

Spirit of the Sage Council

30 North Raymond Avenue, Suite 302
Pasadena, California 91103

WEST BLUFFS PROJECT

January 3, 1999

Mr. Darryl Fisher,
Deputy Advisory Agency
Department of City Planning
City of Los Angeles
221 North Figueroa Street, Rm. 1540
Los Angeles, CA 90012

Re: *Comments on Discretionary and Adjudicatory Decisions
Relating for the West Bluffs Project – State Clearinghouse No.
92041046 Coastal Development Permit No. CDP-93-013*

Dear Mr. Fisher:

This comments are offered on behalf of the public interest group Spirit of the Sage Council and other interested community groups and persons in the Westchester and Ballona area.

The below comments are provided in response to the (Supplemental) Final Environmental Impact Report ("FEIR")¹ for the West Bluffs Project located at 7501 West 80th Street (hereinafter referred to as "Project") and considerations involving the approval of a Coastal Development Permit No. 93-013, the approval of Tentative Map Tract No. 51122 (October 6, 1998), the certification of the Project FEIR, and other discretionary and adjudicatory decisions relating thereto. Also reviewed herein is the City Planning Staff Report findings and conditions for approval, dated October 16, 1998 ("Staff Report").

These comments are provided as an essential and integral part of the California Environmental Quality Act, Cal. Public Resources Code §§ 21000 et seq., ("CEQA"). CEQA Guideline § 15201; Sutter Sensible Planning, Inc. v. Board of Supervisors, (1981) 122 Cal.App.3d 813, 820. The purposes of these comments are specifically and generally intended to (1) share knowledgeable local expertise, (2) check the accuracy and detect omissions of agency and project proponent analysis, (3) disclose public concerns, (4) disclose inadequacies of the agency's responses to DEIR comments, (5) disclose legal deficiencies and misapplication of local, state and federal laws, and (6) to solicit and recommend necessary counterproposals. CEQA Guideline § 15200; Selmi, *The Judicial Development of the California Environmental Quality Act* (1984) 18 U.C. Davis Law Review 197, 245; Towards Responsibility in Planning v. City Council, (1988) 200 Cal.App.3d 671, 682.

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Project Alternatives and Infeasibility of Options

While the number of alternatives considered in the FEIR appear numerous – numbering seven (7) – the reasonableness of the range of alternatives is legally based on “quality” rather than “quantity.” The FEIR fails in its essential purpose to analyze alternatives which “avoid” significant environmental impacts. Specifically, no alternative is offered to avoid impacts to the most sensitive environmental resources of the entire Project site – the coastal bluffs.² For this reason, the Deputy Advisory Agency for the City of Los Angeles’ (hereinafter “City”) may not certify the FEIR and make a findings that Alternative 1 (“No Project Alternative”) is the “environmentally superior alternative” and that the No Project Alternative is “infeasible.” Staff Report, p. 49.

The “rule of reason” to be applied in the selection of project alternatives requires that a reasonable range of alternatives be considered so far as the environmental aspects of a Project site are concerned. The reasonableness of the selected range of alternatives will be judicially reviewed based upon the facts of the case and statutory purpose. Bowman v. Petaluma, (1986) 185 Cal.App.3d 1065; Citizens of Goleta Valley v. Board of Supervisors, (1990) 52 Cal.3d 553.

Based upon the physical constraints of the Project site and the expected environmental impacts known before the preparation of the DEIR, certain environmental aspects should have reasonably been incorporated in the selection of project alternatives which were reviewed in the DEIR process:

- avoidance of wetlands and riparian habitat should have been considered as required by the trustee resource agencies and their mandates. (USFWS, CDFG and ACOE) See, for example, FEIR, p.III-17.
- grading cuts and fills of Hastings Canyon and natural bluffs should be avoided, new cuts or fills should be minimized, and grading should be contoured to blend in with the surrounding environment. Scenic Highways Plan, Bluffs Specific Plan and California Coastal Act. See, for example, DEIR, pp. 189-190.
- variations of a Project subdivision footprint/layout would preserve and protect unique scenic and environmental values of the coastal bluffs, would eliminate the need for Zoning Code set back variances, would eliminate the extensive grading of the bluffs and the bluff top edges in the Coastal Zone being done for the contrived purpose of protecting the public and below wetlands from “slope instability.”

The range of alternatives presented in the FEIR are fatally flawed based the false and incorrect assumptions that (1) the filling of Hastings Canyon is “unavoidable” or “infeasible”, and (2) extensive grading of the bluffs are necessary for “slope stabilization,” “restoration”, and provision of a pedestrian trail ³. Based upon the significant impacts caused by these two Project elements and based on the fact that the above assumptions are not supported in light of the evidence in FEIR and Staff Report findings, an alternative must be considered which

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changes the subdivision footprint and reasonably reduces the most significant environmental impacts which will be caused by the Project. Citizens of Goleta Valley v. Board of Supervisors, (1988) 197 Cal.App.3d 1167, 1180-1183, [court rejected assertion of infeasibility simply because it would not meet the project goals and may be more expensive or less profitable.]

The selection of a reasonable alternative which minimizes and avoids significant bluff and wetland impacts is a substantive requirement of CEQA which is a mandatory requirement, not merely a procedural one. Kings County Farm Bureau v. City of Hanford, (1990) 222 Cal.App.3d 692, 711, 730-731; Public Resources Code §§ 21002, 21081; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), and 15091(a). In light of the above, the City must deny approval of the Project and certification of the FEIR because there are reasonable and feasible alternatives which should have been explored which can substantially lessen the environmental effects. Sierra Club v. Gilroy City Council, (1990) 222 Cal.App.3d 30, 41.

Project Impacts of Coastal Zone Resources

With regards to preservation and protection of coastal resources, the FEIR fails in its purpose of providing public agencies and the public with the detailed information about the effects the Project is likely to have on the coastal environment. County of Inyo v. Yorty, (1973) 32 Cal.App.3d 795, 810; Public Resources Code §§ 21061, 21002.1; CEQA Guideline § 15003.

The preliminary decisions of the City Advisory Agency relating to certification of the FEIR, adoption of findings, and determination of the Coastal Zone, specific plan and other community plan boundaries⁴ are significant matters because these determinations are precursor decisions affecting later decisions for Coastal boundary and development permit approvals.

The FEIR fails as an informative document because it misinforms public officials and the public by (1) failing to fully disclose the development and improvements which will directly and indirectly adversely impact the adjacent designated environmentally sensitive habitat area (Ballona wetlands), and (2) failing to analyze Project Coastal Zone impacts in an unbiased and complete manner with respect to Chapter 3 of the California Coastal Act.⁵ Public Resources Code § 30200 et seq.

The California Coastal Act requires that development adjacent to sensitive resource areas (in this case the coastal sage scrub on the bluff face and bluff top) be sited and designed to prevent impact that would significantly degrade those areas, and should be compatible with the continuance of those areas. These sensitive coastal habitats stand to be degraded by Project improvements under the guise of an enhancement program for “rehabilitation” and “stabilization” The reasons for this are threefold.

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- First, the development, including the pedestrian path, will provide a year-round source of fresh water. Increased water in turn promotes the population increase of non-native Argentine ants, which displace native insect species. The effect of residential development on the insect communities of coastal sage scrub has recently been documented to extend 200 m into native habitats.
- Second, even with cutoffs on street lights, the increased night lighting in the proposed development will degrade habitat values in the adjacent sensitive habitat areas. This effect takes the form of direct visual interference with amphibians, increasing populations of pest bird species such as crows, and increased mortality in moth species.
- Third, the project does not protect the sensitive resource, but rather proposes to enhance it through restoration. Ecological restoration is difficult at best and many projects fail for any number of reasons. In fact, a full 95% of attempted riparian restorations in Orange County as of 1996 had failed to create the functions and values of a riparian wetland. Similar research has not yet been completed for coastal sage scrub restoration, but the prospect is not encouraging. In addition, the restoration attempt is inhibited by the construction of an access road and trail up the bluffs, further fragmenting the habitat and increasing deleterious edge effects.

Projects such as this which promote and contain features and conditions which require manufactured slopes, retaining walls or other reinforced geofabric aids, directly contradict the purposes of the Coastal Act. Public Resources Code §§ 30001, 30001.5

Relevant Sections of Chapter 3 of the Coastal Act Not Addressed

The FEIR fails to address the compatibility of the Project with Coastal Act Sections 30223 (preservation of upland areas), 30233 (diking, filling or dredging) and 30236 (alteration of rivers and streams). It is improper for the City to undertake any EIR certification or approval of Coastal permits and boundary adjustments until the Project impacts are analyzed more fully in the FEIR with considerations and required findings from Chapter 3 of the Coastal Act.

The FEIR analyzes compliance of the Project with the Coastal Act, by analyzing only four provisions of the Act – Public Resources Code §§ 30211, 30240, 30244 and 30251. DEIR, pp. 198-201. Yet, there are a number of additional relevant provisions of the Act as they relate to this Project which are not discussed as part of the FEIR. Furthermore, the discussion Coastal Act Section 30240 is biologically unsound and incomplete so as to bias favor for approval of the Project. Specifically, the discussion of Project impacts under Section 30240 as found on page 199 of the DEIR treat bluffs adjacent to the sensitive wetland habitat as a “buffer” rather than an integral feature of a functioning wetland. The FEIR fails to address (1) loss of water runoff from the Project site to the wetland,⁶ (2) the necessary movement and migration wetlands species to upland habitat,⁷ and (3) the loss of eroded bluff materials as both animal food sources and alluvial plant needs.

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The FEIR proposes a new impact to wetlands not described in the DEIR. The DEIR relied on the off-site development of a detention basin by Playa Vista to control stormwater runoff. This detention basin was proposed by the Playa Vista developer to be a "freshwater marsh," however, under legal challenge it has been ruled to be a detention basin and cannot be constructed because it would impact designated wetlands. To avoid reliance on this flawed off-site mitigation, the FEIR proposes construction in the Ballona wetlands to enlarge an energy dissipater, outfall pipe and headwall (FEIR at II-4-5). The analysis of this alternative is insufficient for three reasons: 1) it fails to provide an adequate description of the existing environmental conditions at the proposed site, 2) it fails to provide a complete description of the proposed construction, and 3) it fails to identify, evaluate and mitigate the effects of the construction. The FEIR states that impacts would be slight and less than significant, because it is a small area. However, there may be sensitive species or other special resources at the site which have not been documented and disturbance of which may constitute a significant impact. This impact will likely occur. A full EIS on the Playa Vista project must be completed before any possibility of constructing the detention basin. Therefore, it is likely that the proposed project will need to provide its own runoff management structure.

Also relevant to the application of Section 30240 is that significant grading is planned for the entire bluff top to the extreme edge of the bluff face within the proposed Coastal Zone, DEIR, pp. 77, 178, not to mention the numerous intrusions and improvements of the coastal bluff faces as discussed above. The direct alterations to land forms adjacent to sensitive coastal habitat under the guise of "slope stabilization" and "habitat restoration" is not forthright. It is the development of an inflexible Tentative Map footprint which is causing the need for such "stabilization" and "restoration."

The Coastal Act and local land use policies mandate the preservation of natural and scenic land forms. Bluffs are *supposed* to have eroding canyons and faces. The Project's bluff only become unacceptably "unstable" because the Project applicant and the City seek to allow building and grading too close to the bluff edge. The Project's coastal bluffs are rare and unique land forms and are part of the sensitive coastal habitat of the below wetlands. This must be correctly disclosed and analyzed as part of the CEQA and Coastal Act permitting process. Sierra Club v. California Coastal Commission, (1993) 12 Cal. App.4th 602 [cannot discount the coastal bluff habitat value, unique land form, nor its integrated function with below wetlands].

In order for impacts to the Coastal Zone to be adequately analyzed in the Project FEIR, there must be a reasonable discussion and treatment of preserving and protecting the unique coastal land form features without the unsupported and contrived need for "erosion control" and "slope stabilization." Especially where Project design and subdivision layout is the primary cause of slope and stabilization adjustments. Simple and obvious alternatives such as site design and storm drain diversion are available but have not been reasonably explored. (See above discussion regarding range of Project alternatives).

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FEIR Fails To Evaluate Resource Value of Vernal Pools

The FEIR denies the existence of vernal pools on the project site (FEIR at III-78-80). The FEIR acknowledges the possible presence of vernal pools in the past, but assert that water gathering in the wide depression on the site (FEIR at II-4) is "ponding," not a vernal pool, because of the absence of vernal pool plant species (FEIR at III-178). While this definition is sufficient for the Army Corps of Engineers, it fails to acknowledge the natural resource values of these seasonal wetlands, even without evidence of vernal pool plant species.

It is an incontrovertible fact that the project is on the historical site of a large vernal pool. A recent peer-reviewed, scientific paper describes a vernal pool on the project site. While the plant species present in this vernal pool have been extirpated by continued disking by the project applicant, water continues to gather yearly in this topographic depression. This seasonal ponding (whether or not it is called a vernal pool) provides a seasonal resource for foraging wildlife from the nearby Ballona wetlands. The scientific literature describes the extensive use of vernal pools by a variety of bird and mammal species. This use is not predicated on the presence of characteristic vernal pool plant species but rather on the presence of water and associated invertebrate larvae and adults. The seasonal use of the "sump" on the project site by migratory bird species has been documented in the record.

The degraded vernal pool on the project site was likely a locality for two species of federally endangered fairy shrimp species, *Streptocephalus wootoni* and *Branchinecta sandiegonensis*. Because the hydrology of the site has been degraded over time, current site conditions may not favor reproduction of the species. The fairy shrimp species survive dry periods as encysted embryos (referred to as eggs). Only a portion of the cysts may hatch during any inundation, a life strategy that serves as an adaptive mechanism to survive long periods of adverse environmental conditions. The unfocused visual inspection of the pool by the consultants during January 1998 is insufficient to establish the absence of either of the two fairy shrimp species. Rather, dry soil samples should be taken from the project site and inspected for fairy shrimp cysts. Using this method, cysts for endangered fairy shrimp species were discovered in degraded vernal pools at the Los Angeles International Airport, within a mile of the project site. The presence of fairy shrimp cysts does not depend on the regulatory determination of vernal pool habitat by the Army Corps or on the current presence of vernal pool hydrology. By failing to conduct adequate U.S. Fish and Wildlife Service protocol surveys for endangered fairy shrimp species, the FEIR is deficient.

In sum, the FEIR must recognize the biological resource value of the seasonal wetland on the project site and provide adequate mitigation for its loss, and must survey adequately for endangered fairy shrimp species to evaluate potential impacts to these species.

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Mitigation for Wetland Loss Is Not In-Kind

One of the great flaws of wetland mitigation is that it often results in a change in habitat types, usually at the detriment of certain habitats. In this instance, riparian habitat is being lost with no in-kind mitigation. Riparian habitat in coastal Los Angeles County is even more endangered than coastal sage scrub. Its loss at Ballona is especially important because of the recent destruction of a grove of old-growth willows (*Salix* sp.) by the developers of Playa Vista. This grove, immediately adjacent to the proposed development, was used by the federally endangered Southwestern Willow Flycatcher prior to its destruction (DEIR at 144). This loss makes the small patch of riparian habitat on the project site even more important.

Analysis of Cumulative Impacts Is Insufficient

Under CEQA, discussion of cumulative impacts must include a list of past, present and reasonably anticipated future projects that have produced or are likely to produce cumulative impacts, a summary of each of the other local project's expected environmental effects, and a reasonable analysis of all of the cumulative impacts of the relevant projects, with an examination of reasonable options for mitigating or avoiding such impacts. Such analysis is absent in most sections of the FEIR. Analysis of cumulative impacts on Plant and Animal Life is illustrative:

Continuing development of the project area has the potential to eliminate local natural resources and increasingly impact the Ballona Wetlands freshwater and estuarine habitats. Potential impacts are primarily associated with the increased human presence in the area, and involve a range of direct impacts such as increased habitat loss, unauthorized use of remaining habitat areas and higher number of domesticated animals harassing wildlife, as well as indirect impacts such as increased levels of ambient noise and light. However, the related projects identified in Section III.B of this Subsequent EIR, with the exception of the Playa Vista project, are generally located in already urbanized areas and represent infill development.

The contribution of the proposed project to impacts on plant and animal life from ongoing development in the region is not considered to be significant, due to the disturbed nature and correspondingly low resource value of the project site (DEIR at 152).

This analysis is deficient in several ways. First, the list of projects referenced does not include recently completed projects that contribute to cumulative impacts in the immediate area. Two other bluff tops above the Ballona Wetlands have been developed in the past four years. These projects should be evaluated as well. The purpose of cumulative impacts analysis is not to minimize the incremental impact of the development under question but to allow the Lead Agency to evaluate the cumulative effects on the environment, mitigation of which may not relate directly to the project in question.

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In addition, the assumptions about present and future projects are not appropriate for cumulative impacts analysis. Playa Vista Phase II is not included at all and only 10% of the larger projects are evaluated (DEIR at 70). This assumption is not appropriate to evaluate of the cumulative impacts and obscures reasonably foreseeable adverse impacts.

Second, there is no real description of the cumulative impacts on plant and animal life. Taking into account the two other recent bluff top developments and the Playa Vista proposal, over 600 acres of upland habitat will be lost. This habitat even though not all covered by native plant communities, is used extensively by native bird and mammal species. Some of these species, including Species of Special Concern such as the Loggerhead Shrike and California Horned Lark, will become extinct in the Ballona area because of the approved and proposed construction. The laws of island biogeography dictate that there will be a substantial loss in native species' range and local diversity as a cumulative impact of these developments. The FEIR makes no attempt even to tabulate the amount of open space lost let alone evaluate impacts on plant and animal life.

Finally, the cumulative impacts analysis does not attempt to identify mitigation measures for the regional loss of open space. Rather it uses the cumulative impacts themselves to justify the project (because the area is urbanized, the project has no significant impact). To the contrary, the loss of the last remaining undeveloped bluff top adjacent to the Ballona Wetlands and the cumulative loss of upland open space by completed and proposed projects in and around the wetlands will have a dramatic adverse effect on environmental conditions.

FEIR Fails To Acknowledge Significant Impacts to Rare Species

CEQA guidelines require a mandatory finding of significance if the proposed project will "reduce the number or restrict the range of a rare or endangered plant or animal." What the FEIR fails to acknowledge is that the grassland and ruderal vegetation throughout the bluff top provides foraging habitat for the many federal and state Species of Special Concern listed in the FEIR. The FEIR claims that these areas are "not habitat for sensitive species and their removal is less than significant" (DEIR at 149, unchanged in FEIR). This statement is patently false, as the listed bird species (California Horned Lark, Loggerhead Shrike, Black-Shouldered Kite, Cooper's Hawk, and Northern Harrier) all use ruderal grasslands as foraging areas. The fact that the vegetation is not predominantly native does not mean that it does not support sensitive bird species. Several of these species will be displaced from the project site by the proposed construction.

The FEIR claims that any lost habitat values will be offset by the proposed bluff restoration. This contention ignores a basic principle of conservation science, the inverse relationship between species number and area. Scientists have firmly established a predictable relationship between habitat area and the number of species supported by that area. As the area decreases, the number of species decreases so that when the habitat area is reduced by a factor of ten, the number of species is diminished by half. This relationship will hold despite any attempts at habitat enhancement on the bluff face. By removal of roughly 60% of the

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project area from the stock of available wildlife habitat the site as a whole will no longer support 20% of the species that it did before construction.

The species that will be extirpated are likely to be the Species of Special Concern (especially the California Horned Lark, which prefers open grasslands). Loss of these species is significant, since little other habitat exists in the region with the impending development of Playa Vista. It is reasonably foreseeable that the project will result in the restriction of the range of a rare animal, which mandates a finding of significance.

To belabor this point further, the FEIR underestimates the value as a whole of the "disturbed" portions of the site. While it is true that the bluff top has a large component of "non-native" species, these species have been found in California for hundreds of years supporting the insect and small mammal populations that have fed native birds. It is completely disingenuous to dismiss areas of non-native species as poor habitat simply because the species were introduced by humans. If so, native birds have subsisted on "poor habitat" for hundreds of years. The value of the site is in its area and the foraging habitat that it provides; its loss cannot be diminished by planting more native plants on the bluff face because of the crucial relationship between area and species number.

School and Neighborhood Park Impacts are Significant and Unmitigated

The impacts to schools and neighborhood parks caused by the Project are sought to be mitigated by providing money to public agencies in lieu of mitigation. However, it is apparent that, more likely than not, the money will not serve to mitigate the impacts. For instance, the City of Los Angeles is experiencing a park space deficiency (DEIR, p. 285) and the in lieu fees for a neighborhood park admittedly will not satisfy neighborhood and community park requirements on a direct and cumulative basis. (DEIR, p. 292.) The same may be said for the designated high school for the Project. If the impacts to parks and schools are not going to be adequately or actually mitigated, such must be disclosed in the FEIR and a finding of "significance" should be made. Reliance on the mere payment of money will not *actually* or *legally* mitigate the impacts on public facilities.⁸

Schools

The FEIR concludes that the Government Code compliance measures which allow in lieu fees for mitigation "would be expected to reduce project impacts on schools in the area and no other mitigation measures are required." (DEIR, p. 32) However, the FEIR mentions that the 33 high school students projected by the Project "would exacerbate a student space deficit at Westchester High School." The DEIR concludes that school mitigation money "could potentially be used to provide portable classrooms." Is there any space at the High School for trailer classrooms? Have Westchester High School or District officials been notified of this? Has any of this been made part of the CEQA analysis?

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Parks

The required mitigation of 2.1 acres for parks and recreation is not being provided by Project. What the Project proposed to offer is merely 1.01 acres in a View Park (0.33 ac.) and in Pedestrian Trails (0.68 ac.). The creation of Pedestrian Trails poses two significant problems: (1) much of the proposed pedestrian trail appears to be located on the bluff face outside the Project property; and (2) the trails, in and of themselves are going to create an unknown variety of impacts to the bluff face, including erosion, grading, shoring, planting, watering, and other built structures in the Coastal Zone, etc. These impacts must be analyzed in the FEIR before the FEIR is certified and the Project is approved.

Furthermore, the in-lieu fees for the remainder (1 acre) of park and recreation mitigation requirements will not satisfy neighborhood and community park requirements. Cumulatively and in consideration of all other future and proximate park and recreation facilities, the goals for neighborhood and community park space would only be partially satisfied through individual project contributions of land and in-lieu fees." DEIR, p. 292.

Final Remarks

Thank you for considering the issues presented in this comment letter relating to the certification of the FEIR and other Advisory Agency action. Should you have any questions concerning any of the points raised herein, please do not hesitate to contact this office. Please notify this office of any administrative or legislative hearings and actions related to this Project.

Sincerely,

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cc: Mr. Rusty Areias, Chair, California Coastal Commission

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Footnotes

- ¹ The FEIR is comprised of two volumes – the Draft EIR (DEIR) and the FEIR – and two additional volumes which comprise the Technical Appendices.
- ² Natural features of the Coastal Zone, which includes the significant parts of the Ballona Bluffs and Hastings Canyon, are to be preserved under local and State laws. (Scenic Highways Plan, Coastal Bluffs Specific Plan, L.A. Municipal Code § 12.20.2.G, etc. and California Coastal Act, respectively.) Wetlands are indisputably a rare and diminishing resource by both state and federal (and local) standards for which avoidance is mandated.
- ³ The DEIR conclusion that “a majority of the bluff slopes would be left in a natural state” is not supported by the evidence in the record. Grading at Hastings Canyon, smaller finger canyons, construction of Street “A”, construction and maintenance of a pedestrian trail, and as required for a debris wall for protecting Cabora Drive collectively will directly, or by edges effects, impact most of the bluffs. DEIR, pp. 77-80; Staff Report, pp. 18-19.
- ⁴ The location of the Project in the Coastal Bluffs Specific Plan Subarea 2 and Subarea 3 is stated as having all the residential area of Tentative Tract Map No. 51122 located entirely within Subarea 2 (“for all intents and purposes.”) This determination will be formalized by the Advisory Agency as part of the approval process. DEIR, pp. 185-186. Additionally, the exact location of the Project in the Westchester/Playa del Rey District Plan (District Plan) District Plan are approximations, and the exact location of the density boundaries will be determined as part of the approval process. DEIR, p. 183.
- ⁵ The Project boasts about the creation of approximately two (2) new acres within the Coastal Zone but fails to mention in the same section that coastal bluffs and bluff edges will require extensive grading, planting, watering, shoring and other manipulations, all at the loss of the last remaining coastal bluff adjacent to the Ballona wetlands.
- ⁶ One of the Project’s primary goals seeks to eliminate a storm drain flow into Hasting Canyon to prevent erosion. However, the FEIR fails to consider the loss of tributary water courses to the below wetlands. Instead of a simple solution diverting the storm drain into the Project’s new drainage, the Project applicant and City assert an unjustified need to fill an entire canyon with 100,000’s of cubic feet of dirt fill. The amount of fill to graded and moved around the Project site is estimated to be greater than 300,000 cubic yards
- ⁷ The construction of a two to three foot “debris wall” towards the base of the bluffs is an additional unexplored impact in the Coastal Zone not addressed anywhere in the FEIR.
- ⁸ The same goes for transportation and traffic impacts. If money was merely provided notwithstanding any available traffic improvement features or conditions, in lieu fees would be meaningless and merely promote gridlock by a well funded developer who will throw some money around to get a project done, notwithstanding the adverse impacts caused. This is not the intent, purpose or an acceptable result of in lieu mitigation fees.