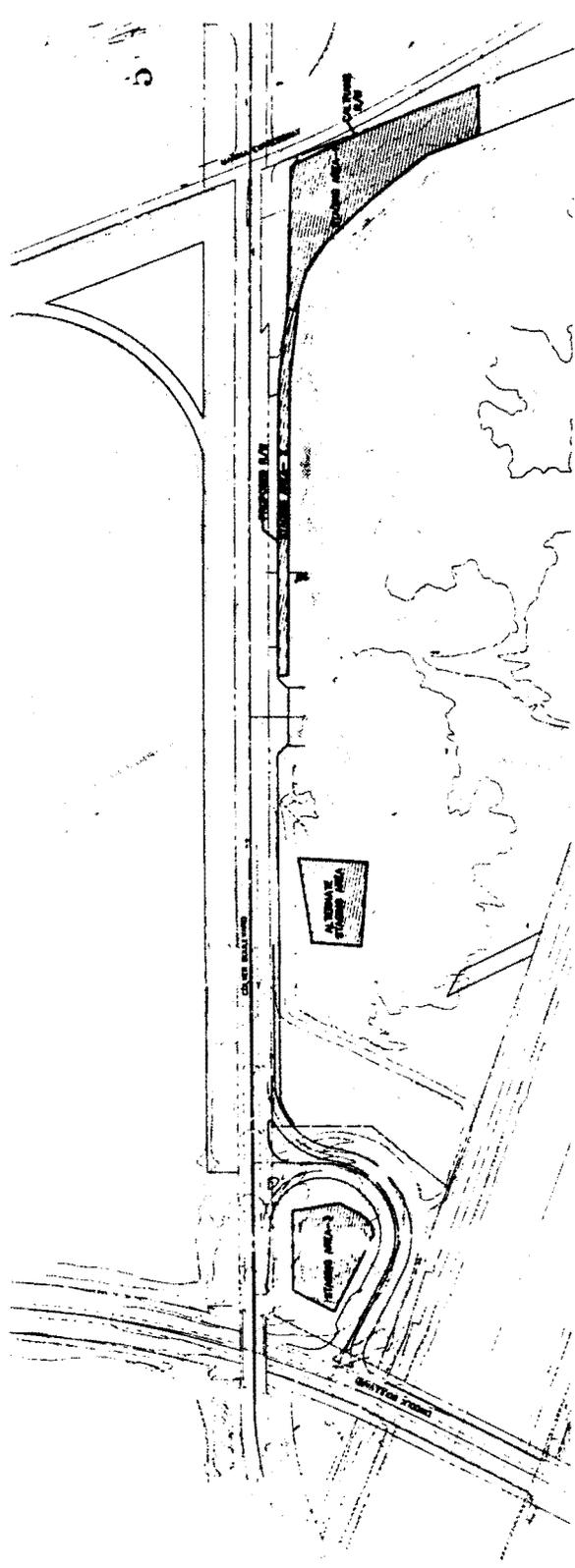


Exhibit 4  
 S-O 1-382  
 A-5-PLV-00-5117  
 Staging &  
 Disturbance

PROJECT  
 2112 1/2 1/201  
 CALIFORNIA  
 COUNTY COMMUNITY

**P S O M A S**

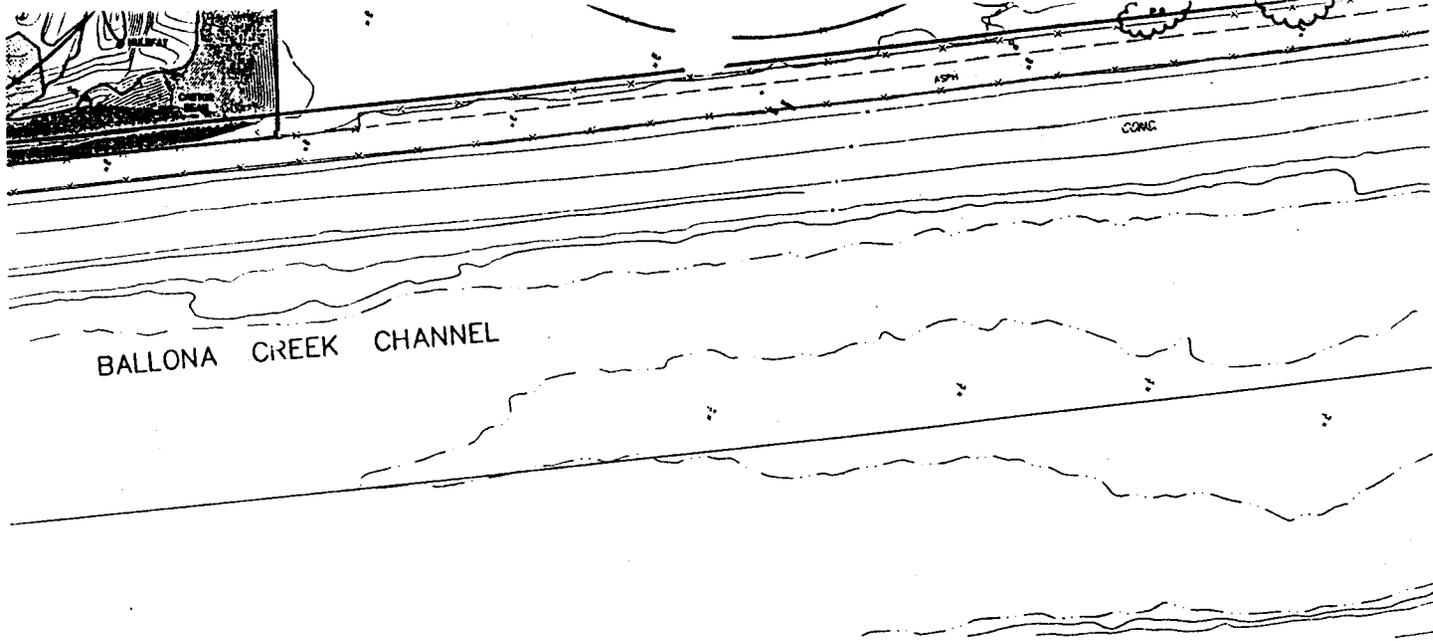
1144 West Orange Boulevard, Suite 200  
 West Los Angeles, CA 90024-3345  
 (310) 554-3100 (310) 554-3177 (fax)

CULVER BOULEVARD, 1A IMPROVEMENT  
 REVISED CONSTRUCTION STAGING AREA

DATE	06/17/01	NO.	1
SCALE	1"=100'	FIGURE NO.	1
PROJECT NO.		1	







## I. MULEFAT ASSOCIATIONS



Mulefat with mixed upland forbs and grasses; dock (FACW-) <30% of herbaceous cover



Mulefat with Picris (FAC) upland forbs and grasses comprise <50% of herbaceous cover



Mulefat with dock (FACW-)



Mulefat with Picris (FAC); Dock (FACW-) and upland herbs and grasses <50% of cover

## II. HERBACEOUS ASSOCIATIONS

Symbol Description

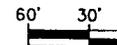
- ① Dock (FACW-) >50% cover; Picris <50% cover
- ② Picris (FAC) >50% cover; Dock <50%
- ③ Mixed upland forbs and grasses with Dock and/or Picris ≤50%
- ④ Mixed upland forbs and grasses; Dock, Picris <10% cover or at
- ⑤ *Leymus triticoides* (?) (FACU+)



Open Ground with 10% - 100% vegetation cover (mixed Dock, Picris) seasonally present. Area of exploratory archaeological trenches and work area (Permit No. 5-98-164)

Miscellaneous features: as labeled

P.P. = Peruvian Pepper Tree



NOTE: For reduce

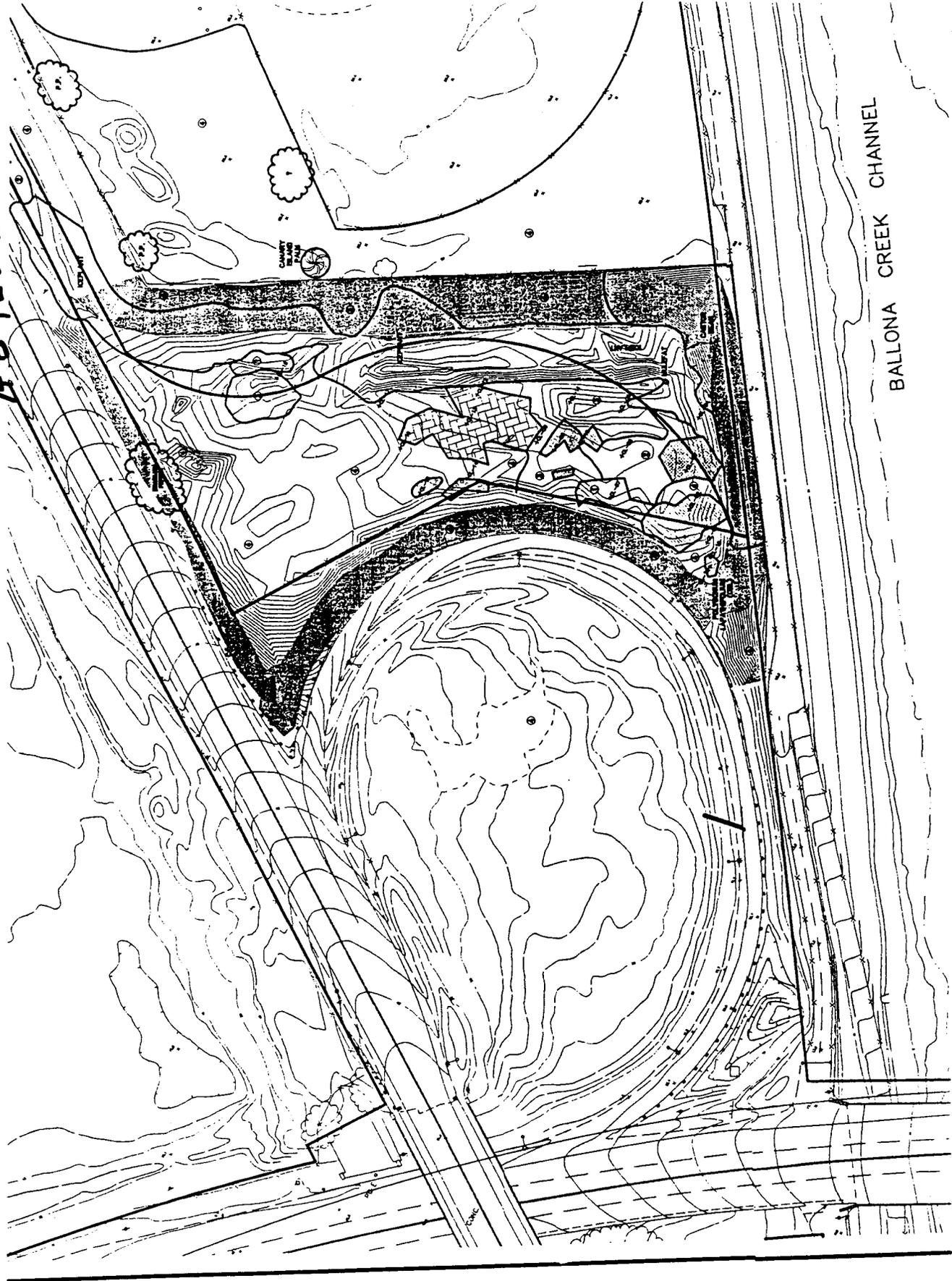
Vegetation  
map  
Loop area

Exhibit 6 p 1  
5.01-382  
AS. PHU. 00-417

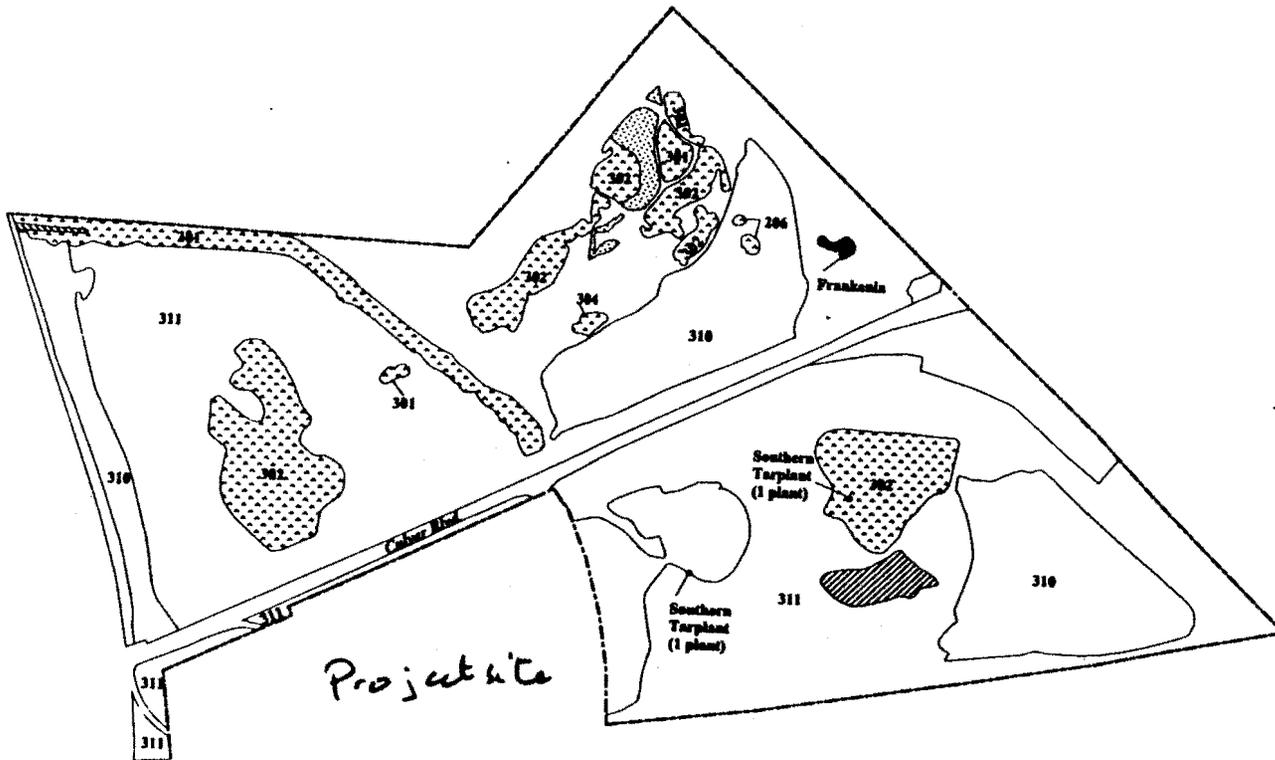
Vegetation  
Loop Area

Exhibit 6 p2

S.O. 382  
A B PL 00417



BALLONA CREEK CHANNEL



LEGEND			
	Scrub		Pickleweed-Dominated Flat
	Non-native Habitat		Trails, Cleared or Developed
206 Mulefat			Perennial Emergent
301 Salibush			Seasonal Emergent
302 Coyote Bush			310-Annual Grassland
304 Coastal Sagebrush			311-Ruderal
			314-Ruderal w/Mulefat
			320-Other Exotics
			Phase 2 Boundary

300' 150' 0' 200'

Approximate Scale in Feet

SOURCE: PSONAS 1998



FIGURE II D-6C

Vegetation of Area C

Playa Vista EIS/EIR Affected Environment

Vegetation Survey Area C

N 5 PLV 00 417

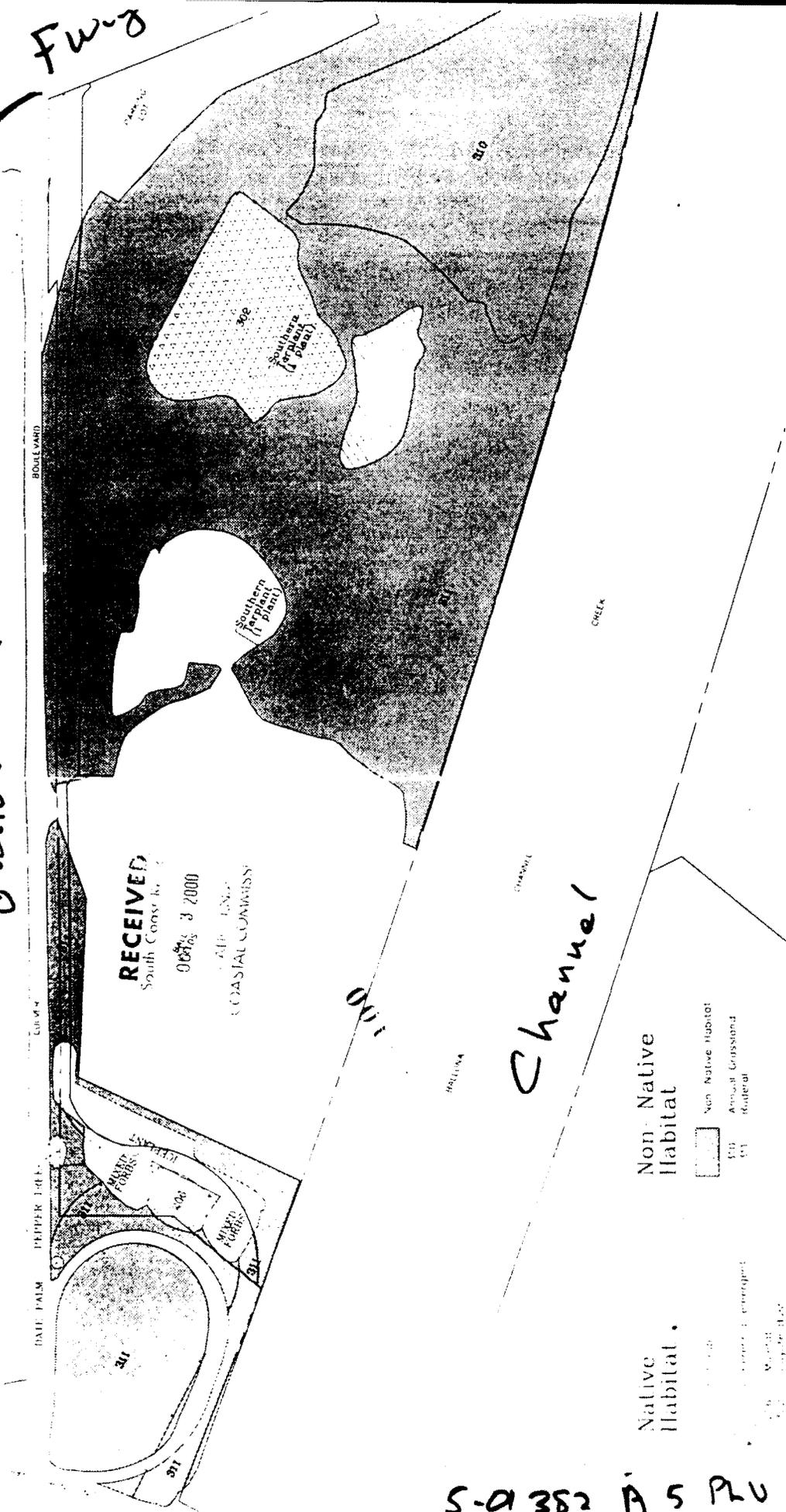
Exhibit 17

5-01-382

Project

↓ Culver Blvd

FW-0



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 South Coast Co.  
 06/28/03  
 LAND USE  
 COASTAL COMMISSION

Native Habitat

Non Native Habitat

Non Native Habitat  
 100 Annual Grassland  
 101 Annual Grassland  
 102 Annual Grassland

Native Habitat  
 103 Annual Grassland  
 104 Annual Grassland  
 105 Annual Grassland

EXISTING VEGETATION  
 MAP

EXHIBIT

S-01352 A 5 PLU 00417  
 Exhibit 8  
 vegetation survey



PLAYA VISTA

12555 W. JEFFERSON BLVD. # 300  
LOS ANGELES, CALIFORNIA 90066

TEL: 310.822.0074  
FAX: 310.821.9429

August 13, 2001

**RECEIVED**  
South Coast Region

AUG 14 2001

CALIFORNIA  
COASTAL COMMISSION

Ms. Pam Emerson  
California Coastal Commission  
200 Ocean Gate Avenue  
Long Beach, California 90802

Re: Coastal Commission Application for Coastal Development Permit No. 5-00-400 for Culver Loop Ramp Improvement Project

Dear Ms. Emerson:

Since the April 2001 hearing before the California Coastal Commission on Playa Vista's application for a Coastal Development Permit for the proposed Culver Loop Ramp Improvement Project, Playa Vista commissioned Ted Winfield, Ph.D. and Mr. Blake Parker to perform a formal delineation of the project area. The delineation report, a copy of which is attached, concluded that there are no areas qualifying as wetlands under the Coastal Act within the project area based on the absence of wetlands hydrology and hydric soils and the lack of obligate wetlands vegetation. This determination was consistent with the initial Commission Staff Report for this project.

In June 2001, John Dixon, Ph.D., the Coastal Commission's Staff biologist, and Coastal Commission Staff disagreed with Mr. Winfield's formal delineation and concluded that a portion of the project area qualified as a wetland under the Coastal Act. Playa Vista and its consultants disagree with this conclusion.

Attached for your review are the responses of Mr. Winfield and W. Thomas Straw, Ph.D. to the wetlands determination in the second Commission Staff Report. Mr. Winfield disputes Coastal Commission Staff's wetlands determination for the following reasons. The vegetation observed in the sample plots in the project area, and upon which Coastal Commission Staff relies in making its determination, commonly occur in uplands as well as wetlands and, therefore, do not provide conclusive evidence that wetlands occur in the project area. In addition, there is no evidence of ponding of sufficient duration and frequency to support a conclusion of wetlands hydrology. Finally, hydric soils do not exist in the project area. Mr. Straw's response supports the absence of wetlands hydrology within the project area.

5-01-382  
A 5-PLV 00417  
Exhibit 9  
PI

Ms. Pam Emerson

August 13, 2001

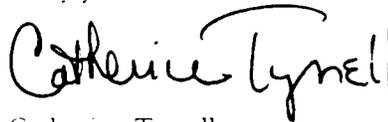
Page 2

We request that you review the detailed responses to the wetlands determination in the second Commission Staff Report for this project which are attached.

In the event that Dr. Dixon still contends that wetlands are present within the proposed project area after his review of the attached responses, we request that he or other Coastal Commission Staff identify specifically on a map the area of alleged wetlands within the project area so that Playa Vista may evaluate its redesign options. We will be glad to convene a meeting including our experts to facilitate that review.

Thank you for your consideration.

Truly yours,



Catherine Tyrrell  
Environmental Affairs Director

Cc: John Dixon

Attachments

S-DI-382  
A 5. PLV-00417  
Exhibit 9  
P2

Attachment 1

Culver Boulevard Width

Existing Culver Boulevard is currently improved to a pavement width of 34-36 feet, within a right of way of 65-66 feet. The current roadway provides only one travel lane in each direction, and does not provide any turn lanes except at the intersection with the Marina Freeway.

The proposed project will widen the roadway by approximately 27 feet, to a width of 62-64 feet. The proposed right of way width will be approximately 83 feet. The overall width of the proposed widening is within the LADOT recommendations adopted by the City Council as part of the Playa Vista First Phase EIR. Copies of the LADOT Assessment letter, which constitutes the City's adopted traffic mitigations and tract map conditions of approval for the First Phase Project, are also enclosed as Attachment 7 of this package. Note that the final City-approved design described above and presented as part of this application to the Coastal Commission involves slightly less widening and provides for a different striping design that is described in the May 13, 1993 Assessment letter.

The proposed 27-foot widening will add the following improvements: 1) an additional eastbound lane to Culver Boulevard; 2) a one-lane striped left turn median lane to accommodate the westbound left turns from Culver Boulevard to the Culver/Lincoln connector ramp and Playa Vista Drive; and 3) an additional eastbound right turn lane/merge lane. The right-turn/merge lane is required to allow for the safe merging of traffic from the Culver/Lincoln connector ramp onto eastbound Culver, and to provide for right turns at the intersections with the Marina Freeway and Playa Vista Drive. In addition, a 10-foot sidewalk will be provided along the south side of the roadway.

A copy of a letter from the Department of Transportation explaining the City's requirements for Culver Boulevard is also enclosed as part of this attachment.

App subm. # 2

5-21-82

A. S. PLU. 00.417

Exhibit 10

5-01-382

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SEP 24 2001  
CALIFORNIA  
COASTAL COMMISSION

**PROJECT DESCRIPTION**  
**ATTACHMENT**

**CULVER BOULEVARD WIDENING AND CONSTRUCTION  
OF A CONNECTOR RAMP BETWEEN CULVER BOULEVARD  
AND LINCOLN BOULEVARD**

The proposed project involves construction of improvements and widening of Culver Boulevard between Lincoln Boulevard and State Route SR-90 (the Marina Freeway) within the portion of Playa Vista known as Area C. It also includes the construction of a new connector ramp between Lincoln and Culver Boulevards. These proposed road improvements are traffic mitigation measures adopted by the City of Los Angeles in connection with its approval of Vesting Tentative Tract Map 49104, also known as the Playa Vista First Phase Project. Also included in the proposed project are Interim Landscape Plans for portions of Lincoln Boulevard south of Ballona Channel. These landscaping plans were previously submitted to staff for incorporation into the commission's action on the Culver Boulevard Project, and are included again in this application (see attached landscape plans and letter dated March 6, 2001).

The proposed improvements were previously the subject of a coastal development permit issued by the City of Los Angeles on August 22, 2000 (CDP No. 00-3B) and subsequently appealed to the Coastal Commission. Prior to the Coastal Commission taking an action on the permit application or the appeal (Permit Application No. 5-00-400 and Appeal No. A-5-PLV-00-417), the applicant withdrew its application in order to redesign the proposed project to address issues raised by staff concerning the original design. This application now addresses the revised project design. The redesigned project which is the subject of this application has been reviewed and conceptually approved by the City of Los Angeles Department of Transportation. The City's action on a coastal development permit application will follow the Commission's action on this application.

**Description of Improvements**

The following describes the revised project (see also attached improvement plans):

A primary purpose of the redesign of the proposed project has been to avoid a small topographic depression located to the east of the existing Lincoln/Culver connector road that supports some vegetation, including mulefat. This vegetated depression was initially visited by Commission staff during its consideration of Permit No. 5-00-400, and determined to not be a wetland. Subsequently however, following an appeal of the City of Los Angeles' issuance of a coastal development permit, staff reversed its view. While

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A-5-PLV-00-417  
Exhibit 11  
P1  
Applicant's description

the applicant and its experts still dispute staff's determination regarding the wetland status of this area, and do not believe the area in questions constitutes w wetland. The proposed project has none-the-less been redesigned to avoid impacting the area identified by Commission staff.

As with the previous application, the improvements consist of the following elements:

- Construction of new ramp connections between Lincoln and Culver Boulevards. The ramps will be in the southeastern quadrant of the interchange, and will provide connections from eastbound Culver Boulevard to northbound Lincoln Boulevard (replacing an existing ramp), and from northbound Lincoln Boulevard to eastbound Culver Boulevard.
- Widening of the southerly half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway to provide an additional eastbound lane, and necessary merge lanes and turn lanes at intersections with Lincoln Boulevard, the proposed Playa Vista Drive extension and the Marina Freeway.
- Construction of at-grade improvements to the Marina Freeway on and off ramps at the intersection of Culver Boulevard.
- Construction of Interim Landscaping of portions of Lincoln Boulevard south of Ballona Channel as described previously.

Whereas the original design for the Culver/Lincoln connector ramps under Permit Application No. 5-00-400 provided a loop ramp with a larger turning radius for improved traffic safety and higher design speed, the redesigned project provides a more compact facility. All grading and improvements for the redesigned project will occur within the physical footprint of the existing connector road, and thus will avoid any impact to the vegetated depression of concern. An exhibit map is attached which illustrates the redesigned connector road compared to the alignment of the previously proposed design. Also shown on the exhibit is the approximate location of the topographic depression vegetated with mulefat that has been identified by staff to be a potential wetland. A definitive mapping of this area has not been provided by staff.

The redesign of the project does not change the widening of Culver Boulevard as originally designed to provide an additional eastbound through lane and turn lanes/merging lanes where required in the eastbound direction. All widening of Culver Boulevard will occur on the south side of the existing roadway. (See also the attached letter from Kaku Associates dated September 19, 2001, describing the purpose of the improvements as proposed).

The redesigned project will also include a water quality basin within the area inside of the connector road loop. This basin will be 0.57 acres in size, and is designed to provide for the natural treatment of stormwater runoff from the roadways prior to its discharge into the Ballona Channel through an existing storm drain outlet. Stormwater runoff from the

connector road, Culver and Lincoln Boulevards and the Playa Vista Drive extension will be conveyed to the basin by new storm drains constructed as part of the project (see attached Stormdrain plans). The bottom and sides of the basin will be vegetated with native species to facilitate the filtration, biological degradation and plant uptake of pollutants. While this basin is smaller in size than that provided by the larger radius connector road design proposed in the prior application for Permit No. 5-00-400, the smaller basin will still exceed the level of treatment typically associated with similar projects in Southern California, and will exceed the level of stormwater treatment desired by staff for the previous design as reflected by the proposed conditions of approval recommended in the staff report for Permit Application No. 5-00-400 (per communication with Eric Strecker, GeoSyntech 9/13/01). These conditions of approval are listed below. The applicant proposes that the redesigned project be subject to these same conditions of approval.

1. The capture goal (the volume of runoff from the development to be captured and detained) for the extended detention/bio-filtration system, shall be no less than the volume of stormwater runoff from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event (one inch in this location).
2. The Water Quality Basin shall be designed to provide a draw down time (drain time) of no less than 40 hours for the capture volume.
3. Energy dissipaters shall be placed at the basin's entrance to minimize bottom erosion and re-suspension.
4. The basin shall be designed to provide bypass or have pass-through capabilities for large storm events; e.g. the 100-year storm runoff.
5. The system shall be maintained for the life of the project, in accordance with the applicable recommendations contained in the California Stormwater Best Management Practice Handbook – Municipal (1993), which include, but are not limited, to the following:
  - Conduct inspections semi-annually and after each significant storm; remove floatables.
  - Check outlet regularly for clogging.
  - Check banks and bottom of surface basin for erosion and correct as necessary.

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Exhibit 11 p2

### Delineated Wetlands

The improvements for which this permit is requested will not impact any state or federal delineated wetlands. The attached exhibits illustrate both the previously delineated federal wetlands for the Playa Vista property as well as the current state delineation pertaining to Area C of the property adopted by the Coastal Commission in October 1984. In Area C, the widening of Culver Boulevard will occur on the south side of the street, where there are no previously delineated wetlands. As previously noted, a small depression located to the east of the proposed connector ramp has been recently identified to be wetland in the opinion of staff. Please refer to the wetland delineation prepared in support of this application by Ted Winfield. In any event, it should be noted that the redesigned project does not impact the area identified by staff to be a wetland.

### Construction Provisions

Construction of the proposed improvements will be conducted in conformance with applicable City standards pertaining to the maintenance of public access, safety and convenience as specified in the Standard Specifications for a Public Works Construction and the Department of Public Works' corresponding issue of Standard Plan S-610. These standards provided that:

- Construction activities shall cause no unnecessary inconvenience to the public. Unless otherwise authorized, traffic shall be permitted to pass through the work during construction where feasible. Road closures shall be permitted where necessary, subject to a detour plan approved by the City of Los Angeles. Closure of streets shall comply with all applicable State, County and City requirements.
- Where required by the Department of Transportation, signs giving advance notice of traffic disruption shall be placed at least 7 days before start of construction.
- At least 40 hours in advance of closing, partially closing or reopening any street, the contractor shall notify the Police, Fire, Transportation and Engineering departments of the City of Los Angeles, and Caltrans, and comply with their requirements.
- The contractor shall provide barriers, guard lights, signs, flagpersons and/or watchpersons as necessary, advising the public of detour and construction hazards.
- Safe and adequate pedestrian and public transportation stops, as well as pedestrian crossings of the work shall be maintained.

S-01 382  
AS PLU 00417  
Exhibit 11  
P 41

**Geology Report Applicable to the Proposed Improvements**

Report of Preliminary Geotechnical Investigation – Playa Vista Project – Parcel C – Culver Boulevards – Los Angeles, CA for Maguire Thomas Partners (LCA L91177.AEB) – August 7, 1991. Prepared by Law/Crandall, Inc.

**Archeological Information**

Archeological impacts of the proposed project have been the subject of prior analysis and review by Coastal Commission staff. An archeological mitigation plan to be implemented concurrent with the roadway construction is the subject of a separate coastal development permit application being considered concurrent with this application (Permit No. 5-98-164A).

5-01 382  
AS PLV  
00 417  
Exhibit 11  
P5

**MEMORANDUM**

**TO:** Pam Emerson, California Coastal Commission  
CC: Catherine Tyrrell, PCC

**FROM:** Srinath Raju

**SUBJECT:** Proposed Culver Boulevard Improvement Project  
Playa Vista First Phase Project

**DATE:** September 19, 2001

**REF:** 1062.66

This memorandum briefly provides a description of the Culver Boulevard roadway improvement required as part of the Playa Vista First Phase Project. The existing and proposed roadway widths, travel lanes including through, turn and merge lanes and sidewalks, if any, are all discussed in this memorandum.

- The existing Culver Boulevard roadway is generally approximately 34 to 36 feet wide. This pavement width holds for the most part between Lincoln Boulevard loop ramp and the SR 90 eastbound roadway. The right-of-way within this same stretch along Culver Boulevard varies between 65 and 66 feet. Culver Boulevard currently provides one travel lane in each direction within this same stretch.
- Culver Boulevard currently carries approximately 2,200 vehicles in the morning peak hour in the eastbound direction alone. Of these peak hour vehicles, approximately 500 vehicles utilize the loop ramp to travel northbound on Lincoln Boulevard. The proposed improvement to Culver Boulevard includes provision of approximately 27 feet of additional pavement on the south side of the street. This would make the Culver Boulevard pavement width approximately 62 to 64 feet. The right-of-way is proposed to expand to approximately 83 feet from the existing 65 to 66 feet. The pavement is also proposed to widen at SR 90 and taper down to match the existing pavement at the Lincoln Boulevard Bridge.
- The City of Los Angeles has required the Playa Vista First Phase Project as part of its mitigation measures (per the Conditions of Approval), to widen the pavement by approximately 27 feet to facilitate provision of the following:
  - An additional through lane in the eastbound direction
  - A merge lane and westbound left-turn lane where the Culver Boulevard loop ramp joins eastbound Culver Boulevard roadway. The merge lane is required (as was contemplated in the conditions of approval preliminary design drawing exhibit) to facilitate merging and turning vehicles to complete their maneuvers without causing failure of the roadway segment due to weaving. Without the merge lane/turn lane, the roadway segment of Culver Boulevard would fail to operate

5-01-382  
A5 PLU 00417  
p 1

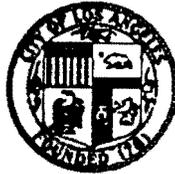
Exhibit 12  
applicant's  
traffic engineer

adequately and would cause major delays at the loop ramp roadway. Further to the east, the merge lane/turn lane is needed to facilitate right-turning movements at Playa Vista Drive and the SR 90 Freeway.

- Since the improved segment is also required to allow westbound left-turns at the intersections at Playa Vista Drive and Lincoln Boulevard on-off ramp roadway, a continuous left-turn lane is required to facilitate the same.
- The above three components constitute the complete roadway improvement requirement within this stretch of Culver Boulevard for the Playa Vista First Phase Project. The extent of pavement width widening (approximately 27 feet addition to the existing 34 to 36 feet pavement) is consistent with the dimensions shown in the Conditions of Approval Preliminary Exhibit approved by the City of Los Angeles as part of the mitigation measures for the Playa Vista First Phase Project.
- A 10-foot sidewalk on the south side of the street is also proposed. The northwest right-of-way line will not be moved. The existing right-of-way along Culver Boulevard is being expanded to include both the pavement widening and the sidewalk provision on the south side of the street.

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

Exhibit 12 82  
S. 01 382  
A 5 PLV 00417



RECEIVED  
James K. Rahn  
MAYOR

September 20, 2001

Ms. Pam Emerson  
California Coastal Commission  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4325

CALIFORNIA  
COASTAL COMMISSION

**Re: Playa Capital LLC Applications for State Coastal Development Permit:  
Culver Loop Ramp (File No. 5-00-400)**

Dear Ms. Emerson:

As you know, Playa Capital LLC has proposed design changes to the above-referenced project, for which Local Coastal Development Permit has been granted and State Coastal Development Permit application has been filed. The purpose of this letter is to confirm that the Los Angeles Department of Transportation (LADOT) has reviewed the proposed design changes with Playa Capital and is satisfied that the changes are appropriate to the project.

The changes to the Culver Loop Ramp Project involve realignment to avoid impacting a recently identified potential 0.19 acres of wetland plants at the south east portion of the existing Culver loop ramp. In that effort, the ramp has been "tightened" toward the northwest and the loop "diameter" has been decreased through reduced curve radii and other redesign elements. Since the Culver loop ramp connects to Lincoln Boulevard (State Route 1), we have also coordinated the redesign efforts with Caltrans. It is our understanding that Caltrans fully supports the above modified design of the Culver loop ramp.

If you have any questions regarding the information presented in this letter, please contact me at 213-485-1062.

Sincerely,

JAY W. KIM  
Senior Transportation Engineer  
Los Angeles Department of Transportation

City Department  
of Transportation  
A 5 Plan 00 417  
5-01-382  
Exh. b. t 12

c: Allyn Rifkin, LADOT  
Tim Conger, LADOT

Fekade Mesfin, Caltrans  
Tim Connors, Playa Capita

## 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.

Senior Staff Biologist  
report

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### 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 delineation<sup>1</sup> 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.

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<sup>1</sup> 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.

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
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## MEMORANDUM

FROM: John Dixon  
TO: Pam Emerson  
SUBJECT: Wetland Delineation at Culver Loop Ramp  
DATE: May 22, 2001

The purpose of this memo is to convey my findings concerning the existence of wetlands at the subject site and to summarize my analysis of the wetland delineation submitted by Playa Vista.<sup>1</sup> I was in the field on April 19, 2001 and observed the field work conducted by Dr. Ted Winfield, Dr. Edith Reid, and Mr. Blake Parker to gather the data upon which the wetland delineation is based. I have also reviewed the delineation report and several related documents.<sup>2</sup>

The intent of the delineation was to identify any areas that would be classified as a "wetland" based on the definitions in the Coastal Act and California Code of Regulations. Section 30121 of the Coastal Act defines wetlands as "...lands within the coastal zone which may be covered periodically or permanently with shallow water...." Section 13577 of the Regulations defines wetland<sup>3</sup> 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...." The latter definition is further clarified: "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 nonhydric; or

<sup>1</sup> Winfield, T.P. 2001. Delineation of coastal wetlands in the area of the Culver Boulevard loop ramp. A report submitted to Playa Capital dated May 11, 2001.

<sup>2</sup> Huffman, T. 1986. Determination of the presence of aquatic and wetland habitats subject to federal regulatory jurisdiction within the Ballona Creek land tract. A report submitted to the USEPA dated September 1986; Sanders, D.R. & W.T. Straw. 1987. Determination of waters of the United States in Areas A, B, and C of Playa Vista, and A hydrological study of areas A, B, and C at Playa Vista. A report dated October 1987; Straw, W.T. 2000. Hydrologic study of Playa Vista Phase II Federal Project. A report submitted to Playa Capital Co., LLC dated March 2000.

<sup>3</sup> The definition in the Regulations was adapted from: Cowardin L.M., V. Carter, F.C. Golet, and E.T. LaRue. 1979. Classification of wetlands and deepwater habitats of the United States. Office of Biological Services, U.S. Fish and Wildlife Service, Washington, D.C.. The definitions of upland limits are identical to those of the Service.

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p1

(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."

Therefore, in order to qualify as a wetland in the Coastal Zone, land must be at least periodically inundated or saturated for sufficient duration to result in a predominance of hydrophytes or a predominance of hydric soils. There is no specific periodicity or duration of inundation or saturation required. The primacy of hydrology is implicit in the definition, but is presumed adequate if either hydrophytic cover or hydrophytic soils are predominant. However, neither the definitions of hydrophytes or hydric soils nor field methods for their identification are provided in California law. In practice, delineators primarily rely on the definitions and technical guidelines developed by the Army Corps of Engineers.<sup>4</sup> Several other technical publications also provide useful guidance.<sup>5</sup>

Under the wetland definition provided by the California Code of Regulations, the boundary of a wetland is determined by the extent of vegetation that is predominantly hydrophytic or of soils that are predominantly hydric. In practice, the boundary is usually based on plants. Plants are generally considered hydrophytic if they are designated OBL, FACW, or FAC in a list compiled by the U.S. Fish and Wildlife Service.<sup>6</sup> The percentages of occurrences in wetlands are estimated to be > 99% for OBL, 66 – 99% for FACW, 33-66% for FAC, 1 – 33% for FACU, and < 1% for UPL species. Since the Coastal Commission only requires evidence of one of the three wetland characteristics (hydrophytic vegetation, hydric soils, or wetland hydrology), there is opportunity for error if the vegetation is dominated by one or two species that are also common in upland vegetation. Tiner<sup>7</sup> discusses this problem as follows: "While both OBL and FACW species are universally recognized as useful indicators of wetlands, FAC and FACU are not reliable wetland indicators...." "Hydrophytic members of these species can be recognized in four ways. 1. When associated with OBL and FACW species. 2. When they possess certain morphological adaptations. 3. After verification of undrained hydric soils. 4. By their occurrence in areas with documented wetland hydrology. FAC species, by definition, have essentially no affinity for wetlands or nonwetlands and, therefore, are not indicative of either. This has led to the development of the so-called "FAC Neutral Rule" for determining the presence of hydrophytic vegetation. This rule does not utilize FAC species...in assessing the potential for hydrophytic vegetation, but weighs the abundance of OBL and FACW species against the abundance of FACU and UPL species." The standard test of

<sup>4</sup> Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Stations, Vicksburg, Mississippi.

<sup>5</sup> Federal Interagency Committee for Wetland Delineation. 1989. Federal manual for identifying and delineating jurisdictional wetlands. Cooperative technical publication. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and USDA Soil Conservation Service, Washington, D.C.; National Research Council. 1995. Wetlands: Characteristics and boundaries. National Academy Press, Washington, D.C.; Tiner, R.W. 1999. Wetland indicators. A guide to wetland identification, delineation, classification, and mapping. Lewis Publishers, N.Y.

<sup>6</sup> Reed, P.B. 1988. National list of plant species that occur in wetlands: National Summary. Biological Report 88(24). U.S. Fish and Wildlife Service, Washington, D.C.

<sup>7</sup> op.cit. p. 78.

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predominance of hydrophytes in the 1987 ACOE Manual is whether OBL, FACW and FAC species comprise > 50% of the vegetation. The FAC-Neutral test requires that, of the dominant vegetation, OBL+FACW > FAC+UPL.

The vegetation at the subject site is comprised of a mix of upland and wetlands species (Table 1). Eighteen, more-or-less uniformly arrayed, sample plots were examined at the

Table 1. Plant species observed in sample plots at Culver Boulevard loop ramp<sup>8</sup>

Common Name	Species Name	USFWS Indicator Status
Russian knapweed	<i>Acroptilon repens</i>	Non indicator *
Scarlet pimpernel	<i>Anagallis arvensis</i>	FAC
Wild oats	<i>Avena barbata</i>	Non indicator
Mulefat	<i>Baccharis salicifolia</i>	FACW
Ripgut grass	<i>Bromus diandrus</i>	Non indicator
Foxtail chess	<i>Bromus madritensis</i>	Non indicator
Soft chess	<i>Bromus mollis</i>	Non indicator
Chrysanthemum	<i>Chrysanthemum coronatum</i>	Non indicator
Alkali weed	<i>Cressa truxillensis</i>	FACW
Umbrella sedge	<i>Cyperus sp.</i>	FACW**
Sweet fennel	<i>Foeniculum vulgare</i>	FACU
Alkali mallow	<i>Malvella leprosa</i>	FAC
Indian sweet clover	<i>Melilotus indica</i>	FAC
Bristly oxtongue	<i>Picris echioides</i>	FAC
Smartweed	<i>Polygonum lapathifolium</i>	OBL
Wild radish	<i>Raphanus sativa</i>	Non indicator
Castor bean	<i>Ricinus communis</i>	FACU
Curly Dock	<i>Rumex crispus</i>	FACW-
Rat-tail fescue	<i>Vulpia myuros</i>	FACU
Spiny cocklebur	<i>Xanthium spinosum</i>	FAC+

\* Not in the USFWS list of wetland species. Can conservatively be assumed to be upland species. \*\*No species ID, but probably FACW.

loop ramp site on April 19, 2001.<sup>9</sup> In eight of these plots, there was a predominance of plants designated OBL, FACW, or FAC (Table 2). Applying the FAC-Neutral test, there were five plots with a preponderance of hydrophytic vegetation. The site is bounded on all sides by topographic highs forming a closed basin. Plots 12 and 13, both of which had a predominance of hydrophytes, were in a stand of mulefat in the lowest part of the basin. This area was ponded to an unknown depth and for an unknown duration during the winter of 2000/2001 as evidenced by photographs and the presence of sediment deposits (some with a thin algal crust). The mulefat in this portion of the site have adventitious roots arising from the lower 5 inches of the stems. Adventitious roots are a response to ponding. They develop at or just below the surface of the water after a period of 2-5 days or more, depending on the species.<sup>10</sup> The adventitious roots on the

<sup>8</sup> Data from Winfield, 2001, op.cit.

<sup>9</sup> Figure 3 in Winfield, 2001, op.cit.

<sup>10</sup> Tiner, 1999, op.cit.

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mulefat individuals in the bottom of the depression at the loop ramp varied from around 1/8 to 1/2 inch in diameter. This suggests substantial ponding for a week or more on at least several occasions. As one moves upslope from this relatively wet area the proportion of upland plants increases. I conclude that, at a minimum, the area at the bottom of the basin supporting mulefat with adventitious roots is "covered periodically with shallow water" and supports a vegetative cover that is "predominantly hydrophytic," and therefore qualifies as a wetland under the Coastal Act and California Code of Regulations.<sup>11</sup>

Table 2. Standard and FAC-Neutral tests of predominance of hydrophytic vegetation. For purposes of this analysis, "Non-indicator" species were assumed to be UPL. Mulefat was included in plots 2, 12 & 13.<sup>12</sup>

Sample Plot	Percent FAC or wetter (no/total)	Percent Wetland Plants in FAC Neutral Test (OBL+FACW/Total - FAC)	Sample Plot	Percent FAC or wetter (no/total)	Percent Wetland Plants in FAC Neutral Test (OBL+FACW/Total - FAC)
1	40 (2/5)	25 (1/4)	10	67 (2/3)	50 (1/2)
2	100 (2/2)	100 (2/2)	11	50 (2/4)	33 (1/3)
3	25 (1/4)	25 (1/4)	12	100 (5/5)	100 (2/2)
4	25 (1/4)	25 (1/4)	13	75 (3/4)	67 (2/3)
5	50 (1/2)	0 (0/2)	14	20 (1/5)	20 (1/5)
6	100 (5/5)	100 (1/1)	15	50 (4/8)	33 (2/6)
7	50 (2/4)	33 (1/3)	16	29 (2/7)	17 (1/6)
8	75 (3/4)	67 (2/3)	17	20 (1/5)	20 (1/5)
9	67 (2/3)	50 (1/2)	18	80 (4/5)	50 (1/3)

The applicant's consultant arrived at different findings:<sup>13</sup> "Based on all of the evidence, this report concludes that there are no wetlands in the project area and that there is no area that clearly possesses positive indicators for all three of the basic criteria used to define wetlands." It appears that the difference in conclusions is a result of the fact that Dr. Winfield in actuality is applying an Army Corps of Engineers three-criteria test, requiring positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. The report acknowledges that, "...hydrophytic vegetation occurs at a number of plots but, with one exception (CL-8), the sample plots lacked hydric soils."

<sup>11</sup> This opinion is in conflict with the April staff report that states, "The staff biologist determined that this 0.19-Acre patch of mulefat and other species was not a wetland." This statement in the earlier staff report is incorrect; I made no formal determination of the presence or absence of wetlands at the loop ramp site since at that time there were no sample data. In discussions following our May 31, 2000 site visit, I did point out that there were many upland species present at the site and that the simple presence of mulefat did not necessarily signify the presence of a wetland. When on December 15, 2000, I approved the language used in the staff report, I thought it referred to another area we had recently visited where mulefat was growing in an upland situation, rather than to the loop ramp visited the previous May. I apologize for this confusion.

<sup>12</sup> Mulefat was not included on the data sheets for these plots in Winfield's report. This is because the nature of the sampling procedure excluded this species. Only those species rooted within a haphazardly-placed quadrat were noted. Since the quadrat was a square of PVC pipe the stems of large bushes like mulefat could not be included. However, where the quadrat was under the canopy, mulefat should have been counted.

<sup>13</sup> Winfield, 2001, op.cit.

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The reports adds an additional qualifier that, "The main species (*Rumex crispus* and *Picris echioides*) are annuals that can rapidly respond to increased wetness at a site, such as an increase in rainfall over several years. Because these species can occur in upland relatively frequently, additional evidence should be evaluated to confirm that there (sic) occurrence is the result of hydrological conditions occurring 'in most years' and not the result of hydrological features resulting from above average rainfall." It seems clear that the wetland consultant applied a standard that requires a positive indicator for more than one wetland criterion.

In summary, direct evidence of ponding in 2001 and the presence of adventitious roots of a range of sizes on mulefat demonstrate that the site is periodically covered with shallow water. The fact that both sample plots within that mulefat pass the FAC-Neutral test demonstrates a preponderance of hydrophytic vegetation. Therefore, the evidence discussed above demonstrates that the stand of mulefat meets wetland standards under the Coastal Act and the California Code of Regulations.

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Exh. b. t 15  
P 5

# Memorandum

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

Date : December 20, 1991

RECEIVED  
DEC 21 1991  
CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO. 16
APPLICATION NO. 5-91-382
A 5 DE ALV 417
Wetland Lett Fish & Game

From : Department of Fish and Game

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

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

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

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

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

Mr. Jim Burns  
December 20, 1991  
Page Two

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

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Wetland delineation

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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

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wetland

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

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

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

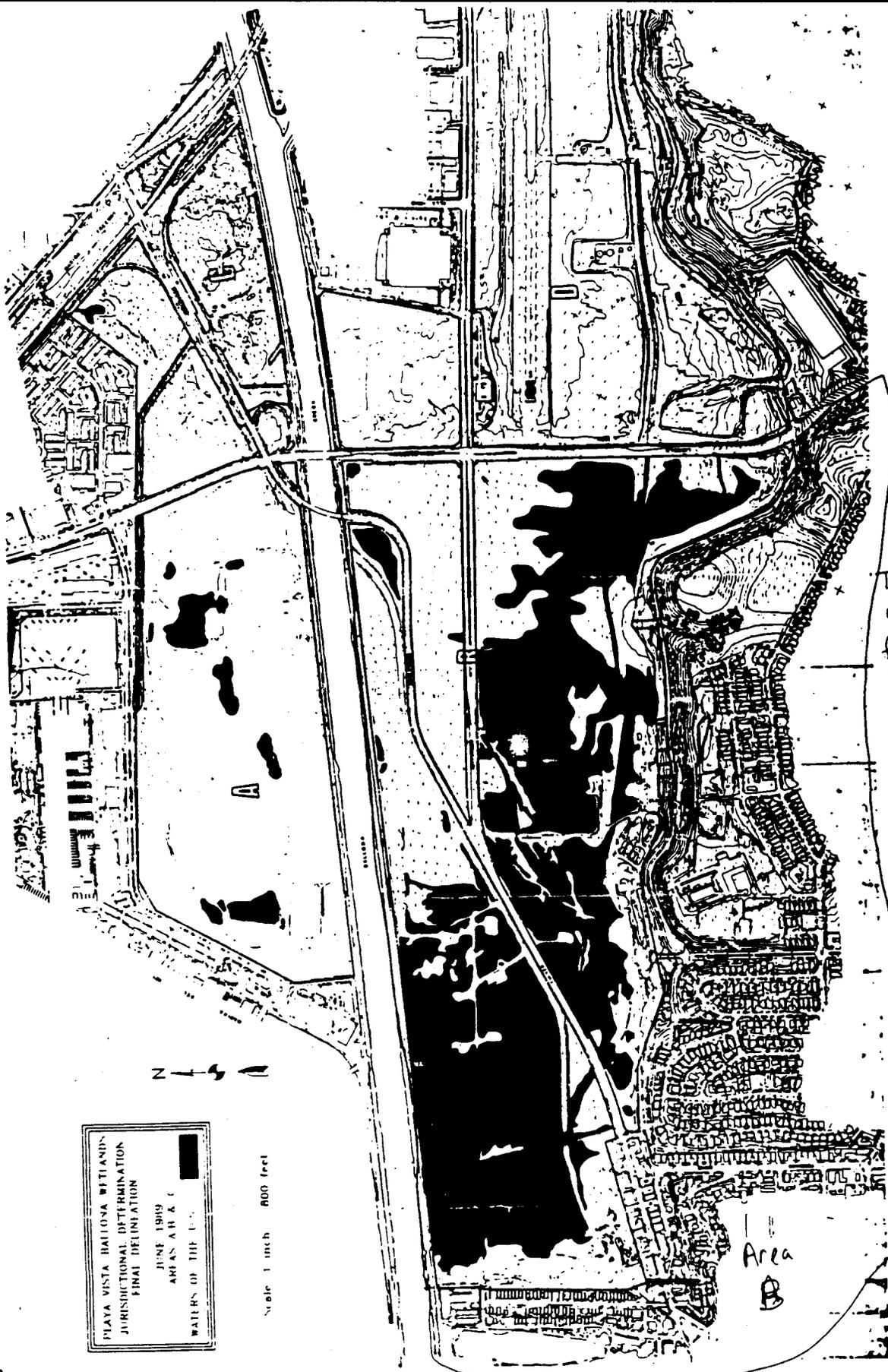
*Howard A. Sarasohn for*

Pete Bontadelli  
Director

cc: Mr. William Shafroth  
Resources Agency

5-01 382

A 5 PLV00417  
Exhibit 16 p4



This map  
is accurate  
for wetland  
in Area A

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

Scale 1 inch = 800 feet

Area  
B

5-01-38  
5 - 11

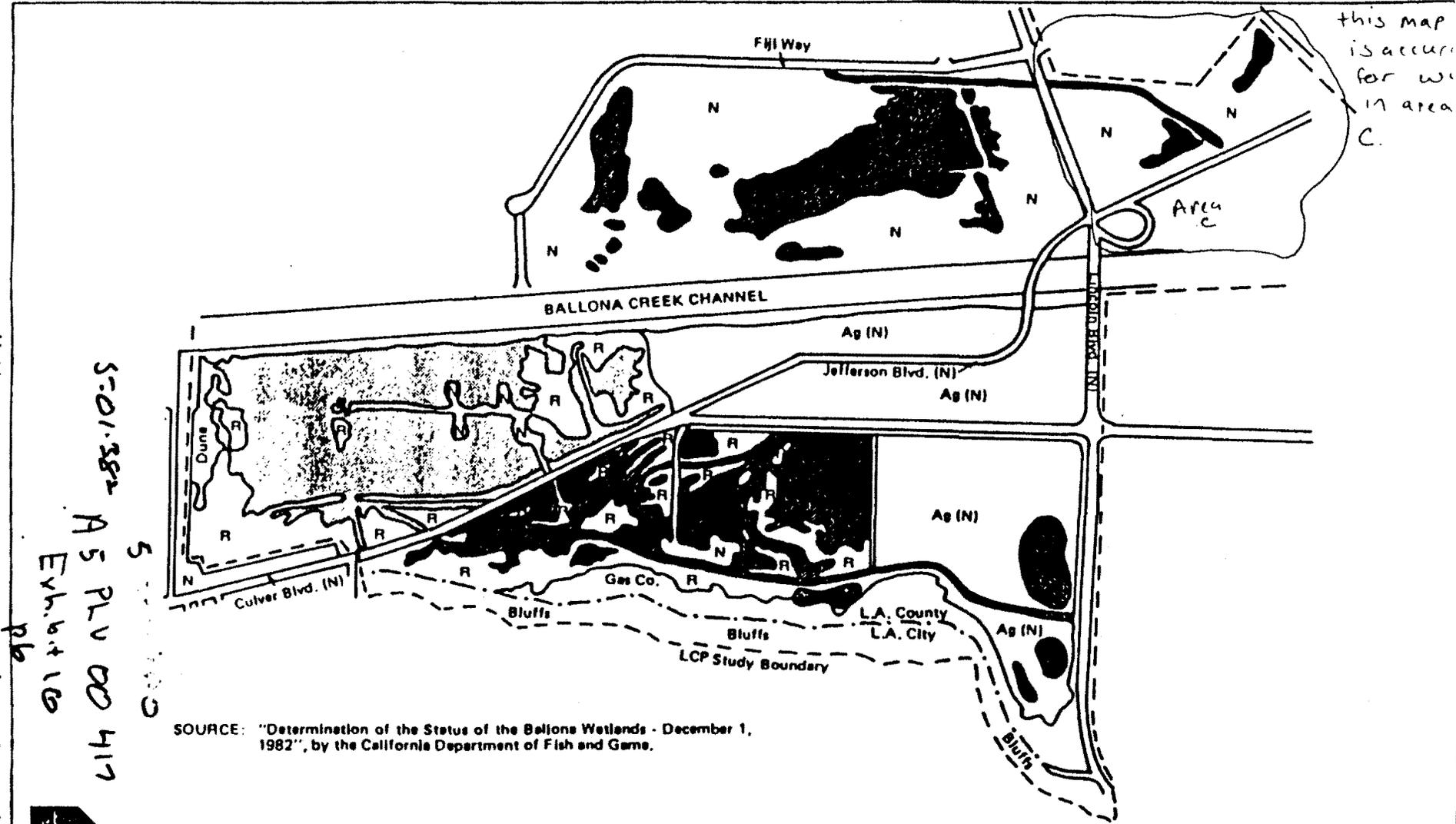
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Exhibit 1B  
attached to

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.

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 Exhibits  
 attached wetland  
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CALIFORNIA  
COASTAL COMMISSION

**DELINEATION OF COASTAL WETLANDS:  
RE-DESIGNED CULVER LOOP RAMP  
EXPANSION OF CULVER BOULEVARD  
EXTENSION OF PLAYA VISTA DRIVE**

5-01-362

Prepared for:

Playa Vista  
Los Angeles, CA

Prepared by:

Ted P. Winfield, Ph.D.  
Ted Winfield & Associates  
Livermore, CA 94550

Exh. b. + 17

P. 1

September 20, 2001

5-01-362  
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## 1.0 INTRODUCTION

Playa Capital proposes to modify the ramp connections between Lincoln and Culver Boulevards (Culver Loop Ramp Expansion); widen and expand the southern half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway; widen and improve grade-level connections between Culver Boulevard and the Marina Freeway; extension of Playa Vista Drive across the Little League baseball playing fields and parking areas; install drainage, lighting and landscaping; and create a freshwater wetland drainage basin vegetated with native plants in the project area, including mulefat and willows.

A delineation of the Culver Loop Ramp Expansion project area was submitted to the Coastal Commission earlier (*Delineation of Coastal Wetlands in the Area of the Culver Boulevard Loop Ramp*) and is incorporated by reference to this report. The Coastal Commission staff identified a small area of concern, which they determined were coastal act wetlands. I disagree with the findings of the Coastal Commission staff, as detailed in a separate submittal to the Coastal Commission (Memo to Catherine Tyrrell dated July 31, 2001 re: *Response to Coastal Commission Staff Report Delineating Wetlands Within the Culver Loop Ramp Project Area*). Since receipt of the Coastal Commissions findings, Playa Vista has re-designed the Culver Loop Ramp Expansion project area to avoid the area of concern identified by the Coastal Commission staff. The present report presents the results of a delineation of coastal wetlands for the widening and expansion of the southern half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway, widening and improvement of the grade-level connections between Culver Boulevard and the Marina Freeway, and extension of Playa Vista Drive across the Little League baseball fields and parking areas.

This project is within the Coastal Zone and, therefore, requires a Coastal Development Permit from the California Coastal Commission before Playa Capital can commence construction of these improvements. Because the project is located in the Coastal Zone, one issue to address is whether the proposed projects would impact any areas considered to be wetlands. To address this particular concern, the California Coastal Commission staff asked Playa Capital to identify and map the presence of wetlands, as defined by the California Coastal Act, which might occur in the project area.

The project area for widening and expanding the southern half of Culver Boulevard between Lincoln Boulevard and the Marina Freeway; widening and improving grade-level connections between Culver Boulevard and the Marina Freeway was surveyed on May 8, 2001. Based on the analysis of the collected information and the earlier delineation completed for the Culver Loop Ramp Expansion, I conclude that none of the project area was considered coastal wetlands.

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## 2.0 REGULATORY AND PROCEDURAL BACKGROUND

### 2.1 INTRODUCTION

The project site lies within the California Coastal Zone and is subject to the authority of the California Coastal Commission. Regulations enacted pursuant to the California Coastal Act define wetlands as follows: 14 California Code of Regulations 13577(b).

*Wetland means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, or fens. Wetlands are lands 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 or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deepwater habitats.*

Further, the regulations elaborate that "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" 14 California Code of Regulations Section 13577(b)(1) they also provide the following general guidance for determining the upland limit of a wetland:

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or zerophytic cover:
- (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; 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.

### 2.2 KEY CRITERIA FOR IDENTIFYING WETLANDS

While the actual procedures vary between public agencies there is consensus between state public agencies and federal public agencies as to the three key parameters that need to be considered when defining the limits of wetlands. The definitions of these

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parameters, as currently used to define the three key wetland parameters are found in the Corps of Engineers' 1987 "Wetland Delineation Manual". These three parameters are hydrology, hydrophytic vegetation and hydric soils.

### 2.2.1 Hydrology

The Wetland Delineation Manual defines wetland hydrology as follows:

The term "wetland hydrology" encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively. Such characteristics are usually present in areas that are inundated or have soils that are saturated to the surface for sufficient duration to develop hydric soils and support vegetation typically adapted for life in periodically anaerobic soil conditions. Hydrology is often the least exact of the parameters, and indicators of wetland hydrology are sometimes difficult to find in the field. However, it is essential to establish that a wetland area is periodically inundated or has saturated soils during the growing season.

The established standard for determining wetland hydrology set forth in the Wetland Delineation Manual for the purposes of a delineation is the hydrology that occurs in most years, which is roughly every other year on average (or in the case of rainfall data, the rainfall totals expected to occur 51 out of 100 years).

The central importance of proper hydrology was highlighted by the National Research Council (1995) study on the characteristics and boundaries of wetlands. The Committee on Characterization of Wetlands developed a broad reference definition of wetlands, which states, in part, "[a] wetland is an ecosystem that depends on constant or recurrent, shallow inundation or saturation at or near the surface of the substrate." In identifying the central importance of hydrology in creating and sustaining wetland ecosystems, the National Research Council's definition of wetlands requires that the observed physical, chemical and biological features be the result of the hydrologic driving force (National Research Council 1995).

The wetland definition contained in the California Coastal Act, which states in part "Wetlands are lands 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*" [emphasis added] recognizes the importance of hydrology as a basis for the existence of wetlands. This definition correctly recognizes that hydrology is the driving force behind the formation of wetlands and that there is a relationship between this parameter and the development of either hydrophytic vegetation or hydric soils or both.

### 2.2.2 Vegetation

Hydrophytic vegetation is defined in the 1987 Corps of Engineers Wetland Delineation Manual as "...the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produces permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present." Hydrophytic vegetation is dominated by macrophytic plants adapted to wetland inundation or saturated soils because of physiological and reproductive adaptations. The USFWS National Wetlands Inventory has used field observations, expert opinion, and technical documents to identify hydrophytic plant species and has developed wetland species lists that identify species occurring in wetlands (Reed 1988). The Corps of Engineers 1987 Wetland Delineation Manual lists several indicators that may be used to determine whether hydrophytic vegetation is present at a site. The most commonly used indicator is the following:

- More than 50 percent of the dominant species are OBL, FACW, or FAC on lists of plant species that occur in wetlands*

The acronyms OBL, FACW and FAC are defined in Reed (1988) as follows:

- OBL** – obligate wetland plant species with an estimated probability of occurrence in wetlands under natural conditions of >99%
- FACW** – facultative wetland plant species with an estimated probability of occurrence in wetlands of between 67% and 99%. When a minus sign (-) is attached to the acronym (FACW-) it signifies that the frequency of occurrence of that particular species is toward the lower end of the category (less frequently found in wetlands).
- FAC** – facultative wetland plant species with an estimated probably of occurrence in wetlands of between 33% and 66%.

If just vegetation is being used as a primary indicator of the presence of wetlands, then the customary approach is to evaluate the indicator status of the dominant species. FACW and FAC species can and do frequently occur in uplands as well as wetlands, so to prevent mis-identifying an area as a wetland, at least one of the other two parameters (soils or hydrology) should be evaluated in conjunction with the vegetation to determine if the area in question is a wetland or not. Tiner (1999) recommends that if the prevalent index for an assemblage of plant species in a sample plot is 2.0 or higher (2.0 is equivalent to a FACW species), then the presence of hydric soils or wetland hydrology should be confirmed before determining that the area in question is a wetland.

The following are other indicators identified in the Corps of Engineers' 1987 Wetland Delineation Manual that can be used to determine if hydrophytic vegetation is present although in most cases use of these other indicators will not be necessary:

- Visual observation of plant species growing in areas of prolonged inundation and/or soil saturation*

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- Morphological adaptations*
- Technical literature*
- Physiological adaptations*
- Reproductive adaptations*

However, the presence of hydrophytic plants is not conclusive that an area is a wetland, especially where the plants present are characterized as FACW, FAC or FACU.

### 2.2.3 Soils

A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation (see Corps of Engineers 1987 Wetland Delineation Manual). In non-sandy soils, prolonged anaerobic conditions cause chemical reactions, evidence of which can include sulfidic material, reduced soil conditions, an aquic or peraquic moisture regime, a gleyed soil matrix chroma, bright mottles and/or low matrix chroma, and iron and/or manganese concretions. In situations where data on hydrology is unreliable or unavailable, soils provide a reliable method for delineating wetlands (see Hurt and Carlile 2001).

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### 3.0 METHODS

#### 3.1 INTRODUCTION

Because Coastal Act regulations does not establish detailed procedures for defining "*predominantly hydrophytic cover*" or "*soil that is predominantly hydric,*" definitions developed and currently used by the federal government (1987 Corps of Engineers Wetland Delineation Manual) were used to determine the presence of hydrophytic vegetation and hydric soils in the project area. The project area was surveyed on May 8, 2001 by Dr. Ted P. Winfield and Dr. Edith Read.

#### 3.2 FIELD PROCEDURES

##### 3.2.1 *Hydrology*

Observations of hydrology made during the field survey were limited to looking for indicators that water had ponded at the sites sometime prior to the field survey as ponded water was not present at the site during the May 8, 2001 site visit. These indicators include sediment deposits on the soil surface or surface of plants, drift lines, and watermarks on woody vegetation.

##### 3.2.2 *Vegetation*

Vegetation in a 5-foot by 5-foot quadrat was evaluated at each of the sample site locations. Four sample points were sampled in the project area, including three sites along Culver Boulevard and another sample taken along the proposed route of Playa Vista Drive adjacent to the Little League baseball fields. The list of plant species and dominant species in each quadrat were noted on the field data sheets.

##### 3.2.3 *Soils*

Determination of the hydric status of the soil sample from each station was made following the procedures outlined in the 1987 Corps of Engineers Wetland Delineation Manual. Soil samples were collected at each location and the soil hue, value and chroma determined using the Munsell® Soil Color Chart were noted for each layer. The texture of the soil was then determined tactilely. Finally, the soil sample was evaluated for the occurrence of other indicators of hydric soils (redoximorphic features), including the presence of iron and manganese concretions, and bright mottles.

##### 3.2.4 *Mapping*

Each sampling station was located and plotted on the base topographic map of the project area (map, back of report).

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## 4.0 FINDINGS

### 4.1 RE-DESIGNED CULVER LOOP RAMP EXPANSION

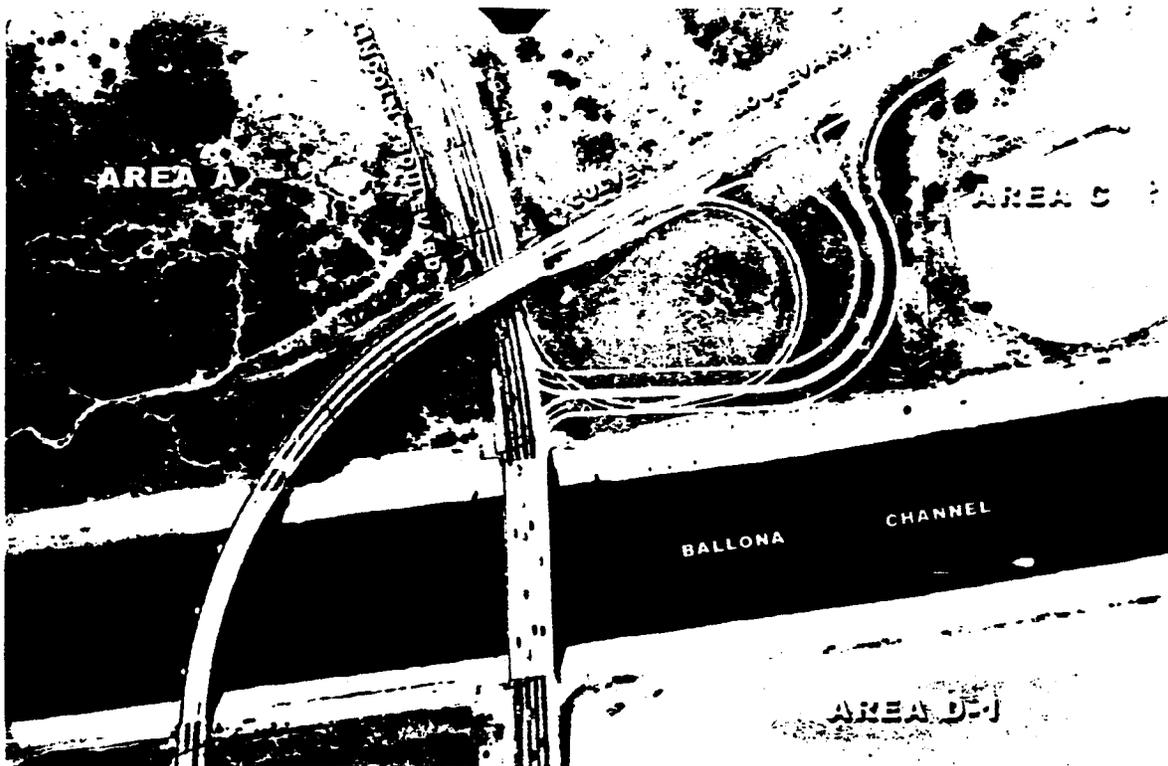
The original design of the Culver Loop Ramp Expansion would have impacted most of the vegetated area east of the present loop ramp (Figure 1, top). This vegetated area was surveyed for coastal wetlands and I concluded that there were no coastal wetlands in the project impact area for the original design of the Culver Loop Ramp Expansion. The Coastal Commission staff disagreed and concluded that there was a small area in the project impact area that it considered a coastal wetland. However, the Coastal Commission staff failed to provide a map showing the areas it considered coastal wetlands. Based on the description presented in the Coastal Commission staff report, identified the approximate area where the alleged coastal wetlands occur (Figure 1, bottom, Area of Concern). Since receipt of the Coastal Commission staff report, the Culver Loop Ramp Expansion project has been re-designed to avoid the approximate area of concern where the Coastal Commission staff feels coastal wetland occur (Figure 1, bottom). Therefore, under the revised plan, the Culver Loop Ramp Expansion project will not impact any area the Coastal Commission staff has determined to be a coastal wetland.

### 4.2 EXPANSION OF CULVER BOULEVARD

The planned expansion of Culver Boulevard between the Culver Loop Ramp and the Marina Freeway to the north will occur along the southern side of the roadway (see map at end of report). Most of the project area consists of upland ruderal vegetation, although there are a couple of areas supporting facultative and facultative wetland plant species. Sample locations CB-1 and CB-2 were located in a depressional area along the side of the roadway, within the project impact area (see map at end of report). Station CB-3 was located in a deeper depressional area just outside the project impact area. Sample location CB-1 was dominated by curly dock (*Rumex crispus*), a facultative wetland minus (FACW-) species and perennial ryegrass (*Lolium perenne*), a facultative species (FAC). The soils had a matrix chroma of 10YR3/1, which is indicative of the parent material used to fill the site, and there were no redoximorphic features. There were no indicators of hydrology observed at CB-1.

Station CB-2 was dominated by curly dock and wild radish (*Raphanus sativa*), a species without indicator status. The soils had a matrix chroma of 10YR3/2 with no redoximorphic features. There were no indicators of hydrology observed at CB-2. Station CB-3 was dominated by wild radish, sweet fennel (*Foeniculum vulgare*), a facultative upland species (FACU), bristly ox-tongue (*Picris echioides*), a FAC species, sowthistle (*Sonchus oleraceus*), a species without indicator status and curly dock. Soil matrix color was 10YR2/1 and there were no redoximorphic features, and there were no indicators of hydrology.

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Original Proposal



Revised Proposal

AS-PLU 00 417  
 5-001-382 FIGURE 1  
 Comparison of Original and Revised  
 Proposal for Lincoln-Culver Ramp

Hydrophytic vegetation occurred at only one station (CB-1), but the dominant species commonly occur in upland sites. None of the soils exhibited hydric characteristics and there were no indicators of hydrology. None of these sites were considered coastal wetlands. The remainder of the project impact area was dominated by upland vegetation with some FAC species being present.

#### 4.3 EXTENSION OF PLAYA VISTA DRIVE

The extension of Playa Vista Drive across the Little League ball fields and parking areas will affect only a small area not part of the playing fields and parking area (see map at end of report). This area includes a small depressional area (see map at end of report). This depressional area (PVD-1) was dominated by species without indicator status (treated as upland species) and a facultative species (perennial ryegrass). The soil matrix color was 10YR3/2 and there were no redoximorphic features. There were no indicators of hydrology. This area lacks any of the primary indicators for wetlands. Therefore, no coastal wetland were found in the Playa Vista Drive extension project area.

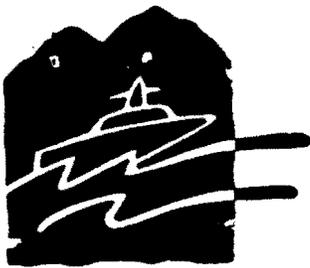
#### 4.4 SUMMARY OF FINDINGS

No areas qualifying as coastal wetlands were observed at the project impact areas. Only one plot (CB-1) was dominated by hydrophytic species. These species included curly dock (*Rumex crispus*) a FACW- species and Italian rye grass (*Lolium perenne*), a FAC species. Both of these species are commonly found in upland areas as well as the drier areas of wetlands. The other sample locations were dominated by upland species. Soils at all sample points lacked any indicators (redoximorphic features) of hydric soils.

Sample point CB-1, CB-3 and PVB-1 were located in depressional areas but there were no indication that the soils are regularly subject to reducing conditions or that these depressional areas ponded water during 2001. Given the excessive rainfall during February and early March (see Appendix B of the delineation report for the Culver Loop Ramp), the lack of evidence of ponding or saturation of the soils supports the conclusion that these depressional areas lacked wetland hydrology.

These sites lacked wetland hydrology and hydric soils and, for three of the four sample points, hydrophytic vegetation (The field data sheets are in Appendix A). Therefore, none of these sites met the definition of a Coastal Act wetland.

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June 7, 2001

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

RECEIVED  
South Coast Area Office  
JUN 11 2001  
CALIFORNIA COASTAL COMMISSION

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.<sup>1</sup>

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

<sup>1</sup> 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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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.

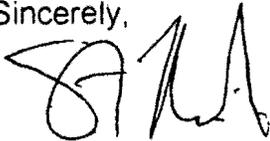
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Until such time as the applicant can demonstrate compliance with these standards – and numerous other legal requirements – this project should be denied.

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).

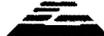
Santa Monica BayKeeper is a member of a coalition of more than 100 groups dedicated to the acquisition, preservation and restoration of the entire 1087-acre Ballona Wetlands ecosystem. Rather than allowing further destruction of our limited coastal wetlands, BayKeeper believes that a public park at Ballona 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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 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 Implications of Revised Design

Catherine Tyrrell (Playa Capital) has asked me to provide some brief comments regarding the water quality implications of the redesigned Lincoln-Culver Loop Ramp. The redesign has resulted in less pavement as well as a smaller sized water quality facility as indicated in the attached figure (provided to me by Catherine). The original facility that I assisted Psomas and Associates with the design on was highly oversized for the drainage area that would be routed to it; at 4 acre-feet it was about 8 times the slightly less than 0.5 acre-foot size required for treating runoff. The revised basin would be slightly larger than 0.5 acre-feet. My understanding is that the reasons for the smaller basin were the smaller size of the center area together with slope considerations dictated that only a smaller basin could be constructed.

With less pavement area being drained to it, it would still exceed the design sizing requirements, but to a much lesser extent. The basin will still be much more effective treatment method than most projects are employing (e.g., much more effective than catch basin inserts, etc.) to meet the Los Angeles County and City Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Therefore, given that the project

- 1) is still treating "off-site" runoff from areas not being re-constructed (parts of Lincoln and Culver up gradient from the project site) that would not be required to be treated,
- 2) is still over-designed (but less so) as compared to the 0.75" design storm for the entire tributary area (vs. just new pavement), and
- 3) is much more effective treatment than is being required by the SUSMP program,

the system should still perform well and result in a net overall benefit to the environment.

Please call me at (503) 222-9518 if you have any questions regarding this issue.

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October 18, 2001

Ms. Catherine Tyrrell  
Playa Vista  
12555 West Jefferson Blvd, Ste 300  
Los Angeles, CA 90066

Subject: Playa Vista - Culver Loop Hydrology for Redesigned Loop Area (1PCC0204-47)

# 5-01-382

Dear Ms. Tyrrell:

Per a request from Pam Emerson at the California Coastal Commission, this letter is presented to discuss the hydrologic and hydraulic design of the detention and water quality basin within the loop ramp at the Culver Boulevard / Lincoln Boulevard intersection. There are three criteria of design. The first criteria is to satisfy the City of Los Angeles Public Works requirement to calculate the anticipated runoff of the 50-year storm event for each catch basin and storm drain pipe. The second is to size the catch basins and pipes to convey the anticipated 50-year runoff without backing up the system into the streets. The third is to satisfy the SUSMP requirement to treat the volume generated by the first 1/4" rain. These are further discussed below:

1. The first criteria is to calculate the 50-year runoff flow rates. The purpose of calculating these flow rates is to provide the information necessary to properly size the catch basins and pipes per criteria 2 below. These flow rates have been calculated and are shown on the profile portions of the construction plans. An example is shown on the top half of sheet 12. This calls out the 50-year runoff as "Q50 = 15.68 cfs". Per City of Los Angeles standards, these flow rates are calculated for the existing tributary basins. This includes the streets and adjacent land that drains to the system including the existing and ultimate potential widening of Culver Boulevard between Lincoln Boulevard and SR-90, and a small portion of SR-90 draining to Culver Boulevard. We have also included the proposed Playa Vista Drive from the Ballona Channel to Culver Boulevard so that should this street be constructed, no additional piping would be required. The calculated flow rates range from 0.9 cubic feet per second (cfs) to 22.8 cfs. Notice that these calculations do not include flow rates from Lincoln Boulevard. This is because there is currently a storm drain system in Lincoln. It is not in this project's scope to collect runoff from

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1444 West Olympic Blvd  
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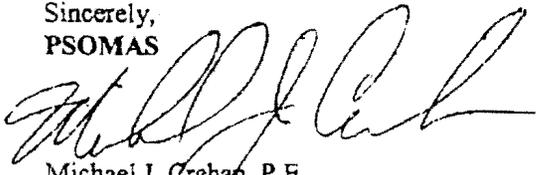
Lincoln Boulevard. When Lincoln is widened by Caltrans, the flows from that system can be rerouted to this basin.

2. The second criteria is to size the storm drain structures to convey the flows calculated per item 1 above. This was also calculated per City standards. The purpose for this sizing is to keep from flooding the street during a 50-year storm event.
3. The third criteria is to satisfy SUSMP requirements. The calculation required here is for a volume of runoff rather than a flow rate. The first ¼" rain volume was calculated conservatively for all of the areas calculated for criteria 1 above. It also included the volume anticipated from the ultimate widening of Lincoln Boulevard as proposed at this time by Caltrans from the Ballona Channel to Fiji Way. The volume calculated is 0.47 acre-feet. The volume provided is 0.51 acre-feet. The basin is designed to fully dewater this volume in a minimum of 24 hours per SUSMP requirements. When the basin is full, it is designed to dewater in a minimum of 40 hours also per SUSMP requirements. The basin actually drains in approximately 60 hours in both cases.

Please note that when this project is completed late next year, only about 1/3 of the ultimate potential tributary area will be draining to the basin. Therefore, the design conservatively far exceeds the requirements of the project itself. This was an intentional design method to limit the disruption to the storm drainage system and water quality use as much as possible in the future.

If you have any questions please do not hesitate to call me.

Sincerely,  
PSOMAS



Michael J. Crehan, P.E.  
Senior Project Manager

Copy: Wayne Smith - Psomas

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Exhibit 20  
p2

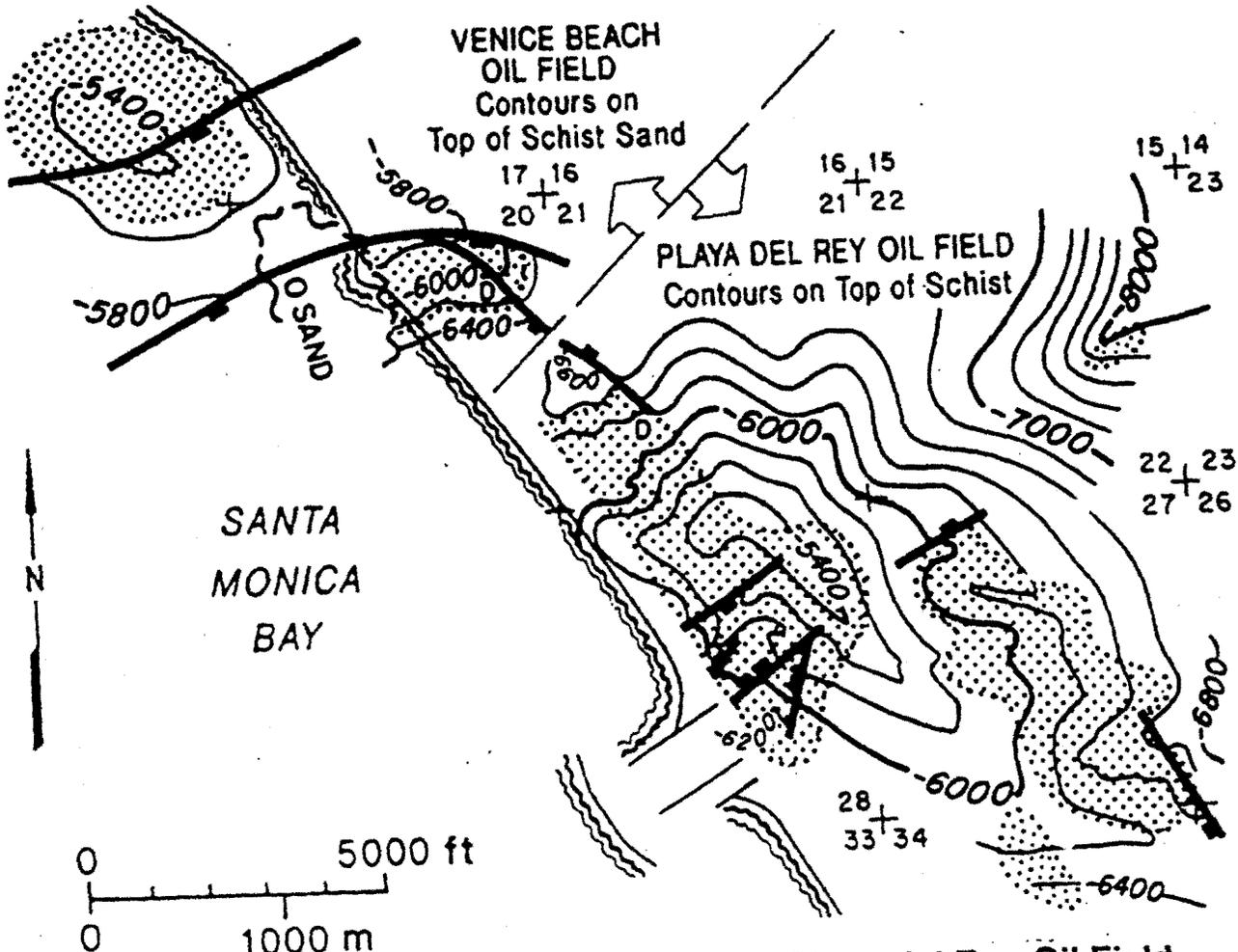
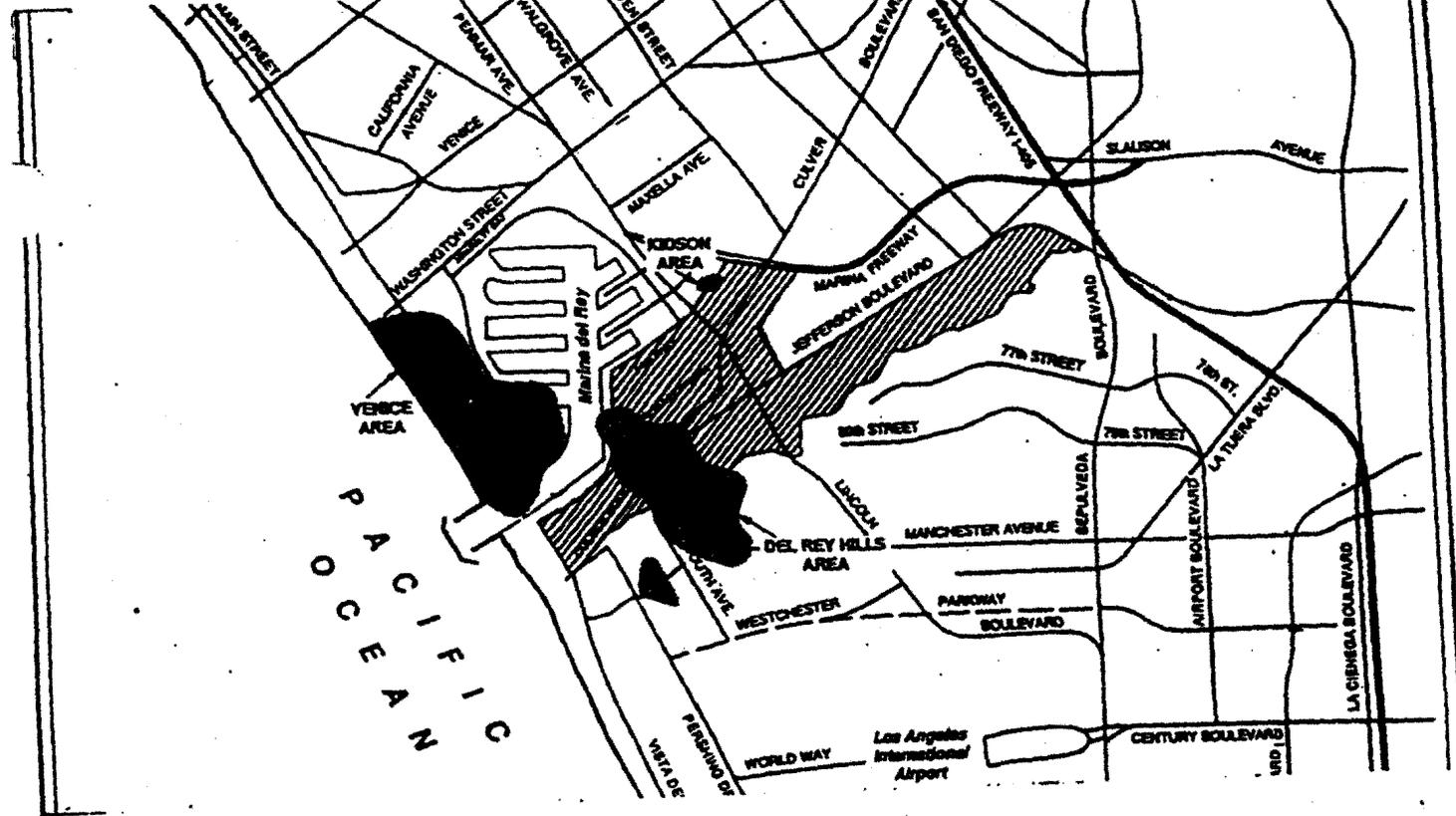


Figure 6. Location and Structure of Playa del Rey Oil Field

5-01-382

Exhibit 21 Exhibit Map  
 A 5 PLV 00 417  
 E. h. b. v

**RECEIVED**  
South Coast Region

MAR 8 2001

CALIFORNIA  
COASTAL COMMISSION

**CITY INVESTIGATION OF POTENTIAL ISSUES OF  
CONCERN FOR COMMUNITY FACILITIES DISTRICT  
NO. 4 PLAYA VISTA DEVELOPMENT PROJECT**

Prepared by  
City of Los Angeles  
Office of the Chief Legislative Analyst

March, 2001

5-01-382  
(5-00-400)  
A 5PLV-00417  
Exhibit 21  
Excerpt for  
LA (SUCU)

## EXECUTIVE SUMMARY

### Study Purpose

This report has been prepared in response to the direction of City Council to the Office of the Chief Legislative Analyst (CLA) to provide information to the Planning and Land Use Management Committee and the City Council relative to a variety of potential risk factors at the Playa Vista Development site, so that Council can decide whether the City should provide Mello-Roos financing for some of the infrastructure and ecological components of the Playa Vista Development Project.

### Community Facilities District No. 4 Playa Vista Development Project Description

Community Facilities District No. 4 (CFD4) is a portion of the master planned community known as Playa Vista (Playa Vista Development Project). The Playa Vista Development Project has an approximate area of 1,087 gross acres and is over three miles long and one mile wide. It is located on the west side of the City, approximately 11 miles west of downtown, four miles south of the City of Santa Monica and three miles north of the Los Angeles World Airport. The overall Playa Vista Development Project includes residential units, office space, retail, media and technology facilities, community serving facilities (i.e. school, day-care, etc.), wetland and habitat restoration, open space and recreational areas, and infrastructure.

CFD4 is a portion of Phase I of the Playa Vista Development Project. CFD4 is located immediately east of Lincoln Boulevard on both sides of Jefferson Boulevard and consists of approximately 169 gross acres, of which 79.4 acres are expected to be subject to the proposed Mello-Roos Special Tax. The Developer's plans call for development of dwelling units, retail and commercial facilities, library, school, other community-serving facilities, open-space, habitat improvements/enhancements, and infrastructure development and improvements.

### Background and Process

On June 6, 2000, the Budget and Finance Committee conducted a public hearing on the proposed issuance of Mello-Roos bonds for CFD4. During the hearing, several questions were raised which the Committee determined required further analysis. The Committee instructed the CLA to supervise the analysis and authorized the CLA to convene a working group of City departments and other agencies as necessary and contract with outside consultants to conduct the analysis. These instructions included holding a public hearing to obtain input from the public on the scope of the study. Once the analysis was complete, the CLA was instructed to report back to the Planning and Land Use Management Committee and the City Council to resolve the policy issues relative to the safety of the site. Once those policy issues are resolved, the intent is for the Budget and Finance Committee to again consider the issuance of the Mello-Roos bonds.

5-01-382  
5-00-100  
A 5 PLV 00417  
Ex. 21  
GAS  
STUDY  
Exhibit 21 P2

On June 20, 2000, the Council adopted the Budget and Finance Committee report. The CLA proceeded to convene a working group consisting of the Department of Building and Safety (DBS), Planning, Department of Public Works Bureau of Engineering (BOE), City Attorney, and the Office of Administrative and Research Services (OARS). The CLA, with the assistance of the working group, developed a draft study scope.

### Study Scope and Design

The draft Study Design and Scope, which included investigation of methane, hydrogen sulfide (H<sub>2</sub>S), and air toxics (benzene, toluene, ethyl-benzene, and xylene (BTEX)) was released for public review and comment and a public hearing was held to accept public comments and in-put into the study design on July 18, 2000. In response to public comments received, the study was expanded to include a review of subsidence. Further, technical issues commented on by the public were considered as the study elements were developed and reviewed. During the investigation process, the study scope was further expanded to address risks associated with soil and groundwater contamination.

The Study was completed in three steps. This stepped approach allowed the City to maximize resources and avoid unnecessary duplication of data/information collection.

The City engaged the professional services of Kleinfelder to assist in review of methane data and to perform a health risk assessment for BTEX and H<sub>2</sub>S emissions identified at the CDF4 site. The City requested the assistance of the California Department of Conservation Divisions of Geology and Mines (Division of Geology and Mines) and of Oil, Gas, and Geothermal Resources (Division of Oil and Gas) in the review of earthquake fault and methane issues respectively. The City contacted the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) regarding soil and groundwater remediation issues and associated health risks.

The study results are being released for public review and comment from March 9, 2001 to April 9, 2001. Comments received will be considered and evaluated and the report modified as appropriate. Comments should be submitted to:

Barb Garrett  
Legislative Analyst  
200 N. Main Street, Room 512,  
Los Angeles, CA 90012

57-01-382  
AS RV 0047  
Exhibit 231  
p 3

# Exploration Technologies, Inc.

3898 Westchase Dr • Houston Texas 77042 • (713) 785-0393 • FAX (713) 785-1550

January 31, 2001

Mr. David Hsu  
Chief, Grading Engineering Section  
City of Los Angeles  
Dept. of Building and Safety  
201 North Figueroa Street  
Los Angeles, CA 90012-2827

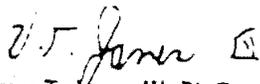
Dear David,

***Playa Del Rey Gas Storage Field and Lincoln Blvd. Fault:***

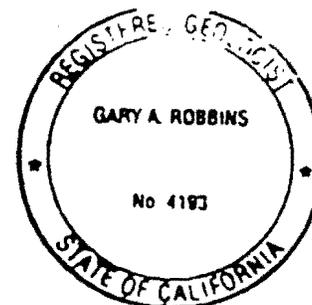
As confirmed by our earlier letters (December 20, 2000 V T Jones to Ray Chan), we have completed our preliminary evaluation of the regional soil gas data collected over the entire Playa Vista site, including the locations for 119 infill soil gas samples to complete this data set. The regional soil gas data collected as part of Phase II evaluations shows no evidence of major gas leakage from the Playa Del Rey Gas Storage Field. In addition we have collected and completed evaluation of nine additional storage gas reservoir samples taken directly from several of the storage and observation wells. Comparison of the chemical and isotopic data from these wells with the near-surface and Ballona gravel aquifer gas samples previously analyzed on the Playa Vista site shows that the storage gases are not present in any of the methane anomalies observed east of Lincoln Blvd. The gas seepage on the Playa Vista site appears to be derived from the Pico Sands at depth and does not have the geochemical signatures characteristic of storage gas.

Preliminary interpretation of the geophysical data from seismic profiles supports the premise that the methane gas found east of Lincoln is moving upward within a vertical zone of disrupted strata from beds of the Pico Formation. Offsets in reflections of the seismic profile may be interpreted as zones of disrupted strata, which are likely permeable to gas. Preliminary data reprocessing suggests the presence of low-velocity zones (possibly due to the presence of gas) that appear to be associated with both the disrupted strata and with the location of the anomalous methane found on the Playa Vista site. Thus the near-surface gas anomalies appear to be issuing from fractures or other disruptions that directly underlie the methane anomalies as defined by the soil gas surveys. As noted in an earlier letter, (Victor Jones to Ray Chan, December 7, 2000) interpretation of the chemical and geophysical data does not support the existence of the Lincoln Blvd. Fault that was postulated to dip westward and possibly transect strata within the existing gas storage field, as communicated in our April 17, 2000 report to LADBS. This combined geochemical and geophysical information supports that the methane gas seepage observed on the Playa Vista site does not come from the Southern California Gas Storage Field.

Sincerely,

  
Victor T. Jones, III, Ph.D.  
Peer Reviewer for LADBS  
President, Exploration Technologies, Inc.

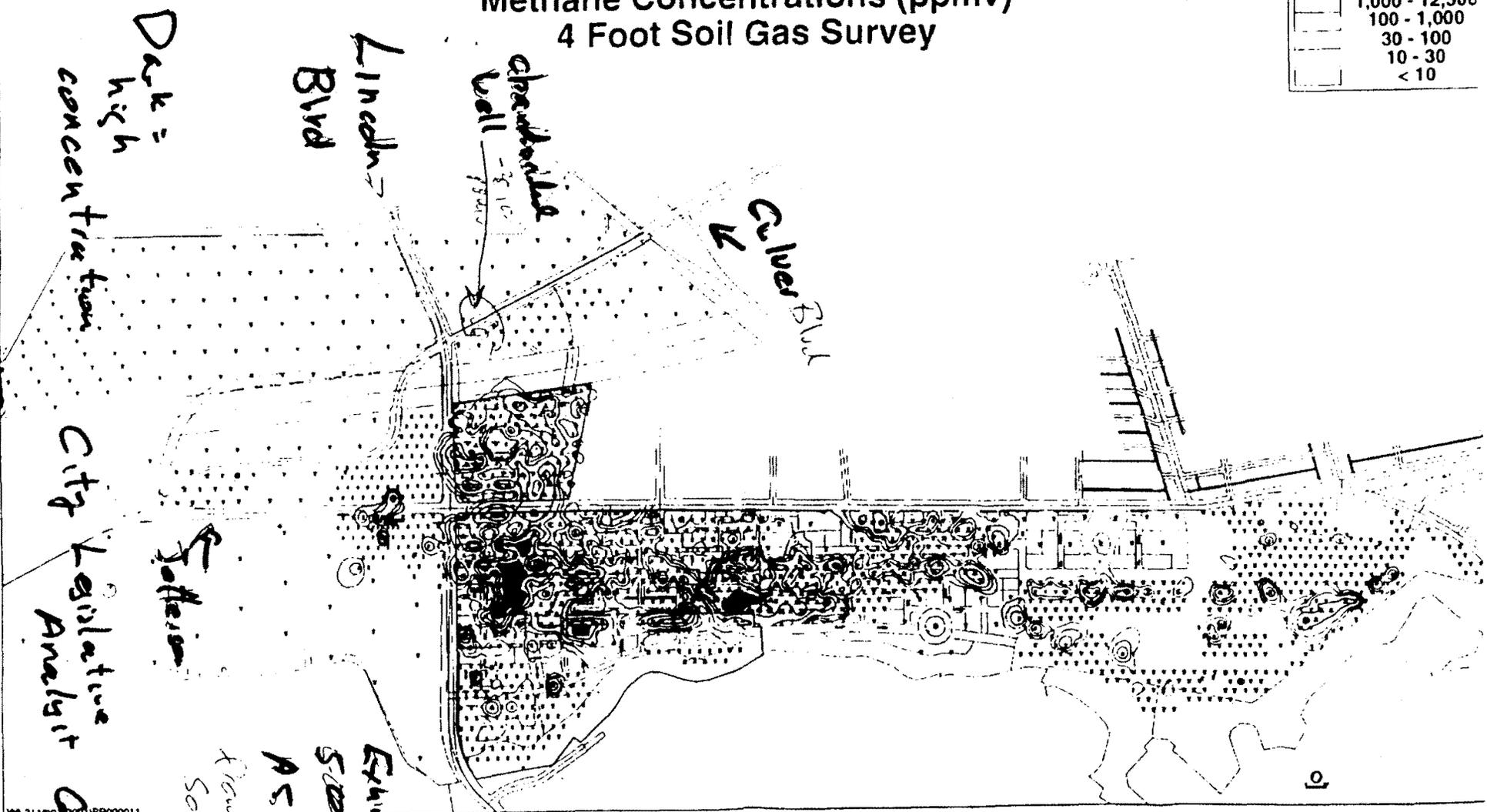
  
Gary A. Robbins, Ph.D.  
Peer Reviewer for LADBS  
Manager, Tenkinfo LLC



# 5-01382  
AS PLV 00417  
Exh. 6 + 22

Playa Vista Development  
 Los Angeles, California  
 Methane Concentrations (ppmv)  
 4 Foot Soil Gas Survey

METHANE CONCENTRATIONS (ppmv)	
	> 150,000
	12,500 - 150,000
	1,000 - 12,500
	100 - 1,000
	30 - 100
	10 - 30
	< 10



Dark =  
 high  
 concentration  
 City Legislative Analyst  
 Gas Map

Exhibit 23  
 S041382  
 AS 06/04/77  
 From 2/11  
 Soil Scan  
 staff

CALIFORNIA COASTAL COMMISSION

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



12 December 2000

MEMORANDUM

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

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

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

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

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

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

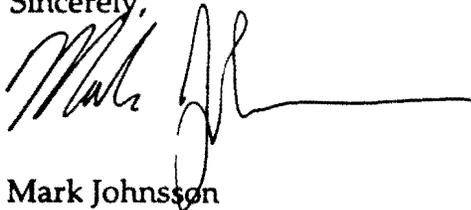
501 382 A 500 PLV 00417  
Exhibit 24  
F  
PI  
Staff geologist letter

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

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

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

Sincerely,



Mark Johnson  
Senior Geologist

12/12/00

501-382  
A 5 ~~00~~ PLV 00417  
Exhibit 24  
p 2  
evaluation of  
hazard  
Page 2 of 2



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MAY 14 2001

CALIFORNIA  
COASTAL COMMISSION

**KATHLEEN CONNELL**  
Controller of the State of California

May 10, 2001

The Honorable Sarah Wan, Chair, California Coastal Commission and  
Honorable Coastal Commissioners

Re: *Ballona Wetlands "Area C"*

Dear Chair Wan and Honorable Commissioners:

I would like to take this opportunity to clarify my position on the proposed road construction and expansion projects through Area C of the Ballona Wetlands. My office is opposed to any roads constructed or expanded on this parcel. As you know, this property is currently being held in trust for the benefit of the State of California. Moreover, efforts are currently underway to transfer the entire 73-acre parcel to the California Department of Parks & Recreation.

Given that my office is entrusted with the responsibility and stewardship of this land until such time we can transfer it to the Department of Parks & Recreation, I am notifying you that any purported consent previously given by my office to the applicant for the purpose of constructing or expanding roads on Area C is hereby withdrawn.

Any such consent would have been premised upon Playa Capital exercising its option to purchase the 73-acres in issue. The option expired December 31, 2000, and was not renewed.

Please feel free to contact my Chief of Staff and Chief Counsel, Richard J. Chivaro, at 916/445-2636, or my Deputy, Cindy Aronberg, at 310/342-5678, with any questions you may have concerning the foregoing. Thank you.

Sincerely,

KATHLEEN CONNELL  
State Controller

5-01-382  
A 5 PLV 00 417  
Controller letter

- SACRAMENTO 300 Capitol Mall, Suite 1850, Sacramento, CA 95814 (916) 445-2636
- Mailing Address: P.O. Box 942850, Sacramento, CA 94250
- LOS ANGELES 600 Corporate Pointe, Suite 1150, Culver City, CA 90230 (310) 342-5678

Exhibit 25

BOSTON  
CHICAGO  
FRANKFURT  
HAMBURG  
HONG KONG  
LONDON  
LOS ANGELES  
MOSCOW  
NEW JERSEY

# Latham & Watkins

ATTORNEYS AT LAW  
WWW.LW.COM

DIRECT DIAL (213) 891-8196  
E-MAIL: GEORGE.MIRLSTEN@LW.COM

NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
SINGAPORE  
TOKYO  
WASHINGTON, D.C.

August 9, 2001

**RECEIVED**

**RECEIVED**  
AUG 14 2001

AUG 13 2001

CALIFORNIA  
COASTAL COMMISSION

CALIFORNIA  
COASTAL COMMISSION

VIA CERTIFIED MAIL  
The Honorable Kathleen Connell  
Controller of the State of California  
300 Capitol Mall, Suite 1850  
Sacramento, California 95814

Re: Playa Vista's Traffic Improvement Projects In Area C of Playa Vista

Dear Ms. Connell:

On behalf of our client, Playa Capital Company, LLC ("Playa Capital"), the developer of the Playa Vista project in Los Angeles, California, we write to respond to your May 10, 2001 letter to the California Coastal Commission regarding Area C of the Playa Vista project.

As you may be aware, Playa Capital currently is processing three applications for Coastal Development Permits (and defending related appeals of City of Los Angeles Coastal Development Permits) with the California Coastal Commission for the construction of certain roadway improvements and related work within a portion of Area C. One application (Coastal Permit Application No. 5-00-400) covers the construction of improvements to the Lincoln/Culver intersection loop ramp system and the widening of the south side of Culver Boulevard between the loop ramp and the Marina Expressway. Another application (Coastal Permit Application No. 5-01-107) covers the construction of a bridge over Ballona Channel for the extension of Playa Vista Drive to Culver Boulevard. The third application is for an amendment to Coastal Permit No. 5-98-164 to allow the implementation of an archeological treatment plan for the recovery and documentation of prehistoric cultural deposits which would be impacted by the proposed roadway improvements.

Your May 10<sup>th</sup> letter purports to withdraw the Controller's office consent to construction of any of Playa Vista's proposed traffic improvement projects in Area C of the Playa Vista project. You state your office's opposition to these improvements, purport to rescind Playa Capital's authorization to process the Coastal Development Permit applications for construction of these traffic improvements and, by inference, request that the Coastal Commission withhold its approval for these projects.

The allegations set forth on your May 10<sup>th</sup> letter regarding Playa Capital's ability to process the Coastal Development Permit applications are unfounded for the following reasons:

*applicant's  
response  
to Controller 5-01-382*      *Exhibit 26 p1  
195-PLU 60417*

Ms. Kathleen Connell  
Controller of the State of California  
August 9, 2001  
Page 2

- The U.S. Trust Company of California ("USTCC") is the legal owner of Area C. It holds such property for the benefit of the State of California pursuant to and subject to the restrictions set forth in, that certain Amendment to Declaration of Trust, dated December 11, 1984.
- Area C is subject to a recorded Easement Agreement, dated August 30, 1990 ("Easement Agreement"), entered into by USTCC for the benefit of Maguire Thomas Partners - Playa Vista, a California limited partnership ("MTP-PV") as owner of the balance of the Playa Vista property (Playa Vista Areas A, B and D). This Easement Agreement, which by its express terms is a perpetual and irrevocable burden on Area C, remains in full force and effect. USTCC has been advised that Playa Capital, which, with its affiliates, is the current owner of Playa Vista Areas A, B and D, is the successor-in-interest to the rights of MTP-PV under the Easement Agreement.
- Under the Easement Agreement, Playa Capital is entitled to enter upon Area C to plan and construct various roadway and other infrastructure improvements and has the right upon completion of such improvements to request that USTCC execute and deliver irrevocable offers to dedicate such improvements to the City of Los Angeles or other appropriate governmental entities. Playa Capital's rights under the Easement Agreement are not subject to any prior discretionary consent from USTCC, nor is USTCC required to seek the consent or approval of any other person or entity (including the Controller of the State of California) as a condition to Playa Capital's exercise of such rights. In addition, such rights are not subject to, or in any respect dependent upon the status of, the September 28, 1990 agreement, sometimes referred to as the "Area C Option Agreement", among USTCC, MTP-PV and Maguire Thomas Partners-Playa Vista Area C.
- On November 4, 1998, USTCC executed an Irrevocable Offer to Dedicate land within Area C for improvements to the Lincoln/Culver loop ramp system and the widening of Culver Boulevard. Such offer to dedicate has not been modified or withdrawn, and, since it is irrevocable, cannot be.
- USTCC has been advised by Playa Capital, pursuant to Section 30601.5 of the California Coastal Act, that Playa Capital has filed Coastal Permit Application Nos. 5-00-400 and 5-01-107 and an application to amend Coastal Permit No. 5-98-164 with the California Coastal Commission. USTCC has no objection to such proceedings and has declined to participate as a co-applicant therein.

Further, under the September 28, 1990 agreement between the Controller's office and Playa Capital's predecessor, the Controller's office promised to cooperate with Playa Capital's predecessor in effectuating applications for traffic improvement permits. See

5-00-382  
AS 00 417  
Enh. h. r 26

Ms. Kathleen Connell  
Controller of the State of California  
August 9, 2001  
Page 3

Controller's Agreement, Art. 1, Section 1.1. The rights under this agreement were assigned to Playa Capital in October 1997. See Controller's Agreement, Art. 5, Section 5.1. By refusing to cooperate in effectuating the applications, indeed in attempting to prevent Playa Capital from obtaining the required permits, the Controller's office is in breach of this agreement.

The allegations set forth in your May 10<sup>th</sup> letter are inaccurate and subject the State of California to substantial liability. We are disappointed that you have made these unfounded allegations in an effort to influence the decision-making of the Coastal Commission. We hope you will reconsider your position and respectfully request that you rescind your May 10<sup>th</sup> letter.

Sincerely,



George J. Muhlsten  
of LATHAM & WATKINS

cc: The Honorable Gray Davis,  
Governor of the State of California  
The Honorable William Lockyer, Esq.  
Attorney General of the State of California  
The Honorable Sara Wan,  
Chair, California Coastal Commission  
The Honorable California Coastal Commissioners  
The Honorable George Nakano,  
State Senator  
The Honorable Deborah Bowen  
State Representative  
The Honorable Ruth Galanter,  
Councilwoman for the City of Los Angeles

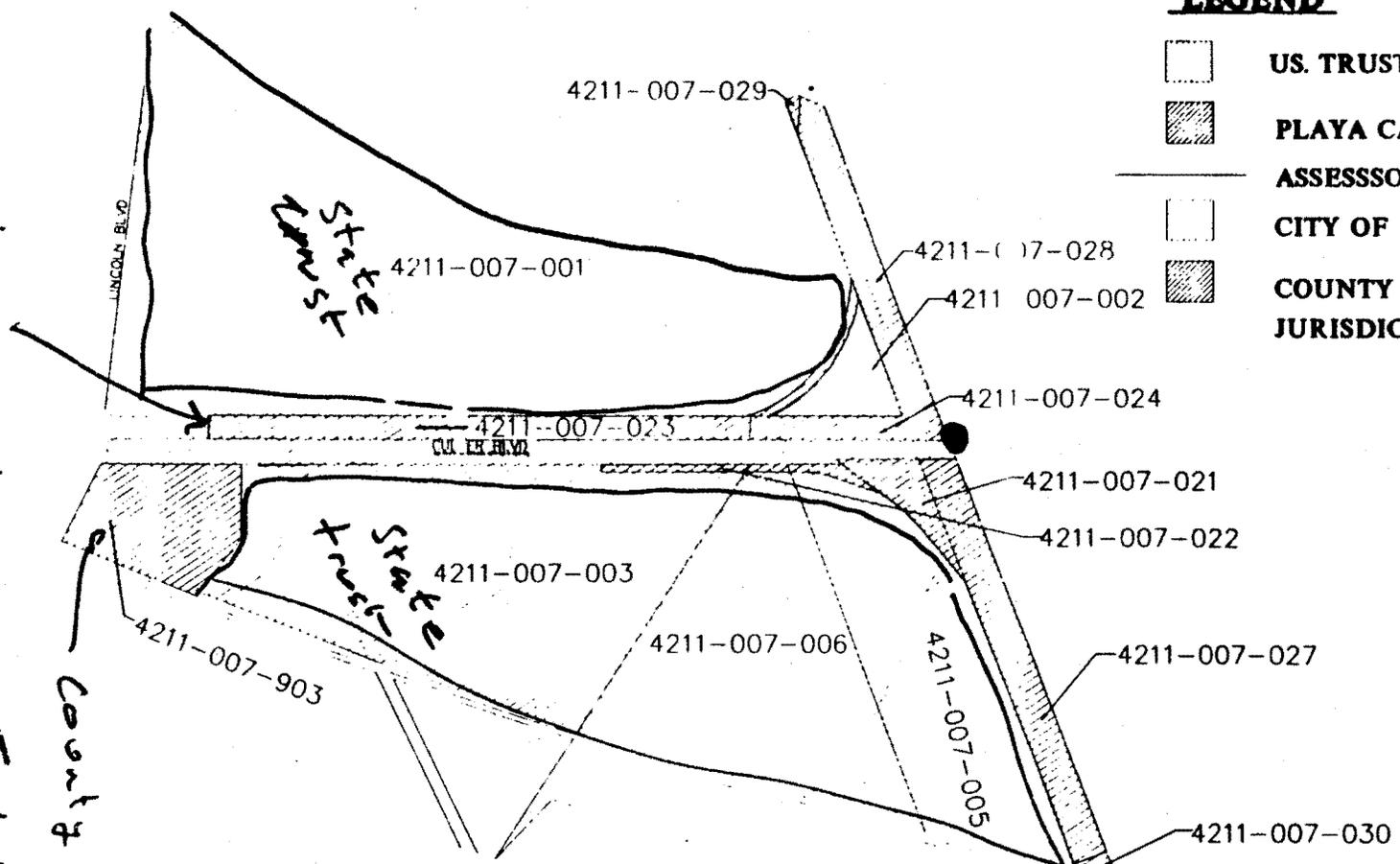
LA\_DOCS696293.5 [W97]

Exhibit 26  
P3  
5.0.352  
A5 PLU 00 417

**LEGEND**

-  US. TRUST CO. OF CALIFORNIA
-  PLAYA CAPITAL COMPANY, LLC
-  ASSESSORS PARCEL LINES
-  CITY OF LA PUBLIC RIGHT OF WAY
-  COUNTY FEE OWNED, CITY OF LA JURISDICTION

APR 2001  
 COASTAL COMMISSION



*Playa Capital*

*Exhibit 22  
 MS PLV 00419  
 L: 01.382*

*PLC LLC*

Playa Capital Company, LLC  
 Playa Vista Development

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

**EXHIBIT B  
 AREA C  
 OWNERSHIP EXHIBIT**

**PSOMAS**

DATE: 03/28/2001 REVISED ON:  
 JOB No. IPCC020447

Playa Vista  
(C. Tyrrell)



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100

HARRY W. STONE, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

March 15, 2001



IN REPLY PLEASE  
REFER TO FILE: MP-9

Ms. Pam Emerson  
South Coast District  
California Coastal Commission  
P.O. Box 1450  
Long Beach, CA 90802-4416

Dear Ms. Emerson:

### COASTAL DEVELOPMENT PERMIT APPLICATION NO. 5-00-400

I understand the Playa Capital Company is seeking a Coastal Development Permit from the California Coastal Commission to improve an existing connector road between eastbound Culver Boulevard and northbound Lincoln Boulevard and to create a new connector road between northbound Lincoln Boulevard and east and westbound Culver Boulevard (see enclosed sketch). Playa Capital Company has requested that we inform your agency of our consent to the subject application.

Based on the preliminary alignments of the proposed road improvements, it appears that these improvements will utilize a portion of the existing connector road under the jurisdiction of the City of Los Angeles and on property owned in fee by the County of Los Angeles.

If and to the extent that the Commission requires it to do so, please be advised that the County consents to the proposed improvements subject to the approval of the project construction by the City of Los Angeles and the Commission, and subject to the County granting easements over the above-mentioned property to the City of Los Angeles as are necessary to accomplish the project. The granting of these easements shall be made prior to construction.

AS PLV 00 417  
5-01-382  
Exhibit 28  
County  
assents to  
improvements

Ms. Pam Emerson  
March 15, 2001  
Page 2

If you have any further questions about the foregoing, please feel free to call Mr. Greg Kelley, head of our Mapping & Property Management Division at (626) 458-7000.

Very truly yours,

HARRY W. STONE  
Director of Public Works



RONALD J. ORNEE  
Assistant Director

MY:in  
P9:ltrMJY1

Enc.

cc: Playa Vista (Catherine Tyrrell)

Exhibit 28 p 2  
A 5-PLV 60417  
5-01 382  
County

Recording Requested By:

MAGUIRE THOMAS PARTNERS - PLAYA VISTA

When Recorded Return To:

MAGUIRE THOMAS PARTNERS - PLAYA VISTA  
c/o Maguire Thomas Partners  
1299 Ocean Avenue, Suite 1000  
Santa Monica, California 90401  
Attention: Craig A. Smith, Esq.

**COPY** of Document Recorded  
**90-1515156**  
as No. \_\_\_\_\_  
This copy has been compared with original  
and found to be a true and correct copy.  
REGISTRAR - RECORDER

EASEMENT AGREEMENT

BY AND BETWEEN

U.S. TRUST COMPANY OF CALIFORNIA, N.A.

AND

MAGUIRE THOMAS PARTNERS - PLAYA VISTA,  
a California limited partnership

A 5 PLV 00 417  
S 01 382

Exh. b. + 29  
p 1

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III. ASSIGNMENT OF RIGHTS OF PRIMARY BENEFITED OWNER . . 12

IV. ENFORCEMENT AND LIABILITY . . . . . 14

V. MISCELLANEOUS PROVISIONS . . . . . 15

EXHIBIT A - LEGAL DESCRIPTION OF BURDENED PROPERTY . . A-1

EXHIBIT B - LEGAL DESCRIPTION OF BENEFITED PROPERTY . . B-1

EXHIBIT C - LEGAL DESCRIPTION OF EXPANDED WETLANDS . . C-1

A 5. PLU 00417  
5-01-382  
Exh. b. r 29  
p2

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made as of the 30<sup>th</sup> day of August, 1990 by and between U.S. Trust Company of California, N.A., as trustee ("Trustee") and Maguire Thomas Partners - Playa Vista, a California limited partnership ("MTP-PV").

RECITALS

A. The Trustee holds legal title to certain real property in the County of Los Angeles, State of California, as more particularly described in Exhibit A (the "Burdened Property"), in trust for Gray Davis (successor-in-office to Kenneth Cory), as Controller for the State of California and on behalf of the State of California ("California") pursuant to a Declaration of Trust dated August 29, 1983, as amended by an Amendment to Declaration of Trust dated December 11, 1984.

B. MTP-PV is the owner of certain real property in the County of Los Angeles, State of California, as more particularly described in Exhibit B (the "Benefited Property").

C. California and Summa Corporation, a Delaware corporation ("Summa") are parties to a Security Agreement dated August 29, 1984 (the "Original Security Agreement"). California and Summa entered into an Amendment to Security Agreement dated June 16, 1986 and an Amendment to Security Agreement dated February 26, 1988. Summa subsequently assigned certain of its rights under the Original Security Agreement, as amended, to

5-01387      A S. T. V. U. - 00 417  
Exh. 6.1 29  
P3

MTP-PV, and MTP-PV assumed certain obligations of Summa under the Original Security Agreement, as amended. California, Summa and MTP-PV thereafter entered into a Third Amendment to Security Agreement of even date herewith (the "Third Amendment"). The Original Security Agreement, as amended, is hereinafter referred to as the "Security Agreement." Under the Security Agreement, MTP-PV has certain obligations (subject to the limitations set forth in the Security Agreement) to process and construct on the Burdened Property or for the benefit of the Burdened Property and the Benefited Property various roadway and other infrastructure improvements and to perform certain activities to establish development entitlements for the Burdened Property.

D. In consideration of MTP-PV's entry into the Third Amendment, in order to protect the Benefited Property and to assure the ability of MTP-PV and its affiliates to process and construct improvements on the Burdened Property as required or permitted by the Security Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, MTP-PV and Trustee agree that the Burdened Property shall be subject to certain easements, upon and subject to which the Burdened Property, and each and every portion thereof, shall be held, improved and conveyed.

I. GENERAL PROVISIONS

A. Definitions

1. "Benefited Owner(s)" shall mean each and every owner, from time to time, of the Benefited Property, or any

S-01 382  
AS PLU 00 417  
Exh. b. t 29  
p4

portion thereof or interest therein, during the term of its ownership.

2. "Burdened Owner(s)" shall mean each and every owner, from time to time, of the Burdened Property, or any portion thereof or interest therein, during the term of its ownership.

3. "Development Standards" shall mean all zoning, land use, density, height, set back, design, phasing and other restrictions regarding the use and development of the Burdened Property set forth in the LUP, the LIP and the Transportation Plan, and all other similar requirements from time to time imposed by governmental agencies having jurisdiction thereover.

4. "Improvements" shall mean the Improvements defined in Paragraph 4 of the Security Agreement and the improvements described in Paragraph 6(e) of the Security Agreement, to the extent located on the Burdened Property.

5. "LIP" shall mean the Local Implementation Program consisting, inter alia, of the Playa Vista Area C Specific Plan (City of Los Angeles Ordinance No. 160,522) and the Post-Certification Coastal Development Permits Procedural Ordinance (City of Los Angeles Ordinance No. 160,524), each as amended prior to the date hereof, as the same may be further implemented by a Joint Powers Agreement respecting the same to be entered into between the City of Los Angeles and the County of Los Angeles, as each of the foregoing may be modified after the date hereof pursuant to the Stipulation or the Stipulated Judgment, and as each may otherwise be modified after the date hereof, to

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A5-PLU 00717  
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the extent such other modification(s) (a) has (have) been consented to in writing by Burdened Owner, whose consent shall not be unreasonably withheld with respect to the Improvements; and by Primary Benefited Owner or (b) is (are) otherwise permitted by the Security Agreement.

6. "LUP" shall mean Los Angeles County's Marina Del Rey/Ballona Local Coastal Program, Phase II - Land Use Plan as approved by the California Coastal Commission on December 9, 1986 and the City's Playa Vista Land Use Plan as approved by the California Coastal Commission on May 13, 1987, each as amended prior to the date hereof, as each of the foregoing may be modified after the date hereof pursuant to the Stipulation or the Stipulated Judgment, and as each may otherwise be modified after the date hereof, to the extent such other modification(s) (a) has (have) been consented to in writing by Burdened Owner, whose consent shall not be unreasonably withheld with respect to the Improvements, and by Primary Benefited Owner or (b) is (are) otherwise permitted by the Security Agreement.

7. "Playa Vista" shall mean the real property described on Exhibits A, B and C.

8. "Primary Benefited Owner" initially shall mean MTP-PV, provided that, pursuant to the provisions of Section III, another entity hereafter may become Primary Benefited Owner with respect to any or all of the rights of Primary Benefited Owner, and thereafter each reference to Primary Benefited Owner herein shall mean only the Primary Benefited Owner which has the right to enforce the specified rights of the Primary Benefited Owner,

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unless otherwise stated. It is understood that there may be more than one Primary Benefited Owner hereunder at any one time, but there shall be only one entity at any one time which may enforce a particular right of Primary Benefited Owner hereunder.

9. "Roadway Improvement" shall mean an Improvement that is to be used as a roadway.

10. "Stipulated Judgment" shall mean the Judgment entered pursuant to the Stipulation; it being understood that if the Stipulated Judgment does not exist or is rescinded or otherwise rendered void, the validity and enforceability of any provision of this Agreement shall not be affected thereby.

11. "Stipulation" shall mean that certain Stipulation for Entry of Judgment entered into by all, and not less than all, of the parties to that certain litigation brought by Friends of Ballona Wetlands, inter alia, in the Superior Court of the State of California, County of Los Angeles, Case No. C525 826; it being understood that if the Stipulation does not exist or is rescinded or otherwise rendered void, the validity and enforceability of any provision of this Agreement shall not be affected thereby.

12. "Transportation Plan" shall mean the Coastal Transportation Corridor Specific Plan (City of Los Angeles Ordinance No. 160,394), as modified after the date hereof by the Stipulation or the Stipulated Judgment, and as otherwise further modified after the date hereof.

13. "Trustee's Agreement" shall mean any Agreement entered into among the Trustee, MTP-PV and an affiliate of MTP-PV regarding the purchase and sale of the Burdened Property.

## II. EASEMENTS

### A. Grant of Easements.

1. Improvement Easements. Subject to the applicable terms and conditions contained herein, Burdened Owner hereby grants to Primary Benefited Owner, a perpetual, irrevocable, non-exclusive easement in gross, together with the right to grant and transfer the same pursuant to the terms hereof, over and right at any time to enter upon, pass over and along, and otherwise alter, improve, use, repair and maintain: (a) all or any portion of the Burdened Property, to the extent reasonably necessary for purposes of planning and processing each Improvement, provided that such easement shall remain effective only until the precise location of each Improvement has been designated in the Final Map (as defined in Paragraph 6 of the Security Agreement); and (b) that portion of the Burdened Property which constitutes the precise location of each Improvement (after the precise location of such Improvement has been so designated), to the extent reasonably necessary for purposes of the planning, processing, construction, installation, repair, maintenance and use of such Improvement. After the precise location of an Improvement has been designated in the Final Map, Burdened Owner and Primary Benefited Owner shall execute, acknowledge and record against the Burdened Property an amendment to this Agreement which shall set forth the precise description of the location of the easement for such Improvement. Subject to the applicable terms and conditions contained herein, Burdened Owner hereby grants to Primary Benefited Owner a perpetual, irrevocable, non-exclusive easement

in gross, with the right to grant and transfer the same pursuant to the terms hereof, over and right to enter upon, pass over and along, and otherwise alter, improve, use, repair and maintain the Burdened Property, at any time after the precise location of an Improvement has been designated, to the extent reasonably necessary for the purposes set forth in Section II.A.1(b), including, without limitation, for purposes of using portions of the Burdened Property temporarily for roadways and storing of equipment and materials.

2. Easement Appurtenant. Subject to the applicable terms and conditions contained herein, Burdened Owner hereby grants to Benefited Owners, for the benefit of the Benefited Property, a perpetual, irrevocable, non-exclusive, appurtenant easement over and right to enter upon and pass over and along the precise location of each Improvement at any time after the construction of such Improvement has been completed, for vehicular access, ingress and egress with respect to each Roadway Improvement, and for the use of and, if necessary, the repair, restoration and maintenance of, each Improvement.

3. Post-Dedication Easement. As provided in Section II.C., any easement or right to enter (collectively, "Easements") granted by Section II.A.1. or Section II.A.2. shall automatically terminate with respect to any Improvement upon the dedication of such Improvement to any entity described in Section II.C., provided that (a) to the extent any Improvement is dedicated but any landscaping or other improvements incidental thereto are not, Primary Benefited Owner shall continue to have a perpetual,

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irrevocable, non-exclusive easement in gross, with the right to grant and transfer the same pursuant to the terms hereof, over and right at any time to enter upon and pass over and along that portion of the Burdened Property which constitutes the precise location of such Improvement, all to the extent reasonably necessary for purposes of the replacement, restoration, repair and maintenance of such incidental landscaping and other improvements and all at the expense of Primary Benefited Owner, and (b) to the extent the entity which is accepting the dedication does not assume or fulfill all obligations with respect to the Improvement being dedicated, Primary Benefited Owner shall continue to have a perpetual, irrevocable, non-exclusive easement in gross, with the right to grant and transfer the same pursuant to the terms hereof, over and right at any time to enter upon and pass over and along that portion of the Burdened Property which constitutes the precise location of such Improvement, all to the extent reasonably necessary for purposes of fulfilling any such obligation which is not so assumed or fulfilled and all at the expense of Primary Benefited Owner.

B. Commencement of Right to Use Easements.

1. Primary Benefited Owner shall have the right, at Primary Benefited Owner's sole cost and expense (without affecting Primary Benefited Owner's rights under the Security Agreement or the Improvement Fund Escrow (as defined in the Security Agreement) to offset or receive reimbursement of such costs and expenses), to use the Easements granted pursuant to

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Section II.A.1. and II.A.3 with respect to each Improvement only upon the approval of the location and requirements of such Improvement by all applicable governmental entities, provided that such Improvement is or would be permitted pursuant to the terms of the Security Agreement, whether or not the Security Agreement is then in full force and effect.

2. Benefited Owners shall have the right to use the Easements granted pursuant to Section II.A.2. with respect to an Improvement only upon the approval of the location and requirements of such Improvement pursuant to Section II.B.1. and the substantial completion of construction of such Improvement.

C. Public Dedication. Upon the request of Primary Benefited Owner, Burdened Owners shall join with Primary Benefited Owner in any irrevocable offer to dedicate to the City of Los Angeles or other appropriate governmental or public agency, any public or private utility, any community association, any quasi-public organization or any mutual benefit corporation, their interest in any or all Improvements (including, without limitation, all rights-of-way therefor), provided that in each such instance: (1) the City of Los Angeles or such other entity, upon acceptance of such dedication, undertakes to maintain (unless such maintenance is otherwise provided for) and operate (a) each such Improvement for the use and benefit of the public, and (b) each such Roadway Improvement as a public street and roadway; and (2) such dedication shall be subject to all matters then appearing of record. Upon the completion of the construction and dedication of all Improvements by any person or

entity, Primary Benefited Owner and the Burdened Owner shall execute, acknowledge and record against the Burdened Property an agreement which terminates all Easements granted pursuant to section II.A.1. and Section II.A.2., except to the extent otherwise provided in Section II.A.3.

D. Conditions to Use of Easements.

1. Each Primary Benefited Owner (an "Indemnitor") shall indemnify Burdened Owners for any and all losses, expenses, damages, demands, liabilities, payments, causes of action, or other claims (including, without limitation, costs and expenses of litigation and reasonable attorneys' fees) to the extent arising from, based upon or relating to, such Indemnitor's or its authorized agents' use of the Easements set forth in this Section II. Following completion of an Improvement by an Indemnitor, such Indemnitor (a) shall leave the Burdened Property free of liens and encumbrances (except those arising in connection with any Financing District (as defined in the Trustee's Agreement) formed pursuant to the Trustee's Agreement) arising from the use of such Easements by such Indemnitor or its authorized agents in connection with such Improvement, or (b) shall promptly bond against or contest (and if any such contest is unsuccessful, shall remove before the enforcement thereof against the Burdened Property) any such existing lien or encumbrance arising from such use. All operations of any Indemnitor and its authorized agents on the Burdened Property pursuant to this Agreement shall be (i) performed in a good, professional and workmanlike manner which is in conformity with

the Development Standards and the provisions of this Agreement, (ii) performed in full compliance with all laws, ordinances and regulations applicable to the Burdened Property, and (iii) diligently prosecuted to completion so as to cause the least practicable interference with the use of the Burdened Property by Burdened Owners.

2. Each Benefited Owner shall indemnify Burdened Owners for any and all losses, expenses, damages, demands, liabilities, payments, causes of action or other claims (including, without limitation, costs and expenses of litigation and reasonable attorneys' fees) to the extent arising from, based upon or relating to, such Benefited Owner's use of the Easements granted pursuant to Section II.A.2.

III. ASSIGNMENT OF RIGHTS OF PRIMARY BENEFITED OWNER

As provided herein, the initial Primary Benefited Owner is MTP-PV. There shall be only one entity which may enforce a particular right of Primary Benefited Owner hereunder at any one time and such enforcing entity need not own any portion of the Benefited Property.

Primary Benefited Owner may assign, including, without limitation, collaterally assign, any or all rights then held by Primary Benefited Owner hereunder to another entity, including, without limitation, any appropriate governmental authority, any public or private utility or one or more associations formed by Primary Benefited Owner. Each instrument creating an assignment of any rights of Primary Benefited Owner hereunder shall specify when and under what circumstances the assignor or assignee shall

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be entitled to exercise the rights of Primary Benefited Owner assigned thereby.

No assignment of any rights of Primary Benefited Owner under this Section III shall grant the assignee any rights to enforce this Agreement nor be effective unless and until (a) the time that the instrument creating such assignment provides that the assignee shall be entitled to exercise such rights, and (b) the assignee assumes in writing the corresponding duties hereunder of Primary Benefited Owner (provided that any such assumption shall be subject to the limitations on liability set forth in this Agreement, including, without limitation, Section IV.B.). Upon any effective assignment and assumption of the rights of Primary Benefited Owner as described above, (a) such assignee shall have the rights assigned by the assigning Primary Benefited Owner and shall be deemed Primary Benefited Owner hereunder with respect to such rights, all to the extent provided in the instrument creating such assignment, and (b) the assigning Primary Benefited Owner shall be released from all obligations and liabilities associated therewith, except to the extent such obligations and liabilities arise as a result of actions taken by such assigning Primary Benefited Owner prior to such assignment.

If at any time Primary Benefited Owner ceases to exist and has not made an assignment of all of its rights hereunder, a successor Primary Benefited Owner may be appointed with respect to any rights not so assigned only with the written consent of the owners of 50% or more of the acreage of the Benefited

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Property or 50% or more of the undivided interests in all of the Benefited Property, as applicable.

IV. ENFORCEMENT AND LIABILITY

A. Rights to Enforce Agreement. Only Primary Benefited Owner shall have the right to enforce any of the obligations of Burdened Owners under this Agreement, provided that (1) Benefited Owners shall have the right to enforce their rights to use the easements granted pursuant to Section II.A.2., and (2) Primary Benefited Owner, in its sole discretion, may join with any Benefited Owner or any other Primary Benefited Owner hereunder, or authorize one or more Benefited Owners, to commence any legal action or arbitration to enforce any of the obligations of Burdened Owner hereunder. No Benefited Owner or Primary Benefited Owner who does not commence or join in any action or arbitration shall be responsible for any costs associated therewith, except (a) to the extent otherwise provided herein, or (b) if any such Benefited Owner or Primary Benefited Owner receives any monetary award pursuant to any such action or arbitration, such Benefited Owner or Primary Benefited Owner shall pay (up to the amount of the monetary award received by such Benefited Owner or Primary Benefited Owner) the Proportion of the costs of the related action or arbitration. The term "Proportion" shall mean the proportion that the amount of the monetary award received by such Benefited Owner or Primary Benefited Owner bears to the total monetary award granted pursuant to such action or arbitration.

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Each Benefited Owner (subject to the limitations set forth in this Section IV.A. above) and Primary Benefited Owner has and retains all rights at law and at equity necessary and appropriate to enforce this Agreement and to carry out the intentions of the parties hereto. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

B. Liability. Only each Primary Benefited Owner, and no Benefited Owners, may have any liability to any Burdened Owner in connection with this Agreement, except to the extent otherwise expressly provided in Section II.C.2.

C. Attorneys' Fees and Costs. In any legal or equitable proceeding for the enforcement of this Agreement or any provision hereof, if a Primary Benefited Owner or any Benefited Owner receives any relief whatsoever from the opposing party or parties, Burdened Owner shall pay all reasonable attorneys' fees of, and costs incurred by, all Primary Benefited Owners and all Benefited Owners in such proceeding.

D. Failure to Enforce Not a Waiver of Rights. The failure of any Primary Benefited Owner or any Benefited Owner to enforce any provision hereof shall not be deemed a waiver of the right to do so thereafter nor of the right to enforce any other provision hereof.

#### V. MISCELLANEOUS PROVISIONS

A. Term. This Agreement and every Easement contained herein shall continue in full force and effect in perpetuity, unless sooner terminated in accordance with the provisions hereof.

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B. Rights of Representatives. Whenever a right is granted in this Agreement to a Primary Benefited Owner, it also may be exercised by the authorized representatives, agents, employees, contractors and invitees of such Primary Benefited Owner upon the terms set forth herein.

C. Modification. This Agreement or any provision hereof may be terminated, extended, modified or amended, as to the whole of the Burdened Property or any portion thereof, with the written consent of (a) (i) for so long as Primary Benefited Owners collectively own 20% or more of the Benefited Property, the Primary Benefited Owner possessing each right to be terminated, extended, modified or amended, or (ii) if Primary Benefited Owners collectively own less than 20% of the Benefited Property, the fee owners of 50% or more of the Benefited Property, and (b) the fee owners of 50% or more of the Burdened Property or such affected portion thereof; provided, however, that for so long as Primary Benefited Owners collectively own less than 20% but at least 5% of the Benefited Property, no such termination, extension, modification, or amendment shall be effective without the written consent, in its sole discretion, of each Primary Benefited Owner whose rights hereunder are affected thereby. All determinations of percentage of ownership shall be based on acreage.

In addition, if any entity (a "Consenting Party") has recorded against the Burdened Property a notice executed by the appropriate Primary Benefited Owner which states that the provisions of this Agreement regarding the rights that such

Primary Benefited Owner has the right to enforce cannot be terminated, extended, modified or amended without the prior written consent of such Consenting Party (an "Amendment Notice"), such Consenting Party's written consent also shall be required prior to any termination, extension, modification or amendment of such provisions of this Agreement. The recordation of an Amendment Notice shall not, however, itself create any liabilities or obligations on the part of any such Consenting Party.

No termination, extension, modification or amendment of this Agreement shall be effective until a proper instrument in writing has been executed and acknowledged by all requisite parties as set forth above and recorded in the office of the County Recorder of Los Angeles County, California.

D. Constructive Notice and Acceptance. Every Burdened Owner is and shall be conclusively deemed to have consented and agreed to every easement contained herein, whether or not any reference to this Agreement is contained in the instrument by which Burdened Owner acquired an interest in the Burdened Property.

E. Section Headings. Section headings are inserted for convenience only and are not intended to be a part of this Agreement or in any way to define, limit or describe the scope and intent of the particular Sections to which they refer.

F. Effect of Invalidation. If any provision of this Agreement is held to be invalid by any court of competent

jurisdiction, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

G. Further Assurances. Each party in good faith shall take such actions, grant such further easements and rights of way and execute, acknowledge, record and deliver such documents as may be reasonably necessary to effectuate the terms and intent of this Agreement.

H. Notices. All notices, demands, requests, consents, approvals or other communications (for the purpose of this Section, collectively called "Notices") required or permitted to be given hereunder shall be in writing and shall be deemed to have been duly made or given, as the case may be, when delivered by hand, upon receipt by telecopy or express delivery service, or on the fourth business day following deposit in the United States mail, certified or registered, return receipt requested, postage and fees prepaid, addressed as follows:

To Burdened Owner: U.S. Trust Company of California, N.A.  
555 South Flower Street, Suite 2700  
Los Angeles, California 90071  
Attention: Sandra Leess

To Benefited Owner and  
Primary Benefited Owner: Maguire Thomas Partners -  
Playa Vista  
c/o Maguire Thomas Partner-  
1299 Ocean Avenue, Suite 1000  
Santa Monica, California 90401  
Attention: James A. Thomas  
with a copy to: Craig A. Smith, Esq.

Any party may change its address for Notices set forth above by notice to the other parties as provided for in this Section.

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I. No Third Party Beneficiary. This Agreement has been entered into by the parties for the sole benefit and protection of themselves, and their respective successors and assigns, and, except as expressly provided herein, no other person or entity shall have any rights or interest hereunder.

J. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

K. No Partnership or Joint Venture. Neither anything contained in this Agreement or any amendment hereto, nor any act of any party hereto shall be deemed or construed to create the relationship of principal and agent or of partnership or of joint venture or of any association between or among Burdened Owner, Primary Benefited Owner(s) and Benefited Owner(s) or any other party.

L. Number and Gender. When the context in which the words are used herein indicates that such is the intent, words in the singular number shall include the plural and vice versa. All pronouns and any variations thereof shall be deemed to refer to all genders.

M. Counterparts. This Agreement may be executed in multiple counterparts, each one of which shall constitute an original and all of which taken together shall constitute one and the same agreement.

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IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date first hereinabove written.

U.S. TRUST COMPANY OF CALIFORNIA, N.A.,  
as trustee for the HRH Inheritance Tax  
Security Trust

By: [Signature]  
Its: VICE PRESIDENT

MAGUIRE THOMAS PARTNERS - PLAYA VISTA, a  
California limited partnership

By: MAGUIRE THOMAS PARTNERS/JMB  
ASSOCIATES, L.P., a California  
limited partnership, its General  
Partner

By: MAGUIRE THOMAS PARTNERS -  
PLAYA VISTA ASSOCIATES, a  
California limited  
partnership, its General  
Partner

By: MAGUIRE/THOMAS PARTNERS,  
INC., a California  
corporation, its General  
Partner

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: JMB/PLAYA VISTA LIMITED  
PARTNERSHIP, an Illinois  
limited partnership, its  
General Partner

By: JMB/PLAYA VISTA, INC., an  
Illinois corporation, its  
General Partner

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date first hereinabove written.

U.S. TRUST COMPANY OF CALIFORNIA, N.A.,  
as trustee for the HRH Inheritance Tax  
Security Trust

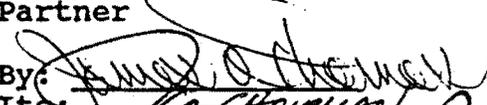
By: \_\_\_\_\_  
Its: \_\_\_\_\_

MAGUIRE THOMAS PARTNERS - PLAYA VISTA, a  
California limited partnership

By: MAGUIRE THOMAS PARTNERS/JMB  
ASSOCIATES, L.P., a California  
limited partnership, its General  
Partner .

By: MAGUIRE THOMAS PARTNERS -  
PLAYA VISTA ASSOCIATES, a  
California limited  
partnership, its General  
Partner

By: MAGUIRE/THOMAS PARTNERS,  
INC., a California  
corporation, its General  
Partner

By:   
Its: CO-CHAIRMAN

By:   
Its: PRESIDENT

By: JMB/PLAYA VISTA LIMITED  
PARTNERSHIP, an Illinois  
limited partnership, its  
General Partner

By: JMB/PLAYA VISTA, INC., an  
Illinois corporation, its  
General Partner

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date first hereinabove written.

U.S. TRUST COMPANY OF CALIFORNIA, N.A.,  
as trustee for the HRH Inheritance Tax  
Security Trust

By: \_\_\_\_\_  
Its: \_\_\_\_\_

MAGUIRE THOMAS PARTNERS - PLAYA VISTA, a  
California limited partnership

By: MAGUIRE THOMAS PARTNERS/JMB  
ASSOCIATES, L.P., a California  
limited partnership, its General  
Partner .

By: MAGUIRE THOMAS PARTNERS -  
PLAYA VISTA ASSOCIATES, a  
California limited  
partnership, its General  
Partner

By: MAGUIRE/THOMAS PARTNERS,  
INC., a California  
corporation, its General  
Partner

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: JMB/PLAYA VISTA LIMITED  
PARTNERSHIP, an Illinois  
limited partnership, its  
General Partner

By: JMB/PLAYA VISTA, INC., an  
Illinois corporation, its  
General Partner

By: *[Signature]*  
Its: *[Signature]*

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*p 22*

EXHIBIT A

LEGAL DESCRIPTION OF BURDENED PROPERTY

Legal Description of Portion of Area C Owned by Trustee

copy of complete  
Legal description  
in Coastal Commission  
File

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EXHIBIT B

LEGAL DESCRIPTION OF BENEFITED PROPERTY

Legal Descriptions of Area A, Area B  
(except the Expanded Wetlands), and Area D

complete copy of  
Exhibit B  
in coastal  
commission files

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EXHIBIT B

IMPROVEMENTS COST ALLOCATIONS

<u>ITEM</u>	<u>QUADRANT 1 %</u>
Lincoln Blvd. Construction	17
Lincoln Blvd. Streets Lights (55)	17
Lincoln Blvd. Traffic Signals (6)	17
Lincoln Blvd. Fire Protection	17
Lincoln Blvd. Street Landscaping	17
Culver Blvd. Construction	17
Culver Blvd. Street Lights (57)	17
Culver Blvd. Traffic Signals (6)	17
Culver Blvd. Fire Protection	17
Culver Blvd. Street Landscaping	17
Falmouth Ave. Construction	17
Falmouth Ave. Streets Lights	17
Falmouth Ave. Traffic Signals	17
Falmouth Ave. Fire Protection	17
Falmouth Ave. Street Landscaping	17
Lincoln/Culver Interchange	17
Lincoln/Culver Bridge	17
Lincoln/Ballona Channel Bridge	17
Culver/Ballona Channel Bridge	17
Bay/Ballona Channel Bridge	17
Bay St. On-Site (Culver to Ballona Channel)	100
Bay St. On-Site Street Lights	100
Bay St. On-Site Traffic Signals	100
Bay St. On-Site Fire Protection	100
Sewer to connect to Ballona Pumping Plant	16
Ballona Pumping Plant Improvement	16
Sewer On-site (Culver & Bay)	100
Power On-Site	100
Gas On-site	100
Water On-site	100

1. ROADWAY IMPROVEMENTS OTHER THAN BAY STREET: The costs of roadway improvements other than Bay Street have been allocated on the basis of "vehicular trip generation" amongst Quadrants 1, 2, 3, and 4. For these purposes, trip generation factors as delineated in the Coastal Transportation Corridor Specific Plan (Ordinance No. 160, 394) were used, and result in a 17% allocation to Quadrant 1.

2. BAY STREET: The cost of Bay Street on-site between Culver Boulevard and the Ballona Channel, including required street lighting, fire protection, traffic signals and street landscaping has been allocated above to Quadrant 1. The cost of Bay Street off-site from the Ballona Channel to Hughes Way, including required street lighting, fire protection, traffic signals and street landscaping will not be allocated to Quadrant 1.

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3. POWER, GAS, WATER: The cost of extending these utilities in Culver and Bay Street (on-site) has been allocated above to Quadrant 1. No other sitewide cost is included.
4. SEWER: A portion of the cost of the new sewer system necessary to connect the Quadrant 1 on-site system to the Ballona Pumping Plant, and the cost of improving the Ballona Pumping Plant has been allocated above to Quadrant 1. Based on projected flows from Quadrants 1, 2, 3 and 4, such Quadrant 1 allocation is estimated at 16.1%. The cost of sewer lines in Culver Boulevard and Bay Street have been allocated above to Quadrant 1.
5. GRADING: The cost of rough grading of Quadrant 1 will be allocated to Quadrant 1. Grading associated with street construction will be allocated in the same manner as the cost of street construction.
6. TEMPORARY ROADS: The cost of temporary roads required during construction of Lincoln and Culver Boulevards will be allocated on the same basis as the cost of street construction.
7. PEDESTRIAN BRIDGE: The cost of a pedestrian bridge between Quadrant 1 and Quadrant 2 will be allocated 50% to each Quadrant.
8. FALMOUTH AVENUE: It is understood that the parties contemplate deleting the Falmouth Avenue improvements. In the event any substitute improvements or measures are required and approved by the applicable governmental agencies, the percentages for the Quadrant 1 allocation which would have applied to the Falmouth Avenue improvements shall apply thereto.

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12. Paragraph 12 is amended in its entirety to read:

"12. California agrees that it shall, when requested by MTP-PV to do so, grant to MTP-PV or to the public or such other person or entity as may be appropriate, at no cost, such easements or rights-of-way over land owned by California for the limited purpose of constructing such vehicular ramps connecting Lincoln Boulevard to Culver Boulevard as may be necessary, together with such other easements and rights-of-way over Quadrant 1 as may be necessary for the Improvements and the other improvements referenced in Paragraph 6(e), provided that such easements and rights-of-way do not reduce the density of development envisioned by the LUP and LIP for Quadrant 1. Without limiting the generality of the foregoing, California promptly shall cause the Trustee to, and MTP-PV promptly shall, execute, acknowledge and record the Easement Agreements attached hereto as Exhibits E and F."

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# CITY OF LOS ANGELES

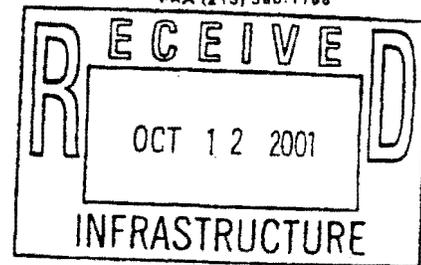
CALIFORNIA

FRANCES T. BANERJEE  
GENERAL MANAGER



JAMES K. HAHN  
MAYOR

DEPARTMENT OF  
TRANSPORTATION  
321 N. FIGUEROA ST. SUITE 500  
LOS ANGELES, CA 90012  
(213) 680-1177  
FAX (213) 580-1188



October 11, 2001

Mr. Bruce Harrigan  
Vice President, Infrastructure  
Playa Capital Company  
12555 Jefferson Boulevard, Suite 300  
Los Angeles, CA 90066

## PLAYA VISTA FIRST PHASE PROJECT - CULVER BOULEVARD BETWEEN MARINA EXPRESSWAY AND LINCOLN BOULEVARD IMPROVEMENT

Dear Mr. Harrigan:

The Playa Vista Phase 1 Mitigation Program, which has undergone extensive environmental and technical review, was approved by the Los Angeles City Council in 1993 with subsequent revisions in 1995. The improvement of Culver Boulevard between the Marina Expressway and Lincoln Boulevard is among the many traffic mitigations that the City Council has mandated on the project as a condition of approving Vesting Tentative Tract Map 49104. LADOT would like to reiterate the importance of this required improvement needed to address the project's negative traffic impacts along this segment of Culver Boulevard. Additionally, with this letter, LADOT would like to provide clarification regarding this transportation improvement along Culver Boulevard between the Lincoln Boulevard ramp and the Marina Expressway eastbound ramps.

The City of Los Angeles, per the Conditions of Approval of the Playa Vista First Phase Project Vesting Tentative Tract Map 49104 (December 1995 Modified), has required that the Playa Vista First Phase Project widen Culver Boulevard between the Lincoln Boulevard ramp and Marina Expressway eastbound ramps as part of the First Phase transportation mitigation program. This mitigation measure would require the widening Culver Boulevard by approximately 27 feet on the south side to provide the following:

- an additional through-lane in the eastbound direction along Culver Boulevard; and
- an additional lane for merging and right-turns in the eastbound direction; and
- an additional continuous lane in the westbound direction for left-turns at the Lincoln Boulevard ramp and Playa Vista Drive intersections; and
- a 10-foot sidewalk on the south side of Culver Boulevard.

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Mr. Bruce Harrigan

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October 11, 2001

A conceptual geometric design drawing illustrating this improvement was prepared and included with the Playa Vista First Phase EIR, and was approved by the City of Los Angeles Department of Transportation. Together with the other mitigation measures in the Conditions of Approval, this improvement to Culver Boulevard is designed to address unsatisfactory traffic conditions experienced on a daily basis by coastal commuters and to enhance the transportation system in this coastal area.

If you have any questions, please call me at (213) 485-1062 or at (310) 524-8253.

Sincerely,



TOMAS CARRANZA, Transportation Engineer  
Los Angeles Department of Transportation

c: Allyn Rifkin, LADOT  
Jay Kim, LADOT  
Srinath Raju, Kaku Associates

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**City of Los Angeles Department of Transportation May 13, 1993 Amendment to the Traffic Assessment letter for the Playa Vista Phase I Project.**

This amendment to LADOT's Traffic Assessment letter contains the traffic mitigation requirements adopted by the City of Los Angeles for the **Culver Boulevard widening and Culver/Lincoln connector ramp** projects. (See Item No's. 2 and 4 on page 6).

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Exhibit 31

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

Revised (May 24, 1993)

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

Date: May 13, 1993

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

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

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

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

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

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

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

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

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

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

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

A. Paragraph on Page 3 of the September 16, 1992 Assessment Letter

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

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

- Centinela Avenue and Mesmer Avenue
- Jefferson Boulevard and Mesmer Avenue

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

with the following text:

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

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

and add the following text:

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

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

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

The Phase I - Attachment "E" - Impact and Mitigation Summary (LOS Table), has been updated for several reasons. First of all, alternate mitigation requirements will result in rerouting of traffic; hence the volume to capacity (V/C) ratios and corresponding levels of service at a number of intersections have been revised. Secondly, the recently constructed LAX ATSAC system along the Lincoln Boulevard and Sepulveda Boulevard corridors improved the existing LOS at several intersections which in turn prompted changes to the LOS Table. And finally, the two intersections of Centinela/Short and Main/Rose as discussed on page 2 were added to the LOS Table as newly impacted study intersections. Please see the revised Attachment "E". The list of affected intersections is as follows:

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

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

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

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

1. Bay Street Bridge (additional) - (see attached Drawings "BB-1", "BB-2" signed May 6, 1993)
  - a. Construct the Bay Street Bridge to City standards over the Ballona Creek Channel with an 80-foot roadway and two 10-foot (minimum) sidewalks to connect north of Jefferson Boulevard and Culver Boulevard.
  - b. Stripe Bay Street between Culver Boulevard and "B" Street to provide two through lanes in both the northbound and southbound directions.
  - c. Bike lanes should be provided from Ballona Creek Bridge southerly. Construct ingress and egress to provide access to the existing bike path along the north levee of the Ballona Creek.

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

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

- a. Dedicate property and improve both sides of Culver Boulevard from Lincoln Boulevard to a point approximately 640 feet easterly of Bay Street centerline to provide up to a 74-foot roadway within a 92 to 94-foot right-of-way.
- b. Stripe Culver Boulevard to provide one through lane and one shared through/right-turn lane in the eastbound direction and two left-turn only lanes and two through lanes in the westbound direction.
- c. Stripe Bay Street to provide two through lanes in the southbound direction and one shared left-turn/right-turn lane and one right-turn only lane in the northbound direction.
- d. Concurrent with LADOT's determination as to warrants for a traffic signal, the applicant is required to fund the design and installation of a traffic signal at this intersection.

3. Centinela Avenue and Short Avenue (additional)

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

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

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

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- b. Restripe Lincoln Boulevard at the interchange turn-off to provide three through lanes and one right turn only lane in the northbound direction.
- c. Widen a portion of the Lincoln Boulevard bridge over Ballona Creek on the east side to accommodate the northbound right-turn only lane at the new interchange turn-off.
- d. Restripe Culver Boulevard at the interchange to provide one left-turn only lane and one through lane in the westbound direction.
- e. Concurrent with LADOT's determination as to warrants for a traffic signal, the applicant is required to fund the design and installation of a traffic signal at this intersection.

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

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

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

- a. Westbound Grade Separation - Guarantee the westbound portion prior to the issuance of any certificate of occupancy of office space in sub-phase 1F and complete construction of the westbound portion of the grade separation between Ballona Creek and a point approximately 1400 feet westerly of the Culver Boulevard centerline before the issuance of any certificate of occupancy beyond the initial 200,000 square feet of office space in the sub-phase 1F of Phase I Playa Vista.
- b. Eastbound Grade Separation - Complete the eastbound portion of the grade separation in sequence with the westbound portion if adequate funding is provided by other sources including the Playa Vista Master Plan project, other developments, or public funding sources. This

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

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

6. Main Street and Rose Avenue (additional) - (see attached Drawing "CC-1" signed May 6, 1993)
- a. Widen the east side of Main Street by 7 feet between Rose Avenue and the alley located approximately 180 feet southerly of the Rose Avenue centerline to provide a 34-foot half roadway and a 7 to 9-foot sidewalk within the existing right-of-way.
  - b. Restripe Main Street to provide one left-turn only lane, one through lane and one shared through/right-turn lane in the northbound and southbound directions.
  - c. Widen the south side of Rose Avenue by 5 feet adjacent to the island/parking lot west of Main Street to provide a 25-foot half roadway and a 10-foot sidewalk within the existing 35-foot half right-of-way.
  - d. Restripe Rose Avenue to provide one left-turn only lane, one through lane and one right-turn only lane in the eastbound direction.
  - e. Restripe the City-owned off-street parking lot on the southwest corner of the intersection. Also, relocate the parking meters (if necessary) and set-back the chain-linked fence (northerly boundary) further south.
  - f. This improvement in street capacity requires on-street parking prohibition at all times on the west side of Main Street between a point approximately 110 feet south of Rose Avenue and a point approximately 180 feet southerly of Rose Avenue. This prohibition will cause parking impacts and reduces the on-street parking by 3 spaces.

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The project-related impact can be mitigated through improvements only on Main Street. The cost of improvements on Rose Avenue and the parking lot could be funded through the Coastal Transportation Corridor Transportation Fund subject to the approval of City Council.

**Additional ATSAC Improvements - The following ATSAC improvement should be added to Attachment "G" of the September 16, 1992 Assessment Letter:**

1. Jefferson Boulevard and Westlawn Avenue (additional)

Contribute to the design and construction of the Mar Vista Automated Traffic Surveillance and Control (ATSAC) System.

**Revised Physical Street and Intersection Improvements - The "descriptions of the physical roadway and intersection improvements", as stated in Attachment "G" of the September 16, 1992 Assessment Letter, are revised as follows:**

1. Alla Road and Jefferson Boulevard (revised) - page 2, 3; item 1: (see attached Drawing "A-3" signed May 6, 1993)

Revise the description of street improvement as follows:

- a. Dedicate up to 14 feet of property and widen the south side of Jefferson Boulevard up to 12 feet along the project frontage between Bay Street and a point approximately 980 feet easterly of Alla Road to provide up to a 54-foot half roadway within a 64-foot half right-of-way.
- b. Remove the raised median islands on Jefferson Boulevard between Bay Street and a point approximately 700 feet easterly of Alla Road. Relocate and modify traffic signal equipment as required.
- c. Restripe Jefferson Boulevard at both Alla Road and Bay Street to provide one left-turn only lane, three through lanes and one shared through/right-turn lane in both the eastbound and westbound directions and midblock two-way left-turn lanes.

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- d. Dedicate and construct the extension of new Alla Road south of Jefferson Boulevard to a 54-foot roadway within a 78-foot right-of-way in order to provide one left-turn only lane, one shared through/right-turn lane and one right-turn only lane in the northbound direction. Restripe Alla Road north of Jefferson Boulevard to provide two left-turn only lanes, one shared through/right-turn lane and one right-turn only lane in the southbound direction.
  - e. Contribute to the design and construction of the Mar Vista Automated Traffic Surveillance and Control (ATSAC) System at Alla Road and Jefferson Boulevard.
  - f. Dedicate, construct and realign new Bay Street, north of Jefferson Boulevard, approximately 200 feet westerly of the existing Bay Street to provide a 94-foot roadway within a 118-foot right-of-way, as proposed by the applicant, between Jefferson Boulevard and the Ballona Creek Flood Control Channel.
  - g. Restripe Bay Street to provide one left-turn only lane, two through lanes and one bike lane in both the northbound and southbound directions.
2. Inglewood Boulevard/Centinela Avenue and Jefferson Boulevard (revised) - pages 15, 16; item 24: (see attached Drawing "A-6", "A-7", and "A-9" signed May 6, 1993)

Revise the description of intersection improvement as follows:

- a. Dedicate property and improve the south side of Centinela Avenue along the project frontage between Inglewood Boulevard and Major Street as stated in the description of improvement at Centinela Avenue and Teale Street (Intersection No. 12, paragraph "a" from the assessment letter dated September 16, 1992)
- b. Remove the raised median islands on Jefferson Boulevard between Centinela Avenue and Inglewood Boulevard. Install an overhead guide sign on Jefferson Boulevard west of Inglewood Boulevard for the

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eastbound traffic. Relocate and modify traffic signal equipment as required.

- c. Restripe Jefferson Boulevard to provide one left-turn only lane and three through lanes in the eastbound direction and one left-turn only lane, two through lanes and one shared through/right-turn lane in the westbound direction and midblock two-way left-turn lanes.
- d. Restripe Centinela Avenue to provide two left-turn only lanes, one shared through/left-turn lane and one shared through/right-turn lane in the northbound direction.
- e. Close the opening in the raised median island on the southwest corner of the intersection 200 feet west of Inglewood Boulevard to eliminate unsafe turning movements.
- f. These improvements require on-street parking prohibitions on the south side of Jefferson Boulevard from Inglewood Boulevard to point approximately 390 feet easterly of the Inglewood Boulevard centerline which will cause parking impacts and reduce on-street parking spaces by 5 spaces during the entire day. Also, on-street parking will be restricted on the north side of Jefferson Boulevard between Inglewood Avenue and Margaret Avenue during both the a.m. and p.m. peak periods to provide the required street capacity. These restrictions will cause parking impacts and reduce on-street parking by 19 spaces during the peak hours.
- g. In addition, prohibit on-street parking on the east side of Inglewood Boulevard between Jefferson Boulevard and Juniette Street and the west side of Inglewood Boulevard from Jefferson Boulevard to a point approximately 220 feet northerly of the Jefferson Boulevard centerline. These restrictions will cause parking impacts and reduce on-street parking by 8 spaces.

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3. Centinela Avenue and Jefferson Boulevard (revised) - pages 5, 6; item 5; (see attached Drawing "A-7" signed May 6, 1993)

Revise the description of intersection improvement as follows:

- a. Dedicate up to 24 feet of property and widen the south side of Jefferson Boulevard up to 22 feet along the project frontage from a point approximately 940 feet westerly of the Centinela Avenue centerline to a point approximately 910 feet easterly of the centerline to provide up to 64-foot half roadway within a 74-foot half right-of-way.
- b. Dedicate and construct the extension of new Centinela Avenue south of Jefferson Boulevard to a 108-foot roadway within a 132-foot right-of-way in order to provide two left-turn only lanes, three through lanes and one right-turn only lane in the northbound direction. Restripe Centinela Avenue north of Jefferson Boulevard to provide two left-turn only lanes, two through lanes and one shared through/right-turn lane in the southbound direction. It should be noted that the applicant is proposing to dedicate property and improve Centinela Avenue beyond the City's major highway standard to provide a 108-foot roadway within a 132-foot right-of-way.
- c. Remove the raised island on the northwest corner of the intersection and also the raised median islands on Jefferson Boulevard from a point approximately 320 feet easterly of Grosvenor Boulevard centerline to Inglewood Avenue. Relocate and modify traffic signal equipment as required.
- d. Widen both the east and west sides of Centinela Avenue by 5 feet from Jefferson Boulevard to a point approximately 450 feet northerly of the Jefferson Boulevard centerline to provide a 84-foot roadway within the existing 100-foot right-of-way.
- e. Restripe Jefferson Boulevard to provide two left-turn only lanes, three through lanes and one right-turn only lane in both the eastbound and westbound directions.

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# KAKU ASSOCIATES

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Transportation Planning

Traffic Engineering

Parking Studies

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## MEMORANDUM

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

FROM: Srinath Raju  
Pat Gibson

SUBJECT: Culver Boulevard Ramp Improvements at Lincoln Boulevard

DATE: April 25, 2000

REF: 1062.27

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

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

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

A brief discussion of each of the above improvements follows.

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

1452 Third Street, Suite 400  
Santa Monica, CA 90401  
Tel: 458 9916 Fax: 312 394 7663

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

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

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

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

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# KAKU ASSOCIATES

A Corporation

Transportation Planning

Traffic Engineering

Parking Studies

## MEMORANDUM

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

FROM: Srinath Raju

SUBJECT: Clarification of Playa Vista First Phase Project Traffic Estimates

DATE: November 2, 2000 REF: 1062 54

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

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

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

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

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Exhibit 834

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Report traffic levels

November 2, 2000  
Page 2

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

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

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

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

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12. TRANSPORTATION AND CIRCULATION -- TRAFFIC

- a Environmental Setting, page V.L.1-3, Figure V.L.1-1, add the Secondary Highway designation to Culver Boulevard between Jefferson and the Ballona Channel as shown on page F-124.
- b Environmental Setting, page V.L.1-3, Figure V.L.1-1, amend the title to read: "CITY OF LOS ANGELES GENERAL PLAN STREET DESIGNATIONS", as shown on page F-124.
- c Environmental Setting, page V.L.1-4, third full paragraph, amend to read as follows:

"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 Short Avenue. Culver Boulevard west of its intersection with Jefferson Boulevard is also designated a Scenic Highway."

- d Environmental Setting, page V.L.1-4, delete the fifth full paragraph which reads:

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

- e Environmental Setting, page V.L.1-5, first paragraph under **Intersection Operating Conditions**, second and third sentences, amend to read as follows:

"Through the NOP process, LADOT selected 120 locations in the study area for which detailed analyses were conducted. Of these study locations, 68 are in the City of Los Angeles, 22 are in Culver City, 8 are in the City of Santa Monica, 3 are in the City of Inglewood, six are in the City of El Segundo, three are in the City of Manhattan Beach and 10 are in Los Angeles County."

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aa Environmental Setting, page V.L.1-75, Table V.L.1-10, amend footnote g to read as follows:

"While project impacts are not completely mitigated, the proposed improvements would provide an acceptable Level of Service of C or better, which in combination with offsetting mitigation at nearby intersections has been found by LADOT to qualitatively mitigate this location."

bb Mitigation Measures, page V.L.1-94, add the following after the first bullet:

"• Centinela and Short

Contribute to the City's Five Year Capital Improvement Program in an amount equivalent to an ATSAC credit."

cc Mitigation Measures, page V.L.1-95, seventh bullet (Jefferson and I-405 northbound), add the following:

• Jefferson and I-405 northbound (Alternate Measure)

As described in the Amendment to the LADOT Assessment Letter (please see Appendix Y-3, Volume XXI), an alternative mitigation would provide the following improvements in lieu of the northbound on-loop proposed above:

- Lincoln and Culver: Provide a new interchange in the southeast quadrant of Lincoln Boulevard and Culver Boulevard that would provide two separate roadways connecting northbound Lincoln Boulevard to eastbound Culver Boulevard and eastbound/westbound Culver boulevard to northbound Lincoln boulevard. Provide improvements to Culver Boulevard bringing it to one through lane and one left turn lane in the westbound direction. Provide three through lanes and one right turn lane northbound along Lincoln Boulevard at the interchange.

- Bay Street Bridge: Connect Bay Street across the Ballona Channel to Culver Boulevard by constructing the Bay Street bridge over Ballona Channel to provide two traffic lanes and each direction. Provide one bike lane in each direction southerly from the Ballona Creek Bridge and provide access to the existing bike path along Ballona Creek.

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- Culver and Bay: Widen Culver Boulevard between Bay Street and the Marina Freeway to provide two through lanes and two left turn lanes westbound and one through and one through-right turn lane eastbound.
- Culver and Marina Freeway: Guarantee construction of the two-lane westbound portion of a grade-separated interchange at Culver Boulevard and the 90 Freeway that would connect to existing westbound 90 west of Culver and would include off-ramp improvements at the existing intersection of Culver and the Marina Freeway westbound frontage road. Complete the eastbound portion of this interchange if funding is provided by other sources for this location. This measure would replace the measures listed on page V.L.1-94.
- Jefferson and Westlawn: Contribute to the design and construction of ATSAC. This measure would replace the measures listed on page V.L.1-96.
- Jefferson and I-405 Northbound: Widen the north side of Jefferson by up to 8 feet. Widen the northbound off-ramp to provide for three lanes. These improvements must be approved and coordinated by the City of Culver City and Caltrans. This measure would replace the measures listed on page V.L.1-95.

dd Mitigation Measures, page V.L.1-97, after the bullet reading Lincoln and Washington, add the following:

- "• Main and Rose

Add northbound and southbound left-turn lanes.

ee Mitigation Measures, page V.L.1-101, first paragraph, first sentence, amend to read as follows:

"In the City of Santa Monica, 2 of 8 intersections studied have significant impacts."

ff Mitigation Measures, page V.L.1-101, after first bullet, add the following:

- "• Lincoln and Pico

## Memorandum

To : Mr. Tom Loftus  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

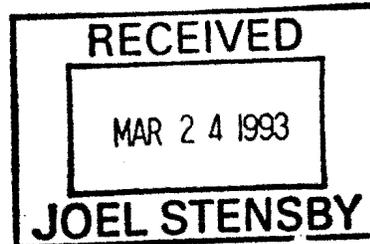
Date : March 22, 1993

File No.: IGR/CEQA  
City of Los Angeles  
DEIR  
PLAYA VISTA PHASE I  
90-0200  
SUB (C) (CUZ) (CUB)  
Vic. LA-1, 90, 405

From : Robert Goodell - District 7  
DEPARTMENT OF TRANSPORTATION

Subject : Project Review Comments

SCH No. 90010510



Caltrans has reviewed the above-referenced Playa Vista Phase I draft EIR and Vesting Tentative Tract Map No. 49104, which includes 3,246 dwelling units; 1,250,000 square feet of new office space; 35,000 square feet of neighborhood retail space; and 300 hotel rooms

This memorandum is to modify and clarify the comments in our memorandum of December 29, 1992 regarding the Playa Vista Phase I-DEIR. Pages two and three of the original memorandum have been modified to reflect mitigation changes discussed in meetings between Maguire Thomas Partners, Caltrans, and the City of Los Angeles on February 17, 1993 and March 11, 1993.

The following is our modified DEIR response:

We have concerns about the capability of the roadway pavement and the adequacy of the existing traffic lanes to accommodate the additional traffic generated by this project on our transportation facilities.

Designs based on twenty year traffic projection data (including percentage of trucks) should be provided to mitigate the impact of this project on the existing State highways, including Route 1 (Lincoln Blvd.), Route 90 (Marina Freeway), Route 105 (Manchester Blvd.) and Route 405 (San Diego Freeway).

This project, along with numerous other projects in the vicinity of the Marina, have the cumulative effect of adding approximately 40,000 to 50,000 peak hour trips to the system. Expansion of activity at LAX is estimated to add an additional 4,000 to 6,000 peak hour trips to the area system. Volume/capacity ratios would be as high as 1.86 on the Route 405 Freeway, if all these projects are implemented. Proportional share mitigation measures for Playa Vista Phase I, as well as for all other traffic generating projects in this region, need to be implemented prior to or simultaneously with the construction of these projects.

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Mr. Tom Loftus  
March 22, 1993  
Page Two

This draft EIR proposes to provide primary access to the project from Jefferson Boulevard from its interchange with the I-405 freeway. This access is dependent upon modification of the interchange section, primarily to the northbound on and off-ramps. This proposal contains many nonstandard design features and approval is doubtful.

Caltrans believes that a more feasible approach is to utilize an improved Marina Freeway (Rte. 90) and provide primary access to the development via improved connections at Centinela Ave. and Culver Blvd. An improved Culver Blvd. will cause a significant diversion of traffic from the Centinela/Jefferson route thereby reducing existing through traffic within the project area on Jefferson Blvd. To do this will require widening Culver Blvd. to at least four lanes between Lincoln Blvd. (Rte. 1) and Bay Street and six lanes plus left and right turn channelization between Bay Street and Marina Freeway (Route 90). Also construct connections from N/B Lincoln Blvd. to eastbound Culver Blvd. and construct a double left turn from W/B Culver Blvd. to the proposed Bay Street, which will carry four lanes of traffic south from Culver Blvd. to Teale Street.

THE TRAFFIC MITIGATIONS WE RECOMMEND FOR PHASE I ARE AS FOLLOWS:

ON LINCOLN BOULEVARD (RTE. 1):

Among the Phase I mitigations being proposed on Lincoln Boulevard is the removal of raised channelization islands between Loyola Boulevard and Teale Street and just south of Fiji Way and the Marina Expressway (Rte. 90). The purpose of the island removal is to create a fourth northbound through lane. This would create a potential for high severity right angle and approach turn type collisions on Lincoln Boulevard within the affected segments. Left turning vehicles egressing driveways on Lincoln Boulevard and attempting to access the same would conflict with high volume straight through traffic on Lincoln Boulevard. The operational benefits which are to accrue are rather questionable due to the increased accident potential and because only one direction is benefited. Also, substandard ten-foot through lanes would be employed. We do not feel that the trade-off of marginal operational benefits at the expense of safety is justified.

Instead, we propose that from La Tijera Boulevard to Hughes Terrace, a 60/40 signal timing split be provided in lieu of increasing the northbound lanes from 3 to 4 by removing the traffic islands. From Hughes Terrace to Fiji Way widen to 4 lanes in each direction. Provide more intersection capacity at Jefferson Boulevard and construct the southeast quadrant of the separated interchange at Culver Boulevard. Also, construct a four lane section of Bay Street from Culver Boulevard to Teal Street in the location shown on the "Playa Vista Master Plan".

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Mr. Tom Loftus  
March 22, 1993  
Page Three

ON THE MARINA FREEWAY (Rte. 90):

- a) Extend the full six lane freeway section of the Marina Freeway fr east of Ballona Creek, over Culver Boulevard. Continue Route 90 a a six lane expressway, with channelization, west of Culver Blvd. moving the E/B roadway, north, adjacent to the W/B roadway creati a six lane expressway in the northerly portion of the right-of-wa This should join a realigned six lane expressway at Lincoln Boulevard (Route 1).
- b) Construct a full Diamond Interchange at Culver Boulevard. The westbound off-ramp and the eastbound on-ramp providing three lane
- c) Maintain existing access for Alla Road to and from W/B Marina Freeway and Culver Boulevard.

ON THE SAN DIEGO FREEWAY (I-405):

- a) Construct a collector road for the westbound Route 90 connector to northbound Route 405 freeway and the eastbound Route 90 connector to the northbound Route 405 freeway. This will become the fifth lane of the northbound Route 405 freeway.
- b) Widen to two lanes and upgrade the geometrics on the southbound Route 405 (San Diego Freeway) connector to the westbound Marina Freeway.

As mentioned previously, mitigation measures are essential and must be implemented with or prior to the Phase I project if a reasonable level of traffic service for this region is to be maintained.

OTHER MITIGATIONS WE RECOMMEND FOR PHASE I ARE AS FOLLOWS:

Caltrans requires 30 feet set-back for large trees planted in a speed zone that is higher than 35 miles per hour. Planting street trees along Lincoln Boulevard should have sufficient set-back. Because Lincoln Boulevard is the border of the proposed wetland mitigation site, as transition, native wetland trees such as *Populus fremontii*, *Alnus rhombifolia*, *Platanus racemosa* or native oaks should be planted instead of palms or Moreton Bay Fig.

The trees planted along Lincoln Boulevard should be maintained by local agencies.

Some of the trees listed in the selection matrix are categorized wrong, such as *Pittosporum*, *Tristania conferta*, *Eucalyptus ficifolii* etc.

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Mr. Tom Loftus  
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Page Four

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Modifications of Route 90 have the potential for adverse impacts on Centinela Creek and an indirect negative impact on Ballona wetlands. The Caltrans Environmental Planning Branch should be kept apprised of those aspects of the Ballona restoration effort which may have an effect on the State Highway system in this area.

Under the proposed mitigation, Lincoln Boulevard would be adjacent to a freshwater wetlands. This would need to be taken into account in future planning efforts for any modifications to Lincoln Boulevard along the section south of the Jefferson Boulevard intersection. Coordination with Maguire Thomas Partners would be required if restoration work is conducted in Caltrans right-of-way.

There is a need for early contact with Caltrans on hazardous waste matters to enable the applicant to be familiar with Caltrans standards before construction.

The predicted noise levels, from traffic activity, for locations #3, 12, 21, and 23 in the vicinity of Lincoln Boulevard and locations #9, 18 and 19 in the vicinity of Centinela Avenue and the Marina Freeway were reviewed (see Vol. XI, Fig. 7, Noise Monitor Locations).

- a) Location #18, east of Centinela Avenue and Sepulveda intersection near Riggs Place has been predicted at a noise level of 69.4 dBA (Leq). Although no single family residences are affected in the immediate vicinity, the Pacifica Hotel may have 1st floor resident who may be impacted by increased future peak noise levels.
- b) Location #21, north of Jefferson Blvd. and east of Allard (in Area D) has a internal noise level predicted at 68.8 dBA (Leq). This site receptor is far removed from Lincoln Boulevard to the west.
- c) There is no information in the Noise Impact Study for Area 'C' (residential) vis-a-vis future noise level for the Marina Freeway (Rts. 90).

Any work or construction to occur within State right-of-way, as well as any mitigation measures such as signalization, grading, widening, drainage or freeway mainline or ramp improvements which involve State right-of-way or costs which exceed \$300,000 will require a Project Studies Report and Encroachment Permit. Any measure which cost less than \$300,000 will require a Caltrans Encroachment Permit.

Final contract plans for work within the State Highway right-of-way must be reviewed by Caltrans Permits office early in the development process.

Any transport of heavy construction equipment which requires the use of oversize transport vehicles on State Highways will require a Caltrans Transportation Permit. We recommend that truck trips be limited to off-peak commute periods.

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Mr. Tom Loftus  
March 22, 1993  
Page Five

The CMP Transportation Impact Analysis Program and Deficiency Plan should include all State (Freeways and Highways) and an identification of deficiencies below the established level-of-service standards.

Other considerations should be given to mitigation for congestion relief, such as ridesharing, park-and-ride lots, and staging areas.

Also, we recommend that a Traffic Management Plan be developed, such as: construction traffic, parking, detours, lane closure, and alternate routes.

In general, prior to development application approval, the applicant will be required to submit a Transportation Demand Management Plan and a Focused Traffic Study for review and approval by the Director of Planning, and the Traffic Engineer, as appropriate, to determine the necessary improvements for impacts to State transportation facilities generated by the project.

If you have any questions regarding this response, please call Wilford Melton at (213) 897-1338.

*Robert Goodell*

ROBERT GOODELL, CHIEF  
Advance Planning Branch

attachment: Proposed Mitigation Measures

cc: Richard Takase, City Planner  
L.A. City Planning Department  
Room 505, City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

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Exhibit 36

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Sub-Phase	Location	Proposals Described in EIR	PHs	ITIGATION MEASURES
1A	Lincoln Bl-Hughes Terr/Jefferson	Widen NB to 4 Lanes and SB to 3 lanes		Provides 4 lanes each direction
1B	Lincoln Bl at Culver Blvd.	None Proposed		Construct NB Rte 1 to EB Culver connection. Reconstructed EB Culver to NB Rte 1 connection.
1B	Lincoln Bl-Fly Way/Rte. 90	Widen NB to 4 lanes by removing traffic islands		Keep extant traffic islands. Provide 4 lanes in each dir. by widening in Ph. II.
	Culver Bls. Lincoln/Bay St Culver Blvd-Bay St/90 Fwy	Deferred until Master Plan Mitigation		Widen to 4 lanes. Widen to 6 lanes + left & right turn lanes
1B	Lincoln Bl-Jefferson/Baldora Cr.	Widen NB to 4 Lanes and SB to 3 lanes		Provide 4 lanes in each direction
1B	Lincoln Bl- Baldora Cr./Fly Wy	Widen NB to 3 lanes		Provide 4 lanes in each direction
1C	Lincoln Bl- La Tijera/Hughes Terr.	Widen NB to 4 lanes by removing traffic islands.		Ph. I: Use 60/40 slip lane split, provide some SB L turn storage at Manchester. Ph. II: Widen to provide 4 lanes in each direction.
1D	EB 90 On-ramp from Centrala	Widen ramp entrance to 30'.		Widen to 3 lanes and install ramp metering with HOV By-Pass Lane
1D	WB 90 Off-ramp to Centrala	Minor widening to permit 2 lanes to go to 3 lanes at the intersection.		DEIR Proposal okay
1D	Lincoln Bl at Jefferson Blvd	None Proposed		Provide additional intersection capacity Phase I - Grade sep. Phase II or cut-de-sec Jefferson at Culver.
1D	NB 405 On-ramp from Jefferson	Construct loop ramp for EB Jefferson On-ramp to NB 405-close or around NB Off-ramp- Minor road work and resurfing on WB Jefferson to provide longer left turn pocket.		DEIR proposal sees many substandard features which need justification. California believes most project traffic can be directed to 90 Fwy.
1D	SB 405 On-ramp from Jefferson	Widen EB Jefferson for right turn pocket to SB On-ramp widen ramp entrance to 3 lanes		DEIR Proposal should be augmented with HOV By-pass lane
1D	90 Connectors to NB 405	None Proposed		Install connector metering and construct collector road for both the EB and WB 90 Connectors
	Centrala at Jefferson	None Proposed		Provide additional intersection capacity Ph. I - Grade sep. Ph. II
1E	90 Fwy at Culver Blvd	Widen NB Culver at EB 90 On-ramp to provide a 2-lane right turn pocket and widen ramps at Culver to provide an additional lane		Continue 90 Fwy over Culver by connecting grade sep. diamond interchange & provide a free lane WB off-ramp and a two lane EB on-ramp with HOV by-pass
1E	90 Freeway	Resurface WB 90 Expy for about 800' to provide 3 lanes.		Extend full freeway section from east of Baldora Creek across Culver Blvd.
1E	90 Expy at Midway	Widen EB and WB 90 Expy to provide additional thru and turning lanes (work to be done by the Channel Gateway Project).		Widen SB Midway to provide 3 thru lanes and a 2-lane left turn pocket left width. Widen NB Midway to provide 2 thru lanes and a left turn pocket.
1E	SB 405 Connector to WB 90	None Proposed		Widen Connector to 2 lanes
	Bay St at Culver Blvd.	Deferred until Master Plan Mitigation		Construct double left from WB Culver to Bay St.
	Bay St	Deferred until Master Plan Mitigation		Construct 4 lanes from Culver Blvd. to Teale St.

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**LINCOLN CORRIDOR IMPROVEMENT STUDY  
CONCEPTUAL CORRIDOR ALTERNATIVES STUDY (PHASE 1)**

**INTRODUCTION**

**OBJECTIVE OF THE REQUEST FOR PROPOSALS**

The City of Los Angeles Department of Transportation (LADOT), as the lead agency of the Lincoln Corridor Task Force (LCTF) which also includes representatives from the California Department of Transportation (Caltrans), the County of Los Angeles, and the Cities of Culver City and Santa Monica, requests written proposals from consultant firms to provide assistance in preparing a conceptual corridor alternatives study for Lincoln Boulevard between Manchester Avenue and the Santa Monica Freeway interchange. This study is the first of two phases.

The objectives of the study are (1) to identify goals, objectives and vision of various jurisdictions for the corridor, (2) to identify discrete segments of Lincoln Boulevard which share similar physical roadway traits, adjacent land use characteristics and urban design constraints, (3) to quantify the future traffic demand to Year 2010 along the Lincoln Boulevard corridor, (4) to identify a broad range of technically feasible alternatives (both traditional and non-traditional solutions) for the corridor, and (5) to recommend a set of alternatives in a multi-jurisdictional environment which uniquely balances capacity enhancing measures, corridor aesthetics, urban design components and multi-modal objectives within each identified discrete segment of Lincoln Boulevard. The study must consider Caltrans= desire to relinquish Lincoln Boulevard as a state highway, the City of Santa Monica=s desire that there be no street widening in their city, the ability of the transportation system to accommodate major development projects in the area including Playa Vista in the City of Los Angeles, Costco in the City of Culver City, and the Marina del Rey Local Coastal Program in Los Angeles County. The results of the study will help the LCTF to determine the long-term needs of the corridor and to develop a set of transportation enhancement alternatives to be carried forward into a detailed evaluation.

The LCTF has decided to hire a consultant to provide the LCTF with an improved overview and understanding of Lincoln Boulevard by identifying the current operating conditions, the physical traits and the urban characteristics of the corridor. This overview will assist the LCTF in completing a Lincoln Boulevard Transportation Improvement Plan. The selected consultant team (hereinafter referred to as the Consultant) will evaluate the existing and future operating conditions and features of Lincoln Boulevard. In this first phase of the study, the consultant will produce a Conceptual Corridor Alternatives Study (CCAS) for Lincoln Boulevard with the goal of establishing a preferred set of transportation improvements which the governmental agencies of the LCTF can formally agree to fund by pooling their financial resources. The second phase of this transportation improvement study for Lincoln Boulevard will provide a more detailed and quantitative analysis of the improvements recommended in this first phase.

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## PROJECT HISTORY AND DESCRIPTION

Lincoln Boulevard, a Congestion Management Program (CMP) route, is a State Route (SR 1) which has suffered increasing congestion due to the continued growth in traffic along the corridor. This north-south major highway provides four to six travel lanes within the study area, connecting the Central Business District (CBD) in Santa Monica to Los Angeles International Airport and providing major coastal access to the westside beach communities (Playa del Rey, Marina del Rey, Venice and Santa Monica) as well as access to a host of other regional activity centers. Caltrans= A1998 Traffic Volumes@ booklet indicates that the average daily traffic (ADT) along this stretch of Lincoln Boulevard was as high as 64,000 vehicles. Parking is provided along Lincoln Boulevard on both sides within the City of Santa Monica and sporadically within the City of Los Angeles adjacent to strip commercial development. Lincoln Boulevard has full interchange connectors with the Santa Monica Freeway, a partial interchange with Culver Boulevard offering a connection from eastbound Culver Boulevard to northbound Lincoln Boulevard, and direct access to the Marina Expressway (State Route 90). According to Caltrans, numerous intersections along the corridor operate at unsatisfactory levels-of-service (LOS) of E and F. These congestion levels are expected to worsen with the construction of some large development projects proposed for the Westside.

Over the years, local traffic mitigation measures have been constructed in a fragmented and disjointed fashion without the implementation of any significant, long-term, and regional traffic enhancement measures that benefit the multitude of jurisdictions that Lincoln Boulevard serves. The City of Los Angeles and the County of Los Angeles have local plans in which fees are collected from developers to fund long-term regional transportation infrastructure improvements, including capacity enhancements to Lincoln Boulevard. The City of Culver City has also collected traffic mitigation fees from the Costco project near the intersection of Lincoln Boulevard and Washington Boulevard to fund regional improvements in the Lincoln Corridor. However, there is no mechanism for pooling these financial resources and no mutually agreed upon set of improvements for the corridor.

The Lincoln Corridor Task Force (LCTF) was formed to address the increasing congestion along Lincoln Boulevard, to determine the long-term transportation needs of the corridor and to identify transportation improvement alternatives that balance the traffic demands of land use plans with traffic capacity. The formation of the LCTF and the proposed study have generated great interest and participation from various elected officials and governmental entities including Senator Debra Bowen=s office, Los Angeles County Supervisorial Districts (2, 3 and 4), City of Los Angeles Council District 6, California Coastal Commission, Southern California Association of Governments, and the Los Angeles County Metropolitan Transportation Authority.

The LCTF will award one contract as a result of this RFP. It is preferred that the report be completed by a firm or combination of firms with substantial demonstrated expertise in transportation engineering/planning and urban planning/design. Only applications that address all requirements and specifications in the RFP will be accepted for review and considered for contract award. The contract period shall be nine (9) to twelve (12) months. Findings from this contract may form the basis of future contracts for the next study phase, which will include more detailed evaluation, design and environmental clearance of corridor improvements.

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## SCOPE OF WORK

### PROJECT OBJECTIVES

The study should:

- a. identify distinguishing urban traits, adjacent land use characteristics and roadway conditions along different sections of Lincoln Boulevard; in defining these distinct segments of the corridor by jurisdiction, also identify each jurisdiction's goals for Lincoln Boulevard.
- b. indicate current corridor features including, but not limited to, lane configurations, traffic signal phasing, roadway and right-of-way widths, sidewalk/parkway features, building setbacks, traffic volumes (roadway and intersection counts), utilities, bus stops, street furniture and environmental factors/conditions (such as mature trees).
- c. estimate the present and future levels-of-service for key roadway segments along the corridor to identify problem locations which operate or may operate in the future at unsatisfactory levels (recently completed traffic studies may be used to collect this information).
- d. provide a detailed list of existing public transit service routes along the corridor with ridership information; and identify any constraints on increased ridership as identified by any MTA or other transit studies.
- e. prepare a list of transportation improvements planned for Lincoln Boulevard and for other arterials that may cause secondary impacts to the corridor.
- f. evaluate and compare alternatives with a varied mix of transportation improvements ranging from capacity driven solutions including, but not limited to, street widenings, new roadway connections, fly-overs, roundabouts, single-point urban interchanges, peak hour travel lanes, etc., to urban design driven solutions including, but not limited to, street furniture, street lighting, transit lighting, pedestrian/security lighting, landscaped medians, sidewalk widenings, pavement treatment, and transit improvements, pedestrian and visual enhancements, as well as a mix of capacity and urban design driven solutions.
- g. recommend a set of alternatives which is most balanced and applicable for each particular segment of Lincoln Boulevard given the future traffic demand, patterns of transit ridership, and the physical and land use design constraints of that particular segment of the corridor.
- h. provide an easy-to-read pictorial summary guide that helps evaluate the pros and cons of each alternative in a creative and meaningful way.

### WORK TASKS

#### TASK 1 - Administration and Management of Work Plan

The Consultant will provide a plan for management coordination and control to ensure successful and timely completion of this report. At the beginning of work under this contract, the Consultant will prepare a detailed work plan, including schedule and cost breakdown for each sub-task described in this scope of services. The Consultant shall submit monthly cost and schedule reports to enable project monitoring. The contract budget and schedule shall be regarded as the baseline against which status and progress are measured and reported.

The Consultant and the LCTF Technical Advisory Committee (TAC) will meet at least monthly to review

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## SCOPE OF WORK

### PROJECT OBJECTIVES

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- a. identify distinguishing urban traits, adjacent land use characteristics and roadway conditions along different sections of Lincoln Boulevard; in defining these distinct segments of the corridor by jurisdiction, also identify each jurisdiction's goals for Lincoln Boulevard.
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**Revised Findings A-5-PLV-00-417 De  
Novo and 5-01-382 (Playa Capital Co.,  
LLC Exhibits**

**(1) John Dixon Memorandum November 15,  
2001;**

**(2) Appellants/opponents Summary of  
Objections**

**(3) Dr. John Dixon resume**

## MEMORANDUM

FROM: John D. Dixon, Ph.D.  
TO: Commissioners & Staff  
SUBJECT: Wetland Delineation of the area within the Culver Loop at Lincoln  
DATE: November 15, 2001

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When I arrived at the subject site at 10:15 this morning, there were many interested individuals present from the press and various non-governmental organizations. I discussed the activities I had planned for the day briefly with Marsha Hanscom (Wetlands Action Network), and at greater length with Roy Van Der Hoek (Wetland Action Network and Sierra Club), Rex Frankel (Sierra Club), and John Hodder (UCLA Geography student), and with Playa Vista consultants Dr. Ted Winfield (wetland delineator) and Dr. Edith Read (botanist). I established and we observed the following protocol:

1. Ted Winfield and I walked the entire site and determined how water got onto the site, how water flowed off the site, and where water was likely to pond. I asked Roy Van Der Hoek to accompany us and help in the assessment and he did from time to time.
2. Edith Read walked the entire site in a uniform manner and recorded every species of plant that she saw and that was identifiable (the vegetation was extremely desiccated and often difficult to identify to species). In addition, she marked the location of each individual heliotrope (*Heliotropium curassavicum*), a species which is designated an obligate wetland species (OBL) in the U. S. Fish and Wildlife Service's list of plants found in wetlands. Rex Frankel, who is familiar with many of the local plants, was invited to participate in this exercise. He observed periodically as did Roy Van Der Hoek.
3. Ted Winfield and I selected and marked three sites that, based on topography, we thought were likely to be the wettest areas on the site. With Edith Read we also selected two patches of heliotrope.
4. Roy Van Der Hoek, Rex Frankel, and John Hodder were invited to add other areas, based on vegetation, topography, or any other characteristic, that they wanted to be assessed for wetland indicators. As a result of their input, we added two sites based on vegetation (an area with three curly dock, *Rumex crispus* (FACW-), and a ponded area on the edge of the loop road with several plantain, *Plantago lanceolata* (FAC-), and two sites based on soil characteristics or topography.
5. All sites were surveyed for later mapping and photographed.

6. With one exception, each site was assessed for wetland hydrology, wetland vegetation, and hydric soils. At Roy Van Der Hoek's suggestion the curly dock site, which was in a rubble pile, was not sampled. The following sites were examined:
  - P1 - a patch of heliotrope chosen by all
  - P1A - soil sample adjacent to P1 requested by Hodder
  - P2 - a patch of heliotrope chosen by all
  - P3 - a patch of curly dock (not sampled)
  - P4 - a patch of plantain adjacent to roadside standing water chosen by Van Der Hoek
  - S2 - depression chosen by Winfield & Dixon
  - S3 - depression chosen by Winfield & Dixon
  - S6 - depression chosen by Van Der Hoek & Frankel
  - S7 - depression chosen by Winfield & Dixon
  - S1, 4 & 5 - selected and later rejected by Van Der Hoek & Frankel
7. The following sampling protocol was used
  - vegetation - at all sites, the dominant species were identified and ranked and all other species were noted within a 5-foot radius sampling area. At sites chosen because of the presence of wetland indicator plants, the vegetation was assessed in both a 5-foot radius and 10-foot radius area (both centered on a point in the middle of the vegetation) and in a second, adjacent 5-foot radius area with similar topography but no indicator plants. All individual wetland indicator plants at these sites were contained within one of the two concentric circles.
  - soils - at all sites, a test pit was dug, the general soil characteristics were noted, and soil color and texture were determined.
  - hydrology - at all sites, the ground was examined for the presence of indicators of inundation.
8. After all sampling was completed, the results were reviewed with Roy Van Der Hoek. He did not request additional samples or question the accuracy of the data taken.

At all sites, upland vegetation comprised more than 50 percent of the dominant species, the soils were sandy and without hydric indicators, and there was no evidence of inundation. At P1, the greatest ground cover was contributed by heliotrope. Had the sample been taken in the Spring, this would probably not have been the case. John Hodder visited the site in April 2001 and observed that the area was covered with bushy vegetation and heliotrope was not evident although it was probably present.

I conclude that there are no wetlands at the subject site and note that the obligate designation is probably not appropriate for heliotrope in this region.

**Response to Questions Raised by Commissioners During Deliberations Wednesday,  
November 14, 2001 In Support of Denial of Permit Applications  
Coastal Commission Appeal Number A-5-PLV-00-417, Appeal Number A-5-PLV-01-281, and  
Application Number 5-98-164A**

Submitted by Appellant: Ballona Wetlands Land Trust (310) 392-6114  
Thursday, November 15, 2001

**Summary**

Appellants request the Commission to deny the permit applications for the foregoing reasons:

- 1) There is no safety hazard with the existing roadway configurations, as confirmed by the Los Angeles Police Department. In fact, the current intersections at issue are **unusually safe**. (See attachment of certified Police Report in response to Commissioner McClain-Hill's request).
- 2) Staff noted in its May 24, 2001 report that all of the permit requests associated with Playa Vista Phase One Traffic Mitigation Road Development Project are not before the Commission in one application and that constitutes piece-mealing, prohibited by CEQA.

However, Staff failed to acknowledge this legal point in the current staff reports *even though the facts surrounding the applicant's current request for approval have not changed*.

- 3) The permits, if approved, would substantially and detrimentally impact the ability to make Area C into a State Park.

The permits would allow Playa Vista to **double** the width of Culver Boulevard, creating a road the size of *80 to 100 feet in width for the entire length of Area C*, now State-owned land. As Staff pointed out in its report, State Parks was consulted about widening Culver Blvd., and its consistency with a State Park and they were unfavorable to the proposal.

- 4) The permits, if approved, would encourage commuters to cross Ballona Creek twice, (Northbound and then Southbound, back-again over the Creek) an impacted waterbody, just to access the 90 freeway. A much more rational alternative would be to encourage commuters access the 90 freeway from the South side of the Creek. This way, instead of crossing Ballona Creek twice to access the 90, they would not need to cross the creek at all. This is a potential feasible alternative. However, no feasible alternatives were considered with regard to these applications, and as such, approval would violate both CEQA and the Coastal Act's requirements of analysis of feasible alternatives.
- 5) The longterm vision, which is in its initial stages of planning, is to raise the roads to allow connection between water and land, as historically was the case at Ballona Wetlands ecosystem. Approval of these permits would lessen the likelihood of achieving this goal in a fiscally-reasonable and ecologically-minded manner.

## ARGUMENTS

- 1) **There is no safety hazard with the existing roadways, as confirmed by the Los Angeles Police Department. (See attachment of certified Police Report).**

In its deliberations on Wednesday, November 14, 2001, Commissioner McClain-Hill remarked that there had been conflicting information as to the safety hazards associated with the current road configurations at issue in these permit applications. City Councilmember Ruth Galanter testified to the Commission that the road configurations resulted in a disproportionately high number of traffic accidents at these intersections. However, this assertion was not grounded in any objective factual documentation. To the contrary, appellants submitted a summary of a recent Traffic Report Query by Officer Gian of LAPD - West Traffic, which shows that the road configurations result in unusually low traffic accidents. Hence, appellants pointed out that the intersections and road configurations were *unusually safe*. Commissioner McClain-Hill communicated her concern that appellants had not submitted the actual, certified report. In response to Commissioner McClain-Hill's concern, appellants hereby submit the certified police report (attached as Exhibit A) along with the summary produced during public comment on Wednesday, November 14, 2001, into the public record so as to clear up any inconsistencies that may have existed on Wednesday, November 14, 2001.

- 2) **Staff noted in its May 24, 2001 report that all of the permit requests associated with Playa Vista Phase One Traffic Mitigation Road Development Project are not before the Commission in one application and that constitutes piece-mealing, prohibited by CEQA.**

However, Staff failed to acknowledge this legal point in the current staff reports *even though the facts surrounding the applicant's current request for approval have not changed.*

When one of the three applications now before the Commission were recommended for denial (see 5/24/01 Staff Report) staff based this recommendation, in part, on the fact that numerous other permit requests **INCLUDING PLAYA VISTA DRIVE**, were not submitted by the applicant to the Commission so that the Commission could make a reasoned and informed decision. The same circumstances surround the applications before you, as Playa Vista has failed to bring associated permit requests before the Commission at the same time. Playa Vista is planning to come to the Commission with Playa Vista Drive in the future. In fact, Playa Vista Drive, is even illustrated the 2001 Thomas Bros. Guide (see attachment). In the alternative, If Playa Vista is not planning to come back to the Commission for Playa Vista Drive, **then the Commission should require such a statement in writing.**

In the Commission's deliberations on Wednesday, November 14, 2001, many of the Commissioners were unclear as to the purpose and function of the three applications before them. The traffic plan was unclear. The cause of the perplexity is due to the fact

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that Playa Vista Drive is an integral part of the Playa Vista Phase One Traffic Mitigation Road Development Project. Without Playa Vista Drive, the applications before you make no sense. This is why CEQA prohibits piecemealing permit requests.

On Wednesday, November 14, 2001, Playa Vista's representative, George Muhlsten stated, "We are reserving the right to come back to the Commission to pursue Playa Vista Drive." This is blatant admission that the applicant is engaging in piecemealing. Applicant's excuse that they withdrew Playa Vista Drive is because they were asked to by staff is inconsequential. The fact remains it is a violation of the CEQA to piecemeal permit requests that are part of one integrally-related and connected project: in this case Playa Vista Phase One Traffic Mitigation Road Development Project.

Accordingly, all permit requests pertaining to the Playa Vista Phase One Traffic Mitigation Road Development Project are required in one application for the Commission's consideration. Since Caltrans will be coming before the Commission in January with its applications for the Playa Vista Phase One Traffic Mitigation Road Development Project, staff should request all applications associated with this project to come before the Commission in January so that the Commission can comply with CEQA and the Coastal Act and thus be able to make a reasoned and informed decision in compliance with the law.

**3) The permits, if approved, would substantially and detrimentally impact the ability to make Area C into a State Park.**

The permits would allow Playa Vista to double the width of Culver Boulevard, creating a road the size of 80 to 100 feet in width for the entire length of Area C, now State-owned land. As Staff pointed out in its staff report, they consulted with State Parks about widening Culver Blvd., and its consistency with a State Park. State Parks was very unfavorable to the proposal.

**4) The permits, if approved, would encourage commuters to cross Ballona Creek twice, an impacted waterbody, just to access the 90 freeway. A much more rational alternative would be to encourage commuters access the 90 freeway from the South side of the Creek. This way, instead of crossing Ballona Creek twice to access the 90, they would not need to cross the creek at all. Since no feasible alternatives were considered with regard to these applications, approval would violate both CEQA and the Coastal Act's requirements of analysis of feasible alternatives.**

**5) The longterm vision, which is in its initial stages of planning, is to raise the roads to allow connection between the hydrology and land, as historically was the case at the Ballona Wetlands ecosystem. Approval of these permits would lessen the likelihood of achieving this goal in a fiscally-reasonable manner.**

California has lost over 95% of its wetlands. Los Angeles, 98%. Ballona is Los Angeles County's last, large coastal wetlands ecosystem. Southern California Wetlands Recovery

Project has listed Ballona as a top priority for acquisition and restoration. Any development proposed in and around Ballona must be meticulously analyzed to ensure that the best possible restoration can occur there, as California is in desperate need of expanding its coastal wetlands. Of course, private property interests must be balanced in this process, but private property interests should not outweigh the gravity of the public's interest in preserving and restoring California's last remnants of wetlands ecosystems.

The proposed applications before you have not been meticulously analyzed. There is a clear imbalance here between the interests of the public aforementioned and the interests in Playa Vista's private property rights because Playa Vista forewent their right to purchase Area C by their option deadline. As such, the State has now indicated its intention to move this land into the State Parks system, with the goal of restoring this land to its original function - a coastal wetlands ecosystem. Placing the roads on pilings is one such plan that would significantly accelerate the restoration process, as it would allow the hydrological connection with the land once more.

At this point, it would be an absolute shame for the Commission to prejudice the State's ability to pursue its goal of restoring this precious, rare resource by approving a road development project that would effectively double the road width and preclude a fiscally-reasonable opportunity for a road project that would both benefit the wetlands and public access to the coast.

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EXHIBIT B

**PLAYA VISTA PHASE ONE TRAFFIC MITIGATION ROAD  
DEVELOPMENT PROJECT**

*(numbers in bold represent applications in front of Commission this week)*

<u>City of LA Number</u>	<u>Description</u>
00-3A:	Widening of Lincoln Boulevard at Jefferson * Waiver granted by CCC in late 2000
<b>00-3B:</b>	<b>AREA C: CULVER BLVD AND LOOP RAMP</b> * Reconfiguraiton of Loop ramp * Widening Culver Boulevard
00-07:	"PLAYA VISTA DRIVE" * Build Bridge over Ballona Creek * Build new Road through Area C * Build new intersection to Culver Blvd.
CalTrans:	AREA C: Building of overpass at Culver & 90 Expressway from 2 lanes to 4
<b>BD4011335:</b>	<b>AREA B: CULVER &amp; JEFFERSON</b> * Realignment of intersection of Culver & Jefferson * Widen Culver up to 16 feet * Build right-turn-only lane on Culver Blvd. NE
CalTrans:	AREAS A, B, C, D * Widening of existing Lincoln Blvd. Bridge * Widening of Lincoln Blvd. North of Ballona Creek and encroaching upon Areas A&C

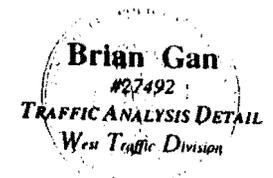
1454	CULVER BL	LINCOLN BL	04/21/2001	14	DAY	B	F	MV-MV	21657
1454	LINCOLN BL	CULVER BL	02/28/2001	14	PM	C	F	MV-BIKE	21658A
1454	LINCOLN BL	CULVER BL	10/12/2001	14	PM	N	M	MV-MV	21658A
1462	CULVER BL	LINCOLN BL	07/21/2001	14	AM	N	N	MV-OTH	21460
1463	LINCOLN BL	CULVER BL	02/03/2001	14	PM	B	N	MV-OTH	22350

TRAFFIC COLLISIONS LOCATED AT  
 CULVER/LINCOLN FROM JAN 1, 2001  
 THROUGH OCT 31, 2001

## LOS ANGELES POLICE DEPARTMENT



4849 W. Venice Blvd  
 Los Angeles, CA 90019



Phone: (213) 473-0221  
[www.lapdonline.org](http://www.lapdonline.org)

RD	Pr	Address	Date	Time	Day	Week	Month	Year
1462	CULVER BL	JEFFERSON BL	02/01/2001	14	PM	N	N	MV-OTH 22350
1462	CULVER BL	JEFFERSON BL	02/02/2001	14	DAY	N	M	MV-MV 21750
1462	CULVER BL	JEFFERSON BL	03/24/2001	14	AM	N	N	MV-OTH 23152A
1462	CULVER BL	JEFFERSON BL	03/25/2001	14	AM	A	N	MV-OTH 23152A
1462	CULVER BL	JEFFERSON BL	04/01/2001	14	AM	N	M	MV-OTH 22350
1462	CULVER BL	JEFFERSON BL	04/24/2001	14	DAY	N	M	MV-MV 21703
1462	CULVER BL	JEFFERSON BL	10/30/2001	14	DAY	A	N	MV-MV 22350
1472	CULVER BL	JEFFERSON BL	04/25/2001	14	PM	B	N	MV-MV 21801A
1492	CULVER BL	JEFFERSON BL	03/09/2001	14	PM	B	N	MV-MV 22350

Traffic Accidents Occurred at  
Culver/Jefferson From  
Jan 1, 2001 Through Oct 31, 2001.

# John Douglas Dixon

## Curriculum Vitae

March 2001

### EDUCATION

Ph.D., Ecology, University of California, Santa Barbara	1978
M. S., Zoology, University of Hawaii at Manoa	1973
B. A., History, Arizona State University	1964

### POSITIONS HELD

Ecologist (Environmental Program Manager I) California Coastal Commission	1997 - present
Associate Research Biologist Marine Science Institute, University of California at Santa Barbara	1996 - present
Adjunct Associate Professor Department of Biology, San Diego State University	1989 - 2000
Ecologist and Partner Ecometrics, Carlsbad, California	1987 - 1998
Research Assistant Professor Department of Biological Sciences, University of Southern California	1985 - 1987
Allan Hancock Foundation Fellow and Research Associate Department of Biological Sciences, University of Southern California	1978 - 1985

### GRANTS AND AWARDS

Contract with the California Department of Fish and Game to study the temporal and spatial dynamics of sea urchin recruitment in California. Co-principal investigator with Dr. Stephen Schroeter at UCSB	2000 - 2002
Contract with the National Marine Fisheries Service to evaluate the sustainability of the sea cucumber fishery in California. Co-principal investigator with Dr. Dan Reed and Dr. Stephen Schroeter at UCSB.	1998 - 2000
Contract with the Minerals Management Service for studies of environmental impact assessment techniques. Co-principal investigator with Dr. Allan Stewart-Oaten and Dr. Stephen Schroeter at UCSB.	1998 - 2000
Various contracts in different years with the California Dept. of Fish & Game, the Alaska Dept. of Fish & Game, the Pacific States Marine Fisheries Commission, the California Sea Grant, and the National Science Foundation for studies of the population dynamics of red sea urchins. Co-principal investigator with Dr. Stephen Schroeter and Dr. Thomas Ebert at SDSU.	1990 - 2000
Faculty Research Incentive Grants, University of Southern California	1985 - 1987
Contracts with the Marine Review Committee, Inc. for studies of benthic and epiphytic invertebrates in kelp beds near the San Onofre Nuclear Generating Station. Co-principal Investigator with Dr. Stephen Schroeter.	1982 - 1987
Contracts with the Marine Review Committee, Inc. for studies of benthic and epiphytic invertebrates in kelp beds near the San Onofre Nuclear Generating Station. Co-investigator with Drs. Jon Kastendiek and Stephen Schroeter.	1980 - 1982
NSF Grant for Improving Doctoral Dissertations	1976 - 1978
Ford Foundation Fellowship	1975
Sea-Grant Traineeship	1974 - 1975

**THESES**

- Dixon, J. D. 1973. Natural history of a small insular population of rabbits, *Oryctolagus cuniculus*, in Hawaii. M.S. thesis. University of Hawaii at Manoa.
- Dixon, J. D. 1978. Determinants of the local distribution of four closely-related species of herbivorous marine snails. Ph.D. dissertation. University of California at Santa Barbara.

**PUBLICATIONS**

1999. Ebert, T.A., J.D. Dixon, S.C. Schroeter, P.E. Kalvass, N.T. Richmond, W.A. Bradbury, and D.A. Woodby. Growth and mortality of red sea urchins *Strongylocentrotus franciscanus* across a latitudinal gradient. *Marine Ecology Progress Series* 190:189-209.
1998. Schroeter, S., J.D. Dixon, and R.O. Smith. Using PROC VARCLUS® to examine geographical patterns in biological time series data along the California Coast. *Proceedings of the 6th Annual Western Users of SAS® Software Regional Users Group Conference*. pp. 173-176.
1996. Schroeter, S.C., J.D. Dixon, T.A. Ebert, and J.V. Rankin. The effects of kelp forests (*Macrocystis pyrifera*) on the larval distribution and settlement of red and purple sea urchins (*Strongylocentrotus franciscanus* and *S. purpuratus*). *Marine Ecology Progress Series* 133:125-134
1995. Schroeter, S.C., T.A. Dean, K. Theis, and J.D. Dixon. Effects of shading by adults on the growth of blade-stage *Macrocystis pyrifera* (Phaeophyta) during and after the 1982-1984 El Niño. *Journal of Phycology* 31:697-702.
1994. Ebert, T.A., S.C. Schroeter, J.D. Dixon, and P. Kalvass. Settlement patterns of red and purple sea urchins (*Strongylocentrotus franciscanus* and *S. purpuratus*) in California, USA. *Marine Ecology Progress Series* 111:41-52.
1993. Ebert, T.A., S.C. Schroeter, and J.D. Dixon. Inferring demographic processes from size-frequency distributions: The effect of pulsed recruitment on simple models. *Fishery Bulletin* 91:237-241.
1993. Schroeter, S.C., J.D. Dixon, J. Kastendiek, R.O. Smith, and J.R. Bence. Detecting the ecological effects of environmental impacts: a case study of kelp forest invertebrates. *Ecological Applications* 3:331-350.
1993. Thompson, B., J. Dixon, S. Schroeter, and D.J. Riesh. Chapter 8. Benthic invertebrates. Pages 369-458 In M. Dailey, J. Anderson, and D.J. Riesh, eds. The Ecology of the Southern California Bight. University of California Press, Los Angeles and Berkeley. 926 pages
1992. Zabloudil, K., J. Reitzel, S. Schroeter, J. Dixon, T. Dean, and T. Norall. Sonar mapping of Giant Kelp Density and Distribution. In: O.T. Magoon, H. Converse, V. Tippie, L.T. Tobin, and D. Clark, eds. Coastal Zone '91. pp. 391-406.
1991. Lissner, A.L., G.L. Taghon, D.R. Diener, S.C. Schroeter, and J.D. Dixon. Recolonization of deep-water hard substrate communities: potential impacts from oil and gas development. *Ecological Applications* 1:258-267.
1984. Dean, T.A., S.C. Schroeter, and J.D. Dixon. Effects of grazing by two species of sea urchins (*Strongylocentrotus franciscanus* and *Lytechinus anamesus*) on recruitment and survival of two species of kelp (*Macrocystis pyrifera* and *Pterygophora californica*). *Marine Biology* 78:301-313.
1984. Oberndorfer, R.Y., J.V. McArthur, J.R. Barnes, and J. Dixon. The effect of invertebrate predators on leaf litter processing in an alpine stream. *Ecology* 65:1325-1331.
1983. Schroeter, S.C., J. Dixon, and J. Kastendiek. Effects of the starfish *Patiria miniata* on the distribution of the sea urchin *Lytechinus anamesus* in a southern California kelp forest. *Oecologia* 56:141-147.
1981. Dixon, J. Evidence of gregarious settlement in the larvae of the marine snail *Collisella strigatella* (Carpenter). *Veliger* 24:181-184
1981. Dixon, J., S.C. Schroeter, and J. Kastendiek. Effects of the encrusting bryozoan, *Membranipora membranacea*, on the loss of blades and fronds by the giant kelp, *Macrocystis pyrifera* (Laminariales). *Journal of Phycology* 17:341-345.

1981. Kástendiek, J., S.C. Schroeter, and J. Dixon. The effect of the seawater cooling system of a nuclear generating station on the growth of mussels in experimental populations. *Marine Pollution Bulletin* 12:402-407.
1981. Sih, A. and J. Dixon. Tests of some predictions from the MacArthur-Levins competition models: a critique. *American Naturalist* 117:550-559.

### COMPLETED MANUSCRIPTS

- Dixon, J.D., S.C. Schroeter, C.M. Tyler, F.T. Sproul, and V.E. Coleman. Postfire spatial variation in coastal sage scrub and chaparral: Effects on statistical inference. In revision.
- Dixon, J.D., S.C. Schroeter, C.M. Tyler, V.E. Coleman, and F.T. Sproul. Patterns of resprouting and seedling establishment after fire in chaparral and coastal sage scrub. In informal review.
- Page, H.M, S. Schroeter, D. Reed, R.F. Ambrose, J. Callaway, and J. Dixon. Variation in the distribution and abundance of salt marsh vegetation associated with elevation and height of tidal inundation. In review.

### SELECTED TECHNICAL REPORTS

- Bence, J., S.C. Schroeter, J.D. Dixon, and T.A. Dean. 1989. Final Technical Report to the California Coastal Commission: K. Giant Kelp. . A report from the Marine Review Committee.
- Dixon, J.D., S.C. Schroeter, T.A. Dean, and J. Reitzel, 1988. Changes in kelp populations in the vicinity of the San Onofre Nuclear Generating Station. 1981 - 1987. Report to the Marine Review Committee, Inc., dated January 20, 1988. 255 pp.
- Dixon, J.D., S.C. Schroeter, and R.O. Smith. 1988. Studies of benthic organisms in kelp forests near the San Onofre Nuclear Generating Station. 1980 - 1986. Final Report to the Marine Review Committee, Inc. dated March 10, 1988. 289 pp.
- Kastendiek, J. and J.D. Dixon. 1989. Final Technical Report to the California Coastal Commission: G. Mysids. A report from the Marine Review Committee.
- Schroeter, S.C., J.D. Dixon, and T.A. Dean. 1988. Effects of the operation of SONGS Units 2 and 3 on patterns of kelp recruitment in the San Onofre kelp forest. Final Report to the Marine Review Committee, Inc. dated February 16, 1988. 243 pp.
- Schroeter, S.C., J.D. Dixon, and R.O. Smith. 1994. Evaluation of the sampling design for the kelp forest monitoring program, Channel Islands National Park. Vol. I, II, III, IV. A report to the National Park Service dated December 5, 1994.

### SELECTED PROFESSIONAL ACTIVITIES

- Invited panelist, California Sea Grant workshop to plan a research agenda for sea urchin studies, Scripps Institution of Oceanography. 1992
- Invited speaker and panelist, California Sea Grant, Sea Urchin, Kelp, Abalone Conference, Bodega Marine Lab. 1992
- Invited panelist, Channel Islands National Park workshop on kelp forest monitoring, University of California, Santa Barbara. 1995.
- Instructor, "Ecological Assessment Methods." Extension Division, University of California, San Diego. 1996, 1997.
- Invited speaker, California Sea Grant, Sea Urchin Workshop, Santa Barbara, 1999.
- Instructor, "Wetland Delineation in California." 2-day class presented to CCC Staff, 1999. Co-instructor: Dr. Terry Huffman

**PROFESSIONAL ASSOCIATIONS**

Ecological Society of America  
Society for Conservation Biology

California Native Plant Society  
California Exotic Pest Plant Council

**SPECIALIZED WETLAND TRAINING**

<u>Class</u>	<u>Instructors</u>	<u>Dates</u>	<u>Sponsor</u>
Wetland Delineation	Dr. Terry Huffman; Mr. Dan Martel (Corps of Eng.)	09/29 – 10/02/98	U.C. Berkeley Extension
Aquatic Plants	Dr. Barbara Ertter	10/24 – 10/25/98	U.C.B. Jepson Herbarium
Carex (predominantly wetland genus)	Dr. Dan Norris	07/16 – 07/18/99	U.C.B. Jepson Herbarium
Juncaceae (predominantly wetland family)	Dr. Barbara Ertter	07/21 – 07/23/01	U.C.B. Jepson Herbarium
Poaceae (grasses including wetland species)	Dr. Travis Columbus	05/05 – 05/06/01	U.C.B. Jepson Herbarium