CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
g Beach, CA 90802-4302
) 590-5071

Tu 24g

Filed:	10/17/01
Staff:	PE-LB
Staff Report:	10/25/01
Hearing Date:	11/13-17/01
Commission Action:	11/16/2001
Revised Findings	5/7-10/02

REVISED FINDINGS

APPLICATION NUMBER: 5-98-164A

APPLICANT: Playa Capital Co. LLC

RECORD PACKET COPY

AGENT: Catherine Tyrrell
Wayne Smith

PROJECT LOCATION: Area C, south of Culver Boulevard, Playa Vista, City of Los Angeles

UNDERLYING PROJECT Archaeological inventory and evaluation of five separate sites. The investigation will involve mechanical and manual excavations for minor coring or trenching, and, subsequently, backfilling to restore sites.

PROJECT DESCRIPTION 5-98-164A1: Archaeological recovery and exploration of portions of LAN 54 that lie under proposed road-widening work. The site is approximately 34,425 square feet. The recovery program includes five phases of excavation: (1) mechanical stripping of fill, (2) mechanical excavation of trenches, (3) manual excavation of control units into cultural deposits, (4) mechanical stripping and screening of soils to locate features, and, if features are discovered, (5) manual excavation of features. Site is located more than 500 feet outside of all areas identified as wetlands or as potential wetlands. If the entire site below the fill contains cultural deposits **and** if entire site is excavated, a maximum of 7,650 c.y. would be excavated. Location of cultural deposits is confidential under State law. At completion of the exploration, treatment and analysis authorized under the programmatic agreement, cultural artifacts will be curated at a museum that complies with federal standards and is approved by the State Historic Preservation Officer (SHPO.) The excavated site will be backfilled and will be under a road, which the applicant is proposing separately.

DATE OF COMMISSION ACTION: November 16, 2001

COMMISSION ACTION: Approval with special conditions

COMMISSIONERS ON PREVAILING SIDE: Commissioners Allgood; Detloff; Hart; McClain –Hill; McCoy; Potter; Soto; Susskind; Rose; Woolley.

COMMISSIONERS VOTING "NO": Chairman Wan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the revised findings in support of the Commission's action. **The motion is found on page 3.** The hearing took place on November 14, 2001, but was continued open until November 16, 2001 to allow the Senior Staff Biologist time to visit the site of related road widening project (Culver Boulevard widening project--Coastal Development Permit 5-01-382 and Appeal A-5-00-417) in order to answer questions related to wetland delineation on the related site. The road-widening project would disturb the archaeological site and requires the archaeological recovery that is subject to this coastal development permit. The Commission revised proposed Condition 1, which attempted to deal with stabilizing the site in the event that a future lawsuit or other event beyond the control of the applicant required the work to stop in the middle of the project. The Commission revised the condition requiring that "if work has commenced pursuant to this permit, and the permit is finally determined to be invalid, the applicant shall submit a restoration plan for the site within 90 days." (See page 4, below and pages 66 and 67 Transcript, Friday, November 16, 2001.) The Commission also adopted several additions to the staff recommended conditions that were suggested by the applicant in response to issues raised by Heal the Bay and the Friends of Ballona Wetlands, two conservation organizations. These changes addressed revegetation and the identification of invasive plants.

In advance of the hearing, the Commission received an addendum to the staff report, proposing revisions to the staff recommendation, addressing the unclear language in Special Condition 4 that requires a biological monitor, adding a condition requiring the applicant to notify the Executive Director before work commenced, and recommending changes to Special Condition 1. The purpose of the addition of Special Condition 6 was to require the applicant's intention to begin excavation a matter of public record. Changes recommended in the addendum to Special Conditions 2 and 4 attempted to address confusing language and to respond to comments concerning the difficulties of identifying rare plants outside their blooming times. The Southern tarplant does not appear every year. When it does appear, according to the applicant's biologist, it appears in late September and early October. Staff recommended clarifications to Special Condition 4 after the applicant and others pointed out that the language of the special condition did not explain what the applicant needed to do if rare plants were discovered in the footprint of the work.

APPROVALS RECEIVED:

1. City of Los Angeles First Phase Playa Vista EIR Mitigation Measures
2. US Army Corps of Engineers /State Historic Preservation Officer: Programmatic Agreement Among the U.S. Army Corps of Engineers, Los Angeles District, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer, regarding implementation of the Playa Vista Project, 1991.

3. Richard Thompson, ACOE, Letter: Extension of Programmatic Agreement, October 11, 2001.
4. Dr. Knox Mellon, State Historic Preservation Officer, Letter, "Playa Vista Archaeological and Historical project, Los Angeles County California, to Mr. Richard J Schubel, Ph.D., Chief, Regulatory branch, United States Army Corps of Engineers, Los Angeles, February 15, 2001.
5. Altschul, Jeffrey H. and Vargas, Benjamin R. On Ballona Creek, Archaeological Treatment Plan for CA-LAN-54, Marina del Rey, California, January 2, 2001
6. City of Los Angeles, Approval in Concept ZA 2001-1664

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles, Playa Vista, Phase I EIR
2. City of Los Angeles, Playa Vista Certified LUP, 1987
3. Richard Ciolek-Torrello, Don R Grenda, Jeffrey H. Altschul, Work plan for Archaeological Inventory and Evaluation of the 49104-01 Tract Map, Freshwater Marsh, and Associated Features, Statistical Research, Inc., January 8, 1998.
4. 5-98-164 (Playa Capital, LLC. ***Note: parts of file 5-98-164 and 5-98-164A are confidential under Government Code Section 5097***:
5. Coastal Development Permits 5-00-381; 5-00-223; appeals A5-PLV-00-417; A5-PLV-00-281
6. Security agreement regarding Area C between Kenneth Cory, State Controller and Summa Corporation, 1984, with first through fourth amendments.
7. Copy of October 30, 1998 correspondence from Chief Deputy Controller to U.S. Trust Company of California with attached irrevocable offer to dedicate.
8. Easement agreement by and between Maguire Thomas Partners—Playa Vista and U.S. Trust Company, dated August, 30,1990.
9. Map and conditions of approval, Tentative Tract Number 44668, City of Los Angeles, May 4, 1987.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission adopt the revised findings in support of the Commission's action on November 16, 2001 concerning approval with conditions of amended permit 5-98-164A.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion 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 ***November 16, 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:

The Commission hereby adopts the findings set forth below for **5-98-164A** 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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This amendment does not affect the conditions imposed in the Commission's previous actions and those conditions remain in effect unless modified by the conditions of this permit amendment.

1. RESTORATION PLAN

If work has commenced pursuant to this permit, and the permit is finally determined to be invalid, the applicant shall submit a restoration plan for the site within 90 days.

2. LIMITS OF WORK APPROVED UNDER 5-98-164A

PRIOR TO ISSUANCE OF THE AMENDED PERMIT the applicant shall provide for the review and approval of the Executive Director an approved final grading plan, approved by the City of Los Angeles Department of Public Works, for the work authorized in coastal development permit 5-01-382 and appeal A-5-PLV-00-417 (Culver Widening Permits) in the area of the project subject to this permit amendment. No work authorized in this permit amendment shall extend more than ten feet outside the area that will be disturbed by the grading autnorized by the coastal development permit 5-01-382 and appeal A-5-PLV-00-417 (Culver Widening Permits) without an amendment to this permit.

3. SECURITY

The site shall be fenced. Prior to authorization of the amendment, the applicant shall agree in writing to secure the site to the satisfaction of the Executive Director, to prevent vandalism and theft of cultural artifacts, if and when any deposits are encountered. With concurrence of SHPO, the applicant may provide interpretive signage on the fence to provide information to the public on the history of the area or of the site.

4. 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 AMENDED 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.

5. EROSION AND DRAINAGE CONTROL

PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, a plan for erosion and drainage control. The erosion and drainage control plan shall include:

A. DELINEATION OF DISTURBED AREAS.

1. The plan shall delineate the areas to be disturbed by excavation and shall include the southern tarplant habitat, any staging areas and stockpile areas, as well as areas to be preserved, such as the portions of the site that will remain capped.
2. Limitation: The tarplant habitat shall be clearly delineated with visible hazard fencing. No grading, stockpiling or equipment storage shall occur within areas where the southern tarplant has been observed (pursuant to Special Condition 4).
3. Pursuant to this condition, areas approved for stockpiling and areas reserved from disturbance shall be mapped and published on plans or diagrams provided to equipment operators and site crew.
4. Prior to issuance of the permit the applicant shall deliver the plans required in this section to the Executive Director for review and approval.

B. EROSION CONTROL DURING EXCAVATION.

1. During excavation, erosion on the site shall be controlled to avoid adverse

impacts on wetlands, the southern tarplant, drains and ditches, Ballona Creek and public streets. The following temporary erosion control measures shall be used during construction, and shall be noted on the job-site plans:

(a) Temporary sediment basins (including debris basins, desilting basins or silt traps),

(b) Temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover,

(c) Close and stabilize open trenches as soon as possible.

(d) Temporary revegetation and weed control. Prior to issuance of the permit, the applicant shall provide the Executive Director with list of plants and seeds and the sources of such plants and seeds to be used in stabilizing the site if that becomes necessary due to job interruption. Plants and seeds used in temporary revegetation shall consist of native plants common to the Ballona wetlands area, including the coastal sage scrub and dune plants now found in Area C. The planting mix shall not include introduced annual grasses or "wildflower mix."

(e) These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume. Monitoring shall include weekly inspection for invasive non-native plants such as pampas grass, fennel, mustard, chrysanthemum, iceplant, myoporum and castor bean, and timely removal of such plants.

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

(a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed.

(b) A site plan showing the location of all temporary erosion control measures.

(c) A schedule for installation and removal of the temporary erosion control measures.

(d) A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist:

C. RESTORATION AND MONITORING OF DISTURBED AREA AFTER COMPLETION OF ARCHAEOLOICAL WORK

(a) After completion of the project, and until the area has been again disturbed by construction of the road improvements authorized in 5-01-382 and or A-5-PLV-00-417, the applicant shall monitor all areas disturbed by the project and immediately around them

monthly for the emergence of the invasive plant species noted above, and remove such plants as they emerge. No chemical methods shall be employed other than hand application of non-persistent herbicides approved by the executive director, unless an amendment to this permit is issued.

D. **COMPLIANCE.** 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.

6. NOTIFICATION

No fewer than 10 days before the applicant begins excavation, the applicant shall notify the Executive Director in writing of its plans and the date on which it intends to start. No work shall start without such notification.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The project is located at LAN 54, a registered archaeological site that will be disturbed by the work of widening Culver Boulevard. In separate applications, 5-01-382 and A-5-PLV-00-417, the same applicant, Playa Capital, has applied to widen Culver Boulevard by 27 feet and to construct ramps connecting Culver Boulevard to Lincoln Boulevard, and to Route 90, the Marina Freeway, on the east end of Playa Vista Area C. If those related permit requests are approved and work commences, part of the widened road and associated work will encroach onto the registered archaeological site LAN 54. The exact location of the site cannot be disclosed under State law.

Pursuant to the underlying permit, 5-98-164, the applicant undertook initial exploration of five previously identified sites on Playa Vista. The consulting archaeologist determined that this site has valuable deposits. The State Historic Preservation Officer concurred that the site is important and should be recommended for registration in the National Registry of Historic Places. The underlying permit requires that if cultural deposits are discovered, the applicant would return to the Executive Director, who would determine whether an amendment would be required. In this case, the Executive Director determined that the amendment is material because the grading required will be extensive, as much as 7,650 cubic yards.

Condition 3 of the underlying permit requires:

3. Review of Treatment Plan

In the event that cultural resources are discovered and a Treatment Plan (mitigation plan) is prepared, the Treatment Plan shall be submitted to the Executive Director for review and approval. Based on the mitigation procedures outlined in the Treatment Plan the Executive Director will determine if an amendment to this permit is required.

B. HISTORIC AND 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.

This site is one of five archaeological sites in the coastal zone that the Commission allowed the applicant to explore in permit 5-98-164. The applicant provided the Commission with a Programmatic Agreement approved by the United States Army Corps of Engineers and the State Historic Preservation Officer (SHPO) which was drafted in consultation with local Native American organizations. In approving the permit, the Commission referred to its statewide guidelines addressing archeological and paleontological resources and Coastal Act Section 30244. In approving 5-98-164, the Commission approved only the development necessary to carry out initial archaeological assessment plan (Exhibit 4).

State law sets out protocols for archaeological exploration. The exact location of the site is not permitted to be divulged. This site has been discovered in the past by amateur collectors and may have been seriously depleted. A significant concern about archeological sites is that they attract unauthorized collectors, who can damage the site, and who in excavating "finds" out of context, and failing to keep records, identify or analyze subtle "non-collectible" information, can prevent the use of the site for interpreting the past. Authorized excavations take place in the presence of a Native American monitor, who is empowered to stop the work if remains are found. Unsupervised excavations do not allow participation by monitors.

An additional problem with confidentiality in this case is that Area C is already intermittently used by the public. After the discussions about the use of this land as a public park began (see access discussion below), the public has been visiting the site in appreciable numbers. For that reason, the Commission requires that the site be guarded

and secured from vandalism. While State Law requires that the existence and location of the site must be kept confidential, it may be too late or impractical given public interest in the area. It may also be wise to acknowledge the public's interest and (1) guard against vandalism and also (2) provide information about what is known about the site and the history of the area. For that reason the Commission encourages placement of informational placards on the fence, if approved by SHPO, to provide such information.

The Commission also adopted a special condition (Special Condition 6), which required that the applicant notify the Executive Director 10 days before any work commences. The purpose of this notification is to provide publicly available notice before the site is disturbed.

At the hearing, the Commission revised the language of Special Condition 1. The Commission was concerned that in the event that activities beyond the applicant's control required that the work stop before the exploration was completed, the site could be exposed indefinitely. The staff had recommended that the Commission require that, prior to issuance of this amendment to the permit or commencement of work, the applicant provide evidence that the related coastal development permits (A-5-PLV-00-417 and 5-01-382 for widening Culver Boulevard and construction of a loop ramp) had been approved by the Commission, and 60 days from that approval had elapsed without any legal challenge to the permit having been filed. The purpose of the originally recommended language was to avoid either a partial excavation or an excavation that might ultimately prove to be unnecessary. A partial excavation of the archaeological site could have occurred if a lawsuit was filed that stopped the work after excavation commenced. An archaeological site disturbed and open indefinitely could suffer vandalism. Also the archaeological exploration is only required if the road widening that would disturb the site will take place.

At the public hearing, the applicant objected to the condition because it gave the opponents the ability to stop the project simply by filing a lawsuit, with no consideration of whether or not the suit had merit. The applicant suggested an alternative condition, which the Commission rejected. The applicant's suggestion would have allowed the staff to refuse to issue the permit if the Executive Director and Chief Counsel determined that a challenge to the Commission's action was valid. The Commission discussed and rejected the applicant's alternative suggestion. Instead, the Commission revised Special Condition 1 to require the applicant to prepare a restoration plan if work is stopped. The Special Condition reads, in part:

> "If work has commenced pursuant to this permit, and the permit is finally determined to be invalid, the applicant shall submit a restoration plan for the site within 90 days. "

In this way the applicant can stabilize the site and protect any archaeological resources from further disturbance in the event that it begins work on the project, but is subsequently

precluded from completing that work. This Special Condition is similar to Special Condition 3 of the underlying permit[1], which requires the applicant to submit recovery plans if resources are discovered, and is similar to special conditions typically imposed on other applicants who may not be able to complete their projects. The procedure for carrying out such a condition is to prepare a set of revised plans, in this case for restoration and to submit those plans to the Executive Director for review. If the plans are consistent with the permit, the Executive Director would approve the plans and restoration could proceed. If the restoration plans exceed the scope of work contemplated in the underlying permit, or would need a change in the terms and conditions of the permit, the Executive Director refers the matter to the Commission as request for a permit amendment.

In addition to considering these issues, the Commission considered the mitigation plan in the context of the requirements of the Coastal Act and the certified Land Use Plan. Both the Coastal Act and the City's certified Land Use Plan require mitigation measures for development areas that contain significant cultural resources. The proposed project is intended to provide such mitigation measures. The Commission's Statewide Interpretive Guidelines also provide guidance for archaeological excavations and for preferable mitigation measures. These measures range from complete avoidance of the site to a full-scale excavation and analysis of the archaeological materials.

The Guidelines recommend a three-step process to develop an appropriate archaeological mitigation program. The first step includes archaeological reconnaissance, which typically is designed to locate archaeological sites based on a literature review/archival search and possibly a surface reconnaissance. This step has been completed for all the subject archaeological sites. After the reconnaissance, the applicant, the Corps and SHPO entered into a programmatic agreement in 1991. The 1991 Programmatic Agreement was reviewed and signed by Vera Rocha, Tribal Chairman of the Coastal Gabrieliños, Manuel Rocha, spiritual leader and Cindi Alvitre, Chairperson Tribal Council Gabrieliño/Tongva. The 1991 Programmatic Agreement was extended on October 4, 2001 by the Corps, which notified the same groups of the extension.

The second step includes testing and determination of significance. The applicant has completed subsurface testing for all sites identified in the underlying permit and by the programmatic agreement. A site's significance is determined on the basis of site integrity, research potential, ethnic and historical value and the potential for public appreciation. The third step requires the preparation of a Mitigation Plan (Treatment Plan), taking into

---

[1] 3. Review of Treatment Plan

In the event that cultural resources are discovered and a Treatment Plan (mitigation plan) is prepared, the Treatment Plan shall be submitted to the Executive Director for review and approval. Based on the mitigation procedures outlined in the Treatment Plan the Executive Director will determine if an amendment to this permit is required.

consideration the information obtained in steps one and two. The applicant has prepared a Treatment Plan for this site, which includes:

1) Mechanically stripping 3 feet of fill from those portions of the site that will be disturbed by the road [development approved under 5-01-382/A5-PLV-00-417. The above cited road project], under supervision by a registered archaeologist and by a Native American monitor.
2) Screening material removed by that process.
3) Mechanical excavation of trenches.
4) Hand exploration of identified "control units" methodically distributed on the site;
5) Mechanical stripping and screening of soils to locate features;
6) If features are found, manual excavation of features.
7) Cataloging and curating what is found.
8) Leaving the portion of the site that will not be under the road or utilities capped with fill. (Recovery Plan LAN 54, 2001)

As with other sites, if human remains are found, the County Coroner is notified. If the Coroner identifies the remains as Native American, the Native American Heritage Commission is contacted. The Native American Heritage Commission identifies a most likely descendant who determines what to do with the remains. This may include re-interment in an area that is not likely to be disturbed in the future.

Included in the Statewide Guidelines is the requirement that a qualified professional conduct such work. Members of the Society of Professional Archaeologists (SOPA) are considered to meet these qualifications. Mr. Jeffrey H. Altschul, a member of the Society of Professional Archaeologists, will lead the proposed project.

The Guidelines also recommend that archaeological work involving excavation of more than two meters of surface area provide a written research design. The research design should be an explicit statement of research objectives and a program for carrying out these objectives. Since this site has been determined to contain significant cultural resources, the consultant has prepared a detailed Treatment Plan (Mitigation Plan), which appropriate Federal and State reviewing agencies have approved, and which the consultant also provided to interested Native American groups.

After review of the Treatment Plan, the Executive Director, has determined an amendment is required because there is significant additional excavation required, there is a significant change in area of disturbance, and because of the stripping of fill, there is a change in the type of excavation procedures. The proposed Treatment Plan contains specific theoretical problems, working hypotheses and a statement of the data required to confirm or reject the hypotheses. The proposed Treatment Plan also includes detailed field and laboratory methods. The proposed Treatment Plan conforms with the Programmatic Agreement among the Corps of Engineers, the Advisory Council on Historic Preservation and the State Office of Historic Preservation and has been reviewed by those agencies.

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 of the underlying permit, an on-site Native American monitor that meets the qualifications of the NAHC's guidelines shall also be required during excavation activities under this permit amendment.

The Commission's Archaeological Guidelines also recommend that the research design or Treatment Plan include arrangements for curation of collections when appropriate, and dissemination of the research findings. The proposed Treatment Plan states that all project related notes, records, photographs, and sorted materials (except those repatriated under California State Burial Law) will be curated at a repository meeting federal standards and in accordance with 36 CFR 79. When the underlying permit was approved the applicant's archaeologist indicated that it was too early to identify a repository. The applicant's archaeologist indicated then that the most likely repository would be the San Bernardino County Museum. The San Bernardino County Museum meets Federal and State guidelines for curation of archaeological collections.

There must be some assurance that the collection and related field records, catalogs and reports will be properly curated. Without proper curation, there is no assurance that the value of information obtained will be retained in perpetuity. A qualified curation facility is one that meets the State Historic Preservation Office (SHPO) guidelines, and federal standards, such as the mentioned San Bernardino County Museum. However, there is no guarantee that the facility will be able to accept the collections once the artifacts are ready for curation. Consequently, if another facility is available that meets SHPO's guidelines it would also be consistent with the permit conditions and with state and federal law to allow curation to occur there. In any case, curation of any significant artifacts must be assured in order to find that the proposed project meets Section 30244 of the Coastal Act's requirement for reasonable mitigation.

Therefore, as a condition of approval of the underlying permit the Commission required that the applicant shall identify a curation facility before completion of archaeological work, and artifacts of significant cultural value collected as a result of this project at the archaeological sites shall be curated at a qualified curation facility (Exhibit 2,page 7). The applicant states that the process of exploration recovery and analysis at Playa Vista is expected to last another five years. At the end of that time the applicant will identify qualified facility, and the applicant will then provide evidence of the institution's agreement to accept the collection and its qualifications, to the Executive Director. In Los Angeles, Santa Barbara and San Bernardino Counties there are four qualified facilities which include: the Santa Barbara Museum of Natural History, the San Bernardino Museum of Natural History, UCLA and Los Angeles County Museum of Natural History.

Therefore, as previously conditioned, and as amended, the proposed project is consistent with Section 30244 of the Coastal Act. The Commission notes that any additional work not described under this permit shall require review by the Executive Director to determine if an amendment or a new permit would be required.

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 it is not the owner of a fee interest, without the owner of any superior interest joining as a co-applicant, provided the applicant can demonstrate a 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."

Recently in seeking to widen Culver Boulevard[2], the development that occasions this recovery effort, Playa Capital was challenged concerning its right to carry out any development on Area C, which it does not own. Recently Playa Capital has resubmitted an application for the road, 5-01-382 and information that it contends will show that it is legally entitled to carry out the work, requesting that the Commission approve the road that is tied to this recovery plan. With respect to its right to carry out the archaeological recovery, subject to the present permit amendment, the applicant asserts that the archaeological recovery is related to the road and infrastructure work, and within the footprint of that work. Because the recovery is a precondition of constructing the road, the applicant argues that the archaeological exploration is also authorized.

---

[2] Application 5-00-400(Playa Capital) and appeal A-5-PLV-00-417 (Playa Vista Capital). These two actions were for the identical project, widening Culver Boulevard by 27 feet, adding a ramp at Lincoln Boulevard and widening ramps at Route 90.

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. 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 (Exhibit 6.) 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 5.)

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.
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 11, 12).

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

> "[Y]our May 10th 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 5 for entire text.)

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 Controllers 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 or the Playa Vista property for public use and habitat protection.

D. PUBLIC ACCESS AND RECREATION.

Title to Area C, where this site is located, is held by United States Trust Company of California, N.A. ("U.S. Trust Company"), in trust for the State of California. In 1991, as part of the settlement of the estate of the previous owner, Howard Hughes, the State agreed to transfer Area C to a trustee. It also agreed that the successor to the Hughes real estate interests (Summa Corporation) could re-purchase Area C for a set price, if it purchased the area by December 31, 2000. The set price significantly exceeded the amount that the company owed the State in estate taxes. Subsequently, the present applicant acquired the rest of Playa Vista and the option, but failed to exercise the option to purchase by December 31, 2000, so the option expired. This applicant retains only a second option agreement, which provides the applicant the right to bid against another offer that will expire on December 31, 2005.

Now that the State is no longer obliged to sell the land to the developer, the Controller, who is responsible for managing the State's assets, has suggested that the State retain the site as a public park. While this decision would require an act by the Legislature, the Commission may wish to consider the compatibility of any proposed development with the possible future use of the site as a public park. In this case, all archaeological recovery work would occur in an area that is being considered for widening a road. The recovery work is only necessary if the Commission approves the road widening, finding that the wider road is consistent with the Coastal Act, including its access and recreation policies. Therefore, the Commission finds that the proposed archaeological recovery work under the subject amendment application may be approved because of the project's consistency with the cultural, land and marine resources protection policies of the Coastal Act. This permit amendment can also be found consistent with the public access and recreation policies of the Coastal Act with the imposition of special conditions 1 and 2. In Special Condition 1, the Commission requires that this archaeological recovery cannot go forward unless the road widening is approved and duly authorized. In Special Condition 2, the Commission limits this recovery effort to the area that will be disturbed by grading for the road.

Another way to examine the consistency of this project with recreational use of the site is to examine the practice of the Department of Parks and Recreation. While the policy of the Department of Parks and Recreation is to leave cultural resources intact, the Department of Parks and Recreation has widened roads within parks when necessary to provide public access to parks. For example in the early 1980's the Commission approved a permit for improved access to Malibu Creek State Park that required archaeological

recovery. In that instance, State Parks' archaeologists implemented recovery plans and recovered artifacts exposed during exploration and/or construction. If the Commission does approve the road widening, it can require that work on the road in the vicinity of the archaeological recovery site not commence until this Treatment Plan is completed. Secondly, in Condition 2, the Commission has limited exploration and recovery to the minimum necessary to recover the parts of the site that will be impacted by road building. If the Commission finds that the road is consistent with the Coastal Act, including its recreational policies, and issues the permit, the recovery will be necessary to mitigate for the road and consistent with Section 30244 of the Coastal Act.

E. MARINE RESOURCES.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

This project will result in the excavation of as much as 7,650 cubic yards of silty soil. The site is located in a historic estuarine wetland that was isolated from Ballona Creek, its water supply, by the channelization of the creek in the late 1930's and then filled and disturbed during construction of the Marina del Rey. The soils on the site include dredge spoils and soils disposed of legally and illegally in the past.

The drainage from the site will most likely go into the existing roadside ditch that parallels Culver Boulevard, which then flows into the Marina Drain, which is a wetland area, or into Ballona Creek, which is near the site Exhibit 3.) During construction, the applicant indicates that it will follow local and OSHA codes and construction practices, which require

shoring of deep excavations and covering and sandbagging of excavated earth. However, the applicant has provided no specifics concerning the direction of expected drainage or the measures that it will take to avoid siltation into these two water bodies. The applicant has not provided information concerning measures that it will take after completing excavation to protect these resources from windblown dust or waterborne soil. The Marina Drain is a narrow ditch that could be easily blocked by soil and silt. In order to avoid deposit of silt into these areas, the Commission requires a complete erosion control plan. Therefore, prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an erosion control plan and a post-excavation temporary revegetation plan. The plans shall include a written report describing all temporary and permanent erosion control and run-off measures to be installed; a site plan and schedule showing the location and timing of installation of all temporary erosion control measures and all measures planned to reduce erosion after the project is finished.

In the event there is a delay between completion of the excavation and construction of the road, it is important to include measures to stabilize the site during the period of delay or of work stoppage for any other reason. The Commission has addressed this issue in part by requiring the applicant to have all permits and authorizations to construct the road secured before the permit for the archeological treatment plan can issue. Nevertheless, the Commission requires that the applicant provide a plan and agree to control erosion from the site if work stops for any reason and the construction of the road does not then commence. (These requirements are more specifically defined in Special Condition #5).

Many standard erosion control plans use non-native grasses for quick coverage. In this area, which supports some native plants, stands of invasive plants, and some extremely stressed wetlands, seeding with non-native, quick-growing grasses could further disrupt the balance of the area. Vegetative cover shall consist only of native plants found in the area, of the appropriate coastal scrub communities. Finally, after completion of the exploration the disturbed soils could be inviting to invasive plants. Therefore the Commission is requiring that the applicant undertake to monitor the site and remove non-native plants until construction of the road can begin.

As a result of grading, silt and contaminants deposited on the site could enter wetlands or the ocean. To prevent these occurrences, the applicant is required to 1) install temporary erosion control measures, 2) assure that there be no direct impact on the wetlands or other habitat found elsewhere on the property caused by either the temporary erosion control measures or the proposed archaeological recovery, 3) design measures to prevent erosion of the site that will be compatible with long term restoration goals and that will not encourage further invasion by non-native plants. As conditioned the project will not cause pollution and impair water quality and is consistent with the marine resources and habitat policies of the Coastal Act.

F. LAND RESOURCES, HABITAT

The Coastal Act requires the protection of areas of environmentally sensitive habitat and of areas adjacent to them. This particular area is disturbed, and covered with introduced weeds and grasses. Some coastal sage scrub plants occur. Elsewhere on the site there are remnant wetlands, including the Marina Drain, which is a narrow ditch that supports some fish, and areas dominated by plants that can grow in either wetlands or in disturbed environments. 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. A subsequently produced, more detailed map on a larger scale showed that this plant has been mapped in two locations on Area C. Both of the locations are at some distance from this recovery excavation; the areas that support tarplant are located at higher elevations and are significantly offset from the excavation site and from Culver Boulevard. In an addendum provided at the day of the hearing, November 14, 2001, the staff recommended changes to the conditions addressing this issue. The Southern tarplant does not appear every year. When it does appear, this plant is difficult to track because it blooms only a short period during the years in which it appears. According to the applicant's biologist, it appears in late September and early October. 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. Some years, the Southern Tarplant appears during its blooming season, and some years it is not found. Because of this uncertainty, even though the site appears to be located several hundred feet from the last known site of this rare plant, the Commission imposes a condition requiring the applicant to resurvey the site during the plant's blooming season during the year in which excavation takes place and then immediately, before the work starts.

Finally, the applicant and others pointed out that the condition as originally proposed by staff did not explain what the applicant needed to do if rare plants were discovered in the footprint of the work. The Commission has imposed a condition that requires relocation of the plant.

Even though the tar plant site is significantly distant from the proposed excavation site, the Commission also 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. To assure that this plant is not disturbed the Commission requires that a biological monitor survey the site prior to the disturbance of 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, 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 this particular area of 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.

As conditioned, to avoid the Southern tarplant, to avoid disturbance of nesting birds, 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.

G. 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 December 9, 1986, the Commission certified, with suggested modifications, the Land Use Plan portion of the Playa Vista segment of the City of Los Angeles 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 175.36 acres as wetland, and additional areas for

buffers, dunes and interpretive habitat purposes. The Habitat Management Area, including what was identified as "all wetlands," "all necessary buffer areas" and "necessary ecological support areas" and an interpretive center totaled 209 acres. Area C was designated for urban development, and no habitat areas were to be preserved in Area C:

AREA/USE	Hotel rooms	Boat slips Acres	Commercial sq. ft.	Residential units	Habitat Acres	Office sq. ft.
Playa Vista Area A	1,800	46 Acres	200,000	1,226	0	
Playa Vista Area B			70,000	2,333	209 A	
Playa Vista Area C			150,000	2,032	0	900,000

The certified LUP contains a chapter that addresses cultural heritage resources. The policies of the certified LUP require that the City:

> 4b.1 Review potential resource impacts [on archaeological and heritage resources] through the County and City's Environmental Guidelines and require appropriate environmental documentation and reasonable mitigation measures as determined by the Department of City Planning and the State Historic Preservation Office SHPO.
>
> 4b.2 Where feasible, as defined by Section 30108 of the Coastal Act, resources found in the wetland preserve area should be maintained intact and protected from disturbance.
>
> 4b.3 Where feasible, as defined by Section 30108 of the Coastal Act, any resources found in the portions of the Local Coastal Program study area planned for development should be collected and maintained at the interpretive center planned at the wetland preserve, or at the Los Angeles County Natural History Museum.
>
> 4b. 4 To ensure proper surface and site recordation, the State Historic Preservation Office shall be notified, along with the City Planning Director if any resource is discovered during any phase of development or construction.

This project has been reviewed by SHPO and is required to mitigate a project required in the certified Land Use Plan for Playa Vista. Therefore the project as proposed is consistent with the certified land use plan and will not prejudice the development of a local coastal program that is consistent with the coastal act with respect to archaeology.

The Commission notes that the road widening that is mitigated in this action is envisioned in the certified Land Use Plan. Further the actual work less extensive than authorized in

the certified Land Use Plan -- adding one lane to Culver Boulevard, while the certified Land Use Plan envisioned adding six lanes to Culver Boulevard between Lincoln Boulevard and Route 90. In other related reports,[3] the Commission has reviewed the history of road widening authorized in the certified Marina del Rey/Ballona and Playa Vista Land Use plans.

The Commission notes that the standard of review for any project when only a Land Use Plan has been certified is not the consistency of the project with the Land Use Plan, but its consistency with the policies of Chapter 3 of the Coastal Act. In addition, the Commission must also consider whether, if revisits the Land Use Plan, its approval of the project will reduce its alternatives in approving a new Land use Plan that incorporates changed circumstances and current interpretations of the Coastal Act. In this case, this analysis is appropriately made when the Commission analyzes the road widening now before it as a related matter. If the Commission determines that it can approve the road without reducing its other choices for development of Area C, the archaeological treatment naturally follows as mitigation for the road.

The archaeological investigation consistent with the certified Land Use Plan and the road that requires it is also consistent with Chapter 3. Approval of this archeological treatment plan now will not reduce the Commission's ability to consider alternative levels, kinds and configurations of development if and when it revisits the certified Land Use Plan.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

One alternative is denial of the project. Leaving the resource intact is the preferred alternative if no further disturbance is planned or authorized. However, there is a possibility that the Commission may approve a road widening in this location. If the road is widened, the site will be obliterated. Therefore, if the road widening is approved, the applicant must mitigate the damage to the site and the Commission must consider and require the mitigation for the damage to the site. The Commission has required that if no road is approved or likely to be built, the recovery shall not take place, and that the permit for the archaeology shall not issue until the road-widening permit is approved and issued.

[3] 5-01-038 Caltrans; 5-01-184 (Caltrans), 5-01-382 and A-5-PLV-417 (Playa Capital) and 5-01-223 and A-5-PLV-01-281 (Playa Capital)

In the case of archaeology investigations, the Commission is required to examine and consider the judgement of SHPO. In this case, SHPO has reviewed the recovery plan. Rejection of the recovery plan or a redesign of the recovery plan would be inconsistent with the judgement and opinion of SHPO. The Commission, in its initial approval, considered approving the project without requiring curation. However, the purpose of archaeological recovery is to preserve and analyze deposits that might otherwise be destroyed. Without curation, such analysis will not take place.

The Commission has considered approving the present work without siltation or erosion control conditions, but finds that without such conditions there is a possibility that local water bodies, such as the Marina Drain, may suffer from siltation. The Commission has examined the possibility that siltation will take place if construction begins, and then the completion of the road project is delayed. The Commission has required that the site be stabilized and seeded no more than one month after completion of the treatment or sooner the road widening is delayed.

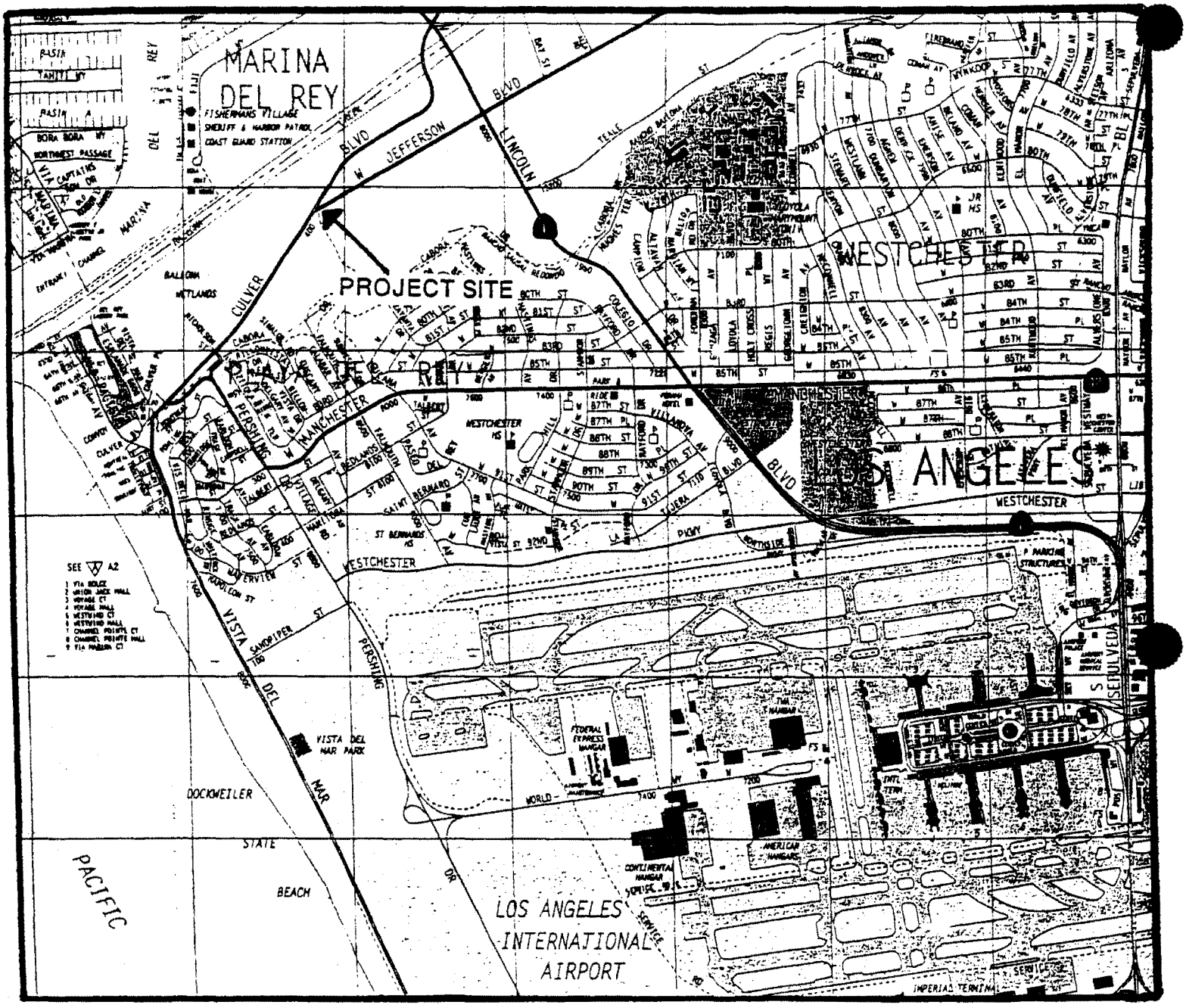
Finally, the Commission has examined the likelihood that the archaeology excavation will impinge on the site of the southern tarplant, *Centromadia parryi* ssp *australis*, a plant found on the California Native Plant society list 1b. The Commission has considered the type of plants used prevent erosion with the long-term use of the area as habitat. The Commission has also considered the vulnerability of the site to additional invasive plants. It determined that without control of site disturbance and siltation, and without controlling introduced or invasive plants to prevent erosion, the development may disrupt the habitat value of an already stressed and damaged site. The Commission therefore imposed conditions to protect the tarplant and to reduce, avoid or mitigate impacts from site disturbance and siltation.

The Commission has noted that the site is adjacent to the area that is habitat to endangered seabirds, including the California brown pelican and the least tern. The Commission notes that neither the tern nor the pelican are reported using the upland areas of the site. However, they are observed feeding in Ballona Creek and in the case of pelicans, loafing on docks, ropes and bollards adjacent to the Creek. The Commission has considered impacts to marine resources and to sea birds depending on the marine and estuarine habitat and has imposed conditions to control siltation so that the food source of these animals is protected.

Finally, the Commission notes that the recovery is a required mitigation measure under an approved EIR. While its status of a mitigation measure alone does not enhance or reduce the development's consistency with the Coastal Act, it does indicate that the project has been examined by other agencies, including in this instance SHPO and the ACOE. There are no other feasible alternatives or mitigation measures available, which will lessen any significant adverse impact the activity, would have on the environment. Therefore, the

Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

G:\Staff Reports\2002 staff reports\2002-05\5-98-164Arevised findingsfinal.doc

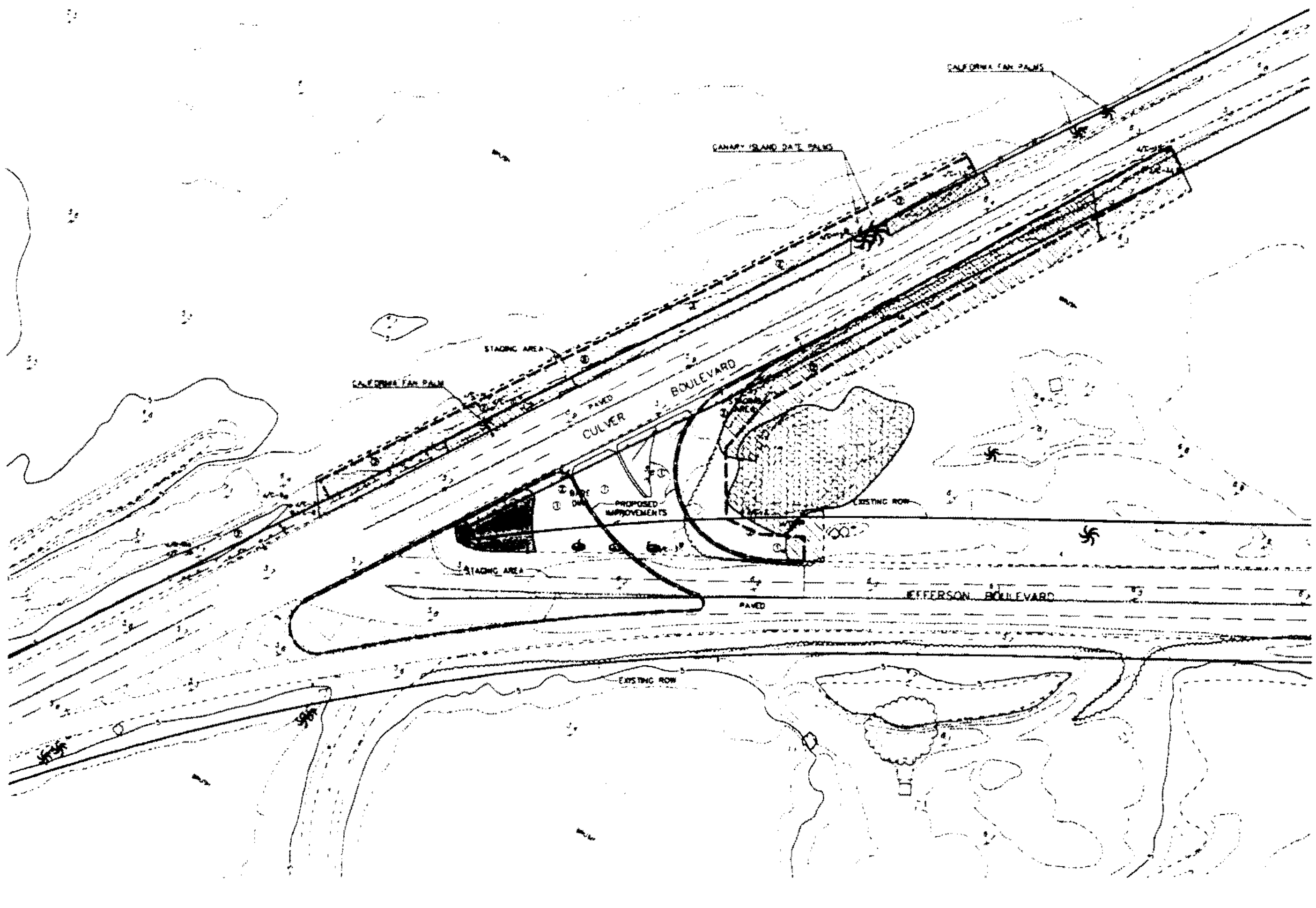


VICINITY MAP

Source: 2000 Thomas Bros. Maps

5-01-223
A5 PLV 01 281
Location
Exhibit 1

W:\PVista\49104-MP\ENGR\WETLANDS\PL\PV1317-02.dwg Oct 25 10:49:55 2001 [ISD 8140] John Chiappe



Note 1: Open dirt with widely scattered vegetation

Note 2: Ruderal vegetation dominated by Lolium perenne (Italian ryegrass), Bromus diandrus (rip-gut brome), Picris echioides (bristly ox-tongue) with Cynodon dactylon (Bermuda grass) and Cressa truxillensis (alkali weed)

HERBACEOUS ASSOCIATIONS

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

FIGURE 1

PROPOSED CULVER BOULEVARD AND JEFFERSON BOULEVARD EXPANSION TOPOGRAPHY AND VEGETATION

PSOMAS

Playa Capital Company, LLC
Playa Vista Development

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

PV 1317-02

OCT 2 6 2001

CALIFORNIA

Topography + vegetation

5-01-223
A5. PLV
01 281
Exhibit 2

CULVER & JEFFERSON

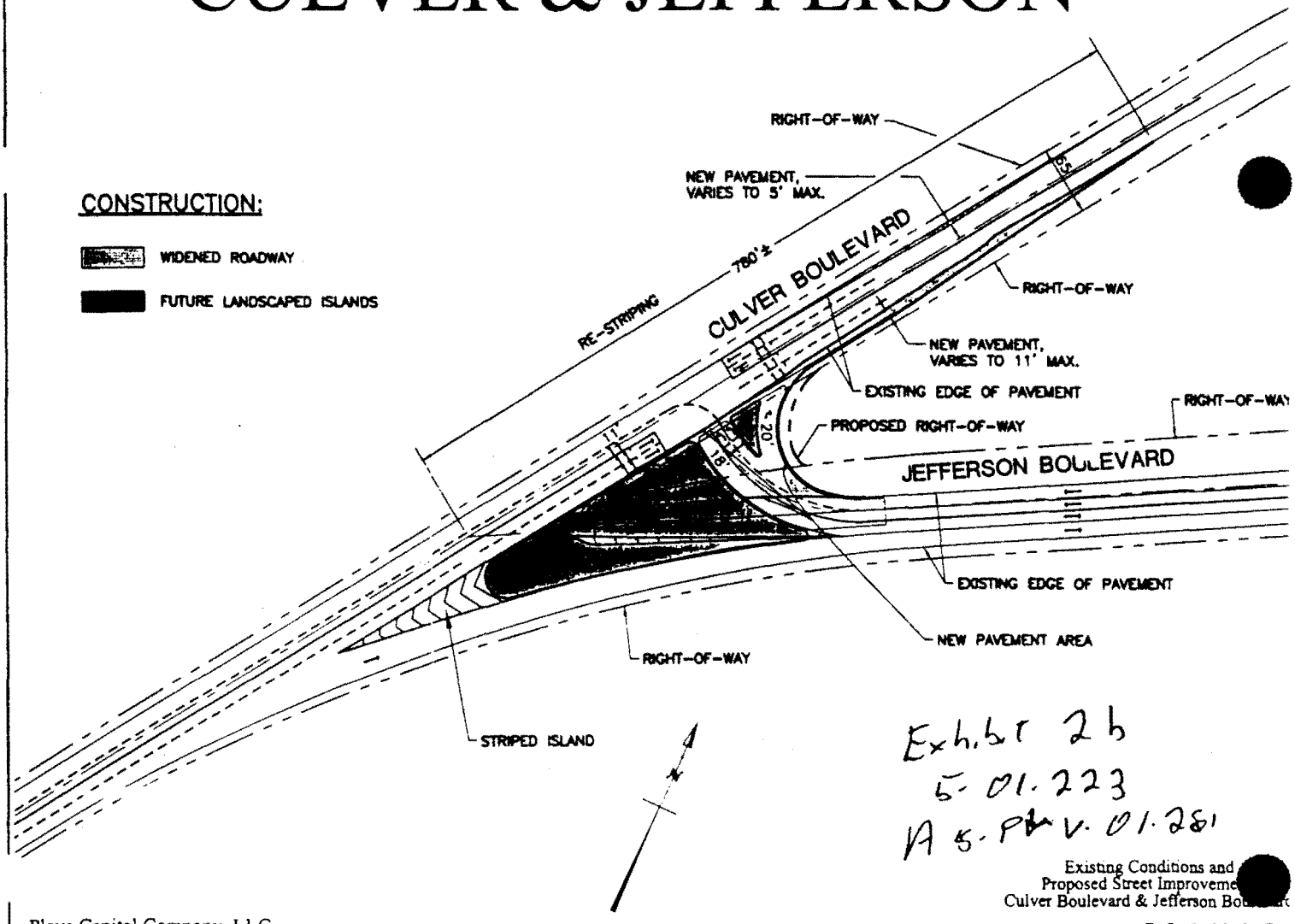
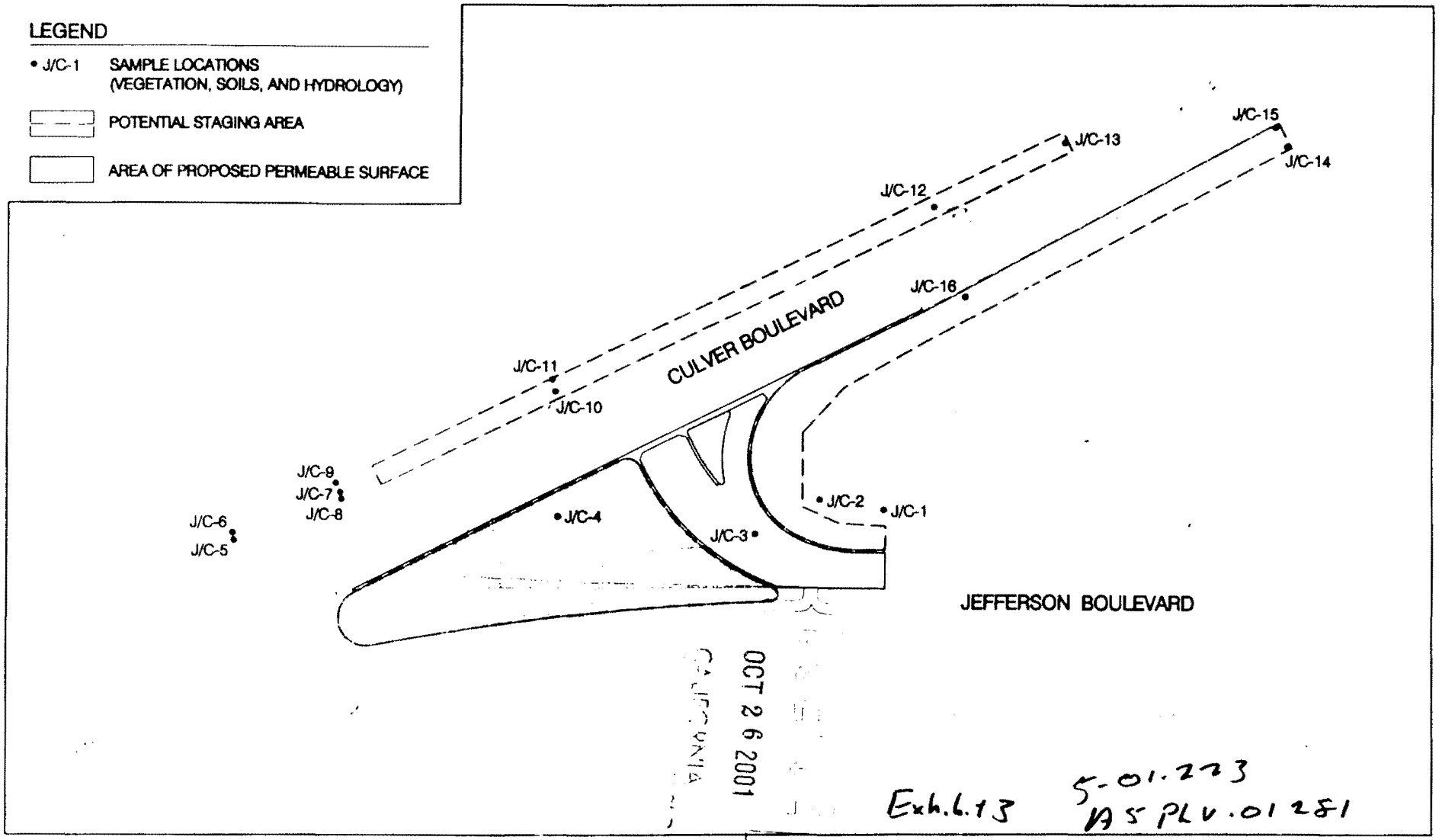


Exhibit 2b
5-01-223
A 5-PDR-V-01-281

Existing Conditions and
Proposed Street Improvements
Culver Boulevard & Jefferson Boulevard

Playa Capital Company, LLC
Playa Vista Development

PSOMAS



OCT 2 6 2001

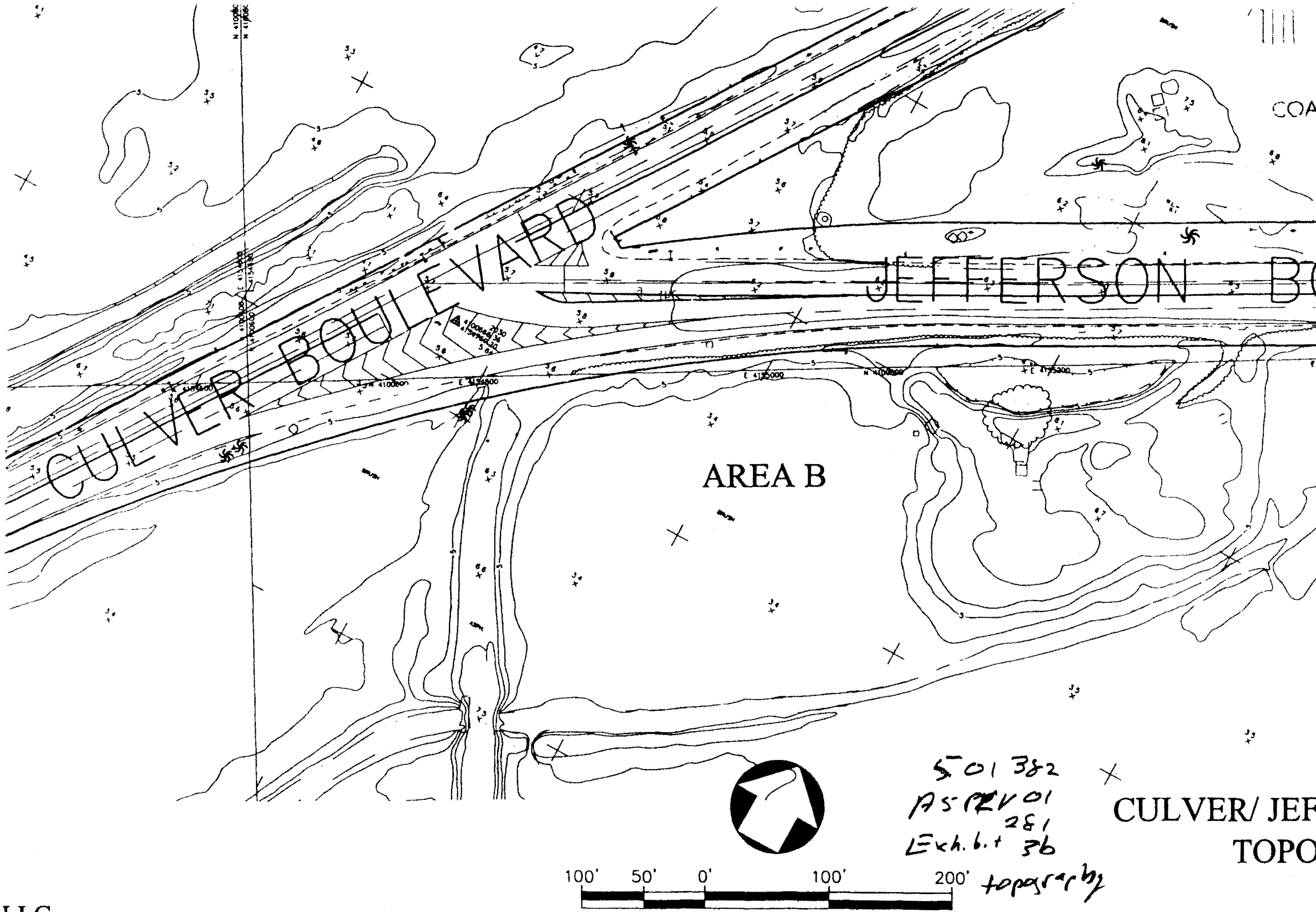
Exh. L.13 5-01-273 A5 PLV.01281

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

PLAYA VISTA

0 50 100 OCTOBER 25, 2001

sys1/Playa Vista/15108/exhibits/culver-jeff_02.dwg



5 01 382
AS-REV01
281
Exhibit 36
topography

CULVER/ JEF
TOPO

LLC
t

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

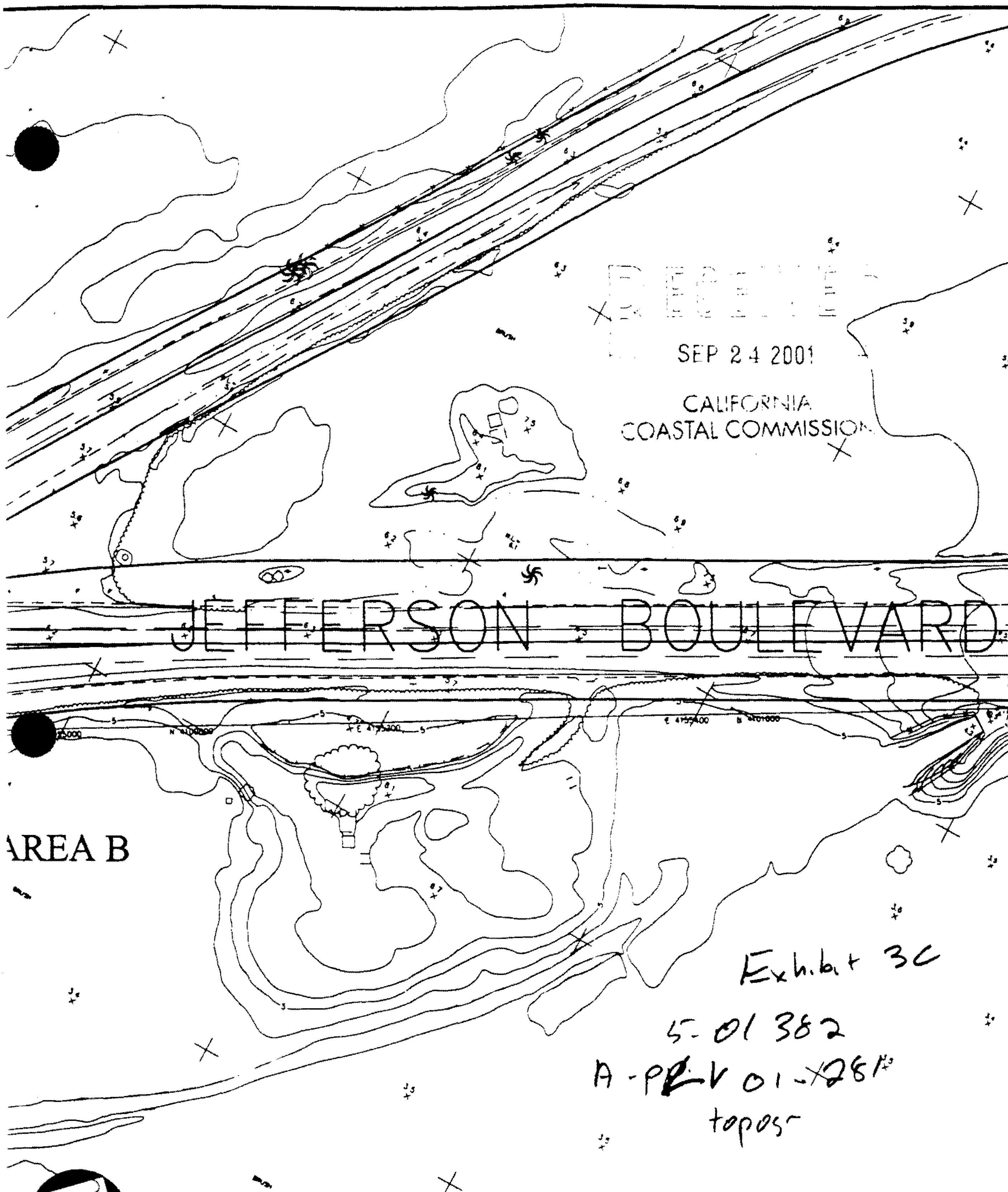


Exhibit 3C
5-01 382
A-PRV 01-281
topos

CULVER/ JEFFERSON BOULEVARD
TOPOGRAPHIC EXHIBIT

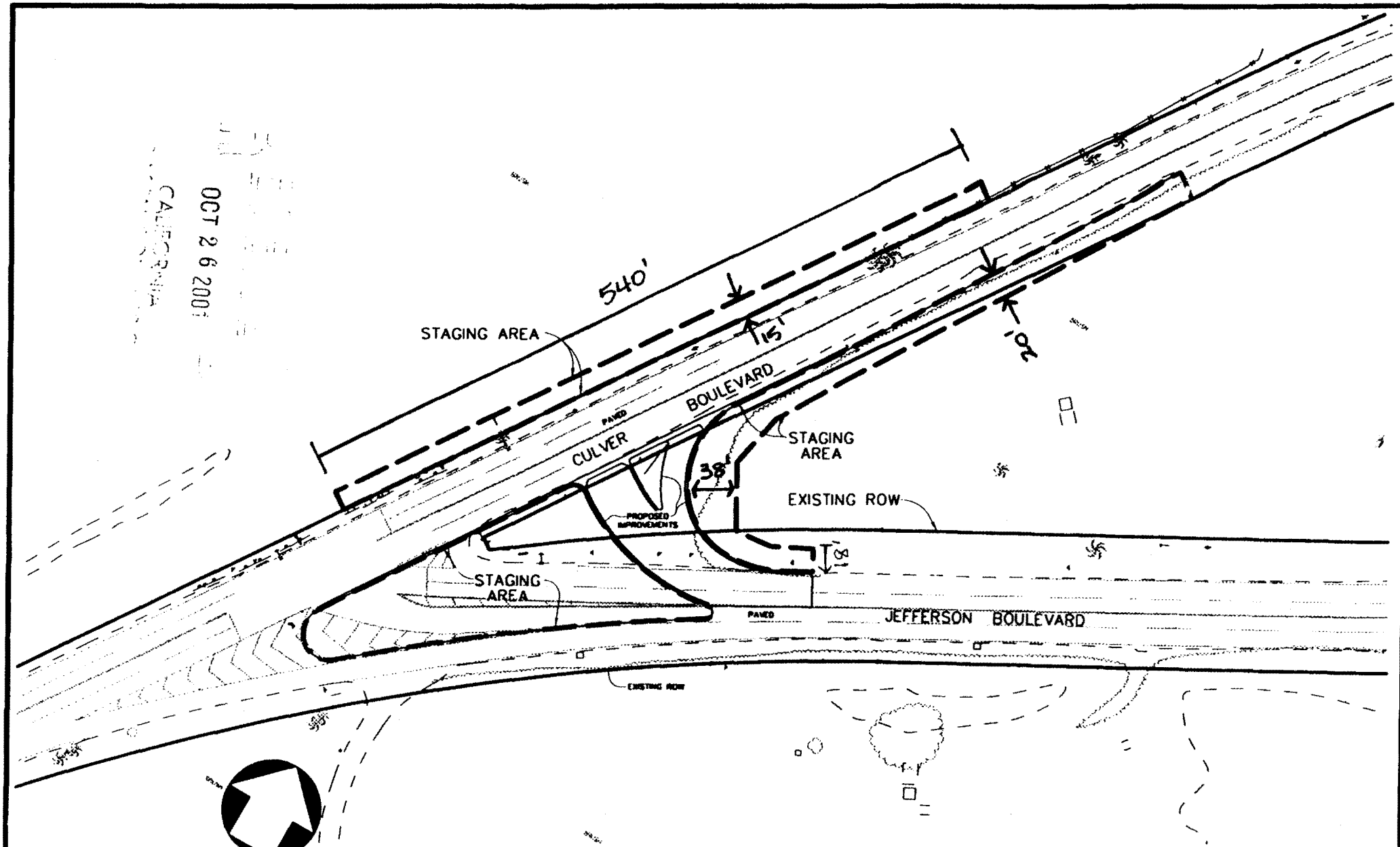
100' 200'

size prints, original scale is in inches.

PSOMAS

DATE: 9/19/01 REVISED ON:
JOB No: 1PCC020447

PV 1329



CULVER AND JEFFERSON BOULEVARD CONSTRUCTION STAGING EXHIBIT B

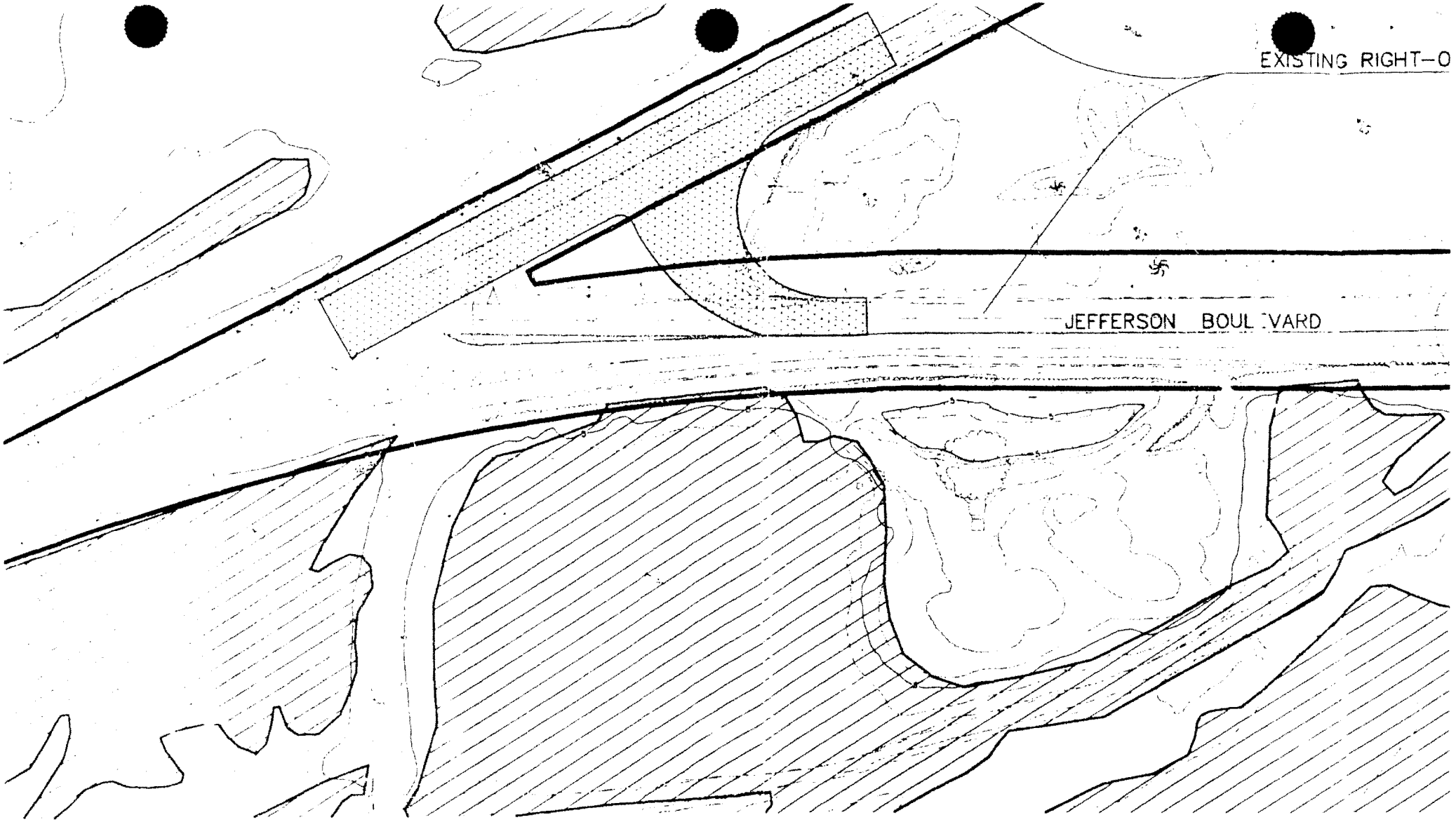
NOTE: For reduced size prints, original scale is in inches.

Playa Capital Company, LLC
Playa Vista Development

Revised
5-01-382
A-5 #PW-01281
Exh. 6.4.4

PSOMAS

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



; AND CONSTRUCTION STAGING AREA (original since revised)

JRISDICTIONAL WETLANDS 1989 DELINEATION

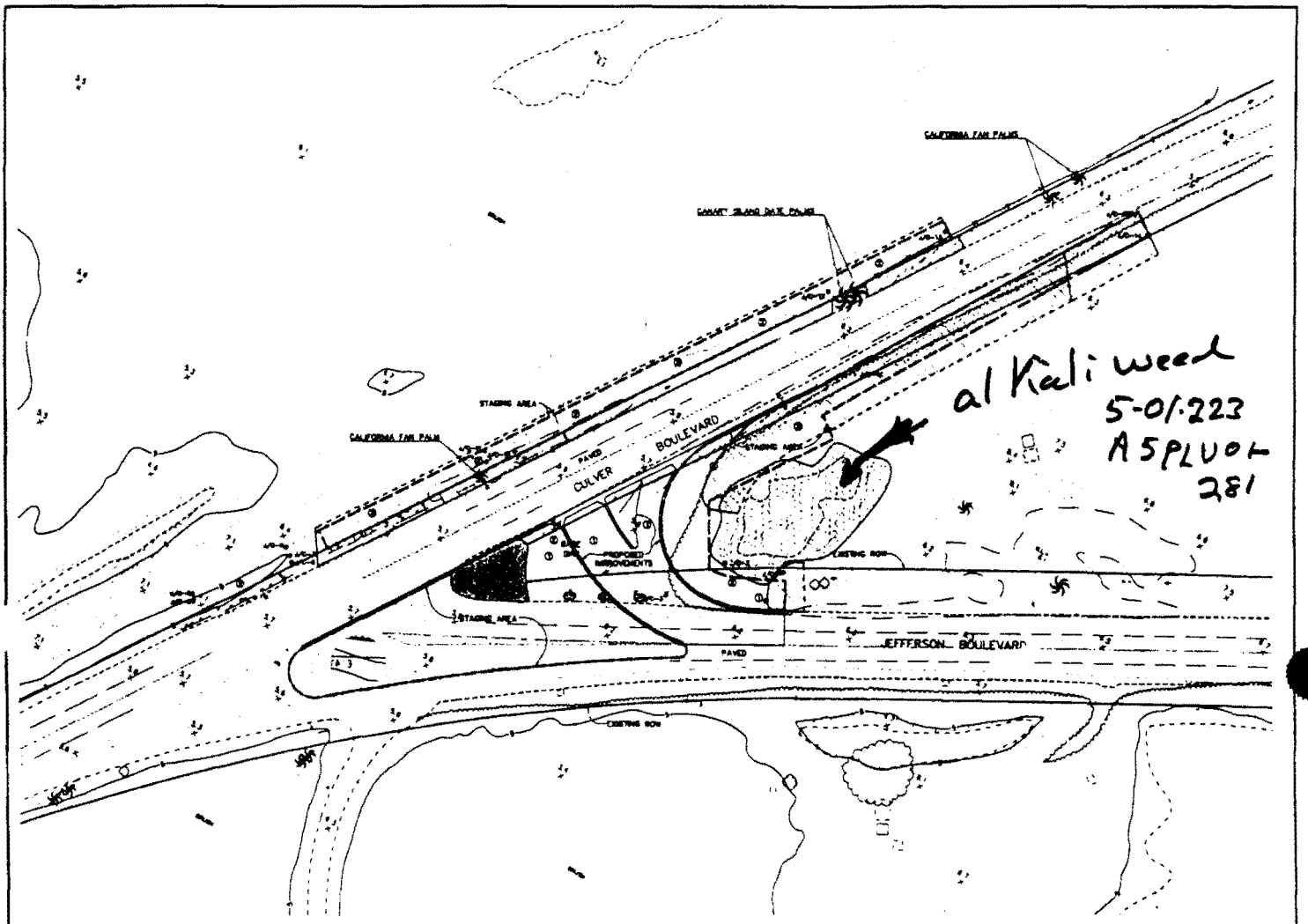
5-01-223
A5-PLL-01-281
Exhibit 5
enlarged wetland
delineation
Corps

Propos
Inte
Area
Jur
(

ompany, LLC
elopment

100' 50' 0' 100' 200'

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



al Kali weed
5-01-223
ASPLUOH
281

HERBACEOUS ASSOCIATIONS

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

FIGURE 1

PROPOSED CULVER BOULEVARD AND JEFFERSON BOULEVARD EXPANSION TOPOGRAPHY AND VEGETATION

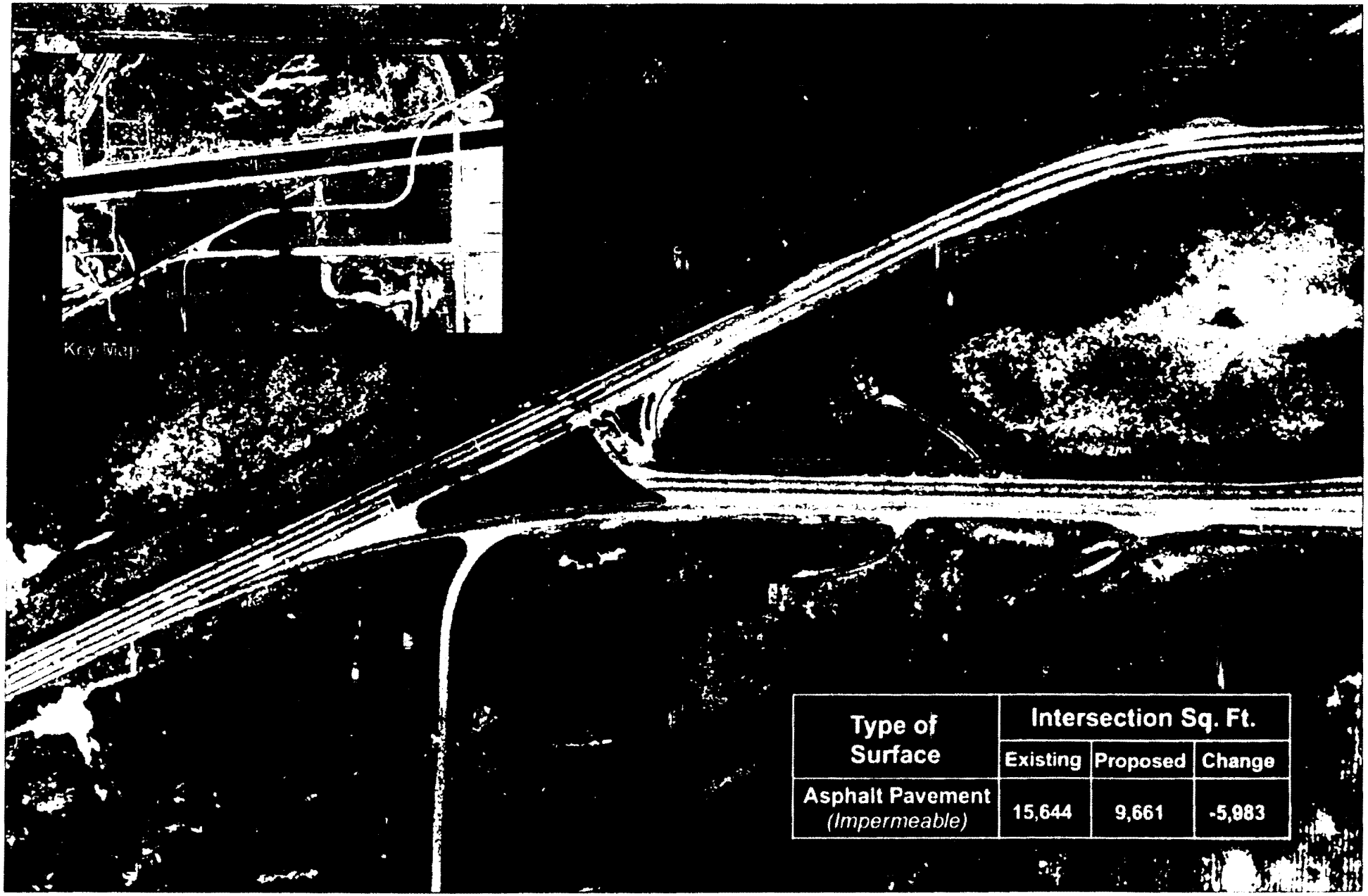
PSOMAS

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

Playa Capital Company, LLC
Playa Vista Development

PV 1317-02

Exhibit 6 5-01-223
ASPLUO 01
281



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

PLAYA VISTA

Proposed Improvements
Culver / Jefferson Intersection

A 5 PLV - 00281 Revisions
8-01-223

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 depressional area with a preponderance of wetland plants, principally alkali weed (*Cressa truxillensis*; FACW) and alkali mallow (*Malvella leprosa*; FAC) and patches of rabbits foot grass (*Polypogon monspeliensis*; FACW+) along the eastern edge. The higher area north and east of this depression along the edge of Culver is dominated by perennial ryegrass (*Lolium perenne*; FAC) and bristly ox-tongue (*Picris echiodes*; FAC). Across the street along the north side of Culver, there is a flat area adjacent to the road which in places is dominated by bermuda grass (*Cynodon dactylon*; FAC) and saltgrass (Distichlis spicata; FACW). The ground then rises 20 – 30 cm and forms a berm which supports a patchwork of upland and facultative wetland ruderal species such as *Chrysanthemum* sp. (NI), wild radish (*Raphanus sativa*; NI), foxtail chess (*Bromus madritensis*; NI), perennial ryegrass, bristly ox-tongue, alkali mallow, and English plantain (*Plantago lanceolata*; FAC-). There were no indicators of wetland hydrology or hydric soils in any of these areas. The area to be paved and the area proposed for staging activities (principally along the north and south edges of Culver) were marked with flagging. The 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.

A5 PLV 01281
5-01-223
Exhibit 8.

Culver Loop Ramp

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

Culver Boulevard Widening

The strip of land immediately south of Culver between Lincoln and the Marina freeway is proposed for widening. In general, the vegetation is dominated by weedy, non-native upland species. However, there are three areas where water might tend to flow or pond. The first is between the Culver loop and the entrance to the playing fields on the south side of the chain link fence adjacent to Culver. This is a gentle swale at the base of the slope below the playing fields. One section contains some facultative wetland plants. When the delineation[1] 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.

A 5 PLV-01-281

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

5-01-223 Exhibit 8 p2

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

September 21, 2001

Prepared for:

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

Prepared by:

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

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

5-01-223
A 5-PLV 01 281
Exh. 6 + 9

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

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

Intersection Improvement

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

Staging Areas and Areas Within 100 Feet of Project

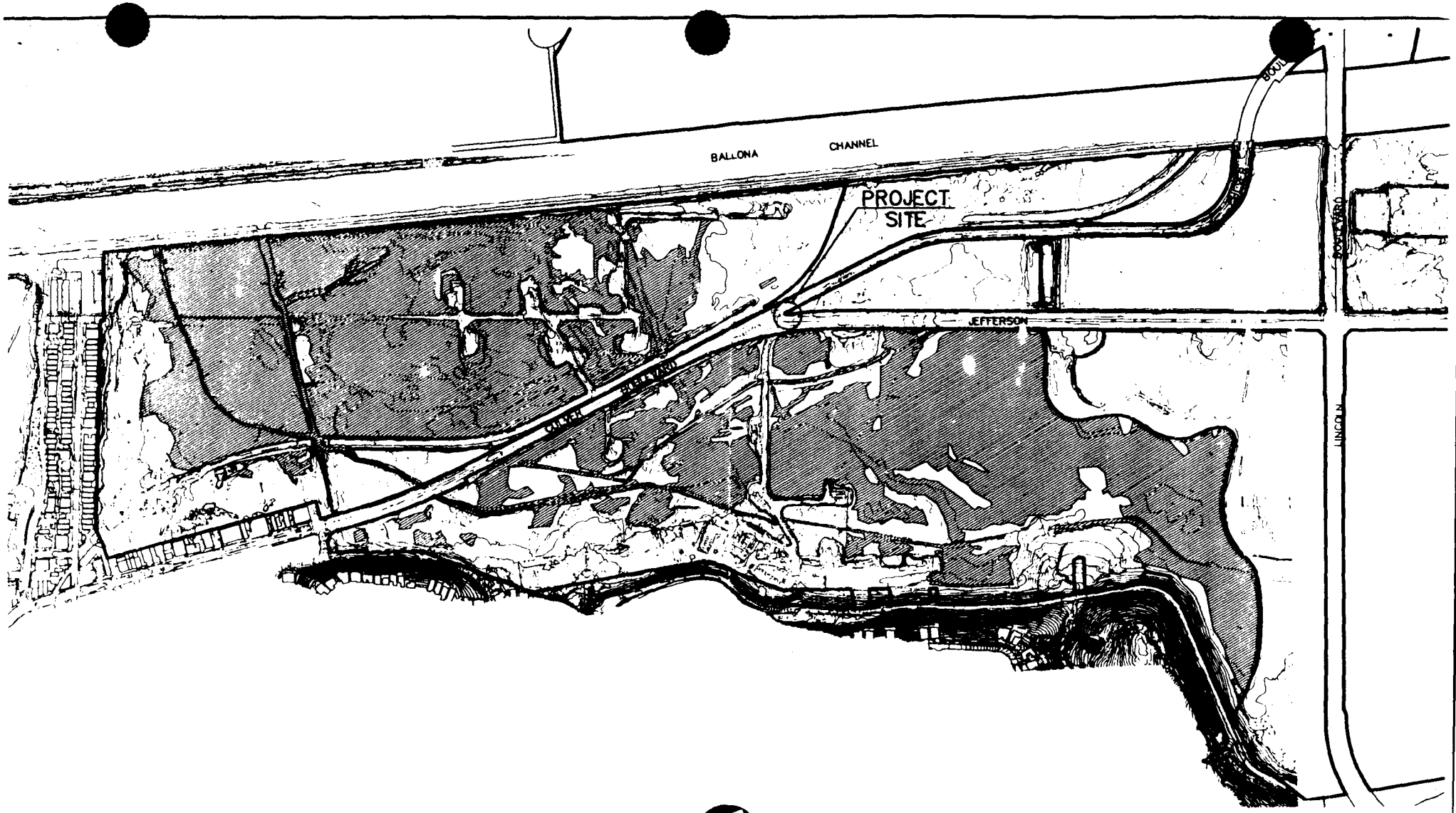
The staging area immediately east of the intersection improvement is occupied by alkali weed (*Cressa truxillensis*, FACW). The boundary of this vegetation is a minimum of 20 feet outside of the edge of the proposed improvement. Further east, the vegetation consists of a mixture of alkali weed, perennial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

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

5-01 223
A 5-PLV-01/251
Exh. 6, + 9
p2

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

5.01.223
A.5.PLN.01.281
Exh. 6 + 9
P3



Playa Capital Company, LLC
Playa Vista Development

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

Area B ACOE
Jurisdictional Waters
of the US

PSOMAS

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

PV 1192-(

A5 PLV-01-281
5-01-223
Exh. 6, p. 10
Corps delineation

State of California

Memorandum

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

Date : December 20, 1991

From : Department of Fish and Game

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

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

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

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

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

A 5-PLV-01-281
5-01-223
Fish + Game
Exhibit 11 81

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

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

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

Exhibit 11, 2
Exhibit 11 p2
AS PLV 01281
5-01-223

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

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

Exhibit 11 p4
A 5 PLV 01 281
5-01-223
Fish & Game

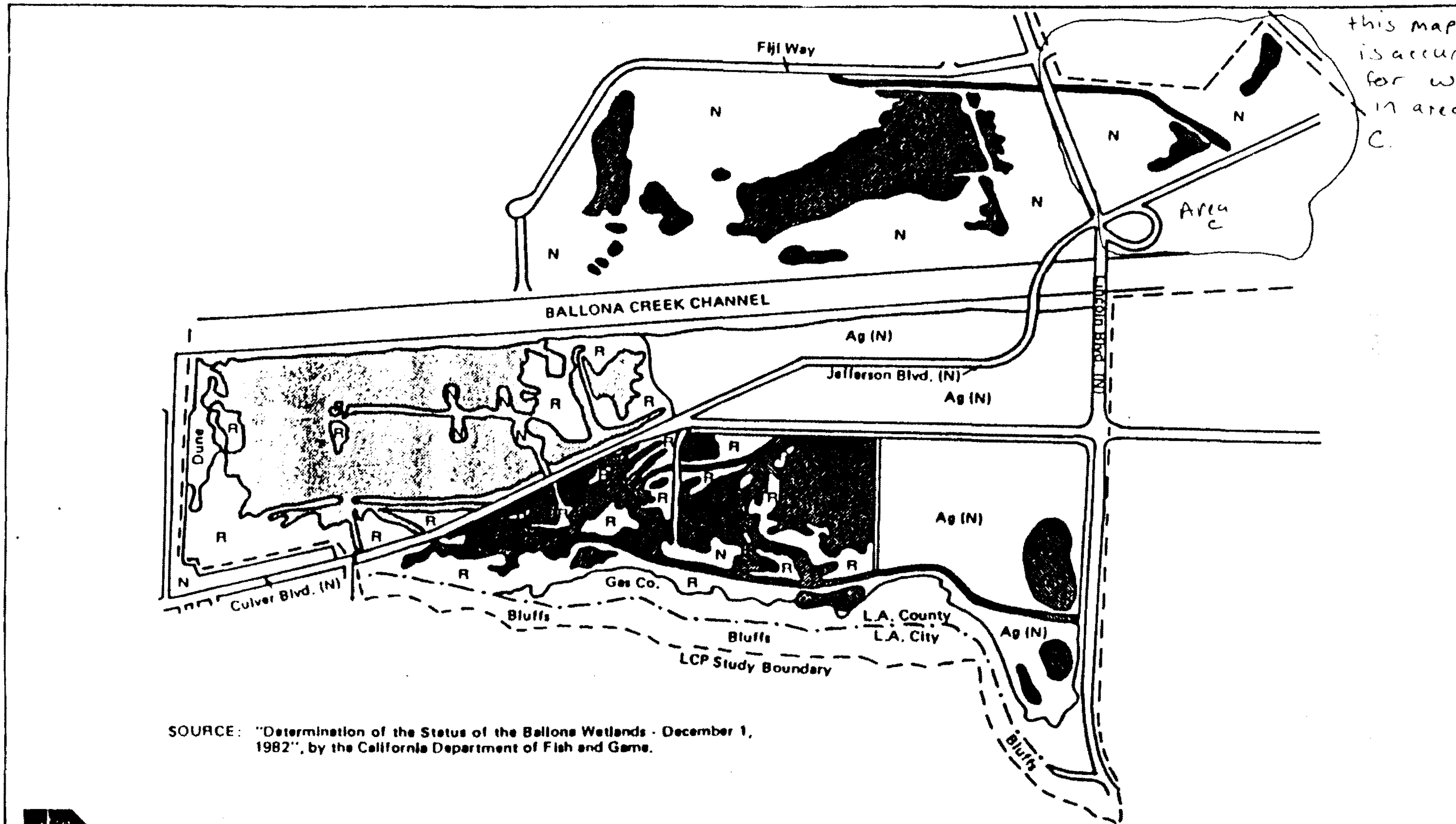
This map is accura for wetla in Area B

Exhibit 11 p 5
App. PLU 01 281
5-01-223

map 14

Non-degraded wetland
Degraded wetland
R — Feasibly restorable former wetland
N — Former wetland not feasibly restorable
Ag (N) — Former wetlands Agricultural Field
Dune & Bluffs — Environmentally sensitive upland

PRESENT STATUS OF THE BALLONA REGION



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

II-46

Exhibit 11 pg A5 PLU 01 261 5.01.223

State of California

Memorandum

To : Mr. Jim Burns
Assistant Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Date : January 7, 1992

From : Department of Fish and Game

Subject: Department of Fish and Game Wetland Identification Procedures

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

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

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

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

Fish & Game delineation methods

Exhibit 12
5-91-223
A5 PLV. 01-281

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

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

Howard A Sarasohn for
Boyd Gibbons
Director

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

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

AS-PLU 0125
5-01-223
Exhibit 12

SIGNIFICANT ECOLOGICAL AREAS IN LOS ANGELES COUNTY

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

During the final selection process, candidate areas within a geographical region were compared. For example, in the Santa Monica Mountain region, virtually every undisturbed canyon was recommended as a significant eco' -ical area. Primary consideration was given to areas with [illegible] common or scientifically interesting features. For t[illegible] Dume, Upper La Sierra Canyon, Malibu Can[illegible] rgenes, Hepatic Gulch, and Cold Creek were c[illegible] were selected to provide good examples of the more [illegible] cats, and to ensure that the full range of the remaining bi[illegible] and geographical diversity in the region had been sampled. For these reasons, Zuma Canyon, Tuna Canyon, Temescal-Rustic-Sullivan Canyons, Palo Comado Canyon, and Encino Reservoir were selected. They were picked over other areas on parameters such as size, condition of habitat, the diversity of communities present, presence of water, and information available. Similar selection procedures were followed in other regions of the county.

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

Excerpts SEA study
5-01 223
A 5. PLV. 01.281
Exhibit 13 p1

from England + Nelson
1976

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

RECOMMENDATIONS

Compatible Uses

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

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

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

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

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

1. Regulated Scientific Study

2. Very Low Intensity Recreational Use - This category is intended for passive, recreational uses such as nature study, wildlife observation, photography, painting, sketching, and general outdoor experiences. The average visit to the area will probably be ½ - 2 hours. A minimal number of trails should be provided for access only and should not be developed into a network for general hiking purposes. In marine environments, non-consumptive uses such as skin and scuba diving should be permitted. In all cases, efforts should be made to locate access trails away from riparian and oak woodland habitat, unique resources, and other sensitive areas. Intentional and unintentional destruction of the resources should be prevented, and collection of plant or animal specimens by the public should not be allowed. A limited number of interpretive and educational displays would be appropriate, but should not include major facilities.

3. Low Intensity Recreational Uses - The uses permitted under this category are identical to those under the previous heading, but can be more intense, with the visitor spending the better part of a day in the area. A

Exh. 6.1 13
A-5-PLV-01281
5-01-223
P3

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

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

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

Exh. 6 + 13 Exh. 6 + 13
A 5 PLV-01-281
5-01-223
PY

Area # 29

Name: Ballona Creek

Quadrangle(s): Venice

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

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

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

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

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

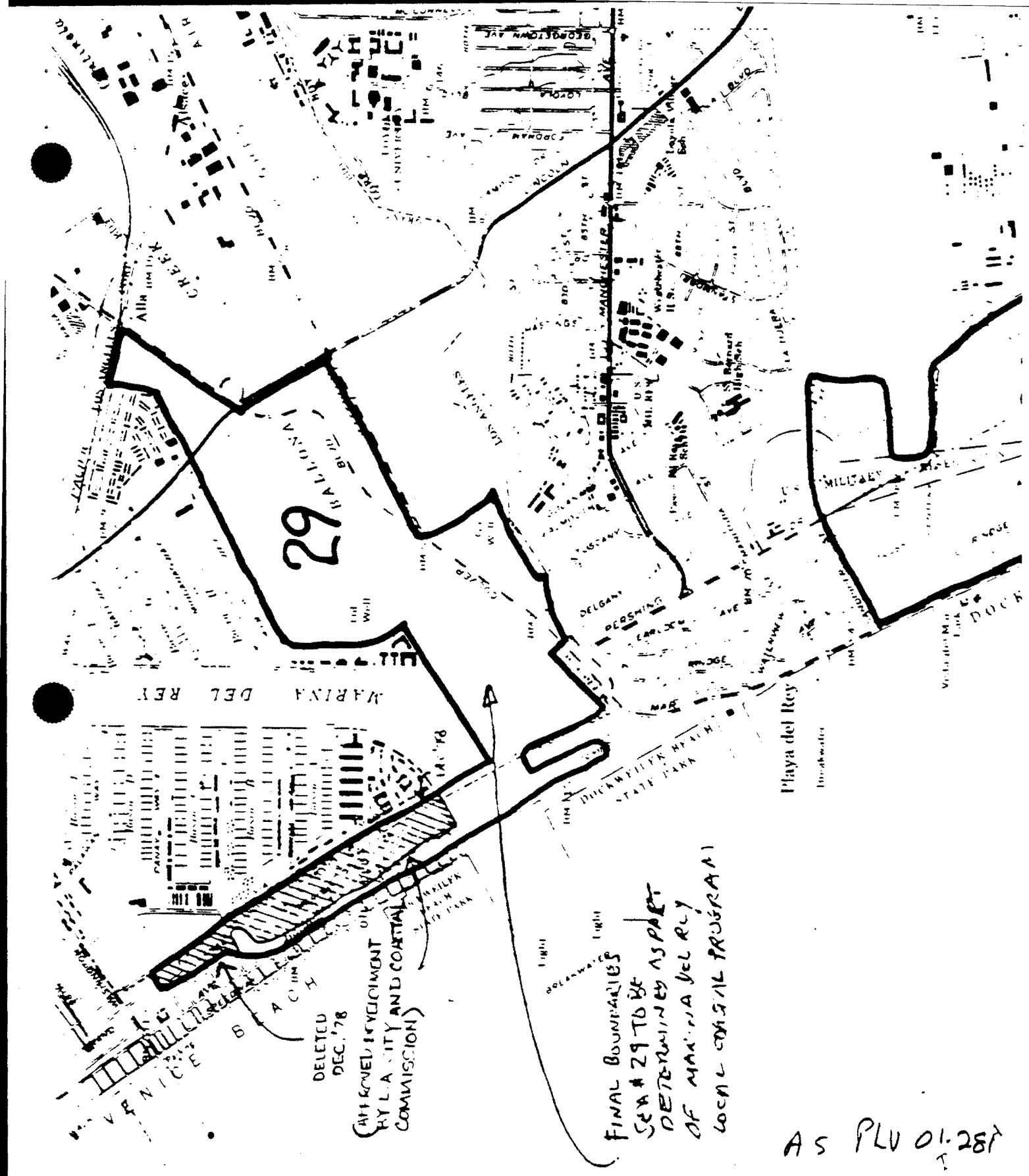
Information Source(s). Survey/Interview, Literature, ERC/UCLA.

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

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

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

Exhibit 13 p 5
A 5-PLV-01-281
5-01-223 p 5



AS PLU 01.28

5-01-223

Exhibit 13 p6

(notes are ... original)

PSOMAS

Information and Engineering Solutions

September 21, 2001

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

RECEIVED
SEP 24 2001
CALIFORNIA
COASTAL COMMISSION

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

Dear Catherine:

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

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

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

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

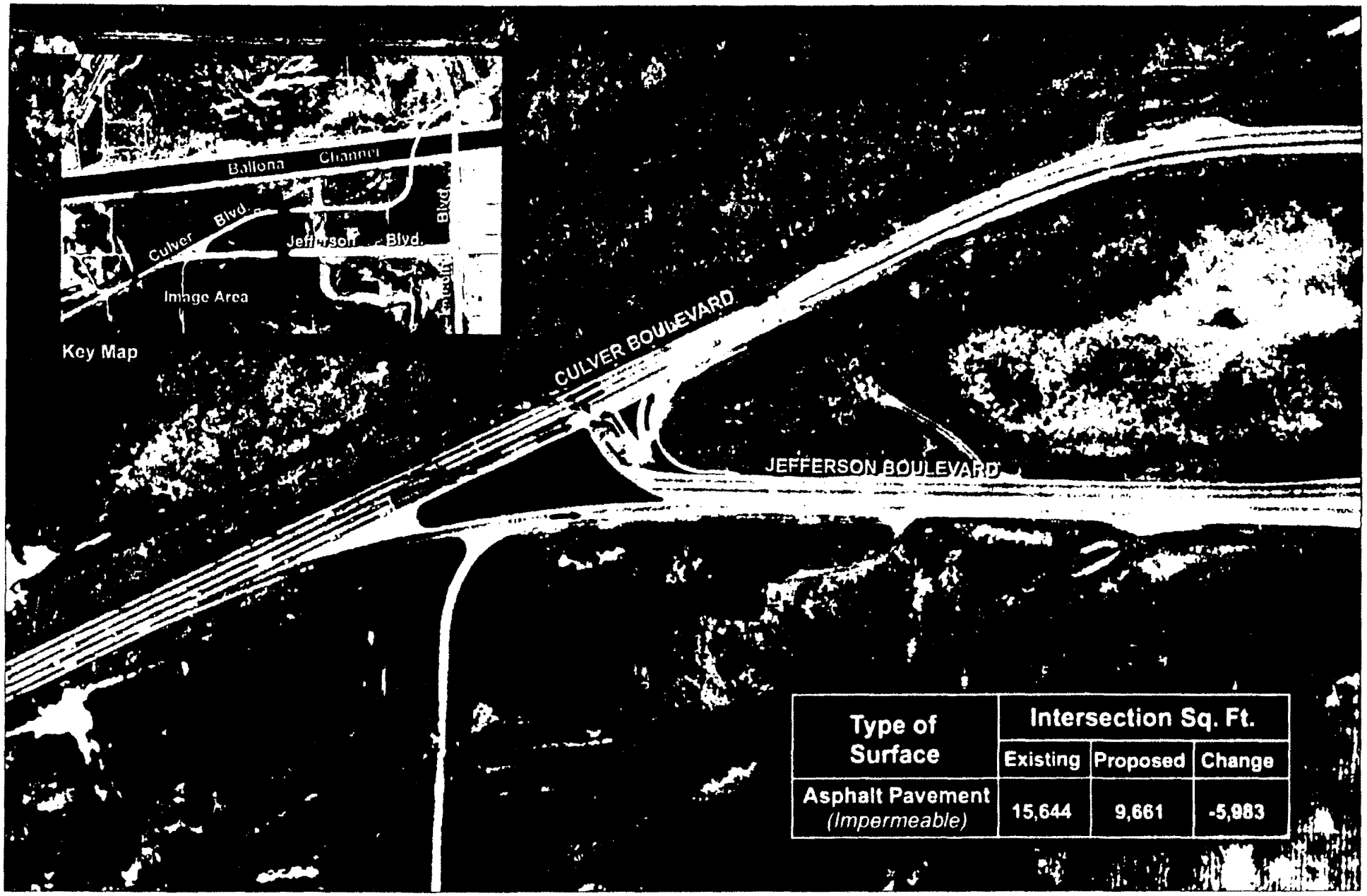
Sincerely,

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

cc: Wayne Smith, Michael Crehan- Psomas

5-01-223
A 5 PLV 61261
Exhibit 14

Suite 750
West Los Angeles, CA 90064-1934
310.954.8700
310.954.8777 Fax
www.psomas.com



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

PLAYA VISTA

Proposed Improvements
Culver / Jefferson Intersection

GeoSyntec Consultants
838 SW First Avenue, Suite 430
Portland, OR 97204

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

To: Pam Emerson

From: Eric Strecker

Date: October 12, 2001

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

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

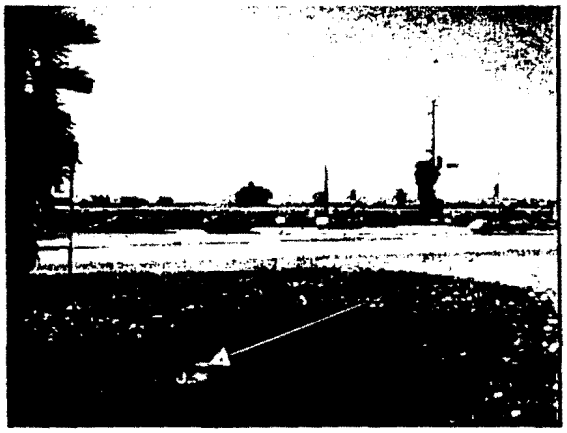
13. An analysis of the water quality of the road runoff. Will it be better or worse after the project is complete?

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

Culver/Jefferson Interchange Water Quality

A 5 · PLV · 01-251
5-01-223
Exhibit 15 pg 1

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



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

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

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

AS-PLU 01-261 Exhibit 15 p 2
5-01-222

KAKU ASSOCIATES
A Corporation
Transportation Planning
Traffic Engineering
Parking Studies

MEMORANDUM

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

FROM: Srinath Raju

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

DATE: September 24, 2001 **REF:** 1062.66

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

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

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

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

Traffic A AS PLV 01-281 5-01-223 Traffic 2

1453 Third Street, Suite 400
Santa Monica, CA 90401
(310) 458-9916 Fax (310) 394-7663

Exhibit 16

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

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

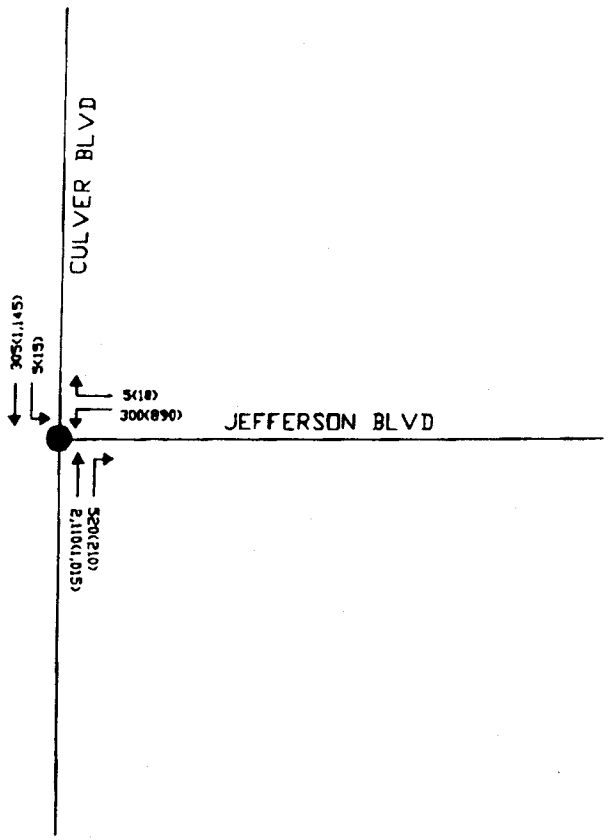
Another proposal for improvement evaluated at this location contemplates a different roadway configuration that would shift Culver Boulevard traffic to travel along Jefferson Boulevard and utilize a new extension of Admiralty Way to Jefferson Boulevard to access Culver Boulevard to the east. In this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

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

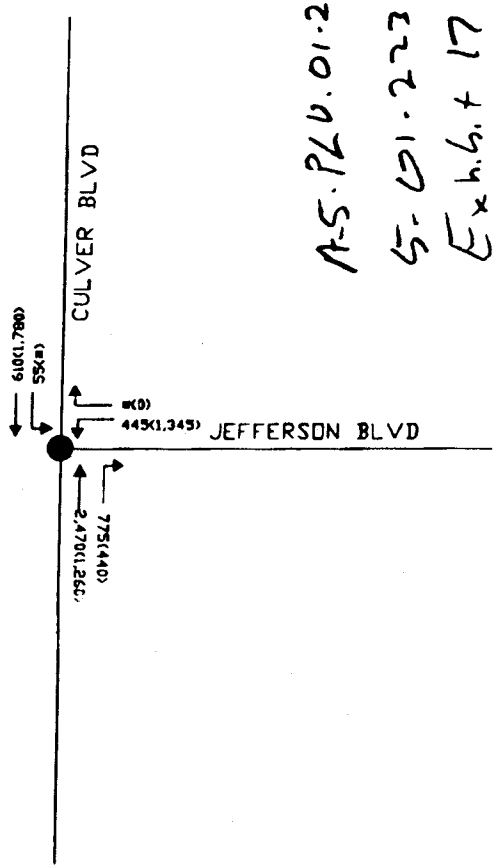
Figure 1 provides the current traffic volumes and the future Playa Vista Phase I projected traffic volumes during the peak hours at the intersection of Culver Boulevard - Jefferson Boulevard. As can be seen, the traffic volumes at this location along Culver Boulevard range from an existing 2,600 vehicles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

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

Exhibit 16 p 2
AT 5 PLV 01-281
5-01223



EXISTING CONDITIONS



FUTURE CONDITIONS
WITH PLAYA VISTA PHASE I (1)

LEGEND:

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

N
NOT TO SCALE

KAKU ASSOCIATES

FIGURE 1
CULVER & JEFFERSON BOULEVARD INTERSECTION

Monitoring Phase: Pre-construction, construction.

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

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

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

Enforcement Agency: Department of Public Works.

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

Monitoring Phase: Pre-construction, construction.

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

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

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

Enforcement Agency: Department of Public Works.

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

Monitoring Phase: Pre-construction, construction.

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

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

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

Enforcement Agency: Department of Public Works.

97 997546

5-01223
AS-PLV 01-281
Exh. 6 + 18 pl

Table V.L.1-10

1997 INTERSECTION OPERATING CONDITIONS—FIRST PHASE

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

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

Exhibit 14 p1
5-GI 223
AS PLV GI 269
004722

Table V.L.1-6

1997 INTERSECTION OPERATING CONDITIONS -- FIRST PHASE

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

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

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

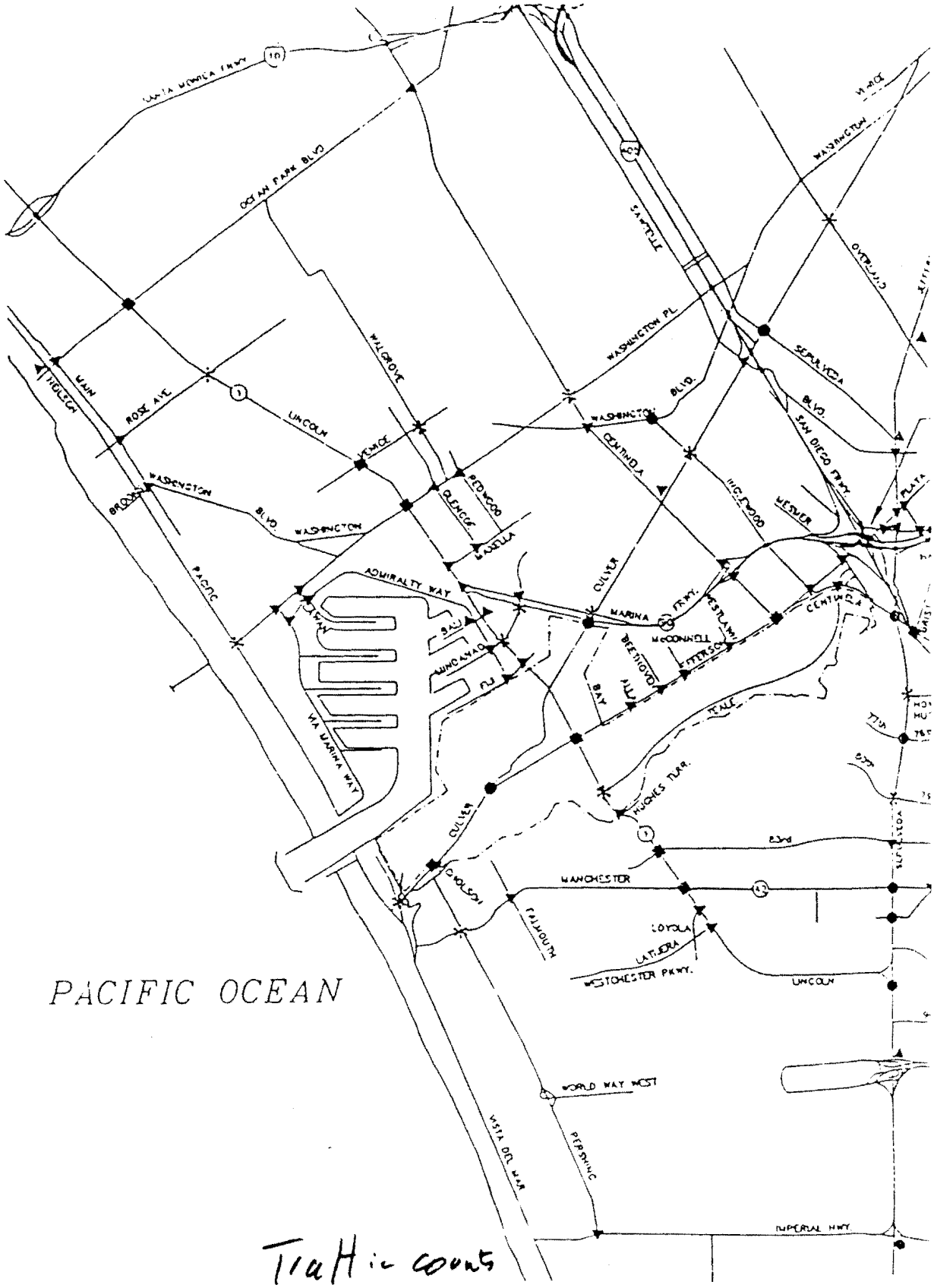
[c] *Denotes significant impact.*

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

Subphase	Location	Program	Off-Site Intersection Improvements	Regional Improvements
1A	West end of Area D, South of Jefferson Boulevard	800 du 5,000 nsf retail 10,000 nsf office 15,000 sf community serving		• Widening of Lincoln Boulevard to provide 4 northbound and 3 southbound lanes from Hughes Terrace north to Jefferson Boulevard. Completion of this improvement is subject to timely Caltrans approval of all permits. • Construction of Bay Street from Jefferson Boulevard south to existing Teale Street. If connection cannot be made to Teale Street, alternate improvements will be construction of Lincoln/Jefferson intersection to ultimate design standards. • Design ATSAC and pre-emption systems for Lincoln corridor
1B	West end of Area D, north and south of Jefferson Boulevard	800 du 10,000 nsf retail 10,000 nsf office 25,000 sf community serving	• Culver/Jefferson • La Tijera/I-405 Freeway northbound	• Widening of Lincoln Boulevard to provide 4 northbound and 3 southbound lanes from Jefferson Boulevard to Ballona Creek • Add a third northbound lane from Ballona Creek to Fiji Way • Widening of Jefferson Boulevard from Lincoln Boulevard to Bay Street • Provision of ATSAC and pre-emption systems along Lincoln corridor
1C	West end of Area D, north and south of Jefferson Boulevard	800 du 5,000 nsf retail 10,000 nsf office	• Culver/Nicholson • Culver/Vista del Mar • Lincoln/Mindanao	• Construction of Bay street south to "new" Teale Street and north midway to Ballona Creek • Construction of "new" Teale Street from Lincoln Boulevard east to Bay Street • Widening of Jefferson Boulevard from Bay Street to Beethoven Street • Addition of northbound lane on Lincoln from La Tijera to Hughes Terrace • Provision of two transit vehicles for Lincoln corridor
1D	West end of Area D, north and south of Jefferson Boulevard	846 du 20,000 nsf office 25,000 sf community serving	• Centinela/Marina Freeway eastbound • Centinela/Marina Freeway, westbound • Jefferson/I-405 Freeway westbound right turn improvements at the existing northbound ramp • Jefferson/I-405 Freeway eastbound right turn improvements at the existing southbound ramp	• Construction of "new" Teale Street from Bay Street to limit of First Phase west end • Construction of Bay Street to Ballona Creek
1E	West end of Area D, north of Jefferson Boulevard	350,000 nsf office 5,000 nsf of retail	• Centinela/Culver • Culver/Inglewood • Culver/Marina Freeway eastbound • Culver/Marina Freeway westbound • Manchester/Pershing • Marina Freeway eastbound/Mindanao • Marina Freeway westbound/Mindanao	• Widening of Jefferson Boulevard from Beethoven east to I-405 and widening of Centinela Avenue between Jefferson Boulevard and Junette Street • Provision of two transit vehicles for Lincoln corridor • Provide a Caltrans approved project study report (PSR) for the new northbound ramp from Jefferson Boulevard to the I-405
1F	East end of Area D	850,000 nsf office 10,00 nsf retail 300 hotel rooms 55,000 sf community serving	• Centinela/La Cienega • Centinela/La Tijera • All intersection improvements along Sepulveda Boulevard • Major/Mesmer	• Improvements to Centinela Avenue from Marina Freeway south to Jefferson • Construction o. Centinela Avenue south from Jefferson Boulevard to E Street • Construction of Teale Street extension adjacent to east end Area D development • Widening of existing Centinela Avenue adjacent to east end Area D development • Construction of a new northbound ramp from Jefferson Boulevard to I-405

Exhibit 20
5-01223
AG PLU 01 261

004513

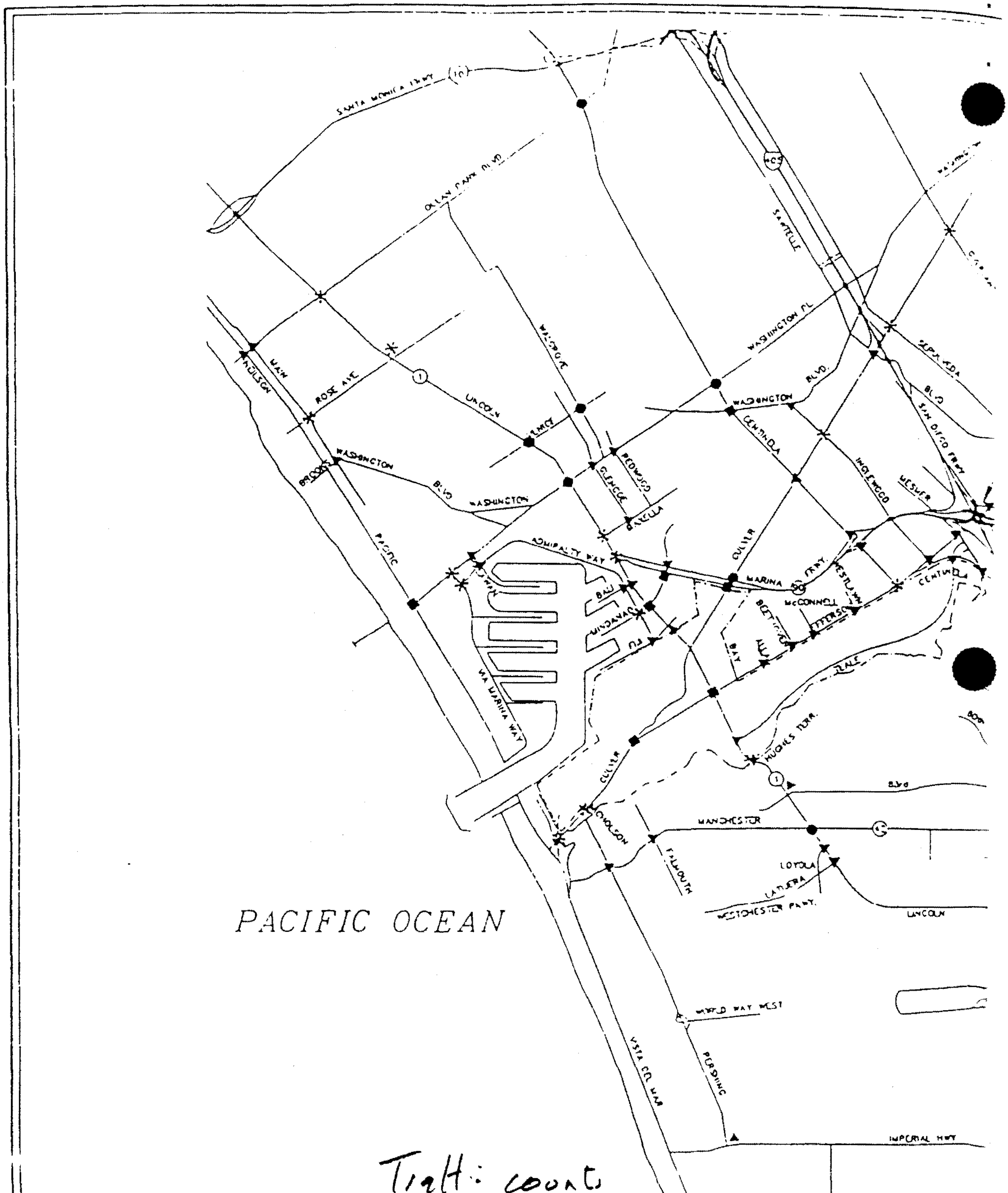


Traffic counts

Camp Dresser & McKee | Planning Consultants Research

0 0.5 1.0 1.5 2.0
APPROXIMATE SCALE IN MILES

A.S. PLV-0126
5-01-223
Exhibit 21



Traffic counts

Camp Dresser & McKee | Planning Consultants Research

0 0.5 1.0 1.5 2.0
APPROXIMATE SCALE IN MILES

A 5 PLV.01
5-01-223
Exhibit 21 p 2

▲ = LEVEL-OF-SERVICE A,B,C
✳ = LEVEL-OF-SERVICE D
■ = LEVEL-OF-SERVICE E
● = LEVEL-OF-SERVICE F

explanation of symbols

PACIFIC OCE

Exhibit 21
p. 3
A5 PLU - 01-281
5-01-227

004454

Camp Dresser & McKee | Planning Consultants Research

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

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

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

(4) Freeway Operations

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

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

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

---

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

EIR analysis 5-01.223

A 5 PLV 01.261
Exhibit 22
p1

Table V.L.1-2

FREEWAY OPERATIONS—EXISTING CONDITIONS

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

Source: Caltrans District 7.

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

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

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

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

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

Exhibit 22 p2
ASRV 01-281
004456
6-01-223

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

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

(5) Transit Operations

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

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

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

Exhibit 22 p3
AS PLU 01-281
004457
5-01-223

V. ENVIRONMENTAL IMPACT ANALYSIS
L. TRANSPORTATION AND CIRCULATION
1. TRAFFIC

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

1. ENVIRONMENTAL SETTING

a. Existing Conditions

(1) Study Area

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

(2) Street System

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

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

---

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

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

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

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

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

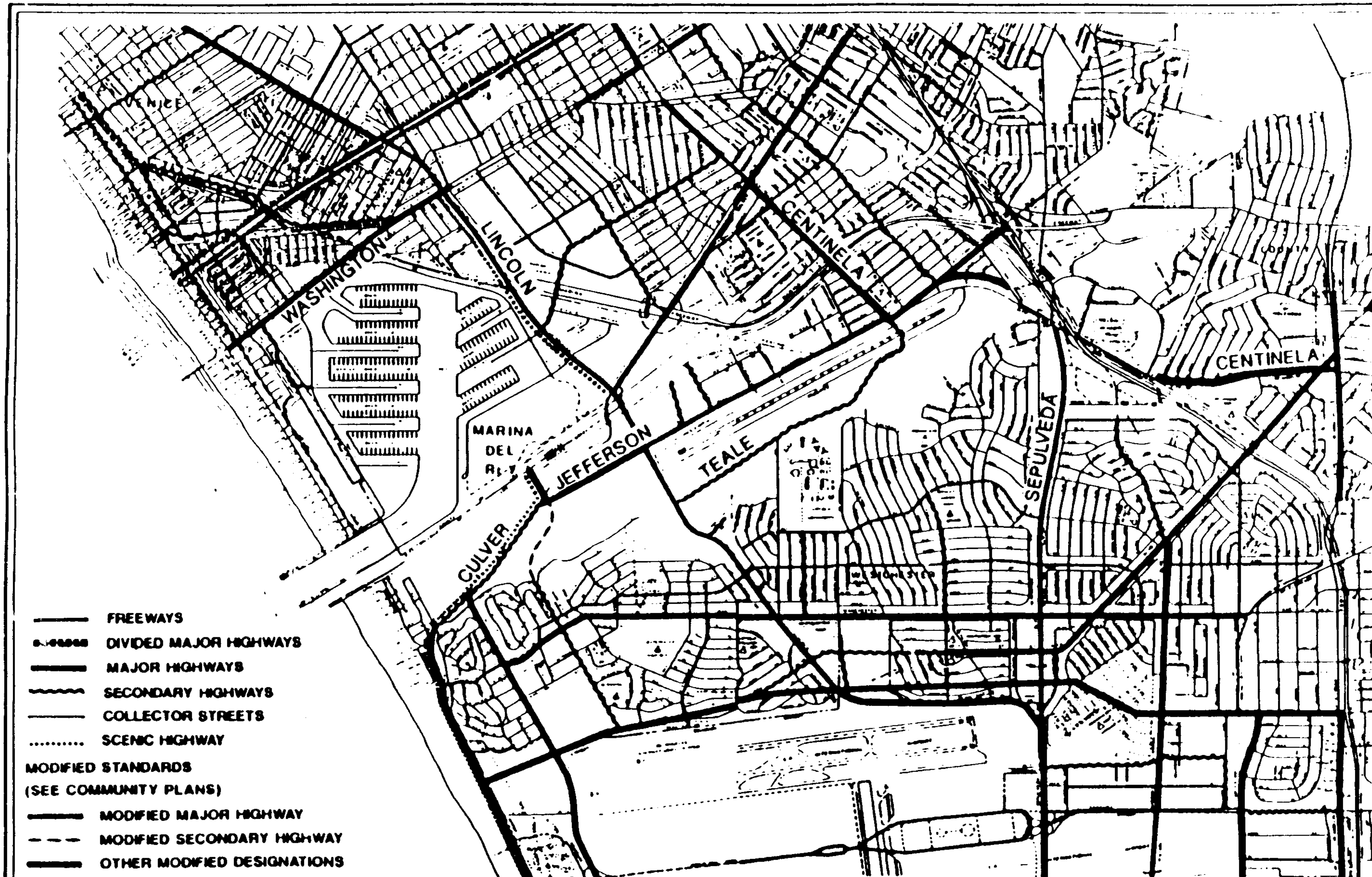
(a) City of Los Angeles General Plan Street Designations - Study area roadways that are in the City of Los Angeles are classified as freeways, highways, or collector streets according to their General Plan designations.[2] Figure V.L.1-1 on page V.L.1-3 shows these designations for streets in the project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

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

---

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

Exh. 5 + 22 p. 5
5-01-223
A 5-PLV 01-251
004446



Camp Dresser & McKee | Planning Consultants Research

Source: Barton-Aschman Associates, Inc., 1992

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

Exhibit 22 & 6
A5 PLU-01-281
5-01-223
004447

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

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

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

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

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

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

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

---

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

5-01.223
A 5-PLV 01.281
004448
Exh. b. + 22 p

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

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

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

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

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

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

(3) Intersection Operating Conditions

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

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

Exhibit 22pf
A5-PLV-01-2 8/304449
5-01-223

in Appendix O, Volume XIII through XV. Traffic volumes were collected during both the a.m. and p.m. peak commute periods on weekdays. For this analysis, the highest hour of traffic for each period was identified. Across the study area, the highest hour of traffic generally occurred on weekdays between 7:30 and 8:30 a.m. for the morning peak and between 4:30 and 5.30 p.m. for the evening peak.

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

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

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

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

---

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

Exhibit 22 89
A5 PLV -01-26 004450
5-01-223

Table V.L.1-1

VEHICULAR LEVELS OF SERVICE AT SIGNALIZED INTERSECTIONS

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

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

[a] *Capacity is defined as Level of Service E.*

5-01-223
A4-PLV-01-261
004451
Exhibit 22 p 10

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

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

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

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

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

5-01-223
A5-PLV01-004452
281
Exhibit 22 p 11

September 24, 2001

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

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

Dear Ms. Emerson:

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

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

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

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

Exhibit 23
5-01-223
M 5 PLV-018
281

1444 West Olympic Blvd
Suite 750
West Los Angeles, CA 90064-1515
310 954 0700
310 954 0777 Fax
www.psomas.com

IMPACT SCIENCES

30343 Canwood Street, Suite 210
Agoura Hills, California 91301
Telephone (818) 879-1122 FAX (818) 879-1442
impsci@impactsciences.com

September 19, 2001

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

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

Dear Ms. Emerson,

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

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

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

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

A 5 PLV-01-2
5.01.223
Exhibit 24

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

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

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

Very truly yours,
IMPACT SCIENCES, INC.

Eric Sakowicz
Principal

Exhibit 2d pg
5-01-223
A-5-PLV-01-
261

BAYKEEPE
Protecting Our Bay
in cooperation with
The Frank G. Well
Environmental Law Clinic
the Water Keeper

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

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

Dear Commissioners.

The Santa Monica BayKeeper hereby submits these comments in relation to the upcoming hearing for the Playa Capital Culver Boulevard, and adjacent to and south of existing Lincoln/Culver ramp, Area C Playa Vista, Los Angeles County (hereinafter "Area C Loop Project"), scheduled for hearing before the Commission June 13, 2001.[1]

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

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

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

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

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

A5-01-223
A5-PLV-01281

P.O. Box 10096 Marina del Rey, CA 90295 / Phone: (310)-305-9645 / Fax: (310)-305-7985
E-mail: info@smbaykeeper.org / Pollution Hotline: 1-877-4 CA COAST
Website: www.smbaykeeper.org

Exhibit 25

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

In addition to the obvious wetland concerns expressed by Commission staff and many others, BayKeeper has numerous water quality concerns involving this project. We believe that it is illegal to allow any additional pollutants from runoff in the Ballona Creek, if such pollutants are identified as causing impairment. Ballona Creek and Ballona Estuary are listed as impaired for arsenic, cadmium, copper, DDT, lead, PCBs, ChemA, chlordane, dieldrin, silver, tributylin, 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.

5-01-223
A5-PLV-01-281
Exh. 5.+ 25 p2

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

5-01-223
MS-PLU-01
Exhibit 25
p3