CALIFORNIA COASTAL COMMISSION
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Appeal Filed	7/20/01
Permit Filed	9/24/01
49 days	waived
180 days	3/23/01
Staff:	PE/LB
Staff Report:	10/30/01
Hearing Date:	11/14/01
Commission Action:	11/16/01
Revised Findings	7/8/02

RECORD PACKET COPY

REVISED FINDINGS

LOCAL GOVERNMENT: City of Los Angeles

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

APPLICANT: Playa Capital LLC

AGENTS: Catherine Tyrrell, Wayne Smith

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

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

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 adopt the following revised findings in support of the Commission's approval with special conditions of Coastal Development Permit 5-01-223 and approval de novo of appeal A-5-PLV-01-281 on November 16, 2001. Coastal development permit 5-01-223 and appeal A-5-PLV-01-281 are two designations for one project, which is a change in the configuration of an intersection of two existing roads. At the Commission hearing on Wednesday, November 14, 2001, the Commission found that appeal A-5-PLV-01-281 raised a substantial issue concerning its conformity with the Coastal Act. The Commission then, at public hearings on November 14, 2001 and November 16, 2001, considered both the appeal of a local government approval (*de novo*) and the permit over which the Commission retained jurisdiction (a "dual permit"). The Commission considered testimony regarding the sensitivity of the area, impacts of this project on wetlands, whether completion of this road

reconfiguration would eliminate alternatives for wetland restoration, the City staff's reasons that it had required reconfiguration of the intersection, the need for the project, and testimony from the public and the City transportation staff regarding the accident level at the intersection.

At the November 14, 2001 hearing, Commission staff revised its recommended special conditions (in an addendum) to respond to technical issues raised by the applicant. Changes to the staff report in the addendum were recommended to clarify the intention of the conditions or to correct factual errors, or eliminate inconsistencies or practical difficulties that the applicant suggested may occur in carrying out the conditions. (See Applicant's Letter of November 12, 2001 "[Some Proposed] Technical Corrections to Staff Reports") and November 14, 2001. At its continued hearing on November 16, 2001, the Commission adopted several refinements to the landscaping/revegetation condition proposed by staff in response to the applicant's suggestions addressing issues regarding revegetation, definitions of invasive plants and removal of introduced plants that had been raised by the Friends of Ballona Wetlands (See transcript Friday, November 16, page 63.) (Revised Findings Exhibits A and B.) The Commission added subsections b, c and d to Special Condition 1.A.2 addressing habitat impacts during construction, requiring: (b) Signage to keep construction personnel out of any sensitive areas; (c) Training for construction personnel on the necessity of staying within the staging area, and (d) "the notation on the staging area site plan of all of the sediment and erosion control measures as detailed in Special Condition 3." It amended Special Condition 2.A.2 requiring that the applicant not install plants found on the California Exotic Plant Pest Council watch list of invasive plants in its landscaping, noting the Council's website and indicating that their 1999 list is updated periodically. The Commission added Special Condition 2.B.6, requiring that the landscaping plan should include an analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation and that those areas in which invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director. All of these changes, in the view of the Commission, clarified the intent of the recommended conditions.

APPEAL PROCEDURES

Section 30600(b) allows a local government to assume the authority to issue coastal development permits within its jurisdiction before certification of its local coastal program. The City of Los Angeles issues coastal development permits under this Section of the Coastal Act. The City of Los Angeles pre-certification permit ordinance delegates review of all public works projects to the Department of Public Works. The standard of review on appeal of a coastal development permit issued under Section 30600(b) is Chapter 3 of the Coastal Act. Sections 13302-13327 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits prior to certification of an LCP.

After a final local action on a coastal development permit issued pursuant to Section 30600(b) of the Coastal Act prior to certification of the LCP, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice, which

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

Section 30625(b)(1) of the Coastal Act requires a de novo hearing on the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question is considered moot, and the Commission proceeds to the de novo public hearing on the merits of the project. On Wednesday November 14, no Commissioner objected to a finding that the appeal of the local government's approval of the project raised a "substantial issue" concerning the project's conformity with Chapter 3 of the Coastal Act. Neither the applicant nor the appellants objected to this finding that the appeal raised a substantial issue. Since there was no motion from the Commission that the appeal of the local government action raised no substantial issue, the Commission moved on to its hearing on the merits of the permit request.

The Commission began the de novo hearing on November 14, 2001, and completed the hearing and acted on November 16, 2001. Because this is an appeal of a local government permit issued by the City of Los Angeles under Section 30600(b) of the Coastal Act, the standard of review is the Coastal Act. Sections 13302-13327 of the California Code of Regulations further explain the appeal process for permits issued by a local government under Section 30600(b) of the Coastal Act.

DUAL PERMIT JURISDICTION

Section 30601 establishes that, in addition to a permit from local government pursuant to subdivisions (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for all major public works projects, for developments located within 100 feet of any wetland, estuary or stream, or located between the first public road paralleling the sea and the sea. The project is a major public works project, costing in excess of one hundred thousand dollars. This intersection improvement project is located within 100 feet of a wetland. Finally the project staging areas are located north of Culver Boulevard, between Culver Boulevard, a public road, and the Ballona Channel, which because it is subject to tidal action, is regarded as an arm of the sea for purposes of Section 30601. On November 14, 2002, the Commission found this appeal raises a substantial issue with the local government's action, and the *de novo* matter was heard in conjunction with the permit filed in accordance with Section 30601. The applicant has submitted this permit request. The number of the "dual permit" for this identical development is 5-01-223 (Playa Capital).

SUBSTANTIVE FILE DOCUMENTS

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

(Additional substantive file documents are found in the Appendix).

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

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

MOTION I. I move that the Commission adopt the revised findings in support of the Commission's action on November 16, 2001, concerning the Commission's approval with conditions of Coastal Development Permit 5-01-223.

MOTION II. I move that the Commission adopt the revised findings in support of the Commission's action on November 16, 2001, concerning the Commission's approval with conditions of appealed permit A-5-PLV-01-281.

STAFF RECOMMENDATION OF APPROVAL:

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

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

The Commission hereby adopts the findings set forth below for Coastal Development Permit **5-01-223** on the ground that the findings support the Commission's decision made on November 16, 2001 and accurately reflect the reasons for it.

RESOLUTION TO ADOPT REVISED FINDINGS FOR APPEAL NUMBER A-5-PLV-01-281:

The Commission hereby adopts the findings set forth below for appealed Coastal Development Permit **A-5-PLV-01-281** 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.

1. STAGING AREAS FOR CONSTRUCTION

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

1. The plan shall demonstrate that:

   (a) Construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;

   (b) The applicant shall place visible hazard fencing (no less than four feet tall, at least one foot outside the Corps Wetlands shown in Exhibits 5 and 10 and of the "Alkali Depression" noted in Exhibits 2, and 6. The fencing shall be placed to the satisfaction of the Executive Director. The applicant shall place sandbags and/or plastic on the upland sides of each fence to avoid siltation into these protected areas.

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

   (a) A site plan that depicts:

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

   (b) Signage to keep construction personnel out of any sensitive areas.
   (c) Training for construction personnel on the necessity of staying within the staging area.
   (d) All of the sediment and erosion control measures as detailed in Special Condition 3.

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

2. **LANDSCAPE PLAN.**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant will submit, for the review and written approval of the Executive Director, a plan for landscaping all areas disturbed by construction and not to be

paved that is compatible with habitat restoration in the Ballona Wetlands. A qualified restoration specialist who is a biologist or licensed landscape architect shall prepare the plan.

1. All vegetation planted on the site will consist of native plants typically found in the Ballona wetlands and associated dune and bluff faces. The seeds and cuttings employed shall be as much as possible from sources in and adjacent to the Ballona wetlands and the Airport Dunes. If other Southern California sources are used, the locations of the seed /cutting sources and the approximate number of plants and/or amount of seeds/cuttings from each source shall be reported to the Executive Director.
2. No non-native or invasive species will be employed or allowed to naturalize or persist on the site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1992, those species listed by the California Exotic Pest Plant Council on any of their watch lists as published in 1999 and as updated periodically (www.ceppc.org) and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service, such as the Ocean Trails list of invasive plants (attached).
3. Planting will maintain views of the wetlands and bluffs.
4. The site will be stabilized immediately with jute matting or other BMP, and initial installation of all planting will be completed within 60 days after the first rains after completion of construction.
5. The applicant will actively monitor the site for five years after permit issuance, remove non-natives and reinstall plants that have failed. The applicant will monitor and inspect the site no less than every 30 days during the first rainy season (November-March the first year after the newly constructed road is open to vehicles), and no less than every 60 days during the first year. Thereafter, the applicant will monitor the site every three months or on the Department of Transportation's regular landscape maintenance schedule, whichever is more frequent.
6. All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

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

1. A map showing the types, size, and locations of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features;
2. A schedule for installation of plants;
3. An identification of seed sources and plant communities of the plants planned to be employed;

4. A manual for maintenance methods and a plan for training maintenance employees in the cultivation requirements of the plants on the plant palette and on the identification of invasive plants;
5. A list of chemicals proposed to be employed and methods for their application. Said chemicals shall not be toxic to fish or wildlife or persistent in the environment. Herbicides shall be applied by hand application or by other methods that will prevent leakage, percolation or aerial drift into adjacent restoration areas. Pursuant to this:

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

        (1) Introduction of native natural predators. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.
        (2) Weeding, hoeing and trapping manually.
        (3) Use of non-toxic, biodegradable, alternative pest control products.

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

        (1) All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.
        (2) Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (which are the Ballona Wetlands, Ballona Creek and Ballona Creek Estuary) on the California State Water Resources Control Board 1998 Clean Water Act Section 303 (d) list, or any such list subsequently adopted by the Board shall **not** be employed. Products that shall also not be employed are those containing the following constituents:

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

6. The landscaping plan should also include an analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation.

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

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

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

1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas, which will be delineated consistent with Condition 1 above as shown on Exhibit 2. All areas outside the zones of construction disturbance as described in condition and all wetlands and the alkali depression on-site (undisturbed areas) shall be clearly delineated on the project site with visible hazard fencing. Project working drawings shall indicate that no activity including equipment staging or grading shall occur in any "undisturbed area" or in any "wetlands".
2) The applicant shall provide detailed photographs of the area to the Executive Director along with such plans, detailing the extent of wetlands and saltpan areas that exist prior to any work.
3) To the maximum extent practicable, construction shall occur in stages that limit the length of time that the soils are uncovered at any one time. Pursuant to this condition, the applicant shall provide a staging plan as part of its Erosion and Sediment Control Plan.
4) The plan shall minimize, to the maximum extent practicable, grading during the rainy season (October 15 through April 1).
5) No Construction shall occur at night, and the construction area shall not be illuminated with work lights.
6) Applicant shall use, install or construct temporary drains and swales; gravel or sandbag barriers, fiber rolls, and silt fencing as appropriate. Applicant must also stabilize any stockpiled fill or cut or fill slopes with geotextiles or mats and close and stabilize open trenches as soon as

possible. These erosion measures shall be required on the project site prior to and concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sedimentation from runoff waters during construction.

7) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days. Temporary measures shall include, but are not limited to, stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag and gravel bag barriers, silt fencing; temporary drains and swales and sediment basins. Given the sensitivity of adjacent habitat, sediment basins are not sufficient to capture sediment. They must be accompanied by more stringent means of controlling sediment in close proximity to marshes and wetlands as identified directly south of Jefferson Boulevard and as mapped as the "Alkali Flat" (in Exhibit 6).
8) Minimize to the maximum extent practicable the sediment that is discharged into Ballona Creek or Ballona Wetlands, or the "Alkali Flat".
9) Trucks and equipment shall not be allowed to track mud or other materials onto roads per methods outlined in Caltrans BMP CD29A (2), Caltrans Storm Water Quality Handbook, or an equivalent measure required by Los Angeles City Department of Public Works.
10) The applicant shall test soils for toxicity during excavation according to DTSC rules and RWQCB rules.
11) If toxic deposits are identified, other than non-water soluble aerially deposited lead, the toxic material shall be removed and transported to an appropriate disposal site approved for contaminants that may be discovered in the material. The site shall be an approved disposal site located outside the coastal zone.
12) No toxic material excavated shall be stockpiled on site for more than 24 hours.
13) Aerially deposited lead discovered during the excavation of the site shall be handled according to DTSC rules. If the lead is water-soluble, it shall be hauled offsite as indicated in Subsection A10 above. If it is not soluble, it may be properly capped and used under the improved roadway, if consistent with DTSC approvals.
14) The applicant or its contractors shall not use lead-contaminated materials from off-site as road fill.
15) Airborne particulates shall be controlled consistent with the rules of the Air Quality Management District.

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

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

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

1. Construction BMPs
   (a) All trash and debris shall be disposed in the proper recycling or trash receptacles at the end of each day.
   (b) All stock piles and construction material shall be covered and enclosed on all sides, shall be located as specified in condition 1 above, but in addition, as far away as possible from the identified wetlands, drain inlets, or any other waterway, and shall not be stored in contact with the soil.
   (c) Vehicles shall be refueled offsite or in a designated fueling area with a proper suite of BMPs outlined in the water quality management plan.
   (d) Asphalt demolished from the site shall be removed within 48 hours. Asphalt shall not be stockpiled.
   (e) Contaminated sediments discovered during construction shall be permanently removed from the site and transported to an appropriate offsite disposal facility.
   (f) Staging areas shall include impermeable berms to catch fuel spills.
   (g) Spills of all solid and liquid materials shall be immediately cleaned up. Contaminated soils and clean-up materials shall be disposed of according to the requirements of this permit and the RWQCB. Dry spills should be swept, not washed or hosed. Wet spills on impermeable surfaces shall be absorbed, and absorbent materials properly disposed. Wet spills on soil shall be dug up and all exposed soils properly disposed.
   (h) Apply concrete, asphalt, and seal coat during dry weather to prevent contaminants from coming into contact with stormwater runoff.
   (i) Cover storm drain inlets and manholes when paving or applying seal coat, tack seal, slurry seal, fog seal, or similar materials.
   (j) Always park paving machines over drip pans or absorbent materials, since they tend to drip continuously.

2. Post Construction BMPs

(a) Maintain post-development peak runoff rate and average volume at levels that are no greater than pre-development levels; AND

(b) Reduce post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings; OR

(c) If subsection 2b is not feasible, after construction has been completed and the site is permanently stabilized, reduce the average annual TSS loadings by 80% (for the purposes of this measure, an 80% TSS reduction is to be determined on an average basis and should not result in TSS lower than the pre-development level).

(d) Install an appropriate suite of source control and structural treatment BMPs to achieve the above-stated goals. Structural treatment BMPs shall be designed to treat, infiltrate, or filter the amount of stormwater runoff generated by any storm event up to, and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.

(e) BMPs must include intermediary catch basins, hydrocarbon filtration devices, and trash filters sized according to the above specifications.

(f) Install energy dissipaters at the outlets of all discharge points.

(g) Monitor and maintain all structural and non-structural BMPs, including, but not limited to, hydrocarbon filters, energy dissipaters, trash racks, and catch basins according to manufacturers' specifications and according to the regional climate. Such procedures shall occur at a frequency as specified by the manufacturer, where appropriate, and no less than a 30-day interval during the rainy season (October 1 – April 1).

(h) Regularly patrol the area for discarded containers, trash and other materials likely to blow into or otherwise impact the marsh.

(i) Otherwise comply with the orders of the RWQCB for large paved areas.

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

5. **ARCHAEOLOGICAL MONITOR**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence for the review and written approval of the Executive Director that the archaeological exploration permitted under CDP 5-98-164 has been undertaken, and that the reviewing agencies (The United States Army Corps of Engineers and the State Historic Preservation Officer) have determined that no further investigation of the sites in the vicinity of the approved road widening project is required. Pursuant to that agreement an archeological monitor shall be present dung initial grading.

(1) If cultural deposits or grave goods are unexpectedly uncovered during construction, work must stop until the archaeological monitor and the Native American monitor can evaluate the site and, if necessary, develop a treatment plan that is consistent with the programmatic agreement and with permit 5-98-164.

(2) If human remains are found, the Commission requires that the applicant carry out recovery or reburial consistent with the research design approved in the programmatic agreement and CDP 5-98-164.

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

6. **PROJECT LIGHTING.**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide lighting plans for the review and written approval of the Executive Director. The plans shall provide:

1. During and after construction, Illumination shall be at the lowest levels allowed in federal and state standards on a secondary highway or streets.
2. All lights shall be directed downward so that spillover outside the right of way shall not exceed ten feet.
3. No night construction activities shall take place.

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

7. BIOLOGICAL MONITOR/OFFSITE IMPACTS

A. SOUTHERN TARPLANT/BIOLOGICAL MONITOR

During the blooming periods of the Lewis' evening primrose and the southern tarplant and no less than 10 months prior to the commencement of excavation, and again, **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** and again before any vegetation is disturbed; a biologist whose qualifications have been reviewed and approved by the Executive Director shall survey the site and prepare a report to the Executive Director concerning the presence of (1) any rare plant, (2) nesting birds.

(1) 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.

(2) 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 for review of the plan's consistency 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 current coastal development permit that requires revegetation shall require an amendment to this permit.

(3) 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 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.

(4) A copy of the Biological Monitor's report shall be provided to the Executive Director and shall be available for the public. The executive director shall review the qualifications of the Biological monitor.

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

8 **REMOVAL OF INVASIVE SPECIES.**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall identify an area on its property no smaller than the total area of the zones of construction disturbance identified in Special Condition 1. The applicant shall submit a plan for the review and written approval of the Executive Director identifying this area and including methods for removal of invasive plants within this area. No dead plants shall be left on site and no persistent chemicals shall be employed. Herbicides may be employed if applied with small cans or paintbrushes to the stems of cut plants. Invasive plants are defined as including pampas grass, ice plant and/or castor beans or any other plant noted on the CNPS invasive plant list above. Unless authorized by an amendment to this permit, the invasive plant removal area shall not include any area identified as wetland in the Corps 1989 Wetland Delineation or as Wetland or Wetland (AG) in the 1984 Fish and Game wetland delineation, Exhibits 10 and 11. The plan shall include the details of techniques, timing and methods of documentation of such removal. The applicant shall not undertake such work when there are nesting birds present in or near the invasive plants. Pursuant to this requirement, a qualified biological monitor shall survey the areas before the removal program begins.

B. The removal shall be completed within one year of the issuance of this permit. Areas in which invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director.

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

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

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide for the review and written approval of the Executive Director a contingency plan that has been reviewed by the RWQCB for testing of excavated materials for contamination.

(1) The plan shall include a contingency plan for excavation, and disposal of any contaminated hazardous materials that may be discovered during construction. If over-excavation is required, the applicant shall inform the Executive Director who shall determine whether an amendment to this permit is required.

(2) If the grading quantities exceed those estimated in the application an amendment is required. The plan shall identify testing protocols, and

supervision and shall identify sites approved for disposal that are outside the coastal zone.

(3) All stockpiles shall be located within the zone of construction disturbance identified according to condition 1.

(4) Material shall not be stockpiled on site more than 24 hours.

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

10. CORPS APPROVAL

Prior to commencement of construction, the applicant shall provide written evidence that United States Army Corps of Engineers has determined that no approval from the Corps is required for this development to go forward prior to the Corps' approval of the pending Playa Vista Phase II EIS/EIS.

11. NO WORK DURING THE RAINY SEASON

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

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

The Commission adopts the following findings.

A. PROJECT DESCRIPTION

The applicant proposes to realign the intersection of Culver Boulevard and Jefferson Boulevard in Area B Playa Vista. The project would demolish the existing "Y"-shaped intersection at Culver Boulevard and Jefferson Boulevard and construct a "T"-shaped, right-angled intersection. The applicant asserts that all detours, staging and equipment storage will be set back from delineated wetlands and that the project also will reduce the amount of impervious area from 15,644 square feet, its present size, to 9,661 square feet, a net reduction of 5,983 square feet. (Exhibits 2 and 3)

Changes to the intersection that the applicant proposes include:

(1) Dedication of property (approximately 12,000 square feet) along the northeast corner of the intersection;

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

The centerline of the new connector will be located about 250 feet east of the present intersection. The project will remove some of the present "V" shaped intersection asphalt in a triangle between this new road way and the roadway that will remain, resulting in a net reduction in impervious paved area. The area between the rights -of-way has not been identified by any agency as a wetland, although historically it was wetland. The 1989 United States Army Corps of Engineers wetland delineation and the California Department of Fish and Game letter of December 1991 (Exhibits 11 and 12) both show that actual wetlands are located almost immediately adjacent to the south side of Jefferson Boulevard. The delineated Corps wetlands north of Culver Boulevard are about 70 feet from the proposed road work but almost adjacent to the south side of the current intersection. An enlarged map shows that these wetlands extend slightly into the southerly boundary of the Jefferson Boulevard right-of-way. An isolated patch of wetlands north of Culver Boulevard are located about 55 feet north of the staging area, and about 70 feet away from the proposed new road way. In making this recommendation to the Commission, staff relied on the enlargement of the 1989 Corps map provided by the applicant to the City labeled "State Wetlands,"[1] (Exhibit 5.). This wetland channel is separated from the roadwork by a railway berm (Exhibits 3, 4, 5, and 10.)

The intersection is located in Area B, Playa Vista, a 335-acre parcel west of Lincoln Boulevard, the portion of Playa Vista that all parties agree contains the greatest acreage of wetland and the wetlands that are in the best condition. The United States Army Corps of Engineers estimated in 1989 that there were 170.56 acres of wetland in Area B Playa Vista. In 1991, the Department of Fish and Game concurred with that delineation. The actual work of the proposed project is not located on a wetland and the proposed project will reduce the paved area within the intersection.

B. PROJECT BACKGROUND

Traffic.

The change in the Culver Jefferson intersection is required as mitigation for development that is already approved in Area D Playa Vista, the segment of the Playa Vista project that: (a) is under construction; and (b) is located outside the Coastal Zone. Culver and Jefferson Boulevards have been in existence for many years. Culver

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

Boulevard is parallel to the route of the Pacific Electric Railway line that extended from Venice Boulevard near Robertson to a turn of the century[2] settlement at the mouth of Ballona Creek optimistically called "Port Los Angeles". Jefferson Boulevard extends from near downtown Los Angeles to this intersection, where it ends.

In the project area Jefferson Boulevard has a total of four lanes and a narrow shoulder. West of the terminus of Jefferson Boulevard, between the project intersection and the beach, Culver Boulevard has two lanes in each direction also. East of this intersection, and between this intersection and Route 90, Culver Boulevard has only two lanes, one in each direction. The new roadway connector is proposed to extend from the south side of Culver Boulevard to the north side of Jefferson Boulevard. The two roads meet at an acute angle at a traffic light. The centerline of the new connector will be located about 250 feet east of the present intersection. The project will remove some of the present "V" shaped intersection asphalt in a triangle between this new road way and the roadway that will remain, resulting in a net reduction in impervious paved area. The area between the rights of way has not been identified by any agency as a wetland, although historically it was wetland.

The purpose the improvement is to increase the safety and capacity of the intersection. Regarding this issue, applicant states:

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

This project is a roadway improvement first identified in the Marina del Rey/Ballona Land Use Plan, which was certified by the Commission in 1984. The realignment was an improvement identified by Barton and Aschman Associates in a 1982 study that addressed traffic improvements and street widening that would be necessary to accommodate development then proposed both inside and outside the Coastal Zone by Summa Corporation and others. The report predicted the traffic impacts and outlined the necessary mitigation for the "second generation" of the Marina del Rey and certain other major development then planned in the "subarea." In addition to development of the land that Summa then owned as a high density residential, commercial and office development, the projects included a large commercial project near Centinela Boulevard and the 405 Freeway, other commercial development in Culver City, Playa Vista development and major commercial and industrial projects near the Airport. Most of these developments are located outside the Coastal Zone; several of them are now complete. When the City of Los Angeles annexed Areas B and C of Playa Vista (as

[2] 19th to 20th centuries.

brought by the Friends of Ballona wetlands[3] and subsequently proposed major development that moved some development outside the Coastal Zone. In September 1992, the City of Los Angeles released a draft of an EIR for a Master Plan Project for Playa Vista. Accompanying the Draft Master Plan Project EIR, the City also released a draft EIR for the project's First Phase, including detailed analysis of the impacts and the necessary mitigation measures of the project's First Phase. All office, commercial and residential development proposed in the First Phase is located outside the Coastal Zone. However, a drainage facility that was originally proposed near the junction of Culver and Jefferson was proposed to be relocated just south of Lincoln within the Coastal Zone in an area formerly designated for development.

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

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

The City Council approved the first phase of Playa Vista in 1993. In 1993 the City amended its traffic mitigation measures to respond to comments from Caltrans. Several road improvements were required to improve traffic capacity sufficiently to accommodate the traffic the First Phase development would be likely to generate. A summary of these amended mitigation measures is included in Exhibit 20. Several major road improvements including this intersection re-alignment were located within the Coastal Zone. The proposed Culver/ Jefferson realignment is included in both the mitigation measures imposed in 1993 and in the amended mitigation measures imposed in 1995. (In 1995, the applicant sought an amendment to the approved First Phase Project to allow it to re-use the old Hughes Aircraft plant as a Media and Entertainment Center.) The amended Phase One Playa Vista project included:

[3] (Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826.)

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

The City contends that the proposed road realignment and other road widening projects listed in the EIR and adopted as tract mitigation measures are necessary to mitigate the impacts of development that is already approved. The first phase EIR was adopted as if the project were a stand-alone development. One objection raised by the opponents has been that the EIR did not separately evaluate the impacts of the mitigation measures and the City did not allow the developer to defer completion of any mitigation measures until the City could consider the second phase EIR. However, the impacts of the mitigation measures, including the proposed project, that are inside the coastal zone, must be evaluated with respect to their consistency with the Coastal Act. The standard of review for this and other road improvements required as First Phase Playa Vista mitigation measures is the consistency of the proposed development (in this case, the road improvement) with the Coastal Act.

The applicant contends that this intersection realignment (1) will improve the safety of the interchange, which has a high level of accidents; (2) will decrease the area of impervious surfaces at the interchange; (3) will increase the capacity of the interchange; and (4) is not located on any wetland. The applicant further contends that, as modified, the staging areas are not located in a wetland and will not adversely affect wetland areas. The Commission concurs that the proposed project will have a beneficial effect on traffic and on traffic safety and increase public access to the coast. As further described below, neither the project nor the staging areas will involve wetland fill.

Wetlands

As noted above, the intersection is located in Area B, Playa Vista, which contains at least 170.56 acres of wetland. Jefferson Boulevard and Culver Boulevard are intersecting streets that were constructed many years ago on prisms of fill in the wetland, long before the adoption of the Coastal Act. Culver Boulevard was constructed in the 1920's, paralleling the route of a streetcar line (Pacific Electric Railway). The two streets intersect in a raised area that marked the western edge of an agricultural field that was farmed as late as the 1970's. The applicant asserts that the roads and all detours, and staging and equipment storage will be set back from delineated wetlands (Exhibits 2, 3 and 4).

Issues relevant to wetlands include assertions that (1) the local action is not based on a current wetland delineation; (2) the development will have direct negative effects on the on wetland; (3) the development will have negative effects on the functioning of wetland habitat; (4) the development will have negative impacts on water quality; (5) the construction of the intersection may influence the hydrology of the wetland; (6) the development will limit the choice of future restoration plans since each of the proposed restoration configurations has not been analyzed; (7) timing --whether the improvements could not be delayed until after the review and certification of the Second Phase Playa Vista EIS/EIR, which will include alternative wetland restoration plans; and (8) since the Trust for Public Land has entered into an option agreement to purchase much of Area B if it becomes possible to transfer the land to a public agency, whether the availability of additional land for restoration would make this roadway improvement premature.

C WETLAND FILL, CONSISTENCY WITH SECTION 30233.

This project is located in Area B, Playa Vista, where the United States Army Corps of Engineers has identified 170.56 acres of wetlands. Both roads are constructed on berms to raise them above the water level and were protected from inundation by the channelization of Ballona Creek in the 1930's. Nevertheless, areas very close to both roads remain wetlands.

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

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

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

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

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

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

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

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

(7) Restoration purposes.

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

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

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

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

In its regulations, the Commission defines wetlands

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

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

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

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

In approving this project, the City found that the roadwork was located 200 feet away from the wetlands. The City relied on the 1989 wetland delineation carried out by the United States Army Corps of Engineers (ACOE) to ascertain whether or not the project would have impacts on wetlands. Based on the maps prepared by the Corps (enlarged by the applicant as the "Fish and Game" map in the City file), the project is located a road-width away from one wetland area, and there is a wetland channel about 70 feet north of Culver Boulevard and about 55 feet from the 15-foot wide staging area. (Exhibits 2, 6, 10,11)

Identification of wetlands in Area B Playa Vista. In 1984, the Department of Fish and Game delineated wetlands at Playa Vista (Exhibit 11, page 5.) This delineation was very conservative because it did not include any area that was under cultivation in the early 1980's. Even so these maps show that in the vicinity of this intersection, wetlands extend from north of the Gas Company facility to the south side of Jefferson Boulevard, where they are almost immediately adjacent to the road. From the Culver-Jefferson intersection, the wetlands extend west to an area previously occupied by Howard Hughes' stables and the developed area in Playa del Rey and to the toe of a small complex of sand dunes. On the north side of Culver Boulevard the wetlands are separated from the road by the elevated berm of the Pacific Electric Railway. On the 1984 map, in the immediate area of the intersection, no wetlands are shown north of Culver Boulevard. The nearest wetlands are shown well west of this intersection. Slightly west of the intersection the wetlands extend from the railway berm north to the Ballona Creek channel. The easterly portion of the property is shown as (Ag) with a notation that it should be re-surveyed when the land is no longer farmed. Fish and Game noted in 1982 and 1984 that certain agricultural lands were not flooded all year but if they were not plowed every year, as they were in 1982, they would "revert" to wetland. Fish and Game identified those areas as (Agricultural-Ag) not wetland. Based on the 1984 delineation, the work proposed in this application would be located a few hundred feet from wetlands.

However, in 1991, some years after agriculture ceased, the Department of Fish and Game adopted the 1989 Corps delineation of wetlands in Area B, resulting in an increase in the area that the Department identified as wetlands in Area B Playa Vista from 112 acres to 170.56 acres. The reason that the area determined to be wetland by the Corps in 1989 exceeded the area determined to be wetland by Fish and Game in 1984 reflects the Department of Fish and Game's policy on agricultural use (Exhibit 11, Letter, Bontadelli to Jim Burns, December 20 1991, page 6). When the Corps resurveyed, agriculture had ceased and wetland vegetation had grown back. Fish and Game field-checked and concurred with the Corps. However, the Department did not assert that the remaining (Ag) areas located above 4.65 MLLW, which was the line the Corps chose to demarcate inundation, were wetlands. As noted elsewhere, there are wetlands directly south of Jefferson Boulevard near this intersection, located about a road width (35-50 feet) away from the proposed work. This project and its staging will

not extend past the roadway to the south, and all staging is located north of Culver Boulevard or east of the intersection. In addition, as further described below there is another "depressional area" which, because of the vegetation it supports, could delineate as wetlands under Commission standards, located to the east of the project area. The work will be located fewer than twelve feet from the edge of this 1,000 sq. ft. depressional area. Third, a wetland channel lies about 70 feet north of Culver Boulevard, and about 55 feet from the 15-foot wide staging area. This channel is located north of the old railway berm that is north of and parallel to Culver Boulevard.

The Corps of Engineers requires the presence of three wetland indicators, inundation, hydric soils and a predominance of vegetation that is adapted to saturated soil conditions to conclude that an area is appropriately categorized as a wetland. The Department of Fish and Game requires only one of these indicators to be present to determine that an area is a wetland. The indicators are described as follows in the Fish and Game standard:

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

The method of delineation employed by the ACOE and relied on by the local government might not detect wetlands that would be considered wetlands under the criteria used by the State of California. The State criteria will typically result in delineation of a greater area of land as wetland, and is especially sensitive to seasonal wetlands or wetlands found in arid climates. This method was developed by the United States Fish and Wildlife Service and is often termed the "Cowardin method." Under the Cowardin method of wetland delineation, which is the method used by the Department of Fish and Game in California, a site is presumed to be a wetland if any one of the above criteria applies (Exhibit 12).

In its regulations, the Commission defines wetlands:

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

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

Under the Commission's method, the presence of only one indicator is enough to determine that an area is a wetland. The presence of either water on or near the soil surface, predominantly wetland vegetation species, or predominantly hydric soils defines wetlands. If wetland plant species predominate, for example, the soils do not have to be hydric for an area to be defined as a wetland.

At the City level, and in its initial submittal to the Commission, the applicant did not provide an up-to-date delineation of this area using the Cowardin method to determine whether or not a wetland exists. Without a careful identification of the areas that might be wetland or a current delineation based on state standards, it is not possible to determine whether or not the development will be consistent with Section 30233. Without a discussion about the impacts of construction near a wetland, as noted below, it is impossible to determine whether or not the action is the least environmentally damaging alternative. However, it is clear that this work is close to a wetland area and the exact location of the wetland, under state standards needs to be verified, and the impacts of the project on the wetland must be evaluated.

To address the wetlands issues, the applicant provided a vegetation map. The vegetation map shows a depressional area of about 1,000 square feet that is located north of the intersection. On October 24, Senior Staff Biologist Dr. John Dixon visited the site. He observed an additional "depressional area" just east of the present intersection that supports hydrophytic plants. As a result of the visit, it was Dr. Dixon's opinion that this area needed further investigation and that this area might be considered wetland if it had been delineated using the Cowardin method (see above). Dr. Dixon, in his report to the Commission, stated:

"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 perennial*; FAC) and bristly ox-tongue (*Picris echiodes*; FAC). Across the street along the north side of Culver, there is a flat area adjacent to the road, which in places is dominated by bermuda grass (*Cynodon dactylon*; FAC) and saltgrass (Distichlis spicata; FACW). The ground then rises 20 – 30 cm and forms a berm which supports a patchwork of upland and facultative wetland ruderal species such as *Chrysanthemum* sp. (NI), wild radish (*Raphanus sativa*; NI), foxtail chess (*Bromus madritensis*; NI), perennial ryegrass, bristly ox-tongue, alkali mallow, and English plantain (*Plantago lanceolata*; FAC-). There were no indicators of wetland hydrology or hydric soils in any of these areas. The area to

be paved and the area proposed for staging activities (principally along the north and south edges of Culver) were marked with flagging. The [Winfield (the applicant's consultant's)] wetland delineation report concluded that "...coastal wetlands are not present at the project impact area." I concur with this assessment. However, the depression containing alkali weed, alkali mallow, and rabbit's foot grass might delineate [as a wetland]. The originally proposed staging area was immediately adjacent to that area. In the field, we asked that the edge of the staging area be moved to the north to completely avoid the depression. This was done and I have received a new map showing the new alignment upon which we agreed. With that change, no potential wetland areas will be directly affected by construction activities" (Dixon, Memo, 10/25/01, Exhibit 8.)

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

Based on a report from Dr. Dixon that the depressional area might delineate as a wetland, the Commission requires protection of this area from fill and disturbance. The Commission determines since this area is a possible wetland, as a matter of caution, it should be subject to the provisions of Section 30233 of the Coastal Act until a new delineation occurs. Section 30233, quoted above, requires that wetlands fill may occur only when it is the least environmentally damaging purpose, and then for limited purposes. The Commission has determined that, as modified by the applicant in response to this survey, this project will not fill any wetland or area that might be considered wetland. However, it is so close to wetlands that, without proper precautions, fill could occur inadvertently during construction. In order to prevent that outcome, the Commission is requiring fencing of the work area, that all staging be set back 12 feet from the depression that might be considered wetland, and that other impact areas be set back 50 feet from wetlands. The Commission also requires conditions preventing discharges of silt or liquids into the wetland areas be implemented. Control of silt will comply with the water quality standards set out below but are also relevant to the continued health of the wetlands. Silt could effectively fill the wetlands, damaging sensitive plants and changing the hydrology of the area.

Indirect impacts on the wetland could result from the construction as well. These impacts are addressed in the section below on habitat impacts. As conditioned, to construct the intersection in the locations and by the methods proposed, which will not fill wetlands, to avoid siltation or removal of wetland vegetation by not allowing vehicles into the wetlands, and to control siltation as described in the section on water quality,

below, this project will result in no wetland fill and is consistent with Coastal Act Section 30233.

D IMPACTS ON WETLANDS AND OTHER SENSITIVE HABITATS CONSISTENCY WITH SECTIONS 30230, 30231 AND 30240

Sections 30230 and 30231 of the Coastal Act require protections of wetland habitat, as does Section 30233 quoted above. These Coastal Act policies provide, in part:

Section 30230 Marine resources; maintenance

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 Biological productivity; water quality

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

Section 30240 environmentally sensitive habitat areas.

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

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

Area B Playa Vista contains 170.56 acres of wetland and at one time contained more. In the Playa Vista Draft Master Plan EIR and in numerous other surveys, several endangered or sensitive species were observed nesting or feeding in the area. These include the Belding's Savannah sparrow and other bird and insect species. Much of the Playa Vista area, including areas adjacent to this intersection, was also identified by the Los Angeles County Museum of Natural History in 1976, as one of the 62 sites in the county that are Significant Ecological Areas (SEA). However, the intersection itself was not designated as an SEA (Exhibit 13).

This area is also sensitive because it contains wetlands. Wetlands are identified for extraordinary protection under the Coastal Act. As noted in the previous section, wetlands can only be filled in very narrowly defined circumstances. The other policies quoted above charge the Commission to protect the functioning of the habitat found in wetlands as well as in other habitat areas. These Coastal Act policies require the Commission or other permitting agency to examine the issues of interaction of the project with nearby sensitive areas and to impose conditions to protect the habitat in those areas.

As noted above, Area B Playa Vista contains at least 170.56 acres of wetland and at one time contained more. Much of the Playa Vista area, including areas adjacent to this intersection, to north and the west of the intersection, was also identified by the Los Angeles County Museum of Natural History in 1976 as one of the 62 sites in Los Angeles County that are Significant Ecological Areas (SEA). (However, the intersection itself was not designated as an SEA, see Exhibit 13). In 1981, the County Museum of Natural History prepared an inventory of plant and animal species found in the Ballona Region, including Area B, identifying many wetland dependent species of birds and plants. In the Playa Vista Draft Master Plan EIR and in numerous other surveys, several endangered or sensitive species were observed nesting or feeding in the area. These include the Belding's Savannah sparrow and other bird and insect species. The Belding's Savannah sparrow; a state listed bird that nests in the wetland to the north of Culver Boulevard, and some distance west of the proposed project, feeds in patches of *Salicornia virginica*, which is found in the wetlands surrounding the site. At its November 2001 hearing, the Commission considered testimony concerning many plants and animals found in Area B and including testimony that the streams in Area B support larval fish.

In considering the habitat values near the site, the Commission has reviewed maps presented by the applicants showing the location of the most recently identified Belding's savannah sparrow nesting area. The Commission concurs that the grading for this project would not be located in or adjacent to the nesting area itself. However, because the project is located within 70 feet of *Salicornia* marsh, it could impact areas in which the Belding's savannah sparrow forages. The Commission therefore requires the replacement of native plants that could provide feeding sources for wetland-dwelling animals including the Belding's savannah sparrow.

At its November 14 and 16, 2001 hearing, the Commission considered reports of site visits on the part of Dr. Dixon, that stated that there was an alkali depression within 30-50 feet of the road that might delineate as a wetland. Based on that report, the applicant revised its project and the Commission required the relocation of staging areas to maintain a setback between the alkali-dominated area and staging areas.

The project area is located on a prism of fill within a wetland. The Commission determines that the project area should be treated as wetlands buffer because it is adjacent to the wetland. A buffer is an area adjacent to a habitat area that separates a habitat area from an area that is devoted to human activities. Buffers adjacent to wetlands typically include upland vegetation that is necessary for the ecosystem to

function. At its hearing, the Commission considered impacts on habitat that could occur as a result of the project and conditions, including revegetation of all disturbed areas to mitigate the impacts of grading and construction.

The Commission first considers direct impacts, noting that the City imposed two special conditions to protect wetlands from direct impacts during and after construction: (1) protection of nesting birds found in the immediate area and (2) requiring the applicant to install temporary fencing around the job site and staging area to confine the trucks to that area. The nesting birds were mourning doves, which occasionally nest in the grassland in the immediate area of the road. To prevent direct impacts on wetlands the City required placement of a construction fence around the work areas outside the wetlands to prevent entry by construction vehicles or storage of equipment. The Commission concurs that the project could have an impact on nesting birds and that to avoid inadvertent driving, walking or grading on sensitive areas, that the area should be fenced.

However there are other direct and indirect impacts that could also occur. Opponents provided extensive documentation concerning impacts of lighting on wetland habitats. The applicant asserted that the proposed lights conform to the advice provided by one such group, the Friends of Ballona Wetlands. The City representatives indicated that the intersection is already lighted but that no new or additional lights are proposed. The Commission in Special Condition 6 requires the applicant to minimize impacts from street lights. The Commission also requires that no work occur at night, when noise and lights could disrupt the feeding and breeding cycle of wetland animals.

Any water from this area enters the wetlands, and any silt or chemicals discharged during construction will enter the wetlands. The Commission, as more fully described in the section E, below, on water quality, imposes Special Condition 3 to protect adjacent areas from siltation.

The conditions above are imposed to avoid direct impacts on possible state wetlands and to minimize impacts during construction. Nevertheless the Commission notes possible indirect and unavoidable impacts, which it requires the applicant to mitigate by removal of non-native invasive vegetation in Playa Vista areas A, B and C, and by re-vegetating disturbed areas with plants common in the Ballona Wetlands. After grading and disturbance, certain species of introduced plants displace slower growing native plants and move into natural areas. These invasive plants shade out native species and make it difficult for native species of insects that depend on the naturally occurring plants to survive. The biomass increases, but the diversity of the area, and the productivity of the natural habitat decreases. Such invasive plants, for example, ice plant, castor bean and pampas grass, already common in the area, form and supplement a seed bank that can rapidly overwhelm nearby restoration areas, causing permanent damage and reducing the productivity of the native species of the area. Therefore the Commission requires the applicant to increase the productivity of the native plants of the area and to enhance nearby areas by removing invasive plants that shade out native species and "take over" after grading. This requirement was a result of a written suggestion from the applicant, made in response to suggestions from the

Friends of Ballona Wetlands, the Commission requires that in areas in which invasive plants are removed the applicant should immediately replace the plants with native plants common in the Ballona area.

The Commission also heard extensive testimony regarding the impacts of roads on wetlands as barriers and as hazards to wetland dwelling animals. The Commission notes that the road is already present, and concurs with the applicant that this development does not increase, but, instead, reduces the area of pavement.

At its hearing the Commission considered comments from the public. It also considered and adopted changes prepared by the staff to correct errors of terminology, clarify conditions, to resolve apparent internal inconsistencies in the conditions or to respond to the Friends of Ballona Wetlands' written comments. The Commission concluded that even with adequate setbacks and avoidance of direct disruption, some indirect impacts will occur, at least temporarily. Therefore the Commission requires the following measures to protect wetlands and habitat during and after construction:

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

At the hearing, the Commission considered testimony that it should allow no work in this location and additional testimony that it should further strengthen the conditions recommended by the staff to reduce impacts on habitat. In response to issues raised by Heal the Bay and the Friends of Ballona wetlands, the applicant suggested changes to the conditions, which the Commission adopted. The revision required that the applicant refer to a website maintained by the California Exotic Pest Plant Council in order to identify invasive plants.[4] The Commission also required, after considering

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[4] 2.A.2. No non-native or invasive species will be employed or allowed to naturalize or persist on the site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa

suggestions from the applicant in response to comments from the Friends of Ballona Wetlands, that areas in which invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director.

As conditioned, to construct the intersection in the locations and by the methods proposed, which will not fill wetlands, to avoid siltation or removal of wetland vegetation by not allowing vehicles into the wetlands, to control siltation and to remove invasive plants in the wetland where the work is located, and to replace removed invasive plants immediately with common native plants, the Commission found that this project is consistent with Sections 30230, 30231 and 30240 with respect to development adjacent to environmentally sensitive habitat areas.

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

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

Section 30230 requires the protection of marine resources. Roads are major sources of pollutants that flow into water bodies and can impair marine resources. The project is directly adjacent to a wetland area that includes two tidal creeks. The tidal creeks flow under the road through culverts in two locations, but elsewhere in the wetland, the road and the fill supporting it now acts as a dam within a wetland system. The Commission must consider two aspects of the project: the effects on the hydrology of the area and the amount of water that can percolate naturally into the system and the immediate effects of construction of the facility.

Construction can cause both immediate short-term impacts from run-off during construction and long-term impacts due to removal of vegetation or deposition of silt or fill on the wetland. In addition to these issues, the Commission examined whether approval of the project would limit choices of improving the hydrology of the wetlands when restoration plans for the area are considered. Finally the Commission must consider whether runoff from the completed road will add pollutants to the wetland.

The Commission, upon review of the project notes that the final project will reduce the amount of impervious area, as described above, from 15,644 square feet, its present size, to 9,661 square feet, a net reduction of 5,983 square feet (Exhibits 2, 3 and 4). The applicant is adding gravel filled ditches beside the road, which will improve the quality of water discharged to the wetlands. However, removing old road material is not without risks. Earth moved during grading can escape into the wetland, cover the

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Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1992, those species listed by the California Exotic Pest Plant Council on any of their watch lists as published in 1999 and as updated periodically (www.ceppc.org) and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service, such as the Ocean Trails list of invasive plants, (attached).

bottom and smother benthic organisms. Roads and the area under roadways may be polluted with lead and other material that cannot remain in the area because the lead, a toxin, could enter the food chain unless it is removed from the area or buried securely under the roadway. Contaminated soils unearthed during construction and not confined under the roadway must be removed from the area so that contaminants to not enter the food chain. Special conditions 3.A.10 and 9 address the handling of polluted earth removed during construction.

In considering the consistency of projects with the water quality protective sections of the Coastal Act, the Commission has consistently required that the design of devices proposed be sized to treat or infiltrate a two year 24 hour storm event, and that the treatment could completely accommodate the amount of runoff generated by 85% of the storms. Because this project is located in a low lying area, the Commission requires that the applicant provide detailed hydrological calculations, outlining how the roadway, and the water flowing off the roadway and the gravel filed "pervious area" will interact. The applicant has provided an opinion from a hydrological consultant. The consultant indicates that all water from this road flows into a roadside ditch, which on the south side of the road is contiguous to the salt marsh. The applicant notes that it is decreasing the impervious area and providing some area through which water can percolate before it enters the marsh. The applicant's consultant further asserts that, in his view, the runoff flowing into the ditches and percolating into the ground will result in fewer impacts to the marsh than "concentrating the run off with curbs and gutters." (See Exhibits 14,15.)

Even though the applicant has not proposed to use fossil filters, the Commission finds that due to the sensitivity of the area, low flow filters are appropriate and has required in Special Conditions 1, 3,and 4 that they be employed. The most immediate water quality impact of constructing a road adjacent to a wetland is siltation and damage from vehicles and their fuels. The Commission requires numerous conditions to avoid siltation as a result of construction and to confine dirt, vehicles, stockpiles and fuel and to prevent their escape into adjacent marsh. The applicant proposes to use standard sand bagging and other siltation control methods such as covering stockpiles and to use watering to reduce fugitive dust.

Another concern is the handling of older, contaminated sediments during construction. The applicant has not provided a system of testing the earth removed and but has explained where and how it intends to dispose of excess asphalt. Area B is an old oil field. During the excavation of the Freshwater Marsh, which was also located in Area B, some contaminated sediment was discovered. The coastal development permit did not anticipate or address this problem. Instead, it established standards for the elevations of the final grading and the marsh's functioning after construction and revegetation. However, the Regional Water Quality Control Board required Playa Capital to truck the sediments to various landfills outside the coastal zone. While there was some controversy with the Division of Toxic Substance Control (DTSC), that had earlier delegated its oversight role to the Board, the material (drilling mud) was removed. The Commission in this case in Special Condition 9, requires testing of sediments, and imposes certain standards for the removal of any toxic material found on the site.

However, the determination of the level of toxicity of substances excavated and which dump should appropriately receive excavated material remains in the jurisdiction of the RWQCB and the DTSC.

After the staff report was released, the staff received correspondence from the applicant and from the Friends of Ballona Wetlands regarding the water quality conditions. The staff recommended changes to correct errors of terminology, clarify conditions, to resolve apparent internal inconsistencies in the conditions or to respond to the Friends of Ballona Wetlands' written comments. At the hearing the Commission received comments from several water quality protection groups, including Heal the Bay and the Santa Monica BayKeeper.

Hydrology.

The project is directly adjacent to a wetland area. The road now acts as a dam within a wetland system, and water flows under the road in only two locations where there are culverts. Representatives of the City of Los Angeles Department of Public Works assert that the project will not change the present hydrology. The Commission considered testimony concerning the implications of approval of this project for future restoration plans. The Executive Director's appeal stated:

- "The major issue is whether building this road now will limit the choices of wetland restoration plans. Improving the road is premature given that the final wetland restoration plan has not been chosen. The road may have different impacts on the hydrology of the wetland under different restoration configurations".

The Ballona Wetlands are a dry upper marsh, dominated by *Salicornia* and saltgrass and in some areas, suffering from invasive plants, such as ice plant and pampas grass that tolerate wet soils. Most discussions of restoring this wetland include a discussion of methods of restoring tidal flow to the wetland, which was cut off in the late thirties when the Corps channelized Ballona Creek as part of a flood control project. All face constraints because the Ballona Wetlands are adjacent to commercial and residential structures that were constructed after the Corps constructed the flood control channel. Representatives of the City Department of Public Works testified that this project does not commit the City to any particular future configuration of the wetland or limit possibilities for improving the hydrology of the wetland when and if the area is restored.

James Doty, of the City of Los Angeles Department of Public Works, indicates that Public Works was not concerned about this issue in processing the present permit because it would be very expensive to raise or re-route this road. He believes that it is more probable that a restoration plan would add culverts and not re-route roads. He further indicated that the expense of changing this intersection would be quite a minor part of elevating or re-routing the road, and would not, in his opinion, determine the City's decision on alternatives. He added his opinion that any other public agency funding a restoration would consider expense in choosing alternatives. He argues that this improvement is so minor that it cannot be considered a permanent improvement and that it will not commit the City to approving any particular configuration in the LCP

(James Doty, personal communication, October 2001). The biologist preparing the restoration section of the Second Phase EIR, Eric Sakowtiz, wrote to say that, in his opinion, this minor improvement would not be inconsistent with any of the likely alternatives (Exhibit 26.) The City representatives stated that removing this small section or roadway or placing a conduit under it would not represent a major part of the cost of any restoration. They further testified that any change in the road elevation or configuration that may occur as part of restoration would require relocation of a great deal more roadway than this intersection represents. They note that this intersection is only a minor section of a road that extends approximately 7,500 feet from Lincoln Boulevard to Vista del Mar in Playa del Rey. Other considerations, such as the location of existing utility distribution lines, would be, in their estimation a much greater limitation on moving this road than this changed intersection configuration.

At its hearing the Commission considered testimony from opponents who argued that the roads could be relocated entirely away from the wetland as part of a restoration effort. The Commission also considered testimony from Jay Kim, the Senior Transportation Engineer for West Los Angeles of the City Department of Transportation, who indicated that it is unlikely that the City would agree or be able to afford to relocate major arterials because of the expense of replacement and because of their necessity in the regional transportation system.

The Commission therefore finds that while the configuration of the restored wetland is not yet known, reducing the impervious area of one intersection from 15,644 square feet, its present size, to 9,661 square feet, is a minor project and will not limit future choices of restoring Ballona wetland. The Commission concurs that reconfiguring one intersection will not drive the City decision on patterns of restoration, and if the California Department of Parks and Recreation or a private agency acquires the area, one intersection will similarly not limit its alternatives.

Again, with conditions to address construction methods, handling of contaminated sediments and the provision of detailed erosion and siltation control plans, this project conforms to Sections 30230 and 30231 in terms of its potential impacts on water quality.

F. PUBLIC ACCESS AND RECREATION

The project roads are major access routes to Dockweiler State Beach in Playa del Rey. Improving safety and access through this intersection will improve public access to the beach. Culver Boulevard is heavily traveled during weekdays, accommodating as much as 2,000 cars per hour on a two-lane segment between Jefferson Boulevard and the Marina Freeway. On weekends, Jefferson Boulevard is a main beach access route from central Los Angeles. Adult bicycle teams use Jefferson Boulevard as a route from Los Angeles to the beach bike path. By making this corner safer, this project will improve public access to the beach. At the hearing public testimony challenged the assertion that the improvement was required for safety. In response, the applicant and the Senior Traffic Engineer from the City of Los Angeles Department of Transportation provided accident and traffic data indicating that there had been two fatalities at this

corner in recent years, and noting that this intersection is more dangerous than other nearby intersections that do not have this configuration. The Commission concluded that the project is needed to improve traffic safety, and by improving traffic safety it will improve public access to Dockweiler State Beach and the Marvin Braude Bike Path at Playa del Rey. The project as proposed is consistent with the public access and recreation policies of the Coastal Act.

G. VISUAL IMPACTS

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

H. PREJUDICE TO THE DEVELOPMENT OF THE LOCAL COASTAL PROGRAM

Coastal Act Section 30600 states in part

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

There is a certified LUP for this area. However, the certified Land Use Plan is not the standard of review for any development. The standard of review, before certification of the zoning ordinances and other implementation measures remains Chapter 3 of the Coastal Act. There are difficult issues having to do with how to combine restoration with future development, which the City, the public, the Commission and the developer will need to address before a local coastal program can be fully certified.

In 1984, the Commission certified a Land Use Plan for this area that had been submitted by Los Angeles County, the Marina del Rey Ballona Land Use Plan. The Friends of Ballona Wetlands immediately sued the Commission and the County (Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826.) When the City of Los Angeles annexed the area, the City submitted an almost identical plan as it pertained to areas within its jurisdiction. On November 26, 1986, the Commission certified, with suggested modifications, the Land Use Plan portion of the City of Los Angeles, Playa Vista segment, Local Coastal Program. The Friends of Ballona Wetlands added the City to their lawsuit. The lawsuit was settled in 1991. One of the requirements of the settlement is that the applicant will seek an

amendment to the Land Use Plan that applies to the area, in order to incorporate additional restored wetland areas and to relocate a debris basin out of the saltmarsh and to redesign that basin as a freshwater marsh. This amended LUP will be required to be amended when the final plans for Playa Vista are submitted.[5] City has not drafted the revised LUP, which would incorporate such a restoration plan.

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

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

As a first step, the applicant's predecessor submitted a Master Plan for Playa Vista to both the City and the County. In 1992, the City circulated both a Draft Master Plan EIR and a detailed Draft Phase I Playa Vista EIR, the latter of which the City certified in 1993. In Area B, the proposed Playa Vista Master Plan project would carry out the restoration program agreed to in the settlement. The Master Plan Project proposes restoration of over 198 acres of "estuarine"[6] habitat, the creation of a 26.1-acre freshwater marsh facility, the restoration of about 12 acres of dunes and construction of 1800 dwelling units and 20,000 sq. ft. of retail uses. The Master Plan did not include a final design for a restored wetland, but deferred the design until alternative wetland restoration plans could be analyzed in a Phase II EIS/EIR and in the amendment to the Land Use Plan.

All public and agency testimony on future and interim restoration plans, such as the Corps 1135 project, and the Notices of Preparation for the Master Plan EIR discuss

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[5] As noted elsewhere, in the settlement of the "Friends of Ballona" lawsuit (see substantive file documents), Playa Capital's' predecessor, Maguire Thomas Partners-Playa Vista agreed to commit additional area to wetlands and pay an agreed on sum, about $11,000,000 for restoration. This would require an amendment to the LUP. Maguire Thomas Partners -Playa Vista also indicated that the revision that incorporated the additional wetlands would include changes in the mix and location of uses outside of the restored wetlands. The various restoration alternatives would be considered in an EIR and in the LUP amendment. A later modification increased the amount to $13,000,000.

[6] "Estuarine" includes saltmarsh, mudflat, tidal channels and saltflats

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

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

As discussed in more detail in subsection E, above, The proposed project does not preclude the development of an amended Land Use plan that reserves additional area for restored wetlands and open space, or changes the hydrology of the area allowing more water to pass under Culver Boulevard, because the cost of relocking or redesigning this intersection would be a minor part of the coast of any major reconfiguration of the roadways in Area B.

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

I. CEQA

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

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

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

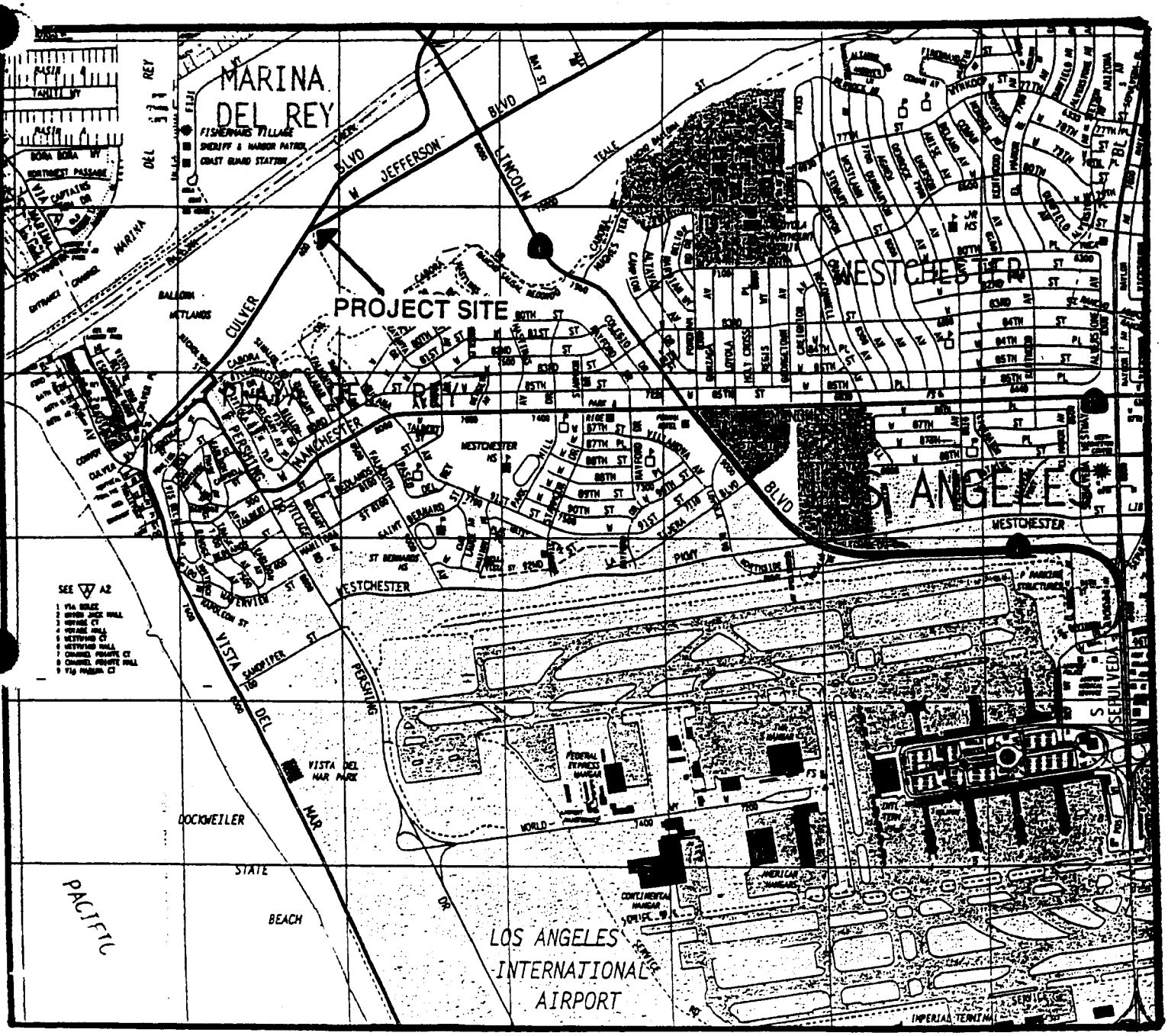
In this case, the project originally proposed could have had significant adverse impacts, but the applicant has avoided those impacts by changing its project, relocating the staging area away from the alkali depression that staff identified as a potential state wetland, and mitigating the remaining impacts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

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1. City of LA CDP No. 95-03 (August 1995), extended (October 1997), currently expired;
2. State CDP No. 5-95-148 (January 1996), extended (October 1997), currently expired:
3. City of LA CDP No. 00-3B (subject appeal)
4. Easement Agreement By and Between U.S. Trust Company of California, N.A. and Maguire Thomas Partners—Playa Vista, a California Limited Partnership, August 1990.
5. Security agreement regarding Area C between Kenneth Cory, State Controller and Summa Corporation, 1984, with first through fourth amendments.
6. Chief Deputy Controller to US Trust Company of California, October 30, 1998 correspondence and attached irrevocable offers to dedicate.
7. California Department of Transportation (CALTRANS), Encroachment Permit 798-6MC-0618; Encroachment Permit Rider 700-6RW-2956, November 8, 2000
8. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
9. Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista --August 1995
10. Los Angeles County Marina La Ballona certified LUP, October 1984.
11. City of Los Angeles Local Coastal Program, Certified Land Use Plan for Playa Vista 1987 (Section C4);
12. Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10,1993.
13. Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993
14. Coastal Development Permits and Appeals: A-5-VEN-98-222 (EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2: 5-00-139W; extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; 6-97-161,
15. City of Los Angeles Bureau of Engineering Staff Report, No. 95-03 –August 2, 1995
16. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
17. City of Los Angeles City Engineer, Memorandum Public Works review of ETI report titled "Subsurface Geo-chemical Assessment of Methane Gas Occurrences" for the Playa Vista project; file 1996-092; May 10, 2000
18. Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or "the ETI report."]

19. Camp Dresser and McKee 2000, "Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project" 4 page geologic letter report to Maria P Hoye dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
20. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: "Culver Boulevard Widening Project and Potential Soil Methane Hazards"
21. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.
22. City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March, 2001
23. California Department of Fish and Game, Memorandum: "Extent of Wetlands in Playa Vista, December 1991."
24. California Coastal Commission, Memorandum: "Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998"
25. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, –Playa Vista Area C Specific Plan;
26. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
27. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
28. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
29. Agreement in Settlement in Litigation in the 1984 case of Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826
30. Programmatic Agreement among the US Army Corps of Engineers, Los Angeles District, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer, regarding the implementation of the Playa Vista Project, 1991.
31. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
32. Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers,
33. Agreement Among U.S. Trust Company or California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, September 28, 1990.
34. First Amendment to Agreement Among U.S. Trust Company of California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners--Playa Vista, a California limited partnership, effective May 15, 1994.
35. Second Amendment to Agreement among U.S. Trust Company of California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, entered into December 29, 1994.

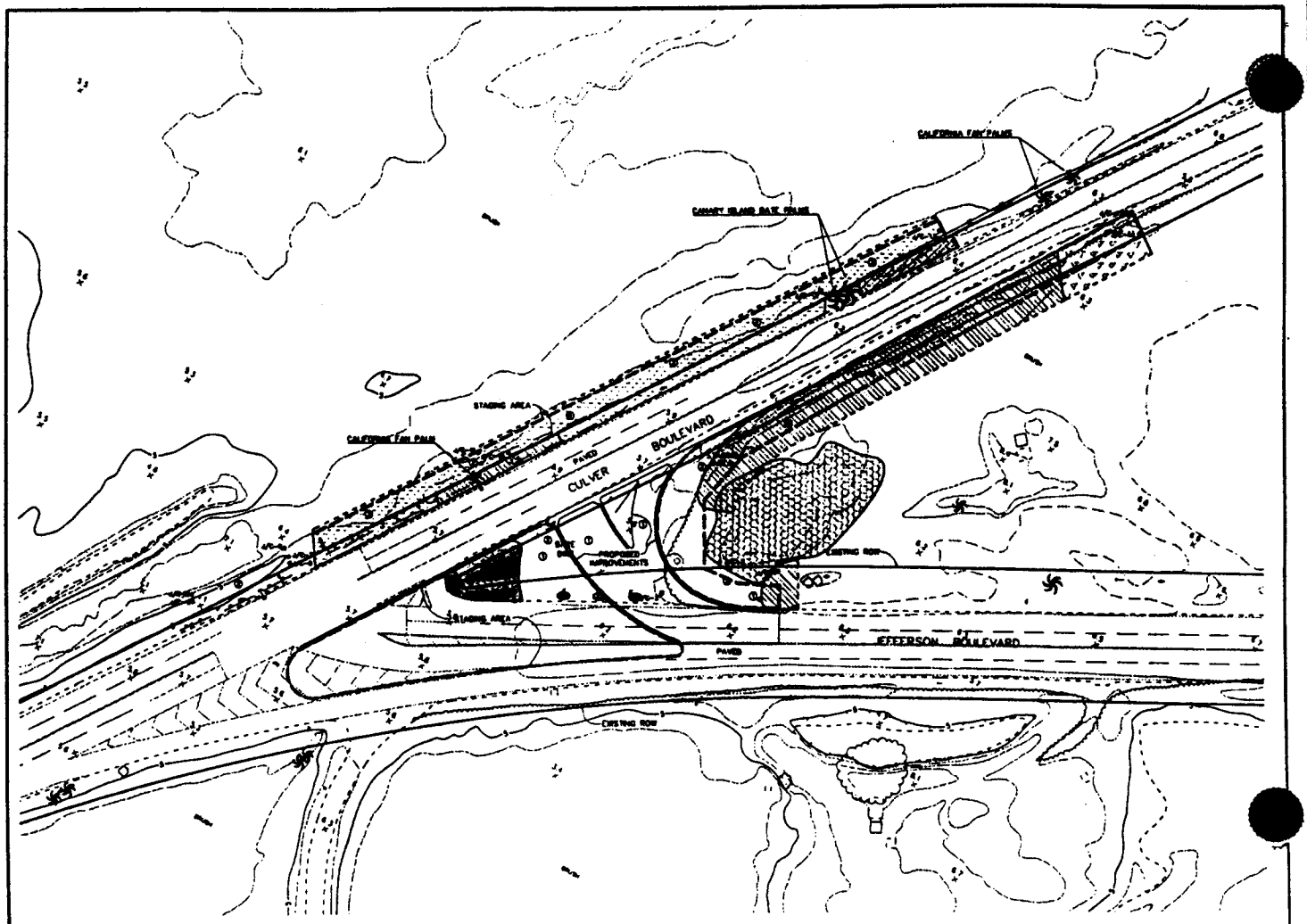


VICINITY MAP

Source: 2000 Thomas Bros. Maps

5-01-223
A5 PLV 01 281
Location
Exhibit

W:\PVista\49104-MP\FIGURES\WETLANDS\PLV1317-02.dwg Thu Oct 25 10:49:55 2001 [ISD 8140] John Chiappe



HERBACEOUS ASSOCIATIONS

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

Note 1: Open dirt with widely scattered vegetation

Note 2: Ruderal vegetation dominated by Lolium perenne (Italian ryegrass), Bromus diandrus (ripgut brome), Picris echioides (bristly ox-tongue) with Foeniculum vulgare (fennel), Brassica nigra (black mustard), and Cirsium vulgare (bull thistle)

FIGURE 1

PROPOSED CULVER BOULEVARD AND JEFFERSON BOULEVARD EXPANSION TOPOGRAPHY AND VEGETATION

PSOMAS

DATE 09/19/2001 REVISED ON: 10/25/2001
JOB No. 1PCC02C514

Playa Capital Company, LLC
Playa Vista Development

PV 1317-02

Topography + vegetation

5-01-223
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Exh. 6c+2

CULVER & JEFFERSON

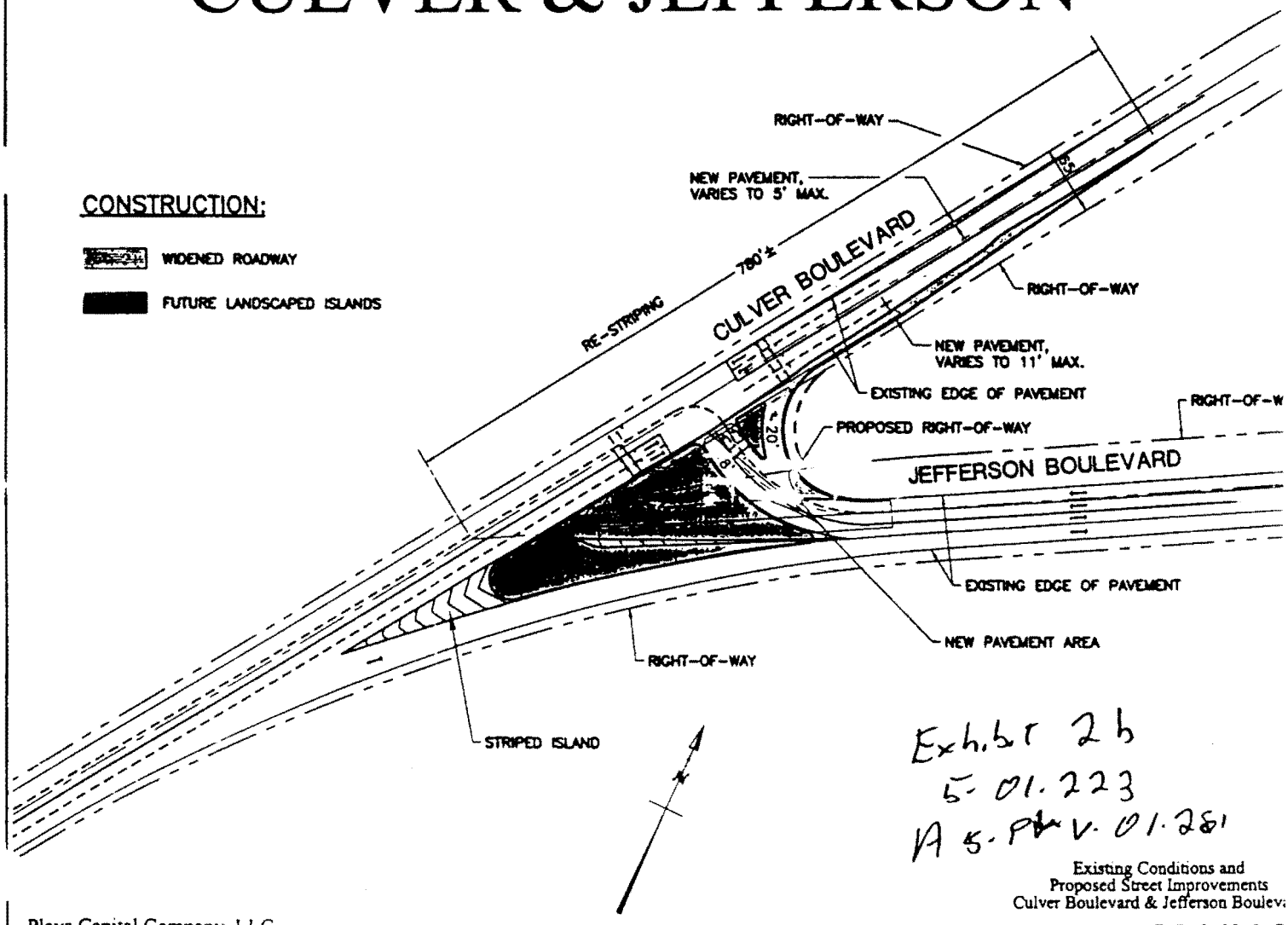
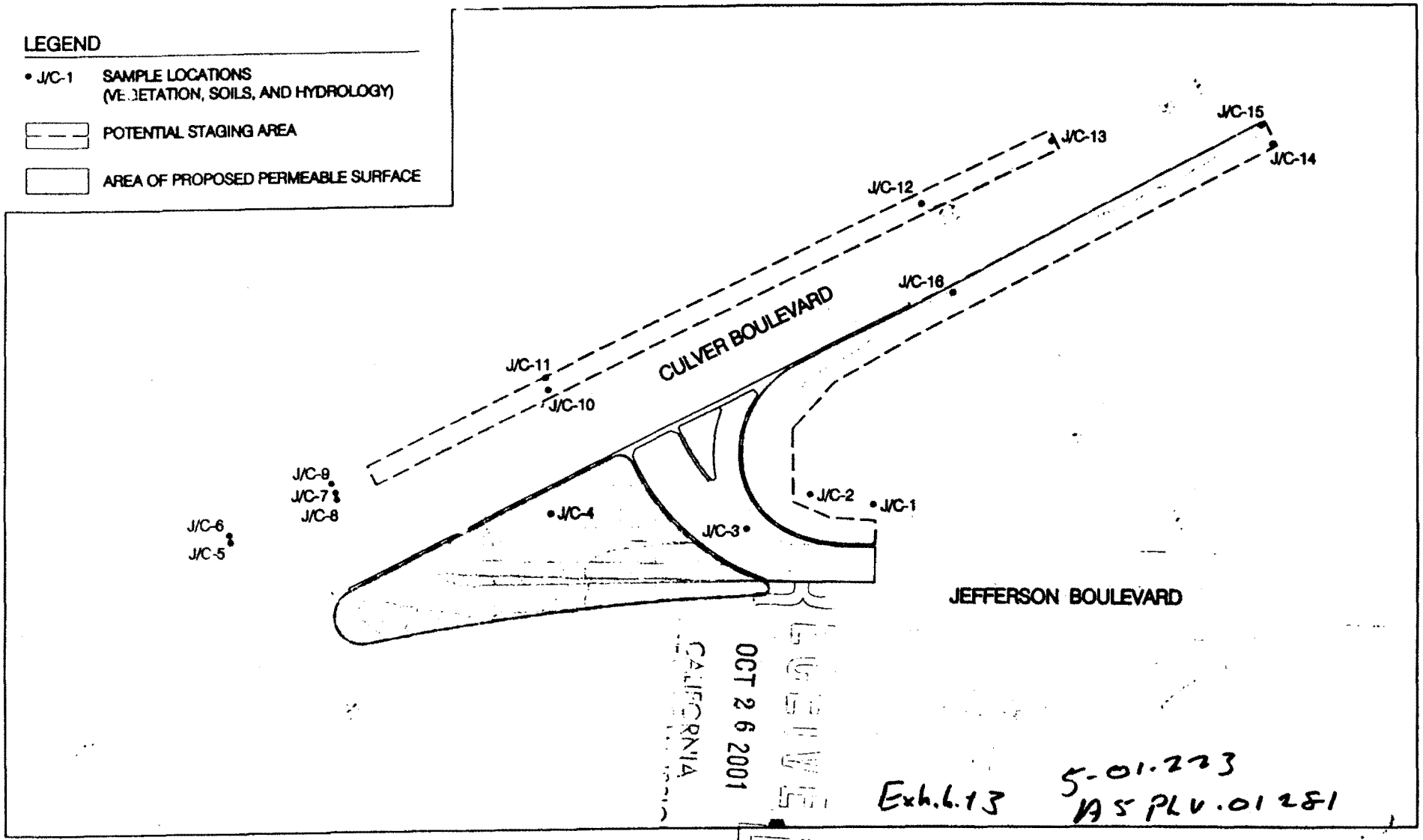


Exhibit 2b
5-01-223
A-5-PDR-V-01-281

Existing Conditions and
Proposed Street Improvements
Culver Boulevard & Jefferson Boulev

Playa Capital Company, LLC
Playa Vista Development

PSOMAS

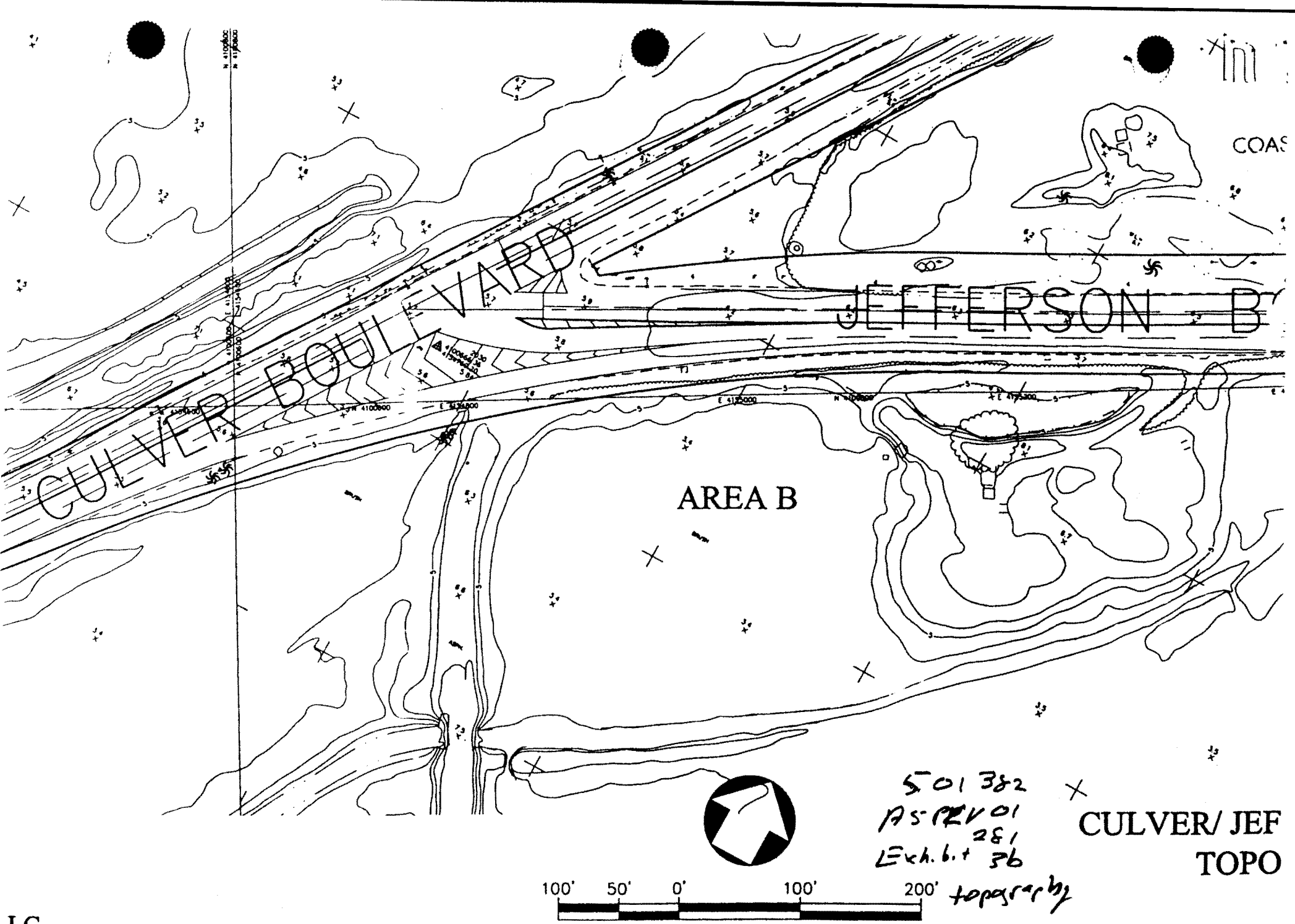


Sample Locations and Potential Staging Areas for the Culver/Jefferson Intersection

PLAYA VISTA

0 50 100

FORMA



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Exh. 6.1 36

topography

CULVER/ JEF
TOPO

LLC

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

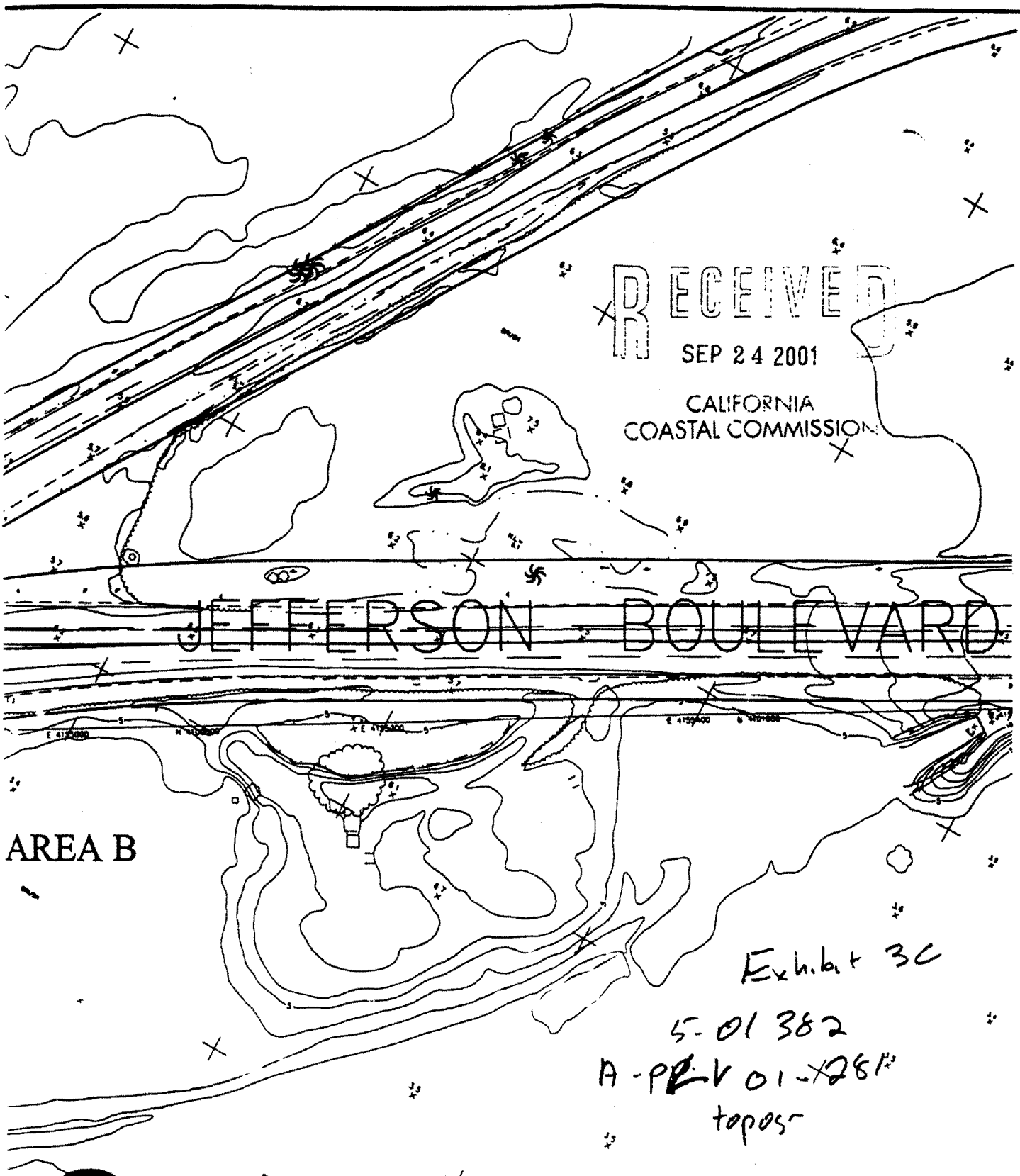


Exhibit 3C
5-01 382
A-PPV 01-281
topos

CULVER/ JEFFERSON BOULEVARD TOPOGRAPHIC EXHIBIT

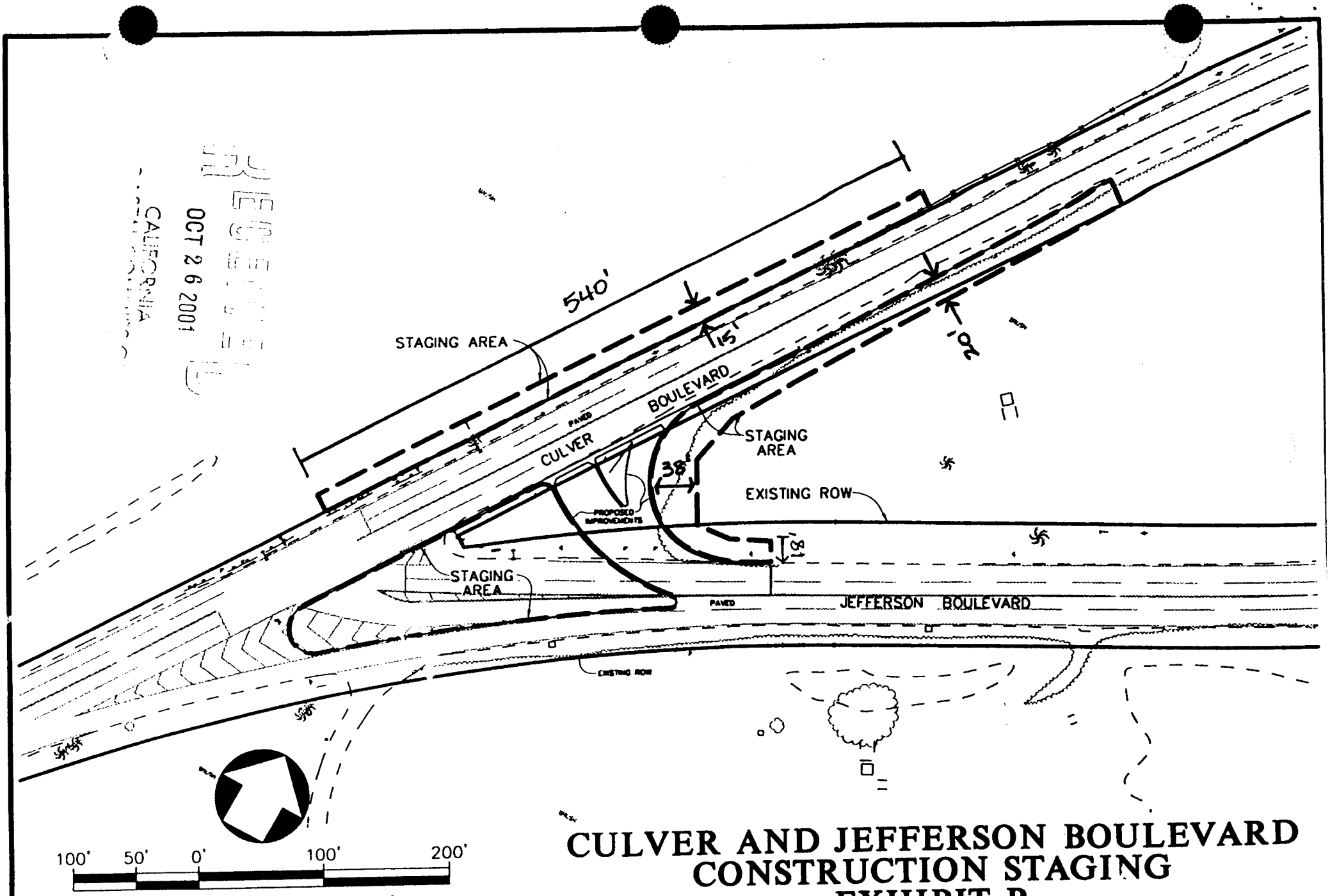
0' 100' 200'

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

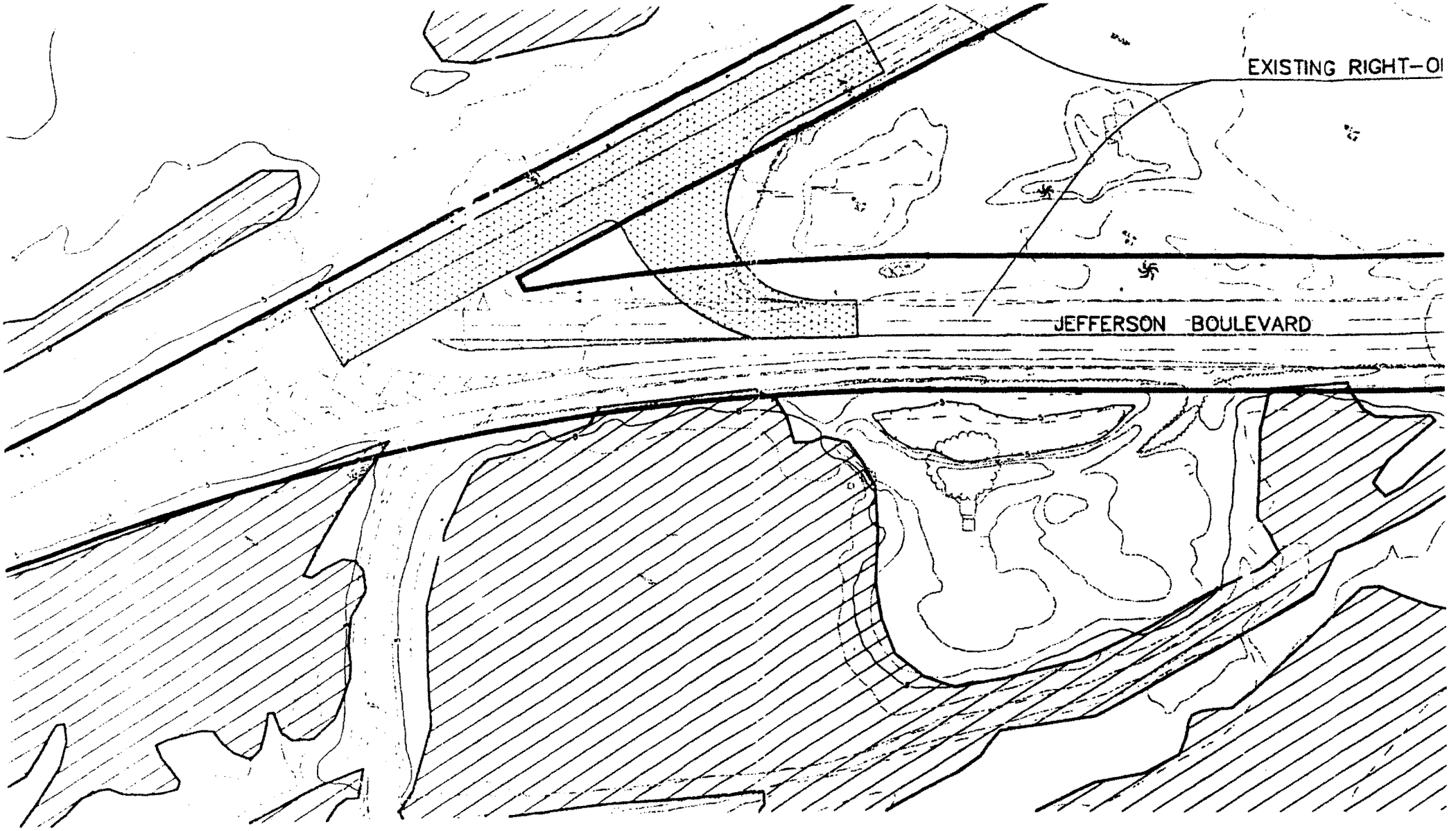
NOTE: For reduced size prints, original scale is in inches.

Playa Capital Company, LLC
Playa Vista Development

Revised
5.01.382
A-5-PPV-01281
Exh. 6.4.4

PSOMAS

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



. AND CONSTRUCTION STAGING AREA Corrigan since revised

IRISDICTIONAL WETLANDS 1989 DELINEATION

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

100' 50' 0' 100' 200'

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

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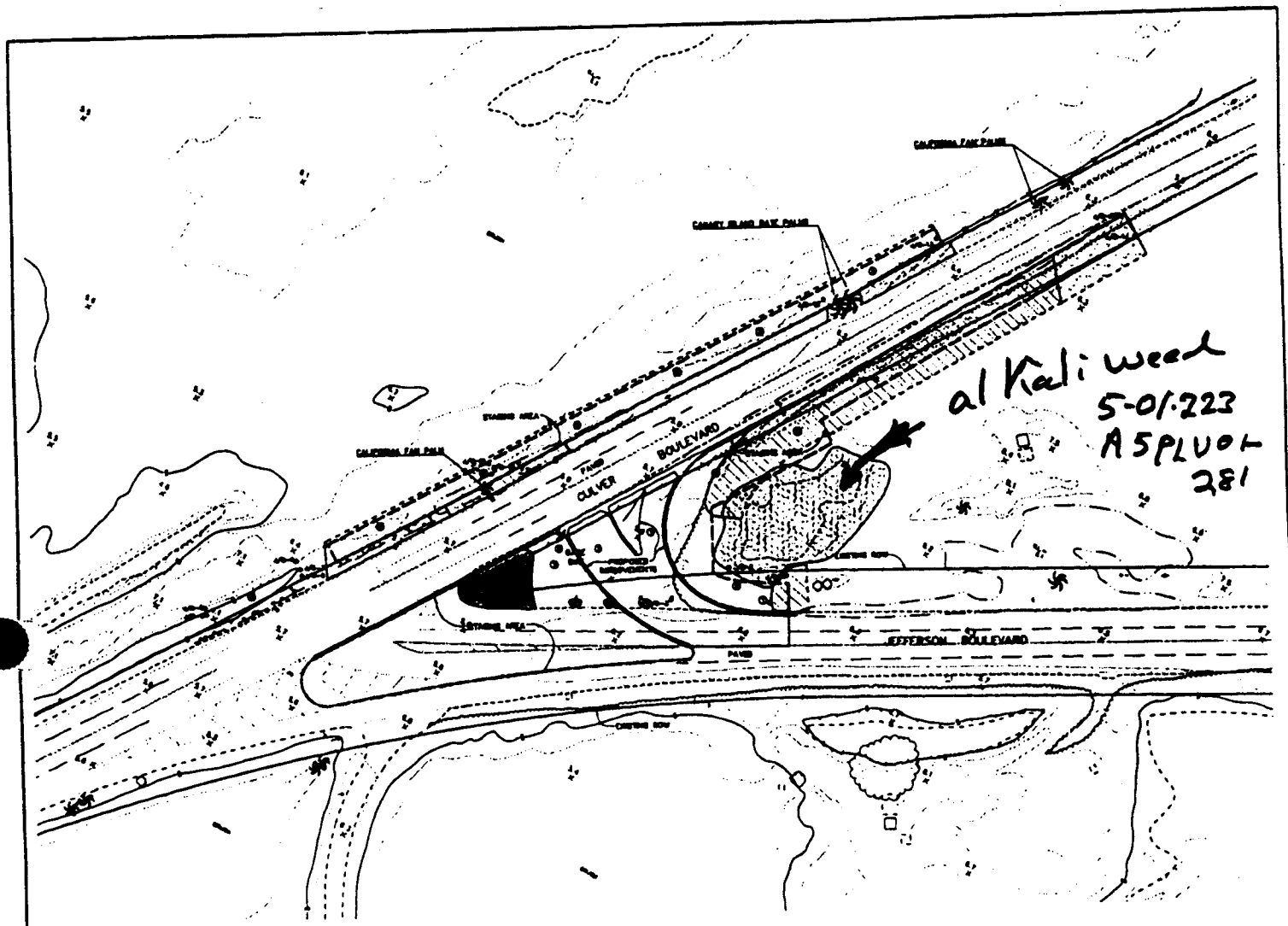

HERBACEOUS ASSOCIATIONS

- RUDERAL (MIXED HERBACEOUS)
- RUDERAL (ITALIAN RYE GRASS/ BRISTLY OX-TONGUE)
- RUDERAL (RUDERAL BROMUS/ 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

PV 1317-02

Playa Capital Company, LLC
Playa Vista Development

Exhibit 6 5-01-223
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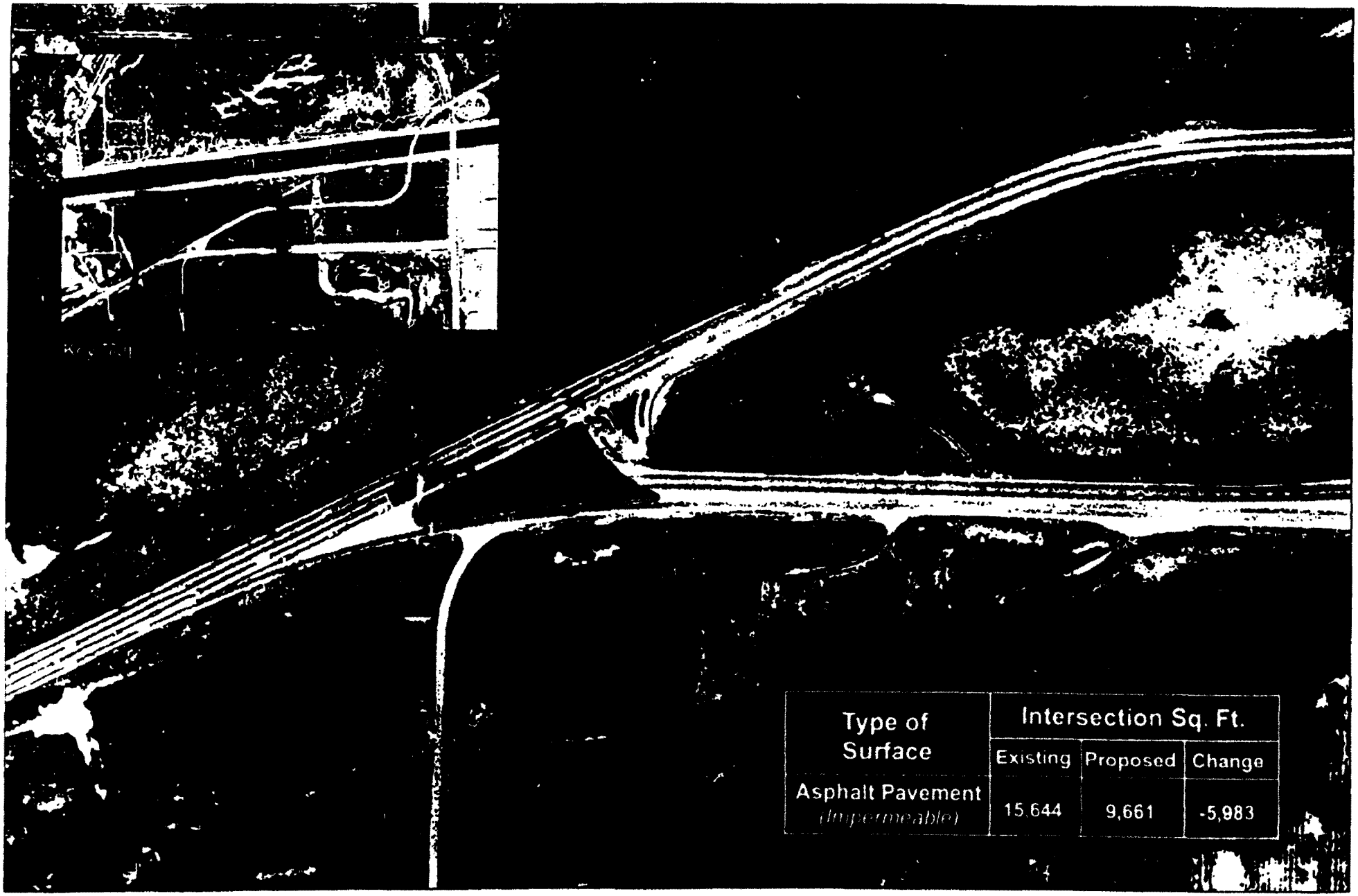


Type of Surface	Intersection Sq. Ft.		
	Existing	Proposed	Change
Asphalt Pavement *(Impermeable)*	15,644	9,661	-5,983

PLAYA VISTA

Proposed Improvements
Culver / Jefferson Intersection

AB PLV-00781 Revisions
4.171.223 Sub Items

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

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
Exh. 4 of 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 6 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
Exhibit 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

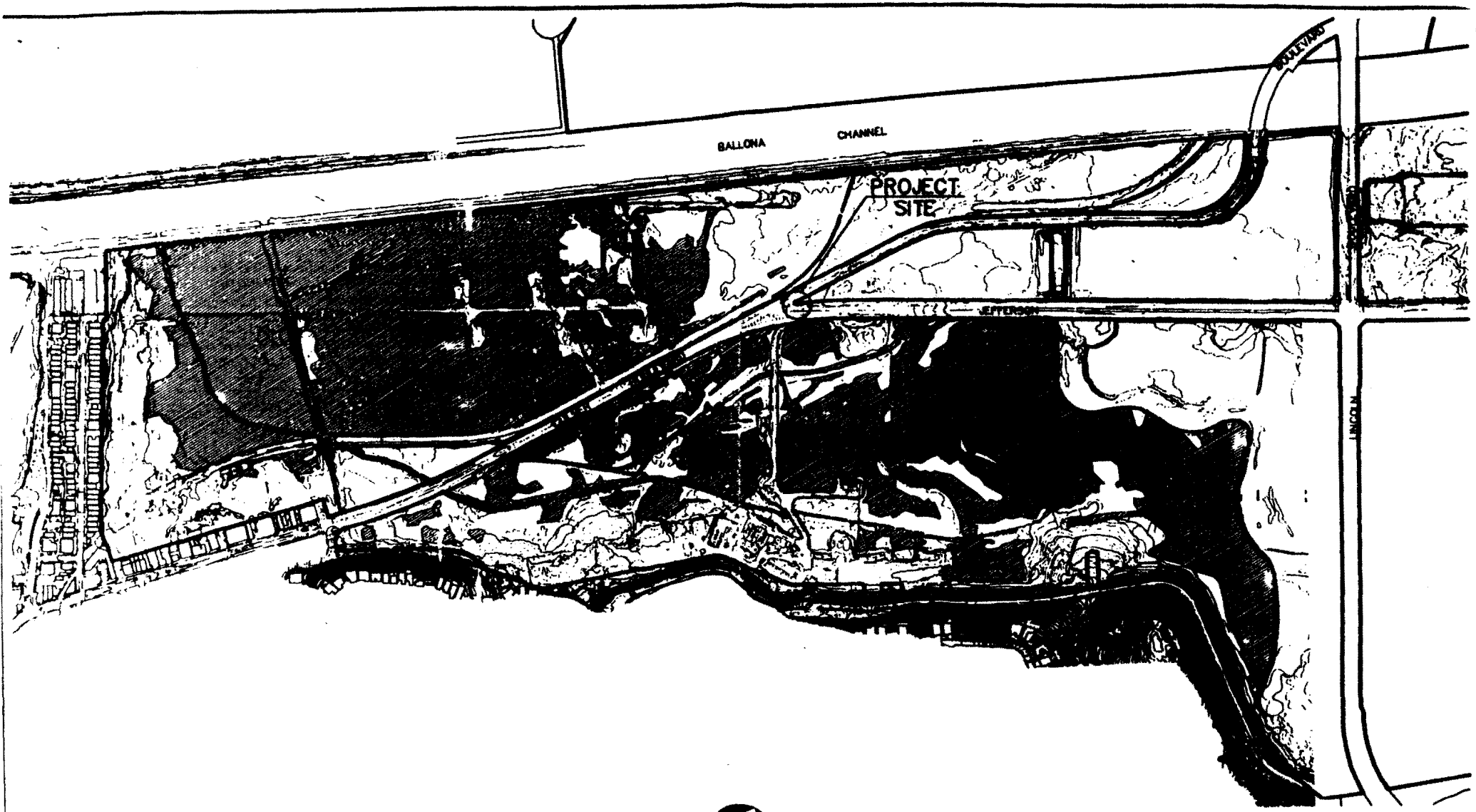
The staging area immediately east of the intersection improvement is occupied by alkali weed (*Cressa truxillensis*, FACW). The boundary of this vegetation is a minimum of 20 feet outside of the edge of the proposed improvement. Further east, the vegetation consists of a mixture of alkali weed, perennial 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-01 261
Exh. 5 + 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.01.261
Exh. 6 + 9
p3



Playa Capital Company, LLC
Playa Vista Development

500' 250' 0' 500' 1000'

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 1182-08

A5 PLV-01-281
5-01-223
Exh. 6, p. 10
[illegible] 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 2[illegible] distinct, indepe[illegible]ntly-measured su[illegible]s 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

A5-PLV-01-281
5-01-223
Fish + Game

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 weil in nonsaline soils. The patterns of vegetative dominance in Area A are based upon essentially two factors, soil salinity and substrate saturation. Where we have both saline soils and low-elevation (and therefore increased degree of substrate saturation) we find that competitive advantage is conferred upon pickleweed. In areas with low soil salinities at higher elevation (and therefore relatively little soil saturation) typical ruderal species predominate. In areas of similar elevation, and elevated soil salinities, we find Atriplex and Bacchuaris. In areas where soil saturation levels are especially high and the substrate is subject to inundation and/or has been highly compacted through time, we have saltflats which typically are too salty for pickleweed and at times may be too wet, too long to support pickleweed. Lastly there are areas, essentially the 17.66 acres of patchy pickleweed designated on the map we appended to our September 12, 1991 memorandum, where salinities and saturation are in a state of flux and in which after 5 years

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

Exhibit 11
p2

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. Saranathan for

Pete Bontadelli
Director

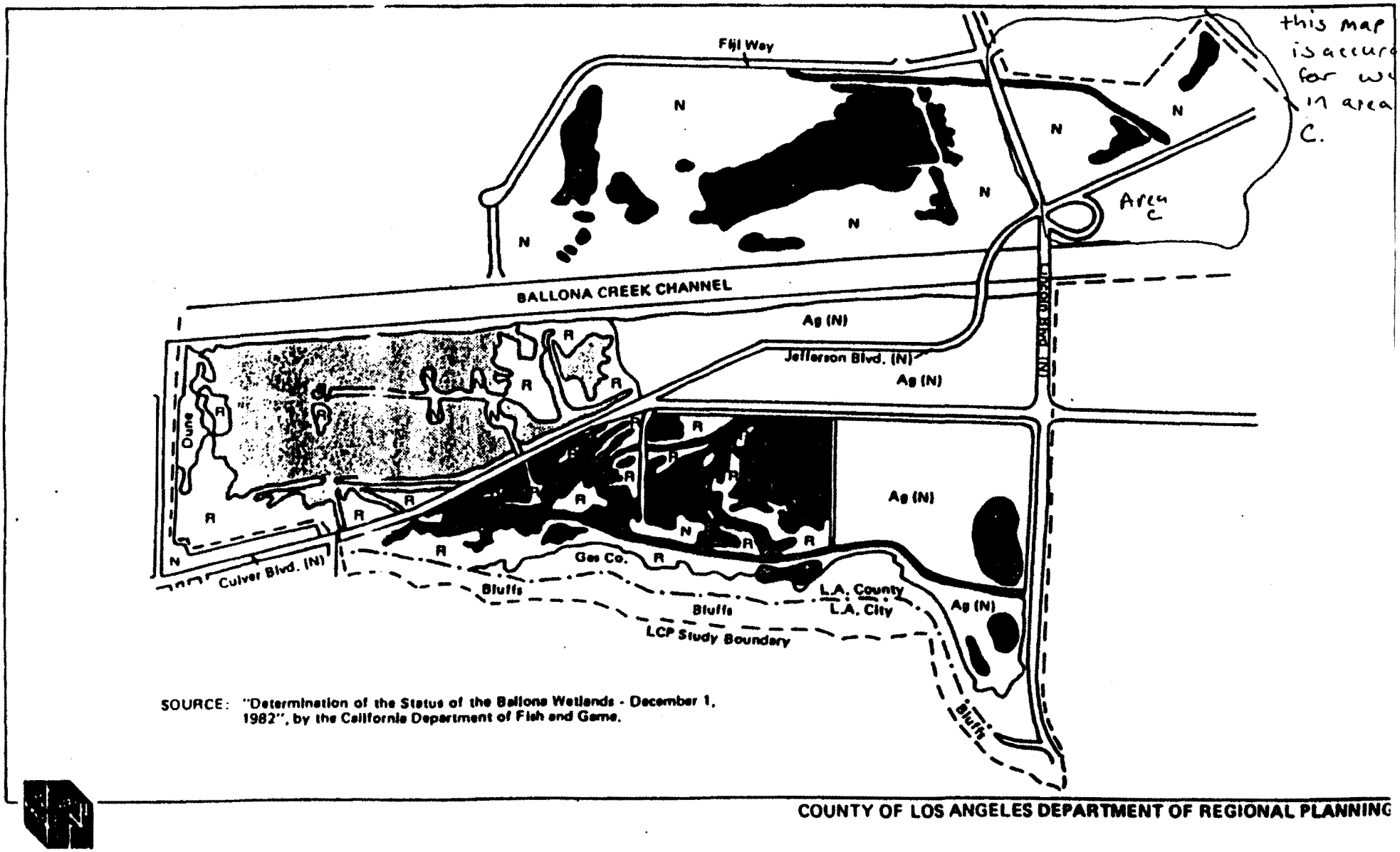
cc: Mr. William Shafroth
Resources Agency

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

Exhibit 11 p 5
Ass. PLU 01 281
5-121-223

map 14

PRESENT STATUS OF THE BALLONA REGION



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

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

Exhibit 11 pg
A5 PLV 01 2-91

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
5-01-223
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

A-5-PLV-0-129
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[illegible]ical area. Primary consideration was given to areas with [illegible]common or scientifically interesting features. For [illegible] Dume, Upper La Sierra Canyon, Malibu Can[illegible]nes, 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.

Excerpt 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, nonconsumptive uses such as skin and scuba diving should be permitted. In all cases, efforts should be made to locate access trails away from riparian and oak woodland habitat, unique resources, and other sensitive areas. Intentional and unintentional destruction of the resources should be prevented, and collection of plant or animal specimens by the public should not be allowed. A limited number of interpretive and educational displays would be appropriate, but should not include major facilities.

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

rainforests and deserts are not the same. In fact, the communities found within one desert can vary considerably. The Mojave Desert of southern California contains alkali sink, creosote bush scrub, shadscale scrub, riparian, Joshua tree woodland, and others. Variation also occurs within a single community. Joshua tree woodland can be dense or sparse; the understory vegetation can be creosote bush scrub, sagebrush scrub, or grassland; and the species composition and density can change with soil type and slope aspect. Chaparral found on the coastal side of the Santa Monica Mountains is different than that found in the San Gabriel Mountain foothills. A third type can be found at higher elevations of the San Gabriels, and a 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
AS PLV-01-281
5-01-223

Area # 29

Name: Ballona Creek

Quadrangle(s): Venice

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

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

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

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

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

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

Nature of Information: Through the use of the area by educators, and due to concern over the welfare of the California least tern and Beldings'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 Balding's savan-

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

AS PLU 01.28
5-01223
A
Exhibit 13 p6

Cretos are ...

PSOMAS

Information and Engineering Solu

September 21, 2001

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

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,

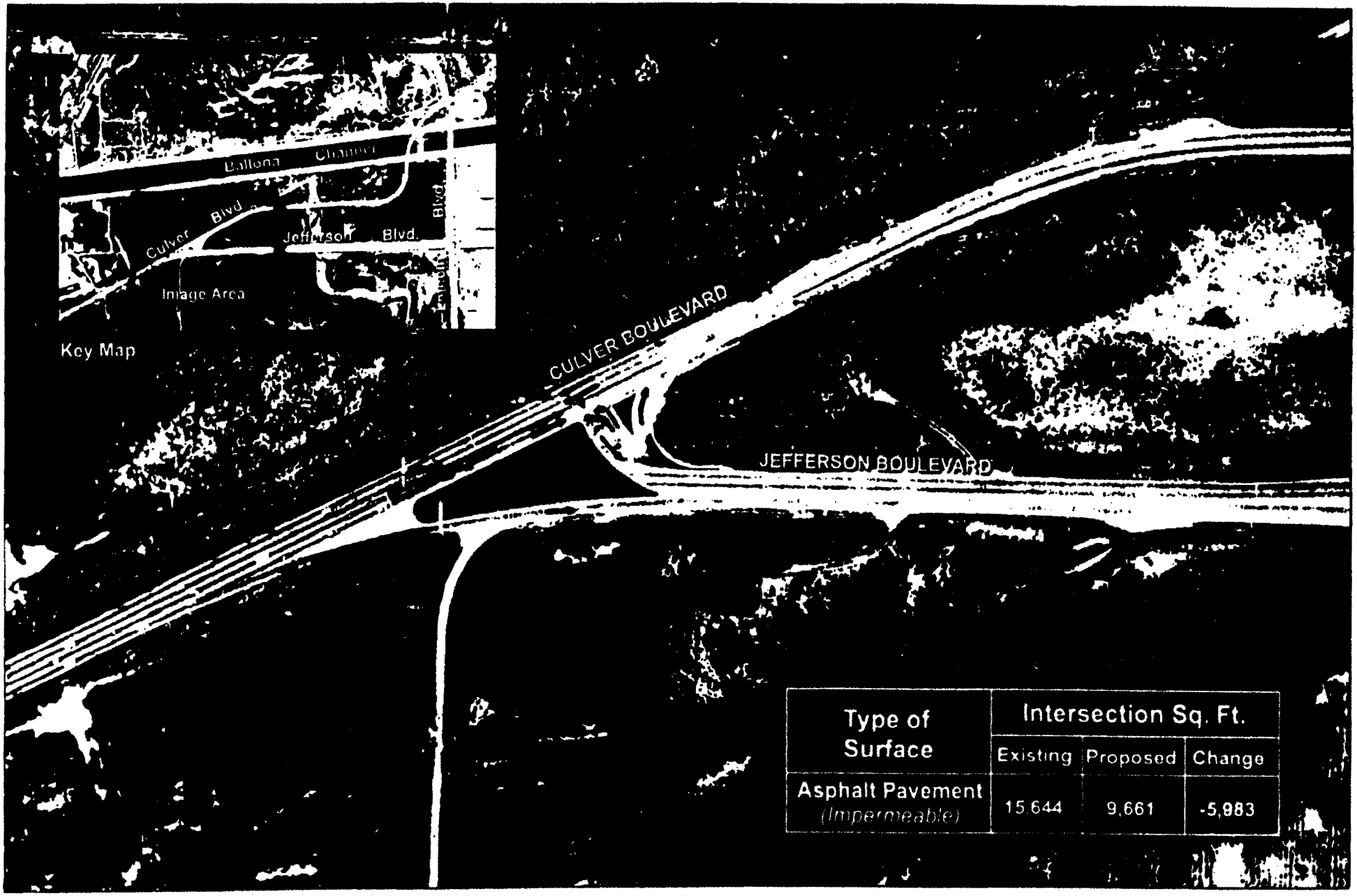
Jason H. Fukumitsu, P.E.
Senior Project Manager

cc: Wayne Smith, Michael Crehan- Psomas

5-01-223
A-5 PLV 01261
Exhibit 14

11444 West Olympic Blvd
Suite 750
West Los Angeles, CA 90064

310 954 3700
310 954 3777 Fax
www.psomas.com



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

Proposed Improvements
Culver / Jefferson Intersection

PLAYA VISTA

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

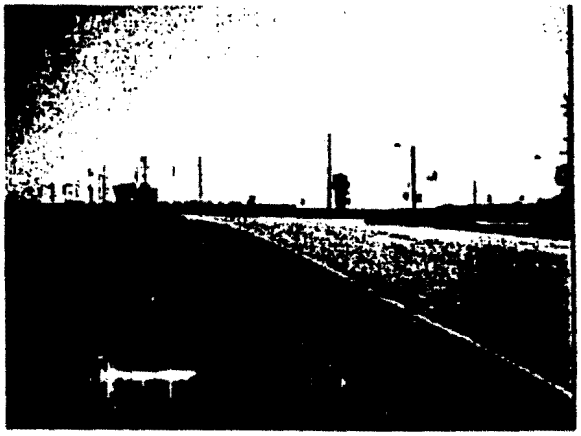
Re: Water Quality Responses (Item 13) to Application 5-01-223

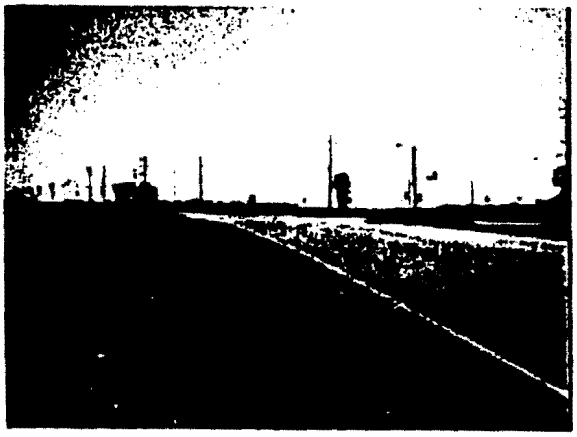
Catherine Tyrrell (Playa Capital) and Wayne Smith (Psomas) have asked me to respond to Item number 13, of your September 17th, 2001 Memorandum. I apologize for the delay, but I ended up stuck in Alaska for an extra week following the Terrorist Attacks and have been struggling to catch up.

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





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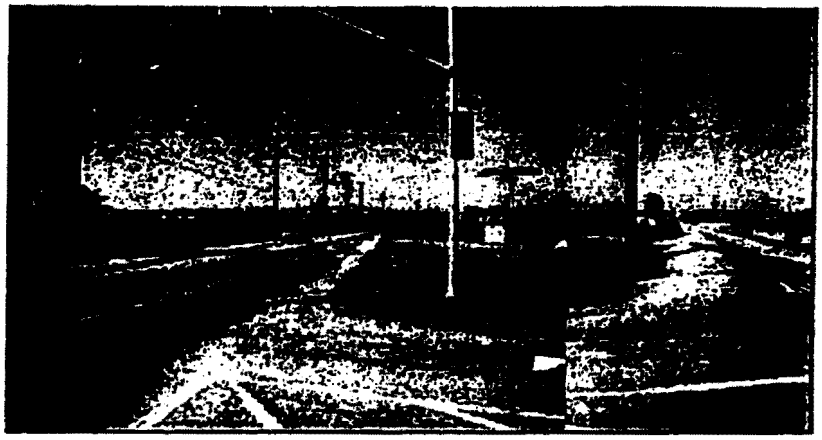
5-01-223
Exh. 5.f 15 pl

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.

A-5-PLV-01-281 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 5 PLV 01-291 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 on 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
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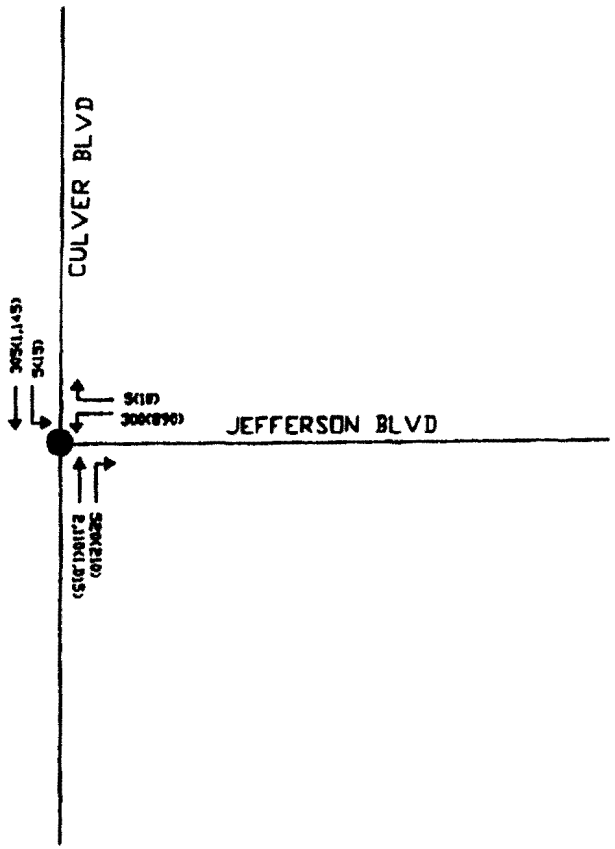
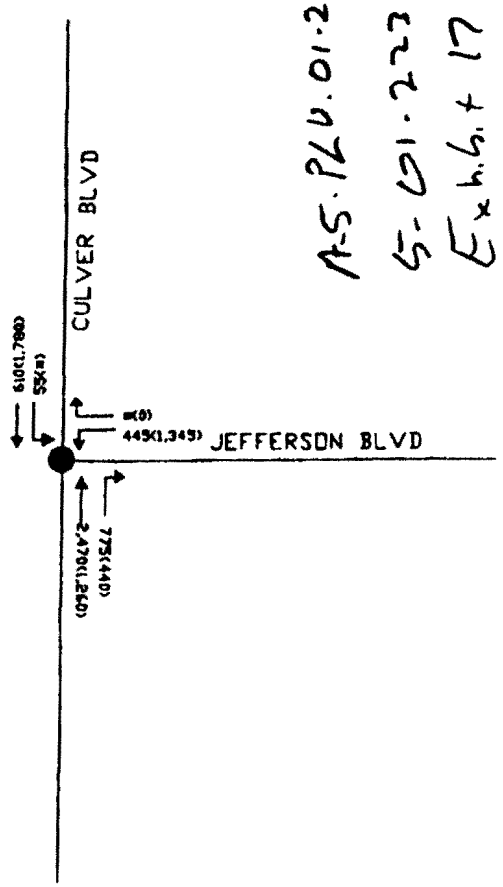
S-01-227
Ex 4, 4, + 17



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

NOT TO SCALE

Ki KU 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.

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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	LOS	1997 Future with Project[b] V/C	LOS	Impact V/C	1997 Future with Project Mitigated[c] V/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.*

S-61 222
AS PLV 61 261
004522
Exhibit 19 pl

Table V.L.1-6

1997 INTERSECTION OPERATING CONDITIONS -- FIRST PHASE

Intersection		Period	1990 Existing V/C	1990 Existing LOS	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
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 Juniette Street • Provision of two transit vehicles for Lincoln corridor • Provide a Caltrans approved project study report (PSR) for the new northbound ramp from Jefferson Boulevard to the I-405
1F	East end of Area D	850,000 nsf office 10,000 nsf retail 300 hotel rooms 55,000 sf community serving	• 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 of 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
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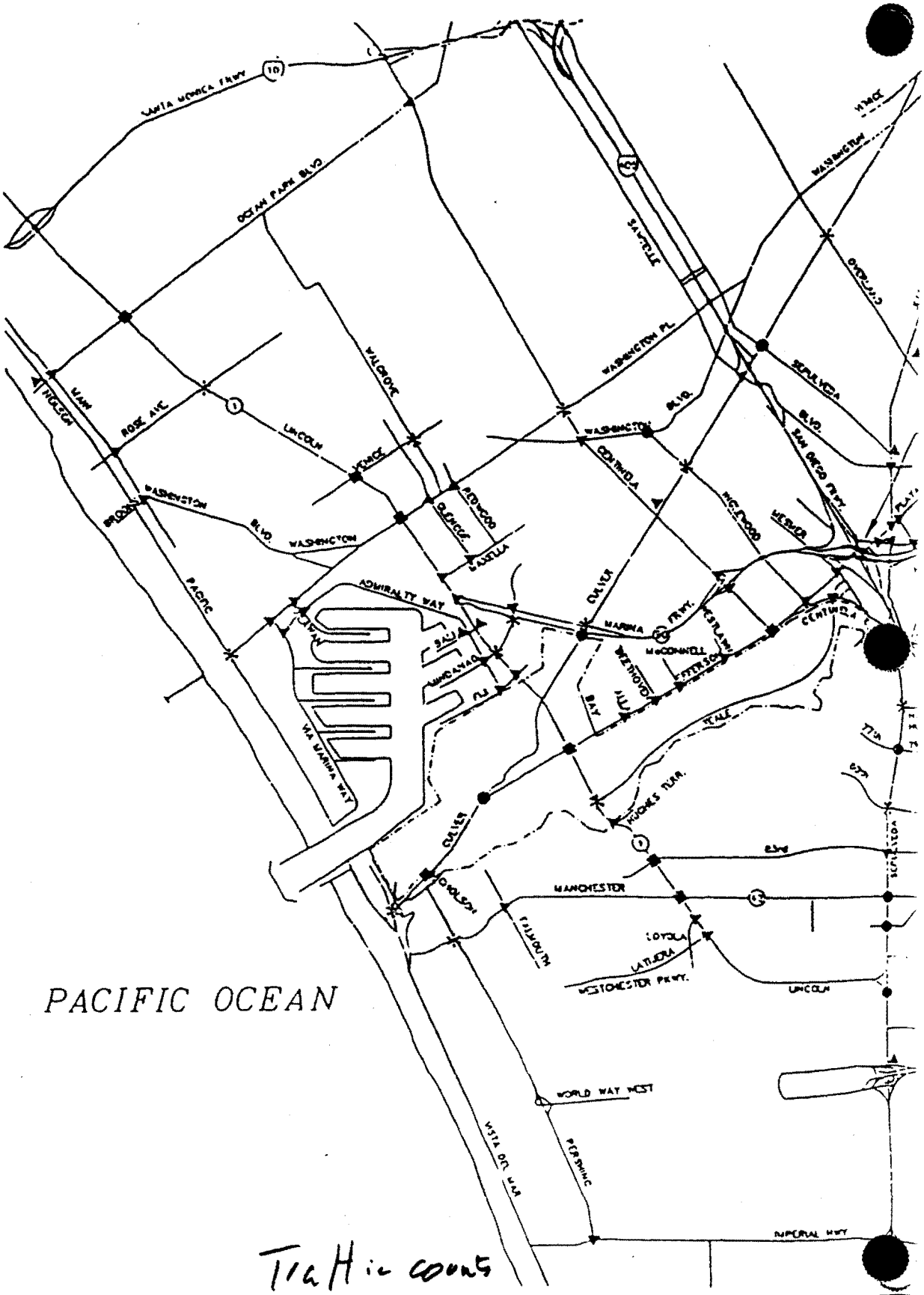

Traffic counts

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0 0.5 1.0 1.5 2.0
APPROXIMATE SCALE IN MILES

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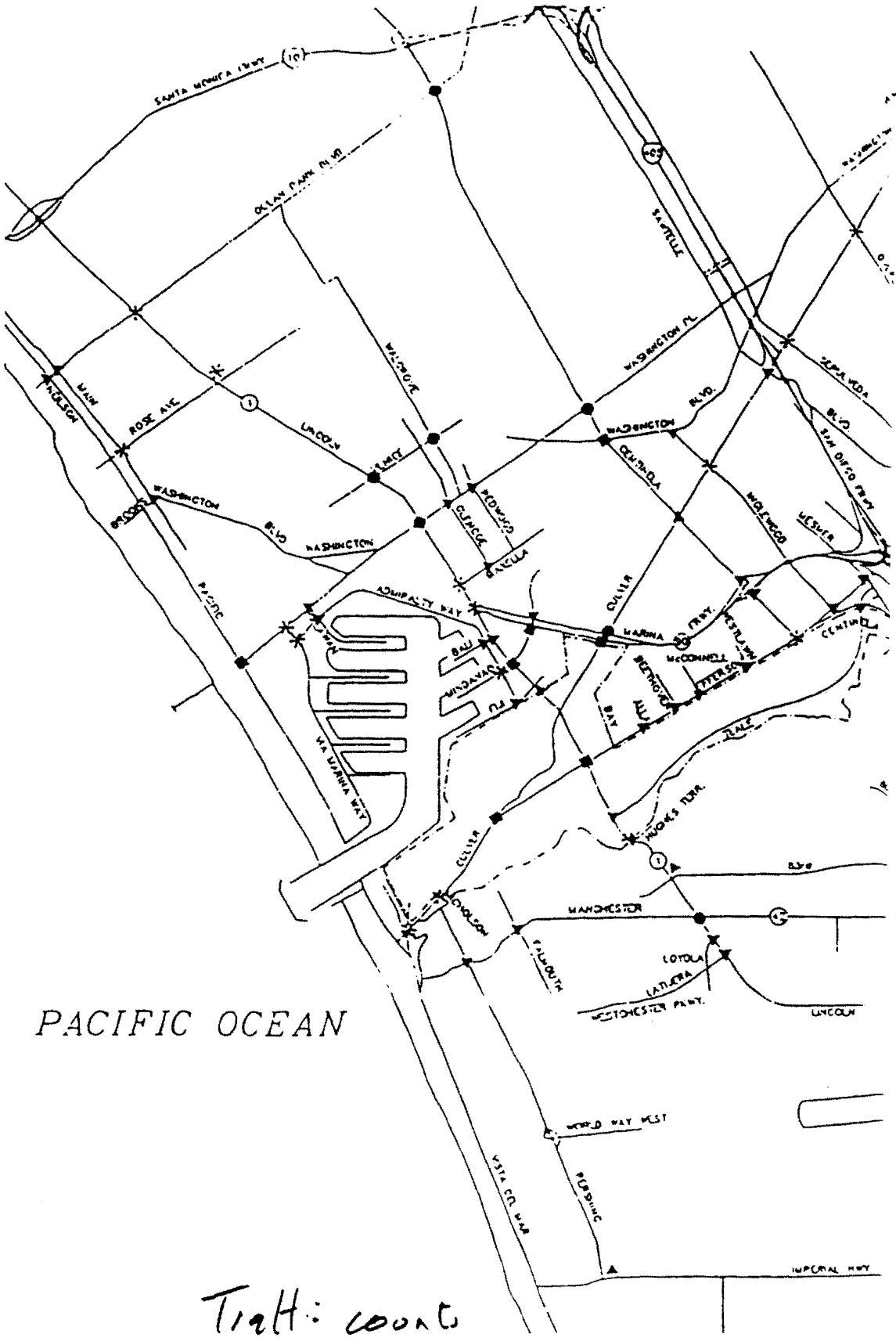
Exhibit 21



Traffic counts

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APPROXIMATE SCALE IN MILES

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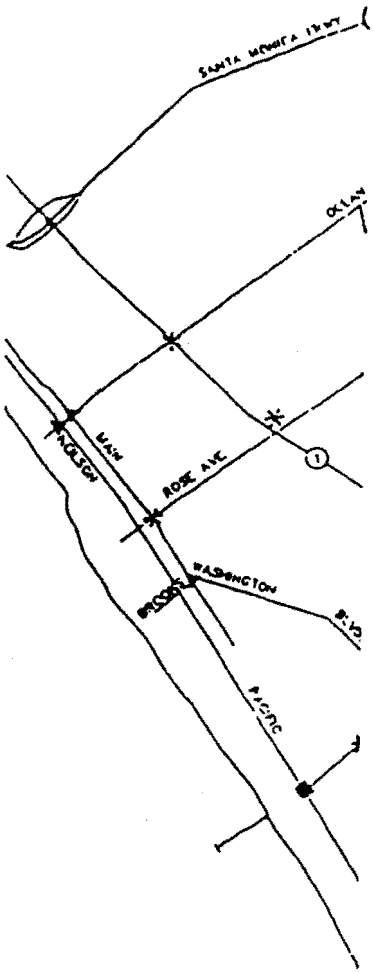
Exhibit 21p



▲ = 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
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5-01-223 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).*

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Exhibit 22
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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
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form near the La Tijera ramps, where strong interaction occurs between LAX traffic and through traffic to the I-405 Freeway.

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

(5) Transit Operations

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

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

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

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

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

1. ENVIRONMENTAL SETTING

a. Existing Conditions

(1) Study Area

The study area delineated for this transportation analysis comprises approximately 30 square miles and extends from the City of Santa Monica on the north into the City of [illegible] Segundo on the south and from Culver City to the Pacific Ocean. Portions of the City [illegible] 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

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[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

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

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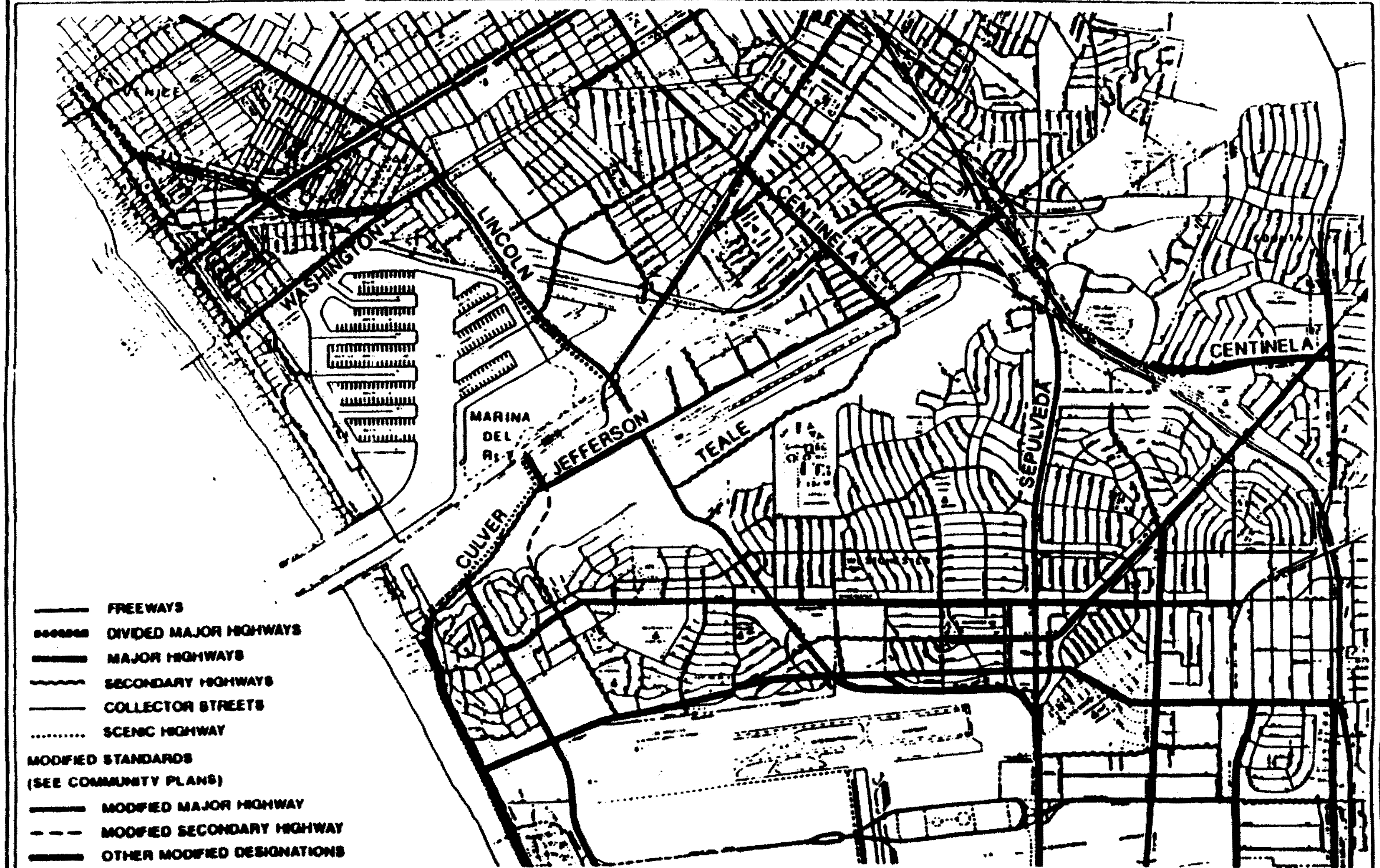

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Source: Barton-Aschman Associates, Inc, 1992.

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

Exhibit 22 p6
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designated as a Divided Major Highway. Between Washington Boulevard and Culver Boulevard, Lincoln Boulevard is also designated as a Scenic Highway.

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

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

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

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

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

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

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

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Exh. b. + 22 pp

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

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

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

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

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

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

(3) Intersection Operating Conditions

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

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

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

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

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

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

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

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[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
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Table V.L.1-1

VEHICULAR LEVELS OF SERVICE AT SIGNALIZED INTERSECTIONS

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

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

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

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Exhibit 22 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) on page V.L.1-10. The V/C ratios and levels of service for each location are also shown in Table V.L.1-6 on page V.L.1-38 of this DEIR. In Figures V.L.1-2 and V.L.1-3, Levels of Service A, B, and C are grouped together rather than kept separate because operations at LOS C or better are considered to be uncongested. LOS D represents the threshold of congested conditions. LOS D operations are considered to be acceptable on facilities in urban areas. LOS E and F conditions are congested.

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

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

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

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

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PSOMAS

Information and Engineering Solutio

RECEIVED
SEP 24 2001
CALIFORNIA
COASTAL COMMISSION

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
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11444 West Olympic
Suite 750
West Los Angeles CA 90064
310 954 3700
310 954 3777 Fax
www.psomas.com

IMPACT SCIENCES

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

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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~~ 8, all Area B restoration alternatives anticipated some level of minor roadway improvements (i.e., surface paving, striping, shoulder treatment, etc.) within Area B. This project would not alter the general configuration of the habitat zones planned as part of any of the Area B alternatives, would not alter the area of restored habitat proposed, and would not alter implementation of the infrastructure required to provide the necessary hydrology to Area B.

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

Very truly yours,
IMPACT SCIENCES, INC.

Eric Sakowicz
Principal

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

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

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

Sincerely,

Steve Fleischli
Executive Director

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A5-PLV-0128 Exhibit A revised findings (26)

Responses to
Heal the Bay
Letter dated November 13, 2001

This document has been structured in a format whereby each comment from Heal the Bay is presented verbatim in bold and Playa Vista's response directly follows.

1. **Trash Racks**

Recently, the Los Angeles RWQCB adopted a zero Trash TMDL for Ballona Creek. Although the biofiltration basin will result in some trash removal for the ¾ inch storm as a byproduct of filtering and infiltrating runoff, the project does not include any BMPs specifically designed to keep trash from the highly visible biofiltration basin area and the outlet draining to Ballona Creek. We strongly recommend a requirement to add trash racks both in front of the basin and in front of the outlet to Ballona Creek. With trash racks in place, the biofilter basin won't needlessly accumulate trash and trash won't be discharged to the creek.

Response: The proposed design of the Culver Loop stormwater detention basin already includes a trash rack on the outlet to prevent trash from reaching the Ballona Channel and Condition 9.A.2(e) already requires that "BMP's must include . . . . trash filters . . . ." However, we agree with Heal the Bay that the conditions be modified to specifically require that the basin have trash trapping devices in the inlets as well as the outlets of the basin. There are several options for these including a pipe system at the inlet/outlet area, the inclusion of trash catching devices in catch basins, and putting in a "fence-like" structure at the discharge points of each of the inflows to the basin. We support adding the following sentence to the Condition 9.A.2(e):

> "Trash catching devices will be included in both the inlets to the biofiltration basin as well as the outlet."

2. **Facility Maintenance**

The Commission needs to add a requirement for the property owner to maintain vegetation in the biofilter basin in perpetuity. Lack of maintenance commitments can lead to decreases in BMP pollutant removal efficiency and a project that is less than aesthetically pleasing.

Response: The proposed conditions fully address this issue. Condition 6 imposes this requirement for "the life of the road."

3. **Basin Capacity**

It is critical for the Commission to note that biofiltration basin has been dramatically reduced in volume by a factor of eight because of the applicant's prudent decision to downsize the footprint of the project to protect existing wetlands. The BMP used to be

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designed to treat and infiltrate a four inch storm, but now the biofiltration basin is designed to filter and infiltrate the ¾ inch storm (85th percentile storm), a design standard no more stringent than the current Los Angeles region standard for significant new and redevelopment. Although the proposed BMP conforms with the design standard, Heal the Bay believes that it is important to note that the biofiltration basin no longer will be effective in treating large storms of one inch or greater.

Response: We agree with Dr. Gold's comment that the biofiltration basin's capacity has been reduced significantly over the original design. Unfortunately by protecting an area of mulefat that Coastal Commission Staff believes might be "wetland," the area that it was possible to utilize for detention has been reduced to the point that the system is not significantly over-designed from a capacity standpoint, as it was before. However, the system itself still provides significant water quality treatment for larger events, by treating at least ¾ of an inch of rainfall from those events fully as well as providing partial treatment (less detention times) for flows that end up routed through the basin more quickly. As some runoff may enter and exit the basin faster than designed for draw-down period, it would still receive significant treatment. While the system is designed to meet the runoff treatment sizing requirement of the SUSMP programs, in fact, it is important to note that biofiltration systems are considered to be much more effective than typical catch basin inserts and would meet SUSMP requirements. So from a typical treatment standpoint, the basin should result in much lower concentrations than would be achieved if the system were to rely on catch basin type inserts.

4. **Pollutant Loadings**

The road construction project on Culver Boulevard will result in an increase in impermeable area of nearly five acres. The end result will be larger peak flows and pollutant loadings to the biofiltration basin and the creek. The majority of this impact will be in the creek for storms that exceed the ¾ inch design standard.

Response: The increase in impermeable area related to the Culver Loop and widening project is 1.99 acres, not 5 acres. Dr. Gold is correct in stating that adding impervious area, without treatment or mitigation, typically increases stormwater runoff amounts and usually results in more pollutants. However, this project adds a stormwater biofiltration basin that treats runoff from both the new impervious areas as well as the existing roadways. The SUSMP requirements do not require that this occur; they apply only to new impervious areas. Because of the fact that the basin would treat runoff from existing areas as well as the new surfaces, overall pollutants loading to the Ballona Creek would be reduced. This is not possible with most projects. What is also important to note is that most of the areas being converted from "open space" to impervious are actually fairly compacted shoulder areas. The paving of these areas would likely reduce sediment loads.

5. **Ownership**

The staff report does not adequately delineate how much of the expanded road area is owned by the City, County or State. One of the most critical issue that has been brought up by the public is, how much of the road expansion is on a segment of parcel C owned by

the state? In light of the potential Area C to become State parkland, the answer to this question is critical.

Response: As a point of clarification, the State does not own property in Area C. It is owned by U.S. Trust Company. For the Culver Loop Ramp, the revised ramp is located within land owned by the County of Los Angeles. The Culver road widening to the Marina Freeway has already been dedicated by U.S. Trust Company to the City of Los Angeles. The Controller's office authorized and approved the dedication. At most an additional dedication of between zero and 100 square feet would be required for the road. An additional 6,000 square feet would be required to be dedicated from U.S. Trust Company for the 5 foot landscape buffer requested by the Commission staff.

6. Land Use

A concern has been brought up by the public that any major road construction projects approved by the Commission could preclude certain land use decisions transportation improvements, or restoration options in the Ballona Wetland/Playa Vista area in the future. Again, considering the controversy surrounding the project, these issues need to be adequately addressed by staff before Commission approval.

Response: The improvements before the Commission do not preclude future land use decisions in Area C or Area B of Playa Vista. With respect to the Culver/Jefferson improvement, the Staff analyzed the issues raised by Dr. Gold at page 37 of the Staff report. As noted by Staff "the Commission concurs that reconfiguring one intersection will not drive the City decision on patterns of restoration, and if the California Department of Parks and Recreation or a private agency acquires the area, one intersection will not limit its alternatives". (See Staff Report, p. 39).

With respect to the Culver Loop and Widening, the Staff fully analyzed the potential impacts on Area C (See Staff Report at pp. 42 and 43) and discussed these issues in their staff rebuttal. In addition to the issues raised by the staff, we point out that the proposed Culver Widening and Loop would result in significant benefits in that it enhances access to Area C, and current and future recreational uses in that area.

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Revised Findings

Responses to
Friends of Ballona Wetlands
Letter dated November 12, 2001

This response document has been structured in a format whereby each comment from the Friends of Ballona Wetlands is presented verbatim in bold and Playa Vista's response is set forth directly below. Playa Vista is agreeable to modifications to the special conditions, as proposed below.

Culver/Jefferson Improvement (Appeal No. A-5-PLV-01-281, Permit No. 5-01-223)

The Revised Staging Areas plan should include signage to keep construction personnel out of any sensitive areas, should include training for construction personnel on the necessity of staying within the staging area, and should incorporate by reference and by location, all sediment and erosion control measures as detailed in Condition 3.

1. Add the following requirements to Special Condition No. 1.A.2:

   (b) Signage to keep construction personnel out of any sensitive areas.
   (c) Training for construction personnel on the necessity of staying within the staging area.
   (d) All of the sediment and erosion control measures as detailed in Special Condition 3.

In addition to the listing of invasive plants contained in the CNPS—Los Angeles Chapter, the landscaping plan should not include any species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999 and as updated periodically (www.ceppc.org).

2. Modify Special Condition No. 2.A.2, as follows:

   No non-native or invasive species will be employed or allowed to naturalize or persist on the site. Invasive plants are those identified in the California Native plant society, Los Angeles – Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains*, January 20, 1992, those species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999 and as updated periodically (www.ceppc.org), and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.

The landscaping plan should also include an analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation. The Friends believe that it is important to provide seed food sources for birds utilizing the wetlands.

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3. Add the following subsection to Special Condition No. 2.B:

6. An analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation.

Within the IMP, we do no believe that non-native species should be introduced in any portion of the Ballona wetlands, even if those species have benefits in reducing pests.

4. Modify Special Condition No. 2.B.5(a)(1), as follows:

(1) Introduction of native natural predators ~~such as ladybugs, lacewings, garter snakes and toads~~. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.

The Friends have engaged a lighting consultant, Dr. Richard Podolsky, whose report is attached to this letter. We believe that there are additional lighting designs and concerns that should be addressed that go beyond those listed by the Commission.

5. The proposed improvement incorporates lighting that is consistent with Dr. Richard Podolsky's recommendation and will have reduced light impacts. The project will remove the existing cobra-head lighting in the streets and replace them with wetland protective flat lens, cutoff optic lighting that have much less glare and spill. Dr. Podolsky notes in his letter that even if the cobra-head lights remain, "the overall effect of this stretch of Culver is very appealing and the darkness helps to preserve the wetland habitat for wildlife." Letter from Richard Podolsky, Ph.d. dated August 14, 2001 at pp. 2 and 3.

The Friends request that the biological monitor also report its findings to the Ballona Wetlands Foundation such that the Foundation can be kept apprised of any sensitive species issues that may affect the wetland restoration planning for this area. The Friends further request that the Executive Director review and approve the qualifications of the biological monitor prior to that monitor being in place.

6. Add the following two sentences to the end of Special Condition No. 7.A:

A copy of the Biological Monitor report shall be provided to the Executive Director and shall be available for the public. The Executive Director shall review and approve the qualifications of the Biological Monitor.

The Friends encourage the removal of invasive species from the upland and wetland portions of the site. We believe that invasive species could also be successfully removed from the wetlands particularly in the vicinity of the project. However, the simple removal of invasive species without some follow-up planting with native species will not be successful in our opinion. We would encourage that the removal program be followed with an effort to plant native species.

7. Modify Special Condition 16 to add:

Areas in which invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director.

Finally, the last paragraph requests clarification regarding future restoration plans. As noted in the Staff Report, approval of this improvement does not prejudice the selection of any future restoration plan that may require realignment, replacement, or re-design of the Culver/Jefferson Boulevard intersection.

Culver Loop and Widening (Appeal No. A-5-PLV-00-417; Application No. 5-01-382)

We again recommend that the landscaping plan include a prohibition on any plants considered by the California Exotic Plant Pest Council as invasive. This list was first prepared in 1999 and is subject to updating as new information becomes available.

1. Playa Vista concurs with this comment and proposes the following:

Modify Special Condition No. 2.A.2, as follows:

No non-native or invasive species will be employed or allowed to naturalize or persist on the site. Invasive plants are those identified in the California Native plant society, Los Angeles – Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1992, those species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999 and as updated periodically (www.ceppc.org), and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.

We believe that the planting plan should include an analysis of the benefits of the proposed species to wildlife expected to be in the vicinity. The planting of food sources, nectar sources, and roosting sites should be evaluated in the plan. The discussion on this topic is included in Condition 4A2 and we believe should also be considered in the planting plan for the Culver/Jefferson permit.

2. Add the following subsection to Special Condition No. 2.B:

6. An analysis of the benefits of the selected landscaping materials on the native wildlife species that may utilize this vegetation.

We are concerned that the technical criteria for the Water Quality/Habitat Basin—drawdown time of no less than 40 hours (Condition 1A2) may preclude the use of some wetland plants that require more inundation. We would like to see this particular criteria deleted in favor or providing more flexibility for the selection of wetland plants for this basin.

3. Playa Vista concurs with this comment and recommends deletion of subsection (2) from Special Condition No. 1.A.

Within the IPM, we do not believe that non-native species should be introduced in any portion of the Ballona wetlands, even if those species have benefits in reducing pests.

4. Modify Special Condition No. 2.B.5(a)(1), as follows:

> (1) Introduction of native natural predators ~~such as ladybugs, lacewings, garter snakes and toads~~. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.

Prior to construction, the applicant should be required to take photographs of the wetlands adjacent to the road construction as a record to show their current condition in case there is some failure with the erosion control features.

5. Add the following sentence at the end of Special Condition No. 4.A.1:

> The applicant shall take photographs of the area adjacent to the improvement area to document the existing condition as a part of the initial assessment.

Again, we recommend that the lighting features recommended by our lighting consultant be included as possible design features for this site.

6. This proposed improvement also incorporates lighting that is consistent with Dr. Richard Podolsky's recommendation and will have reduced light impacts. The project will remove the existing cobra-head lighting in the streets and replace them with wetland protective flat lens, cutoff optic lighting that have much less glare and spill. Dr. Podolsky notes in his letter that even if the cobra-head lights remain, "the overall effect of this stretch of Culver is very appealing and the darkness helps to preserve the wetland habitat for wildlife." Letter from Richard Podolsky, Ph.d. dated August 14, 2001 at pp. 2 and 3.

Again, we recommend that without revegetation of native plants in areas where eradication of non-natives occur, the likelihood of success is poor. We encourage that a native planting program be undertaken in conjunction with this condition.

7. Modify Special Condition 16 to add:

> Areas in which invasive plants are removed shall be replanted with common native plants according to a seeding program approved by the Executive Director.