

**CALIFORNIA COASTAL COMMISSION**

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**Tu 10a & 10b,**

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**REGULAR CALENDAR AND DE NOVO HEARING ON APPEAL  
 STAFF REPORT AND RECOMMENDATION**

**APPLICATION NUMBER:** 5-00-400 (Playa Capital); A-5-PLV-00-417 (Playa Capital)

**APPLICANT:** Playa Capital Company LLC

**AGENTS:** Catherine Tyrrell, Playa Capital  
 Wayne Smith, Psomas Associates

**PROJECT LOCATION:** Culver Boulevard, and adjacent to and south of existing Lincoln/Culver ramp, Area C Playa Vista, Los Angeles County

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

**PROPOSED CHANGE IN DESCRIPTION DE NOVO:** Construct 1.1 acre extended detention/biofiltration basin and restoration area within curve of ramp loop, to capture and treat storm water run off from the widened roads, through detention-induced settling and biofiltration before it drains to Ballona Creek; install additional landscaping along Culver Boulevard and along recently widened portions of Lincoln Boulevard rights-of-way.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission **APPROVE** the proposed development subject to conditions to:

- 1) Design, install, and maintain the proposed extended detention/biofiltration basin, consistent with specifications contained herein;
- 2) Install, as possible, willows, mule fat and other wetland facultative plants within the basin to achieve stated habitat goals;

- 3) Complete the assessment of the identified archaeological deposits as permitted in Coastal Development Permit No. 5-98-164 before undertaking any work authorized in the present permit.
- 4) Agree to maintain the bio-filtration basin along with other first phase improvements.
- 5) Construct sidewalk along the south side of Culver Boulevard within right-of-way.

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**LOCAL APPROVAL:** City of Los Angeles CDP 00-03B

### **EXECUTIVE SUMMARY**

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

The Playa Vista Project has long been controversial because of its size and intensity and because of the presence of wetlands. The Department of Fish and Game has identified 196.53 acres of wetlands on the Playa Vista property, including the 3.47 acres identified by the Corps in Area D. (Area D is located outside the Coastal Zone.) Because the historic wetland was much larger than the presently identified wetland, the extent of the wetlands is also subject to controversy. In 1984, the Department of Fish and Game identified 2.5 acres of wetland in Area C (the northwest quadrant of Playa Vista.) This road widening is proposed in the southwest corner of Area C and along the entire south side of Culver Boulevard, which bisects Area C.

Area C is owned by the State. The most immediate controversy in this case is whether the project is an appropriate use of State property. Until December 31, 2000, the applicant had an automatic right to purchase the area, and incorporated Area C into plans for the larger Playa Vista project. The State and Playa Vista agreed that Playa Vista had a right to purchase Area C for an agreed sum before December 31, 2000. After December 31 2000, the right became only an option. Playa Vista failed to purchase Area C by December 31, 2000.

Because the applicant no longer has an automatic right to purchase it, Area C is now under consideration for development as a public park. Although development as a park is still only a possibility, this report will address how doubling the width of the road and the addition of ramps connecting to Lincoln Boulevard and the Marina Freeway would impact the development or operation of a park. The Commission should also consider whether the widening of the road could impact habitat recovery efforts on the site.

Due to the presence of a small (2.5-acre) mapped wetland on the north side of Area C, the public has also raised issues whether the road and ramp building could impact that wetland and or other areas that are not mapped wetlands. The proposed project does not fill or drain into any of the mapped wetland areas on the project site. However, the proposed new ramp from northbound Lincoln to Culver Boulevard impacts a 0.19-acre area that is vegetated with a mixture of mulefat and introduced annuals, raising concerns with the wetland impacts of this project. Opponents have indicated that they believe that the Department of Fish and Game should have determined that this area is a wetland. Mulefat is a wetland facultative plant – it is found in wetlands and marshes but also in other areas subject to occasional flooding. In response to this concern, the Commission's staff biologist visited the area of mulefat located within the ramp footprint and determined that that area is not wetland although it may have some habitat value.

Opponents have also raised concerns that runoff from the road widening will adversely impact Ballona Creek or the drainage course found north of Culver Boulevard (mapped as the Marina Drain on flood control maps). The new road area will not drain to the Marina Drain or the patch of Salicornia that constitute the mapped wetlands found on the site. In response to concerns that the increased runoff will carry additional polluted waters into Ballona Creek, the applicant is proposing an extended detention/biofiltration basin to filter runoff from the road, which will then discharge to Ballona Creek. The drainage basin will be vegetated with willows and other plants so it can provide both bio-remediation and habitat. Staff is recommending special conditions that will set standards for the capacity and design of that facility, as well as the methods employed for filtration.

The project involves the removal of about five acres of upland vegetative cover. Even though introduced annual grasses and weeds dominate the roadsides; they do provide shelter and some food for birds and other animals. The applicant is proposing to

revegetate the 1.1-acre drainage basin and the roadside areas adjacent to Culver Boulevard and also to newly widened Lincoln Boulevard. In order to assure (1) continued provision of habitat and (2) to assure that the new landscaping will not invade areas slated for restoration, staff is recommending that the plant material used in the road side areas use mostly native plants, and any non-native plants be drought- tolerant and non-invasive.

The project is located in an area underlain by oil and gas bearing sediments, which release gas through the soil. There are measurable levels of thermogenic soil gas within the area, although most recent surveys indicate that concentrations of soil gas in the immediate area of the proposed road are not hazardous and are lower than those found in Area D, which is located south of this project. The City is in the process of determining, what measures will be necessary to assure the safety of structures from a build up of soil gas in parking structures and basements. Given the necessity of measures to collect and vent soil gas in the neighboring area of the property, opponents have raised concerns that a road might also be subject to dangers from soil gas build up. Soil gases are dangerous when they build up in enclosed spaces and are then mixed with oxygen. The City of Los Angeles standards for protection of structures from soil gas exempt small structures and unenclosed areas from the burden of collecting and venting gases. The staff of the Department of Public Works indicates that the City has not experienced problems with soil gas under roads, even in areas where structures are required to collect and vent methane. The staff geologist has reviewed the available reports and concurs that construction of the road will not raise dangers from soil gas. A long awaited report from the City Legislative Analyst indicates that Area C is not subject to high levels of soil gas. One abandoned oil well, located in the vicinity of the roadway was detected venting less than 100 ppmv. This is a low level and is not expected to be hazardous. No underground deposits or gas reserves were detected in Area C.

The project will impact two mapped archaeological sites. Exploration and recovery of those sites is authorized in a programmatic agreement between the applicant, the US Army Corps of Engineers and the State Historic Preservation Officer. Exploration of these sites, but not recovery, is authorized in Coastal Development Permit 5-98-164. Staff recommends that the initial explorations be completed and the reviewing agencies determine that no further exploration is necessary before the issuance of the present permit.

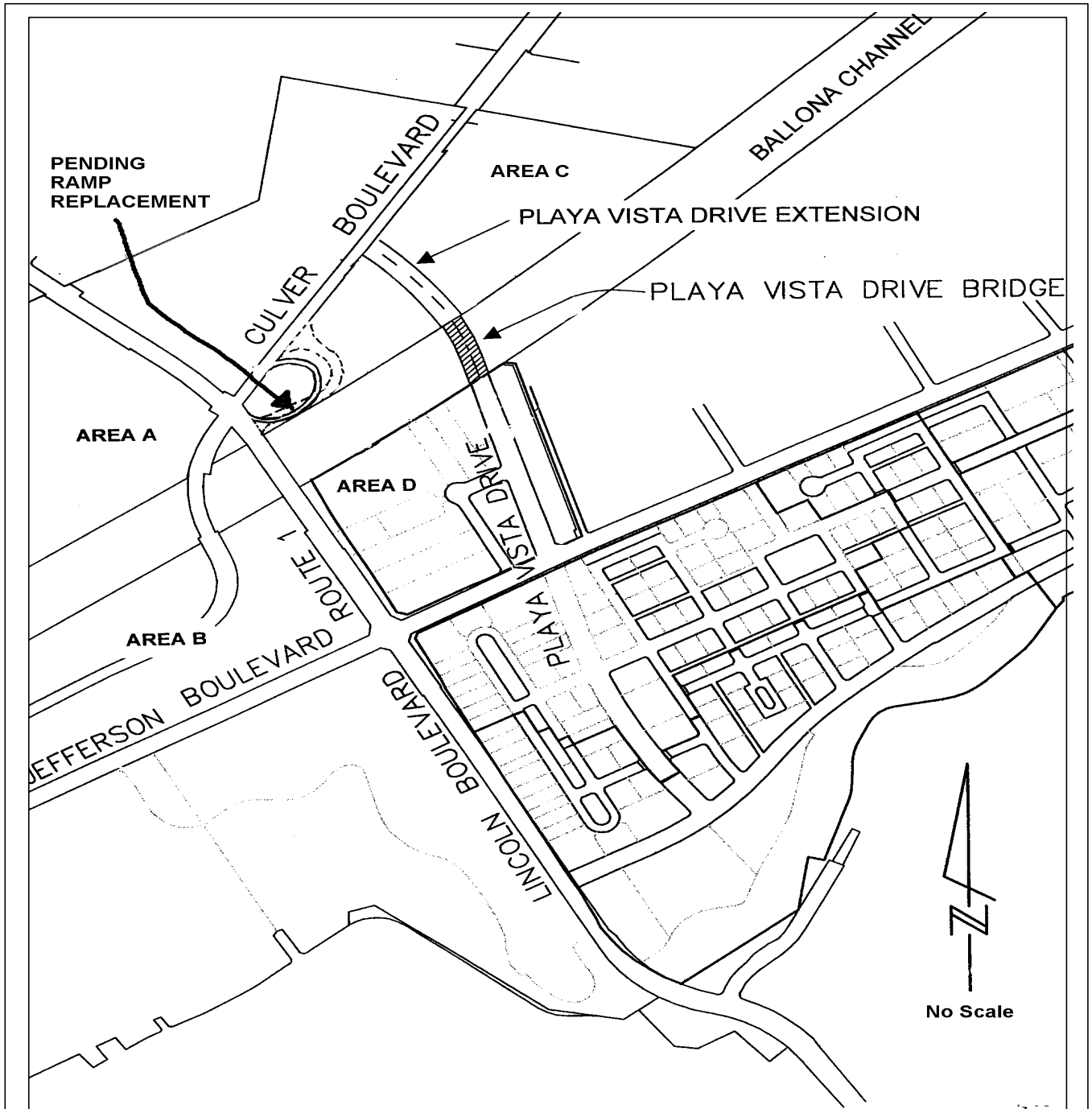


Figure 1. Project Location.

The coastal zone boundary follows Alla Road south to the railroad to the south side of Ballona Creek and then to Lincoln. The bridge and Playa Vista drive and the Route 90 expansion will be submitted in the near future for CDP's.

**Procedural Note:**

This project is located in the City of Los Angeles, which has assumed pre-certification permit jurisdiction under Section 30600(b) of the Coastal Act. While there is a certified LUP for this area, the Commission has not certified implementation ordinances. Section 30600(b) allows a local jurisdiction to issue coastal development permits prior to certification of its Local Coastal Program, subject to appeals by any person within 20 working days of issuance of the permit.

The Coastal Act also identifies areas where irrespective of the City's grant of a coastal development permit in its pre-certification program, the Commission must grant a second coastal development permit for all development. Section 30601 establishes that, in addition to a permit from local government pursuant to subdivisions (b) or (d) of section 30600, a coastal development permit shall be obtained from the Commission for all major public works projects, for developments located within 100 feet of any wetland, estuary or stream, or located between the first public road paralleling the sea and the sea. The project is a major public works project. This road-widening project is also located between Culver Boulevard, a public road, and the Ballona Channel, which because it is subject to tidal action, is regarded as an arm of the sea for purposes of Section 30601. Finally, the ramps are located within 100 feet of Ballona Creek, a tidal estuary.

On January 11, 2001, the Commission found that the appeal of local permit CDP-3B, appealed as A-5-PLV-00-417 (Playa Capital Company LLC), raised substantial issue with respect to its conformity with the Coastal Act. This present action is a combined action on the De Novo hearing on Appeal A-5-PLV-00-417 and on permit application 5-00-400, which the applicant submitted in accordance with Section 30601.

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

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the de novo permit and coastal development permit application with special conditions:

**MOTIONS**

*"I move that the Commission approve with special conditions Coastal Development Permit 5-00-400 per the staff recommendation as set forth below."*

*"I move that the Commission approve with special conditions Coastal Development Permit A-5-PLV-00 417 per the staff recommendation as set forth below."*

Staff recommends two **YES** votes which would result in the adoption of the following resolutions and findings. An affirmative vote by a majority of the Commissioners present is needed to pass each motion.

**I. Resolution: Approval with Conditions of Coastal Development Permit 5-00-400**

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

**II. Resolution: Approval with Conditions of De Novo Permit A5-PLV-00-417**

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

**III. 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.

#### **IV. SPECIAL CONDITIONS**

##### **1. DRAINAGE FACILITY**

A. Prior to issuance of the coastal development permit, the applicant shall provide final plans for the Water Quality and Habitat Basin for the Culver Loop Ramp and Widening for the review and approval of the Executive Director. In reviewing the plans, the Executive Director shall consult with the staff of the Regional Water Quality Control Board and the City of Los Angeles Department of Public Works. The final plans shall demonstrate that the system will be designed, implemented and maintained consistent with the following specifications:

- 1) The capture goal (the volume of runoff from the development to be captured and detained) for the extended detention/bio-filtration system, shall be no less than the volume of stormwater runoff from each runoff event, up to and including the 85th percentile, 24-hour runoff event (one inch in this location.)
- 2) The Water Quality and Habitat Basin shall be designed to provide a drawdown time (drain time) of no less than 40 hours for the capture volume.
- 3) Energy dissipaters shall be placed at the basin's entrance to minimize bottom erosion and re-suspension.

4) The basin shall be designed to provide bypass or have pass-through capabilities for large storm events; e.g. the 100-year storm runoff.

5) The system shall be maintained for the life of the project, in accordance with the applicable recommendations contained in the California Stormwater Best Management Practice Handbook - Municipal (1993), which include, but are not limited, to the following:

- Conduct inspections semi-annually and after each significant storm; remove floatables.
- Check outlet regularly for clogging.
- Check banks and bottom of surface basin for erosion and correct as necessary.

6) Five years after installation is complete; the applicant shall test the soil horizon from the surface to six feet under the surface to detect significant buildup of toxic materials that might impact the ground water. The copies of the monitoring reports shall be provided to the Executive Director, the Los Angeles City Department of Public Works and the Regional Water Quality Control Board. Any removal and remediation of soils beneath the basin, if necessary, shall require an amendment to this permit. Periodic removal of accumulated sediments within the basin above the level of the finish elevation would not require an amendment to this permit.

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

(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's location within the immediate watershed of Ballona wetland, where feasible and appropriate, the alternatives to pesticides including, but not limited to, the following shall be implemented:

- Introduction of natural predators such as ladybugs, lacewings, garter snakes and toads. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.
- Weeding, hoeing and trapping manually.
- Use of non-toxic, biodegradable alternative pest control products.

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

- All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.
- Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (Ballona Creek and Ballona Creek Estuary) on the California Water Quality Control Board 1998 303 (d) list shall not be employed. Products that shall not be employed are those containing the following constituents:
  - Chem A. (group of pesticides) – aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene
  - DDT

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

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

## 2. **LANDSCAPING AND EROSION CONTROL PLANS**

A. Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall address temporary and permanent vegetation within the Water Quality and Habitat Basin and along the roadsides from which vegetation will be removed in this and the related Lincoln Boulevard roadway adjacent landscaping. The plans shall be reviewed and approved by the Los Angeles City Fire Department, the Los Angeles City Bureau of Street Maintenance and or Caltrans to ensure that the plants are in conformance with fire and highway safety practices and shall also be submitted to the Angeles Region of the Department of Parks and Recreation for its comments. The plans shall incorporate the following:

I. Initial assessment: The applicant shall provide a brief initial assessment indicating the soils expected to be found after the project, the soils now found in the 0.19 acre "mulefat area", measures necessary to assure the soils in the basin will be appropriate for wetland plants, the amount of water to be expected, the amount of irrigation necessary to maintain the project, and the measures that might be necessary to control invasive plants.

II. Habitat Goals. Prior to preparing the landscaping plan for the biofiltration basin, the applicant shall provide a statement of habitat goals, prepared by a biologist or licensed landscape architect for the review and approval of the Executive Director. The goals shall establish a minimum coverage of each type of plant community, following the general proportions shown in the applicant's initial plan of December 1, 2000, including no less than 0.6 acre of willows and other wetland plants. Plans and notes shall also indicate the goals underlying the choices of the other plants shown in the preliminary plan dated December 1, 2000 and indicate the habitat function of the proposed vegetation--the animals and other plants expected to benefit from the presence of the vegetation.

III. After approval of the plan in concept, the applicant shall provide detailed plans and notes that show the location of plants, sizes of container plants, density of seeds if seeds are used, expected sources of seeds and container plants, a schedule of installation and a statement describing the methods necessary to install and maintain the basin and the kinds and frequency of maintenance expected to be necessary in the long term. The plan shall be drawn up with consideration of the limitations noted in Condition 1 above. As much as possible, native plants shall be derived from sources located within the Ballona region.

IV. Based on the information in the plan and the initial assessment, the applicant shall prepare a monitoring schedule, providing (1) an initial report upon completion, to verify that the plants have been installed according to the approved plan, (2) no fewer than two additional reports in the first year, and (3) no fewer than one report in each subsequent year. The reports shall contain a brief description of the condition of the plants, the degree of coverage and the survival rate of various plants, either photographs, maps or illustrations and recommendations concerning activities necessary to achieve the stated goals. The applicant shall, at the appropriate season, replant to remedy the deficiencies noted in the monitoring reports.

V. Vegetation planted in the Water Quality and Habitat Basin shall be native wetlands, coastal sage scrub and coastal prairie plants as shown on the plans submitted December 1, 2000, as modified based on the assessment of soils, any comments of the Resources Agencies or as required by the Executive Director.

VI. Vegetation planted on the roadsides shall include a preponderance (75% or more) of coastal sage scrub plants sited and chosen to avoid a build up of fuel for fires and other hazards and to improve the appearance of the road side. The goal of the roadside planting shall include buffering any future parks, trails or residential structures from the noise and visual impact of the road and providing an attractive passage through the area. Other low fuel plants may also be used, provide that they are drought tolerant and do not include invasive plants that may invade restoration areas of Playa Vista or nearby communities. Available lists of invasive plants are found in the California Native Plant Society, Santa Monica Mountains Chapter, document entitled *Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains*, dated January 20, 1992. The Executive Director may identify additional invasive plants.

VII. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

VIII. Plantings will be installed at the conclusion of the installation of pavement and drainage pipes. They shall be maintained in good growing condition throughout the life of the Phase I Playa Vista project and, whenever necessary shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

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

### **3. ARCHAEOLOGICAL EXPLORATION**

Prior to issuance of the coastal development permit, the applicant shall provide evidence for the review and 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. If deposits or grave goods are uncovered during construction, work must stop until the archaeological monitor and the Native American monitor can evaluate the site and, if necessary, develop a treatment plan that is consistent with the programmatic agreement.

Once a site is determined to contain significant cultural resources, a Treatment Plan (Mitigation Plan) shall be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan shall outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit or Coastal Development Permit 5-98-164 is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an amendment will be required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in the area of disturbance or change in the type of excavation procedures.

If 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.

### **4. MAINTENANCE AND DEDICATION GUARANTEES FOR LIFE OF ROAD**

A. Prior to issuance of the coastal development permit the applicant shall provide an enforceable agreement for the review and approval of the Executive Director providing for maintenance of the extended detention/biofiltration basin for the life of the road. The agreement shall include a source of funds and an identified agency or entity responsible for the collection of funds and carrying out the requirements of Conditions one and two above.

**5. INSTALLATION OF TEN-FOOT WIDE SIDEWALK**

A. Prior to issuance of the coastal development permit the applicant shall submit revised plans for roadside improvements for the review and approval of the Executive Director. In addition to the landscaping required in Condition 2 above, the plans shall provide a ten-foot wide standard city sidewalk in a ten-foot corridor on the south side of Culver Boulevard in the area designated for that purpose. The sidewalk shall extend from the intersection with Route 90 to the proposed intersection with Playa Vista Drive.

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

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

**6. STAGING AREAS, STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS, SAFETY FENCING AND CONSTRUCTION PRACTICES.**

Prior to issuance of the coastal development permit, the applicant shall agree that all construction staging and heavy equipment routes, employee parking areas and equipment storage areas shall be located as shown in Exhibit 7. The applicant shall also identify all areas in which vegetation removal, vehicle access and or movement of heavy equipment are prohibited, and shall provide (1) detailed measures to prevent siltation during construction, (2) detailed measures to prevent unauthorized vegetation removal, and (3) plans showing the location and placement of safety fencing sited and designed to protect the public from construction hazards. Vegetation may only be removed from the approved roadway prism, from areas within twenty feet of the roadway prism and areas identified in Exhibit 7 approved staging and equipment areas. Pursuant to this requirement, the permittee shall comply with the following construction-related requirements:

- (a) In advance of construction, the applicant shall tape or fence all the boundaries of areas identified as approved for disturbance of vegetation in this permit. Contractors and equipment operators shall

be notified of this restriction on the plans and by separate notice, and by visible signs;

- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean, Ballona Creek, or any area north of Culver Boulevard;
- (c) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (d) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system, covering dirt stockpiles, containment for asphalt, and a pre-construction meeting to review procedural and BMP guidelines; and
- (e) Construction debris materials and sediment shall be properly contained and secured on site with BMPs, or removed from construction areas each day that construction occurs to prevent the accumulation and/or unintended transport of sediment and other debris by wind, rain or tracking which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone,

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

- A.** Prior to issuance of the coastal development permit, the applicant shall provide for the review and approval of the Executive Director a valid executed and recorded agreement from all owners of the land inside the "Culver loop" to allow the City and/or the applicant and/or its successors in interest to construct the project as described in this permit as approved and to enter and maintain the extended detention/biofiltration basin. Such agreement shall include a valid B permit issued by the City of Los Angeles Department of Public Works with an Interim Change Authorization to include all work authorized by this coastal development permit and either **proof of** City ownership of the land or a legally enforceable executed easement from Los Angeles County allowing them to carry out the work described in City of Los

Angeles "B permit" issued for the work and this coastal development permit. Said easement shall have been approved as to form by the City Attorney of the City of Los Angeles and by the Los Angeles County Counsel and by the State Controller if a title report shows that any land inside the loop is owned by the State.

- B. Said agreement shall be recorded free of prior liens that the Executive Director determines might affect the ability of the applicant or its successors to carry out the intended maintenance or construction.
- C. The applicant shall carry out the work as indicated in this permit and in the B permit.

## **8. CITY PERMITS**

Prior to issuance of the permit the applicant shall provide for the review and approval of the Executive Director proof that the City of Los Angeles has issued the B permit the Storm Water Pollution Prevention Plan, if required and all other necessary permits.

## **9. INSPECTION OF ABANDONED OIL WELL**

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

## **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

The project before the Commission is to (1) add a loop ramp that will connect north bound Lincoln Boulevard to east bound Culver Boulevard, (2) relocate, improve the radius of and widen a second loop ramp that presently connects east bound Culver Boulevard with north bound Lincoln Boulevard, and (3) add a lane (38-41 foot wide strip) to Culver Boulevard on the south side of Culver Boulevard from Lincoln Boulevard to the Marina Freeway, (Route 90), (4) construct ground level ramps between Culver Boulevard and the Marina Freeway, (5) add lighting, drainage and landscaping, and (6) install a 1.1 acre extended detention/bio-filtration basin. Both the Commission and the City approved the ramp and road widening portions of this project in 1995 as 5-95-148(Maguire Thomas). Due to financial difficulties, the applicant did not construct the project and the permit expired. This and recently approved coastal development permit 5-99-139, improvements to Lincoln Boulevard, are applications to seek re-approval of two parts of the project approved in CDP 5-95-148.

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

There are other street and highway improvements that are expected to be submitted to the Commission in coming months. The applicant is currently seeking a City of Los Angeles coastal development permits for another required Phase I road improvement that will be located in Area C. This is the extension of Playa Vista Drive (previously identified as "Bay Street") from Jefferson Boulevard, over a new bridge over Ballona Creek, then through the present Little League ball field area to an intersection with Culver Boulevard, the street subject to the current application. The City has also required the applicant to change the geometry of the intersection at Culver Boulevard and Jefferson Boulevard in Area B from a "V" shaped intersection to a "T" intersection. Caltrans has submitted an application, still incomplete, for a full freeway interchange at Culver Boulevard and Route 90, bridging over Culver Boulevard at the Coastal Zone boundary. Caltrans has also released an EIR for

widening Lincoln Boulevard to eight lanes from Hughes Terrace, at the southern end of the Playa Vista project, to Fiji Way. These two Caltrans improvements are not required by the first phase of Playa Vista.

## **B. RIGHT OF THE APPLICANT TO SUBMIT THE APPLICATION**

Section 12053.5(b) of the California Code of Regulations requires that an applicant for development shall provide documentation of its legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership, leasehold, enforceable option, or authority to acquire the specific property by eminent domain. If the applicant does not own the property, it must also provide evidence that the owner of the property has been invited to be a co-applicant.

The State of California owns Area C. Title is held by a trust company, the United States Trust Company of California N. A. for benefit of the State of California. When the previous owner of the property, Howard Hughes, died, his successor in interest, Summa Corporation, and the State agreed that the State would take Area C in lieu of part of the amount due in estate taxes. The State also agreed that the Summa Corporation or its successors could buy back the land for an agreed on sum by December 31, 2000. After that time, the State was not obliged to sell the property back to Summa's successor. The Applicant, Playa Capital Company, LLC, is Summa Corporation's successor. On December 31, 2000, the agreement between the State and the project applicant lapsed. Since the applicant does not own the property, opponents have now questioned the applicant's right to develop roads on it.

In response to questions concerning these issues, the applicant provided documents as listed below.

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

The "security agreement" is the agreement in which the State accepted the Area C property but granted the developer the right to carry out a development proposal and to buy back the property at the end of 2000. The agreement let Summa or its successors develop and control the property until it could purchase the property. The security agreement conveyed

the land to a trust company as trustee. When on December 31, 2000, the applicant failed to buy back the land on schedule, the security agreement terminated.

Independent of that agreement, in 1990, the State and the developer recorded an easement over the property that survives the termination of the security agreement. The 1990 easement relates to improvements that are defined in Section I.A.4, Page 3 of the easement agreement (exhibits) by reference to certain provisions of the security agreement between the State and Maguire Thomas Property Playa Vista (the applicant's immediate predecessor). The security agreement includes an exhibit, Exhibit B that lists road improvements contemplated, apparently for purposes of allocating the cost. The 1990 easement adopts the list by reference. These are described, essentially as the streets and roads within Area C that had been identified in the Playa Vista LUP, and in the City's Specific Plan for Area C.

In August 1990, the State granted a perpetual irrevocable easement to Maguire Thomas Partners Playa Vista and its successors in interest to "alter, improve, use, repair and maintain that portion of the "Burdened Property" (Area C), which constitutes the precise location of each improvement, to the extent reasonable and necessary." (Section II.A.1 and II.A.2.) It also requires the State to dedicate the improvements to the City once they are complete and their exact dimensions are known. Maguire Thomas Partners Playa Vista has the right to use the 1990 easement granted "provided that such improvement is or would be permitted pursuant to the terms of the security agreement, whether or not the security agreement is then in full force and effect." (II. B) This provision contemplates that the Playa Vista can still use the easements to construct the improvements even after the security agreement terminates. Further, the agreement states that the agreement and easements contained in it shall continue in full force and effect in perpetuity. (Section V.A.)

Improvements that the State agreed to were listed in Exhibit B to the Security Agreement. They included "Culver Boulevard construction," "Lincoln construction," "Bay Street", "bridges on Bay and Lincoln," and "connections to Route 90" (the Marina Freeway). The State however received rights to construct roads over Maguire Thomas Partners Playa Vista's property in order to develop Area C. (Exhibit)

The 1990 easement covers all improvements adopted in the certified Land Use Plan. The LUP lists the following improvements that involve Area C:

1. Realign and extend Culver Boulevard as a six lane divided road. [The plan proposes that the sharp "S" curve on Culver just west of Lincoln Boulevard be eliminated and a new bridge be constructed across Ballona Creek west of the existing bridge. Jefferson would then intersect Culver at a right angle. Six lanes would be provided between the Culver and Lincoln Boulevards interchange and Jefferson Boulevard] (*Staff Note: All of the preceding*

*improvements are located in Areas A and B but not in Area C and are not before the Commission in permit 5-00-400 or appeal A-5-PLV-00-417) with eight lanes from Lincoln Boulevard to Route 90. Water flow under Culver Boulevard will be increased by additional culverts in order to improve the natural functioning of the wetlands.*

2. At the Culver and Lincoln Boulevards interchange, Culver Boulevard should be lowered to at grade level with Lincoln Boulevard bridged over it, and the following ramps shall be provided:
  - a) A loop ramp in the southwest quadrant accommodating eastbound Culver Boulevard to northbound Lincoln Boulevard flow.
  - b) A straight ramp in the southeast quadrant accommodating northbound Lincoln to eastbound Culver boulevard flow.
  - c) A loop ramp in the northwest quadrant accommodating westbound Culver to southbound Lincoln Boulevard flow.
  - d) A straight ramp in the northwest quadrant accommodating southbound Lincoln to westbound Culver Boulevard flow
3. Widen Lincoln Boulevard to provide an eight-lane facility between Hughes way and Route 90.
4. Reserve right-of-way for a transit way linkage in the Lincoln Boulevard corridor.
5. Extend the Marina Freeway just west of Culver Boulevard with a grade-separated interchange at their intersection.
6. Extend Bay Street, north of Ballona Channel; as a basic four-lane facility constructing a bridge across the channel.

The proposed project includes two of the listed ramp connectors to Lincoln Boulevard, widens Culver to three lanes total, not eight, and includes at-grade ramp connectors to Route 90, which the applicant acknowledges is only part of the construction that will be required in the future if the rest of the Playa Vista Project proceeds.

In anticipation of the need to build these streets, the applicant and the US Trust recorded dedications in favor of the City of the land necessary for some of the proposed widening projects. The street dedications did not cover all land subject to this project. However, the 1990 easement agreement in Section II.C allows the developer (called benefited owner) to require the state (burdened owner) to dedicate additional land to the City for roads. (Exhibits)

Other parties (other than the Controller of the State of California) own some of the land proposed for road improvements. Prior to annexation of Area C and other areas of Playa Vista by the City, this section of Culver Boulevard was a County road, and the County owned the area within the loop of the road. It is not clear whether any specific action was

necessary at the time of annexation to transfer the land to the City. Because property ownership records do not yet reflect any change in ownership, it is not clear whether the City of Los Angeles or the County of Los Angeles owns the present ramp connecting Culver Boulevard to Lincoln Boulevard and the land between the present ramp and Lincoln Boulevard. Demolition of the existing ramp and installation of its widened version may require additional permission from Los Angeles County. Therefore, prior to issuance of the permit, the applicant must provide either proof of City ownership of the land or a legally enforceable executed agreement with Los Angeles County allowing them to carry out the work described in the City B permit issued for the work and in this coastal development permit. B permits are issued by the Los Angeles City Engineer per Section 62.105 of the Los Angeles Municipal Code which requires a B permit for any work on City property that requires a formal design or any improvement that is to be later dedicated to the City.

Upon issuance of a City of Los Angeles B permit, the applicant has the legal right to carry out those improvements that are located on City land. Since the applicant is obligated to improve the ramps by the mitigation measures imposed on the project by the City, and the City has issued a B permit approving the road design, no additional permission is needed to build the second ramp, which is on land dedicated to the City. US Trust has already recorded an offer to dedicate the land necessary to build the second ramp connecting Culver to Lincoln to the City of Los Angeles. Both ramps are described in the adopted plans cited in the 1990 easement, and again the City has required the ramps as a mitigation measure. Again since the second ramp is a requirement of the City's approval of the Phase I Playa Vista project, and the second ramp is noted in the 1990 easement and in the adopted plans cited in the 1990 easement, the applicant has a right to construct this connector road. The applicant asserts that a B permit has been issued.

Part of the Culver Boulevard widening is covered by a recorded offer of dedication and portions are not. However, as noted above, the 1990 easement grants the developer the right to carry out this street widening and improved connections to Lincoln and Route 90 (the Marina Freeway.) The applicant, who has the right to construct road improvements on its own land, owns the 40-50 foot strip of land located between Area C and Route 90, which will be traversed by the ramp connectors to Route 90. The applicant has provided an agreement with Caltrans that allows it to encroach on the highway to install the ramps (California Department of Transportation (CALTRANS), Encroachment Permit 798-6MC-0618; Encroachment Permit Rider 700-6RW-2956, November 8, 2000.) Caltrans has submitted an application to the Commission to widen and improve Route 90, indicating that their long-term plans also include an improved Culver/Route 90 interchange.

Upon examining the background material and legal agreements, the Commission finds that the applicant has provided documentation supporting its claim that it has the right to apply for this permit and if it approved by the Commission, to carry out the requested development.

### **C. PUBLIC SHORELINE ACCESS**

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

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

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

#### Section 30210.

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

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

#### Section 30252.

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

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

The applicant’s traffic engineers predict that 98% of trips from Phase I will be by automobile. Because most employees and residents of Phase I will make most trips in private cars, the project traffic mitigation measures must include widening streets and intersection improvements in a wide area surrounding the project. The purpose of the street widening and ramps proposed in this project is to allow private automobiles to leave the Playa Vista Phase I and reach the freeway system without impacting Lincoln Boulevard, which is one of the most heavily traveled streets in the City. A second required connection (Bay Street or Playa Vista Drive), still under review by the City Department of Public Works, would connect the center of Area D to Culver Boulevard by means of a bridge over Ballona Creek (exhibit). The two connections would divert traffic from both Lincoln and Jefferson Boulevards enabling commuters and residents to reach the Marina Freeway without entering Lincoln Boulevard. The applicant intends to submit an application to the Commission for Bay Street/Playa Vista Drive, a new street, in the near future, after the City completes its permitting process.

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

## **B. RECREATION.**

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

### Section 30220

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

### Section 30223

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

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

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

grounds that the property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

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

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

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

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

The simplest solution to soften the visual impact of the road would be to install a sidewalk or jogging trail where it can be safely accommodated and a vegetated strip beside the road. The applicant's traffic engineer and the City Department of Transportation oppose on street parking, recommending that a driveway and a small parking lot be accommodated along with the next planned improvements—the Playa Vista Drive (Bay Street) element of these roads. A seventy-two foot roadway can accommodate on-street parking, the present roadway cannot, but this road was not designed with adequate capacity to provide on street parking. Permission from the landowner is necessary before parking lots or trails

elsewhere on the parcel can be constructed. For this reason, all public access improvements are part of the planned roadway and are located on the roadway within the scope of the initially anticipated Culver Boulevard roadway improvements. Vegetation can soften the visual impacts of a road and a vegetated strip is also required adjacent to this road and to related portions of Lincoln Boulevard.

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

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

Jogging or bicycle trail. The applicant's plan for this area shows jogging trails and bike paths along several of the future streets in Area C, but not along Culver Boulevard. Instead the bike paths were to connect to the Ballona Creek path on the south property line and over a new bridge connecting through Area D and eventually with Jefferson Boulevard, which is popular with recreational cyclists. The LUP provides for bicycle and jogging trails. More generally it states:

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

be provided.

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

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

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

The project is proposed in an area that included a historic wetland. The area within the footprint of the proposed improvement is not a wetland. The project however will drain into Ballona Creek, which is an estuary.

Sections 30230 and 30231 of the Coastal Act state:

##### Section 30230.

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

##### Section 30231.

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

## **IDENTIFIED WETLANDS**

The Department of Fish and Game has identified 2.5 acres of wetland in Area C (Exhibit 11, p6). The identified wetland areas constitute a drainage channel (the Marina Drain) that flows into the Marina del Rey and also a patch of *Salicornia* near the northwesterly corner of the site (exhibit). The drainage channel is an identified Corps wetland. It flows in a culvert under Lincoln Boulevard into a similar channel in Area A that drains, through another culvert into Marina Basin H. Any fish found on the site would reside in this channel that has water. There is no other open water area in Area C. The widened road will not encroach into either of these identified wetlands; in fact both are north of Culver, while the widening and the ramps are south of Culver. The proposed street drains are will drain into the Ballona Creek and not to the Marina Drain or the patch of *Salicornia* identified elsewhere.

There is a twenty-foot high mound of fill south of Culver Boulevard between Culver Boulevard and Ballona Creek that is occupied by Little League ball fields. West of this mound, and east of the present ramp, there is a 0.19-Acre depression. This depression supports some vegetation, including introduced weeds and mulefat. Mulefat, (*Baccharis silicifolia*) is a native plant that grows along streams, on the borders of wetlands and in areas that are seasonally wet. It is a wetland facultative plant, which means that it tolerates wet and saturated habitats, but is not dependent on them. It also is found in areas that are not wetlands or stream banks.

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

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

The area in which the proposed road widening is located is a historic wetland that has been altered by fill, by the channelization of Ballona Creek in the 1930's and by the construction

of the marina in the 1950's. It is not flooded. The applicant submitted a soils report shows that the soils are not hydric, confirming reports prepared by the previous owner during preparation of the LUP. However, mulefat does appear in wetlands or adjacent to streambeds.

In this case, the Commission staff biologist visited the site at the invitation of the applicant. He reported that under the mulefat he observed a thick cover of other species of plants. These plants, fennel, chrysanthemum, bristly oxtongue and mustard are weedy species that invade vacant fields. These weedy species were the predominate vegetation on this portion of the site. The staff biologist determined that this 0.19-Acre patch of mulefat and other species was not a wetland. Nonetheless, the staff biologist determined that the site did have some habitat value. The area in which the mulefat is found is where the fill supporting the ramps will be placed. The mulefat will be removed. The fill of this area without replacement of some vegetation that could provide comparable habitat value does raise an issue of an impact to habitat and loss of habitat values. However, the applicant proposes to replace this 0.19 -Acre area with a 1.1-acre extended detention/biofiltration basin that will support a mixture of wetland and coastal sage scrub vegetation. This vegetation will supply feed, roosting areas and cover to resident birds. If native plants are used, and the applicant does not use persistent or heavily toxic pesticides, insects that depend on these plant communities may persist or return to the revegetated areas. Although not part of the original application, the vegetated basin has been found consistent with the permit by the City staff because the City permit was approved on the basis of the projects' consistency with the mitigation measures of Tract 49104 which required capture of trash and other pollutants. The planting represents a 4:1 replacement of the mulefat/mixed forbs area with a mixed wetland and upland assemblage of plants.

However, the Commission cannot find that this area provides adequate vegetative cover for the displaced birds and other animals unless:

- 1) The vegetation employed will support native birds and insects, which involves using native plants,
- 2) The vegetative cover in areas that have been denuded by road widening is replaced; and
- 3) There is an agreement acceptable to the City that this roadside landscaping will be part of the project landscaping and maintained for the life of the road approved in this project.

The applicant and the City have agreed on an enforceable method to maintain Phase One open space. Maintenance involves both physical maintenance, such as replacing failed plants as required in Condition 1 and 2 of the permit and the identification of a successor in

interest that can agree to maintain the area. The City of Los Angeles has required that the applicant and its successor take this responsibility for long-term maintenance by means of bonds and assessment districts payable by successors in the served areas.

## RUNOFF

The applicant notes that the addition of a loop ramp and widening of Culver Boulevard would increase the impervious surfaces in Area C from 2.53 acres to 7.40 acres (including future road areas) of the total project drainage area of 21.3 Acres. Moreover, impervious areas result in an increase in the volume and velocity of runoff, due in part to the loss of infiltrative capacity of permeable space. Runoff conveys surface pollutants to receiving waters through the storm drain system.

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

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

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

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

The proposed extended detention/biofiltration basin incorporates a series of earthen vegetated berms that will direct water through native vegetation. The basin will provide pollutant removal through settling and biofiltration functions. According to the applicant's consultant, the extended biofiltration system was chosen because of its "expected high effectiveness in achieving good stormwater effluent quality ... and because of the fact significant land area was available for such a facility in the center of the loop. The consultant believes that, when practical, above-ground facilities are preferable to below

ground, because they typically have improved performance due to more enhanced removal mechanisms such as photo-degradation." The consultant also indicates that with such a system, needs are more visible.

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

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

The Commission finds, however, that the performance of an extended detention biofiltration basin as a water quality treatment BMP intended to "treat" the capture volume, is dependent upon a variety of design influenced factors. It is critical to provide sufficient drawdown time for the capture volume, in order to produce a treatment function, which will occur through settling of solids and biological uptake through vegetation. According to the California Stormwater Best Management Practice Handbooks (1993), research demonstrates that a drawdown time of 24-40 hours for an extended detention basin, generally results in a removal efficiency of 60-80%. However, 40 hours is recommended in order to settle out the finer clay particles in California sediment that typically absorb toxic pollutants. In this case, due to the state of the receiving waters (parameters of impairment include toxicity and sediment toxicity), and due to the feasibility based on basin design, the Commission finds a 40-hour drawdown time is appropriate. Therefore, Special Condition 1

requires that the basin be designed to provide a drawdown time of 40 hours for the capture volume. This and other design specifications required by Special Condition 1 are based on recommendations contained in the California Stormwater BMP Handbook Municipal Volume (1993), project and site specific considerations described above. The Commission finds that if properly designed, extended detention/biofiltration basins can be very effective at removing constituents such as sediment, nutrients, heavy metals, toxic materials, floatables, oxygen demanding substances and oil & grease.

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

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

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

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

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

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

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

#### **D. HAZARDS.**

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

Section 30253 of the Coastal Act states:

Section 30253.

New development shall:

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

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

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

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

Methane. The City is still debating the type and amounts of methane mitigation to require in new buildings in Playa Vista. Oil and natural gas deposits release gas through the soils in various concentrations. In Area D some soil gas has been measured in heavy enough concentrations to require "mitigation": foundation membranes, venting devices and the like. The Department of Building and Safety has adopted procedures and standards for reviewing development proposals in areas in which concentrations of soil gas have been measured: City of Los Angeles Department of Building and Safety, Memorandum of General Distribution, #92: Methane Potential Hazard Zones, March 19, 1991. To address neighboring Area D, the City Council established a committee, chaired by the City Legislative Analyst to study whether the presence of methane in this area could or should change the City's decision to guarantee Mello/Roos road improvement bonds for the project. The bonds would be obligations of the future owners of this project. (Exhibit 13)

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

concentrations of methane gas than the survey done for Area D. The City Department of Building and Safety has now approved that survey. (Exhibits 12, 13)

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

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

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

Further, methane would only be able to attain dangerous levels if it were allowed to accumulate in an enclosed space. No such enclosed space exists beneath a roadbed. ... Therefore, it is my opinion that no explosion hazard exists in association with the widening of Culver Boulevard between Lincoln Boulevard and the Marina Expressway, nor will the construction of a ramp between Culver and Lincoln Boulevards create such a hazard." (Exhibit 14)

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

## **E. CULTURAL RESOURCES**

Section 30244 of the Coastal Act states:

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

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

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

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

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

According to the project's archaeologist, once a site is determined to contain significant cultural resources, a Treatment Plan (Mitigation Plan) will be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an amendment will be required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

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

The Commission approved the exploration but required the applicant to return for an amendment or for a new permit if recovery was necessary. Two archaeological sites identified for exploration in 5-98-164 are located within the footprints of the proposed road improvements. To avoid work in advance of preliminary exploration, the Commission requires that the approved initial exploratory work in Area C be complete, and the parties agree that no further work is necessary before the grading or excavation proposed in this project can take place.

However, the Commission also requires that if deposits or grave goods are uncovered during construction, work stop, and a treatment plan be developed that is consistent with the programmatic agreement. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an amendment will be required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in the area of disturbance or change in the type of excavation procedures. If 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.

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

## **F. LOCAL COASTAL PROGRAM**

Coastal Act Section 30600 states in part

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

On November 26, 1986, the Commission certified, with suggested modifications, the Land Use Plan portion of the City of Los Angeles, Playa Vista segment, Local Coastal Program. The certified LUP contains policies to guide the types, locations and intensity of future development in the Playa Vista area. The LUP designated most of Playa Vista for intense urban development, reserving 163 acres as wetland and additional area for other habitat purposes. The Land Use Plan portion included all roads proposed in this project although the proposed roads do not include all of the widening envisioned in the LUP, but only widening appropriate to the first stage of development. When the Commission certified the LUP for this area in 1986, this road was included as an eight-lane connector to the Marina Freeway. There is one other difference; the project does not bridge Lincoln Boulevard over Culver Boulevard but at this time retains the existing circa 1938 bridge over Lincoln.

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

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

## **G. CEQA**

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

The Commission has determined that the proposed project, as conditioned, will not have any significant adverse impacts. As conditioned, there are no additional feasible alternatives or mitigation measures available, which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, as approved, the project is consistent with CEQA and the policies of the Coastal Act to conform to CEQA.

## APPENDIX A

### SUBSTANTIVE FILE DOCUMENTS

1. City of LA CDP No. 95-03 (August 1995), extended (October 1997), currently expired;
2. State CDP No. 5-95-148 (January 1996), extended (October 1997), currently expired;
3. City of LA CDP No. 00-3B (subject appeal)
4. Easement Agreement By and Between U.S. Trust Company of California, N.A. and Maguire Thomas Partners—Playa Vista, a California Limited Partnership, August 1990.
5. Security agreement regarding Area C between Kenneth Cory, State Controller and Summa Corporation, 1984, with first through fourth amendments.
6. Chief Deputy Controller to US Trust Company of California, October 30, 1998 correspondence and attached irrevocable offer to dedicate.
7. California Department of Transportation (CALTRANS), Encroachment Permit 798-6MC-0618; Encroachment Permit Rider 700-6RW-2956, November 8, 2000
8. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
9. Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista --August 1995
10. Los Angeles County Marina La Ballona certified LUP, October 1984.
11. City of Los Angeles Local Coastal Program, Certified Land Use Plan for Playa Vista 1987 (Section C4);
12. Coastal Development Permits: 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
13. City of Los Angeles Bureau of Engineering Staff Report, No. 95-03 –August 2, 1995
14. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
15. 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
16. 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.”]
17. Camp Dresser and McKee 2000, “Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project” 4 page geologic letter report to Maria P Hoyer dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
18. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: “Culver Boulevard Widening Project and Potential Soil Methane Hazards”
19. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.

20. 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
21. California Department of Fish and Game, Memorandum: Extent of Wetlands in Playa Vista, December 1991.”
22. California Coastal Commission, Memorandum: “Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998”
23. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, –Playa Vista Area C Specific Plan;
24. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
25. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
26. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
27. 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
28. 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.
29. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
30. Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers.
31. Agreement Among U.S. Trust Company of California N. A, Maguire Thomas Partners – Playa Vista Area C a California limited partnership, and Maguire Thomas Partners-Playa Vista, a California limited partnership, September 28, 1990.
32. 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.
33. 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.
34. Davis and Namson, Consulting Geologists, “An evaluation of the subsurface structure of the Playa Vista Project Site and Adjacent Area, Los Angeles, California”, November 16, 2000.