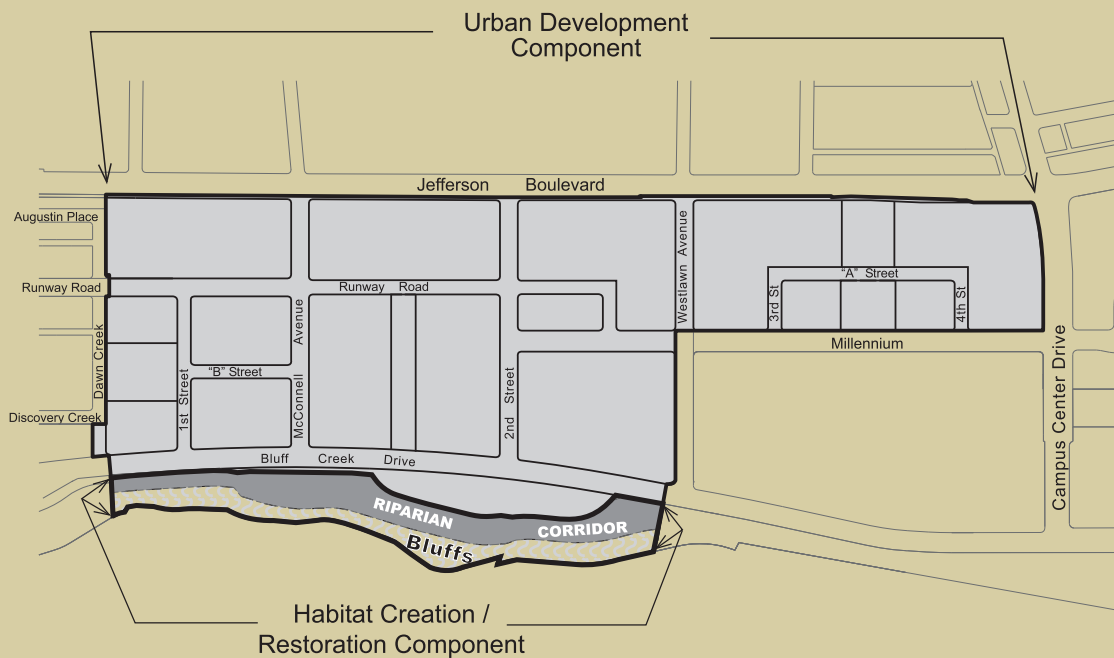


RECIRCULATED SECTIONS
OF
DRAFT ENVIRONMENTAL IMPACT REPORT
(RS-DEIR)

VILLAGE AT PLAYA VISTA



VOLUME I
RS-DEIR

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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MICHAEL K. WOO
—
JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP
DIRECTOR
(213) 978-1271

VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1272

JOHN M. DUCAN, AICP
DEPUTY DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

Date: January 29, 2009

EIR Case No.: ENV-2009-6129-EIR

Project Name: The Village at Playa Vista Project

Location: Westchester - Playa Del Rey Community, Los Angeles, CA 90094

Council District: 11

Due Date: March 16, 2009

REQUEST FOR COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT

The attached draft EIR has been prepared to examine and disclose the potential environmental impacts of the project proposed under the above-referenced file.

We request your comments on any aspect of the attached draft EIR document. Comments should be submitted to this office in writing and must be submitted by the due date given above.

Please direct your responses to:

David J. Somers, Project Coordinator
Room 750, City Hall
Department of City Planning
200 North Spring Street
Los Angeles, CA 90012
213-978-1343 (fax)
david.somers@lacity.org

Vincent P. Bertoni, AICP
Deputy Director

David J. Somers, EIR Unit
Division of Land/Environmental Review

EnclosureCP-1257

RECIRCULATED SECTIONS -
DRAFT ENVIRONMENTAL IMPACT REPORT
(RS-DEIR)
VILLAGE AT PLAYA VISTA

City of Los Angeles/EIR No. ENV-2002-6129-EIR

State Clearinghouse No. 2002111065

Project: Village at Playa Vista

Required City Actions: Amendments to the Westchester / Playa del Rey Community Plan and the existing Playa Vista Area D Specific Plan with appropriate zone changes, a Development Agreement, a Conditional Use, a Vesting Tentative Tract Map, and various other discretionary approvals as the City may find necessary to implement the project.

Applicant: Playa Capital Company, LLC
5510 Lincoln Blvd., Suite 100
Playa Vista, California 90094

**RECIRCULATED SECTIONS-
DRAFT ENVIRONMENTAL IMPACT REPORT
(RS-DEIR)**

VILLAGE AT PLAYA VISTA

VOLUME II

City of Los Angeles
2009

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- ix. Altschul, Jeffrey H., et.al., Statistical Research, Inc., Playa Vista Archaeological and Historical Project, Data Recovery Plan for CA-LAN-62 and CA-LAN-211. Statistical Research, 1991
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I. EXECUTIVE SUMMARY

A. INTRODUCTION

The City of Los Angeles (City), as the lead agency, prepared this document, entitled “Recirculated Sections of Draft Environmental Impact Report” (“RS-DEIR”), to analyze potential environmental impacts of the Village at Playa Vista project (the “Proposed Project”). The Proposed Project consists of two components: (1) development of a mixed-use community (the Urban Development Component); and (2) construction of a Riparian Corridor and restoration and maintenance of a portion of the Westchester Bluffs adjacent to the Riparian Corridor (the Habitat Creation/Restoration Component). The Proposed Project would complete development of the property included within the Playa Vista Area D Specific Plan.

In 2004, the City initially approved the Proposed Project and certified a Final Environmental Impact Report (“Original FEIR”). (The Original FEIR included the Original Draft EIR prepared for the Proposed Project in 2003 [“Original DEIR”]). This RS-DEIR replaces three sections of the Original DEIR and certain related portions of the Original FEIR¹ in response to the California Court of Appeal’s ruling in the consolidated cases of *City of Santa Monica v. City of Los Angeles* and *Ballona Ecosystem Education Project v. City of Los Angeles* that the Original FEIR contained legal deficiencies with respect to the analysis of land use impacts, archaeological resources, and wastewater impacts. The appellate Opinion, filed September 13, 2007, may be found in Appendix A.i. to this RS-DEIR. The Court of Appeal’s ruling concerning the deficiencies with respect to each topic is reviewed in the Introduction, (Subsection I.A.1.0) of the RS-DEIR section addressing such topics (namely, RS-DEIR Sections II-A, II-B, and II-C regarding impacts to land use, archaeological resources, and wastewater, respectively). The City is recirculating this RS-DEIR pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15088.5, Subdivision a(4) and (c), which requires the modified sections of an Environmental Impact Report (“EIR”) to be recirculated.² The full Original FEIR is available at the City Planning Department, Room 720 City Hall, 200 North Spring Street, Los Angeles, California 90012, or on-line at <http://cityplanning.lacity.org/>.

¹ *Original DEIR Sections IV.G. (Land Use), IV.N.2 (Wastewater), and IV.P.2 (Cultural Resources); Original DEIR Appendices N(2) and O(1)-(4); Original FEIR, Corrections and Additions, Section II.11 (Land Use), II.25 (Wastewater), II.29 (Archaeological Resources); and Original FEIR Appendices J(1)-(4).*

² *The CEQA Guidelines can be found in the California Code of Regulations, Title 14, §§ 15000 et seq.*

1.0 THE PROPOSED PROJECT: THE VILLAGE AT PLAYA VISTA

This RS-DEIR and the Original FEIR analyze the environmental impacts associated with the Proposed Project, which involves the following discretionary approvals by the City: (1) a vesting tentative tract map; (2) a General Plan amendment from Light/Limited Industry, High/Medium Density Residential, and Regional Mixed Use Commercial to Community Commercial and High/Medium Density Residential in the Community Plan; (3) a Playa Vista Area D Specific Plan amendment to (among other things) amend the land use entitlements allowed in the Area D Specific Plan and adjust the zone boundaries and designation within the Proposed Project site; (4) a development agreement for the Proposed Project; and (5) all other discretionary permits, approvals, and governmental actions necessary to develop the Project. The project approvals that are being requested by the Applicant are discussed in detail in Subsection 1.2 of Section II.A. (Land Use) of this RS-DEIR.

As noted above, the Proposed Project consists of the Urban Development Component and the Habitat Creation/Restoration Component. The Urban Development Component would enable the development of a master planned community consisting of 2,600 dwelling units, 175,000 square feet (sq. ft.) of office space, 150,000 sq. ft. of retail space, and 40,000 sq. ft. of community-serving uses. The Proposed Project would also include an Equivalency Program to allow a limited exchange of office uses for retail uses and/or assisted living uses. The Urban Development Component also includes approximately 11.4 acres of on-site parks, as well as an acre of on-site bicycle lanes. The Habitat Creation/Restoration Component includes development of a 6.7-acre Riparian Corridor (which would connect the adjacent portions of the riparian corridor that were constructed to the east and west of the Proposed Project site as part of the Playa Vista First Phase development) and restoration of native vegetation on a 5.0-acre area of the adjacent Westchester Bluffs, enhancing the Bluffs as a coastal scrub community with increased habitat value.

The Proposed Project is located within the Westside area of the City, approximately two miles from Santa Monica Bay, and is generally bounded by the adjacent Playa Vista First Phase Project to the east and west, Jefferson Boulevard to the north, and the Westchester Bluffs to the south. The Proposed Project site is currently vacant. The Playa Vista First Phase Project contains predominantly residential uses west of the Proposed Project site, with some mixed-use development. The Playa Vista First Phase Project located east of the Proposed Project site is being developed with office and commercial uses. Further details on the Proposed Project, its location, the existing site conditions, and surrounding uses can be found in Section II.A. (Land Use) of this RS-DEIR as well as in Section II, Project Description, of the Original DEIR.

The Proposed Project is located within the larger Playa Vista area, which is currently partially completed and undergoing ongoing development pursuant to the prior approvals of the Playa Vista First Phase Project. Originally, the Playa Vista planning area included lands totaling 1,087 acres of on both sides of Lincoln Boulevard and north and south of the Ballona Channel. The site was originally divided into Areas A, B, C, and D. (See RS-DEIR Figure II.A-1). In 1986, the City adopted a Specific Plan for the development of Area D, the area in which the proposed Village at Playa Vista Project is located. In the 2003-2004 time frame, Areas A, B, and C were transferred to the State of California for open space, habitat conservation, and recreation uses. The permitting and entitlement history of the Proposed Project, the First Phase Project, the Playa Vista Area D Specific Plan, and Areas A, B, and C of the larger Playa Vista site is reviewed in Section II.A. (Land Use) of this RS-DEIR.

2.0 EVENTS LEADING UP TO THE PREPARATION OF THE RS-DEIR

A. Preparation of the Original FEIR

On November 14, 2002, a Notice of Preparation for the Proposed Project was circulated for a 60-day review period, ending on January 14, 2003. The Original DEIR was circulated for 60-day public review beginning on August 21, 2003 and ending on October 23, 2003. The Los Angeles Department of City Planning extended the review period an additional 60 days, ending on December 22, 2003. The Original FEIR was completed in April 2004. On September 22, 2004, the City Council certified the Original FEIR and approved Playa Village's Vesting Tentative Tract Map (VTTM) No. 60110, denying various appeals from the decision of the City Planning Commission and sustaining the Deputy Advisory Agency's decision. On September 29, 2004, the City Council approved: (1) a City General Plan amendment from Light/Limited Industry, High/Medium Density Residential, and Regional Mixed Use Commercial to Community Commercial and High/Medium Residential in the Community Plan and Specific Plan; (2) a Playa Vista Area D Specific Plan amendment; and (3) a development agreement.

B. CEQA Litigation

On November 5, 2004, the City of Santa Monica, Ballona Wetlands Land Trust, Anthony Morales, and Surfrider Foundation filed a petition for writ of mandate challenging the City's approval of the project under CEQA. On November 8, 2004, Federation of Hillside and Canyon Associates, Coalition Against the Pipeline, Ballona Ecosystem Education Project and Environmentalism Through Inspiration and Non-Violent Action filed a separate petition for writ of mandate challenging the project. The two lawsuits were deemed related and tried concurrently. On January 10, 2006, Judge Highberger of the Los Angeles Superior Court denied both petitions for writ of mandate. All four petitioners in the

City of Santa Monica case appealed, as did Ballona Ecosystem Education Project in the second case. (The other three petitioners in the second case did not appeal.)

On September 13, 2007, California Court of Appeal, Second District, in *City of Santa Monica v. City of Los Angeles [Playa Capital Co., LLC, Real Party in Interest]*, No. B189630, and *Ballona Ecosystem Education Project v. City of Los Angeles [Playa Capital Company, LLC, Real Party in Interest]*, No. B189722, overturned the trial court on three issues and ordered:

“the superior court to issue a peremptory writ of mandate, consistent with this opinion, directing the City to (1) vacate its approvals of the project and its certification of the EIR; (2) revise the analysis of land use impacts in the EIR; (3) revise the EIR to discuss preservation in place [of Native American resources] in accordance with CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3); and (4) revise the EIR to identify the intended and likely measures to dispose of the project’s wastewater and analyze the environmental impacts of employing those measures to dispose of the wastewater generated by the project, including any cumulative impacts to the Santa Monica Bay.”³

The Court of Appeal ruled that the other challenged sections of the Original FEIR complied with CEQA.

On May 23, 2008, Judge Torribio of the Los Angeles Superior Court issued a writ of mandate enforcing the decision of the Court of Appeal. The writ is attached as Appendix A.ii. On July 9, 2008, the Los Angeles City Council vacated its approvals of the Proposed Project and its certification of the Original FEIR.

3.0 PREPARATION OF THE RS-DEIR

In accordance with the California Court of Appeal’s opinion and the Superior Court’s writ of mandate, the City has prepared and circulated this RS-DEIR pursuant to CEQA Guidelines Section 15088.5, Subdivision (g). This RS-DEIR contains the following revised and updated sections to be recirculated for public comment:

³ *City of Santa Monica v. City of Los Angeles (Court of Appeal, September 13, 2007)*, pp. 113-114. (Appendix A.i.).

- (1) This Executive Summary for the RS-DEIR, which includes a revised Introduction and Summary of the Proposed Project's potential impacts on land use, archaeological resources, wastewater, including cumulative impacts to the Santa Monica Bay. This Executive Summary replaces and supersedes Sections I.A and I.G-9, 23 and 27 of the Original DEIR;
- (2) Revised analysis of land use impacts, which supersedes and replaces in full Section IV.G, Land Use, of the Original DEIR;
- (3) Revised archaeology section that discusses the preservation in place of Native American resources in accordance with CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3), which supersedes and replaces in full Section IV.P.2, Cultural Resources, of the Original DEIR; and
- (4) Revised wastewater section that identifies the intended and likely measures to dispose of the Proposed Project's wastewater and analyzes the environmental impacts of employing those measures to dispose of the wastewater generated by the Proposed Project, including any cumulative impacts to the Santa Monica Bay, which section supersedes and replaces in full Section IV.N.2, Wastewater, of the Original DEIR.

In summary, the analyses of land use, archaeological resources, and wastewater presented in this RS-DEIR supersede, in their entirety, the corresponding sections of the Original DEIR. In the Original DEIR these three sections have section identifiers that are not in alphabetical sequence as they were three of environmental impact sections included in the Original DEIR. Specifically, and as noted above, the land use section was Section IV.G of the Original DEIR, whereas the archaeology section was Section IV.P.2 and the wastewater section was Section IV.N.2. In order to present the RS-DEIR in a format that facilitates its review by the public and decision makers, the three analyses (i.e., land use, archaeology, and wastewater) have been assigned section identifiers that are in alphabetical sequence starting with "A". The following table summarizes the section identifiers for these three analyses as presented in the Original EIR and the RS-DEIR:

Section Name	Section Identifier	
	RS-DEIR	Original DEIR
Land Use	II.A	IV.G
Wastewater	II.B	IV.N.2
Archaeology	II.C	IV.P.2

Certain appendices from the Original DEIR and Original FEIR have not been changed, but are nonetheless attached to this RS-DEIR for the convenience of the reader.⁴ New appendices, Appendix A thru Appendix E, are also attached to the RS-DEIR.

In addition to the above sections required to address deficiencies in the Original FEIR, this RS-DEIR contains an analysis of the Proposed Project's impacts regarding global climate change. While neither the appellate opinion nor the writ of mandate directed the City to include such an analysis, California has adopted new legislation since the certification of the Original FEIR that requires State agencies to implement regulations designed to address climate change by, among other things, reducing the amount of greenhouse gases emitted. In addition, the research and public interest regarding this subject matter has advanced to the point where many lead agencies are now including analyses of the topic in CEQA documents. Therefore, in light of the recent regulatory actions taken by State and local agencies, the City has analyzed global climate change in this RS-DEIR for the Proposed Project, even though the absence of a global climate change analysis was not included among the defects in the Original FEIR identified by the Court of Appeal or the Superior Court. The discussion of global climate change may be found in Section II.D. of this RS-DEIR.

4.0 THE DEFICIENCIES OF THE ORIGINAL FEIR IDENTIFIED BY THE COURT OF APPEAL

The Court of Appeal concluded that the Original FEIR contained deficiencies in the impact analyses relating to land use, archaeology, and wastewater. This RS-DEIR addresses those specific deficiencies. However, the RS-DEIR does not respond only to the specific issues raised by the Court of Appeal. Rather, full discussions of land use, archaeological, and wastewater impacts are provided.

The deficiencies of the Original FEIR identified by the Court of Appeal's ruling are summarized as follows:

- a. Land Use:** The Court of Appeal determined that the analysis in the land use section analysis was "based on the unstated assumption that the square footage of land uses allowed under the specific plan and not developed in phase one was available for development in phase two without regard to

⁴ Documents attached to the Original DEIR as Appendices O(1), O(2), and O(4) and the Original FEIR as Appendices J(1)-J(4) are also attached as Appendices C.vi-C.xii, respectively, to this RS-DEIR.

whether the phase two site was actually zoned for those uses.”⁵ Specifically, the Court of Appeal found that the Original FEIR “failed to disclose that the project required zoning changes would dramatically increase the amount of development permissible on the phase two site” and that the Original FEIR “did not acknowledge that the project would greatly increase the amount of development compared with the development permissible under the existing specific plan.”⁶ Therefore, the Court determined that the existing Specific Plan and zoning permitted reduced levels of development and that the Proposed Project would be an “upzoning.”

The Court found that “a revised analysis of land use impacts that accurately discloses the effect of the [proposed zoning and plan] amendments on the amount of development allowed on the phase two site will correct the problem.”⁷ It should be noted that the revisions to the land use section in this RS-DEIR do not trigger the need to revise other Proposed Project impact discussions in the Original FEIR because those impact analyses utilized the appropriate baseline (i.e., undeveloped land) and actual Proposed Project development uses and figures (i.e., square feet, unit numbers, etc.).

- b. Archaeology:** The Court of Appeal found the archaeological analysis deficient because the Original FEIR failed to sufficiently discuss preservation in place as a means to mitigate significant impacts on historical archaeological resources, as required by CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3).⁸ The Court of Appeal further found that “[t]he excavation work completed to this date [on the Proposed Project site] and removal of any human remains or artifacts does not preclude the City, in the exercise of its discretion, from requiring in connection with a future approval of the project modifications to achieve greater preservation in place, including, for example, changing the course or depth of the riparian corridor and restoring archaeological resources to their prior resting places within the excavated corridor, or restoring those items to other suitable locations on the project site.”⁹ In addition to the above issues, the Court of Appeal addressed a number of other arguments regarding

⁵ *Id.*, p. 20.

⁶ *Id.*, pp. 19, 26.

⁷ *Id.*, pp. 28, 113.

⁸ *Id.*, pp. 35-38, 113.

⁹ *Id.*, pp. 39-40.

the adequacy of the archaeological analysis in the Original FEIR and found that those portions of the Original FEIR were adequate.¹⁰

Per State CEQA Guidelines Section 15126.4, RS-DEIR Section II.C. analyzes the feasibility of mitigating the Proposed Project's impacts on archaeological resources through preservation in place by relocating the portion of the existing riparian corridor located on the Proposed Project site.¹¹ The Riparian Corridor, which connects and completes adjacent riparian corridors to the east and west of the Proposed Project site developed as part of the Playa Vista First Phase Project, was constructed by the Applicant after the City's September 2004 approvals of the Proposed Project and before the Court of Appeal's ruling in September 2007 that ordered the vacation of those approvals.

- c. **Wastewater:** With regard to wastewater, the Court of Appeal held that since the Original FEIR concluded that the City's wastewater treatment system would lack capacity to handle cumulative wastewater flows by the time the Proposed Project would be built, the Original FEIR should have, but failed to, "identify the intended and likely measures for the City to accommodate the projects wastewater and failed to analyze the environmental impacts of employing those measures."¹² Instead, the Original FEIR improperly relied on enforcement of the City's sewer permit allocation ordinance that precludes the issuance of a building permit or a sewer connection for the Proposed Project if the City's collection and treatment capacity proves insufficient to handle wastewater flows from the Proposed Project. The Court of Appeal also held that "the revised EIR must discuss the significant cumulative impacts to the Santa Monica Bay, if any, or explain its conclusion that there are no significant cumulative impacts" associated with the Proposed Project's contribution of treated wastewater to the Santa Monica Bay.¹³ In addition, the Court directed the revised sections in the RS-DEIR should also "discuss and evaluate any pertinent new information."¹⁴

¹⁰ *Id.*, pp. 27-29, 40-57.

¹¹ *The riparian corridor within the Proposed Project is approximately 6.7 acres (Riparian Corridor). The Riparian Corridor is part of a larger riparian corridor which is 25 acres, which is part of a larger 51 acre Freshwater Wetland System which extends beyond the Proposed Project site and includes a Freshwater Marsh on the west side of Lincoln Boulevard.*

¹² *Id.*, p. 78.

¹³ *Id.*, p. 82.

¹⁴ *Id.*, p. 81.

5.0 ENVIRONMENTAL REVIEW PROCESS

The RS-DEIR is being recirculated to public agencies and interested individuals for review and comment pursuant to CEQA Guidelines Section 15088.5, Subdivision (c). The RS-DEIR also is available for review at the following locations: City Planning Department, Room 720 City Hall, 200 North Spring Street, Los Angeles, California 90012 and on-line at <http://cityplanning.lacity.org/>.

A 45-day review period has been set for the RS-DEIR during which written comments on the scope and adequacy of this draft document can be submitted to the City Planning Department. All comments on the RS-DEIR should be sent to the following City contact: David J. Somers, City Planning Department, Room 750, City Hall, 200 North Spring Street, Los Angeles, California 90012 by March 16, 2009. As CEQA Guidelines Section 15088.5, Subdivision (f)(2) permits, the City requests that reviewers limit the scope of their comments to that material which is within the text of the revised sections and the appendices included in the RS-DEIR. The City also requests that reviewers not make new comments on old matters not included in this RS-DEIR.¹⁵ Following the 45-day public review period, the City will prepare responses to the written comments on the RS-DEIR and will compile the comments and responses into a Revised Final EIR (Revised FEIR), which will consist of the following documents:

- (1) Original DEIR (without the sections that have been superseded and replaced by the corresponding sections in this RS-DEIR);¹⁶
- (2) Comments and Responses to Comments on the Original DEIR, received during the public comment period, August 21, 2003 through December 22, 2003;¹⁷
- (3) All other elements of the Original FEIR, including the corrections and additions to the Original DEIR;¹⁸
- (4) RS-DEIR;

¹⁵ CEQA Guidelines Section 15088.5(f)(2).

¹⁶ See footnote 1, above.

¹⁷ Please note that any responses to comments on the Original DEIR that relate to the matters and potential impacts now covered by Sections II.A. through II.D. of this RS-DEIR are also superseded by this RS-DEIR. Further, with respect to the matters and potential impacts now covered by Sections II.A. through II.D of this RS-DEIR, in accordance with CEQA Guidelines Section 15088.5(f)(2)(ii), written responses will be prepared only to comments received on this RS-DEIR on such topics.

¹⁸ Please note Original FEIR Corrections and Additions Section II.11 Land Use, II.25 Wastewater, and II.29 Archaeological Resources are superseded by the Corrections and Additions to the RS-DEIR, if any.

- (5) Comments and Responses to Comments on the RS-DEIR, received during the 45-day public comment period; and
- (6) Corrections or additions to the RS-DEIR, if any.

The Revised FEIR will provide the basis for City decision-makers, such as the Deputy Advisory Agency, the City Planning Commission, and City Council, to consider the environmental implications of the Proposed Project as well as possible ways to mitigate any significant environmental impacts. Prior to making a decision on the Proposed Project, the City must certify that the Revised FEIR has been completed in compliance with CEQA, was presented to the City's decision-making body and that that decision-making body reviewed and considered the information contained in the Revised FEIR prior to approving the Proposed Project, and that the Revised FEIR reflects the lead agency's independent judgment and analysis.

Finally, with regard to Sections I.B (The Proposed Project), I.C (Project Location), I.D (Project Background), I.E (Areas of Controversy), and I.F (Alternatives) of the Executive Summary in the Original DEIR, this RS-DEIR does not revise those sections and the reader is referred to the Original DEIR for the information contained in those sections.¹⁹

¹⁹ *However, please note that the following sentence in Section I.B.1.0 (The Proposed Project) of the Original DEIR at page 2 is hereby deleted: "As described more fully in Section I.D., the Proposed Project greatly reduces the scale of development in comparison to previous proposals within the larger area known as Playa Vista." Note also that Section II.A. of this RS-DEIR explains how the Proposed Project represents an "upzoning."*

I. EXECUTIVE SUMMARY
B. SUMMARY OF PROJECT IMPACTS

For Sections G.1 through G.8 of the Executive Summary, please refer to the Original DEIR. This RS-DEIR does not revise those sections.

9. LAND USE

A. Court of Appeal Opinion and Response

The Court of Appeal, in summary, determined that the Proposed Project would dramatically increase the amount of development permissible on the Proposed Project site and that the Original FEIR did not acknowledge this increase and that the Proposed Project represents an “upzoning” with regard to the levels of development permitted under the existing Specific Plan and zoning. Refer to Section I.A.4.a of this Executive Summary for additional information.

To address the Original FEIR’s deficiency, RS-DEIR Subsection II.A.2.1.4. clearly indicates that, without an amendment to the applicable portions of the Community and Specific Plans, (a) no additional residential development is allowed as of right in the Proposed Project site’s R4(PV) zone since the entirety of the units permitted under the Specific Plan were allocated to the First Phase Playa Vista Project, and (b) development in the M(PV) zone is assumed to be limited to 108,050 sq. ft. of office and light industrial uses. The land use discussion has been revised to explicitly state that the Proposed Project represents an “upzoning” and the following uses are proposed above and beyond the existing permitted limits for the Proposed Project site: a net increase of 66,950 sq. ft. of office and light industrial development; an increase of 2,600 dwelling units; an increase of 150,000 sq. ft. of retail development; and an increase of 40,000 sq. ft. of community serving uses.

Please note that while this Executive Summary has been revised to provide clarity with regard to the “upzoning” required by the Proposed Project, the amount of development

comprising the Proposed Project has not changed from the development proposal described in the Original FEIR. Accordingly, the description of the Proposed Project,²⁰ its setting, and background is provided is still accurately provided in Section II of the Original DEIR, which section has not been superseded per this RS-DEIR.

B. Thresholds Of Significance

Land use impacts of the Proposed Project were considered pursuant to the City of Los Angeles CEQA Thresholds Guide, which provides the following factors, starting at page H.1-2 of the Guide, for use with respect to the determination of consistency with applicable General, Community, and Specific Plans as well as other applicable plans.

The determination of significance shall be made on a case-by-case basis, considering the following factors:

- Whether the proposal is inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site; and
- Whether the proposal is inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.

Based on these factors, the Proposed Project would have a significant impact on land use consistency if the Proposed Project is (i) inconsistent with the adopted land use/density designation in the Community Plan or Specific Plan or (ii) is inconsistent with the applicable portions of the adopted General Plan or other applicable environmental goals and policies of the other adopted plans.

The same Thresholds Guide provides, starting at page H.2-3, a different standard to address to “situations of incompatibility between land uses or activities.” That standard provides that determination of significance shall be made on a case-by-case basis, considering the following factors:

- The extent of the area that would be impacted, the nature and degree of impacts, and the type of land uses within that area;
- The number, degree, and type of secondary impacts to surrounding land uses that could result from implementation of the proposed project; and

²⁰ *But see footnote 19, above.*

- The extent to which existing neighborhoods, communities, or land uses would be disrupted, divided or isolated, and the duration of the disruptions.

Based on these factors, the Proposed Project would have a significant impact on land use compatibility if the Proposed Project would disrupt, divide, or isolate existing neighborhoods, communities, or land uses. For a discussion of the type of secondary impacts contemplated in this portion of the Thresholds Guide, refer to the appropriate section of the Original FEIR.²¹

C. Environmental Impacts

(1) Consistency with Regulatory Framework

(a) Non-City Policies and Plans

Several non-City policies and plans govern the Proposed Project site. In 1992, the Project Applicant was granted a federal permit by the United States Army Corps of Engineers (Corps) for the fill of wetlands on portions of the land located within the former Playa Vista Planning Area (Corps Permit No. 90-426-EV). Further, development at the Proposed Project site is governed by a “Programmatic Agreement” approved by the Corps, the State Historic Preservation Officer, and the federal Advisory Council on Historic Preservation. Additionally, the Regional Comprehensive Plan adopted by the Southern California Association of Governments and the Airport Land Use Plan adopted by Los Angeles County apply to the Proposed Project. The Proposed Project is consistent with all such federal, regional, and county plans.

(b) City Policies and Plans

With regard to the Proposed Project’s consistency with the governing existing City land use plans, the Proposed Project site is governed primarily by the Playa Vista Area D Specific Plan (City of Los Angeles Ordinance No. 160,523) and the Westchester-Playa del

²¹ *The Proposed Project’s potential impacts on adjacent uses and the surrounding area attributable to specific environmental impacts are addressed in the other sections of the Original DEIR dealing with the physical results of the Proposed Project, see e.g., Original DEIR Sections IV.O, Visual Qualities; IV.K, Traffic and Circulation; IV.E, Noise; and IV.B, Air Quality, etc. Except for the analyses relating to archaeological resources and wastewater, the Court of Appeal found no deficiency in the analysis of those other environmental impacts. Accordingly, the impact analysis in those sections of the Original DEIR and Original FEIR remain valid and address the secondary impacts contemplated by the Thresholds Guide concerning land use compatibility.*

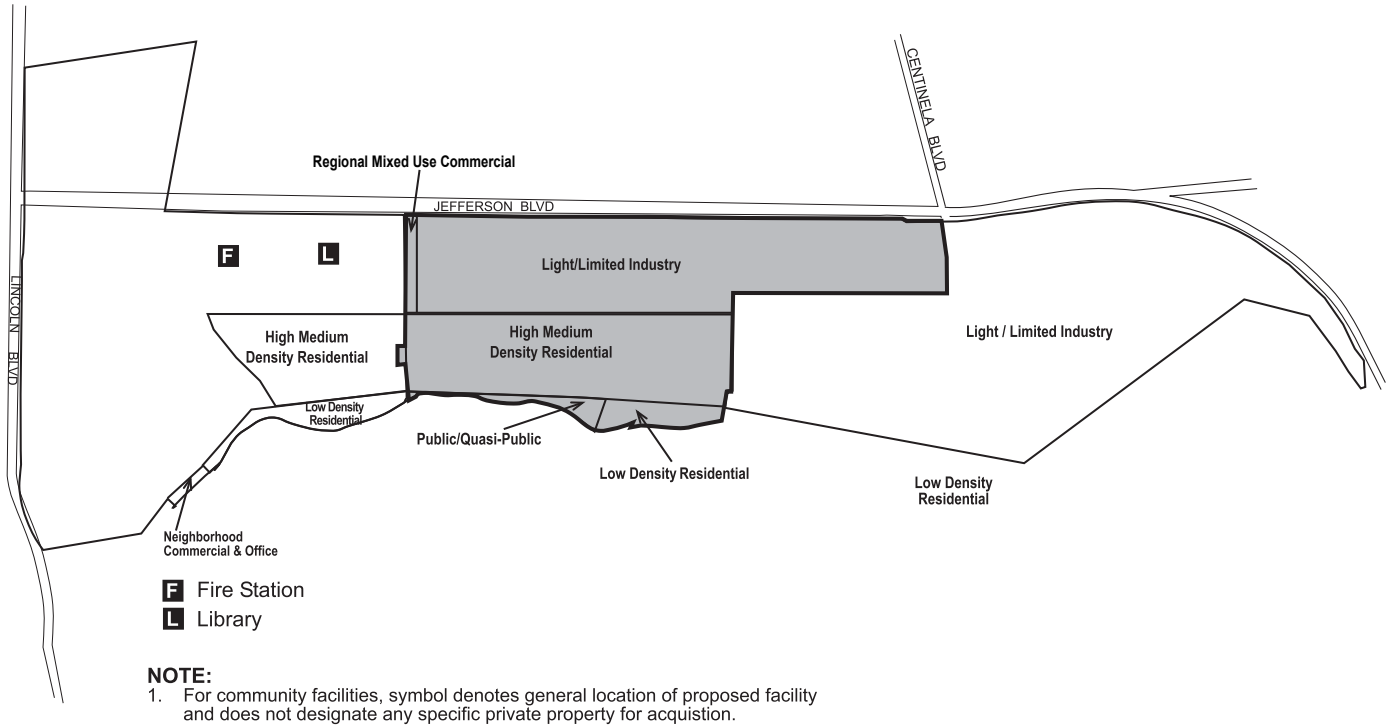
Rey Community Plan.²² Implementation of the Proposed Project requires (1) a vesting tentative tract map; (2) a General Plan amendment from Light/Limited Industry, High/Medium Residential, and Regional Mixed Use Commercial to Community Commercial and High/Medium Density Residential in the Community Plan; (3) a Playa Vista Area D Specific Plan amendment to (among other things) amend the land use elements allowed in the Area D Specific Plan and adjust the zone boundaries and designation within the Proposed Project site; (4) a development agreement for the Proposed Project; and (5) all other discretionary permits, approvals and governmental actions necessary to develop the Proposed Project. Figure I.B-1 provides a comparison of the existing General Plan and Community Plan designations with those proposed to implement the Proposed Project. Figure I.B-2, provides a similar comparison, but rather focuses on a comparison of existing and proposed Specific Plan and zoning designations.

Implementation of this Urban Development Component of the Proposed Project would result in an “upzoning” when compared with the existing Area D Specific Plan. The Proposed Project would amend the relevant portions of the Specific Plan to add the following uses to the site above what is permitted under the existing Specific Plan: a net increase of 66,950 sq. ft. of office and light industrial development; an increase of 2,600 dwelling units; an increase of 150,000 sq. ft. of retail development; and an increase of 40,000 sq. ft. of public or civic use. A comparison of existing entitlements and those requested to implement the Proposed Project are shown in Figure I.B-3.

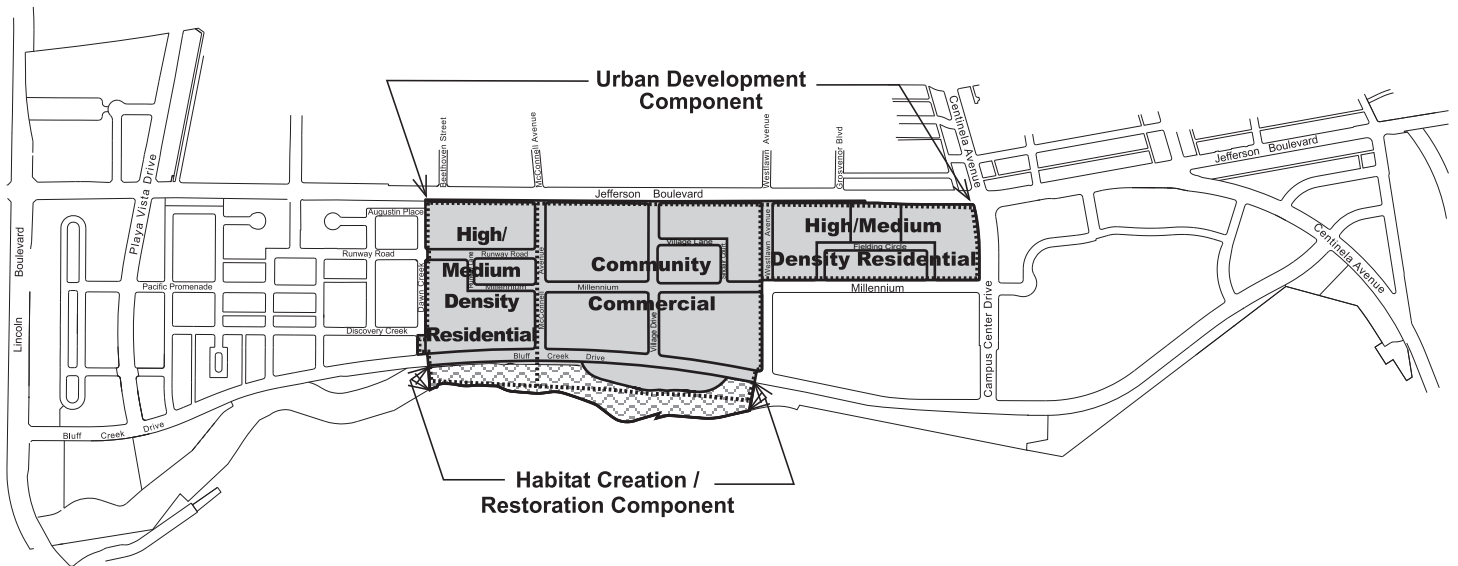
The Proposed Project is consistent with the applicable City regulatory framework, including the goals, policies, and objectives of the City of Los Angeles General Plan Framework and Westchester-Playa del Rey Community Plan. Development of the Proposed Project will further the applicable policies in those Plans. For example, the Proposed Project would create an integrated new mixed-use community that would generate housing (including multi-family housing), retail, recreational activities, and community-serving activities and jobs of a substantial scale that would serve housing, employment, shopping, and recreational needs of the City. The Proposed Project will also facilitate the City policy of maintaining the scale and character of existing neighborhoods, including single-family residential neighborhoods, while also encouraging compatible mixed-development, including affordable multi-family housing and senior housing.

²² *The City’s Coastal Transportation Corridor Specific Plan and Industrial Land Use Policy Project also apply to the Proposed Project site. As discussed in RS-DEIR Section II.A, below, the Proposed Project is consistent with that Plan and Project.*

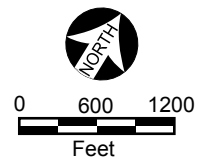
Existing General/Community Designations Plan



Proposed General/Community Plan

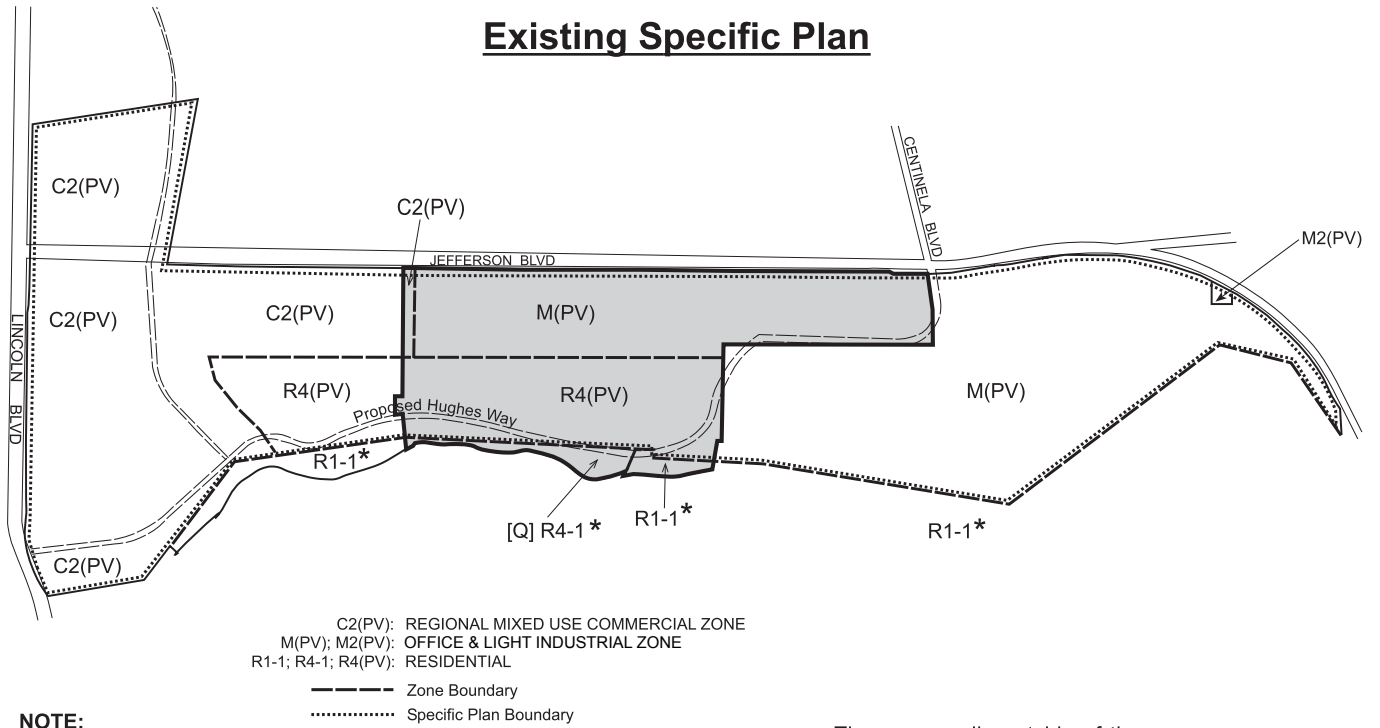


NOTE:
Locations of roadways and land use boundaries are approximate.
Precise placement will be determined as part of subdivision process.



Source: Playa Capital Company, March 2004.

Existing Specific Plan

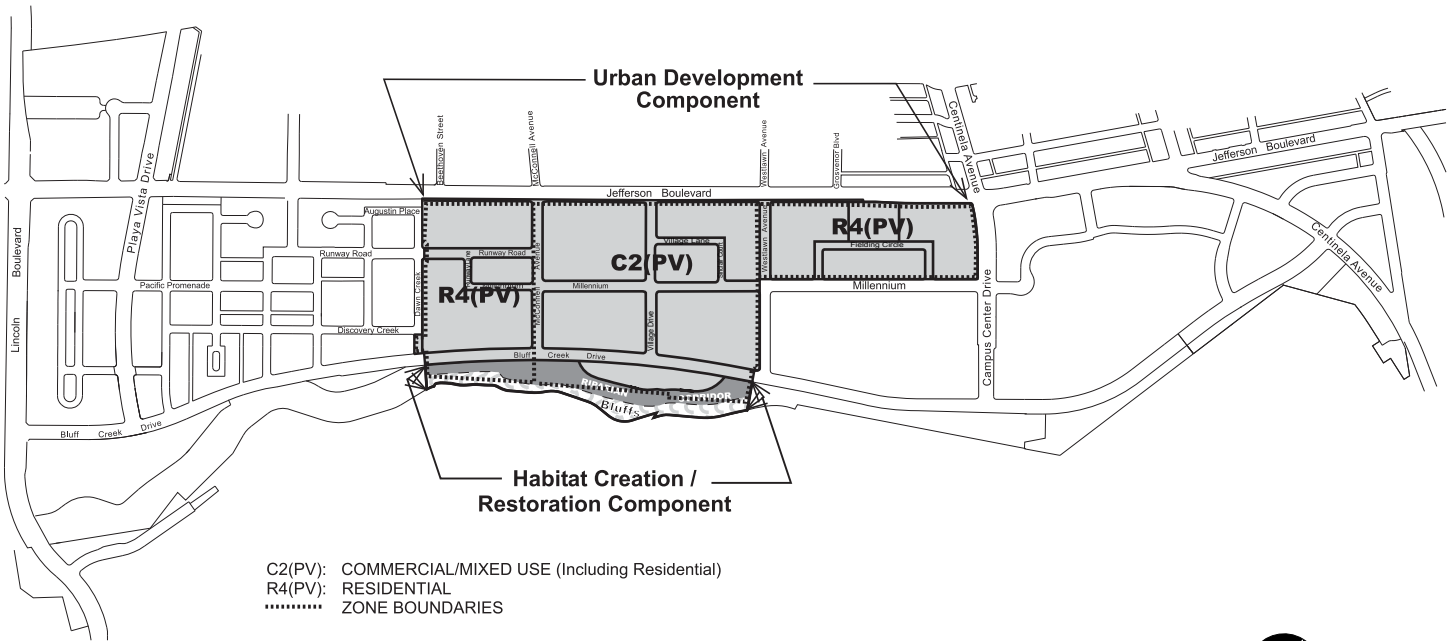


NOTE:

All conditions placed upon Specific Plan at the time of adoption by the City are also applicable. Existing Area D Specific Plan adopted November 21, 1985, amended 1996.

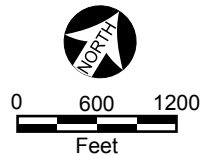
* These zones lie outside of the Area D Specific Plan boundaries

Proposed Specific Plan/Zoning Designations



NOTE:

Locations of roadways and land use boundaries are approximate. Precise placement will be determined as part of subdivision process.

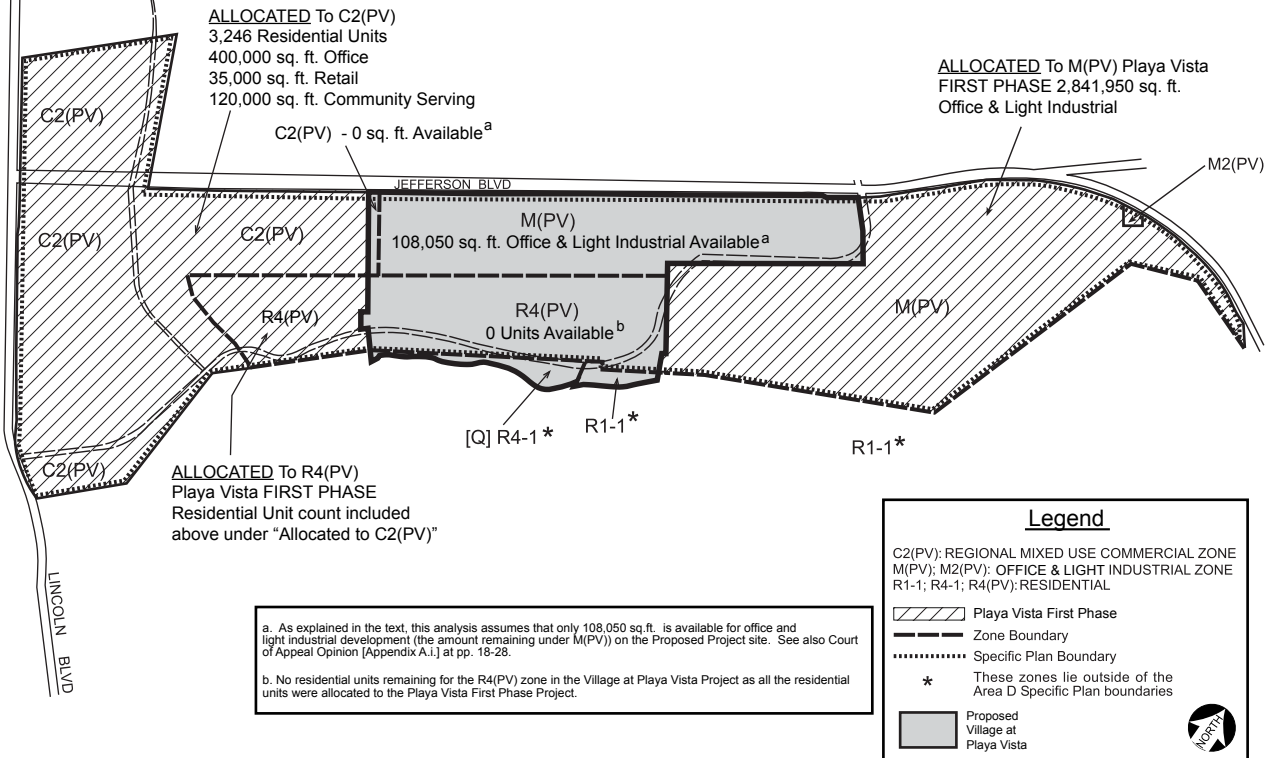


Source: Playa Capital Company, March 2004.

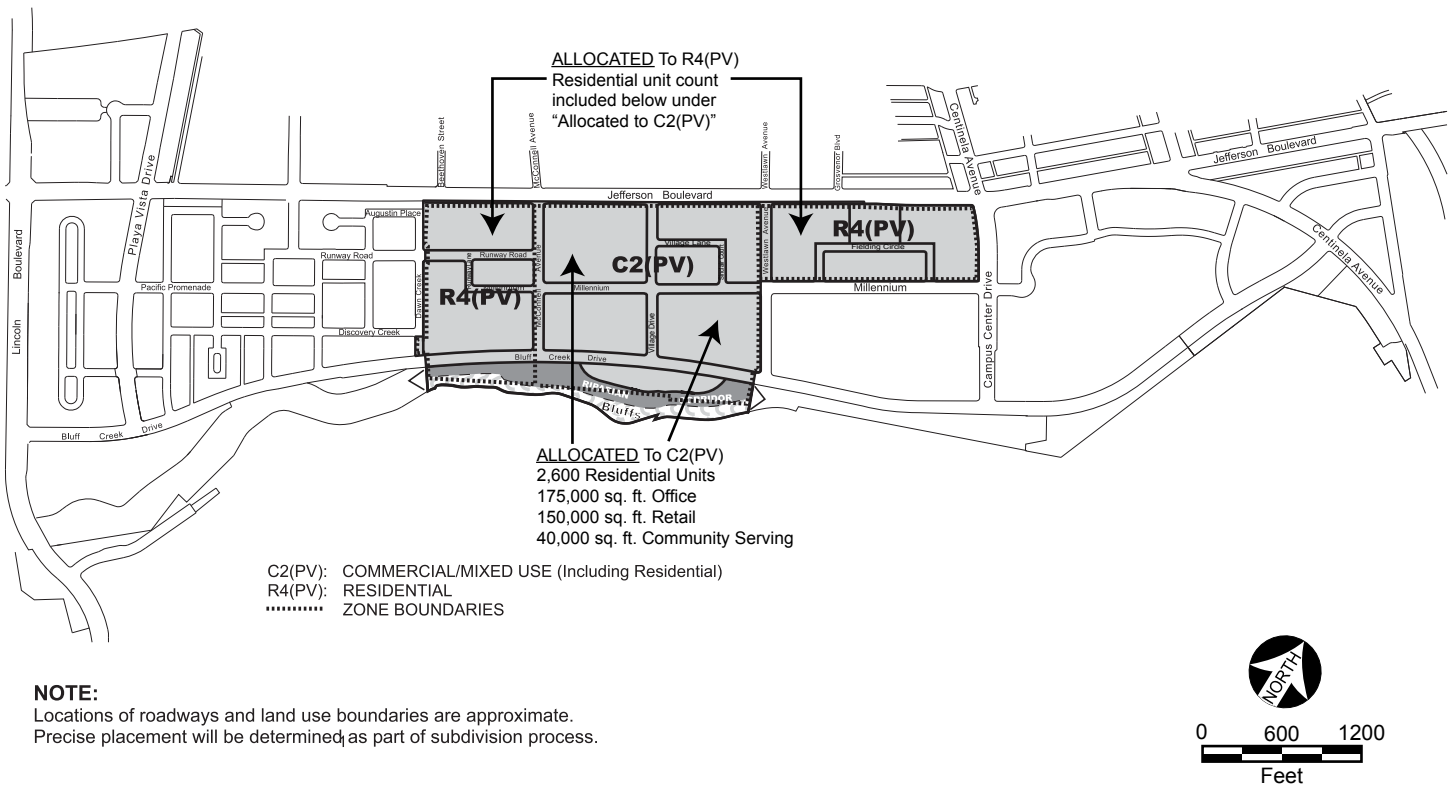


Figure I.B-2
Comparison of Existing Specific Plan
and the Proposed Designations

Existing Entitlements in Area D



Proposed Entitlements in Area D



Source: Playa Capital Company, November 2008.

Additionally, the Proposed Project is consistent with City goals, objectives, and policies regarding commercial and industrial growth opportunities, as the Proposed Project is designed to connect the adjacent First Phase Project. As such, its proposed land uses are compatible with and complement the office and light industrial uses associated with the First Phase Project. The Proposed Project, and its 17 acres of parks and open space (including the Riparian Corridor), would also contribute toward City goals of identifying and providing for park, recreational, and open space opportunities to serve City residents.

Lastly, the Proposed Project is consistent with City policies that encourage modes of transportation other than automobile. For example, the Proposed Project includes land use patterns that emphasize pedestrian/bicycle access and use (via a system of pedestrian walkways and bicycle paths) while also emphasizing public transit through the provision of an internal shuttle system and linkages to area wide bus systems. The Proposed Project's use of an internal shuttle system is designed to promote the reduction of vehicle trips within the Proposed Project site and the surrounding area. The Proposed Project also would provide improved bus service through the provision of five new buses on at least two Culver City Bus Lines. The Proposed Project's off-site improvements also would support implementation of the existing and expanded public transit programs in the area.

Therefore, while the Proposed Project implementation requires Community Plan and Specific Plan amendments, these proposed amendments would be consistent with the policies, goals, and objectives in the City's General Plan and Community Plan, as well as the goals and policies contained in other applicable plans. Thus, a less than significant impact would occur with regard to the Proposed Project's consistency with applicable land use plans.

(2) Compatibility with Existing Uses

With regard to land use compatibility, implementation of the Proposed Project would not disrupt, divide, or isolate existing neighborhoods, communities, or surrounding land uses. Furthermore, the Proposed Project would integrate with and provide continuity with development between the portions of the Playa Vista First Phase Project lying to the east and west of the Proposed Project site. Implementation of the Proposed Project also would not impact existing developments to the south or north of the Proposed Project site. Of importance to this conclusion are buffer zones to the north as well as to the south. The Habitat Creation/Restoration area of the Proposed Project lies to the south of the Urban Development Component, separating the Proposed Project's urban land uses from the Westchester Community atop the Bluffs. Jefferson Boulevard, a major arterial, serves this same buffer function with regard to land uses to the north, particularly the multi-family residential uses along Jefferson Boulevard and the Del Rey community further to the north.

The land use interface between the Proposed Project and off-site land uses is further enhanced by establishing building heights that are well below the existing Area D Specific Plan height limitations on the Proposed Project site and would not create a development that extends above the average height of the adjacent Bluffs. Accordingly, impacts with regard to the Proposed Project's compatibility with surrounding land uses will be less than significant.

D. Recommended Mitigation Measures

Although the Proposed Project would not cause any significant land use impacts attributable to inconsistency with applicable land use plans or incompatibility with surrounding uses, the Original FEIR identified mitigation measures which are restated here as the Court of Appeal did not find any deficiencies related to these mitigation measures. One of these measures relates to the Proposed Project's development standards and guidelines, which concern, among other things, the arrangement, shape, and location of the buildings. Also, the entitlements for the Playa Vista First Phase project (including VTTM 49104) established certain open space requirements. To ensure that those requirements are satisfied, Lot 113 within the Proposed Project site will remain as open space until the City's Advisory Agency determines that Lot 113 is not needed for that purpose.

Mitigation Measure for the Proposed Project and the Equivalency Program

- Prior to recordation of the tract map, the Proposed Project development standards and guidelines shall be incorporated as tract map conditions including, but not limited to, building height, setbacks, lot coverage, density, and land uses, as analyzed in ENV-2002-6129-EIR. Any changes shall be subject to additional environmental review and implementation of proper mitigation measures if additional impacts associated with such changes are identified.
- Lot 113 of VTTM 49104 shall remain as open space unless the Advisory Agency determines that this lot is not needed to meet the open space requirements of VTTM 49104.

Additional Mitigation Measure for the Off-Site Improvements

- Any private property that is affected during the construction of off-site improvements shall be restored to be consistent with conditions prior to construction, to the extent feasible.

E. Unavoidable Adverse Impacts

The Proposed Project (including both the Urban Development Component and the Habitat Creation/Restoration Component) is or will be consistent with all federal, regional, county, and local plans and policies. Therefore, the impacts with regard to the Proposed Project's consistency with these and other plans would be less than significant. With regard to the land use impacts relating to compatibility with surrounding land uses, the Proposed Project is compatible with existing land uses and would not have a significant adverse impact.

F. Cumulative Impacts

(1) Consistency with Regulatory Framework

The Proposed Project, inclusive of the Equivalency Program and the Proposed Project's off-site improvements, would be compatible with the regulatory land use framework and, therefore, would not contribute to a significant cumulative impact regarding such land use laws and regulations. It is anticipated that other development in the area of the Proposed Project would be consistent with applicable federal, regional, and county regulations as well as the City's General and Community Plans. Two pending related projects that may require an amendment to this Community Plan at a later date are the proposed Loyola Marymount University (LMU) Master Plan project and proposed expansion of Los Angeles International Airport (LAX). However, such plan amendments would not preclude, nor be precluded by the Proposed Project's plan amendments. Further, the activities associated with the LMU Master Plan project and proposed expansion of LAX have been considered in the cumulative analyses of the various environmental sections of the Original DEIR.

Thus, it is anticipated that other development would be consistent with applicable regulations and the updated Community Plan, or would amend the Community Plan through appropriate review and CEQA analysis as required by law. Therefore, cumulative impacts regarding the regulatory framework would be less than significant.

(2) Compatibility with Existing Uses

In conjunction with the environmental analyses for the Proposed Project, a list of related projects was identified by the Original DEIR for the area surrounding the Proposed Project site as well as a larger area extending several miles to the north, south, and east of the Proposed Project site. These projects would contribute, in conjunction with the Proposed Project, to the general development character of the West Los Angeles region.

In a general sense, the West Los Angeles region, including the immediate vicinity of the Proposed Project site, is predominantly developed. While some intensification of activity is occurring due to infill on the remaining undeveloped land parcels and conversion to more intense uses on a parcel-by-parcel basis, the basic land use character and major distribution patterns of the region have been established. Intensification of development will have cumulative impacts on particular environmental issues such as traffic, noise, and air pollution. Such impacts are the focus of other sections of the Original DEIR that address these cumulative impacts associated with the Proposed Project (refer to page 13, footnote 17, above).

With regard to the issues addressed in this RS-DEIR concerning land use mix and distribution, the development of the Proposed Project in conjunction with the related projects is not anticipated to alter the general land use patterns and relationships in the Proposed Project vicinity. For the most part, the related projects are located at some distance from the Proposed Project and within different neighborhoods. The related projects would typically be of an infill nature, and would not alter the general land use patterns of their local area. To the extent changes do occur, those changes would be localized.

Further, the Proposed Project (inclusive of the Equivalency Program and the Proposed Project's off-site improvements) in conjunction with related projects would not disrupt, divide, or isolate existing neighborhoods, communities, or land uses. For all these reasons, cumulative impacts concerning land use compatibility would be less than significant.

For Sections G.10 through G.22 of the Executive Summary, please refer to the Original DEIR. This RS-DEIR does not revise those sections.

23. WASTEWATER

A. Court of Appeal Opinion and Response

The Court of Appeal, in summary, determined that the Original FEIR concluded that the Proposed Project would have a significant cumulative wastewater impact, but failed to identify the likely measures the City would implement to address this shortfall in wastewater

capacity and failed to analyze the environmental impacts of implementing those measures. Refer to Subsection I.A.4.c of this Executive Summary for additional information.

Section II.B. of the RS-DEIR, and in particular, Subsections II.B.2.2.4 and II.B.3.4, provide updated data regarding the capacity of the City's wastewater treatment system and an analysis of the system's ability to accommodate the wastewater flows generated by the Proposed Project. As discussed in the wastewater analysis, current data indicates that there is less demand on the City's wastewater collection and treatment system than previously projected. The current information confirms that adequate treatment capacity will be available to handle wastewater flows from the Proposed Project and other future flows through at least 2020, and the City has conducted environmental review concerning future expansions of the wastewater treatment system, if needed. As such, no additional measures will be necessary to accommodate the wastewater generated by the Proposed Project.

Additionally, Subsection II.B.6.0 provides an analysis of the Proposed Project's contribution to potential cumulative impacts on water quality in the Santa Monica Bay. Water quality in the Bay is protected by a variety of laws and regulations, which were taken into account by the governing regulatory agencies when they approved the National Pollutant Discharge Elimination System (NPDES) permit for the City's Hyperion Treatment Plant, which discharges treated wastewater into the Bay. That permit establishes a variety of conditions and requirements that are protective of the beneficial uses of the Bay, public health, and the marine environment. Since issuance of the currently operative NPDES permit, discharges from the Hyperion Treatment Plant have been in compliance with the requirements of that NPDES permit, and the analysis in this RS-DEIR demonstrates that the Hyperion Treatment Plant's treatment and discharge of wastewater attributable to the Proposed Project and other future sources are not projected to cause any violations of the requirements in the NPDES permit.

B. Thresholds of Significance

The wastewater impacts of the Proposed Project are considered pursuant to the City of Los Angeles CEQA Thresholds Guide. The Thresholds Guide provides that a project would cause a significant wastewater impact where:

- The project would cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained, or

- The project's additional wastewater flow would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements.

In its ruling, the Court of Appeal held that “the revised EIR must discuss the significant cumulative impacts to the Santa Monica Bay, if any, or explain its conclusion that there are no significant cumulative impacts” associated with the Proposed Project's contribution to water quality impairment in the Santa Monica Bay.” In response to that holding, the analysis in the RS-DEIR deems impacts to water quality in the Santa Monica Bay to be significant if the Proposed Project would:

- The project would cause a significant wastewater impact where a discharge would (i) result in pollution,²³ contamination,²⁴ or nuisance,²⁵ as those terms are defined in Water Code Section 13050 or (ii) result in a violation of applicable regulatory standards, including those provided in the NPDES permit for Hyperion Treatment Plant.

C. Environmental Impacts

(1) Wastewater Collection Capacity

The City provides sewer service to all areas within the City boundary, including the entire Proposed Project site (which is included in the Hyperion Service Area). Wastewater from the Hyperion Service Area is collected and treated by the Hyperion Treatment System, which includes the physical sewer infrastructure in the Hyperion Service Area. The Hyperion Treatment System includes sewers, pump stations, Los Angeles-Glendale Water Reclamation Plant, Tillman Water Reclamation Plant, and Hyperion Treatment Plant.

²³ “Pollution” means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses or (B) Facilities which serve these beneficial uses. Pollution may include “contamination.” See Cal. Water Code Section 13050.

²⁴ “Contamination” means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. “Contamination” includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected. See Cal. Water Code Section 13050.

²⁵ “Nuisance” means anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, or (3) Occurs during, or as a result of, the treatment or disposal of wastes. See Cal. Water Code Section 13050.

Wastewater generated by the Proposed Project will be collected first by the 42-inch Marina Interceptor Sewer. In turn, the Marina Interceptor Sewer will convey the wastewater to the City's North Central Outfall Sewer (which, in turn, will convey the wastewater to the Hyperion Treatment Plant). The Marina Interceptor Sewer has a design capacity of 17.1 million gallons per day (mgd) and current average and peak dry weather flows of 1.4 mgd and 1.9 mgd, respectively (leaving surplus capacity of 15.7 mgd for average flows and 15.2 mgd for peak flows). The North Central Outfall Sewer has a design capacity of 248.2 mgd and current average and peak dry weather flows of 55.4 mgd and 65.6 mgd, respectively, leaving surplus capacity of 192.8 mgd for average flows and 182.6 mgd for peak flows.

During construction of the Proposed Project, a negligible amount of wastewater would be generated by construction staff. Therefore, wastewater generation from Proposed Project's construction activities is not anticipated to cause a measurable increase in wastewater flows at a point where, and a time when, the capacity of either Marina Interceptor Sewer or North Central Outfall Sewer is already constrained or would become constrained.

Operations of the Proposed Project are expected to produce daily average dry weather flows of 0.47 mgd and peak dry weather flows of 1.53 mgd. Because those flows would be well within the remaining capacity of both Marina Interceptor Sewer and North Central Outfall Sewer, wastewater generated by Proposed Project operations is not anticipated to cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. For these reasons, impacts to the City's wastewater collection capacity would be less than significant.

(2) Treatment Plant Capacity

New data made available following the certification of the Original FEIR indicates that population growth in the area served by the City's wastewater treatment system has been lower than previously forecasted, resulting in less demand on the City's wastewater collection and treatment system than previously projected. This new data became available in conjunction with the City's regular process of reviewing the adequacy of its public utilities and infrastructure (*i.e.*, independent of the Proposed Project) and incorporates data generated by other non-City regulatory agencies, including the Southern California Association of Governments (SCAG). Based on these revised population projections, it is anticipated that the City's wastewater treatment system will have sufficient capacity to treat wastewater from the Proposed Project and other future sources. Therefore, the additional wastewater generated by the Proposed Project would not cause or contribute to any shortage of treatment capacity.

The wastewater impact analyses in the Original FEIR were based on the information set forth in the City's 2001 Integrated Plan for the Wastewater Program, which incorporated population projections from SCAG's 1998 Regional Transportation Plan (RTP). However, in 2006, based on updated demographic projections, the City released a new Integrated Resources Plan (2006 IRP) with updated data regarding wastewater treatment facilities, new treatment processes and proposed expansions of some of those facilities. Based on the 2006 IRP, the estimated wastewater flows within the Hyperion Service Area are expected to average 477.3 mgd by 2010, with 507.4 mgd during a peak month. In fact, since the 2006 IRP was released, actual average dry weather wastewater flows within the Hyperion Service Area have been observed to be even lower than those projected in the 2006 IRP. Further, in connection with the 2006 IRP, the City conducted environmental review for future expansions of the City's wastewater treatment system if needed after 2020.

In 2008, SCAG issued an updated RTP, which again lowered population and employment projections. Based on that recent population data and the actual observed wastewater flows, updated modeling suggests that 2010 flows in the Hyperion Service Area will average only 425 mgd for the year, and 452 mgd in the peak month. Because overall capacity of the Hyperion Treatment System is expected to be 544 mgd, sufficient capacity will exist in 2010 to accommodate the updated flow expectations, with an average surplus of 118.8 mgd under average dry weather conditions and a surplus of 92 mgd under maximum month conditions. Similarly, based on this current data, flows in 2020 are expected to average 440.5 mgd, with 468 mgd in the peak month. Even assuming advanced treatment upgrades to meet new discharge permit requirements are implemented by 2020, overall capacity of the Hyperion Treatment System would still be 522 mgd, yielding a remaining surplus capacity of 81.5 mgd under average dry weather conditions and a surplus capacity of 53.7 mgd under maximum month conditions. In addition, if some facilities are expanded as described in the 2006 IRP, as much as 14 mgd of additional capacity could be made available, thus expanding the expected 2020 surplus correspondingly.

With respect to operations of the Proposed Project, daily average dry weather flow is expected to total 0.47 mgd. That 0.47 mgd contribution from the Proposed Project would represent as of 2010 approximately 0.39 percent of the projected unused treatment capacity of the Hyperion Treatment System under average dry weather conditions and approximately 0.51 percent of the projected unused treatment capacity of the Hyperion Treatment System under maximum month conditions. As of 2020, the Proposed Project's contribution of 0.47 mgd of wastewater would represent approximately 0.5 percent of the projected unused treatment capacity of the Hyperion Treatment System under average dry weather conditions and approximately 0.88 percent of the projected unused treatment capacity of the Hyperion Treatment System under maximum month conditions. Accordingly, wastewater flows from the Proposed Project are not expected to cause or contribute to any exceedance of the future scheduled capacity of any wastewater treatment

facility as expected in relevant plans, and impacts from the Proposed Project would be less than significant.

Impacts from the Proposed Project's equivalency scenarios would also be less than significant. The largest amount of wastewater would be generated by the All Assisted Living scenario, with an average dry weather flow of 0.487 mgd, which would be below the Hyperion Treatment System's remaining treatment capacity. In addition, construction and operation of the various mitigation measures and offsite improvements associated with the Proposed Project would generate a minimal amount of wastewater that would not exceed the Hyperion Treatment System's treatment capacity. For all these reasons, the Proposed Project would not cause a significant impact to the City's wastewater treatment facilities.

(3) Water Quality Impacts To The Santa Monica Bay

The current NPDES permit issued by the Regional Water Board for the Hyperion Treatment Plant establishes requirements and numeric limitations on pollutants designed protect the beneficial uses of the Santa Monica Bay, public health, and the marine environment. Those requirements and limitations implement the objectives of other water quality plans adopted under Federal and State laws, including the *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) (adopted as a master planning document by the Los Angeles Regional Water Quality Control Board [Regional Water Board]), and the *Water Quality Control Plan for the Ocean Waters of California* (Ocean Plan) adopted by the State Water Resources Control Board (SWRCB). Additional treatment processes at the Hyperion Treatment Plant have resulted in the City's discharges into Santa Monica Bay that achieve dilution rates that are well within regulatory guidelines established in the NPDES permit.

The additional contribution of wastewater from the Proposed Project would not cause water quality within the Bay to fall below those dilution thresholds, even when combined with the discharge of wastewater from all other sources treated by the Hyperion Treatment Plant. The maximum change in effluent dilution between the "project" and "no project" cases is expected to be less than 0.7 percent, and even accounting for all future projected flows, the lowest modeled dilution is expected to be 125:1, well above the 84:1 ratio required in the NPDES permit.

Similarly, waters at the shoreline are not expected to be impacted in a significant way by the additional wastewater generated by the Proposed Project. Effluent from the five-mile outfall used to discharge wastewater treated by the Hyperion Treatment Plant (including any Proposed Project wastewater) does not come within 2.5 km of the shoreline.

Therefore, the treated wastewater discharge from the Hyperion Treatment Plant does not contribute to any detectable water quality impact at the Santa Monica Bay shoreline, and the incremental wastewater generated by the Proposed Project is not expected to cause any significant impact to shoreline water quality.

Furthermore, recently released data confirms that upgrades to the Hyperion Treatment Plant facility have led to actual improvement to the marine environment near the terminus of the five-mile outfall, including increases in a variety of marine species inhabiting the Santa Monica Bay. Although effects on the distribution of organisms around the vicinity of Hyperion Treatment Plant's five-mile outfall are still detectable, these effects are restricted to a much smaller area than historically recorded, suggesting the spatial footprint of impacts is diminishing. None of the seven endangered species residing in the Santa Monica Bay is impacted by the secondary treated the Hyperion Treatment Plant's effluent, and toxicity testing has shown no exceedances in a variety of marine organisms at critical stages of their development. Accordingly, the physical and/or biological effects associated with the incremental increase in wastewater discharge due to the Proposed Project and other associated projects will be minimal.

California Water Code Section 13050 addresses discharges that result in "pollution," "contamination" and "nuisance." Those terms are defined in a manner that takes into account factors such as public health, beneficial uses of the affected waters, and water quality. Those factors are also addressed in the NPDES permit for the Hyperion Treatment Plant. As discussed above, the Proposed Project will not contribute to any violation of the conditions and requirements in the NPDES permit that protect beneficial uses of the Bay, public health, or the marine environment. In addition, recent data confirms that as a result of upgrades to the Hyperion Treatment Plant's wastewater treatment processes, overall water quality in the Santa Monica Bay has improved. Further, the discharge from the Hyperion Treatment Plant's five-mile outfall does not come with 2.5 km of the shoreline, so such discharges will not cause an offensive condition to users near the shoreline, another factor generally considered in Section 13050 of the Water Code. For all these reasons, the Proposed Project will not contribute to a condition of "pollution," "contamination", or "nuisances" in the Bay within the meaning of Water Code Section 13050.

Recommended Mitigation Measures

Although the Proposed Project would not cause any significant wastewater impacts, mitigation the Original FEIR identified mitigation measures which are restated here as the Court of Appeal did not find any deficiencies related to these mitigation measures.

- Prior to issuance of any building permit, construction of on-site infrastructure improvements necessary for the conveyance of project wastewater to the 42-inch Marina Interceptor Sewer in Jefferson Boulevard shall be completed, or suitably guaranteed, to the satisfaction of the City Department of Public Works and other applicable responsible agencies.²⁶

E. Unavoidable Adverse Impacts

The Proposed Project, Equivalency Program, and off-site improvements are not anticipated to cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Similarly, the Proposed Project, Equivalency Program scenarios and off-site improvements would not generate wastewater in excess of the City's treatment capacity through 2020. In addition, no violations of the Hyperion Treatment Plant's NPDES permit would result from the incremental wastewater generated by the Proposed Project, so water quality in the Santa Monica Bay would not be significantly impacted. Therefore, no unavoidable adverse impacts are expected as a result of the Proposed Project's wastewater.

F. Cumulative Impacts

As discussed above, the analysis of the Proposed Project's potential impact on the City's wastewater treatment capacity accounted for wastewater from other sources. Similarly, the analysis of the Proposed Project's potential impact to the quality of water in the Santa Monica Bay considered the discharge of treated wastewater from other sources. Therefore, the potential cumulative impacts concerning these two issues are discussed in subsections I.G-23, and those impacts, as discussed above, will be less than significant.

For Sections G.24 through G.26, please refer to the Original DEIR. This RS-DEIR does not revise those sections.

²⁶ *All on-site and off-site infrastructure improvements necessary to convey Proposed Project wastewater to the 42-inch Marina Interceptor Sewer have been completed.*

27. ARCHAEOLOGICAL RESOURCES

A. Court of Appeal Opinion and Response

The Court of Appeal, in summary, determined that the Original FEIR failed to sufficiently discuss preservation in place as a means to mitigate significant impacts on historical archaeological resources, as required by CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3), and that the City, in connection with a future approval of the Proposed Project may require modifications to the Proposed Project that would achieve a greater degree of preservation in place.²⁷ Refer to Subsection I.A.4.b of this Executive Summary for additional information.

Four options that would relocate the Riparian Corridor are addressed in RS-DEIR Section II.C.(2). To best understand the potential impacts and benefits of those four options, this RS-DEIR first discusses the reasons that led to the original design and location of the Riparian Corridor. Then, the four options are analyzed based on information known as of 2002 (the date of the Notice of Preparation of the Original DEIR for the Proposed Project), 2004 (the date of the certification of the Original FEIR), and 2008 (the preparation of this RS-DEIR) in order to provide a complete understanding of this matter. Various factors relevant to the feasibility of these options are discussed, including the impacts of pre-existing contaminated soil in the area, the hydrology and stormwater runoff in the area of the Riparian Corridor, and the implications of removing decades-old buildings from the Proposed Project site. The impacts and benefits of each option are then compared with the impacts and benefits of the Riparian Corridor's existing configuration in the Proposed Project site.

As discussed below, none of the options for the relocation of the Riparian Corridor would avoid all impacts to the archaeological resources at the Proposed Project site, and each option would result in a number of adverse impacts on water quality, habitat and wildlife in comparison to the existing configuration of the Riparian Corridor.

B. Thresholds of Significance

The City of Los Angeles CEQA Thresholds Guide states that a project would normally have a significant impact upon archaeological resources if it could disturb, damage, or degrade an archaeological resource or its setting is found to be important under the criteria of CEQA because it:

1. Is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory;

²⁷ *City of Santa Monica v. City of Los Angeles (Court of Appeal, September 13, 2007)*, pp. 39-40.

2. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;
3. Has a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind;
4. Is at least 100-years-old and possesses substantial stratigraphic integrity; or
5. Involves important research questions that historical research has shown can be answered only with archaeological methods.

Based on these factors, the Proposed Project would have a significant impact on archaeological resources if:

- Project activities would disturb, damage, or degrade a unique archaeological resource or an archaeological historic resource, or setting of the resource.

In addition to analyzing the Proposed Project's impacts under that threshold, the RS-DEIR's analysis also responds to the Court of Appeal's Opinion, which requires the City to "revise the EIR to discuss preservation in place in accordance with CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3)."²⁸ In its Opinion, the Court of Appeal required an analysis of possible means to preserve in place archaeological resources discovered at the Proposed Project site, including consideration of planning construction to avoid archaeological sites, incorporating sites into parks and open space, covering sites with chemically stable soil before building on top of them, and deeding sites into a permanent conservation easement.²⁹

C. Environmental Impacts

The Proposed Project site contains archaeological centers (often referred to as cultural loci). These loci have been designated as CA-LAN-1932H (historical period trash dump and redeposited shell midden), CA-LAN-2769 (shell scatter), CA-LAN-211/H (shell midden), and CA-LAN-62 Locus D (shell midden). Of these cultural loci, CA-LAN-211/H and CA-LAN-62 Locus D have been identified as potentially significant cultural resources. Prior to construction of the Riparian Corridor, both CA-LAN-62 Locus D and CA-LAN-211/H were determined to be eligible for listing in the National Register (the "Archaeological

²⁸ *Id.*, p. 113.

²⁹ *Id.*, pp. 35-36.

Sites”). CA-LAN-2769 and CA-LAN-1932H were tested and deemed not eligible for listing in the National Register.

Under the California Register statute, any California resource formally determined eligible for listing in the National Register of Historic Places is automatically listed in the California Register. Therefore, those archaeological sites within the Proposed Project site that have been determined eligible for the National Register, CA-LAN-62 Locus D, and CA-LAN-211/H, also are listed in the California Register and are historical archaeological resources for purposes of CEQA. Given the likelihood that construction of the Proposed Project would potentially result in a significant loss of archaeological resources through disturbance and removal of such resources, certain measures were implemented to mitigate those impacts. The Programmatic Agreement (PA) governing the site, which was approved by the U.S. Army Corps, the Federal Advisory Council on Historic Preservation, and the State Historic Preservation Officer, provides for many of those measures, including data recovery. The following provisions of the PA are applicable to the Proposed Project:

- The Corps shall determine the eligibility of unevaluated historical properties in consultation with the California State Historic Preservation Officer and in accordance with 36 CFR 800.4(c). The project Research Design, which has been developed in consultation with the Corps and the California State Historic Preservation Officer, will guide the evaluation of the historical properties. Treatment Plans shall be developed based on these evaluations.
- The Corps shall ensure that an Archaeological Treatment Plan (ATP) is developed in consultation with the State Historic Preservation Office for all historical properties within the Project’s Area of Potential Effect, that are determined to be eligible for the National Register in accordance with the following stipulations:
 - The ATP for the Project shall be consistent with the Secretary of the Interior’s Standards and Guidelines for Archaeological Documentation (48 FR 44734-37), the California Office of Historic Preservation’s (COHP) Archaeological Resources Management Reports (ARMR): Recommended Contents and Format (1989) and Guidelines for Archaeological Research Designs (1991), and take into account the Advisory Council on Historic Preservation publication, Treatment of Archaeological Properties – A Handbook. It shall also be consistent with the Department of the Interior’s Guidelines for Federal Agency Responsibility Under Section 110 of the National Historic Preservation Act (53 FR 4727-46); and

- ATPs for the Project will be developed and implemented prior to the commencement of ground-disturbing activities in the Areas of Potential Effect;
- If cultural deposits are discovered during the Project's land-disturbing activities, the Project Applicant would treat them in accordance with the provisions of the Archaeological Treatment Plan. If cultural deposits are discovered for which there is no treatment plan, the Project Applicant will cause a temporary halt to these activities and immediately notify the Corps, the State Historic Preservation Officer and the Advisory Council on Historic Preservation of the discoveries. The Corps shall ensure that a plan is developed for treating the unexpected discovery; and
- The Corps shall ensure that all materials and records resulting from implementation of this agreement are curated in accordance with 36 CFR Part 79. This regulation establishes definitions, standards, procedures, and guidelines to be followed by federal agencies to preserve collections of prehistoric and historic materials, remains, and associated records.
- All plans prepared under the PA shall include a schedule for the submission and review by the Corps, and the State Historic Preservation Officer of technical reports, progress reports, and the methods by which all parties, including interested Native Americans, would be kept informed.

The Riparian Corridor, which intersects CA-LAN-62 Locus D and CA-LAN-211/H in the Proposed Project area, was constructed by the Applicant after the City's September 2004 approval of the Proposed Project and before the Court of Appeal's ruling in September 2007 ordering vacation of those approvals. All data recovery work concerning archaeological resources discovered during this construction of the Riparian Corridor component of the Proposed Project has been completed. A large number of artifacts have been discovered, analyzed and are now being stored. Only three isolated human burials were found, along with eight instances of isolated human bones (which may be related to the burials). These human remains are being stored in a secure location at the Playa Vista site pending their reinterment in accordance with the applicable provisions of the California Public Resources Code. Pursuant to the Court of Appeal's Opinion, the Proposed Project's impact on the Archaeological Sites and resources would be mitigated through data recovery to a level of less than significant.³⁰

³⁰ *Id.*, p. 41, fn 17.

Since all mass grading and most infrastructure improvements for the Proposed Project have been completed, including the Riparian Corridor (which directly impacted CA-LAN-62 Locus D and CA-LAN-211/H), it is unlikely that additional archaeological resources will be encountered during future construction of the Proposed Project. Nonetheless, there is still a potential for new discovery of previously unknown resources with the remaining construction activity required to complete the Proposed Project.

D. Mitigation Measures

(1) Preservation in Place

In addition to the mitigation measures adopted by the Applicant and utilized during construction of the Riparian Corridor, the Court of Appeal found that the City must discuss preservation in place as required by CEQA Guidelines Section 15126.4.³¹ Section 15126.4 discusses many regulations applicable to the drafting and adoption of mitigation measures. Among those are specific mitigation measures applicable when a proposed project will result in a significant impact to historical resources, as is the case with the Proposed Project. Specifically, CEQA Guidelines Section 15126.4(b) directs an agency to consider and discuss factors related to the feasibility of “preservation in place” since it is the “preferred manner of mitigating impacts to archaeological sites.” If, however, “data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.”³² Additionally, “[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.”³³

Preservation in place may be accomplished in various methods. CEQA Guidelines Section 15126.4(b)(3)(B) states that in whatever form, “preservation in place maintains the relationship between artifacts and the archaeological context.” However, once archaeological resources are removed from the place where they were discovered, the “return” of those archaeological resources to their original location does not eliminate the changes to the archaeological resource that occurred by virtue of their removal. When artifacts are removed from the context in which they were found, the resulting impact cannot be undone by trying to replace the artifact to its original location. Therefore,

³¹ *The Court of Appeal, while finding the archaeological discussion deficient for its failure to discuss the preferred mitigation (preservation in place), did find that “those shortcomings did not undermine the City’s finding that the proposed mitigation by data recovery would reduce the impacts on historical archaeological resources to an insignificant level.” Opinion at 41, fn. 17.*

³² *State CEQA Guidelines Section 15126.4(b)(3)(C).*

³³ *Id.*

preserving an archaeological resource in place can occur only when the resource is not removed from its original location.

Despite these limitations, this RS-DEIR analyzes the feasibility of further mitigating the Proposed Project's impacts on archaeological resources by relocating the Riparian Corridor (part of the Project's Habitat Creation/Restoration Component) and replacing the resources that were previously discovered at or near their original location. Four options that would relocate the Riparian Corridor are considered. Those options were analyzed as of three different time periods (2002, prior to preparation of the Original DEIR; 2004, certification of the Original FEIR; and 2008, preparation of this RS-DEIR) in order to provide a complete understanding of the feasibility of the options.

Option 1: Under this option, Bluff Creek Drive would be moved to the north out of the Archaeological Sites, and the Riparian Corridor would be extended from the east as a widened open channel to approximately ten feet from the Archaeological Sites.

Option 2: As in Option 1, Bluff Creek Drive would be moved to the north out of the Archaeological Sites. The Riparian Corridor again would be extended from the east end up to the Archaeological Sites. In this option, a reinforced concrete box storm drain up to approximately 6 feet tall by 15 feet wide would be installed within Bluff Creek Drive to route the flows from the Riparian Corridor on the east end to the Riparian Corridor on the west end of the Proposed Project site. In addition, the storm drain structures discharging flows from the Westchester Bluffs south of the Riparian Corridor would be routed around or over the Archaeological Sites.

Option 3: In this option both Bluff Creek Drive and the Riparian Corridor would be moved to the north in an effort to maintain the Riparian Corridor as an open channel to the maximum extent possible. To provide a continuous water course and eliminate flooding, a storm drain box structure toward the west end would be constructed to connect to the Riparian Corridor in the Proposed Project site with the riparian corridor within the western portion of the First Phase project. Due to the realignment of the Riparian Corridor north, the length of the Riparian Corridor would be increased. This would require the Riparian Corridor to have a shallower slope to meet the existing flowline elevations at each end, and would have required the Riparian Corridor to be widened or deepened (or both) in order to carry the same amount of flow. In addition, the storm drainage structures from the Bluffs also would have been connected to the Riparian Corridor in a similar manner as for Option 2.

Option 4: The option involves keeping the Bluff Creek Drive alignment in relatively the same location with a shift north to avoid the archaeological areas as in Options 1 and 2.

The Riparian Corridor then would be routed underneath the roadway alignments which would be constructed as bridge sections. Drainage would have been routed to flow north of Bluff Creek Drive. A relatively short length of drainage box structure would be required at the west end under Dawn Creek Street. Due to the realignment of the Riparian Corridor to the north, the length of the Riparian Corridor would be increased. This would require the Riparian Corridor to have a shallower slope to meet the existing flowline elevations at each end, and would have required the Riparian Corridor to be widened or deepened (or both) in order to carry the same amount of flow. In addition, the storm drainage structures from the Bluffs would be connected to the Riparian Corridor in a similar manner as for Option 2.

The analysis demonstrates that if any of these Options had been implemented instead of the existing configuration of the Riparian Corridor, impacts to archaeological resources would still have occurred. Such impacts also would have occurred under any of the Options since removal of the Hughes-era buildings and infrastructure and remediation of the Hughes-era industrial contamination in the area of the Archaeological Sites would have impacted the archaeological resources, regardless of the type of use developed in this area of the Proposed Project site.

Moreover, the following impacts would result if the existing Riparian Corridor is replaced and one of the Options is implemented:

- Under any of the Options, water flow from the Bluffs across the Archaeological Sites would likely scour the Archaeological Sites through ponding of water over the Archaeological Sites;
- Options 2, 3, and 4, while viable from a hydraulic engineering standpoint, would be less efficient in the hydraulic conveyance of flows for any level of runoff for the flows from the Bluffs, and would cause undesirable maintenance, vector control, and biological issues;
- Options 1 and 2 would cause a significant net reduction in water quality treatment area of 25 percent of the entire Riparian Corridor; and
- From a biological perspective, Options 1 or 2 would result in a 2,600-foot, 6.7-acre gap in habitat between the two sections of mature riparian corridor to the east and west (within the adjacent First Phase Project), which would diminish the function and value of the entire 25 acre riparian corridor habitat area and its associated wildlife habitat value. Under Options 3 or 4, the Bluff Restoration area would be isolated, fragmenting the overall habitat corridor, reducing habitat connectivity and opportunity for wildlife movement, and lessening the value of

that area to plants and wildlife. As a result, there would be a loss of biological and habitat diversity in the area.

(2) Recommended Mitigation Measures

The following mitigation measures are being proposed. These mitigation measures were also provided in the Original FEIR.

The following mitigation measures were implemented in connection with the activities of the Proposed Project after the City initially approved the Proposed Project in September 2004. These mitigation measures would be reinstated and implemented in connection with further work on the Proposed Project.

- Prior to the issuance of any grading/excavation or building permits (except for grading/excavation permits associated with archaeological investigations) which may affect the properties designated as LAN-211/H and LAN-62, the measures required within the approved Archaeological Treatment Plans for those properties, which have been determined eligible for listing in the National Register of Historic Places and accepted by the Corps, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation shall be implemented. The archaeological treatment plans shall be consistent with the following: the Secretary of Interior Guidelines for Archaeological Documentation; the California Office of Historic Preservation's Archaeological Resource Management Reports: Recommended Contents and Format, and Guidelines for Archaeological Research Designs; the Department of the Interior's Guidelines for Federal Agency Responsibilities under Sections 106 and 110 of the National Historic Preservation Act; and take into account the Council's publication, Treatment of Archaeological Properties – A Handbook.
- Prior to the issuance of any grading/excavation or building permits (except for grading/excavation permits associated with archaeological investigations) which may affect the properties designated as LAN-211/H and LAN-62 (the "Archaeological Sites"), the measures required within the approved ATP for those properties shall be implemented.
- Prior to issuance of grading/excavation or building permits, a professional archaeologist shall be retained that meets the Secretary of Interior's guidelines and is listed in the Register of Professional Archaeologists to implement the Research Design and comply with the PA.

- Historic resources eligible for listing in the National Register of Historic Places shall be avoided or unavoidable disturbance be mitigated through data recovery, documentation, analysis, and curation. Archaeological treatment plans required by the PA shall be developed and implemented, as applicable. All materials and records resulting from implementation of the PA shall be curated in accordance with 36 Code of Federal Regulations Part 79.
- In addition to a qualified archaeologist, a representative of the Gabrielino Indians shall be retained to monitor subsurface archaeological excavations. Prior to issuance of grading or building permits, evidence shall be provided for placement in the subject file with the City Planning Department that a Native American monitor has been retained.
- In the event that previously unknown archaeological and historical resources are discovered during construction, grading/excavation/construction shall temporarily be halted. The Corps and the State Historic Preservation Officer shall immediately be notified to provide these agencies with the opportunity to assess the resources and offer recommendations for treatment required by the PA.
- The Project archaeologist shall monitor ground disturbing activities in areas where significant archaeological or historical materials are discovered or detected. If cultural resources are discovered during grading/excavation/ construction monitoring, such resources shall be evaluated for their eligibility for listing in the National Register of Historic Places. If potentially significant resources are encountered, a letter of notification shall be provided in a timely manner to the Department of City Planning, in addition to the report (described below) that is filed at the completion of grading. If eligible, an archaeological treatment plan shall be developed and implemented in accordance with the PA.
- Following completion of grading activities, a qualified archaeologist, who meets the Secretary of Interior Guidelines and is listed in the Register of Professional Archaeologists, shall prepare a report of the results of archaeological investigations to the City of Los Angeles Department of City Planning, other appropriate public agencies, and concurring parties as specified in the PA. The report shall be submitted to the above parties according to the schedules established in the respective ATPs.
- If a commemorative display center for items of cultural significance should be provided in the Playa Vista First Phase Project, representative artifacts from the Proposed Project site, should they be discovered, or accurate replicas shall be made available for the display at the display center.

E. Unavoidable Adverse Impacts

The impact analysis identified several potential direct and indirect adverse impacts on archaeological or historical resources associated with excavation. These impacts would be similar under both the Proposed Project and the Equivalency Program. Encountered resources will be evaluated and treated per the protocols established the PA. Such evaluation and treatment allows for scientific discovery and contributions to the body of knowledge regarding California and/or American prehistory and history. The evaluation and treatment undertaken pursuant to these requirements would preclude, through approved and required mitigation techniques, significant impacts from the disturbance, damage, or degradation of unique archaeological resources or archaeological historic resources. With the implementation of the PA and mitigation measures listed above, impacts for the Proposed Project and the Equivalency Program are reduced to a less-than-significant level. No adverse impacts on archaeological resources are expected from the construction of the Proposed Project's off-site improvements.

F. Cumulative Impacts

Development of the Proposed Project, inclusive of the Equivalency Program and the construction of the off-site improvements, in combination with the related projects, could contribute to the cumulative loss of cultural (archaeological and historical) resources within the region, City, and state as a whole. All potential sites are required to be evaluated prior to construction activities.

Related Project #24, the Catellus project on the West Bluffs, Related Project #25, LMU's Master Plan project on the Westchester Bluffs, Related Project #40, and the Playa Vista First Phase Project, are developing in areas where several archaeological sites are located. These sites have been known since the 1930s, and previous data recovery has mitigated the loss of information associated with these sites. For example, archaeological work during grading and construction activities in Playa Vista's First Phase Project uncovered a variety of cultural resources, including human remains, which were treated in accordance with the mitigation measures adopted for that project and applicable federal and state regulations.

At the same time, construction activity conducted under regulations often provides a vehicle for preservation of historic structures and discovery of new archaeological resources that would otherwise remain unknown. To the extent individual related projects would be required to comply with applicable laws, the potential disturbance, damage, or degradation of unique archaeological resources, or archaeological historic resources could be mitigated. The cumulative total of all related development of the Proposed Project

creates the potential for additional impacts upon archaeological resources. Although each project must develop adequate mitigation measures to substantially lessen or avoid impacts on an individual basis, the incidental loss of all project-study area archaeological resources may constitute a significant cumulative impact. However, the Proposed Project's contribution to that potentially significant cumulative impact has been mitigated to the extent feasible.

For Section G.28 of the Executive Summary, please refer to the Original DEIR. This RS-DEIR does not revise this section.

29. GLOBAL CLIMATE CHANGE

A. Thresholds of Significance

The Original FEIR did not analyze the Proposed Project's potential impacts on global climate change, and the Court of Appeal did not mandate the City include an analysis of the Proposed Project's potential impacts related to global climate change in the RS-DEIR. However, since the certification of the Original FEIR, new legislation and regulations have been adopted to address global climate change by, among other things, reducing the amount of greenhouse gases (GHGs) emitted in the State of California, and the research and public interest regarding this subject matter have advanced to the point where many lead agencies are including analyses of the topic in CEQA documents. Additionally, global climate change was not analyzed in the Original FEIR. For these reasons, the Proposed Project's potential to cause global climate change impacts is also analyzed in this RS-DEIR.

No regulatory agency has developed any numerical criteria by which to determine the significance of a project's individual contribution to global climate change on a quantitative basis. Similarly, no significance standards or thresholds specific to the evaluation of global climate change impacts have been added to CEQA or the CEQA Guidelines. In the absence of such thresholds, various State agencies and officials (including the Attorney General) have issued advisory reports and guidance recommending that lead agencies identify and quantify project emissions evaluate a project's contribution to global climate change against objectives set forth in State and local regulatory programs designed to curb climate change. There are four potentially applicable regulatory schemes to evaluate the significance of a proposed project's GHG emissions: (1) California

Assembly Bill 32 (AB 32) and associated guidance; (2) the 2006 Report to Governor Schwarzenegger and the Legislature by the Secretary of California EPA's Climate Action Team (2006 CAT Report); (3) guidance from the Governor's Office of Planning and Research (OPR) regarding evaluating GHG emissions, including OPR's 2008 Technical Advisory on CEQA and Climate Change (the OPR Advisory); and (4) the City of Los Angeles publication, *Green LA, An Action Plan to Lead the Nation in Fighting Global Warming (LA Green Plan)*. In addition, the California Attorney General's Office has published a document entitled *The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level*, which describes various measures that can be included as project design features or mitigation measures to reduce the global warming related impacts of a project.

Accordingly, the Proposed Project's emissions of GHGs are quantified in this RS-DEIR for purposes of full disclosure and the significance of potential climate change impacts are evaluated according to whether the Proposed Project is consistent with legislative and regulatory programs and policies intended to reduce GHG emissions. In particular, the analysis deems climate change impacts to be significant if the Proposed Project would be inconsistent with the goals, strategies, and control measures set forth in AB 32 and associated guidance, the 2006 CAT Report, the OPR Advisory, and the *LA Green Plan*.

B. Environmental Impacts

Construction of the Proposed Project (including the mass grading and infrastructure improvements previously completed) is projected to emit a total of 57,581 metric tons per year (MT/Year) of carbon dioxide equivalent GHGs (*i.e.*, carbon dioxide or other constituents calibrated to an equal level of carbon dioxide for ease of reference). However, because a variety of measures to reduce GHG emissions would be incorporated into the construction process, the Proposed Project would be consistent with the policies set forth in the above legislative, regulatory, and guidance documents. For example, to minimize solid waste, a construction waste recycling plan will be implemented to provide for the separation and recycling of wood waste, corrugated cardboard, scrap metal, and dry wall. Recycled content building materials, including insulation, roofing materials, and gypsum board, will also be used.

With respect to Proposed Project operations, the Proposed Project is projected to emit a total of 41,825 MT/Year of carbon dioxide equivalent GHGs (24,440 MT/Year from vehicle trips, 9,634 MT/Year from natural gas consumption, 7,679 MT/Year from electricity usage, 56 MT/Year from potable water usage, and 15 MT/Year from potable water usage). These emissions represent a very small fraction of GHG emissions totals (*i.e.*, approximately 0.0089 percent of all emissions in the State of California, 0.0006 percent of

all emissions in the United States and 0.00015 percent of all emissions worldwide). Despite this relatively small contribution to global GHG emissions, to reduce emissions even further the Proposed Project would implement a variety of design elements and operational practices, a majority of which directly parallel policies and criteria set forth in the Scoping Plan, the 2006 CAT Report, the OPR Advisory, the *LA Green Plan* and a wide array of the Attorney General's recommended emissions reduction measures.

For example, the Proposed Project would promote reductions in vehicle trips and consequent generation of GHG emissions in a variety of ways, including the arrangement of proposed land uses, and through the promotion of alternative modes of travel. Among other things, the Proposed Project includes a mixed-use community that would promote the internal relationship of mutually supportive uses such as employment, housing, recreation, and community-serving activities, as well as a comprehensive program of resource protection, enhancement and conservation (e.g., habitat creation and restoration). Other land use strategies that will further contribute to the reduction in GHG emissions are the Proposed Project's scaling of commercial uses to serve neighborhood and community needs, siting of office uses near residences and public transit, providing basic services within office areas, providing jobs/housing linkages and including a variety of civic uses such as community centers and public recreational facilities in proximity to residential and commercial uses.

To further reduce GHG emissions from vehicle trips, the Proposed Project would implement a comprehensive transit program with an Internal Shuttle System using low emission vehicles to serve the Proposed Project site and an Expanded Shuttle System which provides enhanced transit service for Proposed Project residents, visitors, employees and the surrounding community, providing connections to key destinations such as Playa del Rey, Howard Hughes Center, the adjacent Playa Vista First Phase Project, and the Fox Hills Mall. Similarly, the Proposed Project would develop pedestrian and bikeway routes that have been designed to link major activity centers within the Proposed Project site (e.g., Village Center retail uses and proposed residential uses) and the adjacent Playa Vista First Phase Project, thus providing an alternative means of transportation to the automobile. Convenient and extensive pedestrian facilities and amenities (e.g., benches/seating, water fountains, trash and recycling bins, dispensers with bags to collect dog waste, etc.) would be provided to further encourage the use of this alternative travel mode.

In addition, to further reduce energy consumption, the Applicant for the Proposed Project has developed site-specific regulations called the Village at Playa Vista Residential and Mixed Use Sustainable Performance Guidelines. With implementation of these guidelines, buildings in the Proposed Project will achieve an additional energy use

reduction of 15 percent over the reductions otherwise required by the 2005 California Title 24 Building Energy Efficiency Standards (even before accounting for additional energy savings through the use of energy efficient appliances). Additional energy-saving features consistent with the programs currently being developed to implement AB 32 will also be installed, including solar energy devices to heat pools and hot tubs and “photovoltaic-ready” roofs designed to accommodate solar panels. The Proposed Project would also be designed to achieve Leadership in Energy and Environmental Design (LEED) certification. As a result of these efforts, Playa Vista already has been certified as an “Energy Star” project by the Environmental Protection Agency.

Water conservation methods such as ultra low-flow toilets, low-flow showerheads, low-flow fixtures, and water saving appliances, as required by local law would also be utilized. Energy Star-rated dishwashers and washing machines and, in office, retail and other public buildings, water faucet fixtures with activators that automatically shut off the flow of water when not in use will also be installed. Reclaimed water will also be used for landscape irrigation in open space areas such as parks and common open space. The Proposed Project will facilitate a reduction in the generation of solid waste through requirements for recycling bins for paper, landscaping waste materials, and a bin for commingled glass, plastic, and metal to be located within each building. The Village at Playa Vista will also provide open space for people to enjoy, including bike paths and walkways, and approximately 800 trees would be planted in the parks and streetscapes of the Proposed Project.

With implementation of these project design features, the Proposed Project will satisfy the applicable policies set forth in AB 32 and the Scoping Plan, the 2006 CAT Report, the OPR Advisory, and the *LA Green Plan*. Accordingly, global climate change impacts from the Proposed Project will be less than significant, particularly given the project’s relatively small contribution of GHG emissions compared to emissions from the rest of the State of California, the United States and the world.

C. Recommended Mitigation Measures

The Proposed Project would not have a significant impact on global climate change, and therefore mitigation measures are not required because the Proposed Project is consistent with the goals, strategies, and control measures established under AB 32 and associated guidance, 2006 CAT Report, any general OPR guidance regarding emissions, and the *LA Green Plan*. Implementation of many of the Proposed Project’s design features and mitigation measures associated with other potential impacts will serve to reduce GHG emissions to a less than significant level. Additionally, these project design features are consistent with the applicable measures outlined by the Attorney General, as shown in

Table II.D-10 of Section II.D. of this RS-DEIR, "Potential GHG Reduction Measures." In addition to the mitigation measures identified in the Original FEIR, the following measures shall be enforceable in connection with certification of the RS-DEIR and any approval of the Proposed Project:

- The Proposed Project shall coordinate with Los Angeles Unified School District (LAUSD) and the City of Los Angeles to prepare a "Pedestrian Routes to School" map, which will be distributed to parents, students, and school staff at the beginning of each school year, and will coordinate with the LAUSD on bus services to schools serving the Proposed Project site.
- The Property Owners Association of the Proposed Project shall use of Neighborhood Electric Vehicles (NEVs) or similar vehicles for landscaping, maintenance workers, janitorial services, and the building engineer.
- The Proposed Project shall incorporate food waste collection to the existing on-site greenwaste collection program.
- Car washing shall be prohibited within the Proposed Project, and the use of water for cleaning outdoor surfaces shall be restricted to the maximum extent possible.
- The Proposed Project shall include accommodations for car-sharing.
- The expanded internal shuttle would be operated as a fare-free service for residents and employees within the Proposed Project and adjacent Playa Vista First Phase Project at all times, and for visitors during peak hours (8:00 to 9:00 a.m. and 5:00 to 6:00 p.m.).
- The Proposed Project shall provide bicycle parking at all commercial projects and public spaces (such as parks).
- The Proposed Project shall include an advanced digital broadband telecommunications network, facilitating high speed data connectivity, video conferencing, video telephony, and interactive multimedia services.

D. Unavoidable Adverse Impacts

The Proposed Project will be consistent with a variety of programs and regulations designed to achieve statewide GHG emission reduction goals. In addition, a number of project design features, including many of those recommended by the Attorney General, will enable the Proposed Project to generate lower than average per capita GHG

emissions. Therefore, the potential impact on global climate change resulting from implementation of the Proposed Project would not be significant.

E. Cumulative Impacts

Because no single project is likely to have any effect on global climate change, global climate change is by its very nature a cumulative impact. Accordingly, because the Proposed Project is consistent with, and will in fact implement a number of the greenhouse gas emission reductions strategies described in adopted plans, regulations and advisories, the Proposed Project will not have a cumulatively significant adverse effect on global climate change.

II. ENVIRONMENTAL IMPACT ANALYSIS

A. LAND USE

1.0 INTRODUCTION

This section addresses the type and patterns of land use activity associated with the Proposed Project with regard to the existing uses in the surrounding neighborhoods and region. The analysis addresses the land use mix and site activities with regard to the land use plans applicable to the Proposed Project site and existing surrounding land uses.

The Proposed Project site is governed by the Playa Vista Area D Specific Plan (City of Los Angeles Ordinance No. 160,523) and the Westchester-Playa del Rey Community Plan. The Playa Vista Area D Specific Plan permits the development of various types of land uses including, but not limited to, residential, office, retail, light industrial, hotel and community serving uses. The Playa Vista First Phase Project included all permitted residential development and a portion of the permitted office/light industrial and retail development permitted by the Playa Vista Area D Specific Plan. As such, the location and quantity of development proposed under the Proposed Project exceeds what is permitted by the Area D Specific Plan after the development of the Playa Vista First Phase Project. Thus, as described in more detail in Subsection II.A.1.2 below, implementation of the Proposed Project as proposed requires: (1) a general plan amendment from Light Industrial, High/Medium Residential, and Regional Mixed-Use Commercial to Community Commercial and High/Medium Residential in the Community Plan, and (2) a Playa Vista Area D Specific Plan amendment to (among other things) amend the land use elements allowed in the Area D Specific Plan and adjust the zone boundaries and designation within the Proposed Project site. Additional land use discretionary actions requested by the Applicant to implement the Proposed Project include a VTTM and a development agreement.¹

The section has been prepared to address the inadequacies in the Original FEIR identified in an order issued by the California Superior Court dated May 23, 2008, implementing the Opinion of the Court of Appeal issued on September 13, 2007² (The appellate Opinion is attached as Appendix A.i.). The Court of Appeal determined that the analysis in the land use section analysis was “based on the unstated assumption that the

¹ For more information about discretionary actions requested and permits required for the Proposed Project, see *Original DEIR*, p. 168.

² *City of Santa Monica v. City of Los Angeles*, (Super. Ct. Los Angeles County, 2008, May 23, 2008. No. BS093502) [Consolidated with Case No. BS093507] (Appendix A.ii.).

square footage of land uses allowed under the specific plan and not developed in Phase 1 was available for development in phase two without regard to whether the Phase 2 site was actually zoned for those uses.”³ Specifically, the California Court of Appeal, Second Appellate District found that the EIR failed to disclose that the project required zoning changes that “would dramatically increase the amount of development permissible on the phase two site” and that the Original FEIR “did not acknowledge that the project would greatly increase the amount of development compared with the development permissible under the existing specific plan.”⁴ Therefore, the Court determined that the existing Specific Plan and zoning permitted reduced levels of development and that the Proposed Project would be an “upzoning.”

The Court found that “a revised analysis of land use impacts that accurately discloses the effect of the [proposed zoning and plan] amendments on the amount of development allowed on the phase two site will correct the problem.”⁵ It should be noted that the revisions to the land use section in this RS-DEIR do not trigger the need to revise other Proposed Project impact discussions in the Original FEIR because those impact analyses utilized the appropriate baseline (i.e., undeveloped land) and actual Proposed Project development uses and figures (i.e., square feet, unit numbers, etc.).

Accordingly, this land use section analyzes the Proposed Project’s type and patterns of land use activities relative to the existing baseline conditions and the existing zoning. In addition, this section discusses all of the Proposed Project’s potential land use impacts, and does not respond only to the issue raised by the Court of Appeal. For example, Subsection II.A.3.3 discusses the Proposed Project’s consistency with the applicable land use plans, including the City’s General and applicable Specific Plans, and, further, analyzes the Proposed Project’s compatibility with surrounding land uses, even though these matters are beyond the scope of the defect identified in the Court’s ruling. Thus, this Land Use section of the RS-DEIR supersedes and replaces the entirety of the land use section of the Original DEIR (Section IV.G.).

This section initially sets forth the City’s governing land use regulations (Section 2.1), including the City of Los Angeles General Plan and the Playa Vista Area D Specific Plan. In particular, this section clearly indicates that, without an amendment to the applicable portions of the General and Specific Plans, (a) no additional residential development is allowed as of right in the site’s R4(PV) zone since the entirety of the units permitted under the Specific Plan were allocated to the First Phase Playa Vista Project, and (b) development in the M(PV) zone is assumed to be limited to 108,050 sq. ft. of office

³ *City of Santa Monica v. City of Los Angeles* (Court of Appeal, September 13, 2007), p. 20.

⁴ *Id.*, pp. 19, 26.

⁵ *Id.*, pp. 28, 113.

and light industrial uses. Accordingly, the Proposed Project represents an “upzoning” and the following uses are proposed above and beyond what is permitted under the existing Specific Plan given the current zoning boundaries on the Proposed Project site:

- a net increase of 66,950 sq. ft. of office and light industrial development;
- an increase of 2,600 dwelling units;
- an increase of 150,000 sq. ft. of retail development; and
- an increase of 40,000 sq. ft. of community serving uses.

The following uses are proposed above and beyond the existing undeveloped site conditions:

- approximately 175,000 sq. ft. of office and light industrial development;
- 2,600 dwelling units;
- 150,000 sq. ft. of retail development; and
- 40,000 sq. ft. of community serving uses.

Subsection II.A.1.2 of this RS-DEIR describes the required General and Specific Plan amendments required to accommodate this proposed development activity. Those amendments are placed into context by background information concerning the prior entitlements and other land use actions concerning the Playa Vista site (Subsection II.A.1.1), the existing regulatory framework under applicable federal, State, County, and City land use laws (Subsection II.A.2.1), and the physical condition of the existing site of the Proposed Project and the surrounding areas (Subsection II.A.2.2). The land use impacts associated with the Proposed Project and the requested plan amendments, including the requested “upzoning” associated with the proposed Specific Plan amendments, is provided in Subsection II.A.3.0, including analyses concerning the Proposed Project’s (a) consistency with applicable land use policies and regulations (Subsection II.A.3.3.1) and (b) compatibility with surrounding land uses (Subsection II.A.3.3.2). Finally, mitigation measures, unavoidable impacts, and cumulative impacts are discussed at Subsections II.A.4.0 through II.A.6.0.

1.1 History of Project Site

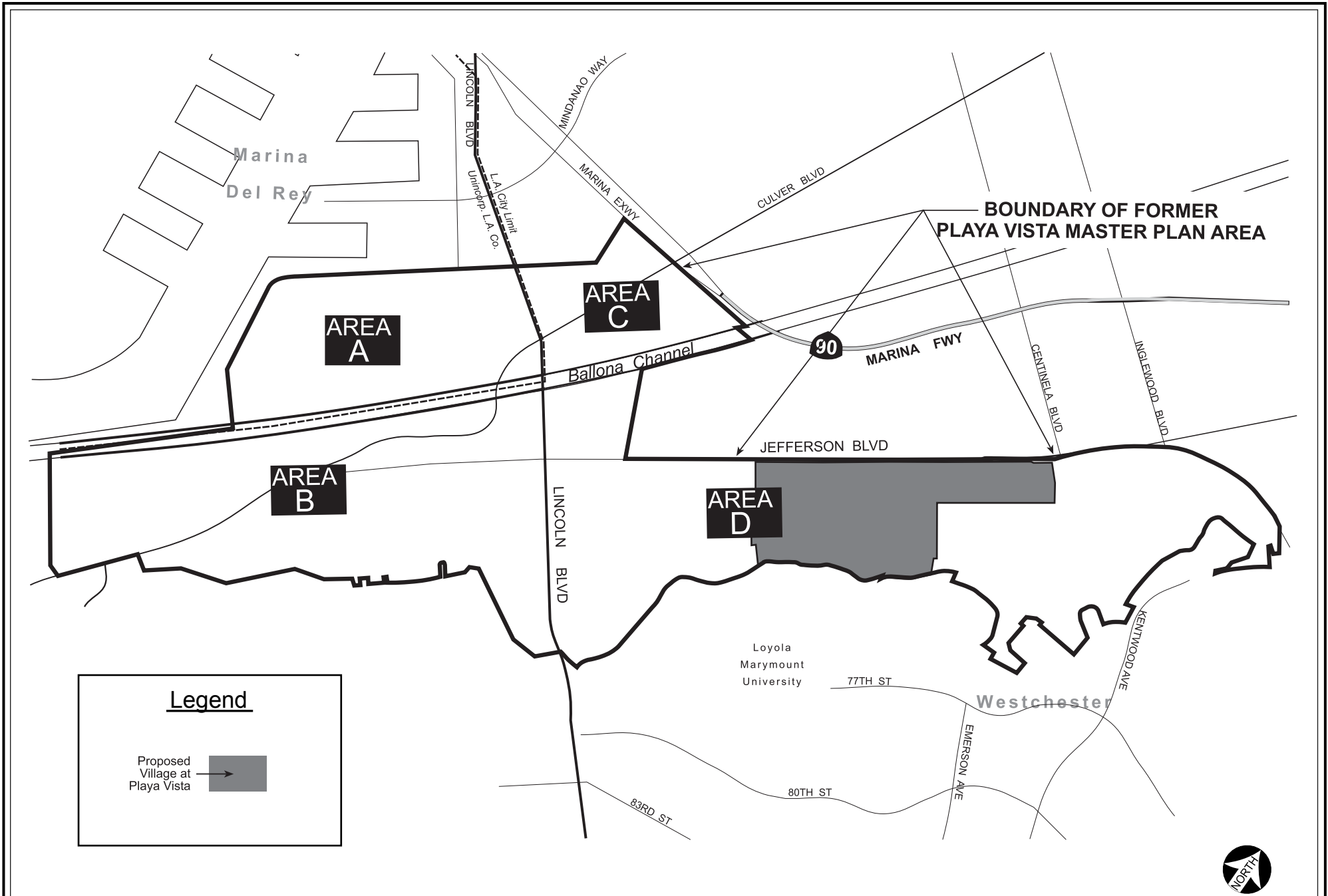
The Proposed Project site originally was part of a larger development area encompassing 1,087 acres. By way of background, this larger development area included land on both sides of Lincoln Boulevard and north and south of the Ballona Channel, as shown in Figure II.A-1. As indicated in Figure II.A-1, the areas were denoted by the letter designations A, B, C, and D (pursuant to the original Playa Vista Master Plan). In 1986, Area B, Area C, and Area D were annexed from the County of Los Angeles to the City of Los Angeles. Area A remained in the County of Los Angeles. Concurrent with the annexation of Area D was the adoption of a Specific Plan by the City for Area D, the area in which the proposed Village at Playa Vista Project is located.

In 1997, the Applicant acquired the entire Playa Vista Project site. On December 19, 2003, the California Wildlife Conservation Board acquired all of Area A and the majority of Area B for long-term open space/recreation uses. Also, the Applicant, while retaining certain easements and rights to complete certain roadway improvements in Area C, waived its rights of first refusal and first purchase of Area C. Area C was transferred to the Wildlife Conservation Board in July 2004 for long-term open space/recreation uses. Finally, the balance of Area B (including the land containing the Freshwater Marsh and certain acreage to the west thereof) was transferred to the California State Land Commission on February 17, 2004. The Applicant retains certain rights and responsibilities with respect to maintenance of the Freshwater Marsh, which is located in Area B. The only area currently subject to development by the Applicant is Area D.

The Playa Vista First Phase Project entitlements allocated all permitted residential development and a portion of the permitted office/light industrial and retail development permitted by the Playa Vista Area D Specific Plan to the Playa Vista First Phase Project site. As such, the location and quantity of development proposed under the Proposed Project exceeds what is permitted by the Area D Specific Plan after the development of the Playa Vista First Phase Project. Refer to Subsection II.A.2.1.4.3 for additional information regarding the land use entitlements set forth in the Playa Vista Area D Specific Plan, the Playa Vista First Phase Project and the Proposed Project.

1.2 Discretionary Actions Requested and Permits Required

Development of the Proposed Project site is governed by the Playa Vista Area D Specific Plan (City of Los Angeles Ordinance No. 160,523) and the Westchester-Playa del Rey Community Plan.



Source: Westchester-Playa del Rey Plans, as Amended through December, 1995.

Implementation of the Proposed Project requires a General Plan amendment to amend the Westchester/Playa del Rey Community Plan. In addition, the Applicant is requesting amendments to the existing Area D Specific Plan, which would modify the land uses and densities currently allowed by this Plan. Amendments to the General Plan and Specific Plan and other actions to permit the proposed development would include, but may not be limited to, the following:

- Amendment of the General Plan to amend the Westchester/Playa del Rey Community Plan, to revise the General Plan Land Use designations and corresponding map designations within the portion of the Area D Specific Plan within which the Proposed Project is located from Light/Limited Industry, High/Medium Density Residential, and Regional Mixed-Use Commercial to Community Commercial and High/Medium Density Residential.
- Amendments to the Playa Vista Area D Specific Plan to adjust the zone boundaries and designation within the Proposed Project site, adjust the land use entitlement allowed in the Area D Specific Plan, consistent with the Proposed Project and previous Playa Vista First Phase Project approvals (VTTM 49104 and TTM 52092), and other provisions necessary to implement the Proposed Project.

In addition, the following actions and approvals may be requested to implement the proposed development:

- Approval of a Tract Map for the Village at Playa Vista by the City;
- In conjunction with the approval of the Village Tract Map, adoption of Conditions of Approval, including the Proposed Project's design guidelines;
- Inclusion within the Village Tract Map of a re-subdivision of Lot 113 of VTTM 49104 (a portion of the previously approved Playa Vista First Phase Project). The City's Deputy Advisory Agency would be requested to make a determination in conjunction with its approval of the subdivision that Lot 113 of VTTM 49104 is not needed to meet the open space requirements of VTTM 49104;
- Approval of a Development Agreement with the City of Los Angeles;
- Approval of Conditional Use Permits (CUPs) for alcohol sales (on- and off-site), community-serving uses, and other uses that require CUPs by the City;
- Approval by the City of grading permits, building permits, and other permits

issued by the Department of Building and Safety associated with the development of the Proposed Project, any necessary public works permits for infrastructure improvements for development associated with the Project, Project mitigation measures, and other permits reasonably necessary for the implementation of the Project;

- Plot plan/site plan approvals by the City for development within the Proposed Project area;
- Approval of a NPDES construction permit for development in the Proposed Project area by the RWQCB; and
- Other actions from local, regional, state, and federal agencies, as may be required to implement the Proposed Project and its mitigation measures. These may include, but are not limited to the following: creation of service or special districts (e.g., Mello-Roos), financing actions, off-site infrastructure improvements and implementation agreements, and/or approvals, permits and licenses from regulatory agencies associated with Project construction and post-construction operations, including, but not limited to, soil and groundwater remediation, stationary source air emissions, and repair, replacement and maintenance of on- and off-site infrastructure. Agencies that may approve such actions may include the California Department of Fish and Game, Caltrans, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, California Department of Toxic Substances Control, Southern California Air Quality Management District (SCAQMD), State Water Quality Control Board (SWQCB)/Regional Water Quality Control Board (RWQCB), California Air Resource Board (CARB), the Cultural Affairs Commission, the Cultural Heritage Commission, the Native American Heritage Commission, and other local, regional, state, or federal agencies having jurisdiction over the Proposed Project or its mitigation measures.

2.0 ENVIRONMENTAL SETTING

2.1 Regulatory Framework

2.1.1 Federal Level

In 1992, the Project Applicant was granted a federal permit by the United States Army Corps of Engineers (Corps) for the fill of wetlands on portions of the land located within the former Playa Vista Planning Area (Corps Permit No. 90-426-EV). The areas covered by this permit included several small wetland pockets within the Proposed Project

site consisting in the aggregate of approximately 0.7 acres. Proposed development within that acreage is pursuant to that permit, as well as the related Programmatic Agreement involving the Corps. (The Programmatic Agreement (PA) is described further in Section II.C, Cultural Resources, in this RS-DEIR.)

2.1.2 Regional Level

The Proposed Project site is located within the six-County region which comprises the Southern California Association of Governments (SCAG) planning area. SCAG is a Joint Powers Agency with numerous roles and responsibilities relative to regional issues that cross jurisdictional boundaries. SCAG's responsibilities have included preparation of regional planning documents to guide the SCAG region into the future in conjunction with its constituent members and other regional planning agencies, including the 1996 Regional Comprehensive Plan and Guide (1996 RCPG)⁶ and the newly prepared and accepted 2008 Regional Comprehensive Plan (RCP). Although SCAG has accepted the 2008 RCP, it advises that the operative document for planning and CEQA analysis purposes at this time is the 1996 RCPG.⁷ The 1996 RCPG provides a general overview of the plans of the various regional agencies that will affect local governments, or that respond to the significant issues facing Southern California, including growth management. The 1996 RCPG is intended to serve as a framework for decision-making with respect to the growth and changes that can be anticipated by the year 2015 and beyond. In addition, the 1996 RCPG proposes a voluntary strategy for local governments to use to assist them in addressing issues related to future growth and in assessing the potential impacts of proposed development projects within the regional context.

Fourteen subregions have been identified. These subregions provided input in the preparation of the 1996 RCPG regarding local concerns. This input formed the basis for the region's "bottom-up" planning process. The Proposed Project is located within the City of Los Angeles subregion.

The 1996 RCPG includes five core chapters (Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management) that respond directly to the federal and state requirements placed on SCAG and form the basis for certification of local plans. Ancillary chapters within the 1996 RCPG (Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, Water Resources, Energy, and Integrated Waste Management) reflect other regional plans, but do not contain actions or polices required of local governments.

⁶ Major portions of the Plan, e.g. the Growth Management Section, were originally approved in 1994, and reprinted in the 1996 version.

⁷ Personal Communication with Jacob Lieb, SCAG, October 14, 2008.

Adopted policies related to land use are contained primarily in the 1996 RCPG (Chapter 2, Growth Management). The purpose of the Growth Management chapter is to present forecasts that establish the socio-economic parameters for the development of the Regional Mobility and Air Quality chapters of the 1996 RCPG and to address issues related to growth and land consumption. These parameters encourage local land use actions which could ultimately lead to the development of an urban form that will help minimize development costs, protect natural resources, and enhance the quality of life in the region. Policies within the 1996 RCPG Growth Management chapter which relate to the Proposed Project include:

- Encourage patterns of urban development and land use which reduce costs on infrastructure construction and make better use of existing facilities;
- Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services;
- Support provisions and incentives created by local jurisdictions to attract housing growth in job rich subregions and job growth in housing rich subregions;
- Encourage existing or proposed local jurisdictions' programs aimed at designing land uses which encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bike;
- Encourage local jurisdictions' plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment;
- Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers;
- Support local jurisdictions' strategies to establish mixed-use clusters and other transit-oriented developments around transit stations and along transit corridors;
- Encourage development in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment;
- Encourage settlement patterns which contain a range of urban densities;
- Encourage planned development in locations least likely to cause adverse environmental impact; and

- Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, child care, social services, recreational facilities, law enforcement, and fire protection.

Those policies in the 1996 RCPG that pertain to issues beyond land use (e.g. air quality, traffic, etc.) are unrelated to the analysis in this Land Use Section.

2.1.3 County Level – Los Angeles County Airport Land Use Plan

The Los Angeles County Airport Land Use Commission, with assistance from the County of Los Angeles Department of Regional Planning, has prepared an airport land use plan. The Los Angeles County Airport Land Use Plan was adopted by the Los Angeles County Airport Land Use Commission on December 19, 1991.⁸ The Airport Land Use Commission has delineated planning boundaries for the Los Angeles International Airport (LAX) and the Santa Monica Airport in the Plan. These boundaries show areas subject to noise impacts including a 65 Community Noise Equivalent Level (CNEL) contour and areas subject to safety hazards including Runway Protection Zones (RPZs). The Plan presents land use compatibility guidelines based on the noise contour lines. Based on these guidelines, less noise sensitive uses can occur in close proximity to an airport and more sensitive uses should occur further from the airport. The RPZ is an area at ground level that provides an unobstructed path for aircraft landings and in which allowed uses are limited for safety. LAX's four RPZs are shown as trapezoidal areas surrounding the runways in the County Airport Land Use Plan. Santa Monica Airport has two RPZs, one on each end of the airport boundary.

2.1.4 Local Level

2.1.4.1 City of Los Angeles General Plan

The Proposed Project site lies within an area that was annexed to the City of Los Angeles on February 10, 1986, and is subject to the land use regulations set forth within

⁸ *Los Angeles County Airport Land Use Plan, Los Angeles County Airport Land Use Commission, Prepared by the Department of Regional Planning, Adopted December 19, 1991.*

the City of Los Angeles General Plan, Planning and Zoning Code, and Area D Specific Plan Ordinance⁹ pertaining to the Proposed Project area.

The City of Los Angeles General Plan Framework (Framework), adopted in December 1996 and readopted in August 2001, provides current general guidance regarding land use issues for the entire City of Los Angeles. The Framework was not intended to either override or mandate changes to the community plans (discussed below).¹⁰ Rather, its policies are intended to serve as the guidelines for the City's Community Plans, where the precise designation and alignment of uses will be determined.¹¹

The Framework sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding land use, housing, urban form, neighborhood design, open space and conservation, economic development, transportation, infrastructure, and public services. The Land Use chapter of the Framework identifies objectives and supporting policies relevant to the Proposed Project.

The Long Range Land Use Diagram contained in the Framework designates the area around the intersections of Jefferson and Lincoln Boulevards and Culver and Lincoln Boulevards for a Regional Center. Under the concept presented there, regional serving uses would be concentrated at the intersection of Jefferson and Lincoln Boulevards and extended/blended eastward into related uses in adjoining areas, extending through the Proposed Project site.¹² Regional Centers are intended to be focal points of regional commerce, identity, and activity with a diversity of uses such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services. Generally, different types of Regional Centers will fall within the range of floor area ratios (i.e., the amount of building floor area, divided by the amount of lot area) from 1.5:1 to 6.0:1. Some will only be commercially oriented; others will contain a mix of residential and commercial uses. Generally, Regional Centers are characterized by buildings of 6 to 20 stories (or higher). Regional Centers are usually major transportation hubs.

⁹ *The Specific Plan Ordinance is "Playa Vista Area D Specific Plan Ordinance No. 160523," approved by the Mayor on November 21, 1985. Ordinance No. 160523 was amended by Ordinance No. 170785, and approved by the Mayor on December 11, 1995. The two together are referred to herein as the "Area D Specific Plan." See Appendix B.i.*

¹⁰ *"The Citywide General Plan Framework." City of Los Angeles, August 2001, West/Coastal Los Angeles, Long Range Land Use Diagram, Figure 3-3, Key and Legend Information.*

¹¹ *"The Citywide General Plan Framework." City of Los Angeles, August 2001, page 3-1.*

¹² *The various Centers designated in the Long Range Land Use Diagram in the Framework are approximate locations.*

The Framework Element also includes Objectives and Policies in addition to the Land Use Diagram and its designated areas. Objectives and policies in the Framework Element that are applicable to the Proposed Project are reviewed below.

2.1.4.2 Community Plans

As part of the City of Los Angeles General Plan, the Community Plans are intended to provide an official guide for future development and propose approximate locations and densities of land use. The General and Community Plans, as amended, provide standards and criteria for the development of housing, and commercial and industrial uses, as well as circulation and service systems.

The Proposed Project is included within the boundaries of the Westchester-Playa del Rey Community Plan ("Community Plan"). The version of the Community Plan that was in place in 2002 was adopted on March 20, 1974. The Plan was amended numerous times, and was amended in 1985 to include the area in which the Proposed Project is located, in conjunction with its annexation into the City. As part of a Community Plan Update program to update all of the City's 35 Community Plans, the Community Plan was updated in April of 2004 (Ordinance No. 175,981). The focus of the update was on changes to the Community Plan to reflect current development patterns and to guide ongoing development and population increases within the Community Plan area through 2025. Specifically, the update to the Community Plan included several changes to height districts, zone designations and boundaries, and various highway maps, none of which apply to the Proposed Project site and proposed street designations within the Proposed Project site or the surrounding area.

The Proposed Project site is designated under the Community Plan predominantly for High/Medium Density residential (56-109 dwelling units per acre), Regional Mixed-Use Commercial, and Light/Limited Industry land uses, with small areas designated for Public/Quasi-public Open Space and Low Density Residential (4-12 dwelling units per acre). In the Community Plan, Jefferson Boulevard adjacent to the Proposed Project is designated as a Divided Major Highway.

2.1.4.3 Specific Plan

The City of Los Angeles implements its General Plan through its Planning and Zoning Code and Specific Plans. As mentioned above, the Area D Specific Plan was developed for the Area D portion of the former Playa Vista Planning Area concurrent with the annexation of Area D into the City (Ordinance No. 160,523). The Area D Specific Plan received final approval in November 1985, and was amended in 1995 (effective January 13, 1996) (Ordinance No. 170,785). The Specific Plan contains the Proposed Project site's zoning regulations.

The existing zoning designations for the Proposed Project site as set forth within the Playa Vista Area D Specific Plan are R4(PV), M(PV), and a relatively small (approximately 2.5-acre) area of C2(PV). The portion of the Proposed Project Site not contained in the Area D Specific Plan Area is zoned [Q] R4-1 and R1-1. These zoning areas are depicted in Figure II.A-2.

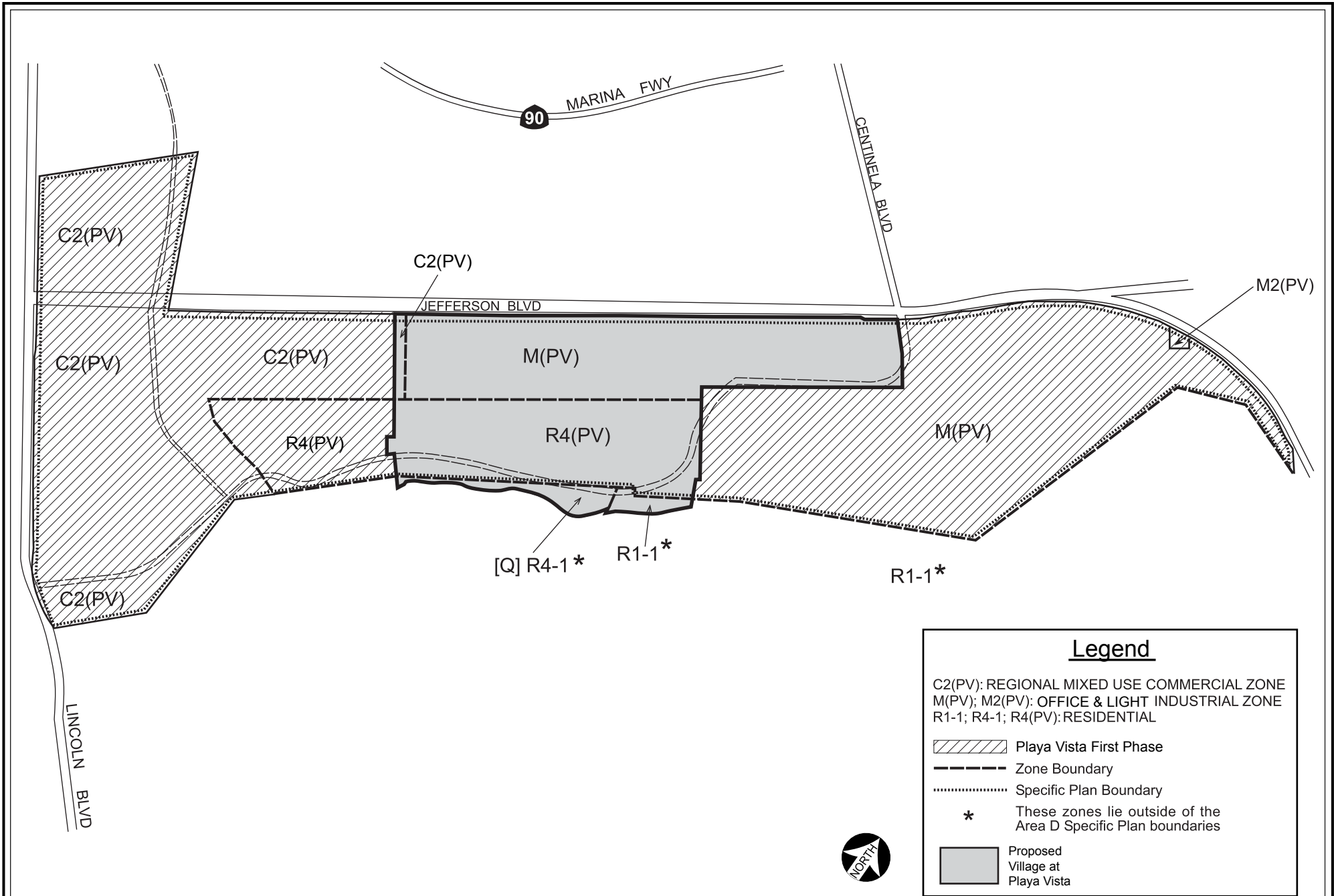
The Area D Specific Plan provides, together with the general regulations set forth in the Planning and Zoning Code, regulatory controls and incentives for the systematic implementation of the portion of the Community Plan which includes the area within its boundaries. Area D is located outside of the California Coastal Zone. The Area D Specific Plan contains the zoning restrictions, including permitted uses, densities, and floor areas, as well as design standards, maximum building heights, landscaping standards, and parking requirements for Area D. The details of the Specific Plan's limitations for Area D and, specifically, for the Proposed Project site, are discussed below.

The Specific Plan contains overall maximum densities for the Playa Vista Area D Specific Plan Area for office and light industrial development for C2(PV) [2,050,000 sq. ft] and M(PV) [2,950,000 sq. ft], a maximum density for retail development for C2(PV) [650,000 sq. ft.], a maximum number of hotel rooms within either C2(PV) or M(PV) [600 rooms], as well as maximum units for R4(PV) [3,246 dwelling units]. The Playa Vista First Phase Project is approved and entitled for 400,000 sq. ft. of C2(PV) office density, 2,841,950 sq. ft. of M(PV) office density, 35,000 sq. ft. of C2(PV) retail density, none of the 600 hotel rooms, and all 3,246 dwelling units allowed under R4(PV), leaving 1,650,000 sq. ft. of the office and light industrial density for C2(PV), 108,050 square feet of the office and light industrial density for M(PV), 615,000 square feet of retail density for C2(PV), 600 hotel rooms for either C2(PV) or M(PV), and no residential units remaining for R4(PV). For more detail concerning the permitted uses for each zoning designation in the Specific Plan, see Appendix B.i, which includes the currently applicable Specific Plan, as amended in 1996 (Ordinance No. 170,785).¹³ Figure II.A-3 illustrates the entitlements allocated to First Phase Playa Vista Project and the remaining entitlements available to the Proposed Project.

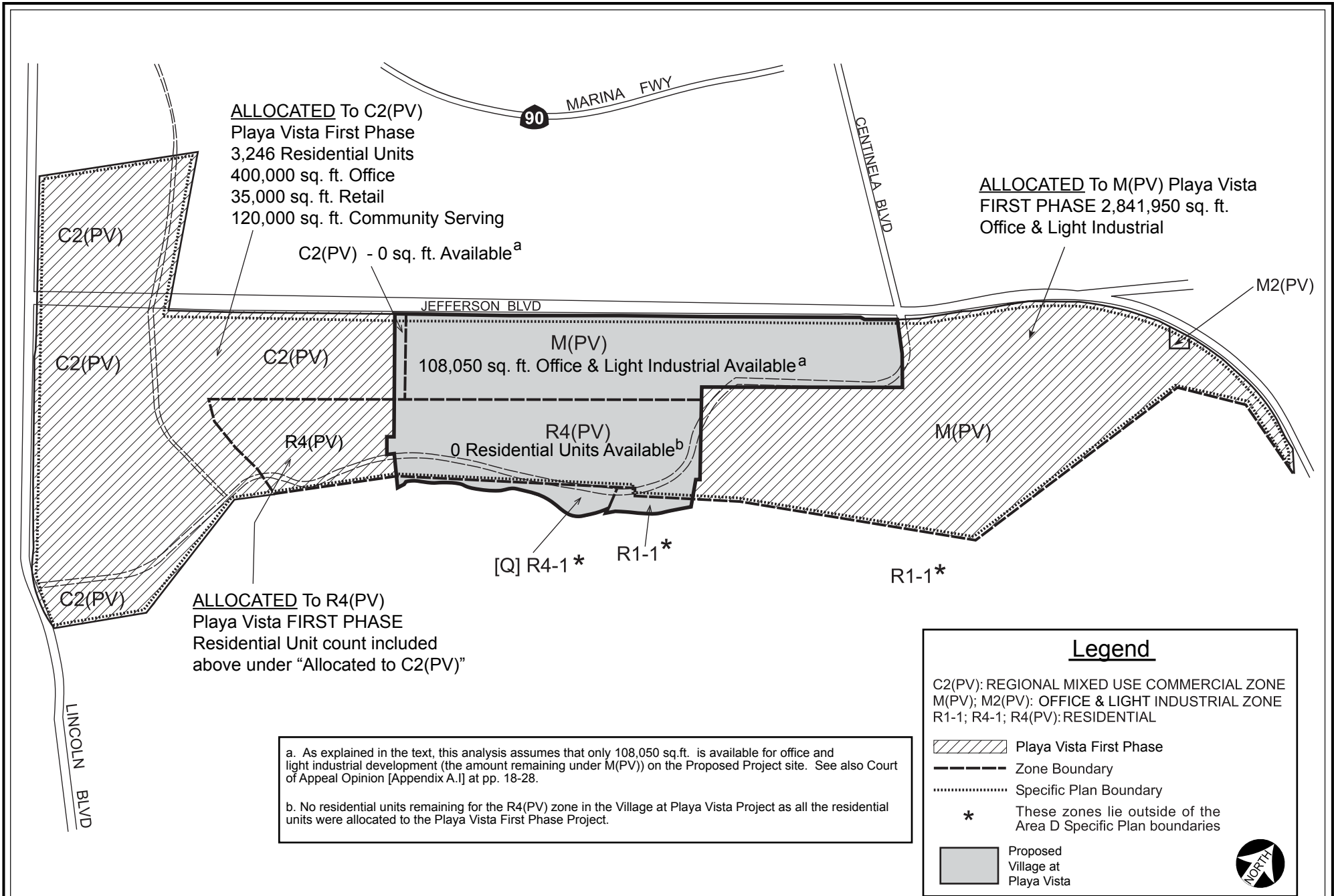
The result of the Playa Vista First Phase's use of entitlements is that without an amendment to the General Plan and Area D Specific Plan, the Proposed Project site's R4(PV) zone will remain undeveloped (since all residential units were used in Playa Vista First Phase). Further, with respect to non-residential development, consistent with the Court of Appeal Opinion, this analysis assumes that only 108,050 sq. ft. of office and light industrial development (the amount remaining under M(PV)) can be developed under the current Specific Plan zoning designations on the Proposed Project site.¹⁴

¹³ See Appendix B.ii. for proposed ordinance detailing proposed changes in permitted uses.

¹⁴ See generally, Court of Appeal Opinion, p.22.



Source: Playa Vista Area D Specific Plan, Ordinance #160,523 (November, 1985); Amended Ordinance #170,785 (January, 1996).



Source: Playa Vista Area D Specific Plan, Ordinance #160,523 (November, 1985); Amended Ordinance #170,785 (January, 1996).

Table II.A-1 details the amount of development remaining for the Proposed Project site under the existing Area D Specific Plan, given the existing zoning designations. In brief, the first column in Table II.A-1 provides the amount of development authorized for the entire area covered by the existing Area D Specific Plan (Playa Vista First Phase and the Proposed Project area). The second column sets forth the amount of that authorized development allocated to the Playa Vista First Phase project. The third column in Table II.A-1 sets forth the amount of remaining entitlement, and the figures provided in that third column are derived by subtracting the figures in Column 2 from the figures in Column 1. Finally, the fourth column provides the amount of development available for the Proposed Project under the Area D Specific Plan, which assumes (as stated in the preceding paragraph) that only a portion of the remaining entitlement can be used for the Village at Playa Vista under the provisions of the existing Area D Specific Plan due in part to existing zoning designations.

TABLE II.A-1
DEVELOPMENT ALLOWED
UNDER EXISTING AREA D SPECIFIC PLAN

	Existing Entitlement Under Area D Specific Plan	Entitlement Allocated To Playa Vista First Phase Project	Entitlement Remaining Under Specific Plan Buildout^a	Village Area: Development Permitted Under Existing Specific Plan Zoning Designations
Office ^b M(PV)(sq. ft.)	2,950,000 ^c	2,841,950 ^d	108,050	108,050
Office ^b C2(PV)(sq. ft.)	2,050,000 ^e	400,000 ^d	1,650,000	0 ^f
Housing (du)	3,246	3,246	0	0
Retail (sq. ft.)	650,000 ^g	35,000	615,000	0 ^f
Hotel (rooms)	600 ^h	—	600	0 ⁱ
Community Serving (sq. ft.)	— ⁱ	120,000	—	—

a. First column less second column.

b. "Office" includes office and light industrial.

c. Area D Specific Plan § 5.C.

d. Office sq. ft. in [M(PV) and C2(PV)] consists of 3,241,950 sq. ft. approved under TTM 52092 and VTTM 49104. The First Phase entitlements allow an additional 50,000 sq. ft. of office square footage to be allocated in either M(PV) and C2(PV). To the extent that 50,000 sq. ft. is allocated in C2(PV), the corresponding square footages in M(PV) will be adjusted.

e. Area D Specific Plan § 5.B.4.

f. As explained in text, this analysis assumes that only 108,050 sq. ft. is available for office and light industrial development (the amount remaining under M(PV)) on the Proposed Project site. See also Court of Appeal Opinion [Appendix A.i.], pp. 18-28.

g. This includes 600,000 sq. ft. of retail permitted in C2(PV) under Section 5.B.1 of the Area D Specific Plan and 50,000 sq. ft. of commercial for mixed-use developments per Section 4.G.

h. The Area D Specific Plan allows up to 600 hotel rooms in C2(PV) or M(PV). Area D Specific Plan § 5.B.2. Hotel uses in the M(PV) zone are not subject to the 2,950,000 sq. ft. limitation. Area D Specific Plan § 5.C.

i. The Area D Specific Plan at Section 5.E states that public and civic type (i.e., community serving) uses do not count towards the maximum floor area allowable under Sections 5A, 5B, 5C, or 5D of the Area D Specific Plan, provided such uses do not exceed 25 percent of the total floor area allowed within the Area D Specific Plan Area.

A detailed discussion of the increase in the amount of permissible development that would result from the change in zoning for the Proposed Project is provided below under Subsection II.A.3.3.1, Impacts Regarding Consistency With Existing Plans.

2.1.4.4 Coastal Transportation Corridor Specific Plan

The Coastal Transportation Corridor Specific Plan also regulates development within the Proposed Project site. This Plan is solely focused on transportation issues and is therefore discussed further in the Original DEIR's Section IV.K, Transportation and Circulation.

2.1.4.5 Industrial Land Use Policy Project

The Industrial Land Use Policy Project (ILUP), while not a part of the General Plan, Community Plan, or any applicable Specific Plan, is a comprehensive study of the use of industrial-zoned land within the City, formerly known as the "Mayor's Industrial Development Policy Initiative." In order to ensure appropriate development and foster a diverse economy, the Department of City Planning (Planning Department) and the Community Redevelopment Agency of Los Angeles (CRA) were instructed to undertake the study of the use of industrial-zoned land in the City and to provide policy recommendations to guide future land use decisions. In February 2006, Planning Department staff began surveying existing land uses within certain industrial areas in the City, including the West Los Angeles Community Plan Areas, as part of the ILUP.

On January 3, 2008, the Planning Department and CRA issued a memorandum entitled "*Staff Direction Regarding Industrial Land Use and Potential Conversion to Residential or Other Uses.*" The memorandum includes direction and guidance to staff of the Planning Department and CRA regarding industrial zoned land in the City. It underscores that the City's adopted policy is to retain industrial land for job producing uses. The memorandum goes on to state that "[i]ndustrially zoned lands in Los Angeles are occupied by active and productive businesses that provide employment and services to thousands of City residents, and are an essential component of the City's diversified economic base."¹⁵ The memorandum goes on to caution that "[n]either the ILUP Project nor our direction to staff contained in [the] memorandum takes any action that changes current land use designations or alters the City's existing policy with respect to industrial land."¹⁶

¹⁵ *City of Los Angeles Planning Department and Community Redevelopment Agency, Memorandum, Staff Direction Regarding Industrial Land Use and Potential Conversion to Residential and Other Uses, January 3, 2008, p. 1.*

¹⁶ *Id.*, p. 2.

The January 3, 2008 memorandum includes a section of guidance regarding industrial land not in ILUP project study areas, such as the Proposed Project area. Short term recommendations include the following:

- Staff should continue to implement current City policy to preserve industrial zoning for employment uses. Retain industrial land designation, pursuant to adopted City policy. Applications for industrial zones outside of the ILUP Project study areas should be handled in the same manner as those in Employment Protection Districts.¹⁷
- Provide more thorough analysis of projects including consistency with the General Plan Framework's Industrial Land Use and Economic Development policies, principles and criteria, as well as Community Plan and Redevelopment Plan goals and objectives related to job retention and expansion.¹⁸

Long term recommendations in the memorandum include direction to “[u]se and build upon the body of research and recommendations” in the memorandum during the Community Plan update process.¹⁹ The memorandum goes on to state that when evaluating areas for industrial/employment potential:

- Retain and improve industrial/employment districts for current and future employment uses until and unless otherwise designated through the Community Plan update process.
- Avoid the creation of non-conforming and incompatible uses or juxtapositions of incompatible uses.
- Explore the use of Designs for Development or Overlay Districts to institute standards and regulations to guide development.
- Explore ways in which displaced businesses can most effectively be relocated and/or their employees directed to new employment or employment opportunities.²⁰

¹⁷ *Id.*, p. 7. The memorandum defines Employment Protection Districts as “[a]reas where industrial zoning should be maintained, and where adopted General Plan, Community Plan and Redevelopment Plan industrial land use designations should continue to be implemented. Residential uses in these Districts are not appropriate.” *Id.*, p. 3.

¹⁸ *Id.*, p. 7.

¹⁹ *Ibid.*

²⁰ *Ibid.*

It should also be noted that preservation of industrial land is an economic, not an environmental issue. Accordingly, the ILUP is an economic policy project and is not intended to and does not promote the reduction of the environmental impacts of other uses of the land subject to the ILUP.

2.2 Existing Conditions

2.2.1 Proposed Project Site

The Proposed Project contains a total of 111.0 acres. Of these, 99.3 acres are located within the boundaries of the Urban Development Component and 11.7 acres are located within the Habitat Creation/Restoration Component, which is described in greater detail in Subsection II.A.3.22 below.

As of 2002, the Proposed Project site was vacant, except for various small buildings, such as sheds, minor storage structures, and construction trailers associated with development of the adjacent Playa Vista First Phase Project. Since 2002, these buildings and structures have been removed.

In 2002 and 2004, the Proposed Project site was used for a number of permitted activities associated with the construction of the adjacent Playa Vista First Phase Project, including stockpiling excavated soils, temporary stormwater detention, groundwater remediation, rock crushing and stockpiling, and equipment staging and parking. As of 2008, development of the Playa Vista First Phase project has progressed, and the extent to which the Proposed Project site is used in conjunction with the development of the Playa Vista First Phase project has decreased accordingly.

The Proposed Project's Habitat Creation/Restoration Component includes that portion of the Westchester Bluffs within the Proposed Project boundary to the south of the proposed Urban Development Component. Subsequent to the City Council approval of the Proposed Project and certification of the EIR in September 2004, substantial portions of infrastructure improvements have been completed within the Proposed Project site. Runway Road/Millennium, the northerly portions of McConnell Avenue, Westlawn Avenue, and Village Drive, as well as the northern local streets and one local street within the southern portion of the Proposed Project site, have been completed. All utility services located within these streets are completed as well. In the southern portion of the Proposed Project site, the storm drainage and sewer lines have been completed, as well as curb and gutter for all streets. All mass grading is complete and surcharge has been placed for the entire Proposed Project site. The Proposed Project's Habitat Creation/Restoration Component has been completed. Finally, the widening of Jefferson Boulevard, adjacent to the Proposed Project site, has been completed.

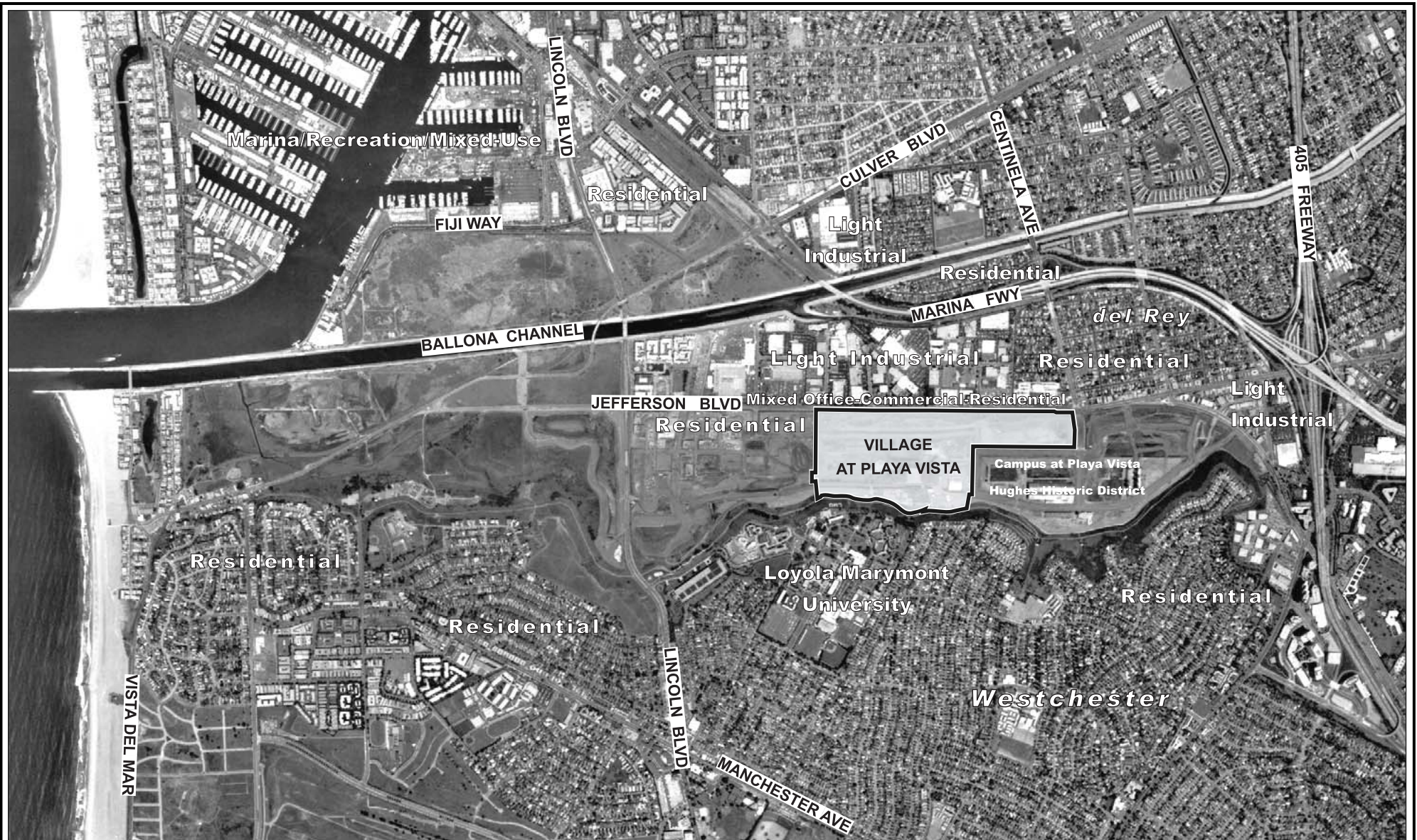
2.2.2 Surrounding Areas

The land uses surrounding the Proposed Project site are shown in Figure II.A-4. The neighborhoods located in the vicinity of the Proposed Project site, and extending further into the region are shown in Figure II.A-5. The areas surrounding the Proposed Project site are comprised of a widely diverse range of uses and conditions.

Land immediately to the west and east of the Proposed Project site is part of the Playa Vista First Phase Project. In 2002, construction already was underway within the Playa Vista First Phase Project area, approximately 0.25 mile to the west of the Proposed Project site and extending to Lincoln Boulevard. At that time, the vacant land adjacent to the Proposed Project site contained support activities for Playa Vista First Phase development and preparation for future development. By September 2004, construction within the Playa Vista First Phase Project had progressed to include parcels within 0.25 miles west of the Proposed Project site. As of 2008, Playa Vista First Phase Project development along the western boundary of the Proposed Project site is primarily constructed and occupied, with limited amounts of development still under construction. The Playa Vista First Phase Project south of Jefferson Boulevard consists of predominantly residential uses, with some mixed uses, in mid-rise buildings. These buildings range from two to four stories in height. The Playa Vista First Phase Project north of Jefferson Boulevard contains both residential and commercial uses which range from 3 to 6 stories in height.

Land immediately to the east of the Proposed Project site is approved for office and commercial uses, including entertainment, media, and technology uses. In 2002 and 2004, the land was vacant in some locations, and developed with former plant site buildings in other locations. Eleven former plant site buildings remain within the Playa Vista First Phase Project site. These buildings are to be preserved as components of the Hughes Industrial Historic District. Buildings range in height from 32 to 90 feet above mean sea level (AMSL) (or approximately 15 to 75 feet above existing grade level). Currently, in 2008, the first new office buildings, five stories in height, are under construction in this area, less than 500 feet from the Proposed Project site.

Development along Jefferson Boulevard at the northern edge of the Proposed Project site is comprised of small manufacturing and commercial uses, newer mid-rise office buildings, a few apartment buildings, and larger facilities, such as a Home Depot store and a former regional postal sorting center. Further to the north and east is the residential community of Del Rey. Further to the east, adjacent to the eastern-most edge of the Playa Vista First Phase site, is a complex of light industrial and commercial uses. These uses extend into Culver City located to the east with commercial and residential uses beyond.

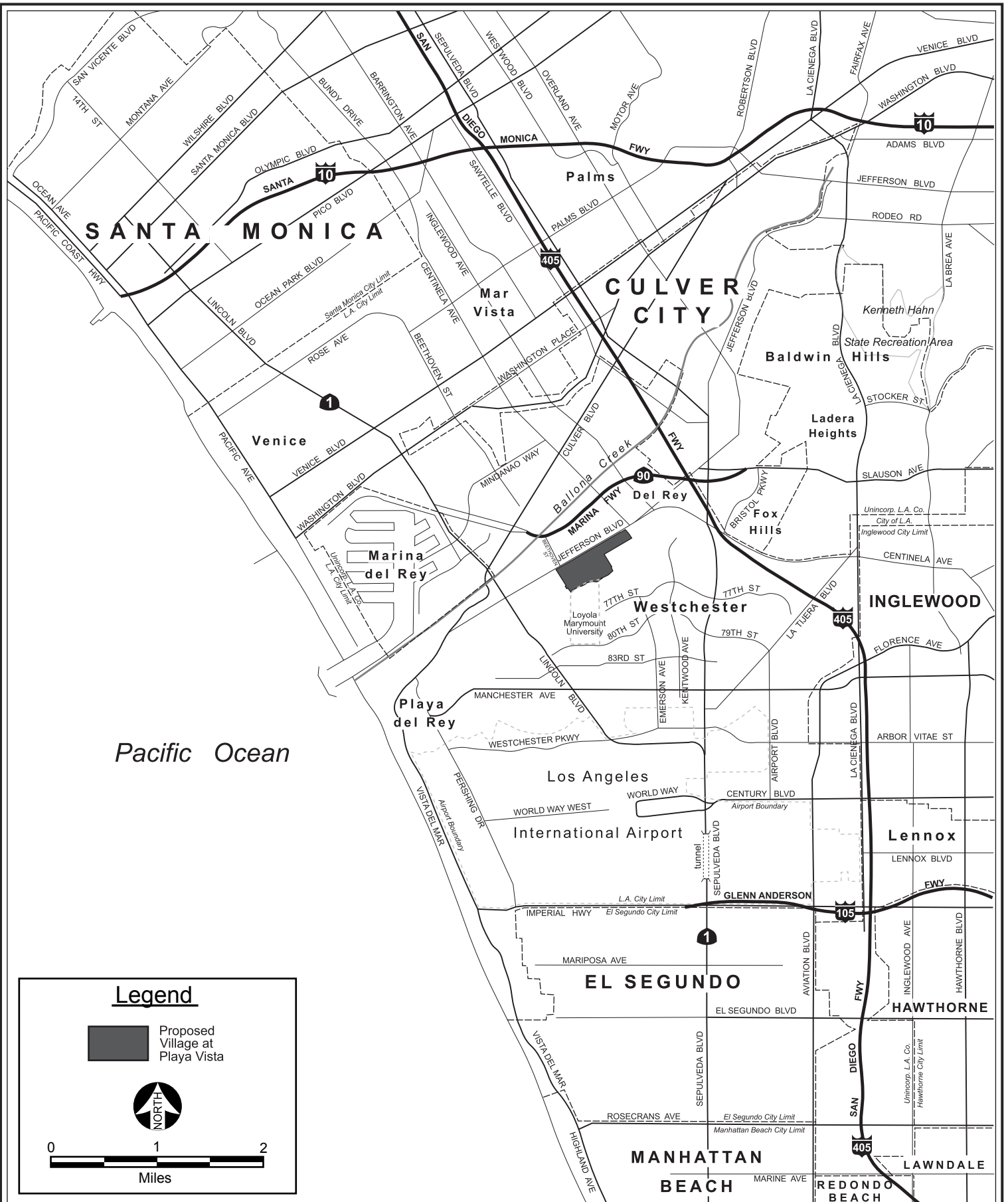


Legend

Proposed Village at Playa Vista 



Source: Playa Capital Company, 2003.



Legend

 Proposed Village at Playa Vista



Figure II.A-5
Surrounding Communities

South of the Proposed Project site, development sits atop the Westchester Bluffs and includes single-family residential units located in the community of Westchester and the Loyola Marymount University campus. Land uses atop the Playa del Rey Bluffs, to the west of Lincoln Boulevard, include the West Bluffs residential development, Westchester residential units, and the Playa del Rey community. Land uses below the Playa del Rey Bluffs, beyond the Playa Vista First Phase Project site include the Ballona Wetlands approximately 1.1 miles southwest of the Proposed Project site. Southern California Gas Company facilities are located approximately 1.2 miles southwest of the Proposed Project site.

Extending further outward into the greater Los Angeles basin are areas comprised of single family residential neighborhoods, with higher density residential units and commercial uses located along major thoroughfares, and occasional pockets of clustered, more dense activity areas. Marina del Rey is located approximately 1.5 miles to the northwest of the Proposed Project site. The Marina includes a small craft harbor with recreational and commercial uses, as well as residential development comprised of medium- to high-rise condominium and apartment buildings. Lincoln Boulevard extends to the north and the south as a major commercial artery. The communities of Venice, Culver City, and Fox Hills lie beyond the immediate area to the north and east. Westchester and Playa del Rey extend to LAX and its related office, commercial, and light industrial areas. The coastal activities associated with Marina del Rey link with similar activities along the Pacific shoreline to the north and south of the Marina, with a continuation of the visitor serving amenities and commercial uses.

3.0 IMPACT ANALYSIS

3.1 Methodology/Significance Thresholds

The City of Los Angeles CEQA Thresholds Guide provides the following, starting at page H.1-2, to use with respect to the determination of consistency with applicable General, Community, and Specific Plans as well as other plans.

The determination of significance shall be made on a case-by-case basis, considering the following factors:

- Whether the proposal is inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site; and
- Whether the proposal is inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.

Based on these factors, the Proposed Project would have a significant impact on Land Use Consistency, if:

- The Proposed Project is inconsistent with the adopted land use/density designation in the Community Plan or Specific Plan or is inconsistent with the applicable portions of the adopted General Plan or other applicable environmental goals and policies of the other adopted plans.²¹

The same Guide provides, starting at page H.2-3, a different formulation to address to “situations of incompatibility between land uses or activities.” (H.2-1.)

The determination of significance shall be made on a case-by-case basis, considering the following factors:

- The extent of the area that would be impacted, the nature and degree of impacts, and the type of land uses within that area;
- The number, degree, and type of secondary impacts to surrounding land uses that could result from implementation of the proposed project (when the page H.2-3 test refers to “secondary impacts,” the City’s Guide provides that the “the effect of these impacts should be evaluated within the primary impact category (e.g., noise, traffic)”);²² and
- The extent to which existing neighborhoods, communities, or land uses would be disrupted, divided, or isolated, and the duration of the disruptions.

Based on these factors, the Proposed Project would have a significant impact on Land Use Compatibility if:

- The Proposed Project would disrupt, divide, or isolate existing neighborhoods, communities, or land uses.

²¹ *An action, program, or project is consistent with the general plan if, considering all aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. State law does not require perfect conformity between a proposed project and the applicable general plan; rather, to be consistent, the proposed project must be compatible with the objectives, policies, general land uses, and programs specified in the applicable plan, in general agreement or harmony with the applicable plan. See generally, Friends of Lagoon Valley v. City of Vacaville (2007) 154 Cal. App. 4th 807, 817.*

²² *The Court of Appeal determined that the Original FEIR for the Proposed Project was deficient only as to its analysis of land use, archaeological, and wastewater impacts, and found no deficiencies in any other impact analysis, including the type of secondary impacts contemplated in the Guide at p. H.2-3.*

3.2 Project Design Features

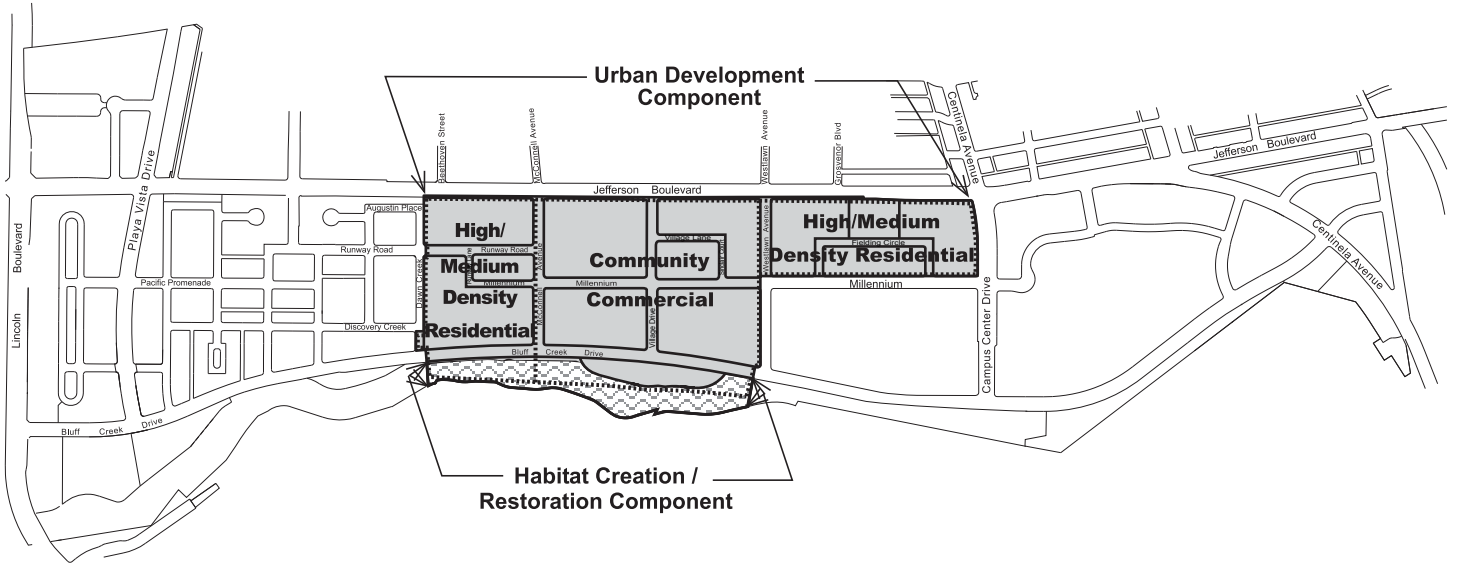
3.2.1 Urban Development Component

The Proposed Project's Urban Development Component would create a planned, mixed-use community, containing a diverse range of commercial, residential, recreational, public, and open space uses. The Proposed Project design includes a specified land use arrangement of streets, blocks, and lots, as well as development standards which limit the amount and type of development which can occur. The Proposed Project would be implemented via amendments to the Westchester-Playa del Rey Community Plan and the Playa Vista Area D Specific Plan. The proposed land use arrangement and plan designations are presented in Figure II.A-6.

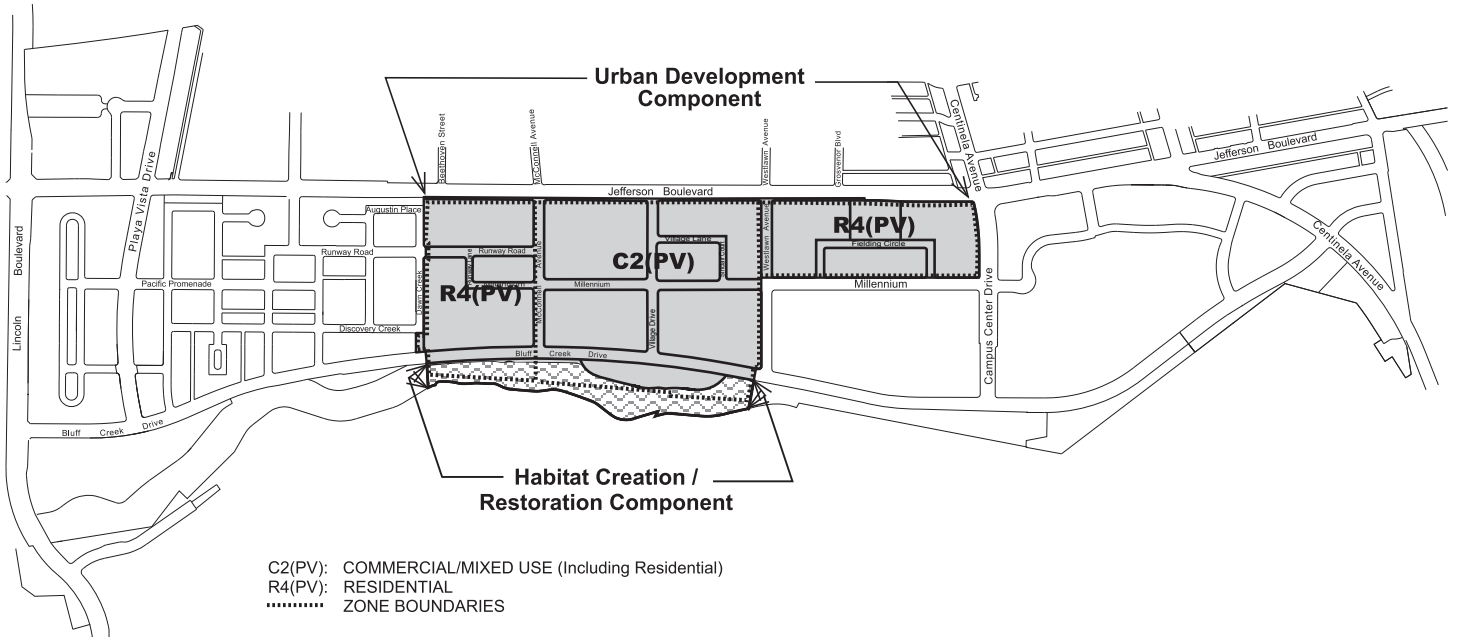
The Urban Development Component includes a series of residential neighborhoods organized around a Village Center. The Village Center is envisioned as an area defined by mixed-use development centered on a public plaza that may include ground floor retail uses with additional retail, office, and/or residential uses located above. The development program for the Proposed Project is shown in Table II.A-2.

Land Areas	Size (acres)	Totals
<i>Urban Development Component</i>		
Urban Development	87.5 ^a	
Parks	11.4 ^b	
Passive Open Space	0.4 ^c	
	Subtotal	99.3
<i>Habitat Creation/Restoration Component</i>		
Riparian Corridor	6.7	
Bluffs	5.0	
	Subtotal	11.7
	Total Area	111.0
<i>Urban Development Program^d</i>		
Land Uses	Size	
Office	175,000 sq.ft.	
Residential Units	2,600 du	
Retail	150,000 sq.ft.	
Community-Serving	40,000 sq.ft.	
^a Includes 1.0 acres of bicycle lanes. ^b Park acreage is approximate. Actual park acreage will be provided in accordance with the Proposed Project's conditions of approval, based on the number of dwelling units ultimately constructed. ^c Located along the south side of Bluff Creek Drive, just to the north of the Proposed Project's Habitat Creation /Restoration Component. ^d The Proposed Project also would include an Equivalency Program to allow a limited exchange of office uses for additional retail uses and/or assisted living uses.		
Source: Playa Capital Company, 2003.		

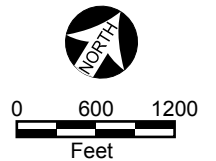
Proposed General Plan Designations



Proposed Specific Plan/Zoning Designations



NOTE:
 Locations of roadways and land use boundaries are approximate.
 Precise placement will be determined as part of subdivision process.



Source: Playa Capital Company, March 2004.

The shapes and locations of the building envelopes in which development could occur would be limited by restrictions on building heights, on developable floor area as a percentage of lot area, and minimum setbacks. The proposed height limit designations for the Proposed Project site are shown in Figure II.A-7. The height limits are expressed in feet above mean sea level (AMSL). By expressing the height limits in terms of elevation rather than height above ground, direct comparisons can be made to the elevations associated with the various visual vantage points outside of the Proposed Project site, such as the Westchester Bluffs. For descriptive purposes, building heights, as expressed in feet AMSL, are correlated to building heights above ground level in the legend for Figure II.A-7.

The Proposed Project further restricts the mass of development by placing limits on the percentage of total lot area which may be developed through the Project's Development Criteria and Guidelines. The limitation on floor area varies according to land uses, as follows:

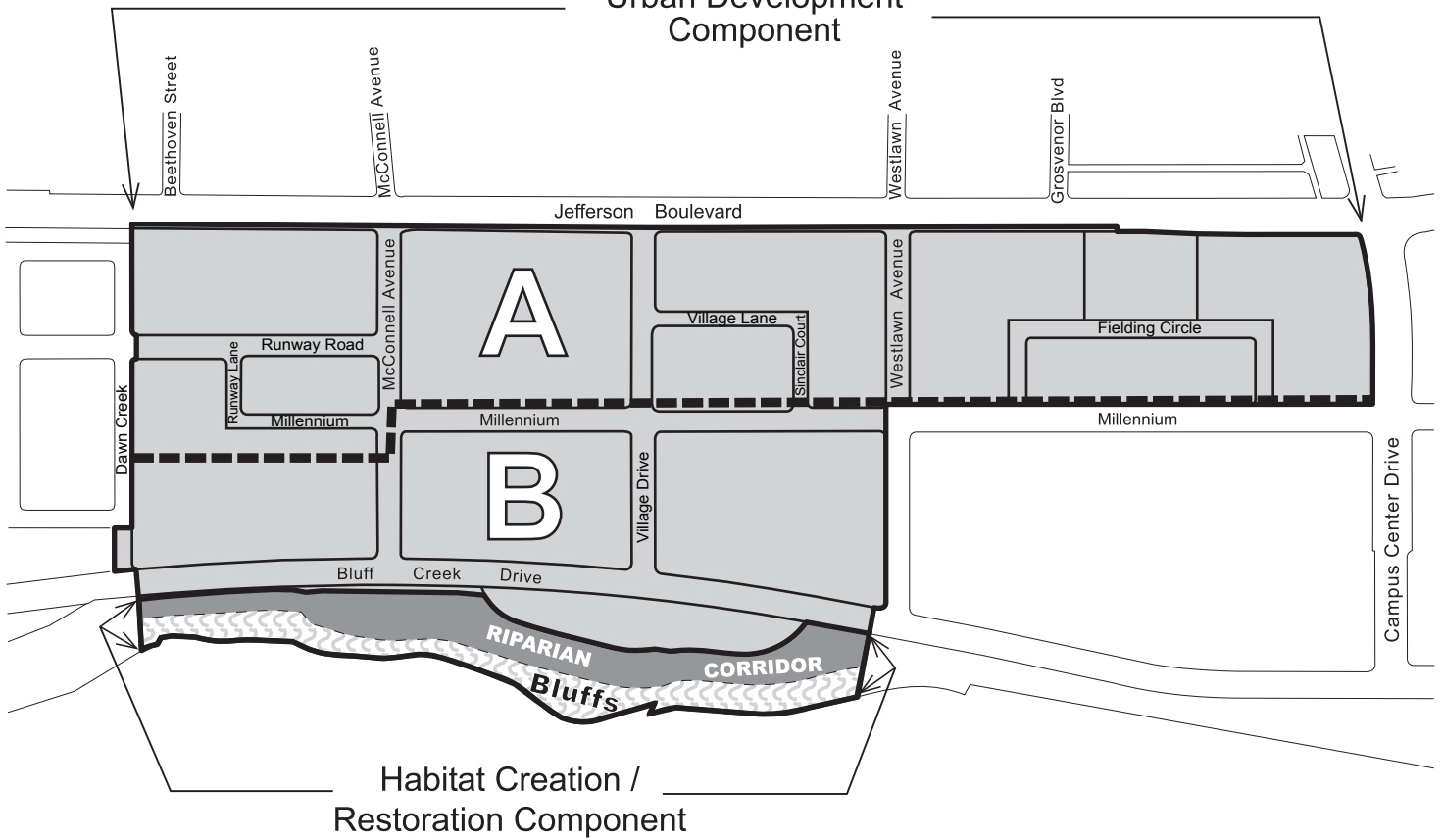
- Residential Lots: The maximum lot coverage would be 55 percent.
- Commercial and Mixed Use Lots: The maximum lot coverage would be 70 percent.
- Park Sites: The maximum lot coverage would be 15 percent (for recreational and park structures).

The design and development criteria set forth in the tract conditions would establish further regulations pertaining to the portions of individual development sites within which development can occur. This is accomplished by establishing minimum front, side, and rear lot setback areas. The proposed setback requirements are shown in Table II.A-3.

3.2.2 Habitat Creation/Restoration Component

The Project's Habitat Creation/Restoration Component includes the construction of a 6.7-acre Riparian Corridor and the restoration and maintenance of a five-acre portion of the Westchester Bluffs, located to the south of the Riparian Corridor. As of 2002, construction of the Riparian Corridor had not yet begun. As of September 2004, construction of the Riparian Corridor in the western portion of the First Playa Vista Phase Project was underway. As of summer 2007, construction of the Habitat Creation/Restoration Component was complete and connected with the eastern and western portions of the Riparian Corridor within the Playa Vista First Phase Project.

Urban Development Component



LEGEND

Height District	Above Mean Sea Level (AMSL)	Above Finished Grade ^a	Above Existing Grade ^a
A	95'	68' - 72'	71' - 88'
B	112'	85'-89'	88'-105'

^a Height above finished grade and above existing grade are approximate. Finished grades will be approximately 23' to 27' AMSL. Existing grades vary from approximately 7' to 24' AMSL. Westchester Bluffs: Approximately 140' AMSL



Urban Development Component



Habitat Creation / Restoration Component



Source: Playa Capital Company, March 2004.

**TABLE II.A-3
PROPOSED SETBACK REQUIREMENTS**

Location	Required Setback
Thoroughfares	
Jefferson Boulevard	15 Feet (From the right-of-way/property line, regardless of which way the building orients on the lot. This setback excludes retaining walls.)
Bluff Creek Drive	15 Feet
Runway Road (Dawn Creek to McConnell)	15 Feet
Millennium (McConnell to Village Drive)	0-5 Feet (Street front retail will characterize this block.)
Millennium Road (Runway Lane to McConnell)	10 Feet
Millennium Road (Village Drive to Campus Center Drive)	15 Feet
McConnell Avenue	10 Feet
McConnell Avenue (400 feet north of Millennium along the east side of block)	0-5 Feet (Street front retail will characterize this block.)
Westlawn Avenue	10 Feet
Campus Center Drive	15 Feet
Runway Lane, Village Drive, Sinclair Court, and Fielding Circle	10 Feet
Village Drive (400 feet north of Millennium along the west side of the block)	0-5 Feet (Street front retail will characterize this block.)
Village Lane and Fielding Circle	10 Feet
Dawn Creek	10 Feet
Setbacks from Adjacent Lots ^a	
Adjacent to a Residential or Commercial Lot	10 Feet
Adjacent to a Park or Open Space Lot	5 Feet

^a Multi-family structures in two separately developed projects shall be separated by no less than 20 feet.

Source: Playa Capital Company, 2008.

The Riparian Corridor within the Proposed Project site has been planted with habitat such as emergent, willow scrub woodlands, and mixed riparian woodlands, as well as native grasslands. With this component complete, there is now a 25-acre riparian corridor that also includes sections east and west of the Riparian Corridor in the Proposed Project site, ultimately feeding into the Playa Vista First Phase Freshwater Marsh (west of Lincoln Boulevard and south of Jefferson Boulevard), thus establishing a 51-acre Freshwater Wetland System. The final component of this system is a box culvert connection underneath Lincoln Boulevard, which was completed in April 2008.

The bluff restoration program in the Proposed Project site, which has also been completed, enhanced the bluffs with native plants creating a coastal sage scrub community with increased habitat value.

3.3 Project Impacts

3.3.1 Land Use Consistency

As noted above, the Los Angeles CEQA Thresholds Guide identifies two factors to be used for determining the significance of a project's impacts in relationship to planning documents (including the General Plan) of the City (see Subsection 3.1, above). The first factor asks whether the Proposed Project is inconsistent with the adopted land use/density designations of the Area D Specific Plan or the Community Plan. The second factor asks whether the Proposed Project is inconsistent with the General Plan or adopted environmental goals or policies contained in other plans. This section analyzes the Proposed Project in the context of applicable land use plans and policies.

3.3.1.1 Federal Level

The Corps previously issued a permit in 1992 for the fill of approximately 0.7 acres of wetlands in the Proposed Project site, as well as the adjacent Playa Vista First Phase Project. All filling activities are complete. Therefore, no further federal permitting is required and no adverse land use impacts associated with federal regulations would occur. Implementation of the Programmatic Agreement for the protection of cultural resources is discussed further in Section II.C, Cultural Resources, in this RS-DEIR.

3.3.1.2 Regional Level

As discussed above in Subsection II.A.2.1.2, SCAG has prepared the 1996 RCPG, and the newly accepted 2008 RCP in conjunction with its constituent members and other regional planning agencies. Chapter 2 of the RCPG, Growth Management, includes policies related to land use distribution and patterns. Many of the 1996 RCPG policies pertain to SCAG forecasting, SCAG actions, and development or environmental settings different than those of the Proposed Project. The policies which most pertain to the Proposed Project are listed in Subsection II.A.2.1.2.

The Proposed Project is based on a mixed-use concept with a range of related and complementary uses, both internally, and in conjunction with the Playa Vista First Phase Project. The Proposed Project's proposed land use mix would provide a balance of jobs and housing and would cluster development so as to create an activity center and provide for efficient provision of infrastructure. The Proposed Project's land use mix also would provide mutually supportive employment, housing, recreation, commercial, and community-serving activities so as to meet a range of needs internally to the Proposed Project. It would emphasize public transit and non-motorized transportation through the provision of an internal shuttle system and the provision of bikeways and walkways. In addition, the

Proposed Project's land use mix has been designed to save and enhance important natural features of the Proposed Project site (i.e., the bluffs and a riparian corridor at the base of the bluffs). All of these Proposed Project Design Features are supportive of, and would help to implement, the policies listed in Subsection II.A.2.1.2, above. Because the Proposed Project would be consistent with the applicable regional policies, impacts associated with regional level land use regulations would be considered less than significant.

3.3.1.3 County Level – Los Angeles County Airport Land Use Plan

Adopted in 1991 and later modified in December of 2004, the Los Angeles County Airport Land Use Plan ("Airport Land Use Plan") sets forth the review procedures and other policies that are generally applicable to the airports within the county.²³ It is designed to protect the public health and safety by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards. As such, the Airport Land Use Plan delineates both 65 CNEL noise contour line and RPZs for the Los Angeles International and Santa Monica Airports. The Proposed Project is approximately 1.5 miles from the nearest 65 CNEL contour and RPZ at Los Angeles International Airport and approximately 3.5 miles from the nearest 65 CNEL contour and RPZ at the Santa Monica Airport. Based on the criteria in the Airport Land Use Plan, the Proposed Project's uses would be well outside of the noise and safety zones and therefore would be consistent with the Airport Land Use Plan. Therefore, potential impacts regarding the Airport Land Use Plan would be less than significant.

3.3.1.4 City of Los Angeles General Plan and Specific Plan

3.3.1.4.1 Consistency With Applicable Portions of General Plan Framework and Community Plans

This subsection analyzes the consistency of the Proposed Project with General/Community Plan and the existing Specific Plan. Certain goals, policies, and objectives of the City of Los Angeles General Plan Framework and Westchester-Playa del Rey Community Plan apply to the Proposed Project. This subsection analyzes the consistency of the Proposed Project with those goals, policies, and objectives focusing on the land use-related goals, objectives, and policies of the Framework and Community Plan. To avoid a repetitive discussion, the land use goals, objectives, and policies in the Framework and Community Plan (many of which overlap), are discussed below in the applicable topical category. The specific goals, objectives, and policies encompassed by each topical

²³ "Los Angeles County Airport Land Use Plan", County of Los Angeles, Revised December 1, 2004.

category are identified via footnote. Copies of the Framework and Community Plan can be obtained from the City of Los Angeles:

- Provide a safe, balanced, diverse distribution of land uses that to serve the housing, employment, commercial, institutional, cultural, historic, educational, and recreational needs of the City's existing and future residents, businesses, employees, and visitors.²⁴

The Proposed Project is consistent with these goals, objectives, and policies. The Proposed Project would create an integrated new mixed-use community that would generate housing (including multi-family housing), recreational activities, community-serving activities, a ratio of jobs to housing, so as to decrease dependency on the automobile, encourage pedestrian activity and alternative transportation modes, make efficient use of existing infrastructure, reduce energy consumption, and foster a sense of place/cohesion.²⁵ The Proposed Project would create an ecological development that implements a comprehensive program of resource protection, recycling, and conservation (including habitat creation and restoration).

The Proposed Project's Urban Development Component has been designed to support the mixed-use concept by placing interrelated uses in proximity to one another, such as housing above commercial and housing side-by-side with commercial. Such development would be focused within the Project's Village Center and potentially along the major internal roadways within the Proposed Project site. The Proposed Project's Urban Development Component would reduce vehicle trips and congestion and increase access to services and facilities by providing a series of residential neighborhoods organized around a Village Center. The Village Center is envisioned as an area defined by mixed-use development centered on a public plaza that may include ground floor retail uses with additional retail, office, and/or residential uses located above. The design of the Proposed

²⁴ This discussion encompasses the following General Plan Framework goals, objectives, and policies: Goals 3A, 3F, and 3M; Objectives 3.1, 3.2, 3.3, 3.4, 3.8, 3.10, 3.17, and 4.2; and Policies 3.1.1, 3.1.2, 3.1.4, 3.1.5, 3.1.7, 3.1.8, 3.1.9, 3.2.1, 3.2.2, 3.3.1, 3.3.2, 3.4.3, 3.8.1, 3.8.2, 3.10.1, 3.13.4, 3.17.1, 3.17.2, and 4.1.1. This discussion encompasses the following Community Plan goals, objectives, and policies: Goals 1 and 2; Objectives 1-1, 1-2, 2-1, and 2-3; Policies 1-1.4, 1-2.1, 1-3.3, 1-4.4, 2-2.4, and 2-3.1.

²⁵ With regard to the City's General Plan in particular, Playa Vista is identified as a Regional Center on the Framework's Land Use Diagram. A Regional Center is an area in which services and land uses are concentrated. The Proposed Project constitutes a mix of uses that are less intense than that of a Regional Center, and thus, would generate less vehicular trips, reduce air quality impacts, and improve the job/housing ratio in the region which is currently jobs rich. The Proposed Project's planning concept would support conversion of the densities and intensity of land use associated with a regional center to a more local, neighborhood, residentially-oriented mixed-use community, which would be consistent with numerous policies in the Framework and Community Plan.

Project's residential areas would also promote reductions in vehicular trips by developing at urban densities and establishing a network of pedestrian and bicycle facilities.

Implementation of the Proposed Project would provide 2,600 new residential units (meeting all American with Disabilities Act and equal opportunity requirements) near existing major employment centers, further promoting an appropriate jobs/housing balance in the area. The Proposed Project would also include 175,000 sq. ft. of office space, 150,000 sq. ft. of retail space, and 40,000 sq. ft. of community-serving uses. These levels of commercial development are scaled to meet the needs of the Proposed Project as well as the adjoining Playa Vista First Phase Project.

The Proposed Project complements off-site existing uses by developing land uses which are similar in type to those present in the Proposed Project area. The Proposed Project would also complement the adjacent Playa Vista First Phase Project, and, where appropriate, form linkages to transportation, development, and conservation aspects of the Playa Vista First Phase Project. The Proposed Project would enhance recreation opportunities on-site and provide substantial park space.²⁶

- Maintain the scale and character of existing neighborhoods, including single-family residential neighborhoods, while encouraging compatible mixed development, including affordable multi-family housing and senior housing.²⁷

The Proposed Project is consistent with these goals, objectives, and policies. The Proposed Project is an infill development within an existing urbanized area. The Proposed Project would contribute to a cluster of mixed-use activity pocketed between the surrounding communities. New development occurring as a result of the Proposed Project would not result in the alteration or development within existing single-family neighborhoods, and no new single-family development is proposed. Locations where on-site buildings are permitted are not adjacent to off-site residential zones. Furthermore, within the Proposed Project site itself, the Proposed Project would comply with conditions and development standards for the Proposed Project site that address uses, signage, height restrictions, setbacks, parking, and landscape requirements. Several development

²⁶ *The preparation of this RS-DEIR was conducted in accordance with all state and local requirements that provide multiple opportunities for public participation. Proposed Project development would occur in accordance with all applicable laws regarding the fair treatment of people as well as applicable environmental laws, regulations, and policies.*

²⁷ *This discussion encompasses the following General Plan Framework goals, objectives, and policies: Goals 3A, 3B, 3C, and 4A; Objectives 3.5, 3.6, 3.7, 4.1, 4.2, and 4.3; and Policies 3.2.4, 3.4.1, 3.5.1, 3.5.2, 3.5.3, 3.5.4, 3.6.1, 3.7.1, 3.7.2, 3.7.4, 3.9.6, and 4.1.1. This discussion encompasses the following Community Plan goals, objectives, and policies: Objectives 1-1, 1-3, 1-4, and 1-5; and Policies 1-1.1, 1-1.2, 1-1.3, 1-3.1, 1-3.2, 1-4.1, 1-4.2, 1-4.3, 1-4.5, 1-5.1, 1-5.2, and 2-3.2.*

standards related to lot coverage, height, and massing have been developed for the Proposed Project to ensure that an aesthetically compatible community is provided from both an on- and off-site perspective. Therefore, the Proposed Project would provide appropriate transitions between the varying densities and intensity of proposed land uses, and between future residential areas and existing lower density neighborhoods, commercial areas, and light industrial uses.

The Proposed Project includes numerous provisions for buffering the interface between the perimeters of the Proposed Project site and existing residential uses, including open space, parks, landscape buffers, and the Habitat Restoration area. The Proposed Project's development would be buffered from the Westchester residential area to the south by the Westchester Bluffs, open space and habitat restoration areas, and with appropriate setbacks provided between existing residential areas to the west and new residential development within the Proposed Project site. In addition, Jefferson Boulevard, a major arterial, also separates the Proposed Project site from the residential neighborhoods located to the north of the Proposed Project site.

The Proposed Project would provide for stable, high-quality residential neighborhoods. Approximately 2,600 new residential units would be provided by the Proposed Project. The Proposed Project would not remove existing housing or result in the displacement of residents. The proposed mixed-use neighborhoods, with a larger residential component than anticipated in the existing Area D Specific Plan, would offer more continuity of character across the local surroundings than the more regionally-oriented commercial retail and office center anticipated in the existing Area D Specific Plan.

The growth incurred by this development would occur in an area in which public infrastructure and services are currently provided. Since public infrastructure and services are already available to the Proposed Project Site, the Proposed Project would support the policy to allow growth where such services are available. Improvements or expansion of any existing infrastructure, such as proposed bicycle paths, would enhance the quality of life for the City's residents. Furthermore, the Proposed Project's neighborhood traffic management mitigation measure (see Section IV.K.(1) in the Original DEIR) requires the development of neighborhood traffic management plan(s) for certain surrounding neighborhoods, should such plans be requested by the residents in the community, to further preclude spillover of traffic onto local residential streets.

With regard to affordable housing, as part of the additional consideration included within the proposed Development Agreement (see Appendix B.iii), a total of 10 percent of all for-sale units within the Proposed Project (with a minimum of 125 units) are proposed to be "controlled price units." The purchase price for these units would be equivalent to \$274,000 in 2003 dollars, adjusted by the consumer price index according to the provisions

of the proposed Development Agreement. Sales of the controlled price units would be prioritized towards first-time home buyers, persons working within five miles of the Proposed Project, and community service employees (such as police officers, fire fighters, teachers, and health care workers).

In addition to these controlled price units, the proposed Development Agreement (see Appendix B.iii) includes the development of 83 low income units within the Proposed Project, restricted to tenants with incomes that do not exceed 80 percent of the Los Angeles County median household income (as determined by the U.S. Department of Housing and Urban Development and adjusted for household size).

- Provide commercial and industrial growth opportunities that provide employment opportunities for the City's residents and maintain the City's fiscal viability.²⁸

The Proposed Project, which currently is vacant land, includes areas zoned M(PV), C2(PV), and R4(PV). As discussed above, entitlements remaining under the existing Area D Specific Plan allow for development of only 108,050 sq. ft. in that M(PV) zone; consistent with the Court of Appeal's opinion, this analysis assumes that no development can occur under the existing zoning for the R4(PV) and C2(PV) portions of the Proposed Project site. As the Proposed Project area is currently vacant land, it would not displace any existing employment or uses. With regard to the City's ILUP policy, the Proposed Project site has not been targeted in the ILUP as an industrial retention zone, and as detailed below, the Proposed Project would not conflict with the ILUP.

The Proposed Project is part of a comprehensive planning effort that completes the Playa Vista Area D Specific Plan buildout. It is designed to connect the eastern and western portions of the adjacent First Phase Project at Playa Vista; as such, its proposed land uses are compatible with and complement the existing uses and those under construction within the Playa Vista First Phase Project. As part of that planning effort, it was previously determined to allocate approximately 96 percent of the office and light industrial entitlement within the M(PV) zoned areas of the Playa Vista First Phase Project. As such, a substantial industrial/employment district is currently under construction within those areas. When complete, office and light industrial uses in the Playa Vista First Phase Project will generate an estimated 8,668 jobs (see Table 110 of Section IV.J, Population, Housing and Employment, of the Original DEIR). The Proposed Project would provide additional employment opportunities by replacing the 108,050 sq. ft. remaining within the M(PV) zone

²⁸ *This discussion encompasses the following General Plan Framework goals, objectives, and policies: Goal 3J; Objective 3.14; and Policies 3.4.2, 3.8.3, and 3.14.9. This discussion encompasses the following Community Plan goals, objectives, and policies: Goals 2 and 3; Objectives 2-1 and 3-1; and Policies 2-3.1, 2-3.2, and 2-3.3. This discussion also encompasses the City's ILUP.*

with 175,000 sq. ft. of office uses, 150,000 sq. ft. of retail uses, and 40,000 sq. ft. of community serving uses allowed within the C2(PV) zone, resulting in the creation of an estimated 1,180 jobs within the Proposed Project site (see Table 104 of Section IV.J, Population, Housing and Employment, of the Original DEIR).

Further, the Proposed Project would provide a long-term revenue stream to the City, contributing to the City's long-term economic viability and stability. The Proposed Project's commercial development, integrated into the mixed-use development, is designed to meet the needs of the Proposed Project as well as the adjoining Playa Vista First Phase Project. Therefore, the Proposed Project is consistent with these goals, objectives, and policies.

- Provide community-serving uses and services that are integrated and compatible with adjacent residential and commercial neighborhoods.²⁹

The Proposed Project is consistent with these goals, objectives, and policies. The Proposed Project's development program includes 40,000 sq. ft. of community-serving uses which would accommodate the types of uses set forth in these policies. The community-serving uses are integrated into the Proposed Project's mixed-use concept, which would generate housing, recreational activities, community-serving activities, and employment areas within the Proposed Project area.

- Identify and provide for park, recreational, and open space opportunities to serve City residents and generally protect scenic views.³⁰

The Proposed Project is consistent with these goals, objectives, and policies regarding park, recreational, and open space opportunities and the protection of scenic views.

The Proposed Project would provide over 17 acres of park space and open space at various locations, including an approximately 11.4 acres of on-site parks and 5.76 acres of off-site parks within the adjacent Playa Vista First Phase Project or on land controlled or improved by the Applicant and its affiliates. In addition the Proposed Project's Habitat Creation/Restoration Component would provide 11.7-acres of passive open space, including the middle portion (6.7 acres) of the 25-acre riparian corridor. This new Riparian

²⁹ This discussion encompasses the following General Plan Framework goals, objectives, and policies: Objective 3.9; and Policies 3.9.1, 3.9.2, and 3.13.3. This discussion encompasses the following Community Plan goals, objectives, and policies: Policy 2-2.4.

³⁰ This discussion encompasses the following General Plan Framework goals, objectives, and policies: Policies 3.1.3, 3.8.5, 3.8.6, 3.9.7, 3.9.8, 3.9.9, 3.10.4, 3.10.5, 3.13.5, and 3.15.5. This discussion encompasses the following Community Plan goals, objectives, and policies: Goals 4 and 5; Objectives 1-6 and 5-1; and Policies 1-6.1, 1-6.2, 4-1.2, 4-1.3, 4-1.4, 5-1.1, 5-1.4, 5-1.6, and 5-1.7.

Corridor (which is now complete) connects with the existing riparian corridor immediately to the east and west of the Proposed Project and completes the riparian corridor portion of the 51-acre Freshwater Wetlands System, which will support natural habitat, flood control, and cleansing of waters entering Santa Monica Bay.

The Proposed Project also includes one acre of on-site bicycle lanes. In addition to providing the land for the proposed parks, the Proposed Project would include the improvement of these parks with landscaping, hardscaping, walking, jogging, and bicycle trails, children's play areas, recreational fields, and other recreational facilities, (i.e., basketball courts, skating rings, etc.).

With respect to the Framework's policies seeking to preserve regarding scenic views, issues of scale and massing of Proposed Project-related buildings would be addressed through height restrictions, setbacks, and through separation by proposed landscaped buffers. The Proposed Project would establish height districts in the context of the Proposed Project's tract conditions that would be more restrictive than those that could occur under the existing Area D Specific Plan. The heights would provide protection of views over the Proposed Project site from the Westchester Bluffs. The Proposed Project would not block views of the ocean. The Proposed Project would restrict views of the Westchester Bluffs from Jefferson Boulevard. Further analysis of the Proposed Project's impacts on scenic and public views was provided in Section IV.O, Visual Qualities, of the Original DEIR and Original FEIR.³¹

The Proposed Project is generally consistent and in harmony with the policy of providing park, recreational, and open space opportunities to serve City residents and protecting scenic views.

- Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use.³²

The Proposed Project is consistent with these goals, objectives, and policies. The Proposed Project, a mixed-use development, would place interrelated uses in proximity to one another. The various on-site activity centers would be connected via convenient and extensive pedestrian facilities, the internal shuttle system, and Class II bicycle trails. These

³¹ *The Court of Appeal did not conclude that the Original DEIR's discussion of view impacts contained any deficiencies.*

³² *This discussion encompasses the following General Plan Framework goals, objectives, and policies: Goals 3D, 3E, and 3L; Objective 3.16; and Policies 3.2.3, 3.8.4, 3.9.4, 3.9.5, 3.10.3, 3.10.6, 3.15.4, 3.15.6, 3.16.2, and 3.16.3. This discussion encompasses the following Community Plan goals, objectives, and policies: Goal 16; Objective 16-1; and Policies 2-2.1, 2-2.2, 2-2.3, and 2-3.4.*

connections, or linkages, would be extended to the development that is occurring immediately east and west of the Proposed Project site. The Proposed Project would implement an urban design that establishes an on-site character that promotes pedestrian activity. Within the Proposed Project site, trees, and shrubs, as well as man-made elements such as light fixtures and signage would be arranged to establish a recognizable identity and character.

With regard to the pedestrian paths more specifically, in addition to a well-defined sidewalk network along all residential local, collector, and arterial streets within the Proposed Project site, pedestrian paths would be provided at appropriate locations to connect with crosswalks at intersections and other key destinations within the Proposed Project site. A pedestrian path would also be provided along the south side of Bluff Creek Drive within the Proposed Project site and the adjacent Playa Vista First Phase Project from Lincoln Boulevard on the west to Centinela Avenue on the east. In addition, the Proposed Project's Village Center is envisioned as an area defined by mixed-use development centered on a public plaza which would provide pedestrian amenities that encourage pedestrian travel.

- Design development and a circulation system to create transit-oriented development, increase density within transit stations, and provide transportation alternatives.³³

The Proposed Project's land use mix together with the Playa Vista First Phase project would cluster development so as to create a development plan that utilizes transit opportunities. The Proposed Project would emphasize public transit and non-motorized transportation through the provision of an internal shuttle system and linkages to area wide bus systems. Also, the Proposed Project would implement a system of pedestrian walkways and bicycle paths, coupled with access to public transit. The Proposed Project use of an internal shuttle system is designed to promote the reduction of vehicle trips within the Proposed Project site and the surrounding area. The Proposed Project also would provide improved bus service through the provision of five new buses on at least two Culver City Bus Lines. The Proposed Project's off-site improvements also would support implementation of the existing and expanded public transit programs in the area.

³³ *This discussion encompasses the following General Plan Framework goals, objectives, and policies: Goals 3I and 3K; Objectives 3.2 and 3.15; and Policies 3.1.6, 3.2.1, 3.9.3, 3.10.2, 3.13.2, 3.13.6, 3.15.1, and 3.15.3. This discussion encompasses the following Community Plan goals, objectives, and policies: Goals 11, 12, 13, and 14; Objectives 11-1, 12-1, 13-1, 14-1; and Policies 4-1.3, 17-1.2.*

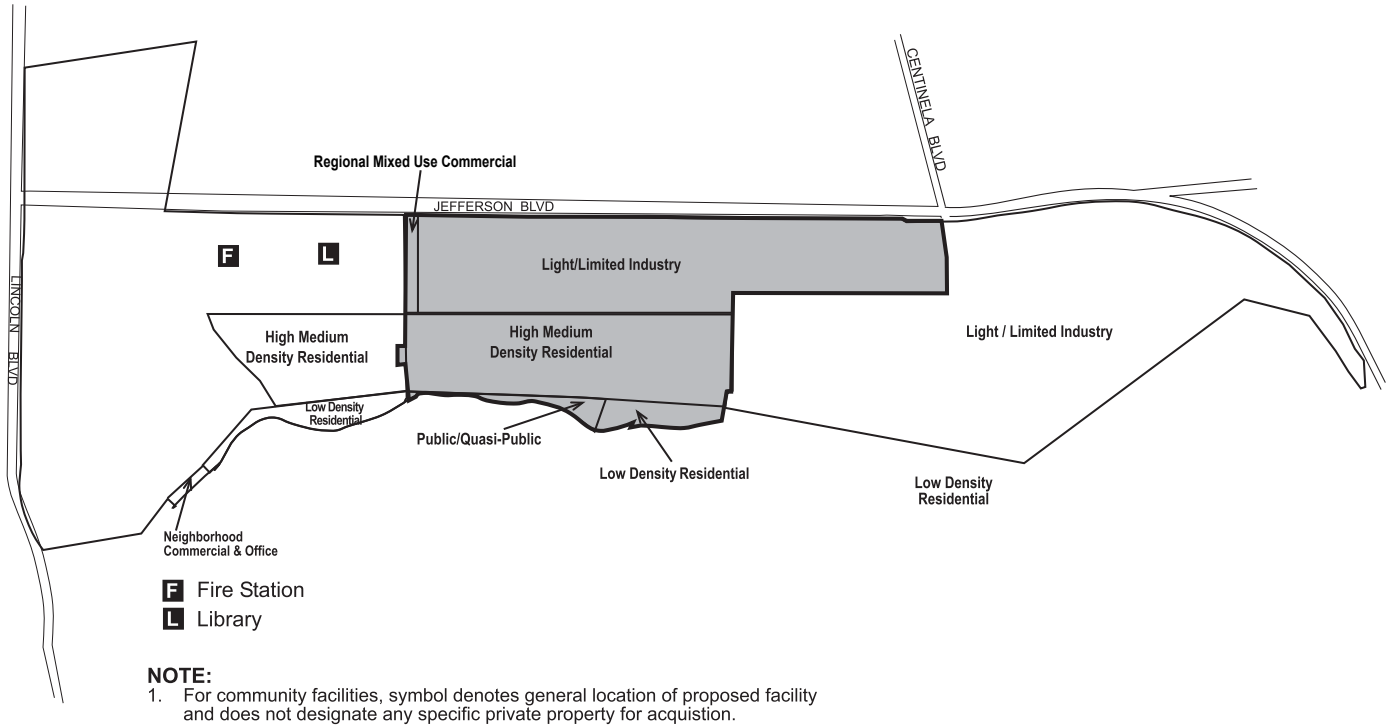
3.3.1.4.2 Consistency with the Area D Specific Plan

The existing Area D Specific Plan is intended to implement the City's General/Community Plan land use provisions. As such, the provisions of the existing Area D Specific Plan are consistent with the Community Plan, and include appropriate zoning regulations pertaining to the types and amounts of development which may occur. The Area D Specific Plan also includes regulations pertaining to site design with standards for subdivisions, design review, landscaping, parking, park space, and procedural matters.

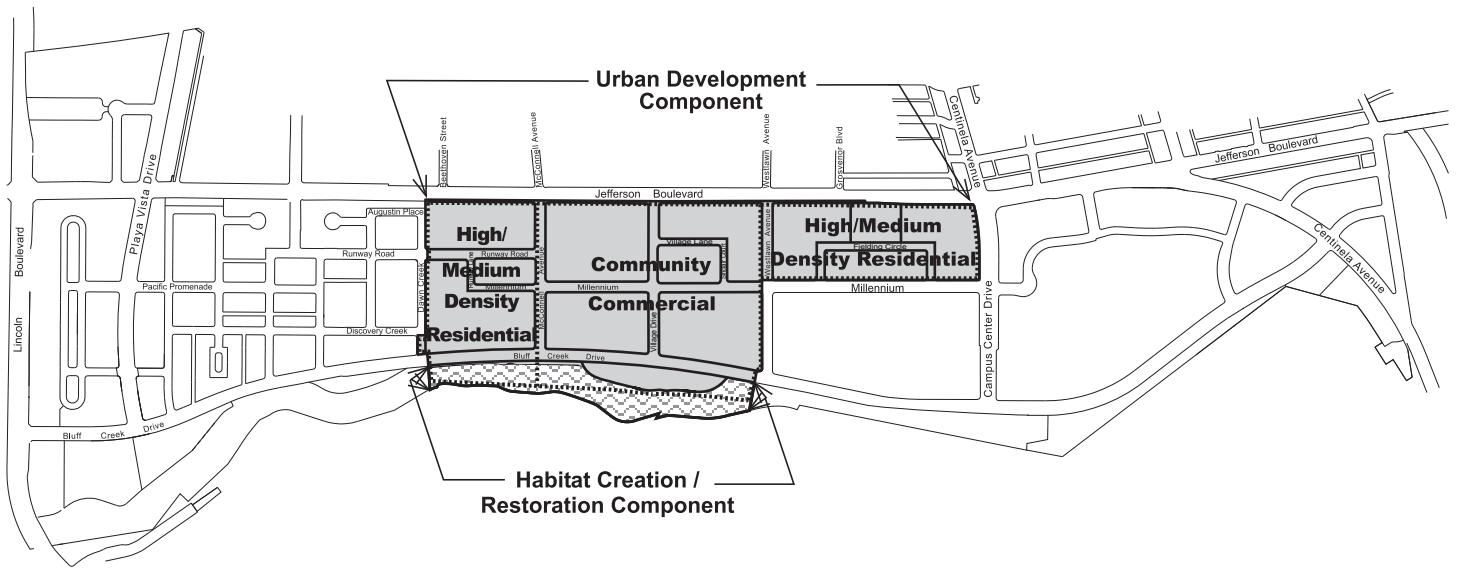
The Proposed Project Design Features described in Subsection II.A.3.2, above, include proposed land use map designations, a development program with proposed entitlements (types and amounts of land uses), and a design that would define the Proposed Project's maximum heights, minimum setbacks, and maximum density. The Proposed Project's proposed plan map designations are compared to the existing General/Community Plan or District Plan and Area D Specific Plan designations on Figure II.A-8 and Figure II.A-9. The Proposed Project's development program is compared to the development program that could occur under the existing Area D Specific Plan zoning designations in Table II.A-4 and Figure II.A-10. The comparison contrasts the types and amount of development of the Proposed Project with the amount of development remaining within the parameters of the existing General/Community Plan and Area D existing Specific Plan after buildout of the adjacent Playa Vista First Phase Project. In addition to identifying the Proposed Project's development program, Table II.A-4 also sets forth a summary of existing on-site land use conditions (i.e., no development) and the amount of development allowed at the Proposed Project site based on existing zoning.

Because the Proposed Project consists of 175,000 sq. ft. of office space, 150,000 sq. ft. of retail space, up to 40,000 sq. ft. of community serving uses, and 2,600 dwelling units, the existing Specific Plan must be amended to accommodate the increased densities and units for the Proposed Project which exceed current Specific Plan limits for the Proposed Project area. With City adoption of the proposed amendments to the Area D Specific Plan, permitted development within Area D would be limited to the total of the Proposed Project and the Playa Vista First Phase Project (VTTM 49104 and TTM 52092). The Proposed Project would adjust the zone boundary alignments within the Proposed Project site (see Figures II.A-8 and II.A-9), establishing new boundaries for R4(PV) and C2(PV) zone areas in place of the existing small area of C2(PV) and the R4(PV) and M(PV) zone areas.

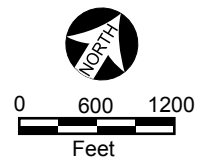
Existing General/Community Designations Plan



Proposed General/Community Plan

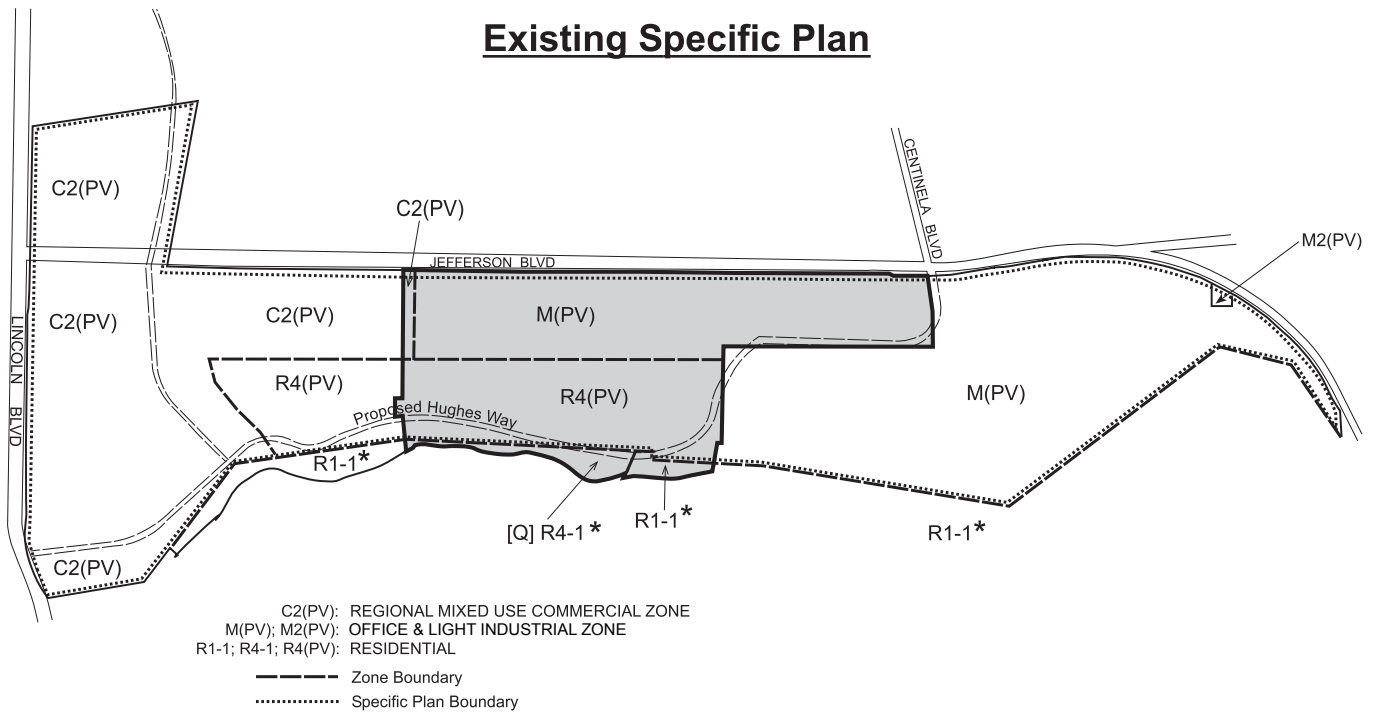


NOTE:
 Locations of roadways and land use boundaries are approximate.
 Precise placement will be determined as part of subdivision process.



Source: Playa Capital Company, March 2004.

Existing Specific Plan

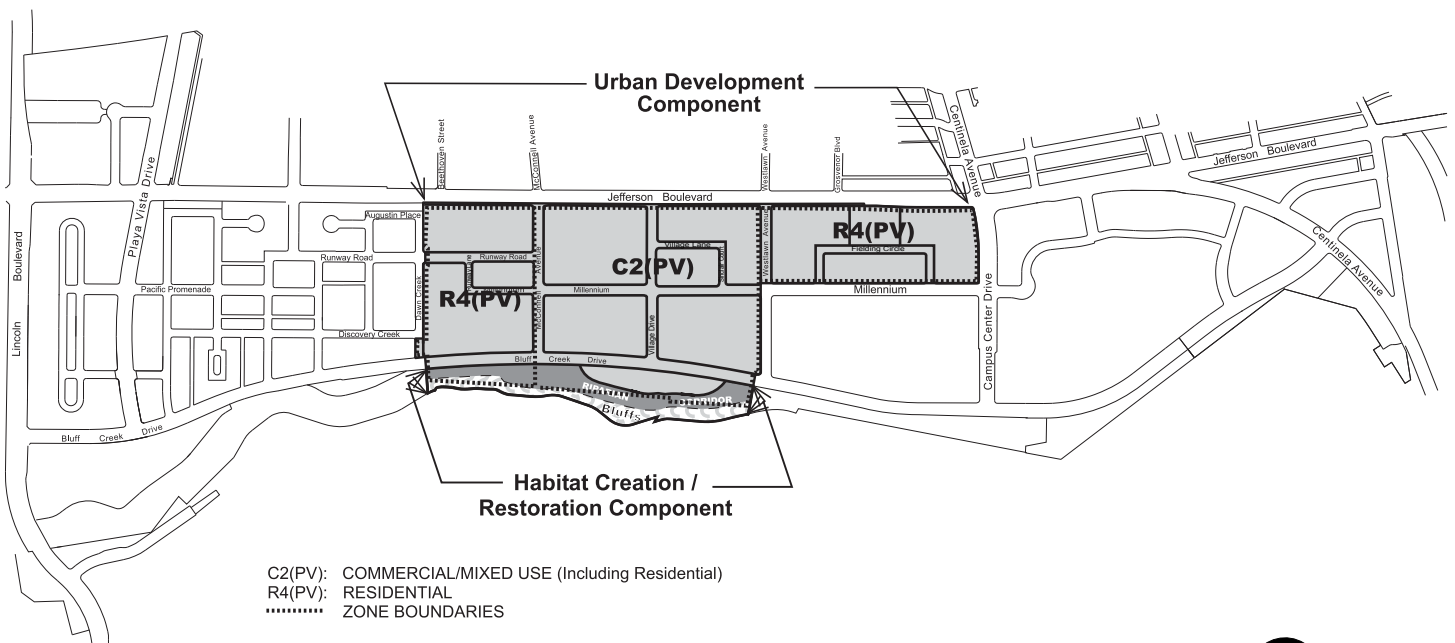


NOTE:

All conditions placed upon Specific Plan at the time of adoption by the City are also applicable. Existing Area D Specific Plan adopted November 21, 1985, amended 1996.

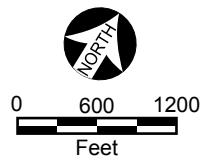
* These zones lie outside of the Area D Specific Plan boundaries

Proposed Specific Plan/Zoning Designations



NOTE:

Locations of roadways and land use boundaries are approximate. Precise placement will be determined as part of subdivision process.



Source: Playa Capital Company, March 2004.

TABLE II.A-4

**COMPARISON OF EXISTING
AREA D SPECIFIC PLAN LIMITS AND ZONING TO
PROPOSED USES FOR THE PROPOSED PROJECT**

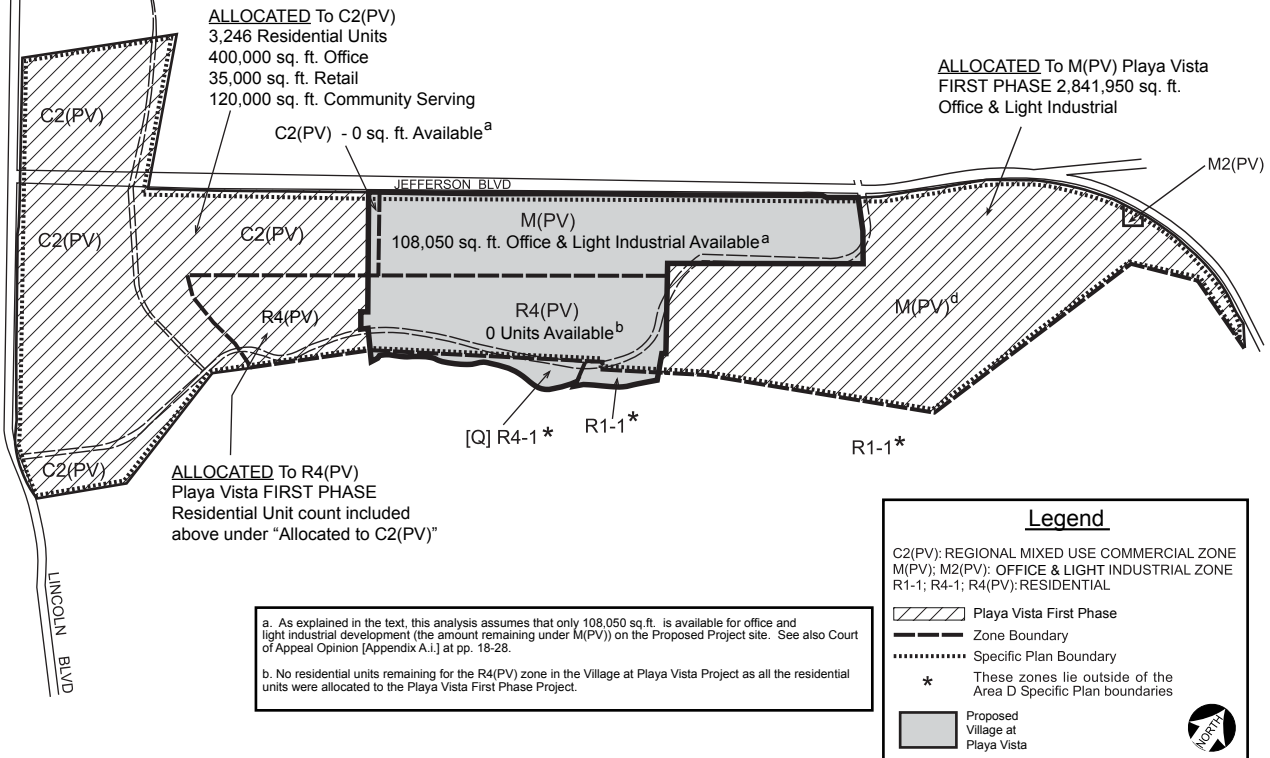
	Village Area: Permitted Development Under Existing Specific Plan Zoning Designations ^a	Uses Presently on Site ^b	Proposed Project ^c	Changes from Existing (Vacant Land) Conditions	Changes from Existing Specific Plan Zoning Designations for the Village Area
Office ^d M(PV) (sq. ft.)	108,050	0	0	0	-108,050
Office ^d C2(PV) (sq. ft.)	0 ^e		175,000	+175,000	+175,000
Housing (du)	0	0	2,600	+2,600	+2,600
Retail (sq. ft.)	0 ^e	0	150,000	+150,000	+150,000
Hotel (rooms)	0 ^e	0	0	0	0
Community Serving (sq. ft.)	— ^f	0	40,000	+40,000	— ^f

- a. This information is derived from the last column of Table II.A-1.
- b. As of 2002/2004, the Proposed Project site was vacant, except for various small buildings, such as sheds, minor storage structures, and construction trailers associated with development of the adjacent Playa Vista First Phase Project. As of 2008, these buildings and structures have been removed.
- c. The Proposed Project would also include an Equivalency Program to allow a limited exchange of office uses for additional retail uses and/or assisted living uses.
- d. "Office" includes office and light industrial.
- e. As explained in text, this analysis assumes that only 108,050 sq. ft. is available for office and light industrial development (the amount remaining under M(PV)) on the Proposed Project site. See also Court of Appeal Opinion [Appendix A.i.] at pp. 18-28.
- f. The Area D Specific Plan at Section 5.E, states that public and civic type (i.e., community serving) uses do not count towards the maximum floor area allowable under Sections 5A, 5B, 5C, or 5D of the Area D Specific Plan, provided such uses do not exceed 25 percent of the total floor area allowed within the Area D Specific Plan Area.

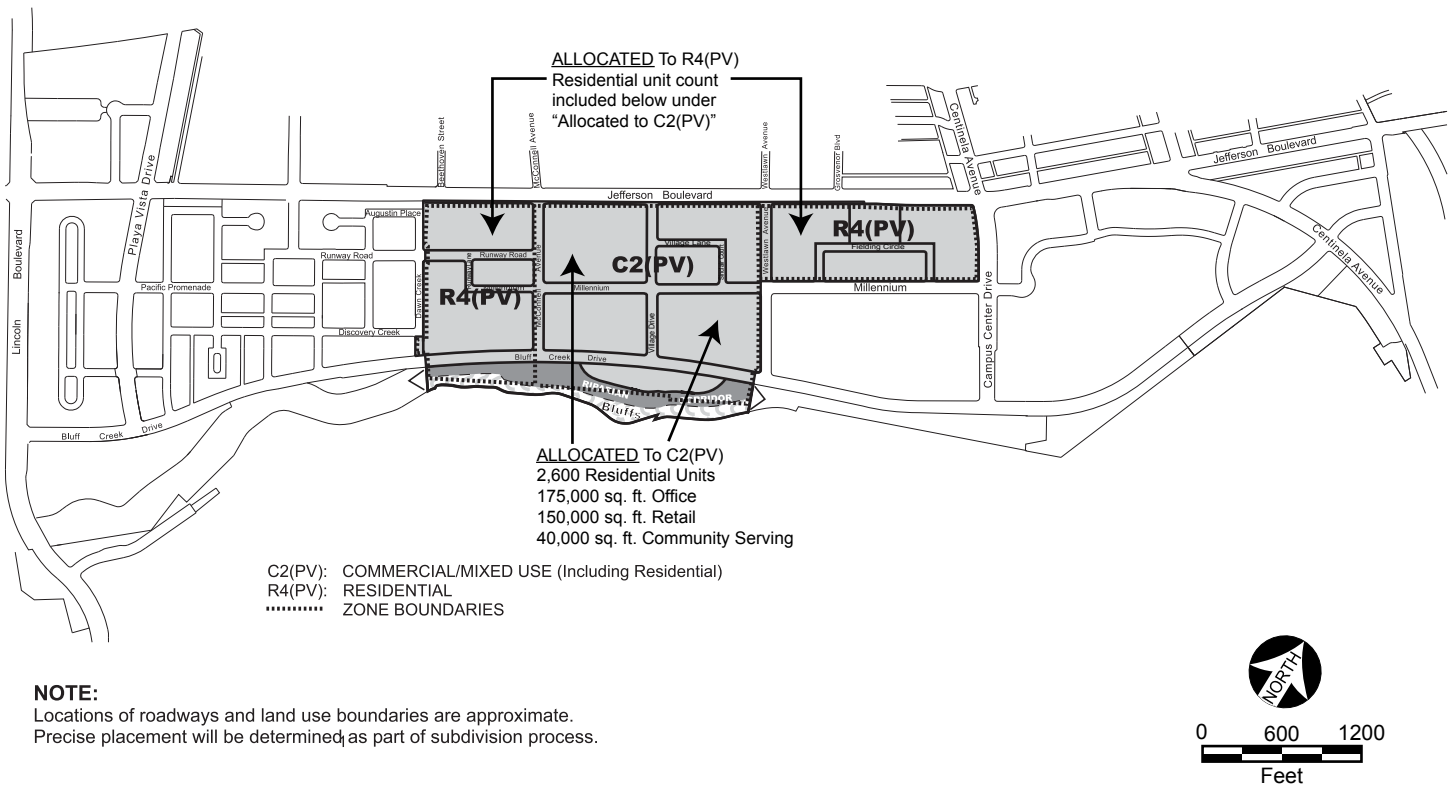
Source: Playa Capital Company, LLC. 2008.

Table II.A-4 compares the densities and uses within the existing Area D Specific Plan for the Proposed Project area with the densities and uses for the Proposed Project. The Proposed Project would require an increase of 2,600 dwelling units, an increase of 150,000 sq. ft. of retail, and an increase of 66,950 sq. ft. of office (a reduction of 108,050 sq. ft. of office in the M(PV) zoning and a increase of 175,000 sq. ft. in the C2(PV) zone) over what is presently permitted by the zoning within the Proposed Project area. As a result, the overall limits and zoning for the Area D Specific Plan will be amended to provide a total residential density of 5,846 dwelling units, retail of 185,000 sq. ft., office/light industrial in the C2(PV) of 625,000 sq. ft., and eliminate the M(PV) zoning within the Proposed Project area.

Existing Entitlements in Area D



Proposed Entitlements in Area D



Source: Playa Capital Company, November 2008.

Due to the zoning in the Proposed Project area, the proposed amendments to the Area D Specific Plan represent an “upzoning” for the Proposed Project area in the Area D Specific Plan. See Appendix B.ii. for the proposed ordinance detailing proposed amendments to Area D Specific Plan. However, since the Proposed Project is consistent with the policies, goals, and objectives in the applicable federal, state, and local plans, the Proposed Project is not considered to be inconsistent with any applicable land use plans, particularly in light of the proposed amendments to the General Plan and Area D Specific Plan, which as discussed above will ensure consistency with all elements of those plans.

A comparison of existing and proposed land use designations and development programs (types and amounts of development allowed) of the existing Community Plan and Area D Specific Plan is provided in Table II.A-5. Table II.A-5 also compares proposed conditions and analyzes and discusses the land use implications of implementing the Proposed Project to determine whether the Proposed Project’s Design Features would be consistent with the existing regulations.

The portion of the Proposed Project site that lies within the area of the Community Plan designated High/Medium Density Residential (which allows 56-109 dwelling units per acre) will have a density of 26 units per gross acre, or 38 units per net acre, after buildout of the Proposed Project. The portions of the Proposed Project site that lie within the areas of the Community Plan designated Public/Quasi-public Open Space and Low Density Residential (4-12 dwelling units per acre) will be incorporated into the Proposed Project’s Habitat Creation/Restoration Component. Thus, the Proposed Project is consistent with the density designations in the Community Plan.

3.3.1.5 Conclusions Regarding Consistency

Thus, the Proposed Project is consistent with all applicable federal, state, regional, and county plans. With respect to the City’s General and Community Plans, the Proposed Project is consistent with the applicable policies in those plans. While the Proposed Project implementation requires Community Plan and Specific Plan amendments, these proposed amendments also would be consistent with the City’s General Plan or adopted environmental goals or policies contained in other applicable plans, and thus, a less than significant impact would occur with regard to Proposed Project consistency with applicable regional and local plans. Therefore, the Proposed Project uses would be consistent with the existing regulations and impacts on the regulatory framework would be less than significant.

TABLE II.A-5

LAND USE IMPLICATIONS OF PROPOSED DEVELOPMENT

Category	General Plan/Westchester-Playa del Rey Community Plan and Playa Vista Area D Specific Plan	Proposed Project	Land Use Implications
Land use and zone designations/ boundaries	<p>District Plan: High/Medium Density Residential, Regional Mixed Use Commercial, and Light/Limited Industry</p> <p>Specific Plan: R4(PV), M(PV), and C2(PV)</p>	<p>District Plan: High/Medium Density Residential, and Community Commercial</p> <p>Specific Plan: R4(PV) and C2(PV)</p>	<p>The changes in the land use and zone designations would occur as amendments to the Westchester Playa del Rey Community Plan and Playa Vista Area D Specific Plan/zoning designations. The proposed modification of zone boundaries, as shown in Figure II.A-8 and Figure II.A 9, supports the Proposed Project's design concept by locating residential uses surrounding a commercial/mixed-use village center, and providing a continuity of uses within the Area D Specific Plan. The modification in boundaries would change those land use and zone designations.</p> <p>Implementation of the Proposed Project would include a re-designation of Lot 113 of VTTM 49104 from open space to development. Such a re-designation could only occur upon a demonstration by the Advisory Agency that the open space acreage is not needed to meet the open space requirements of VTTM 49104. A mitigation measure below requires such determination.</p>
Types and amounts of development remaining under Area D Specific Plan (Ordinance No. 170,785) for the Proposed Project area	<p>Housing: 0 units</p> <p>Office and light industrial: 108,050 sq.ft. (See Table II.A-4, Footnote e).</p> <p>Retail: 0 sq.ft.</p> <p>Hotel: 0 Rooms (See Table II.A-4, Footnote f).</p> <p>Community Serving: Allowed, amount not specified (See</p>	<p>Housing: 2,600 units</p> <p>Office and light industrial: 175,000 sq.ft.</p> <p>Retail: 150,000 sq.ft.</p> <p>Hotel: 0 Rooms</p> <p>Community Serving: 40,000 sq.ft.</p>	<p>Because the Proposed Project consists of 175,000 sq. ft. of office space, 150,000 sq. ft. of retail space, up to 40,000 sq. ft. of community serving uses, and 2,600 dwelling units, the existing Area D Specific Plan must be amended to accommodate the increased densities and units for the Proposed Project which exceed current Specific Plan limits for the Proposed Project area. The proposed amendments to the Specific Plan would limit</p>

TABLE II.A-5 (CONTINUED)

LAND USE IMPLICATIONS OF PROPOSED PLAN AMENDMENTS

Category	General Plan/Westchester-Playa del Rey Community Plan and Playa Vista Area D Specific Plan	Proposed Project	Land Use Implications
	Table II.A-4, Footnote f).		<p>development within Area D to only the Proposed Project and the entitlements allocated to the Playa Vista First Phase Project (VTTM 49104 and TTM 52092). The Proposed Project would adjust the zone boundary alignments within the Proposed Project site (see Figures II.A-8 and II.A-9), establishing new boundaries for R4(PV) and C2(PV) zone areas in place of the existing small area of C2(PV) and the R4(PV) and M(PV) zone areas.</p> <p>Table II.A-4 compares the densities and uses within the existing Area D Specific Plan for the Proposed Project area with the densities and uses for the Proposed Project. The Proposed Project would require an increase of 2,600 dwelling units, an increase of 150,000 sq. ft. of retail, and an increase of 66,950 sq. ft. of office (a reduction of 108,050 sq. ft. of office in the M(PV) zoning and an increase of 175,000 sq. ft. in the C2(PV) zone) over what is presently permitted by the zoning within the Proposed Project area. As a result, the overall limits for the Area D Specific Plan will be amended to provide a total residential density of 5,846 dwelling units (3,246 in the First Phase and 2,600 in the Proposed Project area), retail of 185,000 sq. ft. (35,000 in the Playa Vista First Phase and 150,000 in the Proposed Project area), office/light industrial in the C2(PV) of 625,000 sq. ft (450,000 sq. ft. in the Playa Vista First Phase and 175,000 in the Proposed Project area), and eliminate the M(PV) zoning in the Proposed project area.</p> <p>Due to the zoning in the Proposed Project area, the</p>

TABLE II.A-5 (CONTINUED)

LAND USE IMPLICATIONS OF PROPOSED PLAN AMENDMENTS

Category	General Plan/Westchester-Playa del Rey Community Plan and Playa Vista Area D Specific Plan	Proposed Project	Land Use Implications
			proposed amendments to the Area D Specific Plan represent an “upzoning” for the Proposed Project area in the Area D Specific Plan. See Appendix B.ii. for the proposed ordinance detailing proposed amendments to Area D Specific Plan.
Heights	Limited by only FAA regulations on 10 percent of the lots, limited to 240 feet above grade (263 feet to 267 feet AMSL) on 20 percent of the lots, and limited to 140 feet AMSL on the remainder of the lots.	95 feet AMSL (68 feet to 72 feet above finished grade) on the northern portion of the Proposed Project site (north of Millennium Road). 112 feet AMSL (85 feet to 89 feet above finished grade) on the southern portion of the Proposed Project site	The Proposed Project would establish new height districts in the context of the Proposed Project’s tract conditions. These heights are substantially less than those that could occur under the existing Area D Specific Plan. The new heights would enhance the aim of the existing plans to constrain the potential impacts of building massing and would provide protection of views over the Proposed Project site from the Westchester Bluffs that may not necessarily occur with development pursuant to the existing Specific Plan. The Proposed Project’s proposed height limits would be more restrictive and therefore, compatible with the existing Plans.
Setbacks/Lot Coverage	<p>R-4 (PV): R-4 standards, or lesser yards if compatible with adjacent buildings, structures, and uses.</p> <p>R-4 (Per City’s Planning and Zoning Code):</p> <p>Front: 15 feet Side: 5 feet + 1 ft/story over 2nd Rear: 15 feet + 1 ft/story over 3rd Lot Coverage: None</p> <p>C-2 (PV): Setbacks: None</p>	<p>Jefferson Boulevard, Bluff Creek Drive, Runway Road , Millennium Road, (Village Drive to Campus Center Drive), Campus Center Drive: 15 feet</p> <p>McConnell Avenue, Westlawn Avenue, Runway Lane, Village Drive, Village Lane, Sinclair Court, Fielding Circle, and Dawn Creek: 10 Feet. Limited Locations (Short segments of Millennium, McConnell Avenue and Village</p>	<p>The Proposed Project would implement a set of setback standards through the tract conditions that are based on the design principles of the Proposed Project. The standards are tied to the character of street frontages and adjacent uses rather than to the zone designation. The Proposed Project’s setback requirements would be supplemented with lot coverage restrictions that could result in deeper setbacks at many locations.</p> <p>The establishment of the setbacks by roadways and adjacent uses is an alternative planning approach with advantages over the standards based on broad</p>

TABLE II.A-5 (CONTINUED)

LAND USE IMPLICATIONS OF PROPOSED PLAN AMENDMENTS

Category	General Plan/Westchester-Playa del Rey Community Plan and Playa Vista Area D Specific Plan	Proposed Project	Land Use Implications
		<p>Drive): 0 – 5 feet per character of street front retail.</p> <p>Adjacent Lot – adjacent to residential or commercial lot: 10 feet (multifamily structures in two separately developed Projects separated by no less than 20 feet). Adjacent to park/open space lot: 5 feet.</p> <p>Lot Coverage: Residential – 55%; Commercial and Mixed-Use – 70%; Parks – 15% (Recreation/park facilities)</p>	<p>zone categories. This approach better addresses the mixed-use concept that contains varied building orientations, it applies the standard to all of the development, not just the residential uses, it supports the continuity of design between commercial and residential uses, and addresses compatibility between uses.</p> <p>There could be cases whereby a residential use at a particular location with a particular street orientation could be built consistent with Area D Specific Plan provisions and have setbacks that would be less than those typically included in R-4 zoning per the Los Angeles City Zoning Code. However, resulting setbacks also would be greater at locations throughout the Proposed Project site due to the following: (1) the setbacks would apply to commercial as well as residential uses, (2) 10 feet setbacks adjacent to residential and commercial lot and 20 feet between two separately developed projects would exceed the typical standards, and (3) the lot coverage restrictions would result in more space around buildings mandated than could occur under the typical standards.</p> <p>For these reasons the Proposed Project setbacks are compatible with the existing, applicable zoning.</p>

TABLE II.A-5 (CONTINUED)

LAND USE IMPLICATIONS OF PROPOSED PLAN AMENDMENTS

Category	General Plan/Westchester-Playa del Rey Community Plan and Playa Vista Area D Specific Plan	Proposed Project	Land Use Implications
Residential Density	<p>R-4(PV): requires a minimum of 400 sq.ft. of lot area per dwelling unit, which is equivalent to approximately 110 units/acre.</p> <p>C-2(PV) permits residential uses allowed according to the R-5 zone: requires a minimum of 200 sq.ft. of lot area per dwelling unit, which is equivalent to approximately 220 units/acre.</p>	<p>2,600 Units on 99.3 gross acres (including streets), or 68 net acres (developable lots only). Equivalent to approximately 26 units/gross acre or approximately 38 units/net acre.</p>	<p>Residential density in the Proposed Project would be controlled by the limitation on the total number of units allowed: 2,600 units. This is approximately 26 units per gross acre (based on the area of the Proposed Project's Urban Development Component, or approximately 38 units per net acre (based on the approximately 68 acres of lots in which residential development could occur). The R-4(PV) zone is equivalent to the City's standard R-4 zone; the C-2(PV) zone permits residential development allowed under the City's standard R-5 zone. Under Los Angeles City Ordinance No. 174,994, the maximum residential net densities allowed in R-4 and R-5 zones are 400 and 200 sq.ft. per dwelling unit, respectively. This equates to approximately 110 and 220 units per net acre, respectively. The Proposed Project's density would be well below these levels, and thus, would be compatible with the City's densities requirements for the Proposed Project's zone designations.</p>

3.3.1.6 Analysis of Proposed Project's Requested Change in Existing Zoning, As Required By Court of Appeal's Decision

As stated in Subsection II.A.1.0, above, the Court of Appeal determined that the analysis in the land use section analysis was “based on the unstated assumption that the square footage of land uses allowed under the specific plan and not developed in phase one was available for development in phase two without regard to whether the Phase 2 site was actually zoned for those uses.”³⁴ Specifically, the Court of Appeal, found that the EIR failed to disclose that the project required zoning changes that “would dramatically increase the amount of development permissible on the phase two site” and that the Original FEIR “did not acknowledge that the project would greatly increase the amount of development compared with the development permissible under the existing specific plan.”³⁵ Therefore, the Court determined that the existing Specific Plan and zoning permitted reduced levels of development and that the Proposed Project would be an “upzoning.” The Court found that “a revised analysis of land use impacts that accurately discloses the effect of the [proposed zoning and plan] amendments on the amount of development allowed on the phase two site will correct the problem.”³⁶

As discussed in detail in Subsection II.A.2.1, above, without an amendment to the applicable portions of the City's General and Specific Plans, (a) no additional residential development is allowed as of right in the Proposed Project site's R4(PV) zone since the entirety of the units permitted under the Specific Plan were allocated to the First Phase Playa Vista Project, and (b) development in the M(PV) zone is assumed to be limited to 108,050 sq. ft. of office and light industrial uses. Accordingly, the Proposed Project will add the following uses to the site above what is permitted under the existing Specific Plan:

- a net increase of 66,950 sq. ft. of office and light industrial development;
- an increase of 2,600 dwelling units;
- an increase of 150,000 sq. ft. of retail development; and
- an increase of 40,000 sq. ft. of community serving uses.

³⁴ *City of Santa Monica v. City of Los Angeles (Court of Appeal, September 13, 2007)*, p. 20.

³⁵ *Id.*, pp. 19, 26.

³⁶ *Id.*, pp. 28, 113.

The following uses proposed by the Project would be above the existing undeveloped site conditions:

- approximately 175,000 sq. ft. of office and light industrial development;
- 2,600 dwelling units;
- 150,000 sq. ft. of retail development; and
- 40,000 sq. ft. of community serving uses.

Therefore, in order to develop the uses proposed by the Proposed Project, amendments to the applicable portions of the City's General and Community Plans would be necessary to effectuate a change in the existing zoning. The details of those amendments are discussed in Subsection II.A.3.3.1.4.2. However, as discussed in Subsection II.A.3.3.1.4.1, those proposed amendments would be consistent with the applicable policies in those City plans. Further, the Proposed Project and associated General Plan and Area D Specific Plan amendments would also be consistent with the adopted environmental goals or policies contained in other applicable government plans. Accordingly, the proposed plan amendments necessary to implement the Proposed Project would not cause a significant land use impact for the reasons discussed in Subsection II.A.3.3.1.

3.3.2 Land Use Compatibility

The Los Angeles CEQA Thresholds Guide identifies three factors to be used for determining the significance of a project's impacts on land use compatibility (see Subsection II.A.3.1. above). The first factor identifies land use considerations that should be addressed in the analysis and have been so considered below. The second factor addresses the "secondary" impacts that might result from the land use distribution. The third factor identifies adverse effects on surrounding uses that have been applied directly in the thresholds.

The following discussion focuses on the types of uses proposed for the Proposed Project and their relationship to the surrounding region and adjacent areas. The existing uses surrounding the Proposed Project site are shown in Figure II.A-4. The surrounding communities are identified in Figure II.A-5.

3.3.2.1 Relationship to Adjacent Communities

The Proposed Project development includes residential (2,600 units), office (175,000 sq. ft.), retail (150,000 sq. ft.), and community-serving (40,000 sq. ft.) uses.

There are also sites within the Proposed Project site for open space uses. The Proposed Project's Urban Development Component is intended to provide a mix of commercial uses which would serve and provide an activity focus for both the Proposed Project and adjacent Playa Vista First Phase Project. Land immediately to the west and east of the Proposed Project site is part of the Playa Vista First Phase Project. In 2002 and 2004, construction already was underway approximately 0.25 mile to the west of the Proposed Project site and extending to Lincoln Boulevard. As of 2008, Playa Vista First Phase Project development along the western boundary of the Proposed Project site is primarily constructed and occupied, with limited amounts of development still under construction. South of Jefferson Boulevard, the Playa Vista First Phase development includes predominantly residential uses, with some mixed uses in mid-rise buildings (typically 3- to 5-story buildings, with some buildings extending an additional 2- to 3- stories). North of Jefferson, the Playa Vista First Phase development includes commercial and residential buildings. Land immediately to the east of the Proposed Project site, also a part of the Playa Vista First Phase Project, is approved for office and commercial uses, including entertainment, media, and technology uses. Currently, in 2008, the first new office buildings, five stories in height, are under construction in this area, less than 500 feet from the Proposed Project site. As such, the Proposed Project provides a continuity between its development area and the Playa Vista First Phase Project areas which abut the Proposed Project on its east and west sides.

Existing development to the south of the Proposed Project site, is located atop the Westchester Bluffs, and would not have its arrangement and activity affected by the Proposed Project. Proposed Project height limits restrict development to a level well below the average height of the bluffs, creating a distinct separation between neighborhoods.

Development north of the Proposed Project site includes office, commercial, and apartment uses along Jefferson Boulevard. Proposed Project uses facing the existing development would be primarily residential with a potential for mixed-use retail and office uses along part of the frontage. Development would be mid-rise in nature and would sit atop a landscaped berm facing Jefferson Boulevard. Thus, the Proposed Project would not alter the general character of existing nearby development. Light industrial uses and the residential community of Del Rey further to the north are separated from the Proposed Project site by existing development along Jefferson Boulevard. Accordingly, the Proposed Project would not divide an existing neighborhood, community, or land uses and would not result in a significant land use impact.

3.3.2.2 Relationship to the Larger Region

The land uses adjacent to the Proposed Project site are, in turn, surrounded by a larger ring of communities featuring residential, office/commercial, and light industrial uses. These communities are more removed from the Proposed Project site than the adjacent

uses. As such, these communities would have a less direct relationship to Proposed Project development, and would not become divided due to its development.

The land use patterns surrounding the Proposed Project extend outward into the greater Los Angeles basin comprised of single family residential neighborhoods, with higher density residential units and commercial uses located along major thoroughfares, and occasional pockets of clustered, more dense activity areas. Lincoln Boulevard extends to the north and the south as a major commercial artery. Jefferson Boulevard and Centinela Avenue extend to commercial activity to the east. The communities of Venice, Culver City, and Fox Hills lie beyond the immediate area to the north and east. Westchester and Playa del Rey extend south to the Los Angeles International Airport and its related office, commercial, and light industrial areas. Marina del Rey to the west links with other coastally-oriented development along the Pacific shoreline to the north and south of the Marina, with a continuation of visitor serving amenities and commercial uses.

The Proposed Project would contribute to a cluster of mixed-use activity pocketed between the surrounding communities and would contribute to the overall form of the region. As described in the regulatory section above, the overall form of the region is addressed in General Plan documents for the City of Los Angeles, as well as SCAG's 1996 RCP. Each of these documents considers the regional land use relationships, and proposes development guidelines to attain a land use mix and distribution that best serves the needs of the region. These documents address the full variety of development goals and objectives and needs for diversity of neighborhoods.

All of these documents have identified the Proposed Project area as a more intense activity center within the regional fabric, an area of higher density activity lying between surrounding neighborhoods of lesser density (Subsection II.A.3.3.1 above, addresses the regional form per Regional SCAG and City of Los Angeles policies, respectively.) For the reasons expressed in those plans, the Proposed Project development would contribute to a regional pattern which is compatible with the attainment of land use goals.

Proposed plan amendments associated with the Proposed Project would lessen the development's regional role, and give it a more local character. The proposed mixed-use neighborhoods, with a larger residential component than anticipated in the existing Area D Specific Plan, would offer more continuity of character across the local surroundings than the more regionally oriented commercial retail and office center anticipated in existing plans. Therefore, impacts associated with the relationship to the larger region would contribute to the planned pattern of in-fill of activity areas, among lower density neighborhoods. The Proposed Project would not disrupt, divide, or isolate any existing neighborhoods, communities, or land uses and would provide for additional development

outside of existing neighborhoods. Impacts would be less than significant for the Proposed Project.

3.3.2.3 Conclusions Regarding Compatibility

With regard to land use compatibility, implementation of the Proposed Project would not disrupt, divide, or isolate existing neighborhoods, communities, or surrounding land uses. Furthermore, the Proposed Project would integrate with and provide continuity with development between the portions of the Playa Vista First Phase Project lying to the east and west of the Proposed Project site. Implementation of the Proposed Project also would not impact existing developments to the south or north of the Proposed Project site. Of importance to this conclusion are buffer zones to the north as well as to the south. The Habitat Creation/Restoration area of the Proposed Project lies to the south of the Urban Development Component, separating the Proposed Project's urban land uses from the Westchester Community atop the Bluffs. Jefferson Boulevard, a major arterial, serves this same buffer function with regard to land uses to the north, particularly the multi-family residential uses along Jefferson Boulevard and the Del Rey community further to the north. The land use interface between the Proposed Project and off-site land uses is further enhanced by establishing absolute building heights that are well below the existing Area D Specific Plan height limitations on the Proposed Project site and would not create a development that extends above the average height of the adjacent Bluffs, thereby, creating a separation between neighborhoods situated within the Community Plan area. Impacts with regard to the Proposed Project's compatibility with off-site land uses would thus be less than significant.³⁷

3.3.3 Equivalency Program Impacts

The Proposed Project includes an equivalency program that would provide development flexibility so that the Proposed Project could respond to the future needs of those who live and work at the Proposed Project site. The equivalency program is intended to allow a limited exchange of office uses for retail and/or assisted living uses in order to meet these future needs, if needed, while providing a balanced project consistent with the mixed-use concept. Under the proposed equivalency program, a maximum of 125,000 sq. ft. of office development may be exchanged for up to 56,832 sq. ft. of retail uses or up to 200 assisted living units, or a combination thereof (e.g., an increase of both retail and assisted living development) (the "Equivalency Program"). Land uses may be exchanged based on specific equivalency factors and subject to the limits set forth above. These factors were developed and result in an equivalent number of motor vehicle (traffic)

³⁷ Refer to Subsection II.A.3.3.5 concerning secondary impacts.

trips for the identified land uses, as discussed in the Original DEIR's Traffic and Circulation section, Section IV.K.(1), and in greater detail in the Traffic Study, Appendix K of the Original DEIR. The following are the established equivalency factors:

- 1,000 square feet of Office floor area is equivalent to 454.66 square feet of Retail development; and
- 1,000 square feet of Office floor area is equivalent to 8.3 Assisted Living/Skilled Nursing units/rooms.

Table II.A-6 summarizes the land use development program for the following: (1) Proposed Project, (2) Proposed Project with transferring the maximum allowed office development to retail use only, (3) Proposed Project with transferring office development to the maximum number of assisted living units permitted, and (4) Proposed Project with transferring the maximum allowed office development to retail and assisted living uses.

TABLE II.A-6					
PROPOSED PROJECT AND EQUIVALENCY SCENARIOS					
Development Scenario	Residential (units)	Office (sq. ft.)	Retail (sq. ft.)	Community Serving (sq. ft.)	Assisted Living (units/rooms)
Proposed Project	2,600	175,000	150,000	40,000	0
Equivalency Scenarios					
Transfer 125,000 sq. ft. of office to:					
All Retail					
Land Use	2,600	50,000	206,832	40,000	0
Over/(Under) Proposed Project	0	(125,000)	56,832	0	0
All Assisted Living					
Land Use	2,600	150,900	150,000	40,000	200
Over/(Under) Proposed Project	0	(24,100)	0	0	200
Retail/Assisted Living					
Land Use	2,600	50,000	195,877	40,000	200
Over/(Under) Proposed Project	0	(125,000)	45,877	0	200

The preceding land use analysis addressed impacts associated with the regulatory framework which applies to the Proposed Project site and the relationship between the Proposed Project's uses to those in the surrounding area. Conclusions regarding the first topic to be considered under the City's CEQA Thresholds Guide are based on whether the Proposed Project would be inconsistent with existing plans and land use density designations. Conclusions regarding the second topic to be considered under the City's CEQA Thresholds Guide are based on whether the new development would disrupt, divide, or isolate existing neighborhoods or land uses.³⁸ Additionally, as discussed below, this same analysis applies to assessing the land use impacts under the Equivalency Program.

The exchange of office uses for retail and/or assisted living units would be accomplished within the same building parameters. This exchange in the use of buildings would occur at relatively limited locations within the Proposed Project site. There would be no substantial variation in the Proposed Project's street configurations or relationship to the surrounding community. The development would be subject to the same design criteria (e.g., height limits, setbacks, etc.) as the Proposed Project.

The exchange of office uses for retail and/or assisted living units would constitute a slight variation in the overall use mix of the Proposed Project. Under the Equivalency Program the amount of office space could be reduced by as much as 71 percent, while the amount of retail space could be increased by as much as 38 percent, and up to 200 assisted living units could be constructed. These variations would not substantially alter the overall mixed-use character of the Proposed Project. They would allow flexibility in the land use mix to address market conditions and the future needs of those who live and work at the Proposed Project site. Furthermore, the assisted living units would enhance the mixed-use character of the Proposed Project.

Under the Equivalency Program, the total amount of retail space could be 206,832 sq. ft., as opposed to 150,000 sq. ft. under the Proposed Project. The 200 assisted living units would be consistent with the Area D Specific Plan's stated intent for the C2(PV) zone of providing for "alternative housing styles" (per Section 4.G of the Area D Specific Plan). Therefore, the uses that could occur under the Equivalency Program, as is the case with the Proposed Project, would be compatible with the existing plans and proposed densities, and impacts regarding the regulatory framework would be less than significant with the adoption of the proposed amendments to the Area D Specific Plan. Furthermore, the development of 200 assisted living units would further the implementation of General Plan Framework and Community Plan policies encouraging the development of housing for seniors and the disabled in close proximity to public

³⁸ *The expected physical impacts of the Proposed Project and those attributable to the Equivalency Program are discussed elsewhere in the Original FEIR and this RS-DEIR.*

transportation. Physical impacts which may result from the Equivalency Program are discussed in other parts of the Original DEIR. Development under the Equivalency Program would occupy the same development areas, and require the same approvals by the City of Los Angeles, as the Proposed Project and the overall character of development would be essentially the same as with the Proposed Project. Therefore, the relationship to surrounding neighborhoods and communities would be the same under the Equivalency Program as with the Proposed Project, as described above, and would not divide a surrounding neighborhood, community, or land use. As was the case with the Proposed Project, impacts regarding the relationship to the surrounding community under all Equivalency Scenarios would be less than significant.

As was the case with the Proposed Project, impacts regarding the Proposed Project's compatibility with the surrounding community under all Equivalency Scenarios would be less than significant. Also, for all the reasons discussed above concerning the Proposed Project's consistency with applicable land use policies and plans, the Equivalency Program would also not cause any significant impacts attributable to any inconsistency with such policies and plans.

3.3.4 Impacts of Off-Site Improvements

Proposed Project development could result in secondary impacts arising from implementation of the Proposed Project's mitigation measures, as well as the direct impacts described above. Mitigation measures within the Original DEIR Section IV.K.(1), Traffic and Circulation, require physical improvements in transportation facilities at numerous locations including roadway widening at seven locations, as described in Subsection 5.8 of that Section. In addition, as discussed in Original DEIR Section IV.N.(1), Water Consumption, the Proposed Project would require the construction of a water regulator station in the vicinity of Jefferson Boulevard and Mesmer Avenue.

None of the off-site improvements include demolition of existing buildings or construction of new buildings. All of the off-site improvements, except the water regulator station, occur within or adjacent to existing roadways. They would act as enhancements to the existing roadways and would not alter the layout of the roadway network. The water regulator station would include a small amount of piping equipment that would most likely be located just above ground. The off-site improvements do not include any buildings. Therefore, the off-site improvements would not change any land use patterns and would not divide any existing neighborhoods or land uses.

All of the off-site improvements have been designed as integrated components of roadway and utility infrastructure plans applicable to the Proposed Project and the larger

vicinity in which it is located. As such, all of the improvements are compatible with existing plans and would not have adverse effects with regard to the regulatory framework.

Of the various off-site improvements, only one would require acquisition outside of existing right-of-ways. The widening at the intersection of Culver Boulevard and Centinela Avenue would require the acquisition of a small area within the Metropolitan Transportation Authority (MTA) median between North Culver and South Culver Boulevards.

Of the various off-site improvements, only one could have a potential effect on existing uses. The off-site improvement that would occur along the Centinela Corridor includes roadway widening of six feet on the western side and eight feet on the eastern side between Milton Street and Wagner Street. This roadway widening would include redesign of the parkways and existing sidewalks fronting residential uses (as well as commercial uses) along the roadway. The widening would not encroach into any privately held land and would occur within the right-of-way designated for transportation uses. The widening would reduce the size of some existing parkways. At the same time this widening would maintain the existing sidewalks and infill sidewalks at many locations where none currently exist, thus enhancing pedestrian facilities within the public right-of-way. However, during construction the laying of new sidewalks and landscaping would occur immediately adjacent to privately owned lands. Such construction could have short-term effects on private landscaping and fencing adjacent to the new sidewalk, during the time of construction. It is anticipated that any private land so affected would be restored to its former state. A mitigation measure is included below to ensure that such is the case.

3.3.5 Other Project Impacts

The Proposed Project's potential impacts on adjacent uses and the surrounding area attributable to specific environmental impacts are addressed in the other sections of the Original DEIR dealing with the physical results of the Proposed Project (see e.g., Original DEIR Sections IV.O, Visual Qualities; IV.K, Traffic and Circulation; IV.E, Noise; and IV.B, Air Quality, etc). Except for the analyses relating to archaeological resources and wastewater, the Court of Appeal found no deficiency in the analysis of those other environmental impacts. Accordingly, the impact analysis in those sections of the Original DEIR and Original FEIR remain valid.

4.0 MITIGATION MEASURES

Although the Proposed Project would not cause any significant land use impacts attributable to inconsistency with applicable land use plans or incompatibility with surrounding uses, the Original DEIR and Original FEIR identified mitigation measures, which were included in the final MMRP (which was adopted and later vacated), which are

restated here as the Court of Appeal did not find any deficiencies related to the adopted mitigation measures. One of these measures relates to the Proposed Project's development standards and guidelines, which concern, among other things, the arrangement, shape and location of the buildings. Also, the entitlements for the Playa Vista First Phase project (including VTTM 49104) established certain open space requirements. To ensure that those requirements are satisfied, Lot 113 within the Proposed Project site will remain as open space until the City's Advisory Agency determines that Lot 113 is not needed for that purpose.

Mitigation Measure for the Proposed Project and the Equivalency Program:

- Prior to recordation of the tract map, the Proposed Project development standards and guidelines shall be incorporated as tract map conditions including, but not limited to, building height, setbacks, lot coverage, density, and land uses, as analyzed in ENV-2002-6129-EIR. Any changes shall be subject to additional environmental review and implementation of proper mitigation measures if additional impacts associated with such changes are identified.
- Lot 113 of VTTM 49104 shall remain as open space unless the Advisory Agency determines that this lot is not needed to meet the open space requirements of VTTM 49104.

Additional Mitigation Measure for the Off-site Improvements

- Any private property that is affected during the construction of off-site improvements shall be restored to be consistent with conditions prior to construction, to the extent feasible.

5.0 UNAVOIDABLE ADVERSE IMPACTS

The Proposed Project's Design Features, inclusive of the Equivalency Program, would be implemented via amendments to the General Plan and the existing Area D Specific Plan and its zoning designations, establishing new boundaries for R4(PV) and C2(PV) zone areas in place of existing small area of C2(PV) and the R4(PV) and M(PV) zone areas. These existing Area D Specific Plan zoning designations restrict development to 108,050 square feet of M(PV) land uses. The Proposed Project proposes 175,000 square feet of office space, 150,000 square feet of retail, up to 40,000 square feet of community serving uses, and 2,600 dwelling units. While the Proposed Project represents an increase in density within the Proposed Project site in terms of the provisions of the existing Area D Specific Plan, the Proposed Project would be consistent with the policies

set forth in the applicable land use plans, and also would not disrupt or divide existing off-site neighborhoods. As such, implementation of the Proposed Project would be compatible with the overall land use concepts set forth in the Westchester-Playa del Rey Community Plan and the Area D Specific Plan, and the adopted environmental policies, goals and objectives of these and other applicable land use plans. Furthermore, with the adoption of the Proposed Community Plan and Specific Plan amendments, the Proposed Project would be consistent with all applicable land use plans of the City and other regulatory agencies. The Proposed Project (inclusive of the Equivalency Program and the Proposed Project's off-site improvements) would not disrupt, divide, or isolate any existing neighborhoods, communities, or land uses. Therefore, land use impacts would be less than significant.

6.0 CUMULATIVE IMPACTS

With respect to the determination of consistency with applicable General, Community, and Specific Plans as well as other plans, the analysis below utilizes the same thresholds of significance used for determination of Proposed Project Impacts. These thresholds, as outlined in Subsection II.A.3.1 above, are consistent with The City of Los Angeles CEQA Thresholds Guide.

6.1 Cumulative Impacts Analysis of Consistency

The Community Plan was updated in April of 2004 under the City of Los Angeles Community Plan Update Program. The Community Plan update addressed growth in the area through 2025 and addressed land use issues, such as building height and density regulations, none of which affect the Proposed Project site. The only two known related projects, which would likely require an amendment to this Community Plan, possibly at a later date, is the proposed LMU Master Plan project and proposed expansion of LAX.

In March 2008, LMU issued a Notice of Preparation for its proposed Master Plan Project. The LMU Master Plan Project does not propose to change the campus acreage or increase the existing student enrollment cap; it only proposes to align the General Plan/Community Plan amendment designation with the existing University use. Specifically, LMU proposes to amend the University's General Plan designation from Low Density Residential to High-Medium Density Residential, to make it consistent for a University use.

In May of 2005, the City of Los Angeles in conjunction with the Federal Aviation Administration (FAA), adopted the LAX Master Plan, which is a strategic framework document that guides future development of LAX properties. Whereas the existing LAX property is not within the boundaries of the Community Plan, the approved LAX Master Plan development alternative (Alternative D) would eventually entail expansion of the

airport and related structures, some of which would require acquisition of land immediately east of LAX and within the Community Plan area. These improvements, which are located on the eastern and western sides of Sepulveda Boulevard just north of 98th Street and on the northern and southern sides of Century Boulevard immediately east of Aviation Boulevard, would necessitate a Community Plan amendment process for implementation, as a portion of the properties are designated for residential land uses by the Community Plan. The expansion of LAX onto these adjoining properties would require some form of amendment to the Community Plan (i.e., change in land use designation, transferring these properties from the Community Plan to the LAX Plan, etc.). Regardless of how this amendment occurs, it would be evaluated by the City of Los Angeles through appropriate review.

The activities associated with the LAX Master Plan have been considered in the cumulative analyses of the various environmental sections of the Original DEIR. Such plan amendments would not preclude, nor be precluded by the Proposed Project's plan amendments. The Proposed Project, inclusive of the Equivalency Program and the Proposed Project's off-site improvements, would be compatible with the regulatory framework and therefore would not contribute to a significant cumulative impact regarding regulations. It is anticipated that other development would be consistent with applicable regulations and the updated Community Plan, or would amend the Community Plan through appropriate review and CEQA analysis as required by law. Cumulative impacts regarding the regulatory framework would be less than significant.

6.2 Cumulative Impacts Analysis of Relationship to Existing Uses

In conjunction with the environmental analyses for the Proposed Project, a list of related projects was identified by the Original DEIR for the area surrounding the Proposed Project site. (The Court of Appeal did not order a revision of the related projects list.) This list of anticipated new development which could contribute cumulatively to changes in the area includes 96 projects located throughout a large area extending several miles to the north, south, and east of the Proposed Project site. These projects would contribute, in conjunction with the Proposed Project, to the general development character of the West Los Angeles region. The full list of related projects, as well as a graphic illustrating the location of each related project, is included in Section III.B of the Original DEIR.

In a general sense, the West Los Angeles region, including the immediate vicinity of the Proposed Project site, is predominantly developed. While some intensification of activity is occurring due to infill on the remaining undeveloped land parcels and conversion to more intense uses on a parcel-by-parcel basis, the basic land use character and major distribution patterns of the region have been established. Intensification of development will have cumulative impacts on particular environmental issues such as traffic, noise, and

air pollution. Such impacts are the focus of other sections of the Original DEIR that address cumulative impacts associated with the Proposed Project.

With regard to the issues addressed here, pertaining to land use mix and distribution, the development of the Proposed Project in conjunction with the related projects is not anticipated to alter the general land use patterns and relationships in the Proposed Project vicinity. Except as noted below, the related projects are located at some distance from the Proposed Project and within different neighborhoods. The related projects would typically be of an infill nature, and would not alter the general land use patterns of their local area. To the extent changes do occur, those changes would be localized.

Only two related projects are located in the immediate vicinity of the Proposed Project. Related Project 25, LMU Master Plan Project, is occurring along the top of the Bluffs, adjacent to the Proposed Project site. This LMU project is an enhancement and upgrade to the existing University facilities and would not alter the nature of the existing land use, increase campus acreage, or alter existing student enrollment cap.

Related Project 40, the Playa Vista First Phase Project, as of 2002 and 2004 was under construction approximately 0.25 mile to the west of the Proposed Project site. As of 2008, the Playa Vista First Phase development along the western boundary of the Proposed Project site is primarily constructed and occupied, with limited amounts of development still under construction. Land immediately to the east of the Proposed Project site is approved for office and commercial uses, including entertainment, media, and technology uses. Currently, in 2008, the first new office buildings, 5 stories in height, are under construction in this area, less than 500 feet from the Proposed Project site. The Playa Vista First Phase Project and Proposed Project would form a unified development pattern with a continuity of uses – a cluster of development within the area bounded by the Bluffs on the south, Lincoln Boulevard on the west, Jefferson Boulevard on the north, and Centinela Avenue on the east. As is the case with the Proposed Project alone, the combined Playa Vista First Phase Project and Proposed Project would not disrupt, divide, or isolate existing neighborhoods, communities, or land uses. The Westchester community and Loyola Marymount Campus lie atop the Bluffs, isolated from these projects by both vertical and horizontal distance. Uses across from these related project sites along Jefferson Boulevard and Centinela Avenue lie within a distinct district that is not connected to the southerly uses atop the Bluffs.

In summary, the Proposed Project (inclusive of the Equivalency Program and the Proposed Project's off-site improvements) in conjunction with related projects would not disrupt, divide, or isolate existing neighborhoods, communities, or land uses. The increase in entitlements and permissible development which would occur by reason of the Proposed Project would not, in and of itself, cause any impacts to the physical environment. The

increase in development, however, would lead to secondary impacts (i.e., traffic, air quality, etc.), which are discussed in detail elsewhere in the relevant sections of the Original DEIR. Cumulative impacts on land use compatibility would be less than significant.

II. ENVIRONMENTAL IMPACT ANALYSIS

B. UTILITIES: WASTEWATER

1.0 INTRODUCTION

This section addresses the potential impacts of the Proposed Project on local and regional wastewater facilities and infrastructure, as well as potential impacts to water quality in the Santa Monica Bay attributable to the additional wastewater discharges from the Proposed Project in conjunction with other cumulative sources.

This section of the RS-DEIR implements the directives in the order issued by the California Superior Court dated May 23, 2008 executing the Opinion of the Court of Appeal issued on September 13, 2007. With regard to wastewater, the Court of Appeal held that since the Original FEIR concluded that the City's wastewater treatment system could lack capacity during peak months to handle wastewater flows by the time the Proposed Project would be built, the Original FEIR should have, but failed to, "identify the intended and likely measures [for the City] to dispose of the projects wastewater and analyze the environmental impacts of employing those measures."¹ Instead, the Original FEIR improperly relied on enforcement of the City's sewer permit allocation ordinance to preclude the issuance of a building permit or a sewer connection for the Proposed Project if the City's collection and treatment capacity proved insufficient to handle wastewater flows from the Proposed Project.² The Court of Appeal also held that "the revised EIR must discuss the significant cumulative impacts to the Santa Monica Bay, if any, or explain its conclusion that there are no significant cumulative impacts" associated with the Proposed Project's contribution to water quality impairment in the Santa Monica Bay."³ Based on these holdings, the Superior Court concluded that a revised analysis of wastewater impacts should be conducted "to identify the intended and likely measures to dispose of the project's wastewater and analyze the environmental impacts of employing those measures to dispose of the wastewater generated by the project, including any cumulative impacts to the Santa Monica Bay."⁴

This section implements these directives from the Court of Appeal and the Superior Court. The analysis estimates and compares the Proposed Project's demand for treatment

¹ *City of Santa Monica v. City of Los Angeles (Court of Appeal, September 13, 2007)*, p. 114 (Appendix A.i).

² *Id.*, p. 79.

³ *Id.*, p. 82.

⁴ *City of Santa Monica v. City of Los Angeles, (Super. Ct. Los Angeles County, May 23, 2008, No. BS093502 [consolidated with Case No. B5093507] (Appendix A.ii).*

of wastewater to the capacity of the City's existing and proposed wastewater collection, conveyance, and treatment facilities. In particular, Subsections II.B.2.2.4 and II.B.3.4 below provide updated data regarding the capacity of the City's wastewater treatment system and an analysis of the system's ability to accommodate the wastewater flows generated by the Proposed Project. As discussed below, the current data made available for the first time following the certification of the Original FEIR indicates that population growth in the area served by the City's wastewater treatment system is projected to be substantially lower than previously forecast, resulting in less demand on the wastewater collection and treatment system than previously projected. This current data became available while the City engaged in its regular planning process of reviewing the adequacy of its public utilities and infrastructure in 2007 (independent of the Proposed Project) and incorporates data generated by other non-City regulatory agencies, including the Southern California Association of Governments (SCAG). Based on these revised population projections, the City's wastewater treatment system is now anticipated to operate within its capacity at the time the Proposed Project would be constructed, and the additional wastewater generated by the Proposed Project would not cause or contribute to any shortage of capacity. The new information confirms that a sufficient treatment capacity will be available through at least 2020, and the City has already conducted environmental analysis for additional expansions of the wastewater treatment system to further extend its capabilities as needed after 2020. As such, no additional measures will be necessary to accommodate the wastewater generated by the Proposed Project.

In addition, Subsection II.B.6.0 provides an analysis of the Proposed Project's potential cumulative impacts on water quality in the Santa Monica Bay. Following treatment in the City's facilities, wastewater generated by the Proposed Project would be discharged into Santa Monica Bay along with wastewater from other sources. Those discharges are regulated by a National Pollutant Discharge Elimination System (NPDES) permit issued by the Los Angeles Regional Water Quality Control Board (RWQCB) and approved by the United States Environmental Protection Agency (USEPA). The NPDES permit incorporates relevant water quality standards from other federal and state laws and regulations, including the Water Quality Plan and the Ocean Plan. Those standards and permit requirements are protective of public health, the marine environment, and beneficial uses of the waters of the Bay. The City's discharges into Santa Monica Bay typically achieve dilution rates that are well within regulatory guidelines established in the NPDES permit. Additionally, the analysis in this RS-DEIR demonstrates that the Hyperion facility will continue to meet those standards with respect to the discharge of wastewater from the Proposed Project and other future sources. In addition, numerous measures implemented in recent years by State and local agencies to reduce pollution, contamination, and nuisances in Santa Monica Bay have shown to be effective, and the additional discharges generated by the Proposed Project similarly would be subject to those measures.

As discussed in the Introduction to this RS-DEIR, this RS-DEIR Wastewater Section supersedes Section IV.N.(2), the Wastewater section of the Original DEIR and Section II.2.5 (Wastewater) of the Original FEIR, in its entirety. The analysis in this section discusses the capacity of both: (a) the City's wastewater treatment facilities; and (b) the infrastructure of the City's local conveyance system that transports wastewater to those facilities. The Court of Appeal held that the analysis of the capacity of the City's wastewater treatment facilities was inadequate, and the Superior Court ordered the City to revise that analysis. However, even though neither Court held the analysis of the local conveyance system infrastructure to be inadequate, for the sake of completeness, the Original DEIR and Original FEIR's analysis of the capacity of the City's wastewater transmission infrastructure to accommodate the additional flows from the Proposed Project is also addressed in, and replaced by, this RS-DEIR.

2.0 ENVIRONMENTAL SETTING

2.1 Regulatory Framework

The City of Los Angeles Department of Public Works (LADPW), Bureau of Sanitation, is the wastewater collection and treatment agency serving the Proposed Project site, and regulates the acceptance of wastewater into the collection system. The provision of wastewater collection and treatment services in the City of Los Angeles is guided by LADPW's Integrated Resources Plan, as described more fully below.

2.1.1 Integrated Resources Plan/Wastewater Facilities Plan

The City's sewer system is subject to Section 201 of the federal Clean Water Act (CWA). According to the CWA, the City must adopt a facilities plan in accordance with the USEPA Rules and Regulations, 40 CFR, Section 35.917. Section 201, which specifies the following:

Facilities planning will demonstrate the need for facilities and, by a systematic evaluation of feasible alternatives, will also demonstrate that the proposed measures represent the most cost-effective means of meeting established effluent and water quality goals while recognizing environmental and social considerations.⁵

The City prepared a Wastewater Facilities Plan in 1982 (1982 WFP) and later updated it in 1991 (1991 WFP). The 1991 WFP update planned for all wastewater facilities within the City of Los Angeles through the year 2010. During the late 1990's the City

⁵ *City of Los Angeles Integrated Resources Plan, Facilities Plan, Volume 1: Wastewater Management, July 2004 (Revised November 2005), page 3-1.*

began to update the WFP once again. This process included preparing the Integrated Plan for the Wastewater Program (2001 IPWP), which focused on defining the future vision for the City by developing a set of guiding principles to direct future, more detailed water resources planning. Although not a formal facilities plan, the 2001 IPWP was completed and approved by the City in year 2001. The analyses performed for the purposes of the 2001 IPWP were not intended to be detailed hydraulic analyses of wastewater collection and treatment system capacity. Detailed hydraulic analyses of wastewater treatment system capacity were to be completed later as a part of the Phase II Wastewater Facilities Plan and Integrated Resources Plan effort.⁶ However, as the 2001 IPWP included the best information information on existing and projected wastewater infrastructure needs and improvements available at the time, the Original DEIR and Original FEIR (i.e., 2003 and 2004, respectively) for the Proposed Project were based on the data included in the 2001 IPWP.

In November of 2006, the City of Los Angeles adopted the Integrated Resources Plan (2006 IRP) that incorporates an updated WFP to address wastewater collection and treatment demands through 2020, based on the City's existing population and projected population growth through 2020.⁷ The 2006 IRP, using the guiding principles set forth in the 2001 IPWP, serves to update the information in the 1991 WFP update, while also considering the City's recycled water and urban runoff system needs. The 2006 IRP was developed to accommodate the projected increase in wastewater flow through 2020 while maximizing the beneficial reuse of recycled water and urban runoff, thus, optimizing the use of the City's existing facilities and water resources.

The 2006 IRP's overall conclusion is that existing wastewater facilities would be sufficient to meet City projected wastewater demands through year 2020. The 2006 IRP does provide for the possible limited expansion of the system if needed. Through the inclusion of potential upgrades, such as the use of more intensive treatment methods like micro-filtration and reverse osmosis, at the upstream water reclamation plants, the 2006 IRP also would enable the City to treat future wastewater flows in a way that continues to protect public health and safety and meet current and potentially more stringent future

⁶ *City of Los Angeles Integrated Plan for the Wastewater Program, Volume 1: Report, November 2001, pages 5-1 - 5-3.*

⁷ *Subsequent to the approval of the 2006 IRP, the City of Burbank filed a petition for writ of mandate against the City to set aside its certification of the 2006 IRP Final EIR and approval of the 2006 IRP. The petition contended that the FEIR did not properly analyze the environmental impacts of hybrid alignments of the Glendale-Burbank Interceptor Sewer, mitigation, or alternatives. In November 2007, the Court issued its final order suspending the Glendale-Burbank Interceptor Sewer portion of the 2006 IRP pending additional environmental review. On December 19, 2007, the City decertified the EIR for the 2006 IRP per the Court Order. The City Council then recertified all portions of the 2006 IRP EIR except the Glendale-Burbank Interceptor Sewer portion.*

regulatory requirements, thereby protecting the environment, including but not limited to, surface waters and the Santa Monica Bay.⁸

2.1.2 Sewer Allocation Ordinance

In 1990, City Ordinance No. 166,060 (also known as the Sewer Allocation Ordinance) was adopted, which established sewer permit allocation regulations for projects that discharge into the Hyperion Treatment System.⁹ The ordinance established an annual sewage allotment of 5 million gallons per day (gpd), of which 34.5 percent (1,725,000 gpd) is allocated for priority projects, 8 percent (400,000 gpd) for public benefit projects, and 57.5 percent (2,875,000 gpd, with a monthly allotment of at least 239,583 gpd) for non-priority projects (of which 65 percent of this allocation is for residential and 35 percent to non-residential projects).¹⁰ Before the Department of Building and Safety formally accepts a set of plans and specifications for a project for plan check, LADPW must first determine if there is allotted sewer capacity available for such project. LADPW will not make such a determination until the Department of Building and Safety has determined that the proposed project's plans and specifications are acceptable for plan check. If LADPW determines that there is allotted sewer capacity available for the proposed project, then the Department of Building and Safety will accept the plans and specifications for plan check upon the payment of plan check fees. If a project is eligible to receive an allocation as a non-priority proposed project, and the monthly allotment has been used, then the proposed project is placed on a waiting list for the next month's allotment. At the request of the Applicant, the Department of Building and Safety will accept the project's plans and specifications as acceptable for plan check even if the project has been placed on the waiting list and a sewer permit has not yet been obtained from LADPW, with the understanding that the project will not be able to connect to the City's wastewater system until capacity is available and a sewer permit issued. City Ordinance No. 171,036, effective June 3, 1996, changed the rate structure for new and expanded development to be based upon the strength of the wastewater flow in addition to its volume. The determination of wastewater strength for each applicable project is based upon the concentrations of two parameters, Biological Oxygen Demand and suspended solids.

⁸ *City of Los Angeles Integrated Resources Plan, IRP Findings and Statement of Overriding Considerations, September 2006, page 33.*

⁹ *The Hyperion Treatment System is the physical sewer structure in the Hyperion Service Area. The Hyperion Treatment System includes sewers, pump stations, Los Angeles-Glendale Water Reclamation Plant, Tillman Water Reclamation Plant, and Hyperion Treatment Plant.*

¹⁰ **Priority Projects** are projects which meet certain criteria specified in Section 4 of the ordinance, such as a residential or commercial/industrial project located within both a Community Plan Area and a Master Environmental Impact Report Area with a jobs/housing ratio of 1.74 or more for residential or 1.10 or less for commercial/industrial, an emergency trauma center and/or non-profit hospital, an affordable rental housing project, and a single family dwelling, to name a few. **Public Benefit Projects** are determined by the City Council as projects that will benefit the public health, safety or otherwise provide a public benefit. **Non-Priority Projects** are granted allocations in the order of their applications.

2.1.3 Water Quality Regulations Concerning Discharges To The Santa Monica Bay

Discharges to the Santa Monica Bay from the Hyperion Treatment Plant are regulated through a NPDES permit jointly issued by the RWQCB and USEPA since the discharged effluent enters federal waters. An NPDES permit authorizes the discharge of flow and pollutants to a receiving water, and provides limitations on the discharge such that beneficial uses of the receiving water body are protected.¹¹

To implement the policies set forth in the Clean Water Act and California Water Code designed to protect the quality of the State's ocean waters, the NPDES permit issued for the Hyperion Treatment Plant establishes water quality objectives and effluent limits based on the plans, policies, and water quality standards in the Basin Plan, the California Ocean Plan (Ocean Plan), USEPA Guidance on implementation of toxicity programs, applicable water quality laws and regulations, as well as the best professional judgment of RWQCB staff.¹²

As stated by the applicable agencies, the Hyperion Treatment Plant's NPDES permit "implements the plans, policies, and provisions of the Basin Plan," and also includes "effluent and receiving water limitations, prohibitions, and provisions that implement the Ocean Plan" (RWQCB and USEPA 2005). The Basin Plan (or Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties) represents the RWQCB's master planning document and regulation. The Basin Plan:

- Designates beneficial uses for surface waters and ground waters;
- Sets narrative and numeric objectives to be attained or maintained to protect beneficial uses; and
- Includes implementation provisions, programs, and policies to protect waters of the region.

To protect against the water quality impacts attributable to point and non-point discharges into the Pacific Ocean, the State Water Resources Control Board (SWRCB) adopted the Ocean Plan (or Water Quality Control Plan for the Ocean Waters of California) in 1972. (The Ocean Plan was last revised and in 2005 and approved by EPA in 2006.) The Ocean Plan identifies the beneficial uses of California's ocean waters that need to be

¹¹ *MBC Applied Environmental Sciences and Flow Science, Inc., Village at Playa Vista Technical Report on Cumulative Wastewater Impacts, December 4, 2008, p.7 (Appendix C.iii).*

¹² *Id.*, pp.7-8.

protected, which are used by the RWQCB in its further listing of numerous nearshore and offshore beneficial uses for Santa Monica Bay, including uses of water for recreational activities, uses of water that support estuarine, marine, and terrestrial ecosystems, and uses of water that support habitats necessary (at least in part) for the survival and successful maintenance of plant or animal species established under state or federal laws as rare, threatened, or endangered.¹³ The Ocean Plan also establishes water quality objectives necessary to achieve protection of these beneficial uses. The Ocean Plan also identifies specific areas where discharges are prohibited, and sets forth a program of implementation (including waste discharge limitations, monitoring, and enforcement) to ensure that water quality objectives are met. The Ocean Plan is reviewed at least every three years “to guarantee that the current standards are adequate and are not allowing degradation to marine species or posing a threat to public health.”¹⁴

In addition, the Hyperion Treatment Plant’s NPDES permit also takes into account the policies and approaches contained in the Santa Monica Bay Restoration Plan, a multi-agency and stakeholder program developed as a blueprint for restoring and enhancing water quality in the Bay. In recognition of the importance of the Santa Monica Bay as a natural resource, the State of California and USEPA nominated the Bay for inclusion in the National Estuary Program, and Congress included the Bay in that program, leading to the formation of the Santa Monica Bay Restoration Project and the Santa Monica Bay Restoration Plan. Leading priorities of Santa Monica Bay Restoration Plan include reduction of pollutants of concern at the source, attainment of full secondary effluent treatment at the Hyperion Treatment Plant and realization of a mass emission approach to pollutant regulation.¹⁵

2.2 Existing Conditions

2.2.1 Proposed Project Site

As of 2008, buildings on the Proposed Project site have been removed and all on-site sewer infrastructures have been installed. No material amount of wastewater is being generated on-site. A public sewer system is installed in the streets throughout and adjacent to the Proposed Project area to serve the Proposed Project, as shown in Figure II.B-1.

¹³ *Id.*, pp. 15-16.

¹⁴ *Id.*, p. 7 (citing 2005 California Ocean Plan).

¹⁵ California Regional Water Quality Control Board, Los Angeles Region, and U.S. Environmental Protection Agency, Region IX, Order No. R4-2005-0020, NPDES Permit No. CA0109991, Waste Discharge Requirements and Authorization to Discharge Under the National Pollutant Discharge Elimination System for the City of Los Angeles (Hyperion Treatment Plant), September 21, 2004, Revised April 7, 2005. (Regional Water Quality Control Board Analysis and Order), attached as Appendix C.iv.

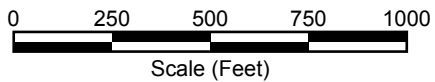
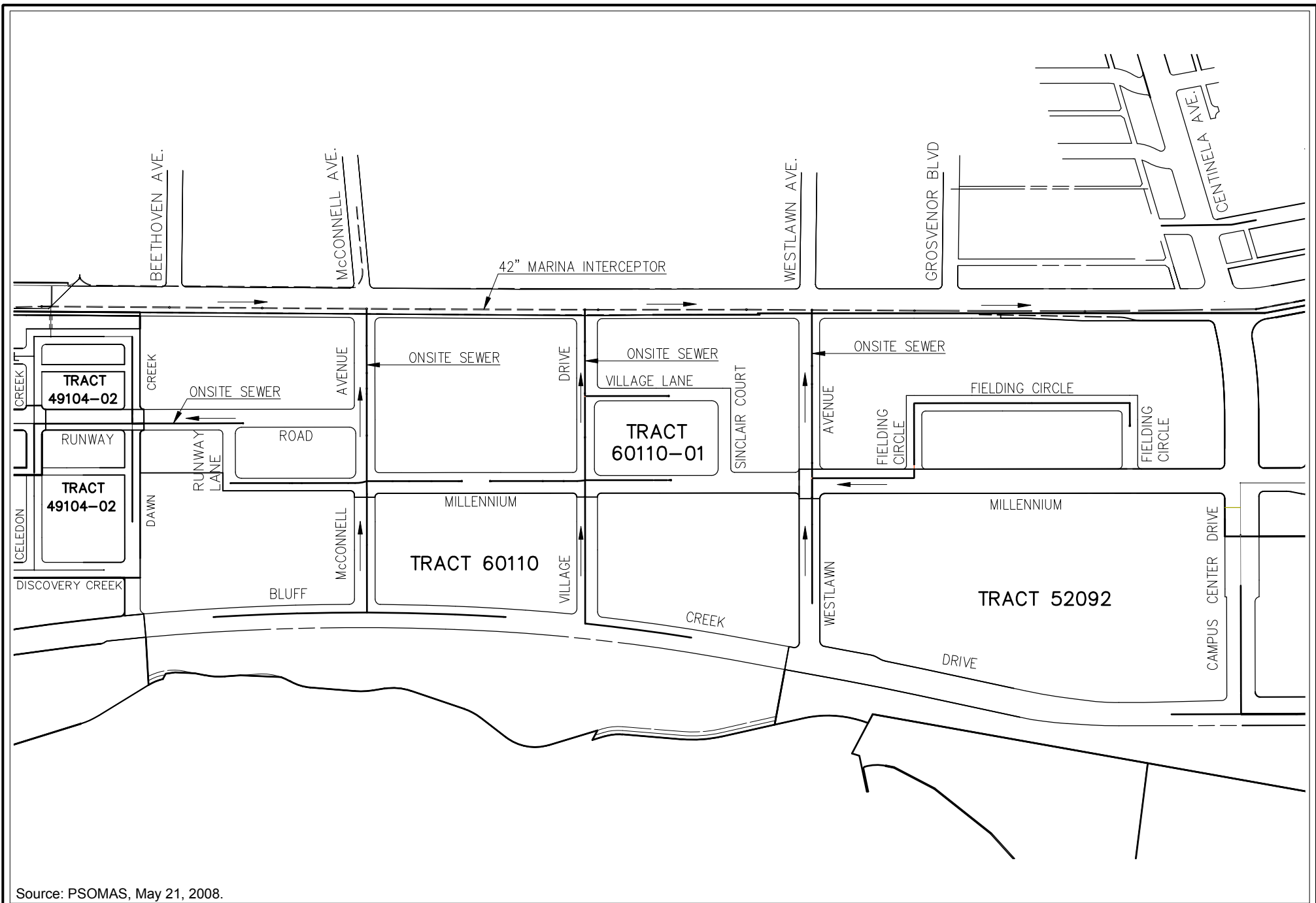


Figure II.B-1
Village at Playa Vista
On-Site Sewers

2.2.2 Wastewater Collection Systems

The City provides sewer service to the entire Proposed Project site. The Hyperion Service Area (HSA) generally consists of (1) major outfalls, (2) primary sewers, and (3) secondary sewers. Major outfalls are the largest interceptor sewers¹⁶ that deliver the wastewater to the treatment facilities. The primary sewers are all sewers that are generally 18 inches in diameter or larger and are not part of the major outfalls. These sewers transport the wastewater from the neighborhood sewers to the major outfalls. The secondary sewers are generally less than 18 inches in diameter and are the neighborhood sewers that collect and transport the wastewater from the dwelling units and industrial facilities to the primary sewers.¹⁷ The wastewater collection system serving the City and its contracting agencies consists of approximately 6,500 miles of pipe ranging in size from 6 inches to 150 inches. The system also includes approximately 170 miles of outfall sewers and major interceptors. There are approximately 48 pumping plants integrated into the collection system, which lift sewage from low elevations to higher elevations within the system.¹⁸

Figure II.B-2 shows the Regional Wastewater Facilities as they relate to the Proposed Project site. As discussed below, the North Central Outfall Sewer will convey wastewater flows from the Proposed Project site. It is one of four major sewers used to convey wastewater directly to the Hyperion Treatment Plant. As shown on Figure II.B-2, the North Central Outfall Sewer is a major interceptor sewer, which is 96 to 114 inches in diameter, that runs east and south of the Proposed Project site. The North Central Outfall Sewer currently has excess capacity (i.e., existing actual flows are substantially less than the design capacity) and has a design flow capacity of 248.2 million gallons per day (mgd) (“full flow” is the maximum volume of wastewater that the pipeline can convey, while “design flow” is the volume of wastewater that the pipeline was designed to convey, which is a flow height of $\frac{3}{4}$ of the pipeline height).¹⁹ The North Central Outfall Sewer currently conveys an

¹⁶ A sewer interceptor is a large sewer line that collects sewer flows from main and trunk sewers and carries the flows to treatment points, as well as controlling the flow of sewage to the treatment plant.

¹⁷ See J. W. McKibben, D. Bramwell, and J. M. Gautsch, CH2MHill, *Wastewater Collection System Planning with GIS in a Large System Urban and Regional Information Association* (1994).

¹⁸ City of Los Angeles, *Final Environmental Impact Report, Playa Vista First Phase (#90-0200-SUB (C) (CUZ) (CUB))*, May 1993.

¹⁹ City of Los Angeles, *Integrated Plan for the Wastewater Program, Volume I: Report, November 2001*; Psomas and Associates, *Village at Playa Vista, Sewer Research, January 23, 2009 at ¶1. (Appendix C.i.)*



CIS	Coastal Interceptor Sewer
COS	Central Outfall Sewer
NOS	North Outfall Sewer
NCOS	North Central Outfall Sewer
NORS	North Outfall Replacement Sewer
WRS	Westwood Relief Sewer
WLAIS	West Los Angeles Inceptor Sewer
-----	Major Sewer Line

Proposed Village at Playa Vista

Source: PSOMAS



Figure II.B-2
Regional Wastewater Facilities

average dry weather flow of 55.4 mgd and a peak dry weather flow of 65.6 mgd.²⁰ Future average and peak dry weather flows in the North Central Outfall Sewer in 2010 are projected to be 55.8 mgd and 66.1 mgd, respectively; in 2020, flows are projected to be 58.0 mgd and 68.7 mgd, respectively.²¹

The North Central Outfall Sewer will convey wastewater flows from the Proposed Project. It should be noted that although a different outfall – the North Outfall Sewer – is the closest existing interceptor sewer line to the Proposed Project site, it will not convey sewer flows from the Proposed Project. Therefore, this RS-DEIR will not analyze the capacity of the North Outfall Sewer.

In 2002, two pumping stations were located near the Proposed Project site: the Ballona Creek Pump Station and the Marina Pump Station. In 2003, the City stopped operations at the Marina Pump Station. The main pumping station near the Proposed Project is now the Ballona Creek Pump Station, which is located at 5550 Inglewood Boulevard. It generally collects flows from north of Jefferson Boulevard, west of the San Diego Freeway and east of Inglewood Boulevard. In 2002, all wastewater flows from the Proposed Project site were conveyed through existing on-site sewer infrastructure to a 24-inch trunk sewer in Jefferson Boulevard, which conveyed flows to the Ballona Creek Pump Station. Flows from the decommissioned Marina Pump Station are now diverted to the Ballona Creek Pump Station via the new 42" wide Marina Interceptor Sewer, which has been constructed by the City since 2002/2004.²² The Marina Interceptor Sewer has a

²⁰ *Psomas and Associates, Village at Playa Vista, Sewer Research, January 23, 2009 at ¶1. (Appendix C.i.) There are three distinct categories of wastewater flows that are used to evaluate sewer conveyance and treatment capacity, as follows:*

- *Average Dry Weather Flow represents the estimated annual average flows for residential and commercial sanitary flows, average groundwater infiltration, and industrial flows. The average dry weather flow is used in the IPWP and IRP to evaluate treatment plant process capacities.*
- *Peak Dry Weather Flow represents the peak flows which correspond to high indoor water usage when people are in their residences, such as early morning and early evening household activities. Flows will peak in the collection system at various times, depending on the travel time from the point of initial flow generation to its terminus at the treatment facilities. Peak dry weather flow is the basis for selecting pipe size in the IPWP and IRP planning studies when increased conveyance capacity is needed. While peak dry weather flow can be estimated separately for each "sewershed," a cumulative total is not appropriate because the peaks do not occur simultaneously over the entire HTS.*
- *Peak Wet Weather Flow is the sum of the peak dry weather flow and the rainfall-dependent infiltration and inflow which occurs during storm events. PWWF is used for the analysis of collection system and treatment plant hydraulic capacities.*

²¹ *Psomas and Associates, Village at Playa Vista, Sewer Research, January 23, 2009 at ¶1. (Appendix C.i.)*

²² *Id.*

design capacity of 17.1 mgd, with current average and peak dry weather flows of 1.4 mgd and 1.9 mgd, respectively.²³

As of 2008, the sewer lines that have been constructed on-site as discussed above connect to the 42-inch Marina Interceptor Sewer, which conveys wastewater flows to the Ballona Creek Pump Station.²⁴ Flows from the Ballona Creek Pump Station are conveyed to the North Central Outfall Sewer through an existing 36-inch force main, which has a design capacity of 27.4 mgd, with current average and peak dry weather flows of 4.8 mgd and 8.0 mgd, respectively.²⁵ As described above, flows in the North Central Outfall Sewer, located in Sepulveda Boulevard south of Centinela Avenue, are then conveyed to Hyperion.²⁶

2.2.3 Wastewater Treatment Facilities

The Hyperion Treatment Plant is located in Playa del Rey and treats wastewater from most of the City of Los Angeles as well as Santa Monica, Culver City, unincorporated portions of Los Angeles County, and an additional 27 agencies. These cities and agencies are under contract with the City of Los Angeles for wastewater treatment at the City's facilities. Wastewater treatment consists of primary, secondary, and tertiary treatment. Primary wastewater treatments consist of screening, grit removal, and primary sedimentation with coagulation and flocculation.²⁷ In secondary treatment, the primary effluent is biologically treated in a high purity oxygen activated sludge process.²⁸ Advanced or tertiary treatment includes processes such as microfiltration and reverse osmosis which create "Title 22" recycled water,²⁹ which can be used for beneficial irrigation, industrial applications, and other purposes.³⁰

For the years 2005, 2006, and 2007, measured average dry weather flows at Hyperion were approximately 355 mgd, 346 mgd, and 324 mgd, respectively.³¹ Actual wastewater flows into Hyperion have been decreasing due to, among other reasons, a variety of conservation measures implemented throughout the City.

²³ *Id.*, ¶15.

²⁴ *Id.*, ¶16.

²⁵ *Id.*, ¶12.

²⁶ *Id.*, ¶19.

²⁷ *Regional Water Quality Control Board Analysis and Order*, p. 5. (Appendix C.iv.).

²⁸ *Ibid.*

²⁹ *Tit. 14, Cal. Code Regs. § 60301 et seq.*

³⁰ *Regional Water Quality Control Board Analysis and Order*, p. 6.

³¹ *City of Los Angeles, Wastewater Engineering Services Division, Sewage Treatment Plant Flow Data, 2005-2008.*

Hyperion has a dry weather average design treatment capacity of 450 mgd and a wet weather peak hydraulic capacity of approximately 850 mgd. In wet weather, increased flow results from infiltration and inflow of rainwater into the sewage system. Flow in excess of 850 mgd has been observed periodically. These wet weather flows still receive secondary treatment.

After clarification, undisinfected secondary effluent is discharged into Santa Monica Bay through one primary submerged outfall pipe (the “5-Mile” outfall) used on a regular basis;³² a secondary outfall (the “1-Mile” outfall) is available for emergency purposes.³³ Both the 5-Mile and 1-Mile outfalls are 12 feet in diameter. The 5-Mile outfall is 187 feet deep (landside – as measured at the land site prior to extending seaward); the 1-Mile outfall is 50 feet deep (landside). In order to discharge waters into the Santa Monica Bay, the City operates under a discharge permit issued by the RWQCB.³⁴ In addition to the regulations, there are requirements stated within the agreement with the West Basin Municipal Water District, which uses effluent from Hyperion, for salt water intrusion barriers and advanced treatment uses.³⁵

Two inland water reclamation plants within the Hyperion Service Area – Los Angeles-Glendale Water Reclamation Plant (LA-Glendale) and Tillman Water Reclamation Plant (Tillman) – provide hydraulic relief for downstream interceptor facilities and Hyperion. In addition, these plants allow for the reclamation and reuse of waters that would otherwise be sent to Hyperion, treated, and discharged into the ocean. LA-Glendale, in the vicinity of the City of Glendale, has a treatment design capacity of 20 mgd of wastewater, and Tillman, in the Sepulveda Basin, has a design capacity of 80 mgd. Based on the latest data available, recent average dry weather flows at LA-Glendale are approximately 17 mgd, and recent average dry weather flows at Tillman are approximately 56 mgd.³⁶

At the time of the development of the 2006 IRP with WFP update, pilot testing had indicated that process modifications to meet new discharge permit requirements could decrease the capacities at these facilities.³⁷ However, since then, the process

³² *The 5-Mile outfall is the only outfall permitted for the routine discharge of undisinfected secondary-treated effluent. RWQCB Analysis and Order, p. 6.*

³³ *The 1-Mile outfall is permitted for emergency discharge of chlorinated secondary-treated effluent during extremely high flows, power failures, and preventative maintenance. However, during intense storms or storms associated with plant power outages, direct discharge of undisinfected stormwater overflow is also permitted at this outfall. RWQCB Analysis and Order.*

³⁴ *Regional Water Quality Control Board Analysis and Order.*

³⁵ *City of Los Angeles Integrated Resources Plan, Facilities Plan, Volume 1: Wastewater Management, July 2004 (Revised November 2005), p. 3-20.*

³⁶ *City of Los Angeles, Wastewater Engineering Services Division, Sewage Treatment Plant Flow Data, 2005-2006.*

³⁷ *City of Los Angeles Integrated Resources Plan, Facilities Plan, Volume 1: Wastewater Management, July 2004 (Revised November 2005) pages 7-46, 7-59, 7-60 and 7-79.*

modifications have been implemented and no decrease in the capacities at these facilities is expected to meet new discharge permit requirements, thus allowing for the full design capacities at both plants of 20 and 80 mgd.³⁸ Both of these plants provide tertiary treatment for all dry weather flows, meeting Title 22 requirements for effluent reuse and discharge.

With implementation of the 2006 IRP, the maximum planned treatment capacity for average dry weather flows for the Hyperion Service Area is 570 mgd (450 mgd at Hyperion, 100 mgd at Tillman, and 20 mgd at LA-Glendale).³⁹ This projected treatment capacity is based upon the approved 2006 IRP alternative that proposes to expand the capacity of Tillman from the existing capacity of 80 mgd to 100 mgd (total of 20 mgd). Although no expansion would occur at Hyperion Treatment Plant, the overall Hyperion Service Area would see an approximately 4 percent increase in overall treatment capacity. Such expansion would occur within the Tillman facility property lines with additional various upgrades to existing sewer lines, and in time to meet projected system demands (If the City elects not to implement groundwater replenishment at Tillman by the time additional capacity is needed, then the 2006 IRP allows for expansion of 50 mgd to occur at Hyperion Treatment Plant). The planned capacity expansion and rehabilitation was designed to be sufficient to meet projected wastewater treatment demands through 2020; however, as discussed in the following section, updated data and analysis indicate that the planned capacity expansion will not be necessary until some time after 2020. Therefore, as discussed below, even without implementation of the planned expansion, the treatment capacities will be sufficient to treat projected flows through 2020.

2.2.4 Wastewater Flow Projections

Projections of the amount of wastewater to be treated at the City's treatment facilities are typically based on the population and employment projections prepared by SCAG. SCAG provides those projections in its Regional Transportation Plan (RTP), which is updated on a regular basis. In turn, those population projections are used by the City of Los Angeles in its Wastewater Facilities Plans to determine the amount of future wastewater flows and the amount of treatment capacity needed to handle those flows. The City regularly updates those plans pursuant to Policy 9.2.3 in the Los Angeles General Plan Framework. That policy provides that adequate treatment plan capacity will be developed as necessary.⁴⁰ The City plans for future wastewater management needs based on a 20-year horizon.

³⁸ *Hiddo Netto, City of Los Angeles Department of Public Works, Personal Communication, April 21, 2008.*

³⁹ *City of Los Angeles Integrated Resources Plan, Facilities Plan, Volume 1: Wastewater Management, July 2004 (Revised November 2005).*

⁴⁰ *Citywide General Plan Framework, December 1996.*

When the Original DEIR and Original FEIR for the Proposed Project were prepared in 2003 and 2004, the most current population projections and wastewater projections were provided in two documents. The population projections were contained in SCAG’s 1998 RTP, and the wastewater projections were contained in the City’s 2001 IPWP. Based on the projections in those documents, the amount of projected wastewater flows into the City’s treatment facilities and the amount of available treatment capacity at those facilities were as shown in Table II.B-1.

TABLE II.B-1					
PROJECTED AVERAGE WASTEWATER FLOWS – 2010 (DATA FROM THE ORIGINAL FEIR)					
Year	Treatment Capacity (mgd)	Average Dry Weather Flows (mgd)	Available HSA Treatment Capacity For Average Dry Weather Flows (mgd)	Max. Month Dry Weather Flows (mgd)	Available HSA Treatment Capacity For Maximum Month Flows (mgd)
2010	550	536	14	570	(20)
<p><i>Note: See Original DEIR, p. 1,112. Data regarding year 2020 flows and capacity are not provided since no such data was included in the Original DEIR and Original FEIR.</i></p>					

As shown by the above chart, facility improvements would have been needed to handle future wastewater flows.

After certification of the Original FEIR for the Proposed Project, however, SCAG updated its population projections (typically done every 3 years with issuance of updated RTPs). Those updated projections were provided in its 2001 RTP. The 2001 RTP projected substantially lower population growth relative to the projections in the 1998 RTP. In turn, the City used those updated projections in its 2006 IRP. As a result of the lower population growth figures, the 2006 IRP’s wastewater projections are substantially lower than those projected in the 2001 IPWP for the Hyperion Service Area. In addition, the 2006 IRP included an updated Wastewater Facilities Plan that provided for specific expansions of different treatment facilities to accommodate future wastewater flows.

Based on these updated projections, the amount of projected wastewater flows into the City’s treatment facilities and the amount of capacity at those facilities are as shown in Table II.B-2.

TABLE II.B-2

**PROJECTED AVERAGE WASTEWATER FLOWS – 2010 AND 2020
(DATA FROM THE 2006 IRP)**

Year	Effective Treatment Capacity (mgd) ^a	Average Dry Weather Flows (mgd)	Available HSA Treatment Capacity For Average Dry Weather Flows (mgd)	Max. Month Dry Weather Flows ^b (mgd)	Available HSATreatment Capacity For Maximum Month Flows (mgd)
2010	544	477.3	66.7	507.4	36.6
2020	522	511.5	10.5	543.7	(21.7)

^a The estimate of effective treatment capacity accounts for return flows from the treatment plants to the sewer system, which effectively reduces the total available treatment capacity in the system. For 2010, treatment capacity is reduced by sludge return for treatment at Hyperion. For 2020, additional treatment technologies such as reverse osmosis and microfiltration would be incorporated, thereby further reducing effective capacity. No expansion of any Hyperion Service Area facility is assumed to occur by 2020. If a 20-mgd expansion did occur at Tillman, an additional 14 mgd of effective capacity would be available. If a 50-mgd expansion occurred at Hyperion, effective capacity would be increased by the full 50 mgd.

^b Data regarding maximum month dry weather flows were not included in the 2006 IRP, but these figures represent a 6.3 percent increase over average dry weather flows, consistent with calculations applied in the design of the upgrade and expansion of Hyperion to full secondary treatment. CH2M HILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008 at p. 6.

Subsequent to the 2006 IRP, SCAG issued a 2008 RTP, which again lowered population and employment projections. Modeling results (as provided in Appendix C.ii. to this RS-DEIR) from the City of Los Angeles' Sewer Flow Estimating Model indicates that future wastewater flows will be as shown in Table II.B-3.

TABLE II.B-3

**PROJECTED AVERAGE WASTEWATER FLOWS – 2010 AND 2020
(DATA BASED ON CURRENT MODELING)**

Year	Effective Treatment Capacity (mgd)	Uncalibrated Average Dry Weather Flows (mgd)	Available HSA Treatment Capacity For Average Dry Weather Flows (mgd)	Uncalibrated Max. Month Dry Weather Flows (mgd)	Available HSA Treatment Capacity For Maximum Month Flows (mgd)
2010	544	467.5	76.5	496.9	47.1
2020	522	484.3	37.7	514.8	7.2

Source: CH2MHILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008, Tables 5 and 6.

In 2006, the City’s sewer master planning group adopted a new calibration procedure that provides projections which are more reflective of current flow conditions.⁴¹ This calibration process accounts for greater levels of conservation that have been realized than would otherwise be estimated with the per capita wastewater flow generation rate that was applied in the 2006 IRP. Table II.B-4 below applies the derived calibration factor (0.91) to the projected flows.

Year	Effective Treatment Capacity (mgd)	Calibrated Average Dry Weather Flows (mgd)	Available HSATreatment Capacity For Average Dry Weather Flows (mgd)	Calibrated Max. Month Dry Weather Flows (mgd)	Available HSA Treatment Capacity For Maximum Month Flows (mgd)
2010	544	425.2	118.8	452.0	92.0
2020	522	440.5	81.5	468.3	53.7

Source: CH2MHILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008, Tables 5 and 6.

Thus, based on the most updated population projections (as provided in the 2008 RTP), there will be adequate treatment capacity to handle all projected wastewater flows through 2020 under relevant conditions without any expansion of the City’s existing treatment facilities. Table II.B-2 does indicate a treatment capacity shortfall with respect to maximum month conditions as of 2020 based on the data in the 2006 IRP. However, that data should not trigger the need for an expansion of the City’s treatment facility under those conditions for a number of reasons. First, as discussed earlier, the 2006 IRP is not based on the most updated projections of future growth. Moreover, as explained in Appendix C.ii., the 2006 IRP does not consider the maximum month condition since that condition is not standard industry practice for the long-term planning process for treatment capacity (The maximum month condition is being provided in this RS-DEIR since it was conservatively provided in the Original FEIR). The projected average Village at Playa Vista flow is an appropriate figure to use to calculate projected maximum month wastewater flows because treatment plant capacity is tied to average day dry weather flows rather than peak day dry weather flows that occur diurnally. Also, the City’s tracking of actual wastewater flows indicates that actual flows are substantially less than the projections in the 2006 IRP. The implementation strategy associated with the 2006 IRP calls for regular

⁴¹ CH2M HILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008, p. 1.

tracking of actual wastewater flows and ties the triggering of the treatment plant expansion projects to the actual flow generation in the Hyperion Service Area. As shown in Figure II.B-3, the implementation strategy has revealed that actual average dry weather wastewater flows within the Hyperion Service Area are even lower than those projected in the 2006 IRP. Those differences reflect, among other things, the fact that the 2006 IRP did not update wastewater per capita projections to account for the recent implementation of various water conservation measures.

In addition to the 2006 IRP not reflecting this updated data, the City's planned expansions will accommodate any unexpected increase in future projected flows. The 2006 IRP plans for an expansion of the capacity of the Tillman Plant from the existing capacity of 80 mgd to 100 mgd (total of 20 mgd). Although that expansion would not occur at the Hyperion Treatment Plant, the overall Hyperion Service Area would see an approximately 4 percent increase in overall treatment capacity. Such expansion would occur within the Tillman Facility property lines with various upgrades to existing sewer lines. If the City elects not to implement groundwater replenishment at Tillman, then the 2006 IRP allows for an expansion of 50 mgd to occur at the Hyperion Treatment Plant. The EIR certified for the 2006 IRP analyzed all of these planned expansions. Thus, these increases in treatment capacity attributable to these expansions will accommodate the wastewater flows projected in the 2006 IRP through 2020 under relevant conditions.

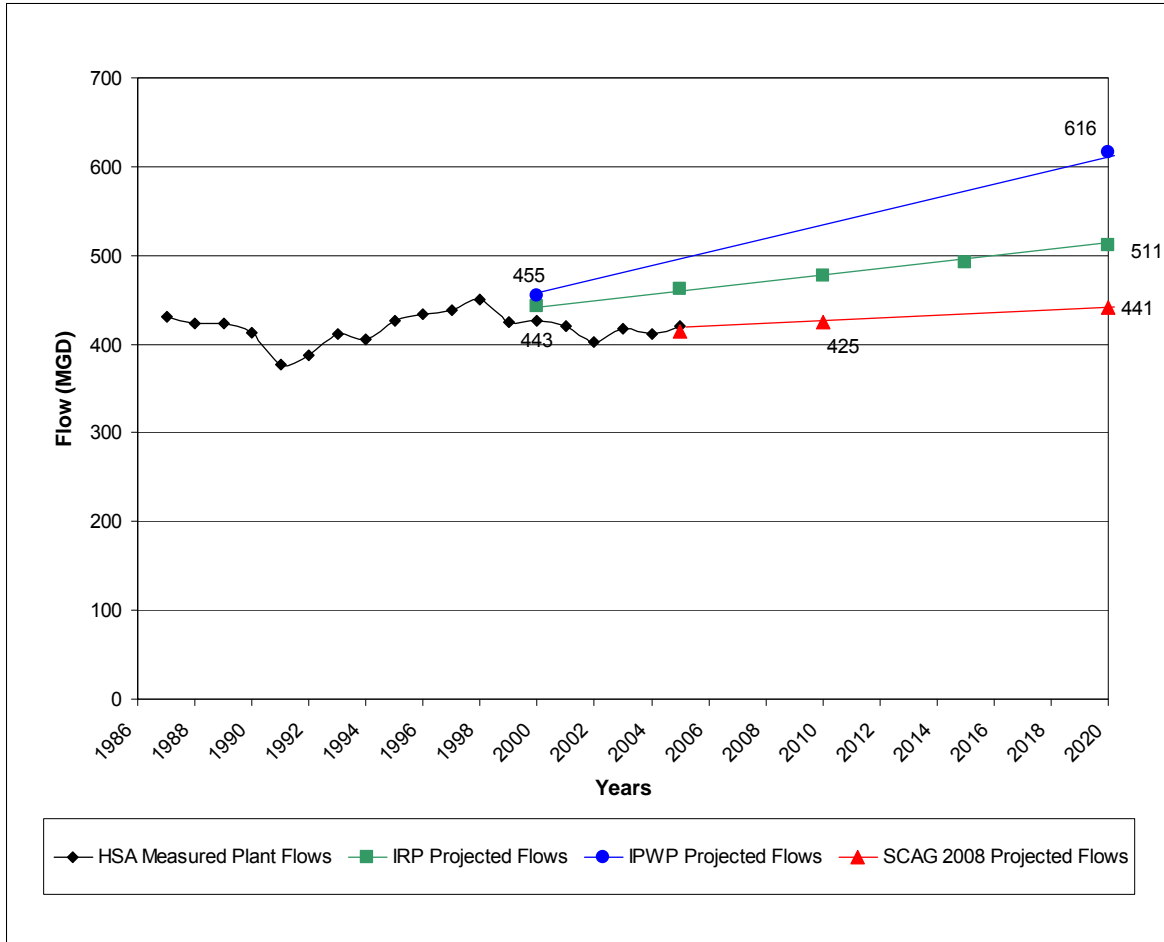
2.2.5 Santa Monica Bay

Santa Monica Bay is an open embayment approximately 43 km (27 mi) across and delineated by Point Dume, which is northwest of the Hyperion Treatment Plant, and Palos Verdes Point, south of the Hyperion Treatment Plant. There are two submarine canyons in southern and central Santa Monica Bay: Redondo Canyon (off King Harbor, Redondo Beach, California) and Santa Monica Canyon (in the central portion of Santa Monica Bay upcoast of the Hyperion Treatment Plant). Santa Monica Canyon heads at a depth of about 55 m (180 ft) at a location about 5.6 km (3.5 mi) offshore, and the average gradient along the canyon axis is 3 percent. The prevailing current direction in the shallow, nearshore areas of Santa Monica Bay is downcoast (equatorward) suggesting an eddy-type circulation pattern resulting from the upcoast (poleward) currents outside of the Bay. The Bay is actually the submerged portion of the Los Angeles Coastal Plain, and includes several types of marine habitat that support more than 5,000 species of plants and animals, most of which are temperate species with geographic ranges extending far beyond the immediate area.⁴²

⁴² *MBC Applied Environmental Sciences and Flow Science, Inc., Technical Report on Cumulative Wastewater Impacts, November 11, 2008, pp. 22-24.*

FIGURE II.B-3

**ACTUAL AND PROJECTED WASTEWATER FLOWS
IN THE HYPERION SERVICE AREA**



Source: City of Los Angeles, Integrated Resources Plan Facilities Plan, Volume 1, Figure 4-4; Volume 5, Adaptive CIP, Appendix E, Trigger Tracking Charts; CH2M HILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008.

Santa Monica Bay receives pollutants from urban runoff, deposition from the atmosphere, two marinas and seven major point sources, three municipal wastewater treatment plants, three coastal generating stations, one oil refinery, and over 160 smaller commercial and industrial facilities. Pollutants entering Santa Monica Bay include arsenic, chromium, copper, lead, mercury, nickel, zinc, bacteria such as *E. coli*, suspended solids, nitrate, phosphorus, ammonia, DDT, PCBs, oil, grease, and debris.⁴³

Both the Hyperion Treatment Plant and the Joint Water Pollution Control Plant (JWPCP) operated by the County Sanitation Districts of Los Angeles discharge treated wastewater into the Santa Monica Bay, although since 1971 there has been a steady decrease of contaminant inputs from the two wastewater treatment facilities. Still, the Bay is listed as a Section 303(d) impaired water body under the Clean Water Act, largely due to sediment contamination resulting from the historic discharge of wastewater and sludge prior to the shutdown of a seven-mile outfall in 1987 and the provision of full secondary treatment (see Subsection II.B.6.2.2 below). In general, the discharge of wastewater into nearshore waters of southern California historically resulted in an increase in the abundance and biomass of bottom fish and invertebrates, and a decrease in the variety of species present.⁴⁴ These discharges may have reduced densities of species that would otherwise be abundant, and stimulated populations of organisms that would otherwise be in lesser abundance.⁴⁵

In addition, shoreline and nearshore/inshore water quality monitoring conducted by the City of Los Angeles since the 1940s confirms that elevated bacterial counts and exceedances of water quality objectives in the nearshore area have been known to occur. However, those exceedances are primarily associated with runoff from storm drains and discharges from piers.⁴⁶ Data collected from January 1995 through December 1999 also show that urban runoff from storm drain flows and other non-point sources continues to be the primary cause of exceedances of indicator bacteria at the shoreline.⁴⁷

⁴³ *Id.*, p. 26.

⁴⁴ *Id.*, p. 33.

⁴⁵ *Id.*, pp. 28-29.

⁴⁶ CH2M HILL, *Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections*, November 11, 2008, p. 19.

⁴⁷ *Id.*, p. 29.

3.0 IMPACT ANALYSIS

3.1 Methodology For Determining Amount Of Wastewater Generation

In 2002 and 2004, wastewater generation estimates were developed for long-term operational use based on land use generation factors developed by the City of Los Angeles for the *Draft Los Angeles CEQA Thresholds Guide*. In 2006, the City of Los Angeles formally adopted the *Los Angeles CEQA Thresholds Guide*, which included various updates, since 2002 and 2004. As such, estimates below were developed based on land use generation factors set forth in the 2006 *Los Angeles CEQA Thresholds Guide*. As noted in Section IV.N.(1), Water Consumption, of the Original DEIR, all wastewater generation factors are identical to water consumption factors with the exception of office uses. The wastewater generation factor includes the wastewater generated from the use of reclaimed water in cooling towers and toilets. The wastewater generation factors are summarized on Table II.B-5, below.

TABLE II.B-5	
WASTEWATER GENERATION FACTORS	
Land Use	Average Generation Factor
Residential ^a	160 gpd/du
Office ^b	203 gpd/ksf
Retail	80 gpd/ksf
Civic/Institutional ^c	80 gpd/ksf
<p><i>Note: du = dwelling unit gpd = gallons per day ksf = thousand square feet</i></p> <p>^a Residential wastewater generation factor is the average value of factors for studio, 1 bedroom, 2 bedroom, 3 bedroom, and 4 bedroom housing units, or 160 gpd. Using the average factor of 160 gpd for all dwelling units results in a more conservative assessment of wastewater generation for the Proposed Project because the Proposed Project likely would consist of far more studio, 1 bedroom, and 2 bedroom units than units with 3 bedrooms and more and because those units will use modern water conserving fixtures.</p> <p>^b Office factor includes 53 gpd of wastewater generation from operation of cooling towers and toilets (30 gpd for cooling and 23 gpd for toilets).</p> <p>^c The community center factor presented in the City of L.A. CEQA Guide is based upon the number of occupants and applies specifically to community center uses. As the civic/institutional facilities in the Urban Development Component will include a community center, which is similar in intensity and use as retail facilities, the retail factor was used to calculate projected wastewater generation.</p> <p>Source: City of Los Angeles, "L.A. CEQA Thresholds Guide," 2006.</p>	

The City of Los Angeles' Sewer Flow Estimating Model was then used to generate future projected wastewater flows within the Hyperion Service Area and assess the capacity of Hyperion to accept and treat the Proposed Project's wastewater flows.

Subsequent to the analysis prepared in the 2006 IRP, SCAG released a 2008 RTP with population projections that were based on year 2000 census data, which indicated a significantly lower rate of growth than the previous 1990 census-based projections of 1998 RTP (used in the 2001 IPWP) and 2001 RTP (used in the 2006 IRP). The impact analysis conducted for this document and described below was based on the 2008 RTP.

3.2 Significance Thresholds

3.2.1 Significance Threshold for Sewer and Treatment Capacity

The Los Angeles CEQA Thresholds Guide (2006, p. M.2-3) states that a project would normally have a significant wastewater impact if:

- The project would cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained; or
- The project's additional wastewater flow would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements.

3.2.2 Significance Threshold for Evaluating Impacts To The Quality Of Waters In The Santa Monica Bay

The Court of Appeal directed the City to revise the wastewater section of the Original FEIR, stating that "the revised EIR must discuss the significant cumulative impacts to the Santa Monica Bay, if any, or explain its conclusion that there are no significant cumulative impacts" associated with the Proposed Project's contribution to water quality impairment in the Santa Monica Bay.⁴⁸ Based on these holdings, the Superior Court concluded that a revised analysis of wastewater impacts should be conducted "to identify the intended and likely measures to dispose of the project's wastewater and analyze the environmental impacts of employing those measures to dispose of the wastewater generated by the project, including any cumulative impacts to the Santa Monica Bay."⁴⁹

Neither the State CEQA Guidelines nor the Los Angeles CEQA Thresholds Guide includes a specific significance threshold among the wastewater thresholds for the

⁴⁸ *City of Santa Monica v. City of Los Angeles, Court of Appeal, Sept. 13, 2007*, p. 82, Appendix A.i.

⁴⁹ *City of Santa Monica v. City of Los Angeles, Super. Ct. Los Angeles County, May 23, 2008, No. BS093502 [consolidated Case No. B5093507] (Appendix A.ii).*

cumulative impacts associated with the discharge of treated wastewater to a body of water such as the Santa Monica Bay. The Court of Appeal Opinion pointed to the LA CEQA Threshold for surface water quality.⁵⁰ Accordingly, this RS-DEIR uses the following significance threshold to determine potential cumulative impacts due to wastewater:

- The project would cause a significant wastewater impact where a discharge would (i) result in pollution,⁵¹ contamination,⁵² or nuisance,⁵³ as those terms are defined in Water Code Section 13050 or (ii) result in a violation of applicable regulatory standards, including those provided in the NPDES permit for Hyperian Treatment Plant.

3.3 Project Design Features

The Proposed Project would implement several water conservation methods (e.g., as ultra low-flow toilets, low-flow fixtures, and water saving appliances), as discussed in Section IV.N.(1), Water Consumption, Subsection 3.3, Project Design Features, of the Original DEIR, which would result in the generation of less wastewater, compared to similar existing land uses. However, in order to be conservative, the wastewater generation calculation for the Proposed Project provided in this Section does not account for those conservation methods.

3.4 Project Impacts

Because the Proposed Project's Habitat Creation/Restoration Component would not generate wastewater, the impacts discussion below for the Proposed Project pertains to wastewater impacts of the Urban Development Component.

During construction of the Proposed Project, a negligible amount of wastewater would be generated by construction staff. It is anticipated that portable toilets would be

⁵⁰ *Id.*, *City of Santa Monica v. City of Los Angeles*, (Court of Appeal, September 13, 2007), pp. 81-83.

⁵¹ "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses or (B) Facilities which serve these beneficial uses. Pollution may include "contamination." See Cal. Water Code § 13050.

⁵² "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected. See Cal. Water Code § 13050.

⁵³ "Nuisance" means anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, or (3) Occurs during, or as a result of, the treatment or disposal of wastes. See Cal. Water Code § 13050.

provided by a private company and the waste disposed of off-site. Wastewater generation from construction activities is not anticipated to cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Additionally, construction is not anticipated to generate wastewater flows that would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the updated WFP in the 2006 IRP or General Plan and its elements. Therefore, no significant impact is expected to occur. As such, construction impacts to the local wastewater conveyance and treatment system would be less than significant and no mitigation is required.

Table II.B-6 indicates the Proposed Project's daily average dry weather flow, which totals 0.47 mgd.⁵⁴ In addition to analyzing average daily dry weather flow, the Original FEIR used a peak dry weather flow of 1.12 mgd.⁵⁵ A subsequent Psomas Sewer Area Study Calculation and Report provides a more detailed calculation of peak dry weather flow, and estimates it to be 2.3666 cfs, or 1.53 mgd.⁵⁶ While peak dry weather flows are used for the analysis of potential impacts on the wastewater collection system, use of 0.47 mgd, the projected average Village at Playa Vista flow, is the appropriate figure to use to calculate projected maximum month wastewater flows in 2010 and 2020 for the analysis of potential impacts on wastewater treatment capacity because treatment plant capacity is tied to daily average dry weather flows rather than daily peak dry weather flows since peaks do not occur simultaneously over the entire Hyperion Treatment System.⁵⁷ Notably, however, even if the analysis is conducted using the peak day dry weather flow of 1.53 mgd from the Village at Playa Vista, remaining excess Hyperion Service Area treatment capacity is only reduced by 1 mgd, and still well within Hyperion Service Area's effective treatment capacity.⁵⁸

⁵⁴ CH2M HILL, *Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections*, November 11, 2008, Table 1.

⁵⁵ *Original DEIR*, p. 1110.

⁵⁶ Psomas, "Sewer Area Study Calculations and Report for Playa Vista – Phase 2 Tract 60110-01," January 20, 2005.

⁵⁷ CH2M HILL, *Technical Memorandum, Playa Vista - Hyperion Service Area Wastewater Flow Projections*, November 11, 2008, Table 8, fn. 1.

⁵⁸ See *id.*

TABLE II.B-6
PROPOSED PROJECT WASTEWATER GENERATION

	Land Use	Average Dry-Weather Generation Factor	Average Dry-Weather Flow (gpd)
Residential ^a (d.u.)	2,600	160 gpd/d.u.	416,000
Office ^b (sq.ft.)	175,000	0.203 gpd/sq.ft.	35,525
Retail (sq.ft.)	150,000	0.080 gpd/sq.ft.	12,000
Civic/Inst. ^c (sq.ft.)	40,000	0.080 gpd/sq.ft.	3,200
Totals (mgd)			0.47

^a Residential wastewater generation factor is the average value of factors for studio, 1 bedroom, 2 bedroom, 3 bedroom, and 4 bedroom housing units, or 160 gpd. Using the average factor of 160 gpd for all dwelling units results in a more conservative assessment of wastewater generation for the Proposed Project because the Proposed Project likely would consist of far more studio, 1 bedroom, and 2 bedroom units than units with 3 bedrooms and more and because those units will use modern water conserving fixtures.

^b Office factor includes 53 gpd of wastewater generation from operation of cooling towers and toilets (30 gpd for cooling and 23 gpd for toilets).

^c The community center factor presented in the City of L.A. CEQA Guide is based upon the number of occupants and applies specifically to community center uses. As the civic/institutional facilities in the Urban Development Component will include a community center, which is similar in intensity and use as retail facilities, the retail factor was used to calculate projected wastewater generation.

Source: City of Los Angeles, "L.A. CEQA Thresholds Guide," 2006.

3.4.1 Project Impacts To Wastewater Collection System

With respect to the operation of uses proposed for the Proposed Project site, an estimated average total of 0.47 mgd and a peak flow of 1.53 mgd of wastewater would be generated. These projected wastewater flows would be conveyed to the existing facilities operated by the LADPW, Bureau of Sanitation, which has indicated that it will serve the Proposed Project's wastewater collection and treatment needs.⁵⁹ Sewers to convey wastewater to LADPW facilities consist of a network of 8- to 15-inch on-site local sewer infrastructure which was completed between 2005 and 2007 and was be sized according to project flows, including peak day flows. The on-site sewers would convey wastewater through multiple connections directly to the 42-inch MIS in Jefferson Boulevard, and then through the Ballona Creek Pump Station to the NCOS, which is projected to have surplus capacity during peak months of 182.1 mgd in 2010 and 179.5 mgd in 2020. Therefore, the estimated 1.53 mgd peak wastewater generation for the Proposed Project would use only about 0.84 percent of the projected available peak flow capacity within the NCOS as of 2010 and 0.85 percent as of 2020.

⁵⁹ Memoranda dated November 14, 2008 and December 17, 2008 from Wastewater Engineering Services Division, Bureau of Sanitation to Department of City Planning, attached to PSOMAS and Associates Village at Playa Vista, Sewer Research, January 23, 2009.

According to the Los Angeles CEQA Thresholds Guide, a sewer's capacity is considered constrained if the depth of flow is equal to or greater than three-quarters of the sewer's diameter. Flows from the Proposed Project would be conveyed via a network of new 8- to 15-inch on-site local sewer infrastructure, through multiple connections directly to the 42-inch MIS in Jefferson Boulevard. As indicated in Table II.B-7 the MIS would have an available 2010 capacity of 15.19 mgd during peak months. The 1.53 mgd peak flow from the Proposed Project would represent 10.1 percent of the sewer's capacity and would not cause the MIS to become constrained. Flows in the MIS would be conveyed to the Ballona Creek Pump Station, which has a capacity of 27.4 mgd, and the available peak month capacity at the Ballona Creek Pump Station in 2010 is projected to be 20.66 mgd, as indicated in Table II.B-7. As such, the projected 1.53 mgd of peak flow from the Proposed Project would represent 7.4 percent of the pump station's capacity, and therefore, would not cause that plant's capacity to become constrained. Flows from the Ballona Creek Pump Station would discharge into the 36-inch force main in Centinela Avenue and Sepulveda Boulevard. As indicated in Table II.B-7, the 36-inch force main would also have an available 2010 peak month capacity of 20.66 mgd. Therefore, the projected peak flow of 1.53 mgd from the Proposed Project would represent 7.4 percent of the force main capacity, and thus would not cause the capacity to become constrained. The 36-inch force main discharges to the NCOS. As indicated in Table II.B-7, the 2010 available capacity of the NCOS would be 182.1 mgd. As such, the 1.53 mgd of peak wastewater flows from the Proposed Project would represent 0.84 percent of the 2010 available peak month capacity, and therefore the projected flows would not cause the NCOS to become constrained.

Consequently, the impact of wastewater generation to conveyance infrastructure from the Proposed Project would be less than significant because the additional wastewater flows would not occur at a point where, and at a time when, a sewer's capacity is already constrained or would cause a sewer's capacity to become constrained.

With respect to wastewater generation from construction activities, the amount of such wastewater is anticipated to be negligible and not cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained.

For all these reasons, the Proposed Project's potential impact, both individually and cumulatively, to the City's wastewater collection system is less than significant.

TABLE II.B-7

**PROPOSED PROJECT
WASTEWATER FLOWS (IN MGD) AND CONVEYANCE INFRASTRUCTURE**

Wastewater Facility	2002 ADWF	2002 PDWF	2008 ADWF	2008 PDWF	2010 ADWF	2010 PDWF	2020 ADWF	2020 PDWF	Design Flow Capacity^a	2010 Available Capacity^b	2020 Available Capacity
MIS (42-inch)	2.9	6	1.4	1.9	1.43	1.91	1.60	2.13	17.1	15.19	14.97
Ballona Creek Pump Station	2.9	6	4.8	8.0	5.03	6.74	5.63	7.54	27.4	20.66	19.86
36-Inch Force Main	2.9	6	4.8	8.0	5.03	6.74	5.63	7.54	27.4	20.66	19.86
NCOS	97	146	55.4	65.6	55.8	66.1	58.0	68.7	248.2	182.1	179.5

Note: mgd = million gallons per day ADWF = Average Dry Weather Flow PDWF = Peak Dry Weather Flow

- a Design Flow Capacity is based on the cross-sectional area of the pipeline. The design flow (or ¾ flow height) capacity constraints apply only to gravity sewers, such as the MIS and NCOS; force mains and pump stations (e.g., the 36-inch force main and Ballona Creek Pump Station) convey wastewater under pressure, thus they are not constrained at ¾ flow depth within the pipeline, and their design flow reflects full flow capacity.*
- b 2010 available capacity is based on interpolated flow data for 2020, as provided by the City of Los Angeles Department of Public Works, and represents the available flow capacity in respective system components during peak flow months, without causing the sewer to become constrained (i.e., ¾ height capacity, where applicable). This is calculated by subtracting the 2010 projected peak flows from the ¾ height capacity (for gravity sewers) or the full flow capacity (for force mains and pump stations).*

Source: Psomas and Associates, Village at Playa Vista, Sewer Research, January 23, 2009, Table 1.

3.4.2 Impacts To Wastewater Treatment Capacity

With respect to the treatment capacity needed to accommodate wastewater generated by the Proposed Project's operations (as shown in Table II.B-8), the analysis demonstrates that projected unused Hyperion treatment capacity is projected to be approximately 118.8 mgd and 81.5 mgd in 2010 and 2020, respectively, during average dry weather conditions (This analysis uses the most recent population growth projections contained in the 2008 RTP data. For prior analyses of the City's treatment capacity using earlier population growth projections, refer to Section 2.2.4, above).

	Effective Treatment Capacity (mgd)^b	Calibrated Average Dry Weather Flow (mgd)	Excess HSA Treatment Capacity (mgd)	Average Village at Playa Vista Flow (mgd)	Remaining Unused HSA Treatment Capacity (mgd)
Year	A	B	C	D	E
2010	544	425.2	118.8	0.47	118.3
2020	522	440.5	81.5	0.47	81.0

Notes: Values in Column C are the differences between Columns A and B. Values in Column E are the differences between Columns D and C. A positive value indicates excess Hyperion Service Area treatment capacity. (A negative value would indicate insufficient Hyperion Service Area treatment capacity.)

^a CH2M HILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008, Table 7.

^b Effective capacity with advanced treatment, but without TWRP expansion. See CH2M HILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008, per Table 5.

Further, as indicated in Table II.B-9, the Hyperion Service Area is projected to have unused capacity of approximately 92.0 mgd in 2010 and 53.7 mgd in 2020, respectively, during maximum month conditions.⁶⁰ These projections assume that the planned expansion project at Tillman is not implemented, but advanced treatment options will be implemented and reduce the effective capacity. Under those conservative assumptions, however, the analysis concludes that there is sufficient capacity to accommodate the Proposed Project's wastewater flows of 0.47 mgd through, at least, 2020. That 0.47 mgd contribution from the Proposed Project would represent as of 2010 approximately

⁶⁰ CH2MHILL, Technical Memorandum, Playa Vista – Hyperion Service Area Wastewater Flow Projections, November 11, 2008, Table 8. Maximum month conditions were estimated using a peaking factor derived in the 1990 WFP. It represents an annual peak flow period in the Hyperion Service Area that typically last for about 5 weeks.

**TABLE II.B-9
HYPERION SERVICE AREA (HSA) PROJECTED MAXIMUM MONTH WASTEWATER FLOWS
- 2010 AND 2020^a**

Year	Effective Treatment Capacity ^b (mgd)	Calibrated Max. Month Dry Weather Flow (mgd)	Excess HSA Treatment Capacity (mgd)	Average Village at Playa Vista Flow (mgd)	Remaining Unused HSA Treatment Capacity (mgd)
	A	B	C	D	E
2010	544	452.0	92.0	0.47 ^c	91.5
2020	522	468.3	53.7	0.47 ^c	53.2

Notes: Values in Column C are the differences between Columns A and B. Values in Column E are the differences between Columns D and C. A positive value indicates excess HSA treatment capacity. (A negative value would indicate insufficient HSA treatment capacity.)

^a CH2M HILL, Tech Memorandum, Playa Vista - Hyperion Service Area Wastewater Flow Projections, November 11, 2008, Table 8.

^b Effective capacity with advanced treatment, but without TWRP expansion. See CH2M HILL, Technical Memorandum, Playa Vista - Hyperion Service Area Wastewater Flow Projections, November 11, 2008, per Table 5.

^c Use of 0.47 mgd, the projected average Village at Playa Vista flow, is an appropriate figure to use to calculate projected maximum month wastewater flows in 2010 and 2020 because treatment plant capacity is tied to average day dry weather flows rather than peak day dry weather flows that occur diurnally. Nonetheless, analysis in the Original DEIR used peak day dry weather flow. However, even if the analysis is conducted with peak day dry weather flow of 1.53 mgd from the Village at Playa Vista, remaining excess HSA treatment capacity is only 1 mgd less, and still within HSA's effective treatment capacity. Thus, the analysis projects excess HSA treatment capacity in 2010 or 2020 using either the average Village at Playa Vista flow or the peak day dry weather Village at Playa Vista flows. See CH2M HILL, Technical Memorandum, Playa Vista - Hyperion Service Area Wastewater Flow Projections, November 11, 2008, Table 8.

0.39 percent of the projected unused treatment capacity of the Hyperion Treatment System under average dry weather conditions and approximately 0.51 percent of the projected unused treatment capacity of the Hyperion Treatment System under maximum month conditions.

As of 2020, the Proposed Project's contribution of 0.47 mgd of wastewater would represent approximately 0.5 percent of the projected unused treatment capacity of the Hyperion Treatment System under average dry weather conditions and approximately 0.88 percent of the projected unused treatment capacity of the Hyperion Treatment System under maximum month conditions. Since the Proposed Project's wastewater will not contribute to a capacity shortfall at Hyperion Treatment Plant even during peak flow months, the Proposed Project will not cause a significant impact, individually or cumulatively, to the City's wastewater treatment systems.⁶¹

⁶¹ A substantial amount of the projected unused treatment capacity identified in Tables II.B-7 and II.B-8, is anticipated to be available at the Hyperion Treatment Plant given the current unused capacity at the facility

With respect to wastewater generated during construction of the Proposed Project, construction activities also would not cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained, or substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements, as shown in Table II.B-9. As such, construction impacts to the local wastewater conveyance and treatment system would be less than significant.

Operation of the Proposed Project would contribute an average of 0.47 mgd of wastewater to local conveyance, treatment, and disposal facilities, which would not constitute a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained, or substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements; therefore, impacts would be less than significant. The Proposed Project, therefore, would not substantially or incrementally exceed the future scheduled capacity of any one treatment plant (e.g., Hyperion) by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. Additionally, the wastewater generation analysis remains conservative as it does not account for numerous project design features, such as those listed in Subsection II.B.3.3 above, that will minimize wastewater generation from the Proposed Project.

As such, the Proposed Project's additional wastewater flows would result in a less than significant impact given the projected unused capacity within the Hyperion Service Area for 2010 and 2020. Therefore, the Proposed Project would not cause an expansion at Hyperion to be implemented, nor would there be a need for expansion, given that the Hyperion Service Area treatment capacity is projected to be in excess of the average weather flows.

3.5 Equivalency Program Impacts

The preceding analysis addressed impacts associated with construction and operation of the Proposed Project relative to the adequacy of wastewater collection and treatment infrastructure. The proposed Equivalency Program allows for specific limited exchanges in the types of land uses occurring within the Project's Urban Development

and the relative percentages of wastewater in the Hyperion Service Area currently treated at the City's three treatment facilities.

Component. No changes are proposed under the Equivalency Program to the Project's Habitat Creation/Restoration Component.

Wastewater impacts pertaining to construction activities under the Equivalency Program would be nearly identical to those that would occur under the Proposed Project and would not result in increased wastewater impacts, given the similarity in nature and intensity of construction activities under both development scenarios. Furthermore, operational impacts to wastewater collection infrastructure under the Equivalency Program would be similar to the Proposed Project, as Bureau of Sanitation oversight of design and planning of wastewater collection infrastructure under the Equivalency Program (i.e., to ensure system adequacy) would still occur. As such, construction impacts, as well as operational impacts related to wastewater collection infrastructure would be less than significant under the Equivalency Program, as is the case with the Proposed Project, since the total estimated wastewater generation at buildout would not cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained.

Operational wastewater generation under the Equivalency Program would, under some development scenarios (i.e., variations in office, retail, and assisted living development patterns, while residential and community-serving would be unchanged), result in greater wastewater treatment capacity impacts than under the Proposed Project. As shown in Table II.B-10, wastewater generation would increase for two of the three analyzed land use development scenarios under the Equivalency Program. The first scenario under the Equivalency Program (i.e., All Retail), in which no assisted living units would be developed and the reduced office uses would be transferred to retail development, would generate 0.446 mgd average dry weather flow, representing a decrease of approximately 0.021 mgd for average flow from Proposed Project generation.⁶²

Under the second scenario (i.e., All Assisted Living), in which retail uses would be equal to those under the Proposed Project, yet in which the maximum number of assisted living units are constructed and office uses are reduced, wastewater generation would be the highest, surpassing the projected wastewater generation of the Proposed Project. As Table II.B-10 illustrates, the All Assisted Living scenario would result in the generation of 0.487 mgd average dry weather flow, representing an increase of 0.020 mgd over the Proposed Project.

⁶² For the sole purpose of comparing the wastewater generated under the scenarios in the Equivalency Program to the Proposed Project's wastewater, the wastewater generated by the Proposed Project was calculated to the one-thousandth of a mgd. For all other analyses in this Section II.B., the Proposed Project's wastewater generation was rounded up to one-hundredth of a mgd.

**TABLE II.B-10
AVERAGE AND PEAK WASTEWATER GENERATION – PROPOSED PROJECT AND
EQUIVALENCY SCENARIOS**

Land Use	Generation Factor (gpd/unit)	Equivalency Scenario: All Retail		Equivalency Scenario: All Assisted Living		Equivalency Scenario: Retail/Assisted Living	
		Amount of Development	Generation	Amount of Development	Generation	Amount of Development	Generation
Average Wastewater Generation (gpd)							
Residential (d.u.)	160	2,600	416,000	2,600	416,000	2,600	416,000
Office (ksf)	203	50	10,150	150.90	30,633	50	10,150
Retail (ksf)	80	206.832	16,547	150	12,000	195.877	15,670
Community Serving (ksf)	80	40	3,200	40	3,200	40	3,200
Assisted Living (units/rooms)	125	0	0	200	25,000	200	25,000
Total (mgd)			0.446		0.487		0.470
Proposed Project			0.467		0.467		0.467
Over/(Under) Proposed Project			(0.021)		0.020		0.0033

*Notes: gpd = gallons per day mgd = million gallons per day ksf = thousand square feet d.u. = dwelling unit
Remainder of the document uses 0.47. for accuracy of comparison here, show 0.467.*

Source: Camp, Dresser & McKee, Inc., 2003.

The analysis of the Equivalency Program also considered other equivalency scenarios, in which some proportion of assisted living units and retail development would be constructed while office uses would be minimized (as in the first scenario). Under these equivalency scenarios the amount of wastewater generation would vary depending on the amount of retail and assisted living units constructed. Based on an analysis of a number of different equivalency scenarios, the greatest wastewater generation would occur when the maximum number of assisted living units (i.e., 200 units) are constructed along with additional office uses, due to the fact that assisted living units are more water-intensive than retail uses (i.e., they generate more wastewater associated with increased water use). As such, as illustrated in Table II.B-10, the All Assisted Living scenario of the Equivalency Program with the highest wastewater generation would generate 0.487 mgd average dry weather flow.

Overall, based on the fact that, compared to the Proposed Project, the fluctuations in wastewater generation under all development scenarios of the Equivalency Program are

0.021 mgd less than or 0.020 mgd more than the Proposed Project, the impacts relative to the Proposed Project are not significant. Additionally, implementation of applicable Project Design Features (as discussed in Subsection II.B.3.3, Project Design Features, and in Section, IV.N.(1), Water Consumption of the Original DEIR) and Proposed Project mitigation measures would minimize wastewater generation to the maximum extent practicable. As such, the total estimated wastewater generation at buildout would not cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained, and the Proposed Project's additional wastewater flows would not substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. Thus, impacts attributable to the Equivalency Program, as is the case with the Proposed Project, would be less than significant.

3.6 Impacts of Off-Site Improvements

Proposed Project development could result in secondary impacts arising from implementation of the Project's mitigation measures, as well as the direct impacts described above. Mitigation measures within the Traffic Section of the Original DEIR, Section IV.K.(1), require roadway widening at seven locations as well as other minor roadway enhancements that include restriping of roadways, and improvement of signalization and bus stop facilities. In addition, as discussed in the Water Consumption Section of the Original DEIR, Section IV.N.(1), the Proposed Project would require the construction of a water regulator station in the vicinity of Jefferson Boulevard and Mesmer Avenue. These off-site improvements are all located in developed urban areas. All of the off-site improvements, with the exception of the water regulator station, would occur within, or adjacent to, existing roadways. The water regulator station includes a small amount of above-ground piping equipment, a common element of the urban environment. Implementation of the Project's mitigation measures does not involve the construction of any buildings. Off-site traffic improvements would not result in substantial wastewater generation during construction with the exception of construction dewatering discharges, if required, which would be discharged into the local storm drain system and not into local sewer collection and treatment systems. Operation of the proposed improvements would not generate any wastewater. As such, the construction and operation of the proposed off-site improvements would not cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained, and the improvements would not add additional wastewater flows that would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. No impacts to wastewater collection and treatment systems are anticipated.

4.0 MITIGATION MEASURES

A Mitigation Measure for the Proposed Project and the Equivalency Program is as follows:

- Prior to issuance of any building permit, construction of on-site infrastructure improvements necessary for the conveyance of project wastewater to the 42-inch Marina Interceptor Sewer in Jefferson Boulevard shall be completed, or suitably guaranteed, to the satisfaction of the City Department of Public Works and other applicable responsible agencies. As discussed above, the 42-inch Marina Interceptor Sewer already has been constructed and connected to all sewers at the Proposed Project site.⁶³

5.0 UNAVOIDABLE ADVERSE IMPACTS

Impacts to the local and regional sewer system would be less than significant, as the Proposed Project, Equivalency Program, and off-site improvements are not anticipated to cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. The Proposed Project, inclusive of the Equivalency Program, would create an incremental increase in wastewater generation in the City of Los Angeles. The incremental amount of average wastewater generated by the Proposed Project would not be substantial; current wastewater flow projections contained in the 2006 IRP, as well as modeling based upon the latest updated demographic projections, demonstrate that adequate wastewater treatment capacity will be available in 2010 and 2020, and the Proposed Project impacts are less than significant. With regard to the Project's off-site improvements, the construction and operation of the off-site improvements are not anticipated to generate or otherwise contribute wastewater flows to the Hyperion Service Area; hence no impacts would occur. Overall, with implementation of the mitigation measure presented above, as well as Project Design Features discussed in Original DEIR Section IV.N.(1), Water Consumption, no significant adverse impacts with respect to wastewater are anticipated to occur.

⁶³ *Psomas and Associates, Village at Playa Vista, Sewer Research, January 23, 2009.*

6.0 CUMULATIVE IMPACTS

6.1 Wastewater Collection And Treatment Systems

As discussed above, the analysis of the Proposed Project's contribution to a potential shortage in the City's wastewater collection and treatment capacity takes into account wastewater from other sources. The Original FEIR included an analysis of cumulative impacts on wastewater based on a list of 96 related projects which were anticipated to be developed within the Proposed Project's study area (roughly 100 square miles, bounded by Wilshire Boulevard on the north, Crenshaw Boulevard on the east, and Artesia Boulevard on the south). However, the cumulative impacts discussion in this RS-DEIR has been expanded to model the projected growth within the entire 515-square mile Hyperion Service Area, and the wastewater attributable to that projected growth is used in the cumulative analysis of wastewater impacts in this RS-DEIR.

Cumulative impacts to the local and regional sewer system from implementation of the Proposed Project (inclusive of the Equivalency Program and off-site improvements) and other projected growth within the Hyperion Service Area would be less than significant, as the Proposed Project and related growth are not anticipated to cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. As discussed previously, the Hyperion Service Area is anticipated to have sufficient capacity to treat projected wastewater flows from the Proposed Project and all other projected growth through 2010 and 2020, even if the planned expansion of Tillman does not occur, with a projected annual average excess capacity of 118.3 mgd ADWF, or 91.5 mgd in maximum month conditions, in 2010 and 81.0 mgd ADWF, or 53.2 mgd in maximum month conditions, in 2020. Each of the sewer facilities that would transport wastewater from the Proposed Project site would also have excess capacity even with the addition of flows associated with the project. Therefore, no significant cumulative impacts on wastewater collection and treatment systems would occur.

6.2 Impacts To Santa Monica Bay

6.2.1 Current NPDES Permit Levels And Other Water Quality Standards Applicable To Discharges of Treated Wastewater From The Hyperion Treatment Plant To The Santa Monica Bay

For a major discharger such as Hyperion Treatment Plant, a variety of NPDES permit regulations are employed, including both effluent and receiving water limits and

requirements or certain treatment processes.⁶⁴ A key limitation concerns dilution ratio. The RWQCB and USEPA require that discharges under a NPDES permit meet a dilution ratio of 84 parts seawater to 1 part effluent (*i.e.*, a dilution ratio of 84:1) for the five-mile outfall, and a dilution ratio of 13:1 for the 1-mile outfall.⁶⁵ These allowable initial dilution ratios are often referred to as “dilution credits,” and the volume enclosed by the boundary at which the water quality objectives must be met is often referred to as the “Zone of Initial Dilution.”⁶⁶

Individual pollutants discharged from the Hyperion Treatment Plant are grouped into three general categories: conventional, toxic, and non-conventional pollutants. Numerical effluent limitations for all three categories of pollutants are set based on specifications in the Ocean Plan and secondary treatment standards outlined in 40 CFR 133 § 102. The permit includes a comprehensive Monitoring and Reporting Program with respect to the limitations and conditions in the permit, and any non-compliance with these effluent limitations constitutes a violation of the Clean Water Act and the California Water Code.⁶⁷

The Hyperion Treatment Plant’s NPDES permit contains additional effluent limitations for the five-mile outfall for the constituents in the following categories: (1) marine aquatic life toxicants (acute toxicity, chronic toxicity, radioactivity), (2) human health toxicants – non-carcinogens (tributyltin), (3) human health toxicants – carcinogens (chlorodane, DDT, PAHs, PCBs, and TCDD (dioxin) equivalents).⁶⁴ The permit also contains performance goals for 72 additional constituents listed in the Ocean Plan. Performance goals are more stringent than the effluent limitations based on the Ocean Plan objectives and are established consistent with the State’s anti-degradation policy.

The operative NPDES permit for the Hyperion Treatment Plant was issued after a lengthy public process. A public notice of the consideration of the NPDES permit was issued on September 21, 2004. The tentative permit was heard before a joint hearing panel of the RWQCB and USEPA on November 4, 2004. Written comments were submitted by a number of parties, including the City of Los Angeles, Los Angeles County Sanitation Districts, Heal the Bay, and Santa Monica Baykeeper. The tentative permit was then revised based on written comments and testimony received during the November Board hearing. In connection with a review of the NPDES permit, the City of Los Angeles submitted a report that determined “no unreasonable degradation of the marine

⁶⁴ *MBC Applied Environmental Sciences and Flow Science, Inc., Technical Report on Cumulative Wastewater Impacts, November 11, 2008, pp. 7-8.*

⁶⁵ *Id.*, p. 11.

⁶⁶ *Ibid.*

⁶⁷ *Id.*, pp. 8-9.

⁶⁴ *Id.*, p. 11.

environment is occurring with the current discharge receiving full secondary treatment.”⁶⁸. The final NPDES permit was adopted on April 7, 2005 at the RWQCB Meeting. It was then issued on April 11, 2005 by USEPA, and became effective as of May 14, 2005. The California Water Code and federal regulations governing NPDES permits provide that an aggrieved person may file a petition seeking review of an approved NPDES permit (to the State Board or federal Environmental Appeals Board, as applicable).⁶⁹ No such petition or any other appeal or legal challenge was filed regarding the Hyperion NPDES permit.

6.2.2 Current Discharges From Hyperion Treatment Plant

The Hyperion Treatment Plant’s primary facility, including the existing one-mile outfall, was constructed in 1950. Five-mile and seven-mile outfalls were placed into operation in 1961. Since December 1998 the Hyperion Treatment Plant has provided full secondary treatment to wastewater that it receives. As required by Hyperion Treatment Plant’s previous NPDES permit, the plant’s secondary treatment process has been augmented with additional high purity oxygen activated sludge modules, secondary clarifiers, and egg-shaped digesters to achieve higher quality effluent. The Hyperion Treatment Plant is now widely considered to be a world-class treatment facility.⁷⁰

Treated wastewater from Hyperion Treatment Plant is primarily discharged into Santa Monica Bay through a five-mile outfall, although the one-mile outfall is permitted for the emergency discharge of chlorinated secondary effluent during extreme high flows, power failures, and preventive maintenance. In addition, during intense storms or storms associated with plant power outages, direct discharge of un-disinfected storm water is also permitted. Since 2004, effluent has been discharged through the one-mile outfall only seven times – twice during heavy storm events (on January 9, 2005 and January 10, 2005), once in November 2006 during a thorough inspection of the five-mile outfall, and four times in 2007-08 during gate testing. During the 2006 inspection, the discharge volume through the one-mile outfall was 700 million gallons, or roughly twice the average daily volume discharged that year through the five-mile outfall. Volumes were much lower during the 2007-08 gate tests, ranging between 1.26 million gallons and 4.627 million gallons, and the 2005 storm discharges were even more minor. In each case, discharges were within the Hyperion Treatment Plant’s NPDES permit limit, and, the RWQCB determined that impacts from the one-mile outfall discharge on water quality in the Bay are minimal. These volumes are 0.41 percent to 1.55 percent, respectively, of the average daily volume discharged that

⁶⁸ *Id.*, p. 17 (citing RWQCB Analysis and Order).

⁶⁹ *Ibid.* (citing Water Code Section 13320; 40 CFR 124).

⁷⁰ *Id.*, pp. 3-4.

year through the 5-mile outfall.⁷¹ The seven-mile outfall was used until 1987 to discharge sludge, but no discharges from the seven-mile outfall are currently permitted.⁷²

The five-mile outfall discharges treated wastewater at a depth of 57 m (187 ft) below the surface. At that depth, discharges are made into the cold ocean water below the thermocline – the level where cooler deep waters generally are prevented from mixing with warmer waters above. A thermocline is present in the offshore zone of Santa Monica Bay during most seasons of the year, and the five-mile outfall was designed so that effluent discharged from the diffuser would be “trapped” below the thermocline and would not mix upward into the ocean surface waters, where the effluent could be transported to the nearshore environment. Effluent released from the five-mile outfall is released through a series of diffusers lining the outfall which are designed to provide rapid mixing and dilution, and thereby minimize effects to water quality and marine resources.

Data collected as part of physical monitoring programs specified in the Hyperion Treatment Plant’s NPDES permit have been used to locate and define the geometry of the wastewater plume discharged from the five-mile outfall. As confirmed in the MBC/Flow Science technical memorandum (Appendix C.iii.), discharges from the Hyperion Treatment Plant are diluted rapidly upon discharge, so concentrations of major constituents of concern are consistently below water quality objectives at the edge of the Zone of Initial Dilution (*i.e.*, near the diffuser and far from the shoreline).⁷³ In fact, the diffusers on the five-mile outfall are specifically designed to provide a minimum overall dilution ratio of 84:1 Zone of Initial Dilution (to ensure compliance with the requirements of the NPDES permit).⁷⁴ Further, the discharge plume from the Hyperion Treatment Plant has not been detected within 2.5 km of the Santa Monica Bay shoreline (because of several factors, including the design of the diffusers, the distance from shore, prevailing currents and oceanographic parameters including density stratification, and because the discharge from the five-mile outfall is released into the denser, deeper layer of water so the wastewater plume is generally trapped below the thermocline). Accordingly, effluent from the five-mile outfall does not cause any nearshore impacts and is not believed to contribute to any bacteria exceedances at the shoreline.⁷⁵

In all cases, concentrations of major constituents have tested at well below the objectives established in the NPDES permit.⁷⁶ Overall dilution ratios from the five-mile outfall have been calculated under industry-standard analytic methods to range from 90:1

⁷¹ *Id.*, p. 5.

⁷² *Id.*, p. 6.

⁷³ *Id.*, p. 32.

⁷⁴ *Ibid.*

⁷⁵ *Id.*, p. 17-19, 29.

⁷⁶ *Id.*, p. 19.

to 977:1 under 2005 and 2007 ocean conditions.⁷⁷ No administrative proceedings or litigation has been initiated by the RWQCB or anyone else regarding enforcement of the Hyperion Treatment Plant's current NPDES permit.

6.2.3 Impacts Attributable To A Potential Violation of a Regulatory Water Quality Standard Due To Discharge Of Wastewater From Proposed Project To The Santa Monica Bay

The incremental increase in wastewater generated by the Proposed Project is projected to be 0.47 mgd during average dry weather conditions, which is equivalent to (i) a 0.17 percent increase over the amount of treated wastewater discharged from the Hyperion Treatment Plant to the Santa Monica Bay in 2007 (which was approximately 282 mgd), and (ii) a 0.10 percent increase over the maximum dry weather discharge from the Hyperion Treatment Plant's five-mile outfall authorized under the NPDES permit (namely, 450 mgd) (see Subsection II.B.2.2.3, above). Further, it is not anticipated that Hyperion Treatment Plant's one-mile outfall would be used for routine discharge of wastewater originating from the Proposed Project since the only discharges through the one-mile outfall since 2006 have occurred during planned maintenance and required testing.

To determine the potential change in the Hyperion Treatment Plant's wastewater plume due to the Proposed Project, the dilution of effluent discharged from the Hyperion Treatment Plant via the five-mile outfall was analyzed, as was the change in dilution that would result from the addition of the Proposed Project's flow increment. The analysis was performed by MBC/Flow Science using the "Visual Plumes" analytical method for anticipated 2010 conditions with and without the Proposed Project and anticipated 2020 conditions with and without the Proposed Project.⁷⁸ An analysis was also performed for the maximum Hyperion Treatment Plant permitted flow under the NPDES permit, namely, 450 mgd.

The model results show that there is almost no change in effluent plume behavior for discharges with and without the added flow from the Proposed Project. The maximum change would be less than 0.7 percent, which is within the computational uncertainty of the model and within the typical range of variability in dilution that occurs from year-to-year and season-to-season. In other words, the change in plume dilution that would occur as a result of the incremental flows from the Proposed Project is insignificant. The model results indicated that dilution from the diffuser exceeded the permitted dilution ratio of 84:1 in all cases, and in all cases modeled dilution ratios were at least 60 percent greater than (and commonly more than double) the minimum designed dilution ratio of 84:1 for the five-mile outfall, even under the conservative assumption of no ambient current. (The presence of a

⁷⁷ *Id.*, pp. 42, 44.

⁷⁸ *Id.*, pp. 43-51.

current would significantly increase the initial dilution experienced by the Hyperion Treatment Plant discharge.)⁷⁹

In particular, the lowest dilution ratio (*i.e.*, the worst-case result) for year 2010 without project conditions would be 139:1, and 138:1 for year 2010 with project conditions. For year 2020 conditions, the worst-case dilution ratio would be 134:1 both with and without the Proposed Project. Under assumed maximum Hyperion Treatment Plant flows (*i.e.*, flows utilizing all of Hyperion Treatment Plant's existing permitted capacity), the worst-case dilution ratio would still be 125:1.⁸⁰ Each of these dilution ratios would be well above the 84:1 ratio required in the Hyperion Treatment Plant's NPDES permit.

Accordingly, the additional wastewater generated by the Proposed Project would not cause effluent discharges from the Hyperion Treatment Plant to violate the NPDES permit or other applicable regulatory standards imposed to protect the water quality in the Santa Monica Bay.

6.2.4 Impacts Attributable to Creation of Pollution, Nuisance or Contamination (Water Code Section 13050) Due to Discharge of Wastewater from the Proposed Project to the Santa Monica Bay

The Proposed Project also could cause a significant impact on the quality of water in the Santa Monica Bay if the discharge of its wastewater when combined with other treated wastewater discharged from the Hyperion Treatment Plant causes "pollution," "contamination" or a "nuisance" within the meaning of California Water Code Section 13050. Section 13050 defines those three terms as follows:

- "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (a) the waters for beneficial uses or (b) facilities which serve these beneficial uses. Pollution may include "contamination."
- "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.
- "Nuisance" means anything which meets all of the following requirements: (1) is

⁷⁹ *Id.*, p. 43.

⁸⁰ *Id.*, p. 47.

injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, or (3) occurs during, or as a result of, the treatment or disposal of wastes.

The physical and biological effects on Santa Monica Bay from the discharge of treated wastewater and other sources have been studied and reported for many years. These studies demonstrate that as a result of the implementation of such regulatory plans and programs as the Santa Monica Bay Restoration Plan, the Ocean Plan, and Basin Plan, constituent pollutants in the Bay generally have been reduced.

With respect to the Hyperion Treatment Plant in particular, implementation of full secondary treatment since 1998 has resulted in beneficial effects on water quality in the Bay. Studies of the marine communities in the vicinity of the Hyperion Treatment Plant's five-mile outfall have shown continued improvement following advancements in treatment levels and reductions in mass emissions through the five-mile outfall since the end of 1998.⁸¹ Also, the trawl-caught fish and invertebrate communities offshore the Hyperion Treatment Plant also increased in abundance and diversity after the initiation of full secondary treatment.⁸²

The City's 2003 *Transmittal of Ocean Discharge Criteria Report* repeats earlier conclusions that sensitive marine organisms in the Santa Monica Bay are not threatened by the Hyperion Treatment Plant discharges.⁸³ In fact, seven endangered species reside in the Bay, and while only five percent of the historical habitat used by these species remains in the watershed, none of the seven species is directly impacted by treated effluent from the Hyperion Treatment Plant.⁸⁴ Similarly, a toxicity monitoring program found no exceedences for acute toxicity in species such as the fathead minnow or chronic toxicity in species such as kelp, abalone or *Menidia* during critical developmental stages.⁸⁵ Accordingly, the RWQCB included in its findings for the Hyperion Treatment Plant's NPDES permit a reference to the City's 2003 report that determined "no unreasonable degradation of the marine environment is occurring with the current discharge receiving dull secondary treatment."⁸⁶

⁸¹ *Id.*, p. 34.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ *Id.*, p. 17.

Though effects on the distribution of organisms around the vicinity of the five-mile outfall are still detectable, these effects have been repeatedly been linked to residual impacts from prior discharges remaining in the sediments. The local community is now more similar to communities outside of the influence of the outfall than had been reported historically. While numbers of some pollution-sensitive species are still reduced in the immediate area of the discharge, effects on the distribution of organisms are restricted to a much smaller area than historically recorded, suggesting the spatial footprint of impacts is diminishing. Pollution-sensitive species are re-colonizing the sediments near the outfall. Similarly, demersal fish and invertebrate communities also continue to ameliorate in response to improved effluent quality.⁸⁷

Although areas of sediment contamination continue to be found in the vicinity of the Hyperion Treatment Plant's outfalls, much of this sediment is the result of historical deposition and not levels of contaminants associated with recent discharges. In fact, many contaminants of primary concern – including DDT, chlordane, PAHs, and PCBs – are not recorded in detectable concentrations in the Hyperion Treatment Plant's five-mile discharge.⁸⁸

Data also confirms that the treated wastewater discharged from the Hyperion Treatment Plant does not affect the quality of the water nearest the shoreline, thereby not affecting the public's health or enjoyment of the ocean or creating a condition that is indecent or offensive to the senses. As the Visual Plumes model results confirms, discharges from Hyperion are diluted rapidly upon discharge, so that concentrations of major constituents of concern are below water quality objectives at the edge of the Zone of Initial Dilution (i.e., near the diffuser and far from the shoreline). Furthermore, because the wastewater plume is generally trapped below the thermocline, the discharge plume from the Hyperion has not been detected within 2.5 km of the Santa Monica Bay shoreline. Shoreline and nearshore/inshore water quality monitoring conducted by the City of Los Angeles since the 1940s indicates that effluent from the Hyperion Treatment Plant 's 5-mile outfall does not reach the shoreline. Therefore, the treated wastewater discharge from the Hyperion Treatment Plant does not contribute to any detectable water quality impact at the Santa Monica Bay shoreline.

Those same conditions also preclude discharges of treated wastewater from the Hyperion Treatment Plant from contributing to the exceedances of water quality criteria for bacteria at the shoreline. Shoreline and nearshore/inshore water quality monitoring conducted by the City of Los Angeles since the 1940s indicates that elevated bacterial counts and observed exceedances of water quality objectives in the nearshore area are

⁸⁷ *Id.*, p. 33.

⁸⁸ *Id.*, p. 28.

associated with runoff from storm drains and discharge from piers.⁸⁹ Accordingly, discharge of treated wastewater from the Hyperion Treatment Plant has a less than significant impact on shoreline bacteria water quality.

As discussed in Subsection II.B.2.1.3, above and in Appendix C.iii., the types of potential effects on the Bay from discharge of treated wastewater from the Hyperion Treatment Plant that are discussed above are regulated by the NPDES permit issued by the RWQCB for the Hyperion Treatment Plant. That permit includes requirements and limitations that are protective of the marine environment, public health and beneficial uses of the Bay. (Refer to Subsection II.B.2.1.3 and Appendix C.iii. of this RS-DEIR.) Those requirements and limitations implement the objectives of the Basin Plan and the Ocean Plan, which are also aimed at protecting the Bay's beneficial uses and marine environment, as well as public health. (Refer to Subsection II.B.2.1.3 of Appendix C.iii.)

As discussed in Appendix C.iii., the objective of the water quality standards established by the Basin Plan and the Ocean Plan is to protect human health and the marine environment. (Refer to Tables 1 and 2 at pp. 10-15 of Appendix C.iii.) The Effluent Limitations and the Water Quality Objectives of the Basin and Ocean Plans are set by the State Board and USEPA in order "to ensure the reasonable protection of beneficial uses and the prevention of nuisance."⁹⁰ Further, the beneficial uses established by the Basin and Ocean Plans for this area of the Santa Monica Bay account for public human health and their enjoyment of the Bay. (Refer to Table 3 at p. 16 of Appendix C.iii.) Thus, while the Hyperion Treatment Plant's NPDES permit authorizes that facility to discharge treated wastewater to the Santa Monica Bay, the NPDES permit imposes numerous requirements and limitations on that discharge that protect the marine environment, public health and beneficial uses of the Bay. Such requirements and limitations further protect against the creation of a condition of pollution, nuisance, or contamination in the Santa Monica Bay within the meaning of Water Code Section 13050.

In conclusion, studies demonstrate that as a result of the implementation of such regulatory plans and programs as the Santa Monica Bay Restoration Plan, the Ocean Plan and Basin Plan, constituent pollutants in the Bay generally have been reduced during recent years. Implementation of full secondary treatment at Hyperion Treatment Plant has also resulted in beneficial effects on water quality in the Bay. Data also confirms that the treated wastewater discharged from the Hyperion Treatment Plant does not affect the quality of the water nearest the shoreline, thereby not affecting the public's health or enjoyment of the ocean or creating a condition that is indecent or offensive to the senses. Further, technical modeling demonstrates that the Proposed Project's incremental wastewater flow would not cause a future violation of the provisions in the Hyperion

⁸⁹ *Id.*, p. 19.

⁹⁰ *Id.*, p. 15 (citing *RWQCB Analysis and Order*).

Treatment Plant's NPDES permit that are protective of public health, the marine environment, and the beneficial uses of the Bay. Accordingly, the Proposed Project's impacts analyzed under Water Code Section 13050 are less than significant.

6.2.5 Significance Conclusions

For all the reasons discussed in this Subsection II.B.6.0, the analysis demonstrates that the wastewater generated by the Proposed Project, in combination with the projected cumulative increase in wastewater treated at the Hyperion Treatment Plant and discharged into Santa Monica Bay, would not result in any cumulative significant impacts to water quality or marine resources of the Bay. The Hyperion Treatment Plant currently operates in compliance with its NPDES permit limitations. Because the NPDES permit incorporates a range of regulatory policies specifically designed to protect the water quality in the Bay from pollution, contamination or nuisance, continued compliance with the requirements of the NPDES permit would achieve a corresponding compliance with Water Code Section 13050. Similarly, because regular discharges from the five-mile outfall are restrained below the thermocline and do not reach the shoreline or mix with nearshore waters, discharges from the Hyperion Treatment Plant do not contribute to any nuisances to public uses at the shoreline. Consequently, cumulative water quality impacts to the Santa Monica Bay from the discharge of Proposed Project's treated wastewater would be less than significant because such discharge would not (a) violate any applicable water quality standard, including Hyperion Treatment Plant's NPDES permit or (b) cause a condition of pollution, nuisance or contamination within the meaning of Water Code Section 13050.

II. ENVIRONMENTAL IMPACT ANALYSIS

C. CULTURAL RESOURCES: ARCHAEOLOGICAL RESOURCES

1.0 INTRODUCTION

Archaeological resources are the material remains of past human life and behavior. These resources often have scientific, cultural, religious, and educational values. This section addresses the Proposed Project's potential impacts on archaeological resources.

The Section has been prepared to address the inadequacies in the Original FEIR identified in an order issued by the California Superior Court dated May 23, 2008, implementing the Opinion of the Court of Appeal issued on September 13, 2007.¹ (See Appendices A.i. and A.ii.) Specifically, the Court of Appeal found the archaeological analysis deficient because the Original FEIR failed to sufficiently discuss preservation in place as a means to mitigate significant impacts on historical archaeological resources, as required by CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3).²

The Court of Appeal further found that a discussion of preservation in place was not moot despite the prior construction of the Riparian Corridor on the Proposed Project site: "The excavation work completed to this date and removal of any human remains or artifacts does not preclude the City, in the exercise of its discretion, from requiring in connection with a future approval of the project modifications to achieve greater preservation in place, including, for example, changing the course or depth of the riparian corridor and restoring archaeological resources to their prior resting places within the excavated corridor, or restoring those items to other suitable locations on the project site."³

In addition to the above issues, the Court of Appeal addressed a number of other arguments regarding the adequacy of the archaeological analysis in the Original FEIR and found that those portions of the Original FEIR were adequate.⁴ However, while this section of the RS-DEIR primarily focuses on addressing the issue of relocating the Riparian

¹ *City of Santa Monica v. City of Los Angeles*, (Super. Ct. Los Angeles County, May 23, 2008, No. BS093502 [consolidated Case No. B5093507]).

² *City of Santa Monica v. Los Angeles* (Court of Appeal, September 13, 2007), pp. 35-38, 113.

³ *Id.*, pp. 39-40.

⁴ *Id.*, 7, 9, 40-57.

Corridor in the Proposed Project as a possible means of preserving in place archaeological resources, this section discusses archaeological impacts in their entirety in light of CEQA's policy directive of providing full and complete information in EIRs.

By way of background, the Riparian Corridor, which is now completely constructed, is an open channel located along the southerly edge of the Proposed Project. The Riparian Corridor is part of a 51 acre Freshwater Wetland system which includes the Freshwater Marsh on the west side of Lincoln Boulevard. The Riparian Corridor within the Proposed Project is approximately 6.7 acres, and is part of a larger riparian corridor for both the Playa Vista First Phase Project and the Proposed Project, which is 25 acres. The riparian corridor was built in phases. The Playa Vista First Phase Project included the construction of the east and west ends of the riparian corridor. The Proposed Project, which was the subject of the Court of Appeal decision, included the construction of the middle portion of the riparian corridor, which links the portions of the riparian corridor developed with the Playa Vista First Phase Project. Archaeological resources encountered during the development of Proposed Project (prior to the Court of Appeal's Opinion overturning the Proposed Project's approvals), which are the subject of this Section of the RS-DEIR, were evaluated and treated per the protocols established in compliance with all applicable federal, state, and local regulations, including monitoring by Native Americans of Gabrielino descent.

This Section will discuss the federal, state, and local regulatory framework affecting archaeological resources, including State CEQA Guidelines Section 15126.4 and the Programmatic Agreement governing the Proposed Project site, as well as the archaeological history of the site. Furthermore, Subsection II.C.2.3 describes the conditions that existed at the Proposed Project site in 2002 when the original Notice of Preparation was issued for the Original DEIR, in 2004 when the City certified the Original FEIR, and 2008 when this RS-DEIR was prepared.

Per State CEQA Guidelines Section 15126.4, this section analyzes the feasibility of mitigating the Proposed Project's impacts on archaeological resources through preservation in place by relocating the Riparian Corridor. Four alternative designs that would relocate the Riparian Corridor are addressed in this Section. To best understand the potential impacts and benefits of those four options, this Section first discusses the reasons that led to the original design and location of the Riparian Corridor. Then, the four options are analyzed based on information known as of 2002, 2004, and 2008 in order to provide a complete review of this matter. Factors affecting the feasibility of the various options are discussed, including the impacts of any contaminated soil in the area, the hydrology and stormwater runoff in the area of the Riparian Corridor, the implications of removing prior building structures, among others. The impacts and benefits of each option are then compared with the impacts and benefits of the Riparian Corridor's existing configuration.

Finally, this section also addresses any potential future impacts on archaeological resources arising from construction of the urban portion (as opposed to the Riparian Corridor) of the Proposed Project. Furthermore, this section of the RS-DEIR supersedes and replaces the entirety of the archaeological resources section of the Original DEIR (Section IV.P.2.).

2.0 ENVIRONMENTAL SETTING

2.1 Regulatory Framework

2.1.1 Federal Level

The National Historic Preservation Act of 1966 (NHPA), as amended, established the Advisory Council on Historic Preservation (an independent Federal agency) to advise the President and Congress on historic preservation matters, to recommend measures to coordinate Federal historic preservation activities, and to comment on federal actions affecting properties included in or eligible for inclusion in the National Register of Historic Places (National Register). Section 106 of the NHPA requires federal agencies to consider the effects of their actions on historic properties, provide for public participation, and invite interested parties to participate in a process to address adverse effects on historical properties. To comply with Section 106 of the NHPA, the Advisory Council on Historic Preservation has developed the following five-step process:⁵

- (1) Determine if the Proposed Project is an undertaking subject to the NHPA.
- (2) Identify historical properties and evaluate their eligibility for inclusion in the National Register.
- (3) Determine whether the federal action, including permit actions, would have an adverse effect on historical properties.
- (4) Resolve the adverse effect of the Project culminating in a Memorandum of Agreement or Programmatic Agreement (PA) among the parties.
- (5) Proceed with undertaking if the parties cannot come to an agreement, proceed with the federal action after taking into account the Advisory Council on Historic Preservation comments.

⁵ 36 CFR § 800, *Protection of Historic and Cultural Properties*.

Pursuant to Section 800.13 of the regulations (36 CFR Part 800) that implement Section 106 of the National Historic Preservation Act (16 U.S.C. 470f),⁶ a PA among the U.S. Army Corps of Engineers Los Angeles District (Corps), the Federal Advisory Council on Historic Preservation, and the State Historic Preservation Officer was executed on October 22, 1991 (Appendix O-1 of the Original DEIR). The PA was reached in connection with the granting of a federal permit in 1992 by the Corps under Clean Water Act Section 404 for the fill of wetlands within the former Playa Vista Planning Area (Corps Permit No 90-426-EV). The Corps conferred with the Native American Heritage Commission and invited all affiliated Native American organizations and/or individuals to review the Agreement; two local Native American groups of Gabrielino descent responded and concurred in the PA. In October 2001, the PA was extended to cover the time period through October 22, 2011.⁷

The PA stated the Corps determination that development within the Playa Vista Planning Area would have an effect on properties included in, or eligible for, the National Register. The PA specifies that development within the land area covered by the PA shall be administered in accordance with specific terms and conditions in order to take into account the effects of any development on historical properties.

In compliance with the PA, the Corps inventoried the Area of Potential Effect (APE) for historic properties and approved Archaeological Treatment Plans (ATPs) and a Historic Resources Treatment Plan (H RTP) for historic properties that will be adversely affected by the Proposed Project.⁸

The PA addresses all of the former Playa Vista Planning Area. It assures that the 1992 permit authorizing the fill of wetlands within the Proposed Project site will be administered in accordance with the requirements of the Playa Vista Archaeological and Historical Project Research Design (Research Design) that are applicable to the land outside of the wetland pockets as well as within.

⁶ *“Programmatic Agreement Among the U.S. Army Corps of Engineers – Los Angeles District, The Advisory Council on Historic Preservation, and the California State Historic Preservation Officer Regarding Implementation of the Playa Vista Project,” approved by the Advisory Council on Historic Preservation, October 22, 1991. The Advisory Council on Historic Preservation is an independent federal agency.*

⁷ *Sudol, Mark F., Chief, Regulatory Branch, Department of the Army, letter to Mr. Marc Huffman, Playa Vista, October 30, 2001.*

⁸ *Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, Research Design, Statistical Research Technical Series No. 29, Part 1. Statistical Research Inc., Tucson, Arizona, 1991.*

The Research Design provides a comprehensive framework for evaluating archaeological and historical resources that may be affected by the Proposed Project. The Research Design presents relevant research questions, provides current knowledge of the archaeological and historical resources, describes potential impacts to prehistoric resources, and outlines future steps to mitigate potential adverse impacts of the Proposed Project on these resources. The Research Design has been approved by the Corps, the State Historic Preservation Officer, the California Coastal Commission, the City of Los Angeles, the U.S. Department of Justice, the Sixth Council District of the Los Angeles City Council, and Native Americans of Gabrielino descent.⁹ A peer review panel of three archaeologists¹⁰ has also reviewed the Research Design, as required by the archaeological guidelines of the California Coastal Act. The final Research Design incorporates relevant information and comments obtained from public agencies and individuals knowledgeable about archaeological sites and the history of the Proposed Project site.

There are two data recovery plans for the two archaeological areas in the Proposed Project site that are eligible for listing in the National Register. The first area, CA-LAN-62, is covered by the "Data Recovery Plan for CA-LAN-62 and CA-LAN- 211" prepared in 1991 and accepted by the parties to the PA concurrently with adoption of the PA. (See PA, § 3.6.) The second area, CA-LAN-211H, is covered by the ATP contained in "At the Base of the Bluff," an extensive report on research activities of the twelve years preceding April 2003. That report addresses activities regarding the Proposed Project, inclusive of research, resource boundary testing, and National Register evaluations. The ATP for CA-LAN-211 was approved pursuant to the PA in 2003.¹¹ In accordance with the PA, the Research Design, and the relevant ATPs, field research, data recovery, and analysis have occurred and report-writing is continuing.

2.1.2 State Level

The CEQA is the principal statute governing environmental review of projects occurring in the state.

⁹ *The approval by the Sixth Council District was prior to redistricting and assignment of the Proposed Project site to the Eleventh Council District.*

¹⁰ *The peer review panel consists of Dr. Patricia Martz (Emeritus, California State University, Los Angeles), Dr. Charles Rosaire (Curator Emeritus of the Los Angeles County Museum), and Dr. John Johnson (Curator of Anthropology, Santa Barbara Museum of Natural History). Dr. Philip Walker (Professor, University of California at Santa Barbara), serves as an additional member of the peer review panel for work at LAN-62 specifically related to burials and human remains analysis. Interested groups include the Native Americans of Gabrielino descent.*

¹¹ *Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003.*

There are two areas of CEQA that are relevant to the process for evaluating the significance of archaeological resources. Section 21083.2 of the California Public Resources Code sets forth the process for evaluation and treatment of “unique archaeological resources.” In addition, archaeological resources also may be “historical resources” under Section 21084.1 of the California Public Resources Code.

Regarding unique archaeological resources, CEQA provides that:

“As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of non-unique archaeological resources.”¹²

Under CEQA, “‘unique archaeological resource’ means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.”¹³

No further consideration need be given to a nonunique archaeological resource, “other than the simple recording of its existence by the lead agency if it so elects.”¹⁴

For unique archaeological resources, the statute also provides examples of treatments in Section 21083.2 of the California Public Resources Code as follows:

¹² *California Public Resources Code Section 21083.2(a).*

¹³ *California Public Resources Code Section 21083.2(g).*

¹⁴ *California Public Resources Code Section 21083.2(h).*

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.¹⁵

Regarding mitigation, the statute also provides that excavation “shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.”¹⁶

The CEQA process for evaluating historical resources, including archaeological resources that may be historical resources, is set forth in Section 15064.5 of the State CEQA Guidelines. According to the Section 15064.5(c)(1), the first step is for the lead agency to determine if the resource is an historical resource under the following criteria which are set forth in Section 15064.5(a):

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- (2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally

¹⁵ *California Public Resources Code Section 21083.2(b); see also State CEQA Guidelines Section 15126.4(b)(3).*

¹⁶ *California Public Resources Code Section 21083.2(d).*

significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:
- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.

However, "[t]he fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in the local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1."¹⁷

Where an archaeological site does not meet these criteria "but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2."¹⁸ In

¹⁷ *State CEQA Guidelines Section 15064.5(a)(4).*

¹⁸ *State CEQA Guidelines Section 15064.5(c)(3).*

those cases where an “archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.”¹⁹

Under the California Register statute, any California resource formally determined eligible for listing in the National Register of Historic Places is automatically listed in the California Register.²⁰ Therefore, those archaeological sites within the Proposed Project site that have been determined eligible for the National Register under the PA are also listed in the California Register and are historical archaeological resources for purposes of CEQA.

In coordination with other laws outside of CEQA, the State CEQA Guidelines also sets forth special rules where there is a likelihood of Native American human remains within the project:

“[A] lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

- (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
- (2) The requirements of CEQA and the Coastal Act.”²¹

Under CEQA, a project “that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”²² There is a substantial adverse change in the significance of an historical resource in the case of “physical demolition, destruction, relocation, or alteration of the

¹⁹ *State CEQA Guidelines Section 15064.5(c)(4).*

²⁰ *California Public Resources Code Section 5024.1.*

²¹ *State CEQA Guidelines Section 15064.5(d); see also State CEQA Guidelines Section 15064.5(e) for requirements in the event of unanticipated discovery of human remains.*

²² *California Public Resources Code Section 21084.1; State CEQA Guidelines Section 15064.5(b).*

resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”²³ The State CEQA Guidelines sets forth the process for evaluating when the significance of an historical resource is materially impaired. This would occur when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources, a local register of historical resources or its identification in an historical resources survey.²⁴

The State CEQA Guidelines provide guidance for the consideration of archaeological resources. Section 15126.4(b)(3) states:

“Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

- (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
- (B) Preservation in place may be accomplished by, but is not limited to, the following:
 - 1. Planning construction to avoid archaeological sites;
 - 2. Incorporation of sites within parks, greenspace, or other open space;
 - 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
 - 4. Deeding the site into a permanent conservation easement.
- (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources

²³ *State CEQA Guidelines Section 15064.5(b)(1).*

²⁴ *State CEQA Guidelines Section 15064.5(b)(2).*

Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

- (D) Data recovery shall not be required for an historical resource if the Lead Agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.”²⁵

California Senate Bill 18 was enacted in September 2004 and mandates that prior to the adoption or any amendment of a city or county’s general plan or a specific plan proposed on or after March 1, 2005, the city or county must “conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that are located within the city or county’s jurisdiction.”²⁶

Additionally, under California Senate Bill 18, “[p]rior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action” to various entities, including “[o]n or after March 1, 2005, a California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county’s jurisdiction.”²⁷

Pursuant to California Health and Safety Code Section 7050.5 and California Public Resources Code 5097.98, the Native American Heritage Commission designated a Most Likely Descendant for the Playa Vista Planning Area, including the Proposed Project site, in 1995. The Most Likely Descendant has been informed of activities on the Proposed Project site, invited to visit the site, and has visited the site in accordance with State

²⁵ *State CEQA Guidelines Section 15126.4(b)(3).*

²⁶ *Cal. Gov’t Code § 65352.3(a); see also Tribal Consultation Guidelines: Supplement to General Plan Guidelines (Governor’s Office of Planning and Research 2005). The City of Los Angeles received the Applicant’s complete application requesting a general plan amendment and specific plan amendment for the Proposed Project on October 28, 2002, two years before the effective date of the statute. Under the Tribal Consultation Guidelines, in the case of an applicant-initiated proposal, an application is “proposed on or after March 1, 2005” and subject to Government Code section 65352.3 if the local government accepts a complete application on or after March 1, 2005.*

²⁷ *Cal. Gov’t Code § 65352(a).*

statutes. The Most Likely Descendant also has provided a series of written recommendations for the excavation and handling of human remains.²⁸

2.1.3 City of Los Angeles

The Conservation Element of the Los Angeles City General Plan provides that the City of Los Angeles has the “primary responsibility in protecting significant archaeological and paleontological resources” and in “identifying and protecting its cultural and historical heritage.”²⁹ The General Plan details a policy to “identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are identified during land development, demolition or property modification activities.”³⁰ The programs to be applied to achieve that policy are “permit processing, monitoring, enforcement and periodic revision of regulations and procedures.”³¹

The Proposed Project also would be required to comply with the Standard Specifications for Public Works Construction, Section 6.3-2. This regulation requires that ground disturbing activities be halted in the area of a paleontological or archaeological find until such time as a resource expert can review the find, determine its significance and, if required, determine appropriate mitigation measures. This regulation only applies to public projects. However, required mitigation measures associated with the Proposed Project could apply to public projects; therefore, this regulation still applies to the Proposed Project to the extent that certain mitigation measures (i.e. street improvements) involve public projects.

2.1.4 Permitting History of the Riparian Corridor

Several federal, state, and local approvals authorize the construction of the Freshwater Wetland System, which includes the 6.7-acre portion of the Riparian Corridor in the Proposed Project, as well as the balance of the riparian corridor to the east and west of the Proposed Project, and the Freshwater Marsh across Lincoln Boulevard further to the west of the Proposed Project. In 1992, the Applicant obtained a Clean Water Act Section 404 permit from the Corps which allowed the dredge and fill of certain waters considered jurisdictional by the Corps and the construction of the Freshwater Wetland System. In 1995, the Applicant obtained a Clean Water Act Section 401 Certification from the California Regional Water Quality Control Board – Los Angeles Region. In 1992, the

²⁸ Grenda, Donn, *Statistical Research, Personal communication, May 5, 2008.*

²⁹ *Los Angeles City General Plan, Conservation Element at II-5, II-9.*

³⁰ *Los Angeles City General Plan, Conservation Element at II-5--II-6.*

³¹ *Los Angeles City General Plan, Conservation Element at II-5--II-6.*

Applicant obtained a Coastal Development Permit from the California Coastal Commission to allow development of those portions of the Freshwater Wetland System that are within the coastal zone, which is west of the Proposed Project area. In 1996, the Applicant entered into a Fish and Game Code Section 1603 Streambed Alteration Agreement with the California Department of Fish and Game that allowed the fill of wetlands in connection with the Playa Vista project. The City also approved the eastern and western thirds of the riparian corridor, as well as the Freshwater Marsh, as part of its approvals of the Playa Vista First Phase Project in 1993 and 1995.

2.2 Archaeological, Historical, and Cultural History

The following discussion has been extracted from the 1991 Playa Vista Archaeological and Historical Project Research Design by Jeffrey H. Altschul, et al.,³² "At the Base of the Bluff," a 2003 report on the archaeological investigations in the Proposed Project area by Jeffrey H. Altschul, et al.,³³ and where noted other materials and information from expert archaeologists.

2.2.1 Archaeological Record

The earliest commonly accepted dates of human occupation of the Los Angeles Basin are from the La Brea site upstream of the Ballona Lagoon near downtown Los Angeles. Skeletal remains from "La Brea Woman" have been dated to about 9,000 years ago, around the same time as the "big game hunting tradition for mammoths" and other large animals were established over much of North America. Beyond these skeletal remains, few artifacts of this time have been found in Los Angeles County.

Evidence of human use in the Ballona Lagoon begins about 6,000 B.C. Excavations at five large midden sites on the top of the bluffs adjacent to the Proposed Project site suggest that the area was visited repeatedly for the next 5,000 years. Early occupation appears to have been exclusively temporary camps from which small groups exploited the resources of the wetlands for short periods before moving elsewhere. Occupation became more intensive and continuous from 1000 B.C. to A.D. 1000; four previously recorded archaeological sites on top of the Bluffs, adjacent to the Proposed Project site, have evidence of occupation during that period. The first evidence of settlement in the area

³² Altschul, Jeffrey H., et al., 1991, *Playa Vista Archaeological and Historical Project: Research Design (Appendix D.x.)*.

³³ Altschul, Jeffrey, H., et al., *Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003. (Appendix D.viii)*.

derives from several sites along the base and top of the bluffs, along the edge of the historical lagoon.^{34,35}

Whereas use of the bluff tops decreased dramatically after A.D. 1000, recent radiocarbon dates indicate that the lagoon edge was occupied for at least another 500 years. Although the Proposed Project site and surrounding areas were favored locations for settlement, beginning about A.D. 500 and continuing until about A.D. 1100, an apparent shift in settlement preference from the top of the bluffs to the edge of the Ballona Lagoon and its freshwater tributaries of Ballona Creek and Centinela Ditch occurred. The shift to the edge of the lagoon and its freshwater tributaries could have been to maintain access to critical resources. Prehistoric use of the Ballona Lagoon appears to have ended around A.D. 1100 based on current information, although the reasons for the abandonment of the Ballona Lagoon area are unknown.

2.2.2 Historical Record

European exploration of California began in 1542, with the arrival of Juan Rodriguez Cabrillo, but it was not until 1769 that the Spanish presence was felt in the Los Angeles Basin. At that time, Don Gaspar de Portola first made contact with the group of Native Americans that later became known as the Gabrielino. Portola reported stopping at a Native American village called “Yang’na” on the Los Angeles River near present day downtown Los Angeles, but he did not cross the Ballona Lagoon on his route to Monterey.

At the time of Portola, the Ballona Lagoon may have been occupied by Cupan speakers of the Takic language family. These people called themselves Kumi’vit, but they are better known by the name given them by Spaniards, Gabrielino. Archaeological evidence indicates that the Gabrielino moved out of the Great Basin and southern California deserts and settled the Southern California coast by at least A.D. 500. Evidence of proto-historic settlement of the Ballona is best documented at CA-LAN-211 in the Proposed Project area.³⁶ This site contains artifacts and historical evidence from Native Americans – perhaps ones that returned to the Ballona after leaving the mission. Some anthropologists suggest that a Gabrielino village named “Saan” or “Sa’angna” was situated

³⁴ Grenda, Donn R., Jeffery A. Homburg, and Jeffery H. Altschul, *the Centinela Site (CA-LAN-60): Data Recovery at a Middle Period Creek-Edge Site in the Ballona wetlands, Los Angeles County, California. Statistical Research Technical Series 45.*

³⁵ Grenda, Donn, *Statistical Research, Personal Communication, May 5, 2008.*

³⁶ Altschul, Jeffrey, H., et al., *Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003, pp. 249-280. (Appendix D.viii).*

in the Ballona Lagoon area prior to missionization. However, that name does not appear in the historical records.³⁷

Two years after the 1769 Portola expedition, Mission San Gabriel was founded in what is now the City of San Gabriel. The local Native Americans were first encouraged and later forced to move to the mission. Large numbers of Native Americans died from disease or intolerable living conditions during this period.

By the late 1700s and early 1800s, Ballona Creek and the lagoon area were periodically used by Spanish ranchers from Los Angeles County and San Gabriel Valley for stock pasturage. In 1839, Rancho La Ballona was granted by Governor Alvarado to the Machado and Talamantes families. These families used most of the land for cattle. The break-up of Rancho La Ballona began in 1857 with the death of Talamantes followed by the death of Machado in 1865. Most of their heirs sold the land within a decade. During this time the Union Army encampment of Camp Latham was established in 1861 about 5 miles inland on Ballona Creek north of the Proposed Project site, but was abandoned in 1862.

The advent of the railroad in the Ballona area and elsewhere in the mid-1880s led to a land boom that resulted in the development of Santa Monica and Ocean Park. Land speculation schemes such as Port Ballona in 1887 foreshadowed the development of present-day Marina del Rey. The development of communities currently surrounding the project area occurred during the early twentieth century. These communities include: (1) Playa del Rey, formerly Port Ballona, which originally consisted of a hotel, pavilion, boathouse, hunting clubs, and a motordrome for auto-racing in the Ballona Lagoon; (2) Venice, modeled after the Italian city including canals; (3) Culver City, the early home of the movie industry and aircraft research; and (4) Westchester, the seat of Loyola University (now Loyola Marymount University).

Commercial and industrial enterprises began to move into the Ballona area during the early twentieth century. Oil wells and refineries became commonplace. By 1931, there were 325 active oil wells in the Ballona Lagoon, with refineries and tanks built on islands of fill.³⁸ World War II and increased oil demand depleted most of the Ballona oil wells, and most of the derricks were dismantled in the 1950s and 1960s.

³⁷ Van Horn, David M. and White, Laurie, S. "A Study of Sa'angna." 1997, *Archaeological Associates; Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003, pages 19-26.*

³⁸ Schofield, R., *Hughes Aircraft, retired, telephone communication, July 30, 1990.*

The natural setting and accessibility of Ballona Creek led the movie industry to nearby Culver City. The corresponding increase in urban development prompted the channelization of Ballona Creek for flood control. In the early 1920s, the upper course of the creek was channelized to about present day Lincoln Boulevard. The channelization was completed by the Corps in 1935, at the suggestion of the Los Angeles Flood Control District. Although subject to tidal fluctuations, the channelized lower course of Ballona Creek became a two-mile rowing course used by sculling crews from the surrounding universities.

During the 1920s and 1930s, Japanese truck farmers leased most of the land in the former Playa Vista Planning Area from Joseph Mesmer, and raised celery crops in the low marshy area of the Ballona Wetlands, west of Lincoln Boulevard. By 1942, the Japanese farmers and their families were relocated to detention camps in reaction to the attack on Pearl Harbor. Members of the local Hispanic community, including Pepe Lopez, assumed the Japanese leases.

Lands within the former Playa Vista Planning Area became associated with Howard Hughes during the early 1940s. Hughes, a millionaire industrialist, who parlayed his inherited fortune into an empire and who made substantial contributions in the fields of aviation and film making, purchased most and, eventually, all of the Playa Vista Planning Area. Hughes initially acquired Playa Vista to make movies. Later, he used the property for the construction of an aircraft plant to consolidate his aviation interests in southern California into one large facility. This plant, referred to as the “Culver City” plant and the “Hughes Aircraft site,” was constructed east of the Proposed Project site within the Playa Vista First Phase Project site. A small portion of the plant site, including a number of buildings and several shed structures, extended into the Proposed Project site. Hughes also constructed a runway running east to west through the middle of Area D. As indicated in “At the Base of the Bluff,” the impacts of these Hughes-era activities on the Proposed Project area have been “profound and all encompassing”³⁹ Archaeological data recovery indicates CA-LAN-1932H actually may be fill taken from CA-LAN-211. Additionally, CA-LAN-2769 in the Proposed Project site has been found ineligible for listing on the National Register due to the “highly disturbed” and “questionable integrity” of the site.⁴⁰

Most of the buildings that existed as of November 2002 within the Proposed Project site (Buildings 23, 910, 911, 913, 915, 923, and the shed along the west side of the former

³⁹ *Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003, pp. 43-44. (Appendix D.viii).*

⁴⁰ *Id., pp. 243-248.*

Salvage Yard) were support facilities for the larger Hughes Aircraft Company complex. All of these buildings were initially used for storage purposes except for Building 23, a “test building.” Eventually, Building 23 was also used as a storage facility. Building 22 was originally used to house emergency diesel power generators, and was later used as storage. Building 45 was an aircraft hangar, later used as a warehouse, movie soundstages, mill, model shop, and storage.

Building 23, built between 1941 and 1943, was a one-story structure. Building 910 was completed prior to 1953, and was used for storage. Buildings 911, 912, and 913 were constructed in 1943. Building 911 was used for paint storage, Building 912 was used for plumbing and electrical storage, and Building 913 was used for janitorial storage. Building 915 (and the shed on the west side of the former Salvage Yard, which was originally part of the Building 915 structure) was used for lumber shelter. Building 923 was constructed in 1951, and was used for ammunition storage.

In addition to these former buildings in the archaeological areas, there were a number of underground utilities which served these buildings. Compressed air and natural gas lines ran from former Teale Street to the Former Firing Range and Salvage Yard buildings. Electrical power lines connected these areas to underground power lines on the north side of former Teale Street. There were also pipes carrying steam, chilled water, domestic water, and water for fire prevention into the archaeological areas. Finally, sewer lines from the area connected to sewer lines in former Teale Street, which drained to a lift station north of former Teale Street, which was pumped up the bluff to the North Outfall Sewer, at a location to the east of the archaeological areas.

In the 1960s, the small craft harbor of Marina del Rey was constructed north of Hughes’ property adjacent to the Ballona Flood Control Channel. Centinela Creek Flood Control Channel, north and east of Hughes’ property, was also constructed in the early 1960s by the Corps in cooperation with the Los Angeles Flood Control District.^{41, 42}

In 1984, McDonnell Douglas Corporation purchased Hughes Helicopter and leased that portion of the Plant Site that is located within the Proposed Project site. Both McDonnell Douglas and Hughes Helicopter vacated the Playa Vista Property in 1994.

Between 1987 and 2004, the City issued grading permits and stockpile modifications to allow over 2,000,000 cubic yards of stockpiling of construction dirt in the Proposed Project site to support construction activities for the Playa Vista First Phase Project in other

⁴¹ *Kruska, G., Evergreen Air Center, Inc., Marana, Arizona, personal communication, July 31, 1990.*

⁴² *Tweten, J.F., formerly of Hughes Aircraft, retired, Culver City, California, personal communication July 13, 1990.*

portions of Area D. By 1994, a huge stockpile, in part composed of dirt from construction excavations of Loyola Marymount University, covered by the northern half of the Proposed Project area.

2.2.3 Cultural Resources

Many prehistoric sites have been found in the Ballona region since the 1930s. Much of the area has been professionally surveyed, with excavations undertaken at sites on the Del Rey Hills north of Playa Vista, along the Centinela Ditch within the Playa Vista First Phase Project and Proposed Project areas, and on the edge of the historical Ballona Lagoon north of Playa Vista. Within a mile radius of Playa Vista, the locations of more than 25 archaeological sites are currently on file at the South Central California Information Center at California State University, Fullerton. The majority of the sites are either located on the top or at the base of the Del Rey Hills, with a scattering of sites situated on the northern edge of the historical Ballona Lagoon along Ballona Creek or on the open coast. Archival research suggests that other sites might be located in the surrounding area that would contribute to a better understanding of the prehistoric and historical cultural heritage of the area.

Archaeological sites in and around the Proposed Project site were visited by collectors and amateur archaeologists beginning in the 1930s. Malcolm Farmer, working in the 1930s, and William Dean, active in the late 1940s and early 1950s, noted an archaeological site later designated as CA-LAN-62 by Stuart Peck of the Southwestern Museum. Peck found inhumations (burials) and cremations as well as a variety of artifacts in the 1940s. All materials recovered by Peck are deposited with the Southwest Museum.⁴³

In 1950, Charles Rozaire and Russell Belous, who were then undergraduates at UCLA, visited and recorded 23 sites in the Ballona area. In 1979, R.L. Pence was contracted by the Summa Corporation to conduct a reconnaissance level survey of the entire Playa Vista Planning Area. Pence's survey was cursory in nature; not all areas were examined. Pence briefly describes 17 sites, 16 of which had been previously surveyed. Among those described was CA-LAN-62, some of which lies within the Proposed Project site. In the 1980s, further investigations were performed under the direction of Dr. David Van Horn including data recovery of sites on the bluff tops and to conduct test excavations of CA-LAN-62 and CA-LAN-211.

⁴³ *Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003, pp. 48-50.*

Since the early planning process of the First Phase of Playa Vista project in the 1990s, it was expected that the Playa Vista project would come into contact with archaeological resources, including Native American remains. Previous excavations over a 50 year period had uncovered Native American remains, including some in the location of the Riparian Corridor. Native American remains also were found throughout the area, including areas north of the Ballona Channel, Loyola Marymount University, and west of Lincoln Boulevard on the Bluffs.

In 1990, Statistical Research, Inc. conducted a systematic pedestrian survey of the entire area covered by the PA. According to the survey, the various episodes of construction and fill that have occurred over the Playa Vista site, including the Proposed Project area, have greatly hampered the visibility and evidence of cultural resources that may have once been exposed. In response, there has been ongoing research to discover and evaluate buried archaeological sites on lands within the area subject to the PA.

Five ATPs within the Playa Vista site have been implemented by Statistical Research Inc., and approved by the Corps, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation. Of these, two are for sites located within the Proposed Project area and the remaining three are for off-site locations in the vicinity of the Proposed Project. The first ATP for the Proposed Project site was prepared in 1991 and involved what was thought to be two areas, CA-LAN-62 and CA-LAN-211. Subsequently, it was found that as previously defined, CA-LAN-62 and CA-LAN-211 were actually one large site, not two different sites. This combined site is now referred to as CA-LAN-62 and partially extends into the western end of the Proposed Project site along the base of the Bluff. The designation CA-LAN-211 was reused for another archaeological site in the Proposed Project site to the east of CA-LAN-62. A new ATP was prepared for the newly designated site, CA-LAN-211/H, was reviewed, by the Corps, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation, and two groups representing the Gabriellino Indians, and was adopted in 2003.⁴⁴

2.3 Archaeological Resources and Changes to the Archaeological Sites

2.3.1 Site Conditions and Archaeological Resources as of 2002

Under the research program implemented by Statistical Research Inc. for the Playa Vista Planning Area subject to the PA, 24 loci of cultural materials have been identified. Of these 24 loci, four are fully or partially located within the Proposed Project site. These four loci are described in Table II.C-1.

⁴⁴ *Altschul, J.H., Statistical Research, Personal communication, July 16, 2003.*

TABLE II.C-1

CULTURAL SITES WITHIN THE PROPOSED PROJECT

Permanent No.	Description	Site Size (in meters)	Artifacts	Human Remains Present	Status
CA-LAN-1932/H	Prehistoric and Historical period deposit	Approximately 14,000 m ²	Historical period and more modern artifacts, Lithic tools and debitage Animal and shell remains	No	Not Eligible, secondary deposit ^a
CA-LAN-2769	shell scatter	3,240 m ² (approximately 0.07 acres)	Lithic tools and debitage Animal and shell remains	No	Not Eligible, highly disturbed or secondary deposit ^a
CA-LAN-211/H	shell midden	Approximately 23,000 meters (approximately 5.75 acres)	Lithic tools and debitage, animal and shell remains, historical period artifacts (including glass beads)	Yes	Eligible ^b
CA-LAN-62	shell midden	Approximately 1 km ² (approximately 250 acres)	Lithic tools and debitage, animal and shell remains, historical period artifacts (including glass beads)	Yes ^c	Eligible ^b

^a Determined not eligible for listing on the National Register of Historic Places.

^b Determined eligible for listing on the National Register of Historic Places.

^c Portion within Proposed Project did not contain human remains; human remains were found in a portion of LAN-62 located in the First Phase area of Playa Vista.

Source: Statistical Research, Inc., April 2008.

Under the Research Design, some of the archaeological sites on the Proposed Project site as well as throughout the Ballona region have been evaluated as eligible for listing in the National Register as an historic district. This district has been named the Ballona Lagoon Archaeological District. Sites formally recorded within the proposed district (recorded at University of California, Los Angeles and/or the South Central Coast Information Center) that are included in or overlap a portion of the Proposed Project site include CA-LAN-62, CA-LAN-211/H, CA-LAN-1932H, and CA-LAN-2769. The portion of CA-LAN-62 that is located within the Proposed Project site is known as CA-LAN-62 Locus D.

All of the sites are archaeological in nature. As discussed above, two of the four sites – CA-LAN-1932H and CA-LAN-2769 – are not intact and not eligible for listing in the National Register.⁴⁵ As of November 2002, the Proposed Project site was known to contain one archaeological site determined as eligible for listing in the National Register, CA-LAN-62 Locus D, and one archaeological site recommended as eligible for listing in the National Register, CA-LAN-211.

With the formal determination of National Register eligibility of the Ballona Lagoon Archaeological District, this District is also listed in the California Register. Therefore, the sites included within the District are also historical archaeological resources for purposes of CEQA. Based on the archaeological evaluations undertaken by Statistical Research Inc., other than CA-LAN-62 and CA-LAN-211, no potential archaeological site within the Proposed Project site is eligible for the California Register as an historical archaeological resource or a contributor to the Ballona Lagoon Archaeological District.⁴⁶

Work prior to 2002 demonstrated that data retrieved from these two sites could be used to address many of the questions listed under the historical context themes, human-land relationships, and cultural history and cultural dynamics. Specifically, the test excavations conducted between 1998 and 2001 at CA-LAN-62 Locus D and in 1999 at CA-LAN-211H recovered faunal and subsistence related artifacts in substantial numbers. CA-LAN-1932H represented fill taken most likely from CA-LAN-211/H to construct the runway, and CA-LAN-2769 similarly represented a secondary redeposit. Based on artifacts recovered, CA-LAN-62 Locus D and CA-LAN-211/H appeared to be multicomponent, dating from at least 3,000 years ago, until the early 1800s.

⁴⁵ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008), fn.1. (Appendix D.i.)*

⁴⁶ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

CA-LAN-62 Locus D and CA-LAN-211/H were partially intact. Resources included bone and shell recovered during the test excavations. These sites yielded large quantities of floral, faunal, and shell remains from intact deposits from which research questions relating to prehistoric subsistence can be addressed; adequate samples of projectile points, shell beads, obsidian artifacts, charcoal, shell, and bone to investigate chronological questions; sufficient quantities of microliths to investigate the technology of these peculiar Ballona lithic industries; and substantial numbers of diagnostic artifacts, such as projectile points, shell beads, and historic trade goods (if present) to examine questions of cultural affiliation. These sites, therefore, were considered contributing members of the District.

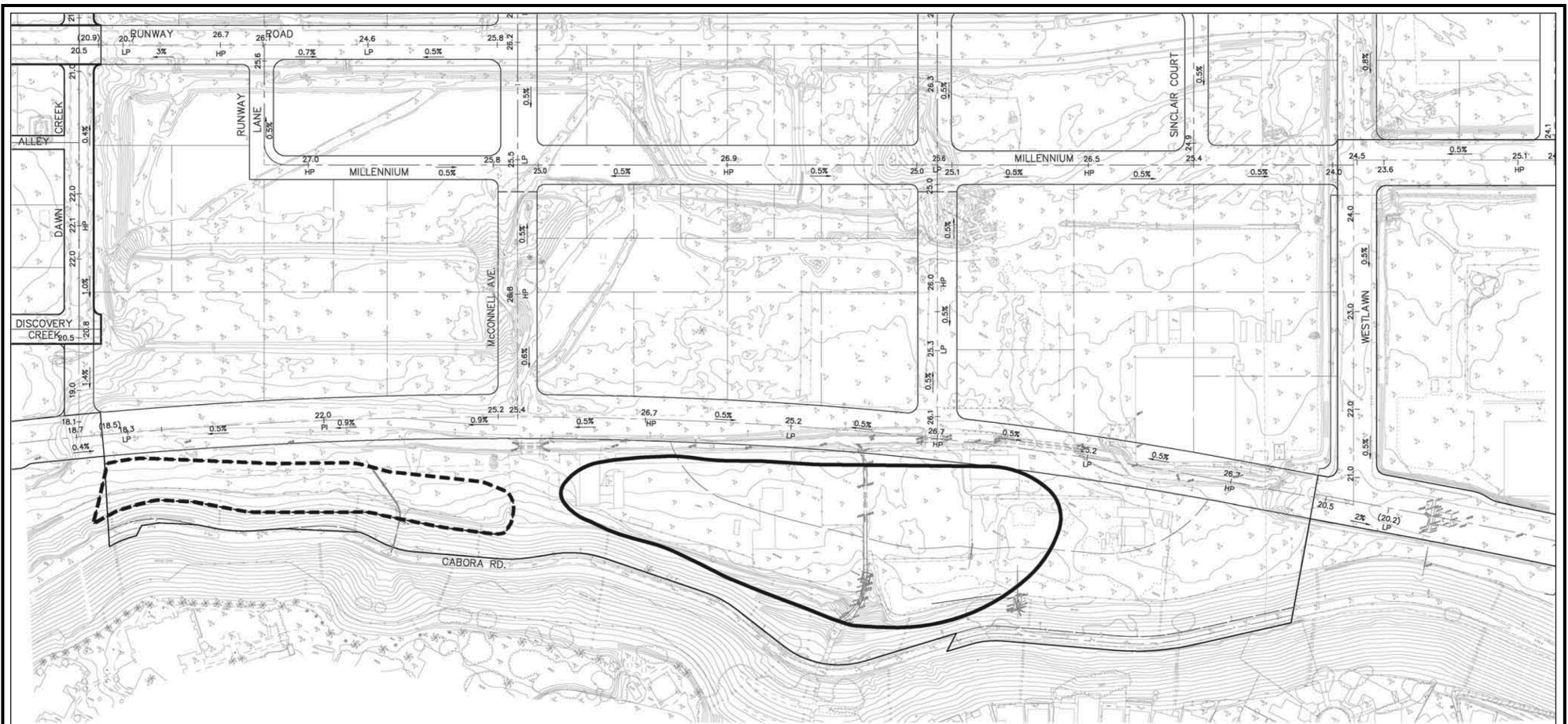
The area of the Proposed Project site containing CA-LAN-62 Locus D and CA-LAN-211/H is located at the southern most area of Proposed Project area adjacent to the Bluffs (referred to herein as the "Archaeological Sites"), as identified on Figure II.C-1. Figures II.C-2 and II.C-3 show the locations of CA-LAN-211/H and CA-LAN-62 Locus D in relation to the Hughes Aircraft Company Plant site in 1954.

Portions of the Archaeological Sites were covered with fill as a result of both the construction of Cabora Road and its associated sewer in the early twentieth century by the City of Los Angeles. The construction of Cabora Road and the associated sewer deposited a large amount of fill on the bluff slope below the road, burying southerly portions of both of the Archaeological Sites beneath an artificial bluff slope.

The area of the Proposed Project site containing the Archaeological Sites was extensively developed as part of the Hughes Aircraft Plant site. The Archaeological Sites were developed with numerous buildings and supporting infrastructure. Figure II.C-4 shows CA-LAN-211/H and CA-LAN-62 Locus D over a 1978 aerial photograph. As indicated, utilization of the area containing the Archaeological Sites continued and intensified from the 1950s through the 1970s.

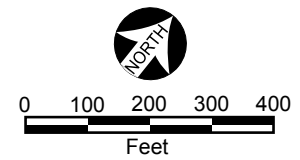
Figure II.C-5 shows the boundaries of the two Archaeological Sites overlaid on a 2002 aerial photograph; although several of the buildings and paved areas had been removed by this point (discussed below), eight buildings remained, and the majority of the footprint of CA-LAN-211/H was still paved.

Foundations of buildings, underground sumps and other sub-surface collection systems, underground fuel tanks, grading for the construction of buildings and paved areas, paving of areas, and other construction all caused damage to the Archaeological Sites (See Figure II.C-6).



Legend

- TOPO FLIGHT - 2002
- - - - ARCHAEOLOGICAL ZONE - LAN 62
- ARCHAEOLOGICAL ZONE - LAN 211
(RECOVERY PLAN)



Source: PSOMAS, 01/08/2008.



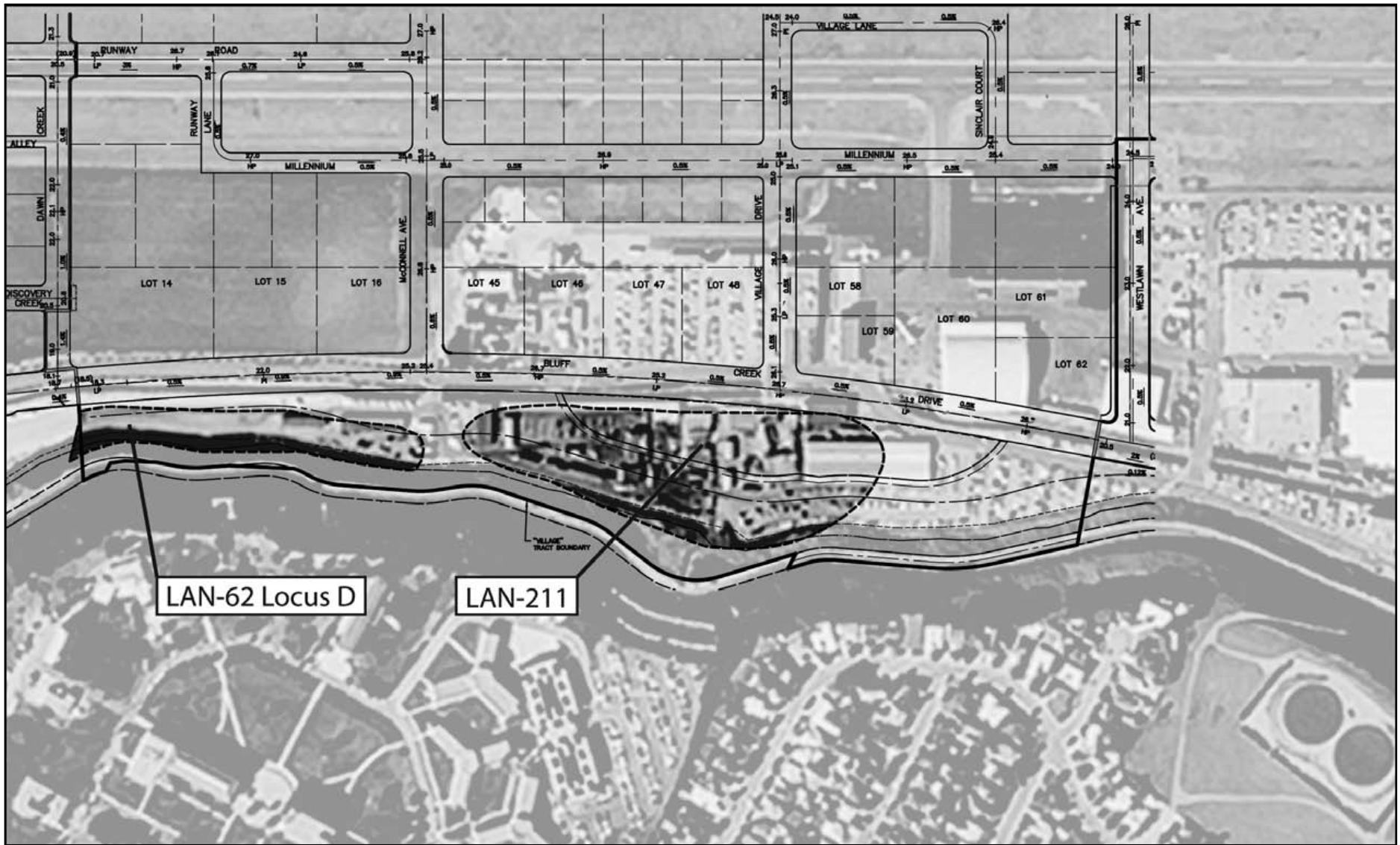
Source: Playa Capital Company 2008.



Source: Playa Capital Company, 2008

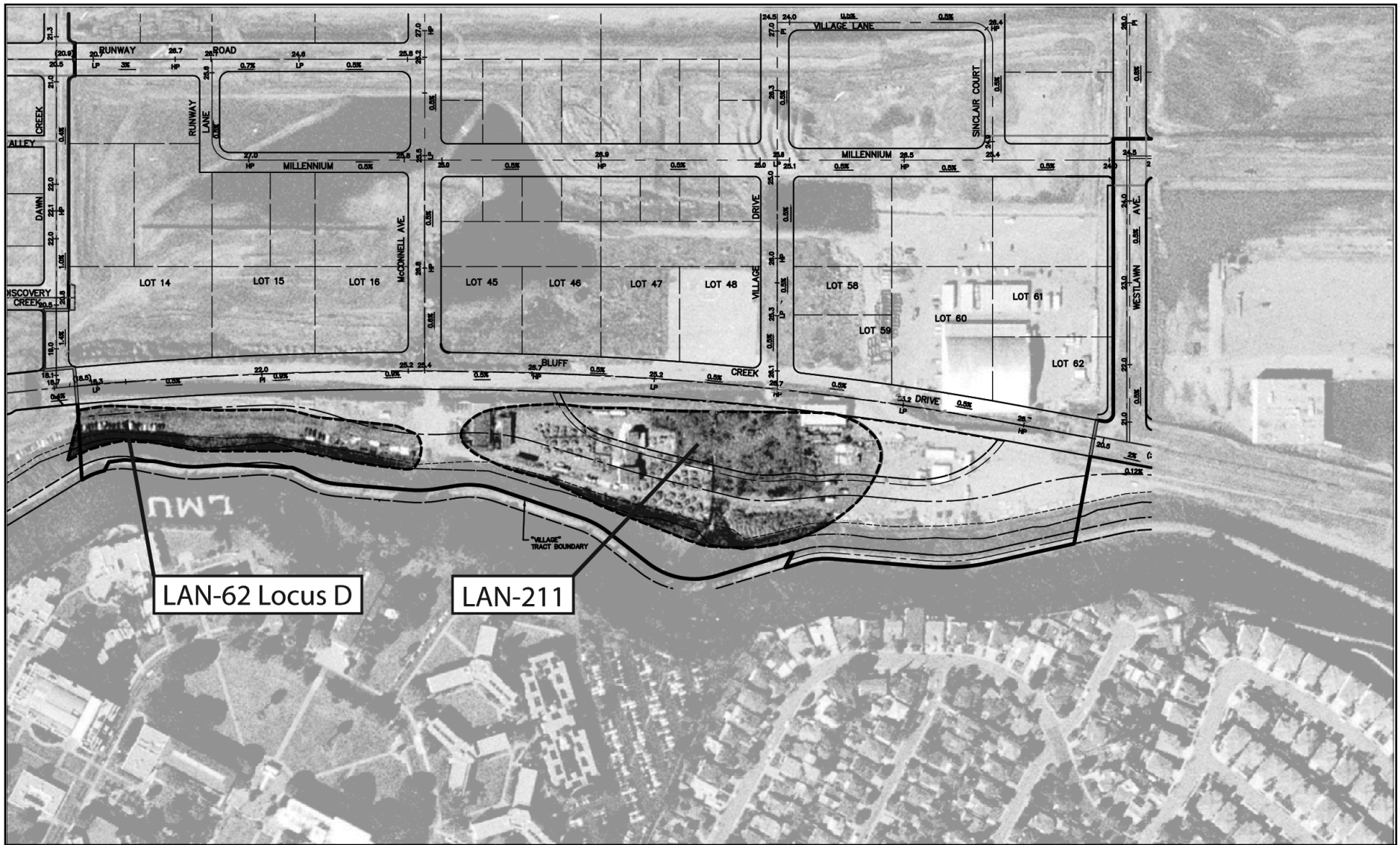


Figure II.C-3
Archaeological Sites in Relation to Hughes Air Plant Site 1954



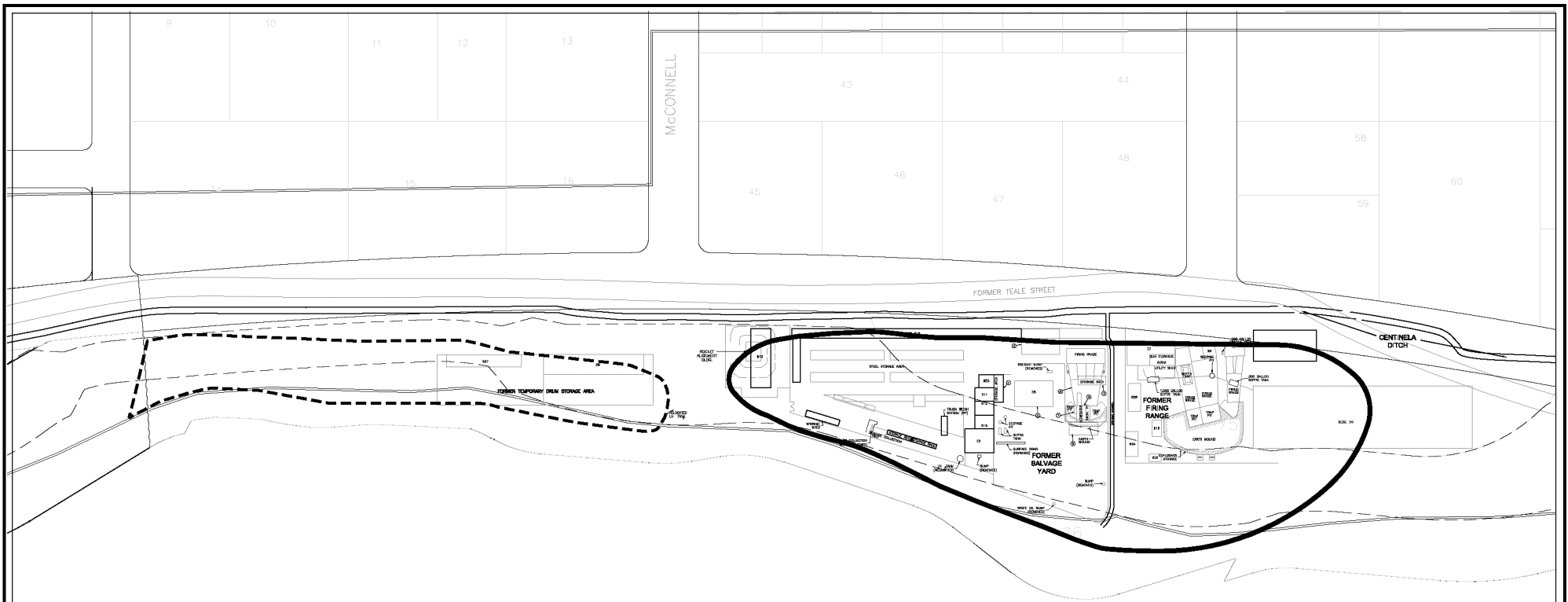
Source: Playa Capital Company 2008.





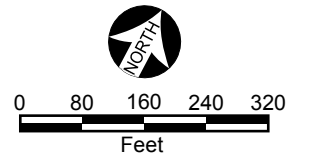
Source: Playa Capital Company 2008.





Legend

- STRUCTURAL REMAINING 2002-2004 (REMOVE IN 2005)
- - - PREVIOUSLY REMOVED STRUCTURES (PRIOR TO 1990)
- - - LIMITS OF RIPARIAN CORRIDOR
- ARCHAEOLOGICAL ZONE - LAN 211 (RECOVERY PLAN)
- ARCHAEOLOGICAL ZONE - LAN 62



Source: CDM, 03/18/08.

Figure II.C-7 (Historic and Recent Disturbance within Archaeological Zones) demonstrates the extent of historic and recent disturbance of archaeological resources in CA-LAN-211/H and CA-LAN-62 Locus D due to historic ground disturbance activities such as the cutting and filling of soil, excavation of soil for building construction, and paving. As shown in Figure II.C-7 (Historic and Recent Disturbance in Archaeological Zones), over 40 percent of the area within boundaries of the Archaeological Sites was paved, and almost 60 percent of CA-LAN-211/H was paved in 2002.

In addition, there were four study areas of environmental concern relating to contamination from prior industrial uses within the vicinity of the Archaeological Sites in 2002 (see Figure II.C-6):

- **Former Firing Range:** The former Firing Range Area was located southwest of Building 22 and east of the former Salvage Yard. The area was used for armament test firing operations. An initial firing range with two firing bays was extended from the south side of the former firing range building. In 1966, an additional firing range was built. A firing range shop was used for gun repair and firing range offices. According to historical drawings, a spray booth and a solvent settling tank were located in this building. Other former buildings were used as chemical storage buildings. Explosives were also stored in this area. One 31-foot deep seepage pit and three septic tanks were also located in the area. Buildings in the former Firing Range Area were demolished between 1988 and 1989.
- **Former Temporary Drum Storage Area:** The former Temporary Drum Storage Area consisted of an asphalt lot south of Building 29 and an unpaved area east of the building. Both areas were used for at least 25 years to store drums with various chemicals (i.e., kerosene, lubricating oils, hydraulic fluids, degreasers, solvents, and antifreeze). Drums of chemicals were stored on the asphalt over five gravel-covered spill traps, and on a leakage collection tray that drained into an underground sump. This facility was taken out of service and demolished in 1986-87.
- **Former Salvage Yard:** The former Salvage Yard, located southwest of Building 22, was used for storage of chemicals, fuels, and waste from manufacturing, as well as for salvaging used equipment and supplies. Facilities at the former Salvage Yard included three waste solvent sumps, one waste oil sump, chemical drum storage racks, a leakage collection tray and sump, and a surface drain and sump. Other records, such as drawings (plans), suggest that other potential sources of contamination (underground fuel tanks, acid/solvent storage, septic tanks, firing ranges, etc.) may have existed at or in the vicinity of the former Salvage Yard. VOCs, TPH, and low levels of metals were found in soils in much of the area. Chemicals were found to extend from the surface down to the water table beneath the leakage collection tray and sump, with subsequent migration occurring laterally to the north of the leakage collection area.

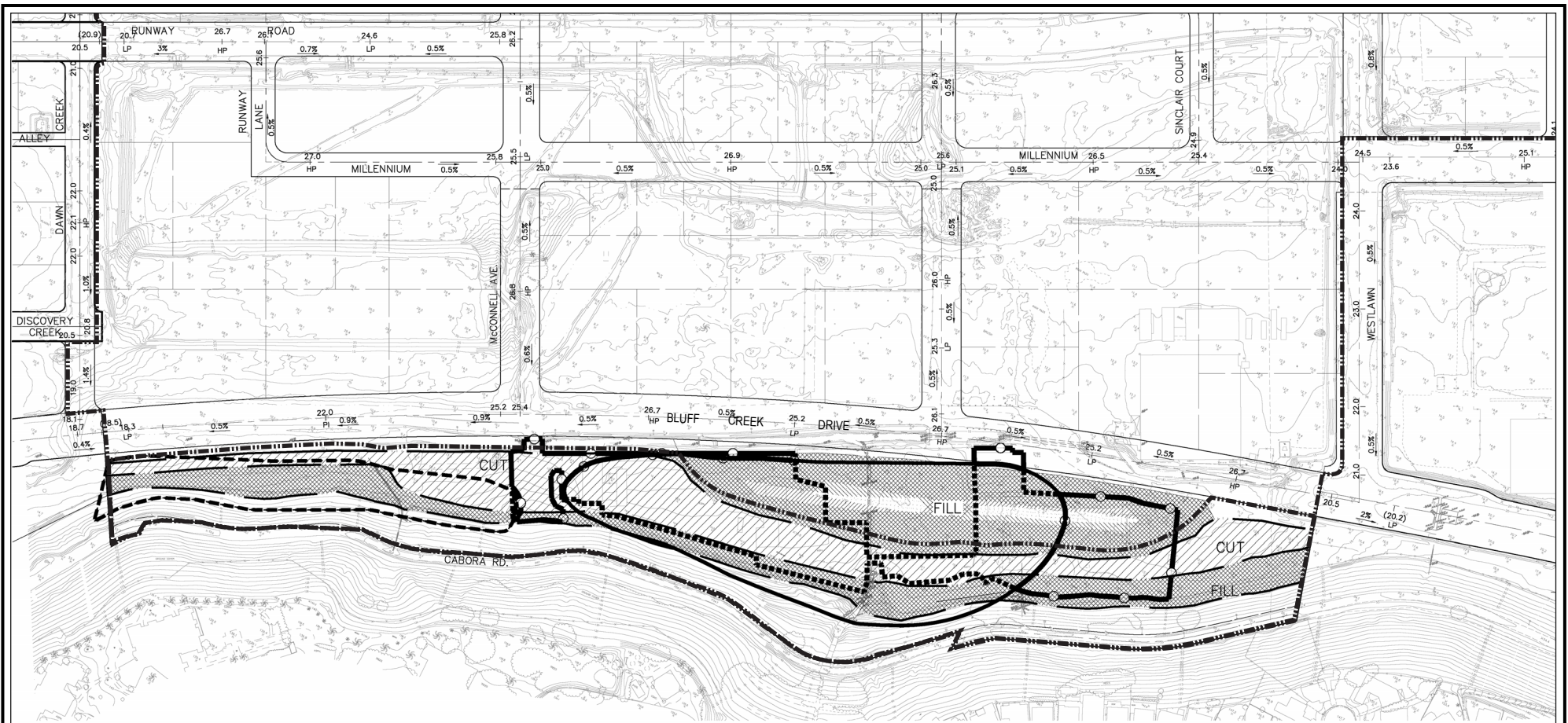


Table 1 – Cut/Fill Percentage Area



	Archaeological Zone LAN 62	Archaeological Zone LAN 211 (Recovery Plan)
 Cut Area	28%	32%
 Fill Area	46%	62%
Untouched Area	26%	6%
Total	100%	100%
Preserved in Place	72%	68%









Table 2 – Paved & Unpaved Surfaces within LAN62 & LAN211 (Recovery Plan)

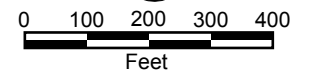
	SF	%
Paved Area	140,610	43%
Unpaved Area	188,774	57%
Total	329,384	100%

Table 3 – Paved & Unpaved Surfaces within LAN211 (Recovery Plan)

	SF	%
Paved Area	140,320	57%
Unpaved Area	107,934	43%
Total	248,254	100%

LEGEND

-  PAVED AREA OUTSIDE ARCHAEOLOGICAL ZONE
-  PAVED AREA WITHIN ARCHAEOLOGICAL ZONE
-  CUT AND FILL LIMIT
-  ARCHAEOLOGICAL ZONE - LAN 62
-  ARCHAEOLOGICAL ZONE - LAN 211 (RECOVERY PLAN)
-  PROJECT SITE BOUNDARY
-  FILL
-  CUT



Source: PSOMAS, 02/25/08.

- Centinela Ditch: The channelized Centinela Ditch was a drainage ditch constructed during the Hughes era beginning in the 1940's and functioned for flood control, including storm water run off from the Bluffs and Hughes property. Between 1997 and 2001, a study of sediments from this ditch determined that cadmium, lead, and polychlorinated biphenyl were present.⁴⁷

As a result of monitoring in preparation for data recovery in 2005, intact archaeological resources were found directly underneath Hughes-era buildings on the west end of CA-LAN-211/H. However, it was evident from the previous testing and the above mentioned monitoring that the upper portions of this archaeological site had been damaged by these Hughes-era structures and activities. Archaeological testing at CA-LAN-211/H confirmed Hughes-era disturbance. (Altschul, et al. 2003:120.) Within the boundaries of CA-LAN-62 Locus D, mechanical trenching during archaeological testing confirmed that Hughes-era grading in this area removed portions of the site and then later re-used that same site material as fill. (Altschul, et al. 2003: 112).

2.3.2 Site Conditions and Archaeological Resources as of 2004

There was little change to the portions of the Proposed Project site containing the Archaeological Sites during the period between November 2002 and September 2004. No archaeological work was undertaken in this area during this period, though the area was monitored for environmental and soil testing.

As anticipated by the Data Recovery Plan, during excavation of the Riparian Corridor in the western portion of the First Phase Playa Vista project within CA-LAN-62 Locus A, Native American human remains were encountered. The remains were concentrated in a small area in the western portion of CA-LAN-62 in the First Phase Playa Vista Project. The area where remains were encountered is small (approximately 380 square meters or 4,090 sq. ft.) when compared to the total size of CA-LAN-62 (approximately 36,000 square meters or 387,500 sq. ft. and is approximately one half mile west of the Proposed Project site.

Between September 2003 and September 2004, the Native American remains in this First Phase area were removed following a strict excavation procedure in accordance with the law, the PA, and the ATP for CA-LAN-62. The archaeological work was supervised by regulatory agencies and monitored by Native Americans of Gabrielino

⁴⁷ *Summary of Remedial Activities in Area D2 of Playa Vista Site, CDM, April 28, 2008 (Appendix D.iii.).*

descent. Through this process, over 300 burial features⁴⁸ were found in the First Phase Playa Vista project. The burial area did not extend into the Proposed Project site, which was not included in the 2003 - 2004 excavation work.

2.3.3 Site Conditions and Archaeological Resources as of 2008

After the City Council's approval of the Proposed Project and certification of the Original FEIR in September 2004 (and before the decision of the Court of Appeal in September of 2007), the remaining Hughes era buildings in the area of the Archaeological Sites were demolished, the former utilities and pavement were removed, and the pre-existing soil contamination was remediated through excavation and removal. The Habitat Creation/Restoration component including the Riparian Corridor was constructed, and now connects the portions in the Proposed Project to the portions of the riparian corridor constructed in the First Phase area of Playa Vista.

In addition, substantial infrastructure improvements were completed within the Proposed Project site. Runway Road/Millennium, the northerly portions of McConnell Avenue, Westlawn Avenue, and Village Drive, as well as the northern local streets and one local street within the southern portion of the Proposed Project site, were constructed. All utility services located within these streets also were constructed. In the southern portion of the Proposed Project site, the storm drainage and sewer lines were constructed, as well as curb and gutter for all streets. All mass grading was completed and surcharge was placed for the entire Proposed Project site. Finally, the widening of Jefferson Boulevard, adjacent to the Proposed Project site, was completed.

As required by the PA and the ATP, Statistical Research Inc. undertook archaeological data recovery work at CA-LAN-62 Locus D and CA-LAN-211/H between September 9 and December 9, 2005. Prior to data recovery excavations, Statistical Research Inc. monitored the removal of Hughes-era (and earlier) artificial fill at CA-LAN-211/H and CA-LAN-62 Locus D, and also monitored the removal of buildings overlying CA-LAN-211/H. Field efforts at the Archaeological Sites were successful in collecting a wide range of data relevant to the research questions detailed in the Research Design and the ATPs.

Data recovery methods varied at both sites. Statistical Research Inc. monitored demolition of buildings and removal of fill with heavy machinery. Statistical Research Inc.

⁴⁸ *A feature is the non-portable physical expression of past human behavior. In the case of a burial feature, this would contain the purposefully placed human remains and associated grave goods of one or more individuals.*

also directed mechanical trenching, manual excavations, and mechanical stripping. Native American monitors were present for all of this activity.

At CA-LAN-211/H, archaeological deposits were identified directly underneath the footprints of Hughes Aircraft Company-era buildings and directly under asphalt in the western portion of the site. Statistical Research Inc.'s excavations at CA-LAN-211/H revealed a thick, mostly intact archaeological midden (i.e. trash or refuse) deposit, which consists of dark, organic soil containing a variety of artifacts related to everyday prehistoric life. This prehistoric midden deposit, consisting of prehistoric artifacts such as shell, animal bone, stone tools, and fire-affected rock, also contained a number of features (clusters of artifacts directly related to specific activities). At CA-LAN-211/H, Statistical Research Inc. identified a total of 51 features. Of the 51 features, there were three features containing isolated human burials. In addition, Statistical Research Inc. found eight instances of isolated human bones (which may be related to the 3 isolated burial features). These finds, which include many features associated with everyday life in addition to the isolated human burials, are consistent with finds over the past 70 years in the Ballona and Bluffs areas and consistent with other finds at prehistoric sites in a number of locations in southern California.⁴⁹

At CA-LAN-62 Locus D, the results of these efforts included the identification and documentation of three features. The archaeological deposit at CA-LAN-62 Locus D was very sparse compared to CA-LAN-211/H, showed significant signs of disturbance, and appeared to have much less potential for contributing significantly to an understanding of prehistory in the Ballona. As discussed above, much of CA-LAN-62 Locus D appears to have been removed during the Hughes-era during grading.⁵⁰ No human burial features or instances of isolated human bone were found at CA-LAN-62 Locus D.

3.0 IMPACT ANALYSIS

3.1 Methodology

The City of Los Angeles CEQA Thresholds Guide (p. D.2-3) states that a project would normally have a significant impact upon archaeological resources if it could disturb,

⁴⁹ Altschul, Jeffrey, H., et al., *Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003, pp. 7-18 and 46-55.*

⁵⁰ Altschul, Jeffrey, H., et al., *Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003, pp. 106-117.*

damage, or degrade an archaeological resource or its setting is found to be important under the criteria of CEQA because it:

- (1) Is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory;
- (2) Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;
- (3) Has a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind;
- (4) Is at least 100-years-old⁵¹ and possesses substantial stratigraphic integrity; or
- (5) Involves important research questions that historical research has shown can be answered only with archaeological methods.

Based on these factors, the Proposed Project would have a significant impact on archaeological resources if:

- Project activities would disturb, damage, or degrade a unique archaeological resource or an archaeological historic resource, or setting of the resource.

This analysis also responds to the Court of Appeal's September 2007 Opinion, which requires the City to "revise the EIR to discuss preservation in place in accordance with CEQA Guidelines Section 15126.4, Subdivisions (a)(1)(B) and (b)(3)." (Opinion at 113) In its Opinion, the Court of Appeal required the discussion of the particular means to attempt to accomplish preservation in place, including consideration of planning construction to avoid archaeological sites, incorporating sites into parks and open space, covering sites with chemically stable soil before building on top of them, and deeding sites into a permanent conservation easement. (Opinion at 35-36.)

⁵¹ *As noted in the City of Los Angeles CEQA Thresholds Guide (p. D.2-3, fn. 2), "[a]lthough the CEQA criteria state that 'important' archaeological resources" are those which are at least 100-years-old, the California Register provides that any site found eligible for nomination to the National Register will automatically be included within the California Register and subject to all protections thereof. The National Register requires that a site or structure be at least 50-years-old."*

3.2 Programmatic Agreement Requirements

As noted above, the Proposed Project is subject to the stipulations set forth in a PA. The following provisions of the PA are applicable to the Proposed Project:

- The Corps shall determine the eligibility of unevaluated historical properties in consultation with the California State Historic Preservation Officer and in accordance with 36 CFR 800.4(c). The project Research Design, which has been developed in consultation with the Corps and the California State Historic Preservation Officer, will guide the evaluation of the historical properties. Treatment Plans shall be developed based on these evaluations.
- The Corps shall ensure that an ATP is developed in consultation with the State Historic Preservation Office for all historical properties within the Project's Area of Potential Effect, that are determined to be eligible for the National Register in accordance with the following stipulations.⁵²
 - The ATP for the Project shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37), the California Office of Historic Preservation's (COHP) Archaeological Resources Management Reports (ARMR): Recommended Contents and Format (1989) and Guidelines for Archaeological Research Designs (1991), and take into account the Advisory Council on Historic Preservation publication, Treatment of Archaeological Properties – A Handbook. It shall also be consistent with the Department of the Interior's Guidelines for Federal Agency Responsibility Under Section 110 of the National Historic Preservation Act (53 FR 4727-46).
 - ATPs for the Project will be developed and implemented prior to the commencement of ground-disturbing activities in the Areas of Potential Effect.
- If cultural deposits are discovered during the Project's land-disturbing activities, the Applicant would treat them in accordance with the provisions of the ATP. If cultural deposits are discovered for which there is no treatment plan, the Project Applicant will cause a temporary halt to these activities and immediately notify the Corps, the State Historic Preservation Officer and the Advisory Council on

⁵² *Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003.*

Historic Preservation of the discoveries. The Corps shall ensure that a plan is developed for treating the unexpected discovery.

- The Corps shall ensure that all materials and records resulting from implementation of this agreement are curated in accordance with 36 CFR Part 79. This regulation establishes definitions, standards, procedures, and guidelines to be followed by federal agencies to preserve collections of prehistoric and historic materials, remains, and associated records.
- All plans prepared under the PA shall include a schedule for the submission and review by the Corps, and the State Historic Preservation Officer of technical reports, progress reports, and the methods by which all parties, including interested Native Americans, would be kept informed.⁵³

3.3 Project Impacts

3.3.1 Eligibility of Historic Archaeological Resources

As discussed above, the Proposed Project site contains cultural loci CA-LAN-1932H (historical period trash dump and redeposited shell midden), CA-LAN-2769 (shell scatter), CA-LAN-211/H (shell midden), and CA-LAN-62 Locus D (shell midden). Of these cultural loci, CA-LAN-211/H and CA-LAN-62 Locus D have been identified as potentially significant cultural resources. As of November 2002, these loci had been tested; CA-LAN-62 Locus D was determined to be eligible for listing in the National Register, CA-LAN-211/H was recommended to be eligible but still under review, and CA-LAN-2769 and CA-LAN-1932H had been tested and were not recommended to be eligible for listing in the National Register. As of 2008, both CA-LAN-62 Locus D and CA-LAN-211/H have been determined to be eligible for listing in the National Register.⁵⁴

Under the California Register statute, any California resource formally determined eligible for listing in the National Register of Historic Places is automatically listed in the California Register.⁵⁵ Therefore, those archaeological sites within the Proposed Project site that have been determined eligible for the National Register under the PA, CA-LAN-62

⁵³ *Programmatic Agreement Among the U.S. Army Corps of Engineers – Los Angeles District, The Advisory Council on Historic Preservation, and the California State Historic Preservation Officer Regarding Implementation of the Playa Vista Project, Paragraphs 2, 3, and 5-7. (Appendix D.vi.).*

⁵⁴ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN- 62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

⁵⁵ *California Public Resources Code Section 5024.1.*

Locus D and CA-LAN-211/H, also are listed in the California Register and are historical archaeological resources for purposes of CEQA.

3.3.2 Impacts of the Proposed Project – 2002/2004

As discussed above, CA-LAN-62 Locus D and CA-LAN-211/H are located on the Proposed Project site. Based on the conditions as they were known as of 2002, both the Urban Development and Habitat Creation/Restoration components of the Proposed Project, including construction of the Riparian Corridor, would impact these areas that might contain cultural resources. In addition, removal of the Hughes-era buildings, removal of subsurface infrastructure, and remediation of subsurface contamination could have resulted in impacts to archaeological resources.

In addition, in 2002 and 2004, there was potential for new discovery of previously unknown resources within the Proposed Project. Monitoring would occur for subsurface excavation to address the possibility that resources may be encountered. If additional archaeological sites were found, the Corps would determine the eligibility of unevaluated archaeological properties in consultation with the State Historic Preservation Officer and in accordance with the PA. As appropriate, ATPs then would be developed, which would include details for dealing with the properties discovered.

The Proposed Project would potentially result in a significant loss of cultural resources if any archaeological or historical resources were disturbed or removed as a result of construction activities. In addition, disturbances of Native American burial remains or associated artifacts could have resulted in significant impacts to these cultural resources.

3.3.3 Additional Impacts of the Project – 2008

As of 2008, all data recovery work at the Proposed Project has been completed. Based on the work-to-date, a large amount of artifacts have been discovered and analyzed.⁵⁶ Given that all mass grading and most infrastructure improvements for the Proposed Project are complete, and in particular, that the Habitat Creation/Restoration Component (i.e. the Riparian Corridor) (which directly impacted the two Archaeological Sites, CA-LAN-62 Locus D and CA-LAN-211/H) is complete, it is not very likely that

⁵⁶ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

additional unknown resources will be encountered during construction.⁵⁷ Nonetheless, there is still a potential for new discovery of previously unknown resources with the remaining construction activity required to complete the Proposed Project.⁵⁸ In the event that such previously unknown archaeological or historical resources were disturbed or removed, or Native American burial remains or associated artifacts were disturbed, the Proposed Project could result in a significant impact to cultural resources. Monitoring would occur for subsurface excavation to address the possibility that isolated resources may be encountered. If additional archaeological sites are found, the Corps will determine the eligibility of unevaluated archaeological properties in consultation with the State Historic Preservation Officer and in accordance with the PA. As appropriate, ATPs then will be developed, which will include details for dealing with properties discovered during the implementation of the Proposed Project.

3.3.4 Equivalency Program Impacts

The exchange of office uses for retail and/or assisted living units would be accomplished within the same building parameters, and would occur at relatively limited locations within the Proposed Project site, within the Urban Development Component (outside of the Habitat Creation/Restoration Component area). Furthermore, under the Equivalency Program, there would be no substantial variation in the Proposed Project's street configurations, building pad elevations, or the depth of excavation. Potential changes in land use under the Equivalency Program would therefore have no substantial effect on the proposed earth moving activities and their associated impacts relative to the Proposed Project because all that is changing is the type of use occupying a building.

All of the recommended mitigation measures (discussed in Subsection II.C.4.0, Mitigation Measures, below) to minimize impacts on archaeological resources would be applicable to the Equivalency Program, as well as the Proposed Project. Since excavation and building placement would be the same as with the Proposed Project, and the mitigation measures would be the same, potential impacts on archaeological resources would be the same. Thus, implementation of the Equivalency Program, as is the case with the Proposed Project, would have the same impacts as those of the Proposed Project, which, as discussed below, with respect to the mitigation measures proposed, would not result in a

⁵⁷ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

⁵⁸ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

permanent loss of, or loss of access to, archaeological resources, and impacts would be less than significant.

3.3.5 Impacts of Off-Site Improvements

Proposed Project development could result in secondary impacts arising from implementation of the Proposed Project's mitigation measures, as well as the direct impacts described above. Mitigation measures within Original DEIR Section IV.K.(1), Traffic and Circulation, require physical improvements in transportation facilities at numerous locations including roadway widening at seven locations, as described in Subsection 5.8 of that Section. In addition, as discussed in Original DEIR Section IV.N.(1), Water Consumption, the Proposed Project would require the construction of a water regulator station in the vicinity of Jefferson Boulevard and Mesmer Avenue.

No impacts are expected to occur to archaeological resources due to construction of these off-site improvements. Excavation for the off-site improvements would be nominal and located in previously disturbed areas. All of the off-site improvements except the water regulator station occur within or adjacent to existing roadways. The water regulator station would include a small amount of piping equipment that would most likely be located just above ground. Excavation would be required to the depth of the existing main water line.

Further, no archaeological resources are known to occur at any of the off-site locations of the proposed improvements. An archaeological records search was performed to identify potential resources in the area of the proposed improvements. The records search did not identify any resources that would be affected. One of the reports identified in the search pertains to the monitoring of previous construction activities involving the median between North Culver and South Culver Boulevard, which is also the location of two of the Proposed Project's roadway widenings. No resources were encountered during the previous construction of the median. The roadway widenings along the median would merely rework the previously disturbed areas. Therefore, none of the off-site improvements would result in significant impacts, unto themselves, nor would the off-site improvements, in combination with the Proposed Project result in a significant impact.

4.0 MITIGATION MEASURES

CEQA Guidelines Section 15126.4 discusses many regulations applicable to the drafting and adoption of mitigation measures. Among those are specific mitigation measures applicable when a proposed project will result in a significant impact to historical resources, such as is the case with the Proposed Project. Specifically, as discussed in greater depth above in Subsection II.C.2.1.2, CEQA Guidelines Section 15126.4(b), titled

“Mitigation Measures Related to Impacts on Historical Resources” provides that “whenever feasible,” public agencies should “seek to avoid damaging effects on any historical resource of an archaeological nature.”⁵⁹ In order to do so, the agency must consider and discuss factors related to the feasibility of “preservation in place” since it is the “preferred manner of mitigating impacts to archaeological sites.”⁶⁰ Subsection II.C.2.1.2 goes on to detail various methods by which preservation in place may be accomplished.⁶¹ If, however, “data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.”⁶² Additionally, “[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.”⁶³

The Court of Appeal’s Opinion held that the Original FEIR for the Proposed Project must be revised “to discuss preservation in place in accordance with CEQA Guidelines Section 15126.4, subdivisions (a)(1)(B) and (b)(3)” (Opinion, at 113). In that regard, the meaning of “preservation in place” must be clearly understood. CEQA Guidelines Section 15126.4(b)(3)(B) states that “preservation in place maintains the relationship between artifacts and the archaeological context.” However, once archaeological resources are removed from the place where they were discovered, the “return” of those archaeological resources to their original location does not eliminate the changes to the archaeological resource that occurred by virtue of their removal.⁶⁴ According to leading experts in the field of archaeology, when artifacts are removed from the context in which they were found, it is impossible to replace them in such a way to reconstruct the human behavior that formed the site.⁶⁵ Thus, by definition, the impact that occurs when the artifact is removed from the context in which it is found cannot be undone by trying to replace the artifact to its original location. Therefore, according to experts in this field, preserving an archaeological resource in place can occur only when the resource is not removed from its original location and additional actions are taken to ensure that future activities at the site do not disturb or remove the resource.

⁵⁹ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

⁶⁰ *State CEQA Guidelines Section 15126.4(b)(3)(A).*

⁶¹ *State CEQA Guidelines Section 15126.4(b)(3)(B).*

⁶² *State CEQA Guidelines Section 15126.4(b)(3)(C).*

⁶³ *Id.*

⁶⁴ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

⁶⁵ *Ibid.*

For similar reasons, the prior disturbance of sites containing archaeological resources typically precludes such sites from becoming eligible for listing on the National Register of Historic Places (NRHP). Both LAN-62 and LAN-211 were recommended as eligible for listing in the NRHP, in part, due to the context and integrity of association of the Archaeological Sites. Eligibility for listing in the NRHP is greatly affected by disturbance from excavation or other significant human activity.⁶⁶ As pointed out in the *National Register Bulletin 36* (National Park Service [NPS] 2000:35), although the evaluation of integrity can be subjective, it is directly related to a site's significance: does the site have enough integrity to convey its significance? Integrity of association is based upon whether there are sufficient data to address research questions posed in an historic context or research design. Accordingly, the U.S. Department of the Interior and the NPS have concluded that in evaluating sites for the NRHP, "reconstructed mound or other reconstructed site will generally not be considered eligible because original cultural material or context or both have been lost." For these reasons, replacement of archaeological material where it was once found is not adequate mitigation of the impact on a site's archaeological resources. However, such impacts can be mitigated by using archaeological techniques that record in precise detail the location of the artifacts both relative to other artifacts as well as within the resource as a whole.⁶⁷

With this concept of "preservation in place" in mind, the analysis provided in this section first examines the feasibility of four options that would have constructed the Riparian Corridor in different locations to try to achieve a greater level of preservation of the archaeological resources in place relative to the location of the Riparian Corridor that was actually selected. A review of those options, as well as the advantages and disadvantages of each option, provides context to the selection of the actual site for the Riparian Corridor. Then, the analysis examines these four potential realignments of the Riparian Corridor to assess whether the existing Riparian Corridor should be relocated in order to return the previously excavated archaeological resources to their original location. Although the return of these resources would not achieve "preservation in place," an analysis of the potential return of these resources provides additional discussion of the Proposed Project's impact to these resources. Such an analysis reviews the level of impacts and benefits of each of the four options relative to the benefits and impacts attributable to the existing location of the Riparian Corridor.

4.1 Preservation in Place

As discussed above, the Archaeological Sites (CA-LAN-62 Locus D and CA-LAN-211/H) were determined to be historical archaeological resources. Both CA-LAN-62

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

Locus D and CA-LAN-211/H are located at the base of the bluffs, within the Habitat Creation/Restoration component of the Proposed Project. Only a small element of the Urban Development component (the extension of Bluff Creek Drive) potentially affects the Archaeological Sites. As such, the primary impacts to the Archaeological Sites are associated with the Habitat Creation/Restoration Component; specifically, the Riparian Corridor.

Accordingly, the following discussion considers potential options that could have been pursued in the 2002/2004 timeframe to preserve those resources in place by siting the Riparian Corridor in a different location, as well as the potential for implementing any of those options under current (2008) conditions on the Proposed Project site.

4.1.1 Preservation in Place-2002

In designing the Riparian Corridor, the Proposed Project applicant along with regulatory agencies including the City of Los Angeles, the Corps, the State Historic Preservation Office, and the Advisory Council on Historic Preservation considered the impacts of the Proposed Project element on cultural resources. The design ensured that sections of the Archaeological Sites along the bluffs would be preserved and protected within the open space designated as part of the Riparian Corridor in the Proposed Project area. Based on the known boundaries of the Archaeological Sites as of 2002/2004, approximately 72 percent of CA-LAN-62 Locus D and 68 percent of CA-LAN-211/H were preserved in place under fill or left undisturbed.⁶⁸

As noted previously, the area encompassing CA-LAN-62 Locus D and CA-LAN-211/H was extensively developed over a number of decades as part of the Hughes Plant site. As a result of the former industrial uses in the area of the Proposed Project which included the Archaeological Sites (CA-LAN-62 Locus D and CA-LAN-211/H), demolition of the existing structures, removal of the cracking and deteriorating asphalt, and removal of building subsystems and other underground infrastructure (pipes, tanks, etc) would have been required for virtually any use of the Proposed Project property, including incorporation into parks and open space or capping the site and building tennis courts or parking over it. (See CEQA Guidelines Section 15126.4(b)(3)(B) [listing various methods to accomplish preservation in place, including incorporating the archaeological sites into parks or open space or covering them with a layer of chemically stable soil before building a tennis court or parking lot].) In addition, the area of the Proposed Project which contained the Archaeological Sites was known to contain both soil and groundwater contamination which

⁶⁸ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN- 62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

likely would have required disturbance of the area and excavation of soil in order to remediate such past industrial contamination.⁶⁹ Demolition of the existing structures, removal of the asphalt, removal of substructures, and implementation of contamination remediation would have impacted the then existing archaeological resources and would have required development and implementation of a data recovery plan to assess and analyze the archaeological resources known to be present in CA-LAN-62 Locus D and CA-LAN-211/H, regardless of the location of the Riparian Corridor. As noted above, portions of both Archaeological Sites were identified very close (within 6-18 inches) of the surface.⁷⁰ As a result, any surface disturbance would have created an impact to the Archaeological Sites. Therefore, removal of the Hughes-era buildings and infrastructure and remediation of the site contamination alone would have disturbed the top 6-18 inches layer of the soil, impacting the Archaeological Sites, and data recovery would have been a required mitigation measure as provided by the PA, regardless of future proposed uses.

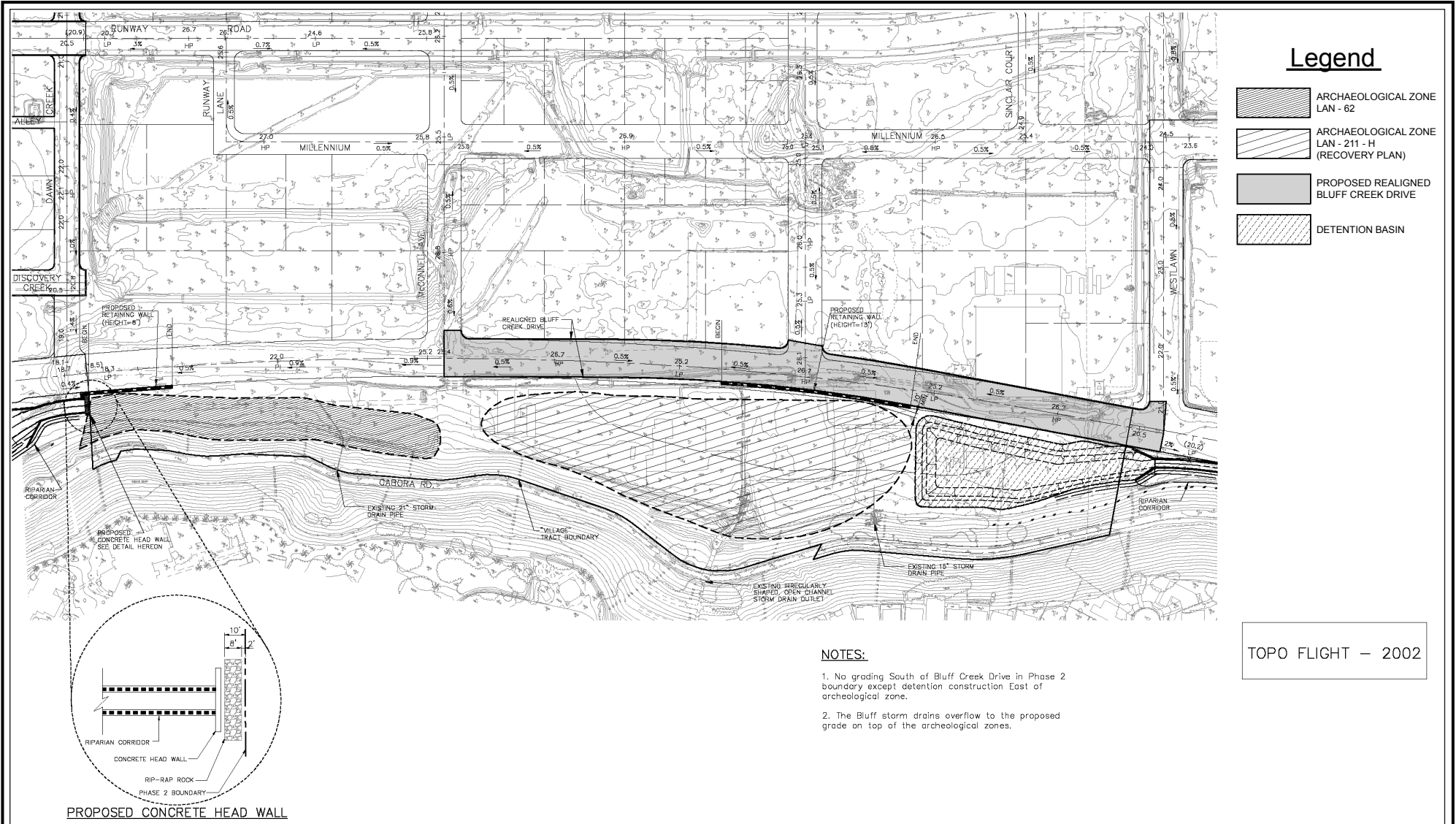
Turning to the Proposed Project, in order to attempt to preserve in place the entirety of the Archaeological Sites, options that would relocate the Riparian Corridor around the boundaries of the Archaeological Sites as they were known in 2002 have been studied and a series of technical reports (included in Appendix D) have been prepared.

The potential options evaluated in these reports are illustrated in Figures II.C-8 through II.C-11, and are summarized as follows:




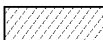
- **Option 1:** Under this option, the Archaeological Sites would have been left as they existed as of November 2002. Bluff Creek Drive would have been moved to the north out of the Archaeological Sites, and the Riparian Corridor would have been extended from the east as a widened open channel to approximately ten feet from the Archaeological Sites. This option, in essence, would have had water flowing freely over the Archaeological Sites with the existing asphalt pavement left in place.

⁶⁹ *In fact, remediation of soil contamination resulted in the excavation of a large quantity of sediment from the Proposed Project site. Due to lead contamination approximately 1,829 tons of soil were removed from D-236 and D-497. Additionally, approximately 232.84 tons of sediments from the Centinela Ditch in the vicinity of former Building 22 and 309.24 tons of sediments from the Centinela Ditch in the vicinity of former Building 45. These sediments were removed for human health protection. Furthermore, they could not be buried in place due to the risk of contamination percolating to the relatively shallow groundwater below. Memorandum to M. Huffman from Michele Zych, CDM, Summary of Remedial Activities in Area D2 of Playa Vista Site (April 28, 2008).*

⁷⁰ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN- 62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

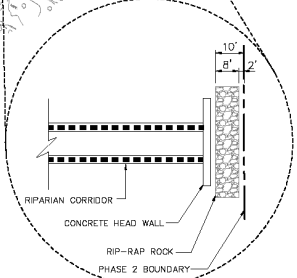


Legend

-  ARCHAEOLOGICAL ZONE LAN - 62
-  ARCHAEOLOGICAL ZONE LAN - 211 - H (RECOVERY PLAN)
-  PROPOSED REALIGNED BLUFF CREEK DRIVE
-  DETENTION BASIN

TOPO FLIGHT - 2002

- NOTES:**
1. No grading South of Bluff Creek Drive in Phase 2 boundary except detention construction East of archeological zone.
 2. The Bluff storm drains overflow to the proposed grade on top of the archeological zones.

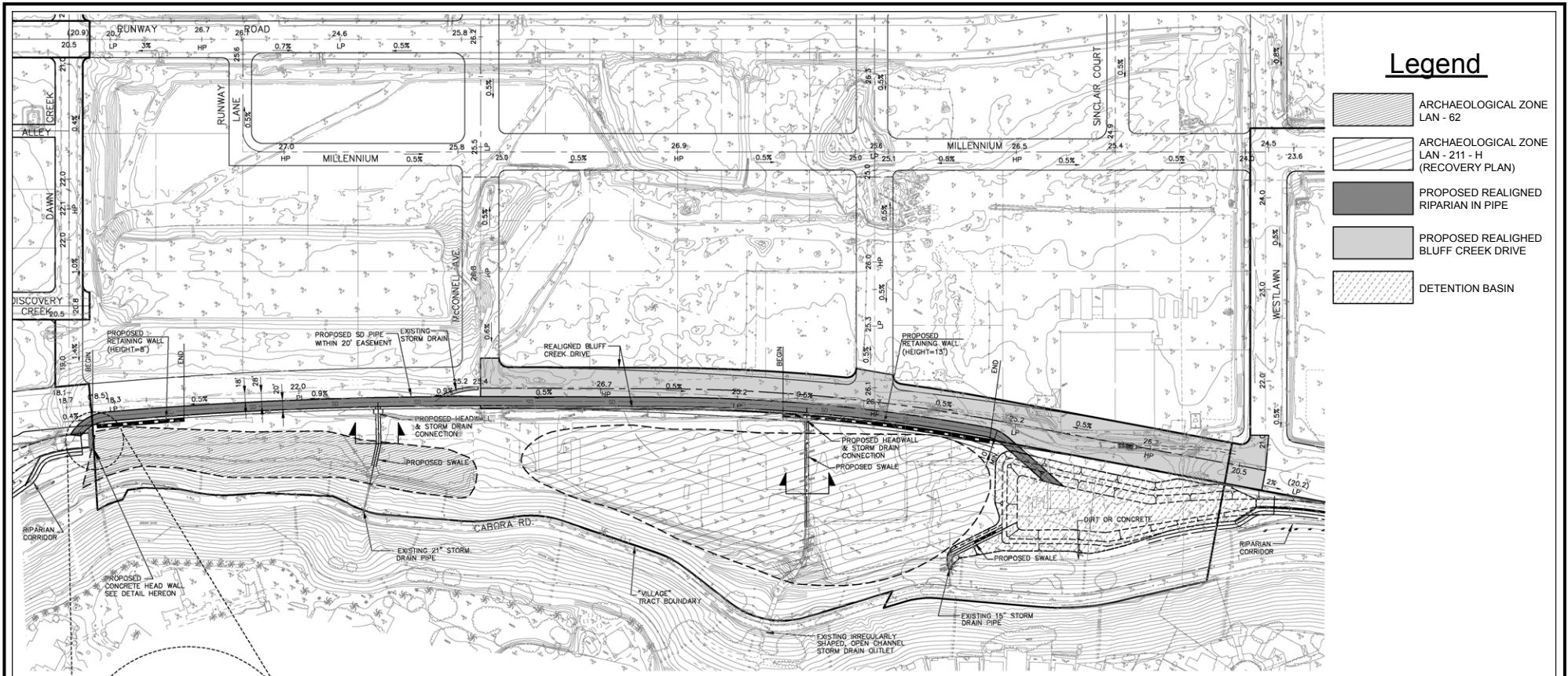


PROPOSED CONCRETE HEAD WALL






Source: PSOMAS, 11/14/07.

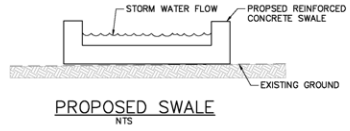
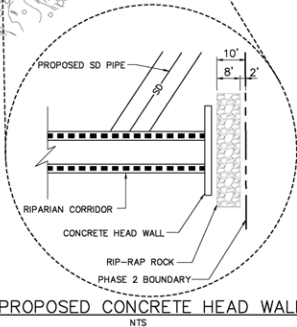


Figure II.C-8
Option 1



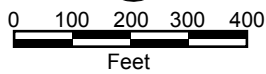
Legend

-  ARCHAEOLOGICAL ZONE LAN - 62
-  ARCHAEOLOGICAL ZONE LAN - 211 - H (RECOVERY PLAN)
-  PROPOSED REALIGNED RIPARIAN IN PIPE
-  PROPOSED REALIGNED BLUFF CREEK DRIVE
-  DETENTION BASIN



- NOTES:**
1. No grading South of Bluff Creek Drive in Phase 2 boundary except detention construction East of archeological zone.
 2. The Bluff storm drains shall have connections to the storm drain pipe along Bluff Creek Drive.

TOPO FLIGHT - 2002



Source: PSOMAS, 11/14/07.



Figure II.C-9
Option 2

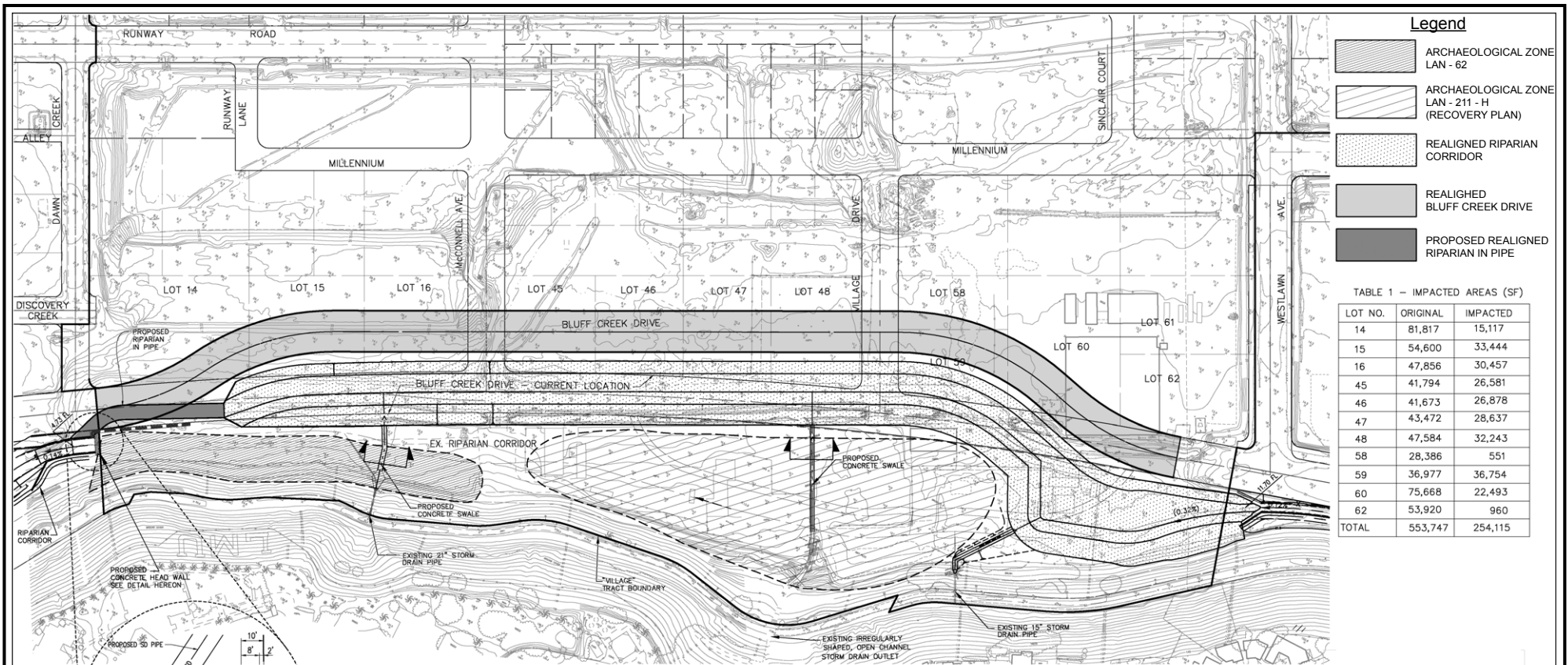


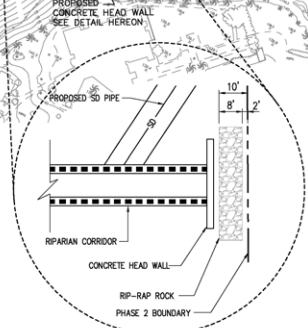
TABLE 1 – IMPACTED AREAS (SF)

LOT NO.	ORIGINAL	IMPACTED
14	81,817	15,117
15	54,600	33,444
16	47,856	30,457
45	41,794	26,581
46	41,673	26,878
47	43,472	28,637
48	47,584	32,243
58	28,386	551
59	36,977	36,754
60	75,668	22,493
62	53,920	960
TOTAL	553,747	254,115

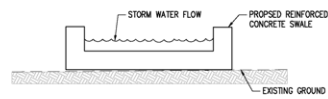
TOPO FLIGHT – 2002

RIPARIAN AREAS	DESIGN EXISTING (SF)	ALIGNMENT PROPOSED (SF)
RIPARIAN BOTTOM	109,600	109,900
RIPARIAN SLOPES	103,800	119,000
TOTALS	213,400	228,900

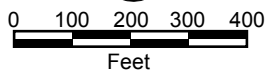
- NOTES:**
1. Bluff Creek Drive and the Riparian corridor are realigned north of the existing alignment as shown in the exhibit.
 2. The realignment impacts the lots 14,15,16,45,46,47,48,58,60 and 62.
 3. Table 1 summarizes the impacted areas per lot number
 4. The realigned corridor does not impact any of the archeological zones.
 5. The discharge from existing bluff storm drains will be directed to the realigned corridor through concrete swales.



PROPOSED CONCRETE HEAD WALL
NTS



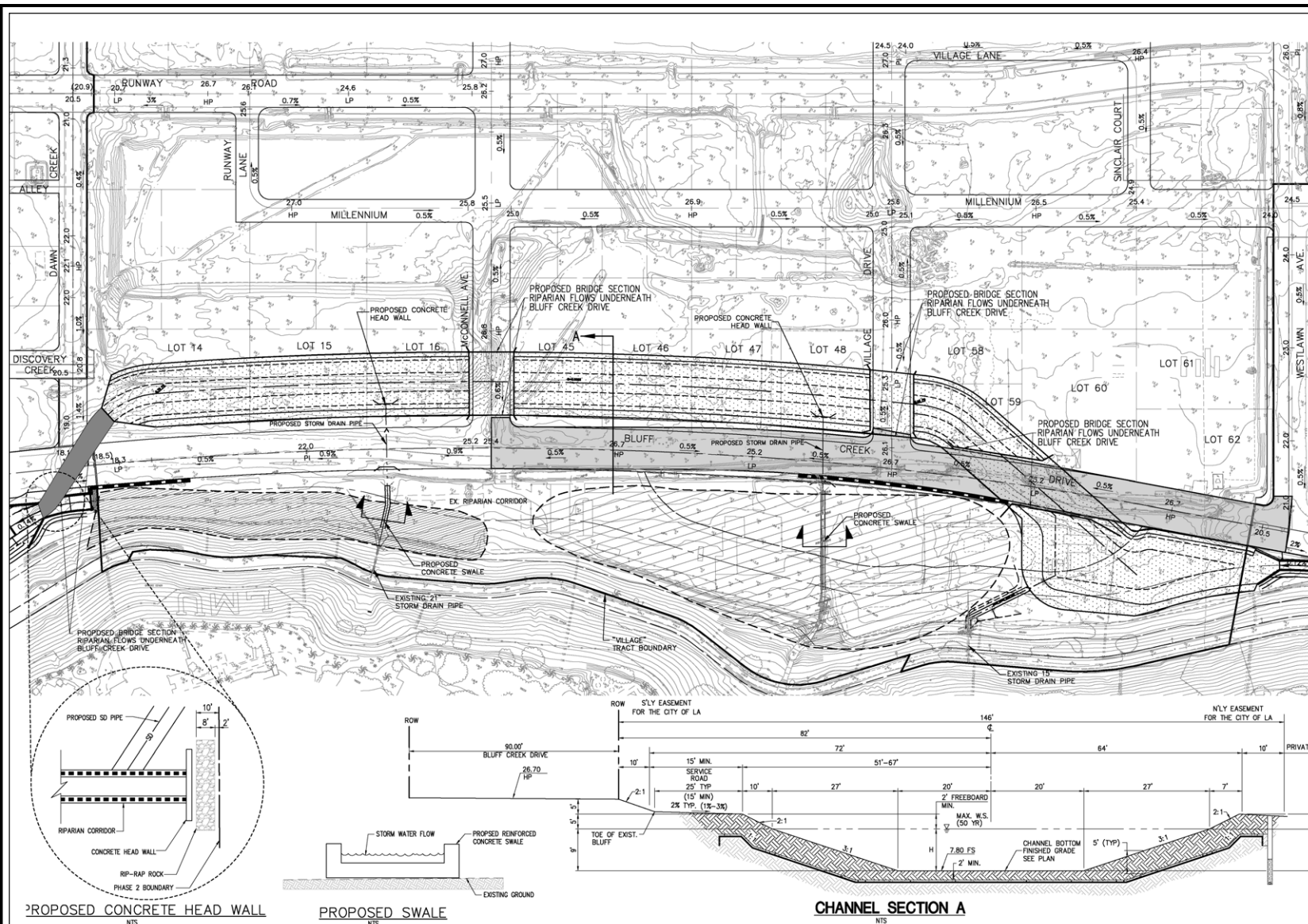
PROPOSED SWALE
NTS



Source: PSOMAS, 10/30/07.



Figure II.C-10
Option 3



Legend



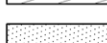
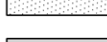

-  ARCHAEOLOGICAL ZONE LAN - 62
-  ARCHAEOLOGICAL ZONE LAN - 211 - H (RECOVERY PLAN)
-  REALIGNED RIPARIAN CORRIDOR
-  REALIGNED BLUFF CREEK DRIVE
-  PROPOSED REALIGNED RIPARIAN IN PIPE

TABLE 1 - IMPACTED AREAS (SF)

LOT NO.	ORIGINAL	IMPACTED
14	81,817	56,534
15	54,600	40,517
16	47,856	36,534
45	41,794	31,822
46	41,673	30,957
47	43,472	30,994
48	47,584	31,908
58	28,386	1,889
59	36,977	22,702
60	75,814	2,653
TOTAL	629,561	286,510

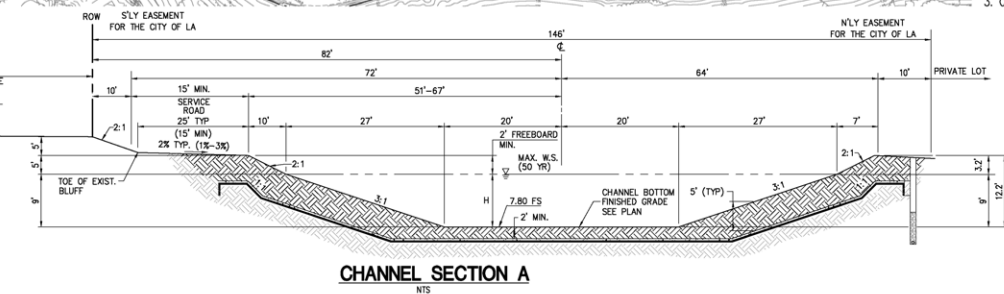
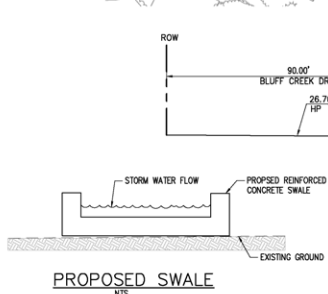
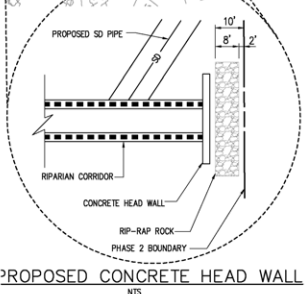
REALIGNMENT NOTES:

- Bluff Creek Drive remains in its current location.
- The Riparian corridor is realigned north of the existing Bluff Creek Drive as shown in the exhibit.

REALIGNMENT IMPACTS:

- The realigned corridor does not impact the archeological zones LAN-62 and LAN-211-H
- The realignment impacts the lots 14, 15, 16, 45, 46, 48, 58 and 59. Table 1 summarizes the impacted areas.
- Changes to lot configuration are required.

TOPO FLIGHT - 2002



Source: PSOMAS, 10/30/07.

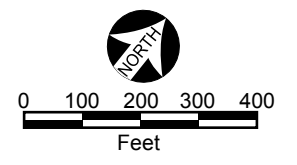


Figure II.C-11
Option 4

- In addition, existing subsurface contamination would have remained in place⁷¹ as would subsurface structures (pipes, foundations, etc), as removing them would have impacted the Archaeological Sites.
- **Option 2:** As in Option 1, Bluff Creek Drive would have been moved to the north out of the Archaeological Sites. The Riparian Corridor again would have been extended from the east end up to the Archaeological Sites. In this option, a reinforced concrete box storm drain up to approximately 6 feet tall by 15 feet wide would have been installed within Bluff Creek Drive to route the flows from the Riparian Corridor on the east end to the Riparian Corridor on the west end of the Proposed Project site. In addition, the storm drain structures discharging flows from the Westchester Bluffs south of the Riparian Corridor would have been routed around or over the Archaeological Sites. Therefore, in this case, most runoff flows would not have passed over the Archaeological Sites; however, drainage from the Bluffs outside the drainage structures from storm events (such as sheet flow off of the Bluffs) would have flowed into the Archaeological Sites. This drainage would have caused erosion and ponding in the Proposed Project area, including over the Archaeological Sites. The asphalt pavement would have been left in place. In addition, existing subsurface contamination would have remained in place as would subsurface structures (pipes, foundations, etc.), as discussed in Option 1 above.⁷²
- **Option 3:** In this option both Bluff Creek Drive and the Riparian Corridor would have been moved to the north in an effort to maintain the Riparian Corridor as an open channel to the maximum extent possible. To provide a continuous water course and eliminate flooding, a storm drain box structure toward the west end would have been constructed to connect to the Riparian Corridor in the Proposed Project site with the riparian corridor within the western portion of the First Phase project. Due to the realignment of the Riparian Corridor north, the length of the Riparian Corridor would have increased. This would have required the Riparian Corridor to have a shallower slope to meet the existing flowline elevations at each end, and would have required the Riparian Corridor to be widened or deepened (or both) in order to carry the same amount of flow. In addition, the storm drainage structures from the Bluffs also would have been connected to the Riparian Corridor in a similar manner as for Option 2. Therefore, in this case, most runoff flows would not have passed over the Archaeological Sites; however, drainage from the Bluffs outside the drainage structures from storm events (such as sheet flow off of the Bluffs)

⁷¹ Various regulatory agencies could have required excavation of the contaminated soil, as discussed in footnote 65 above. This would have resulted in the disturbance discussed in the text accompanying footnote 65 above.

⁷² See footnote 65 concerning this assumption.

would have flowed into the Archaeological Sites. This drainage would have caused erosion and ponding in the Proposed Project area, including over the Archaeological Sites. As with Options 1 and 2, the existing pavement, contamination, and substructures would have been left in place.⁷³

- **Option 4:** The option involves keeping the Bluff Creek Drive alignment in relatively the same location with a shift north to avoid the archaeological areas as in Options 1 and 2. The Riparian Corridor then would have been routed underneath the roadway alignments which would have been constructed as bridge sections. Drainage would have been routed to flow north of Bluff Creek Drive. A relatively short length of drainage box structure still would have been required at the west end under Dawn Creek Street. Due to the realignment of the Riparian Corridor to the north, the length of the Riparian Corridor would have been increased. This would have required the Riparian Corridor to have a shallower slope to meet the existing flowline elevations at each end, and would have required the Riparian Corridor to be widened or deepened (or both) in order to carry the same amount of flow. In addition, the storm drainage structures from the Bluffs also would have been connected to the Riparian Corridor in a similar manner as for Option 2. Therefore, in this case, most runoff flows would not have passed over the Archaeological Sites; however, drainage from the Bluffs outside the drainage structures from storm events (such as sheet flow off of the Bluffs) would have flowed into the Archaeological Sites. This drainage would have caused erosion and ponding in the Proposed Project area, including over the Archaeological Sites. As with Options 1 and 2, the existing pavement, contamination, and substructures would have been left in place.⁷⁴

Two other potential options for attempting to preserve in place the Archaeological Sites were evaluated: 1) routing the Riparian Corridor to the south of the Archaeological Sites, and 2) reducing the depth of the Riparian Corridor. Neither of these options would have avoided impacts to the Archaeological Sites. Since the Archaeological Sites extend into the slopes of the Bluffs for an unknown distance to the south, a southerly route would not have avoided the resources at the Archaeological Sites. Additionally, archaeological resources would have been encountered directly underneath the footprints of Hughes-era buildings and directly under asphalt within the Archaeological Sites, so a shallow depth

⁷³ *Ibid.*

⁷⁴ *Ibid.*

Riparian Corridor would not have preserved the archaeological resources in place.⁷⁵ Therefore, neither of these options represents a viable scenario for preserving in place the archaeological resources.

Each of the Options that were studied in detail would have created similar issues. As noted previously, removal of the Hughes-era buildings likely would have resulted in impacts to the archaeological resources to the extent the demolition affected subsurface areas due to the proximity of the archaeological resources to the surface.⁷⁶ In addition, water flow from the Bluffs across the Archaeological Sites likely would have resulted in scouring of the Archaeological Sites, ponding of water over the Archaeological Sites, and further deterioration of the asphalt in the area (which had not occurred to that extent in past years when the Centinela Ditch was in operation).⁷⁷ Under each of the Options, existing subsurface contamination is assumed to have remained in place as would subsurface structures (pipes, foundations, etc.).⁷⁸ With the archaeological resources located near to the surface, excavation for infrastructure removal and if required by applicable agencies, remediation likely would have impacted the archaeological resources. If the subsurface contamination had remained in place (preserving archaeological resources), flowing water over the area would have had the potential to spread the contamination.⁷⁹ The deteriorating asphalt also likely would have released hydrocarbons into the water and soil.⁸⁰

⁷⁵ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008) (Appendix D.i.)* at 13; Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

⁷⁶ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

⁷⁷ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*; Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

⁷⁸ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*; Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*. (Appendix D.v.).

⁷⁹ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

⁸⁰ Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*.

Assuming 2002 conditions, Option 1 would not have been feasible from a hydraulic standpoint in part due to the flooding, ponding, and additional erosion that would have resulted.⁸¹ The option also would not have met the City of Los Angeles' design criteria for collecting and routing stormwater system. Additionally, Option 1, as compared to the Proposed Project location for the Riparian Corridor, would have resulted in adverse impacts on vector control and a significant decrease in biological value in comparison to the Riparian Corridor of the Proposed Project.⁸² Specifically, Option 1 does not create a connected corridor with native invertebrate and vertebrate animals and native riparian plant communities, including willow scrub woodlands, mixed riparian woodlands, and freshwater marsh, as designed by the Proposed Project's Riparian Corridor.⁸³ In addition, the flow of water across the Archaeological Sites likely would have scoured the area and impacted archaeological resources.⁸⁴

Option 2, as compared to the Proposed Project location of the Riparian Corridor, while viable from a hydraulic engineering standpoint, would have been less efficient in the hydraulic conveyance of any level of storm flows from the flows from the Bluffs. The option also would have resulted in ponding and additional erosion.⁸⁵ In addition, this option would have had adverse impacts on maintenance, vector control, and biological issues.⁸⁶ Specifically, as in Option 1, ponding and inefficient water flow would have resulted in growth of waterborne vectors such as mosquitoes.⁸⁷ Additionally, use of a pipe to convey water to connect the portions of the riparian corridor significantly would have decreased the biological value of the option. Not only would the pipe have provided no native riparian habitat value, it would have interrupted the connectivity of the design of the riparian corridor, impacting the quality of the riparian corridor as a whole from a biological

⁸¹ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008); Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project* (April 2008).

⁸² Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report* (April 2008) (detailing biological resources located in Riparian Corridor of Proposed Project). (Appendix D.iv.)

⁸³ *Ibid.*

⁸⁴ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project* (April 2008).

⁸⁵ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008); Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project* (April 2008).

⁸⁶ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008); Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report* (April 2008).

⁸⁷ Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report* (April 2008).

perspective.⁸⁸ From an archaeological standpoint, resources still would have been impacted from Bluff runoff flows, construction of drainage structures to contain the Bluff runoff flows, and any erosion and ponding after storm events.⁸⁹

Options 3 and 4, while viable from a hydraulic engineering standpoint, would have been less efficient in the hydraulic conveyance of flows at any level of runoff for the flows from the Bluffs, and would have been less desirable from maintenance, vector control, and biological issues as compared to the Proposed Project's location of the Riparian Corridor.⁹⁰ Specifically, as in Option 1, ponding and inefficient water flow would have resulted in growth of waterborne vectors such as mosquitoes.⁹¹ Additionally, use of a storm drain box or a bridge culvert to connect the portions of the riparian corridor significantly would have decreased the biological value of the option. Not only would these structures have provided no native riparian habitat value, they would have interrupted the connectivity of the design of the riparian corridor, impacting the quality of the riparian corridor as a whole from a biological perspective.⁹² From an archaeological standpoint, resources still would have been impacted from Bluff runoff flows, construction of drainage structures to contain the Bluff runoff flows, and any erosion and ponding after storm events, as in Option 2.⁹³

In addition, Options 3 and 4 would have required more frequent periodic maintenance, resulting in more frequent dredging and habitat disturbance.⁹⁴ Options 2, 3, and 4 would have required some level of drainage work within the Archaeological Sites,

⁸⁸ Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008)* (detailing biological resources located in Riparian Corridor of Proposed Project).

⁸⁹ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*; Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

⁹⁰ *Ibid.*

⁹¹ Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008)* (detailing biological resources located in Riparian Corridor of Proposed Project).

⁹² *Ibid.*

⁹³ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

⁹⁴ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*; Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008)*.

and under all four options, erosion likely would have impacted the Archaeological Sites.⁹⁵ The Riparian Corridor as designed is the most efficient hydraulic system except for a concrete channel or pipe, which would be less desirable from a biological standpoint and to the extent the channel or pipe would not capture runoff from the flows from the Bluffs, such a hydraulic design presents vector control, erosion, and archaeological problems.⁹⁶

From a water quality perspective, it is expected that all of the options other than the Riparian Corridor as designed would have either a net detrimental effect or a neutral impact.⁹⁷ Because any surface disturbance would have created an impact to the Archaeological Sites, all options are assumed to have left in place the existing pavement and contamination over the Archaeological Sites and therefore would have increased the sources of pollutants that could have been easily transported into the Freshwater Wetland System.⁹⁸ Options 1 and 2 would have had a significant net reduction in water quality treatment area of 25 percent of the entire Riparian Corridor.⁹⁹ Option 4 would have had approximately the same area, while Option 3 would have had a slight but insignificant increase (less than 4 percent) in treatment area.¹⁰⁰ The insignificant gain in treatment area

⁹⁵ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008); Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project* (April 2008); Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008).

⁹⁶ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008); Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report* (April 2008); Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project* (April 2008); Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008).

⁹⁷ Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008).

⁹⁸ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project* (April 2008); Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008); Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008).

⁹⁹ Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008).

¹⁰⁰ Strecker, Eric W., *Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources* (April 2008).

of Option 3 likely would have been more than off-set by the negative impacts of leaving the pavement area in place.¹⁰¹

From a biological perspective, Options 1 or 2 would have resulted in a 2,600 foot, 6.7-acre gap in habitat between the two Sections of mature riparian corridor to the east and west (within the adjacent First Phase Project), which would have diminished the function and value of the entire 25 acre riparian corridor habitat area and its associated wildlife habitat value.¹⁰² Under Options 3 or 4, the Bluff Restoration area would have been isolated, fragmenting the overall habitat corridor, reducing habitat connectivity and opportunity for wildlife movement, and lessening the value of that area to plants and wildlife.¹⁰³ As a result, there would have been a loss of biological and habitat diversity in the area.¹⁰⁴

Given 2002 conditions, the Riparian Corridor could not have been placed in such a way as to avoid all impacts to these Archaeological Sites.¹⁰⁵ In addition, relocation of the Riparian Corridor in each instance would have compromised flood protection and habitat and water quality enhancement. Options 1 and 2 would have resulted in ponding and erosion of asphalt over the Archaeological Sites from the Bluff drainage¹⁰⁶ Option 3 and 4 would have resulted in impacts from swales over the Archaeological Sites from Bluff drainage.¹⁰⁷ All of the potential options would have been less efficient from a hydraulic standpoint, would have resulted in negative water quality impacts, and would have resulted in fragmented habitat, and thus would have reduced habitat connectivity and reduced opportunities for wildlife migration.¹⁰⁸ In addition, due to the existence of the Hughes-era buildings and infrastructure and contamination, any demolition or excavation in the area

¹⁰¹ *Ibid.*

¹⁰² *Crehan, Michael J., Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008); Blood, Brad, The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008);*

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008); Crehan, Michael J., Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008).*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

¹⁰⁸ *Crehan, Michael J., Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008); Blood, Brad, The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008).*

would have resulted in a significant impact on archaeological resources, regardless of the subsequent use.¹⁰⁹ The Riparian Corridor as designed preserved in place the majority of the Archaeological Sites (approximately 72 percent of CA-LAN-62 Locus D and 68 percent of CA-LAN-211/H, as discussed above),¹¹⁰ and at the same time provided the envisioned benefits of flood protection, native habitat, and water quality enhancement.¹¹¹

Due to the condition of the Proposed Project property, it would not have been feasible to preserve the Archaeological Sites in place. As noted, the Proposed Project site in 2002 was contaminated and had deteriorating buildings, asphalt, and substructures. Any use of the Proposed Project site, whether for park or other uses, would have required remediation of contamination and removal of buildings, asphalt, and substructures. Additionally, the Archaeological Sites could not have been covered with “a layer of chemically stable soil” since the soil beneath contained contamination and deteriorating infrastructure. As discussed in the technical reports, remediation of contamination and removal of buildings, asphalt, and substructures would have impacted archaeological resources. Moreover, as Option 1 makes clear, water from the Bluffs, absent the existence of the Riparian Corridor, would have flowed over the Archaeological Sites and continued to deteriorate the asphalt, buildings, substructures, and contamination, resulting in adverse impacts to the environment. In addition, as Option 1 makes clear, the existence of the riparian corridor to the east and west, constructed as part of the First Phase Project would have resulted in significant water flows across the Archaeological Sites, which in addition to the adverse effects described above, likely would have resulted in the erosion of the Archaeological Sites. Water flowing across these contaminated areas also would have adversely impacted the downstream habitat of the riparian corridor and FWM. Inclusion of the Archaeological Sites in a permanent conservation easement would not have been feasible prior to remediation of the contamination and removal of the buildings, asphalt, and substructures, which would have resulted in impacts to archaeological resources, biological resources, water quality, and hydraulic conductivity of the Proposed Project site. Accordingly, none of the “preservation in place” options detailed in CEQA Guidelines Section 15126.4(b)(B) would have been feasible under 2002 conditions.

¹⁰⁹ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

¹¹⁰ *Ibid.*

¹¹¹ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008); Crehan, Michael J., Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008); Blood, Brad, The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008); Strecker, Eric W., Surface Water Quality Assessment of Potential Alignments of Riparian Corridor Through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008).*

4.1.2 Preservation in Place – 2004 Conditions

As of September 2004, existing conditions at the Archaeological Sites on the Proposed Project site remained the same as in 2002. No buildings or paved areas had been removed, no grading had occurred, and no soil or groundwater remediation had been implemented. As discussed above with respect to 2002 conditions, under 2004 conditions, the Riparian Corridor could not have been placed in such a way as to avoid all portions of the Archaeological Sites without compromising the functions of the Riparian Corridor.¹¹² Accordingly, as stated above with respect to 2002 conditions, none of the “preservation in place” options discussed above were feasible under 2002 conditions.

4.1.3 Preservation in Place – 2008 Conditions

As mentioned above, all archaeological data recovery at the Proposed Project has been completed, all mass grading and most infrastructure improvements for the Proposed Project are complete, and in particular, the Habitat Creation/Restoration Component (i.e. Riparian Corridor) is complete.¹¹³ Given that work, this subsection analyzes the impacts if the archaeological resources that have been obtained through the data recovery program were returned to the Riparian Corridor site in the Proposed Project area, the Riparian Corridor were refilled with dirt, and the Riparian Corridor were relocated outside of the boundaries of CA-LAN-62 Locus D and CA-LAN-211/H.

Setting aside the issues of the possible locations of a relocated Riparian Corridor, it is important to note that the “return” of archaeological resources to the Riparian Corridor would not eliminate the changes to the archaeological resource that have occurred by virtue of the construction of the Riparian Corridor.¹¹⁴

If any of the options to relocate the Riparian Corridor were to be implemented, the Riparian Corridor in the area between and within CA-LAN-211/H and CA-LAN-62 Locus D

¹¹² *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008); Crehan, Michael J., Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008).*

¹¹³ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

¹¹⁴ *Ibid.*

would be filled with new fill (dirt) material.¹¹⁵ In connection with the fill of new material, consideration would be given to whether the archaeological material previously excavated in the fall of 2005 could be returned to the area.¹¹⁶ As discussed above, this archaeological material consists of the artifacts recovered from the midden at both Archaeological Sites, which includes artifact classes as shell, animal bone, stone tools, fire-affected rock, and other materials associated with everyday life, as well as the three isolated burial features and isolated bone fragments found at CA-LAN-211/H. The area would then be filled to the pre-construction grade.

Returning the artifacts from Archaeological Sites to where they were found, however, would not erase the fact that they were removed during 2005 data recovery excavations.¹¹⁷ By definition, archaeological field techniques impact historic resources, as the artifacts are removed from the context in which they are found.¹¹⁸ However, these “impacts” by definition are mitigated by the archaeological process of recordation and analysis.¹¹⁹ By conducting archaeological data recovery excavations and recording in precise detail, the location of objects both relative to other artifacts as well as within the resource as a whole, it is possible to answer research questions.¹²⁰ These artifacts found in their prehistoric association tell a great deal about past behaviors. When artifacts are removed from the context in which they were found, it is impossible to replace them in such a way as to reconstruct the human behavior that formed the site.¹²¹ Artifacts, human remains, and soil associated with human remains have been collected and retained at Playa Vista; all other soil and site sediment has been redeposited as fill elsewhere at Playa Vista. Once artifacts are removed through archaeological techniques, mitigation under the PA and ATPs requires (i) analysis, report writing, curation of certain artifacts, and (ii) reinterment of human remains and associated grave goods.¹²²

¹¹⁵ *Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008).*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² *Ibid.*

The replacement and reburial of certain archaeological artifacts within respective site boundaries, rather than curating them at a facility meeting federal standards, has implications for the PA and the ATPs approved by the Corps.¹²³ Federal law¹²⁴ and the ATPs for both CA-LAN-62 (Altschul 1991:7) and CA-LAN-211/H (Altschul et al. 2003:279) provide for curation of materials (other than human remains and associated grave goods) and records at a repository meeting federal standards. Therefore, the replacement of such previously excavated artifacts within the boundaries of the historic resource, rather than at a curation facility meeting federal standards, would not be in compliance with the PA, ATPs, or federal law. Moreover, as required by the PA, data recovery and curation for archaeological resources other than human remains and associated grave goods are the essential mitigation for the Archaeological Sites. Without curation of those artifacts, the resource is impacted and that impact has not been mitigated as prescribed by the PA.¹²⁵

If the Riparian Corridor on the Proposed Project site as it exists in 2008 were removed and filled with dirt it is probable that altering the side walls or bottom of the Riparian Corridor would be necessary.¹²⁶ If this is the case, it is possible that there will be additional impacts to both CA-LAN-62 Locus D and LAN-211/H along the southern wall of the Riparian Corridor, as the Archaeological Sites are preserved going into the bluff slope for an unknown distance and along the northern side and bottom of the Riparian Corridor at CA-LAN-211/H, where there is intact site.¹²⁷ Therefore, by removing and filling in the Riparian Corridor along CA-LAN-62 Locus D and LAN-211/H, it is possible that there would be additional impacts to both Archaeological Sites that would need to be mitigated.¹²⁸

In addition, as the vegetation in the Riparian Corridor was planted and has matured, the Riparian Corridor currently provides beneficial native habitat which will improve as it further matures over the years. Already, a total of 46 bird species have been observed in surveys using the Riparian Corridor, including all of the “primary candidates” for the Initial and the Interim or Short-Term Performance Standards (2.5 and 3.5 years after planting) as identified in the Habitat Mitigation and Monitoring Plan (HMMP). Two species, common

¹²³ *Ibid.*

¹²⁴ See 36 CFR Part 79.

¹²⁵ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

¹²⁶ Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*; Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

yellowthroat and red-winged blackbird, have been observed breeding in the Riparian Corridor, which meets the HMMP Initial Performance Standards.¹²⁹ If the existing Riparian Corridor were filled and removed, there would be a direct loss of the existing 6.7 acres of riparian and wetland vegetation and associated wildlife habitat value in the Riparian Corridor. In addition, depending on how the connection between the east and west segments of the riparian corridor (in the First Phase Project area) were connected through the Proposed Project area, a 2,600 foot gap in habitat between the two mature riparian strips could return, thus diminishing the function and value of the entire habitat area.¹³⁰ If the riparian corridor were reconnected using a underground box culvert on the Proposed Project site, this would represent a permanent 2,600 foot discontinuity in the riparian corridor resulting in fragmentation of the habitat of the riparian corridor, and a substantial loss of habitat connectivity and opportunity for plant and wildlife movement.¹³¹ This would reduce the size of 25-acre riparian corridor by approximately 27 percent.¹³² There would be a loss of biological and habitat diversity in the area.¹³³ If the riparian corridor were reconnected using a relocated Riparian Corridor on the Proposed Project site, relocation of the Riparian Corridor outside the boundaries of the Archaeological Sites and away from the bluffs would isolate the Bluff Restoration area, fragment the overall habitat corridor, reduce habitat connectivity and wildlife movement, and lessen the value of that area to wildlife.¹³⁴ The ecotonal benefits between the upland scrub and riparian habitats associated with the contiguity between the Riparian Corridor and the Bluffs would be eliminated.¹³⁵ As a result, there would be a loss of biological and habitat diversity in the Proposed Project area.¹³⁶ This loss would be somewhat reduced if the relocated Riparian Corridor were located adjacent to the preserved archaeological area rather than on the north side of Bluff Creek

¹²⁹ *Blood, Brad, The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008).*

¹³⁰ *Crehan, Michael J., Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008); Blood, Brad, The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008).*

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

Drive, however any such relocation, as discussed above, would still result in negative biological and habitat impacts.¹³⁷

Summarizing, it is not possible to “preserve in place” the previously excavated and recovered archaeological resources at CA-LAN-62 Locus D and CA-LAN-211/H by returning them to their previous locations. The impacts to the resources already have occurred and under federal law, the PA and the ATPs must be mitigated through data recovery efforts (discussed above); further, any attempt to fill in the existing Riparian Corridor and replace the previously removed archaeological resources would have additional impacts on the archaeological resources that remain within the portions of the Archaeological Sites that are preserved in place. Finally, filling in the existing Riparian Corridor to pursue any of the options discussed above would have both temporary and permanent adverse impacts on the biological resources that currently exist within the Riparian Corridor, as well as adverse impacts on the overall habitat in the Riparian Corridor.

4.1.4 Preservation in Place – Summary Conclusions

While some of the Options for the relocation of the Riparian Corridor might have resulted in more “preserved in place” portions of the Archaeological Sites as of 2002 and 2004, none of the Options would have resulted in no impacts to the Archaeological Sites. Ponding and scouring from the Options would have impacted the Archaeological Sites. In addition, regardless of the subsequent use, removal of the Hughes-era buildings, removal of the Hughes-era infrastructure, and remediation of the Hughes-era industrial contamination would have impacted the Archaeological Sites under any of the Options. This means that options such as incorporating the site into a park or open space, covering the site and putting tennis courts or parking lots on top, or putting it in a conservation easement (see CEQA Guidelines Section 15126.4(b)(3)(B)) are not feasible “preservation in place” mechanisms due to the nature and historic use of this location. Given the impacts to the Archaeological Sites, data recovery and curation are appropriate mitigation measures as required by CEQA Guidelines Section 15126.4(b)(3)(C)

In addition, return of the archaeological resources to the Riparian Corridor as of 2008 would not result in preservation in place, as the Archaeological Sites already have been disturbed. Data recovery and curation of archaeological resources other than human

¹³⁷ Crehan, Michael J., *Analysis for Alignments of the Riparian Corridor through the Village at Playa Vista to Preserve in Place Archaeological Resources (April 2008)*; Blood, Brad, *The Village at Playa Vista Riparian Corridor Biological Resources Report (April 2008)*; Douglass, John G., Donn R. Grenda, and Benjamin R. Vargas, *Assessment of Preservation in Place of Archaeological Resources (CA-LAN-62 Locus D and CA-LAN-211) in Proposed Village at Playa Vista Project (April 2008)*.

remains and associated grave goods (which are reinterred) is required to mitigate the impacts, as provided for in the PA, ATPs and as provided by CEQA Guidelines Section 15126.4(b)(3)(C). Further, any relocation of the Riparian Corridor would have caused additional impacts relative to the existing location of the Riparian Corridor.

4.2 Data Recovery

For the reasons detailed in this section and the associated technical reports, the impacts of the Proposed Project on the Archaeological Sites as a result of the construction of the Riparian Corridor can be mitigated through data recovery. Placement of the Riparian Corridor in the Proposed Project site as designed impacted approximately 28 percent of CA-LAN-62 Locus D and 32 percent of CA-LAN-211/H. The extent and nature of data recovery along with other mitigation measures are set forth in the Research Design and ATPs for CA-LAN-62 and CA-LAN-211/H and the mitigation measures proposed below.¹³⁸

As these Archaeological Sites were discovered, scientifically evaluated, and treated in accordance with the required protocols, potential impacts from Proposed Project activities on these Archaeological Sites were mitigated through data recovery prior to the onset of the Proposed Project construction.

As described in the PA, the Research Design, and the ATPs, encountered resources are being evaluated and treated per the protocols established in the PA and ATPs for the Archaeological Sites. Such evaluation and treatment would allow for scientific discovery and contributions to the body of knowledge regarding California and American prehistory and history. The evaluation and treatment undertaken pursuant to these requirements would preclude, through approved and required mitigation techniques, significant impacts from the disturbance, damage, or degradation of unique archaeological resources, or archaeological historic resources that may be encountered. With the implementation of the PA, impacts would be reduced to a less-than-significant level. The Mitigation Measures detailed below are proposed to require implementation of the PA.

4.3 Mitigation Measures for Proposed Project and-Equivalency Program

The following mitigation measures were implemented in connection with the activities of the Proposed Project between the City's approval of the Proposed Project in September 2004 and the Court of Appeal's opinion ordering vacation of those approvals in

¹³⁸ *Altschul, Jeffrey, H., et al., Playa Vista Archaeological and Historical Project, At the Base of the Bluff, Archaeological Inventory and Evaluation along Lower Centinela Creek, Marina del Rey, California. Statistical Research, Inc. Tucson, AZ, Redlands, CA, April 2003.*

September 2007. If the Proposed Project is approved, the mitigation measures would be readopted and would be implemented with further work undertaken in connection with any future work on the Proposed Project.

- Prior to the issuance of any grading/excavation or building permits (except for grading/excavation permits associated with archaeological investigations) which may affect the properties designated as LAN-211/H and LAN-62, the measures required within the approved Archaeological Treatment Plans for those properties, which have been determined eligible for listing in the National Register of Historic Places and accepted by the Corps, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation shall be implemented. The archaeological treatment plans shall be consistent with the following: the Secretary of Interior Guidelines for Archaeological Documentation; the California Office of Historic Preservation's Archaeological Resource Management Reports: Recommended Contents and Format, and Guidelines for Archaeological Research Designs; the Department of the Interior's Guidelines for Federal Agency Responsibilities under Sections 106 and 110 of the National Historic Preservation Act; and take into account the Council's publication, Treatment of Archaeological Properties – A Handbook.
- Prior to issuance of grading/excavation or building permits, a professional archaeologist shall be retained that meets the Secretary of Interior's guidelines and is listed in the Register of Professional Archaeologists to implement the Research Design and comply with the Programmatic Agreement.
- Historic resources eligible for listing in the National Register of Historic Places shall be avoided or unavoidable disturbance be mitigated through data recovery, documentation, analysis, and curation. Archeological treatment plans required by the Programmatic Agreement shall be developed and implemented, as applicable. All materials and records resulting from implementation of the Programmatic Agreement shall be curated in accordance with 36 Code of Federal Regulations Part 79.
- In addition to a qualified archaeologist, a representative of the Gabrielino Indians shall be retained to monitor subsurface archaeological excavations. Prior to issuance of grading or building permits, evidence shall be provided for placement in the subject file with the City Planning Department that a Native American monitor has been retained.
- In the event that previously unknown archaeological and historical resources are discovered during construction, grading/excavation/construction shall temporarily be halted. The Corps and the State Historic Preservation Officer shall

immediately be notified to provide these agencies with the opportunity to assess the resources and offer recommendations for treatment required by the Programmatic Agreement.

- The Project archaeologist shall monitor ground disturbing activities in areas where significant archaeological or historical materials are discovered or detected. If cultural resources are discovered during grading/excavation/construction monitoring, such resources shall be evaluated for their eligibility for listing in the National Register of Historic Places. If potentially significant resources are encountered, a letter of notification shall be provided in a timely manner to the Department of City Planning, in addition to the report (described below) that is filed at the completion of grading. If eligible, an archaeological treatment plan shall be developed and implemented in accordance with the Programmatic Agreement.
- Following completion of grading activities, a qualified archaeologist, who meets the Secretary of Interior Guidelines and is listed in the Register of Professional Archaeologists, shall prepare a report of the results of archaeological investigations to the City of Los Angeles Department of City Planning, other appropriate public agencies, and concurring parties as specified in the PA. The report shall be submitted to the above parties according to the schedules established in the respective ATPs.
- If a commemorative display center for items of cultural significance should be provided in the Playa Vista First Phase Project, representative artifacts from the Proposed Project site, should they be discovered, or accurate replicas shall be made available for the display at the display center.

5.0 UNAVOIDABLE ADVERSE IMPACTS

The impact analysis identified several potential direct and indirect adverse impacts on archaeological or historical resources associated with excavation. These impacts would be similar under both the Proposed Project and the Equivalency Program. Encountered resources would be evaluated and treated per the protocols established the PA and related Archaeological Research Design. Such evaluation and treatment would allow for scientific discovery and contributions to the body of knowledge regarding California and/or American prehistory and history. The evaluation and treatment undertaken pursuant to these requirements would preclude, through approved and required mitigation techniques, significant impacts from the disturbance, damage, or degradation of unique archaeological resources or archaeological historic resources that may be encountered. With the implementation of the PA and mitigation measures listed above, impacts for the Proposed

Project and the Equivalency Program would be reduced to a less-than-significant level.¹³⁹ Additionally, the City of Los Angeles “Standard Specifications for Public Works Construction,” Section 6-3.2 requires that grading, excavation, or other ground disturbing activities for a public project be halted in the area of a paleontological or archaeological find, until such time as a resource expert can review the find, determine its significance, and if required, determine appropriate mitigation measures. If such a resource were encountered, within the City of Los Angeles, Public Works Section 6-3.2 would be applied. Therefore, no adverse impacts on archaeological resources are expected from the construction of the Proposed Project’s off-site improvements.

6.0 CUMULATIVE IMPACTS

Development of the Proposed Project, inclusive of the Equivalency Program and the construction of the off-site improvements, in combination with the related projects, could contribute to the cumulative loss of cultural (archaeological and historical) resources within the region, city, and state as a whole. All potential sites are required to be evaluated prior to construction activities. Depending on the outcome of these evaluations, there could be possible effects on cultural (archaeological and historical) resources.

Related Project #24, the Catellus project on the West Bluffs, Related Project #25, LMU’s Master Plan project on the Westchester Bluffs, Related Project #40, and the Playa Vista First Phase Project, are developing in areas where several archaeological sites are located. These sites have been known since the 1930s, and previous data recovery has mitigated the loss of information associated with these sites. For example, archaeological work during grading and construction activities in Playa Vista’s First Phase Project uncovered a variety of cultural resources, including human remains, which were treated in accordance with the mitigation measures adopted for that project and applicable federal and state regulations.

At the same time, construction activity conducted under regulations often provides a vehicle for preservation of historic structures and discovery of new archaeological resources that would otherwise remain unknown. To the extent individual related projects would be required to comply with applicable laws, the potential disturbance, damage, or degradation of unique archaeological resources, or archaeological historic resources could be mitigated. The cumulative total of all related development of the Proposed Project creates the potential for additional impacts upon archaeological resources. Although each

¹³⁹ *It should be noted that the Court of Appeal found that these mitigation measures reduced the Proposed Project’s impact to archaeological resources to a level of less-than-significant (refer to Appendix A.i.).*

project must develop adequate mitigation measures to substantially lessen or avoid impacts on an individual basis, the incidental loss of all project-study area archaeological resources may constitute a significant cumulative impact.

II. ENVIRONMENTAL IMPACT ANALYSIS

D. GLOBAL CLIMATE CHANGE

1.0 INTRODUCTION

This Section addresses the Proposed Project's potential impacts related to global climate change, particularly with regard to the generation of greenhouse gases (GHGs).¹

As discussed in the Introduction, this RS-DEIR has been prepared in response to a court order issued by the California Superior Court dated May 23, 2008 and the September 13, 2007 Court of Appeal Opinion instructing the Superior Court to issue that order, neither of which refer to global climate change or mandate the City to include an analysis of the Proposed Project's potential impacts related to global climate change in the RS-DEIR. However, since the certification of the Original FEIR, new legislation has been adopted by the State of California requiring State agencies to implement regulations designed to address climate change by, among other things, reducing the amount of GHGs emitted in the State.² In addition, the research and public interest regarding this subject matter have advanced to the point where many lead agencies are including analyses of the topic in CEQA documents. Therefore, even though not required by the Court of Appeal decision and case law concerning the effect of that decision, the City has analyzed global climate change in this RS-DEIR for the Proposed Project, given the recent State legislation and regulation concerning climate change and the absence of any analysis of climate change in the Original FEIR.

As global climate change is a relatively new issue within the CEQA context, there have yet to be developed specific guidelines and protocols for how to address the issue in a CEQA document. Additionally, there are no commonly accepted thresholds, such as those often derived from Appendix G of the CEQA Guidelines, which can be used in defining significant impacts related to global climate change. In particular, no regulatory agency has developed any numerical criteria by which to determine the significance of a

¹ *Global temperatures are moderated by atmospheric gases, commonly called GHGs, including water vapor, carbon dioxide (CO₂), methane (CH₄), ozone (O₃), nitrous oxide (N₂O), and chlorofluorocarbons (CFCs).*

² *See, e.g., The California Global Warming Solutions Act of 2006 (Cal. Health & Safety Code § 38500 et seq.), also known as "AB 32."*

project's individual contribution to global climate change on a quantitative basis. In the absence of such thresholds, various State agencies and officials (including the Attorney General) have issued advisory reports recommending that lead agencies evaluate a project's contribution to global climate change against qualitative objectives set forth in State and local regulatory programs designed to curb climate change. Among other factors, such regulations include plans and policies encouraging emission reductions, energy conservation, the use of sustainable building materials and adherence to smart-growth planning principles.

The analysis presented in this Section represents the City's independent judgment at this time as to how the issue of global climate change relates specifically to the Proposed Project, with the objective of providing the public and decision-makers with a basic understanding of the issue, a quantitative and qualitative estimate of the Proposed Project's contribution to climate change and an analysis of whether that contribution is significant in light of regulatory schemes intended to reduce GHG emissions. It is important to note that even though project-specific numerical thresholds of significance have not yet been adopted for GHGs believed to contribute to global climate change, the analysis in this Section includes a quantification of those emissions in order to ensure that the public and decision-makers are fully informed. Therefore, in accordance with guidance recommendations issued by the Governor's Office of Planning and Research (OPR), the analysis in this Section adheres to the following methodology for determining the significance of the project's contribution to global climate change: (1) identify and quantify the Proposed Project's GHG emissions (see Subsection II.D 3.2.2.2); (2) describe State and local regulatory schemes adopted to qualitatively reduce the potential for climate change (see Subsection II.D.2.1.2); and (3) evaluate the Proposed Project's consistency with those regulatory schemes (see Subsections II.D.3.2.3-3.2.4).³

2.0 ENVIRONMENTAL SETTING

2.1 Regulatory Framework

2.1.1 International and Federal Regulations and Directives

The federal government began studying the phenomenon of global warming as early as 1978 with the National Climate Protection Act, 92 Stat. 601, which required the President to establish a program to "assist the Nation and the world to understand and

³ *State of California Governor's Office of Planning and Research Technical Advisory: CEQA Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review, June 19, 2008 (hereinafter "OPR Technical Advisory").*

respond to natural and man-induced climate processes and their implications.”⁴ The 1987 Global Climate Protection Act, Title XI of Pub. L. 100-204, directed the U.S. Environmental Protection Agency (USEPA) to propose a “coordinated national policy on global climate change,” and ordered the Secretary of State to work “through the channels of multilateral diplomacy” to coordinate efforts to address global warming. Further, in 1992, the United States ratified a nonbinding agreement among 154 nations to reduce atmospheric GHGs.⁵

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change to assess the scientific, technical and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.⁶

On March 21, 1994, the United States joined other countries around the world in signing the United Nations Framework Convention on Climate Change (UNFCCC). Under the Convention, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

The Kyoto Protocol is a treaty made under the UNFCCC. Countries can sign the treaty to demonstrate their commitment to reduce their emissions of GHGs or engage in emissions trading. More than 160 countries, accounting for 55 percent of global emissions, are under the protocol. United States Vice President Al Gore symbolically signed the Protocol in 1998. However, in order for the Protocol to be formally ratified, it must be adopted by the U.S. Senate, which has not been done to date.

In September 2003, in response to a 1999 petition asking the USEPA to regulate four GHGs (carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons) from new motor vehicles, the USEPA refused to regulate the GHGs, finding (1) that the Clean Air Act did not authorize the USEPA to issue mandatory regulations to address global climate change and (2) even if it did, it would be unwise to do so since the causal link between GHGs and global warming could not unequivocally be established.⁷ On April 2, 2007, the U.S. Supreme Court rejected the USEPA’s position and found the USEPA does have authority to regulate GHG emissions from automobiles as “pollutants” under Section 202 of

⁴ *National Climate Program Act*, § 3, 92 Stat. 601, 15 U.S.C. § 2901 et seq.

⁵ *Global Climate Protection Act of 1987*, § 1103, 101 Stat. 1408-0.9.

⁶ *IPCC website*, available at <http://www.ipcc.ch/about/index.htm>.

⁷ *Massachusetts v. EPA*, 127 S. Ct. 1438, 1449-50 (2007).

the Clean Air Act.⁸ The Court also found that the “harms associated with climate change are serious and well recognized” and pointed to the text of the Clean Air Act, concluding that the USEPA could not refuse to regulate GHGs without determining “whether an air pollutant ‘cause[s], or contribute[s] to, air pollution which may reasonably be anticipated to endanger public health or welfare.’ [citing 42 U.S.C. § 7521(a)(1)].”⁹ The Court went on to find that the USEPA “can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.”¹⁰ The USEPA has yet to make its determination.

In December 2007, President Bush signed a bill raising the minimum average miles per gallon (the corporate average fuel economy (CAFE) standard) for cars, sport utility vehicles, and light trucks to 35 miles per gallon by 2020 and mandating increased use of ethanol and other biofuels over the next 15 years. This increase in CAFE standard will create a substantial reduction in GHG emissions from automobiles, which is the largest single emitting GHG sector in California.

As of this writing, however, there are no adopted federal plans, policies, regulations, or laws setting a mandatory limit on GHG emissions.

2.1.2 State Regulations and Directives

California has responded to the issue of global climate change by adopting a series of laws to reduce GHG emission from various sources within the state.

Title 24 Energy Standards: Although not originally intended to reduce GHG emissions, California’s Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 in response to a legislative mandate to reduce California’s energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The latest amendments were made in October 2005. The premise for the standards is that energy efficient buildings require less electricity, natural gas, and other fuels. Electricity production from fossil fuels and on-site fuel combustion (typically for water heating) results in GHG emissions. Therefore, increased energy efficiency in buildings results in fewer GHG emissions on a building-by-building basis.

⁸ *Id. at 1462.*

⁹ *Id. at 1455, 1462.*

¹⁰ *Id. at 1438.*

California Assembly Bill No. 1493 (AB 1493): Enacted on July 22, 2002, this bill required the California Air Resources Board (CARB)¹¹ to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks.¹² The regulations adopted by CARB will apply to 2009 and later model year vehicles. CARB estimates that the regulation will reduce GHG emissions from the light-duty/passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030, compared to today. To enforce these regulations, California must apply for a waiver from the EPA from the Clean Air Act's preemption. In 2005, California applied for a waiver under Section 209 of the Clean Air Act. Not only have litigants challenged the legality of the regulations in federal court, but USEPA also denied California's request for a Clean Air Act waiver to implement its regulations. As of this writing, California and other states who seek to adopt California's GHG emissions standards for automobiles are challenging USEPA's denial in federal court.¹³

Executive Order S-3-05: On June 1, 2005, California Governor Arnold Schwarzenegger signed Executive Order S-3-05, which set ambitious GHG emission reduction targets for California to meet by 2010, 2020, and 2050, and ordered the California Environmental Protection Agency (Cal EPA) to report biannually on progress toward meeting the GHG emission targets and "on the impacts to California of global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry."¹⁴

Senate Bill 1368 (2006) (Public Utilities Code §§ 8340-41): Senate Bill (SB) 1368 required the California Public Utilities Commission to establish a "GHG emission performance standard" by February 1, 2007, for all electricity providers under its jurisdiction, including the state's three largest privately-owned utilities. Pub. Util. Code § 8341(d)(1). These utilities provide approximately 30 percent of the state's electric power. After the Public Utilities Commission acted, the California Energy Commission (CEC)

¹¹ CARB has jurisdiction over several air pollutant emission sources that operate in the State. Specifically, CARB has the authority to develop emission standards for on-road motor vehicles, as well as for stationary sources and some off-road mobile sources. In turn, CARB has granted authority to the regional air pollution control and air quality management districts to develop stationary source emission standards, issue air quality permits, and enforce permit conditions.

¹² Cal. Health & Safety Code § 42823, 43081.5.

¹³ On March 6, 2008, the U.S. EPA issued a Federal Register notice denying California's waiver request. *California State Motor Vehicle Pollution Control Standards; Notice of Decision Denying a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles*, 73 Fed. Reg. 12,156 (Mar. 6, 2008).

¹⁴ Cal. Exec. Order No. S-3-05, at ¶¶ 3-4 (June 1, 2005) (setting GHG emission reduction targets as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels).

adopted a performance standard “consistent with” the Public Utilities Commission performance standard and applied it to local publicly-owned utilities on May 23, 2007 (over one month ahead of its June 30, 2007 deadline). Cal. Pub. Util. Code § 8341(e)(1). However, the California Office of Administrative Law found four alleged flaws in the CEC’s rulemaking. The CEC overcame these alleged flaws and adopted reformulating regulations in August 2007.

Senate Bill 107 (2006): Senate Bill 107 requires investor-owned utilities such as Pacific Gas and Electric, Southern California Edison and San Diego Gas and Electric, to generate 20 percent of their electricity from renewable sources by 2010. Previously, state law required that this target be achieved by 2017.

California Assembly Bill 32 (AB 32): The California Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32,¹⁵ signed by Governor Schwarzenegger in September 2006, requires CARB to adopt regulations to require the reporting and verification of statewide GHG emissions and to monitor and enforce compliance with the program. In general, the bill requires CARB to reduce statewide GHG emissions to the equivalent of those in 1990 by 2020 (reduction of approximately 25 percent from forecast emission levels).¹⁶ CARB is required to adopt regulations for mandatory GHG emissions reporting by January 1, 2008 and to adopt a plan indicating how emission reductions will be achieved by January 1, 2009. CARB met these two deadlines. Most recently CARB adopted its Scoping Plan of December 11, 2008.¹⁷ Major rulemakings for reducing GHGs must be developed by January 1, 2011, while the rules and market mechanisms adopted by CARB do not take effect until January 1, 2012. Since CARB is still in the rulemaking process for AB 32, information about project compliance at the state-level is currently not available.

AB 32 did not amend CEQA to require new analytic processes regarding environmental impacts of GHG emissions. However, it did acknowledge GHG emissions cause significant adverse impacts to human health and the environment.¹⁸

¹⁵ Cal. Health & Safety Code § 38500 et seq.

¹⁶ State of California Governor’s Office of Planning and Research Technical Advisory: CEQA Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review, June 19, 2008, p. 3 (hereinafter “OPR Technical Advisory”).

¹⁷ CARB, Climate Change Scoping Plan (December 11, 2008) (Scoping Plan). The Scoping Plan is a blueprint adopted by CARB that details GHG emissions reductions from each sector in California predicted to be necessary to reach AB 32’s GHG reduction targets.

¹⁸ State of California Governor’s Office of Planning and Research Technical Advisory: CEQA Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review, June 19, 2008, p. 3 (hereinafter “OPR Technical Advisory”).

According to a 2007 CARB report, in 1990 California released 427 million metric tons of CO₂ equivalent emissions.¹⁹ AB 32 takes into account the relative contribution of each source or source category to protect adverse impacts on small businesses and others by requiring CARB to recommend a *de minimis* threshold of GHG emissions below which emissions reduction requirements would not apply. This *de minimis* threshold has not yet been established. AB 32 also allows the Governor to adjust the deadlines mentioned above for individual regulations or the entire state to the earliest feasible date in the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm.

CARB “Early Action Measures”: On June 21, 2007, CARB approved its early action measures to address climate change, as required by AB 32. The three measures include: (1) a low carbon fuel standard, which will reduce the carbon-intensity in California fuels, thereby reducing total CO₂ emissions; (2) reduction of refrigerant losses from motor vehicle air conditioning system maintenance through the restriction of “do-it-yourself” automotive refrigerants; and (3) increased CH₄ capture from landfills through the required implementation of state-of-the-art capture technologies. Other early action measures are under consideration.²⁰

CARB Mandatory Reporting Regulations (December 2007): Under AB 32, CARB propounded regulations to govern mandatory GHG emissions reporting for certain sectors of the economy, most dealing with approximately 94 percent of the industrial and commercial stationary sources of emissions. Regulated entities include electricity generating facilities, electricity retail providers, oil refineries, hydrogen plants, cement plants, cogeneration facilities, and industrial sources that emit over 25,000 metric tons of CO₂ from stationary source combustion.

Senate Bill 375 (September 2008): In September 2008, Senate Bill 375 (SB 375) was signed. SB 375 is a comprehensive global warming bill that helps to achieve the goals of AB 32. It requires the Metropolitan Planning Organization to include and adopt, in their regional transportation plan, a sustainable community strategy that will meet the region’s target for reducing GHG emissions.

¹⁹ CARB, “California 1990 Greenhouse Gas Emission Level and 2020 Emissions Limit,” (released Nov. 16, 2007).

²⁰ Potential additional measures include: (1) reduction of emissions of high global warming potential GHGs through establishing requirements for enhanced monitoring, enforcement, reporting, and recovery; (2) reducing CO₂ emissions from cement production; (3) reducing CO₂ emissions from the blending of limestone, fly ash, natural pozzolan and/or slag; (4) increasing compliance with anti-idling rules; and (5) identifying methods for better characterizing California’s nitrogen cycle. (CARB website, available at www.arb.ca.gov/cc/ccea/ccea.htm).

Executive Order S-01-07: This Order was set forth by the Governor on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least ten percent by 2020. It also requires that a Low Carbon Fuel Standard for transportation fuels be established for California.

Executive Order S-13-08: This order was set forth by the Governor on November 14, 2008. The order focuses on the relationship between greenhouse gas emissions and sea level rise and the potential adverse impacts on California's water supply and coastal resources due to sea level rise over the next century. The order sets forth a series of milestones for various state agencies over the next two years to understand the implications of sea level rise and to issue guidance as to integrating issues involving sea level rise in the development of projects located in areas potentially subject to adverse impacts attributable to sea level rise.

In general terms, California's goals and overall strategies for the systematic statewide reduction of GHG emissions are embodied in the combination of Executive Order S-3-05 and AB 32, which call for the following reduction of GHG emissions:

- 2000 levels by 2010 (11 percent below business-as-usual);
- 1990 levels by 2020 (25 percent below business-as-usual); and
- 80 percent below 1990 levels by 2050.

California Senate Bill 97 (SB 97): SB 97 amends the CEQA statute to mandate the OPR to develop CEQA Guidelines for the mitigation of GHG emissions and their effects by July 1, 2009, and certify and adopt the guidelines by January 1, 2010.²¹ The statute also expressly exempts certain public and transportation projects from requiring an analysis of GHG emissions in CEQA documents until January 1, 2010.²² OPR released draft guidance on January 8, 2009, but to date, no guidance has been adopted.

²¹ *Cal. Pub. Res. Code §§ 21097 and 21083.05, ("The failure to analyze adequately the effects of [GHG] emissions otherwise required to be reduced pursuant to regulations adopted by the State Air Resources Board under Division 25.5 (commencing with Section 38500) of the Health and Safety Code in an [CEQA environmental document] for either a transportation project funded under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 . . . , or a project funded under the Disaster Preparedness and Flood Prevention Bond Act of 2006 . . . , does not create a cause of action for a violation of [CEQA].")*

²² *Id.*

Attorney General's Measures: The California Attorney General's Office has published a document titled "*The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level.*"²³ The document acknowledges the important role local agencies play in addressing global climate change. The document states that "local agencies can encourage well-designed, sustainable private projects by analyzing and disclosing to the public the environmental benefits of such projects in any required environmental documents. And where projects as proposed will have significant global warming related effects, local agencies can require feasible changes or alternatives, and impose enforceable, verifiable, feasible mitigation to substantially lessen those effects."²⁴ The document goes on to state that included in the document "are various measures that may reduce the global warming related impacts of a project. As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation" ²⁵ The document acknowledges that the measures set forth in the document are not exhaustive and all the measures may not be appropriate for every project.

2.1.3 Local Regulations

In May 2007, the City of Los Angeles published "*Green LA, An Action Plan to Lead the Nation in Fighting Global Warming*" (*LA Green Plan*), outlining the goals and actions the City has established to reduce the generation and emission of GHGs from both public and private activities. According to the *LA Green Plan*, the City of Los Angeles is committed to the goal of reducing emissions of CO₂ to 35 percent below 1990 levels by 2030. The focus of the reduction will be on CO₂ emissions, especially those created by power generation as well as transportation fuel and natural gas consumption. The City will also tackle GHG emissions on other fronts, such as water conservation, waste reduction, and creating additional open space. To achieve this, the City will:

- Increase the generation of renewable energy;
- Improve energy conservation and efficiency; and
- Change transportation and land use patterns to reduce dependence on automobiles.

²³ Attorney General, "*The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level.*" (updated May 21, 2008), available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

²⁴ *Id.* at 1.

²⁵ *Id.* at 1.

The South Coast Air Quality Management District (SCAQMD) adopted a “Policy on Global Warming and Stratospheric Ozone Depletion” in April 1990. The policy commits the SCAQMD to consider global impacts in rulemaking and in drafting revisions to the Air Quality Management Plan. In March 1992, the SCAQMD Governing Board reaffirmed this policy and adopted amendments to the policy to include the following directives:

- Phase out the use and corresponding emissions of chlorofluorocarbons (CFCs), methyl chloroform (1,1,1-trichloroethane or TCA), carbon tetrachloride, and halons by December 1995;
- Phase out the large quantity use and corresponding emissions of hydrochlorofluorocarbons (HCFCs) by the year 2000;
- Develop recycling regulations for HCFCs (e.g., SCAQMD Rules 1411 and 1415);
- Develop an emissions inventory and control strategy for methyl bromide; and
- Support the adoption of a California GHG emission reduction goal.

The legislative and regulatory activity detailed above is expected to require significant development and implementation of energy efficient technologies and shifting of energy production to renewable sources. The SCAQMD’s Working Group is comprised of representatives of interested stakeholders from industry, environmental groups, and community groups, and was formed to provide input to SCAQMD as it develops a proposed set of GHG CEQA significance thresholds; however, to date SCAQMD has only adopted guidance applicable to industrial projects where SCAQMD is the lead agency.

2.2 Existing Conditions

2.2.1 Global Climate Change Background

Briefly stated, global climate change is a change in the average climatic conditions of the earth, as characterized by changes in wind patterns, storms, precipitation, and temperature. Global climate change may result from natural factors and processes, as well as human activities that change the composition of the atmosphere and alter the surface and features of the land.²⁶ Human activities such as producing electricity and driving vehicles release GHGs in the atmosphere. Many scientists believe that these activities have elevated levels of GHGs in the atmosphere, in turn, causing the Earth’s temperature to rise.

²⁶ OPR Technical Advisory p. 2.

The baseline by which these changes are measured originates in historical records identifying temperature changes that have occurred in the past, such as during previous ice ages. Many of the recent concerns over global climate change use this data to extrapolate a level of statistical significance, specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.²⁷

A warmer Earth may lead to changes in rainfall patterns, much smaller polar ice caps, a rise in sea level, and a wide range of impacts on plants, wildlife, and humans. Some studies indicate that the potential effects of global climate change may include rising surface temperatures, loss in snow pack, sea level rise, more extreme heat days per year, and more drought years.²⁸ The California Legislature made similar findings.²⁹ Our understanding of the fundamental processes responsible for global climate change has improved over the past decade, and our predictive capabilities are advancing. However, there remain significant scientific uncertainties, for example, in predictions of local effects of climate change, occurrence of extreme weather events, effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. Due to the complexity of the Earth's climate system, the uncertainty surrounding global climate change may never be completely eliminated.³⁰

Climate models applied to California's climate conditions project that if emissions are not reduced significantly, there is a strong likelihood that the average annual statewide temperatures in California are expected to increase by 3 to 10.5 degrees Fahrenheit by the

²⁷ *Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents*, Association of Environmental Professionals (June 29, 2007).

²⁸ *Intergovernmental Panel On Climate Change, Summary for Policymakers, in Climate Change 2007: The Physical Science Basis 2* (Cambridge Univ. Press 2007) (footnote omitted) [hereinafter 2007 IPCC Report—Physical Science Basis].

²⁹ *When enacting AB 32, the California Legislature found that: "The potential adverse impacts of global warming include exacerbation of air quality problems, a reduction in quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in displacement of thousands of coastal businesses and residences, damage to the marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other health-related problems."* Cal. Health & Safety Code § 38501(a).

³⁰ *See Intergovernmental Panel on Climate Change 2007: The Physical Science Basis. Contribution of Working Group 1 to the Fourth Assessment Report of the IPCC* (Cambridge Univ. Press 2007) at pp. 95, 98-99; California Environmental Protection Agency, *Climate Action Team Report to Governor Schwarzenegger and the Legislature, March 2006* (hereinafter "CAT Report") at i.

end of the century.³¹ In contrast, a lower emissions rate is projected to keep the warming to 3 to 5.6 degrees Fahrenheit.³² Almost all climate scenarios include a continuing trend of warming through the end of the century given the substantial amounts of GHGs already released and the difficulties associated with reducing emissions to a level that would stabilize the climate.

At this point, however, the climate change models are not capable of accurately predicting all specific local temperature or climate impacts, but rather, these models can only predict larger scale global trends.³³ The following climate change effects are predicted on a state-wide basis in California over the course of the next century:

- A diminishing Sierra snowpack declining by 70 to 90 percent, threatening the State's water supply.
- Increasing temperatures, as noted above, of up to approximately ten degrees Fahrenheit under the higher emission scenarios, leading to a 25 to 35 percent increase in the number of days ozone pollution levels are exceeded in most urban areas.
- Coastal erosion along the length of California and seawater intrusion into the San Joaquin-Sacramento Delta (Delta) from a 22 to 35-inch rise in sea level. This would exacerbate flooding in already vulnerable regions.
- Increased vulnerability of forests due to pest infestation and increased temperatures.
- Increased challenges for the State's important agricultural industry from limited water shortage, increasing temperatures, and saltwater intrusion into the Delta.
- Increased electricity demand, particularly in the hot summer months.

³¹ California Climate Change Center. *Our Changing Climate: Assessing the Risks to California* (July 2006) at 2-3; California Environmental Protection Agency, *Climate Action Team Report to Governor Schwarzenegger and the Legislature, March 2006* (hereinafter "CAT Report") at xii; Mestre Greve Tech Report, at 2.

³² California Climate Change Center. *Our Changing Climate: Assessing the Risks to California* (July 2006) at 2.

³³ *Climate Change Emissions for the Village at Playa Vista, City of Los Angeles, Mestre Greve Associates, December 4, 2008, at 2* (Mestre Greve Tech Report) (Appendix. E.i.) (citing EPA, 2007, available at epa.gov/climatechange/basicinfo.html).

As such, temperature increases are predicted to lead to environmental impacts in a wide variety of areas, including: sea level rise, reduced snowpack resulting in a depletion of existing water resources, increased risk of wildfires, and public health hazards associated with higher peak temperatures, heat waves, and decreased air quality.³⁴

2.2.2 Greenhouse Gases

Parts of the earth's atmosphere act as an insulating blanket, trapping sufficient solar energy to keep the global average temperature in a suitable range. The blanket is a collection of atmospheric gases called GHGs. State law defines GHG to include the following: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).³⁵

Carbon Dioxide: Carbon exists in the atmosphere in its oxidized form, CO₂. Carbon dioxide enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), agriculture, irrigation, and deforestation, as well as the manufacturing of cement. Increased CO₂ concentrations in the atmosphere primarily have been linked to increased combustion of fossil fuels.

Methane: Methane is produced and enters the atmosphere in a number of ways, both natural and man-made (anthropogenic). Decomposition occurring in landfills accounts for the majority of anthropogenic CH₄ emissions in California and in the United States as a whole. Livestock and other agricultural processes such as

³⁴ *Climate Action Team Report to Governor Schwarzenegger and the Legislature at xii-xiii; California Climate Change Center. Our Changing Climate: Assessing the Risks to California (July 2006).*

³⁵ *Black carbon is a form of particulate air pollution that is most often produced from the burning of biomass, cooking with solid fuels, and diesel exhaust. Some studies have implicated black carbon as a source of global climate change; however, the potential impact of black carbon on climate change is currently under substantial dispute.*

Black carbon is not assessed in this Global Climate Change Section of the RS-DEIR for four key reasons. First, no regulatory authority has classified black carbon as a greenhouse gas and it is not regulated under AB 32 or any other law implemented to address global climate change. Second, none of the guidance on global climate change analysis suggests the analysis should include black carbon. Even the Center for Biological Diversity's white paper on CEQA and global warming does not mention black carbon as a greenhouse gas that should be addressed under CEQA. California Environmental Quality Act – On the Front Lines of California's Fight Against Global Warming, (CBD 2007). Third, the tools are not available to quantify black carbon emissions at this time. Emissions factors for black carbon have not been published by the California Air Resources Board, the U.S. Environmental Protection Agency, or other reputable bodies. Finally, no guidance on the importance, evaluation, or mitigation of black carbon has been provided by the agencies leading regulation of the climate change issue. Therefore, while the Proposed Project will generate some black carbon, the quantities are indeterminable at this time. The potential impact of the black carbon emissions on climate change is also unknown at this time, however, it is anticipated that the Proposed Project would have a very small impact on climate change based on its size relative to the global nature of this issue.

enteric fermentation, manure management, and rice cultivation are also significant sources of CH₄ in California. Methane is also emitted through the production, transportation and burning of coal, natural gas, and oil.

Nitrous Oxide: Nitrous Oxide is released most often during the burning of fuel at high temperatures. This GHG is caused mostly by motor vehicles, which also include non-road vehicles, such as those used for agriculture.

Fluorinated Gases: Fluorinated gases are emitted primarily from industrial sources, which often include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Fluorinated gases are primarily used as substitutes for ozone-depleting substances. Though they are often released in smaller quantities, they are referred to as High Global Warming Potential Gases because of their warming forcing power.³⁶

These gases have different potentials for trapping heat in the atmosphere, called global warming potential (GWP). For example, one pound of methane has 21 times more heat capturing potential than one pound of carbon dioxide, nitrous oxide has 310 times more heat capturing potential than one pound of carbon dioxide, and sulfur hexafluoride has 23,900 times more heat capturing potential than one pound of carbon dioxide. When dealing with an array of emissions, the gases are converted to carbon dioxide equivalents (CO₂EQ) for comparison purposes.³⁷ One million metric tons (MMT) of carbon dioxide equivalent is the mass emissions of an individual GHG multiplied by its global warming potential. Table II.D-1 identifies the global warming potential of several common GHGs.

In 2004, total worldwide GHG emissions were estimated to be 27,941 MMT CO₂EQ.³⁸ In 2004, U.S. GHG emissions were 7,068 MMT CO₂EQ, which is approximately 25 percent of the earth's total emissions.³⁹

³⁶ CAT Report, pp. 11-12; Mestre Greve Tech Report, p. 4.

³⁷ The other GHGs are less abundant, but have higher global warming potential than CO₂. To account for this higher potential, emissions of other GHGs are frequently expressed in the equivalent mass of CO₂, denoted as CO₂EQ. Mass emissions are calculated by converting pollutant specific emissions to CO₂EQ emissions by applying the proper global warming potential value. CO₂EQ was developed by the Intergovernmental Panel on Climate Change (IPCC), and published in its Second Assessment Report (SAR) 1996. These global warming potential ratios are available from the EPA and published in the CCAR Protocol. By applying the global warming potential ratios, project related CO₂EQ emissions can be tabulated in metric tons per year.

³⁸ Association of Environmental Professionals, *Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents*, June 29, 2007.

³⁹ Mestre Greve Tech Report, p. 5.

Gas	Atmospheric Lifetime (years)	Global Warming Potential (CO₂EQ)
Carbon Dioxide	50 – 200	1
Methane	12 ± 3	21
Nitrous Oxide	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC: Tetrafluoromethane (CF ₄)	50,000	6,500
PFC: Hexafluoroethane (C ₂ F ₆)	10,000	9,200
Sulfur Hexafluoride (SF ₆)	3,200	23,900

Source: EPA 2006. Non CO₂ Gases Economic Analysis and inventory, December 2006 (available at <http://www.epa.gov/nonco2/econ-inv/table.html>).

2.2.1 Existing Statewide GHG Emissions

Within the United States, California has the second highest level of GHG production, but also has one of the lowest per capita rates of GHG emissions.⁴⁰ Specifically, California has the fourth lowest per capita rate of CO₂ production from fossil fuels in the United States.⁴¹ In 2001, the burning of fossil fuels produced over 81 percent of California's total GHG emissions.⁴²

The California Energy Commission categorizes GHG anthropogenic generation by source into five broad categories: (1) transportation, (2) agriculture and forestry, (3) commercial and residential, (4) industrial, and (5) electric generation.⁴³ The GHG inventory for California is presented in Table II.D-2. The major source of GHG in California is transportation, contributing about 40 percent of the state's total GHG emissions. Electricity generation is the second largest source contributor to GHG emissions in the state.⁴⁴

⁴⁰ *Mestre Greve Tech Report, pp. 5-10. California contributes 1.4 percent of the global and 6.2 percent of the national GHG emissions. California Energy Commission, Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004, December 2006.*

⁴¹ *Mestre Greve Tech Report, p. 10.*

⁴² *Id., p.5.*

⁴³ *Id, p. 7.*

⁴⁴ *Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents, Association of Environmental Professionals (June 29, 2007); see also Mestre Greve Tech Report, p. 9.*

TABLE II.D-2		
CALIFORNIA GHG EMISSIONS AND SINKS SUMMARY (MILLION METRIC TONS OF CO₂ EQUIVALENCE)		
Categories Included in the Inventory	1990	2004
ENERGY	386.41	420.91
Fuel Combustion Activities	381.16	416.29
Energy Industries	157.33	166.43
Manufacturing Industries & Construction	24.24	19.45
Transport	150.02	181.95
Other Sectors (Residential and Commercial/Institutional)	48.19	46.29
Non-Specified	1.38	2.16
Fugitive Emissions from Fuels	5.25	4.62
Oil and Natural Gas	2.94	2.54
Other Emissions from Energy Production	2.31	2.07
INDUSTRIAL PROCESSES & PRODUCT USE	18.34	30.78
Mineral Industry	4.85	5.90
Chemical Industry	2.34	1.32
Non-Energy Products from Fuels & Solvent Use	2.29	1.37
Electronics Industry	0.59	0.88
Product Uses as Substitutes for Ozone Depleting Substances	0.04	13.97
Other Product Manufacture & Use Other	3.18	1.60
Other	5.05	5.74
AGRICULTURE, FORESTRY, & OTHER LAND USE	19.11	23.28
Livestock	11.67	13.92
Land	0.19	0.19
Aggregate Sources & Non-CO2 Emissions Sources on Land	7.26	9.17
WASTE	9.42	9.44
Solid Waste Disposal	6.26	5.62
Wastewater Treatment & Discharge	3.17	3.82
EMISSION SUMMARY		
Gross California Emissions	433.29	484.4
Sinks and Sequestrations	-6.69	-4.66
Net California Emissions	426.60	479.74
<p>Source: California Air Resources Board (CARB), 2007. Draft California Greenhouse Inventory by IPCC Category, August 2007 (available at http://www.arb.ca.gov/cc/inventory/data/tables/rpt_Inventory_IPCC_Sum_2007-11-19.pdf); see also Mestre Greve Report, p. 9.</p>		

Between 1990 and 2000, California's population grew by 4.1 million people and during the 1990 to 2003 period, California's gross state product grew by 83 percent (in dollars, not adjusted for inflation).⁴⁵ However, California's GHG emissions grew by only 12 percent between 1990 and 2003.⁴⁶ The CEC Inventory of California GHG Emissions and Sinks report concludes that California's ability to slow the rate of growth of GHG

⁴⁵ *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004*, pp. i, 13.

⁴⁶ *Id.*, p. i.

emissions is largely due to the success of its energy efficiency, renewable energy programs, and commitment to clean air and clean energy.⁴⁷ In fact, the State's programs and commitments lowered its GHG emissions rate of growth by more than half of what it would have been otherwise.⁴⁸

Of all the GHGs, CO₂ is the most abundant climate change pollutant with fossil fuel combustion CO₂ comprising 81.0 percent of the total GHG emissions in California in 2002 and non-fossil fuel CO₂ comprising 2.3 percent.⁴⁹ The CO₂EQ of methane represented 6.4 percent of the 2002 California GHG emissions, the CO₂EQ of nitrous oxide represented 6.8 percent, and the CO₂EQ of other High Global Warming Potential Gases represented 3.5 percent of these emissions.⁵⁰

2.2.2 Existing Project Site GHG Emissions

In 2002, when the Notice of Preparation was published, the Proposed Project site was vacant, except for various small buildings, such as sheds, minor storage structures, and construction trailers associated with development of the adjacent Playa Vista First Phase Project. Since 2002, these buildings and structures have been removed. GHG emissions from these buildings and the activities before construction of the Proposed Project began were negligible.

3.0 IMPACT ANALYSIS

3.1 Methodology

As there is yet no uniform approach to analyzing global climate change impacts, an individual project should develop its own approach for performing an analysis of GHG emissions. OPR, in its recent June 19, 2008 Technical Advisory, recognizes that CEQA Guidelines have not been adopted to provide guidance as to how climate change is to be addressed under CEQA. OPR also notes that it is continuing to consult with CARB technical staff regarding appropriate thresholds of significance to use for climate change analysis, but that such guidance is not yet available. OPR has provided the following "informal guidance" regarding the following steps for addressing climate change impacts under CEQA:

- (1) Identify and quantify the GHG emissions;

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *CAT Report, 11-12.*

⁵⁰ *Id.*

- (2) Assess the significance of the impact on climate change; and
- (3) If significant, identify alternatives and/or mitigation measures that will reduce impacts below significance.⁵¹

3.1.1 Identify and Quantify GHG Emissions

The following general factors should be considered when identifying and quantifying GHG emissions: good faith effort to calculate, model, or estimate the amount of CO₂ and other GHG emissions, including emissions associated with vehicular traffic, energy consumption, water usage, and construction activities; and use of OPR modeling tools to quantify GHG emissions.⁵²

3.1.1.1 Methodology for Quantifying GHG Emissions

Although no numerical thresholds of significance have been developed, the California Climate Action Registry has prepared a protocol for calculating and reporting GHG emissions from a number of general and industry-specific activities.⁵³ This guidance has been used to address GHG emissions from the Proposed Project. However, it is important to note that there is no specific guidance defining the extent to which direct and indirect emissions resulting from a single proposed development project should be addressed and analyzed as part of the CEQA assessment process. Nevertheless, reporting indirect GHG emissions is a requirement of the voluntary California Climate Action Registry reporting program and CARB staff has considered extensively the value of indirect emissions in a mandatory reporting program. CARB believes that indirect energy usage provides a more complete picture of the emissions footprint of a facility: “As facilities consider changes that would affect their emissions – addition of a cogeneration unit to boost overall efficiency even as it increases direct emissions, for example – the relative impact on total (direct plus indirect) emissions by the facility should be monitored. Annually reported indirect energy usage also aids the conservation awareness of the facility and provides information” to CARB to be considered for future strategies by the industrial sector. For these reasons, CARB has proposed requiring the calculation of direct and indirect GHG emissions as part of the AB 32 reporting requirements, and this analysis does so.⁵⁴

⁵¹ OPR Technical Advisory, p. 5.

⁵² *Id.*

⁵³ California Climate Action Registry, *General Reporting Protocol Version 3.0, 2008*.

⁵⁴ CARB, 2007a. *Initial Statement of Reasons for Rulemaking, Proposed Regulation for Mandatory Reporting of Greenhouse Gas Emissions Pursuant to the California Global Warming Solutions Act of 2006 (Assembly Bill 32). Planning and Technical Support Division Emission Inventory Branch, October 19, 2007.*

As explained by the California Air Pollution Control Officers Association, the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level.⁵⁵ Therefore, the construction analysis does not assess such GHG emissions.

3.1.1.2 Threshold for Determining Significance

At the time that this RS-DEIR was being prepared, no air agency or municipality had yet established project-level significance thresholds for GHG emissions. Accordingly, while GHG emissions can be quantified, there is no guidance adopted by any federal, state, or local agency to determine significance under CEQA. “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.”⁵⁶ CEQA grants agencies with the general authority to adopt criteria for determining whether a given impact is “significant.”⁵⁷ When no guidance exists under CEQA, the agency may look to and assess general compliance with comparable regulatory schemes.⁵⁸ Currently, there are four potentially applicable regulatory schemes to evaluate the significance of a proposed project’s GHG emissions: (1) AB 32 and associated guidance, (2) 2006 CAT Report, (3) OPR guidance regarding evaluating GHG emissions, and (4) the *LA Green Plan*.⁵⁹ The California Attorney General also has been active issuing comment letters and other documents concerning proposed development projects and encouraging the use of certain mitigation measures for those projects to reduce GHG emissions.⁶⁰ Although these measures are not a part of a regulatory scheme at this time, they provide another tool to assess general compliance with the standards of AB 32.

⁵⁵ *California Air Pollution Control Officers Association, CEQA & Climate Change: Evaluation and Addressing Greenhouse Gas Emissions from Project Subject to the California Environmental Quality Act (January 2008), p. 65.*

⁵⁶ *CEQA Guidelines Section 15064(b).*

⁵⁷ *See Cal. Pub. Resources Code § 21082.*

⁵⁸ *See Protect Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107 [“[A] lead agency’s use of existing environmental standards in determining the significance of a project’s environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and regulation.”]. Lead agencies can, and often do, use regulatory agencies’ performance standards. A project’s compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., Cadiz Land Co. v. Rail Cycle (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).*

⁵⁹ *SCAQMD’s guidance adopted on December 5, 2008 does not apply to this Proposed Project as the adopted guidance is only applicable to industrial projects where SCAQMD is the lead agency.*

⁶⁰ *California Attorney General, The California Environmental Quality Act, Addressing Global Warming Impacts At The Local Agency Level, available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.*

The regulations required to meet the goal under AB 32 of reducing emissions to 1990 levels by 2010 have yet to be implemented – they are scheduled to be implemented no later than January 1, 2010. The list of discrete early action measures that can be adopted and implemented before January 1, 2010, was adopted by the CARB in June 2007. The three early action measures focus on major State-wide contributing sources and industries, not on individual development projects or practices. These three measures are: 1) a lower carbon fuel standard; 2) reduction of refrigerant losses from motor vehicle air conditioning system maintenance; and 3) increased methane capture from landfills. At this time, there is no single criterion by which the implementation of a project can be judged to support or hinder attainment of the State's goals.

Neither federal, state, nor local authorities have yet formally established project-level significance thresholds for GHG emissions. OPR has issued the following guidelines to consider in determining significance:

- Lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant;
- Lead agencies' determination of significant impacts must be consistent with available guidance and current CEQA practice;
- Although global climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment.⁶¹

The State of California, through its governor and its legislature, has established a comprehensive framework for the substantial reduction of GHG emissions over the next 40+ years. This will occur primarily through the implementation of AB 32 and Executive Order S-3-05, which will address GHG emissions on a statewide cumulative basis. In addition, the Secretary of California EPA created the Climate Action Team, which, in March 2006, published the Climate Action Team Report to Governor Schwarzenegger and the Legislature (2006 CAT Report). The 2006 CAT Report identifies a recommended list of strategies that the state could pursue to reduce climate change GHG emissions.

The *LA Green Plan* also does not establish any thresholds for determining significance of GHG emissions. Instead, as discussed above, the *LA Green Plan* details various broad goals and actions, focusing on promoting renewable energy, improving

⁶¹ OPR Technical Advisory, p. 6.

energy conservation and efficiency, and generally changing transportation and land use patterns to reduce traffic trips.

In the absence of any adopted thresholds, this analysis applies a the threshold of significance where the Proposed Project would be found to have a significant impact on global climate change if the Proposed Project is not consistent with the goals, strategies and control measures established under the AB 32 and associated guidance, 2006 CAT Report, any general OPR guidance regarding emissions, and the *LA Green Plan*. These goals, strategies, and control measures represent the current state and local efforts (and regulatory scheme) to mitigate and reduce the City of Los Angeles and the State of California's impacts on global climate change. Thus, if the Proposed Project is consistent with this regulatory scheme and the associated goals, strategies and control measures, it would not be considered to have a significant impact with regards to global climate change, either on a project-specific basis or with respect to its contribution to a cumulative impact on global climate change.

3.2 Environmental Impacts

3.2.1 Project Design Features

The overall purpose of the Proposed Project is to complete the mixed use Playa Vista community, with additional residences and ancillary uses and a "Village Center" that provides public gathering places, retail shops, and offices. The Village Center would serve the needs of the Playa Vista community itself as well as offering opportunities for nearby surrounding residences.

In the last few years, regional and City of Los Angeles policies have been developed focusing on the management of the growth forecasted to occur in the future. It is out of these policies that the ideas of "smart growth" and the creation of "livable communities" have arisen.⁶² The Proposed Project's design has integrated these policy initiatives by addressing the relationships between land use, transportation, and air quality. As stated in Section II.C of the 2003 Original DEIR, the objectives of the Proposed Project include the following:

- To develop a new mixed-use community that would promote the internal relationship of mutually supportive uses such as employment, housing, recreation, and community-serving activities, so as to decrease dependency on the automobile,

⁶² *City of Los Angeles Citywide General Plan Framework Element and SCAG's Southern California COMPASS project.*

encourage pedestrian activity, and alternative transportation modes, make efficient use of land and infrastructure, reduce energy consumption, and foster a strong sense of community.

- To create a new community whose design and development is consistent with that of the adjacent Playa Vista First Phase Project, and where appropriate, to form linkages to transportation, development and conservation aspects of the Playa Vista First Phase Project.
- To create an ecologically sound development that implements a comprehensive program of resource protection, enhancement, and conservation (e.g., habitat creation and restoration) and encourages recycling for both construction operations and long-term community activities.
- To interconnect various portions of the site, and its environs via a system of pedestrian trails, bicycle trails, and public transit features (e.g., shuttle).

In addition, the City of Los Angeles has adopted policies and objectives, which relate directly to the implementation of the Proposed Project. The manner in which the Proposed Project aids in the achievement of Citywide objectives is discussed in more detail in Section II.A. (Land Use) of this RS-DEIR. Such objectives and policies include the following, which constitute, where applicable, the City's objectives for the Proposed Project:

- Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.
- Establish patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.
- Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.

Accommodate land uses, locate and design buildings, and implement street amenities that enhance pedestrian activity.

3.2.1.1 Land Use Plan

The proposed land use plan for the Village at Playa Vista promotes reductions in vehicle trips and consequent generation of GHG emissions in the following six ways: (1) developing residential mixed-use neighborhoods; (2) scaling commercial uses to serve neighborhood and community needs; (3) siting office uses near residences and public

transit; (4) providing basic services within office areas; (5) providing jobs/housing linkages; and (6) including a variety of civic uses such as community centers and public recreational facilities in proximity to residential and commercial uses.

(a) Mixed Use Development

The land use plan for the Village at Playa Vista was developed seeking to create a community which provides a wide range of opportunities to meet the needs of all those within the community by providing a balanced mix of residential, commercial, and community-serving land uses. The Village at Playa Vista is proposed to be developed with a mix of uses, including residential, commercial, and community-serving uses. This approach to providing mixed-use areas minimizes on- and off-site vehicle use by providing a variety of daily needs within a short walk from any residence or business.

(b) Retail Uses Scaled to Serve the Community

The retail uses that are proposed are designed primarily to service the Proposed Project residents and employees as well as those occupying the adjacent Playa Vista First Phase Project. By orienting the retail uses to the Proposed Project and nearby patrons, and by making these uses accessible to pedestrians and the internal shuttle system (see description below), a reduction in vehicle trips and vehicle miles traveled would be realized.

(c) Location of Office Uses

The placement of office uses in the design of the Village at Playa Vista serves the objective of minimizing GHG emissions. Office uses that would be developed within the Proposed Project would be located in close proximity to residential neighborhoods, increasing the probability that residents may work nearer to their home, and thus reducing the vehicle miles traveled.

(d) Commercial Retail Uses Near Office Uses

Similar to the strategy to provide basic services within each residential neighborhood, the proposed office uses would be in proximity to commercial and retail space to encourage the provision of basic services such as banking, restaurants and other neighborhood commercial services within a short walk from the work-site. Additional services, such as child care, would be available close by, in the adjacent Playa Vista First Phase Project.

(e) Civic Facilities

The Proposed Project has been designed to take advantage of a broad spectrum of civic facilities within the site and in the adjacent Playa Vista First Phase Project. A police drop-in station, fire station, public library, and community center have been constructed within the adjacent Playa Vista First Phase Project; an elementary school which would serve the overall community is in the planning process. The First Phase Project also includes network of 19 parks and an interpretive center, most of which have been constructed. The Proposed Project would add up to 40,000 sq. ft. of community serving uses (such as an additional community center) and four parks to these facilities, and complete the final 6.7-acres of the riparian corridor. The parks have been distributed throughout the Proposed Project and adjacent First Phase Project such that there is at least one park planned within a five-minute walk of any residential unit. In addition, Project residents, employees, and visitors can take advantage of the Playa Vista Freshwater Wetlands System which can be reached via pedestrian walkways and trail adjacent to the riparian corridor. The proximity of these facilities to residential and commercial uses would encourage walking, and would serve to reduce vehicular trips and miles traveled.

(f) Jobs/Housing Linkage

The proposed array of residential, retail, and office uses would, in itself, promote a reduction of GHG emissions by providing a large supply of housing as well as employment opportunities within close proximity to one another, making it possible for an individual to both reside and work within the Proposed Project site or the adjacent Playa Vista First Phase Project (jobs/housing linkage). The availability of jobs and housing within proximity to one another provides people an opportunity to live closer to their places of work, and thus benefit from reduced travel time. The community benefits from reduced traffic and congestion, which in turn leads to reduced levels of noise, air pollution, and fuel consumption. In addition, the Project would provide a substantial amount of housing in a jobs-rich subregion. The Proposed Project supports jobs/housing balance through the creation of a variety of housing units in combination with the development of employment opportunities. Overall, the Proposed Project would create a total of 2,600 housing units and 1,180 permanent jobs (See Section IV.J, Population, Housing and Employment of the Original DEIR), yielding a jobs/housing ratio of 0.45. The ratios of jobs/housing in the Local Area, City of Los Angeles subregion, and Regional Area are projected by SCAG to be 2.76, 1.30, and 1.38 in the year 2010, respectively. As the number of jobs exceeds the number of housing units, these areas are considered to be jobs-rich. The Proposed Project would be consistent with the SCAG 1996 RCPG policies relating to jobs/housing balance by supporting housing growth in housing-poor, jobs-rich subregions.

3.2.1.2 Promotion of Alternative Travel Modes

The design of the proposed Village at Playa Vista facilitates reductions in GHG emissions via the arrangement of proposed land uses, as described above, as well as through the promotion of alternative modes of travel such as mass transit, bicycling, and walking.

(a) Transit System Improvements

The Proposed Project proposes a comprehensive transit program to contribute to both the reduction of vehicular trips within the Proposed Project site and surrounding area, and the system-wide improvement of transit travel corridors. The main feature of this Proposed Project attribute is an Internal Shuttle System serving the Proposed Project site and an Expanded Shuttle System which provides enhanced transit service for Proposed Project residents, visitors, employees, and the surrounding community, providing connections to key destinations such as Playa del Rey, Howard Hughes Center, the adjacent Playa Vista First Phase Project, and the Fox Hills Mall. Connections to regional transit service shall be provided at Lincoln Boulevard/Jefferson Boulevard and Fox Hills Mall Transit Center. The Internal Shuttle System that would carry residents and workers within the Proposed Project site that would support opportunities for jobs/housing linkage, accessing community facilities (e.g., child care facilities, parks, and services), as well as overall community interaction. The system is intended to provide a safe and reliable transportation alternative to the automobile for Project residents, employees, and visitors and would be accessible via a short walk from any residential, office, or other location.

Vehicles used within the Internal Shuttle System would be low emission vehicles, although the specific fuel/power source has not yet been determined. The Internal Shuttle System provides stop points throughout the Proposed Project site. Information accessible via computers would be available to all Proposed Project residents and workers, as well as those associated with the adjacent Playa Vista First Phase Project, on the operation and location of the internal shuttle. In addition, the system would be operated as a free service for residents and employees within the Proposed Project and adjacent Playa Vista First Phase Project at all times, and for visitors not residing or working on the Proposed Project site during peak hours (8:00 to 9:00 a.m. and 5:00 to 6:00 p.m.).

(b) Bicycle Use Promotion

Promotion of bicycle usage as a means of reducing pollutant emissions has also been incorporated into the Village at Playa Vista. The Proposed Project's bikeway routes have been designed to link major activity centers within the Proposed Project site (e.g.,

Village Center retail uses and proposed residential uses) and the adjacent Playa Vista First Phase Project, and as such, provide an alternative means of transportation to the automobile. The Proposed Project's network of interconnected bicycle routes provides access throughout the Proposed Project site and connects to, and expands on, the bicycle network within the adjacent Playa Vista First Phase Project. The bicycle facilities are being designed to meet all applicable safety standards. In addition, bicycle racks would be provided in public areas (e.g., parks, community facilities, etc.) and in the Village retail area, and bicycle storage areas would be provided within the residential buildings.

(c) Pedestrian Facilities

Convenient and extensive pedestrian facilities and amenities (e.g., benches/seating, water fountains, trash and recycling bins, dispensers with bags to collect dog waste, etc.) would be provided to further encourage the use of this alternative travel mode. In addition to a well-defined sidewalk network along all residential local, collector and arterial streets within the Proposed Project site, pedestrian paths would be provided at appropriate locations to connect with crosswalks at intersections and other key destinations within the site. The pedestrian facilities are being designed to meet all applicable safety standards.

3.2.1.3 Energy

Although not required by the City or other regulatory agency, the Applicant has committed to several measures that would reduce energy consumption through the Village at Playa Vista Residential and Mixed-Use Sustainable Performance Guidelines (Appendix E.ii. of this RS-DEIR). These measures include proposed building packages that will save an estimated 15 percent more energy than required by the 2005 California Title 24 Building Energy Efficiency Standards (this figure does not include the substantial savings potential of energy efficient appliances), including all energy efficiency and conservation measures discussed in Section IV.M of the Original DEIR. (As a result of its original Residential Sustainable Performance Guidelines, which were revised and updated in the Residential and Mixed Use Sustainable Performance Guidelines, Playa Vista has been certified as an "Energy Star" project by the Environmental Protection Agency).

3.2.1.4 Water Consumption

The Proposed Project would implement water conservation methods such as ultra low-flow toilets, low-flow showerheads, low-flow fixtures, and water saving appliances, as required by local law. As part of building design and construction requirements and its Residential and Mixed Use Sustainable Performance Guidelines, the Applicant has established additional water conservation requirements for the Proposed Project, such as

the installation of Energy Star-rated dishwashers and washing machines and, in office, retail, and other public buildings, water faucet fixtures with activators that automatically shut off the flow of water when not in use. Refer to Appendix E.ii. of the RS-DEIR for the Residential Sustainable Performance Guidelines.

As with the adjacent First Phase Project, reclaimed water (provided by the West Basin Water Reclamation Plant) would be used for landscape irrigation in open space areas such as parks and common open space within development areas. The irrigation systems would include efficiency features such as timers, moisture probes, spray limiters, etc., as practical and appropriate. In addition, reclaimed water would be used for cooling water (i.e., the make-up water used in cooling towers for commercial/industrial air conditioning systems), and office building toilets. Such use of reclaimed water is designed to further reduce the Proposed Project's need for, and consumption of, potable water, beyond the reduction achieved through the implementation of water conservation measures and the use of reclaimed water for irrigation.

3.2.1.5 Solid Waste

In its Residential and Mixed-Use Sustainable Performance Guidelines (see Appendix E.ii.), the Applicant has committed to several measures that would reduce solid waste generation. These Guidelines commit to a construction waste recycling plan that will result in the separation and recycling of wood waste, corrugated cardboard, scrap metal, and dry wall. Implementation of this plan in the adjacent Playa Vista First Phase Project has resulted in over 90 percent of construction waste diverted from landfills. Recycled content building materials, including insulation, roofing materials, and gypsum board, will also be used. Solid waste generation will also be minimized once construction is complete by providing recycling bins for paper, landscaping waste materials, and a bin for commingled glass, plastic, and metal to be located within each building. Public information about recycling would also be provided on the community intranet and newsletter. In 2007 (the latest data available), more than 50 percent of all waste generated from the residential, office, and retail uses from the adjacent Playa Vista First Phase Project was diverted from landfills.⁶³

⁶³ *Personal Communication, Alex Dmitriew and Tom Ybarra, Crown Disposal, September 8, 2008.*

3.2.2 Project Impacts Analysis

3.2.2.1 Short Term Construction Emissions

Between September 2004 and the applicable court order of September 13, 2007, a substantial portion of the infrastructure improvements had completed within the Proposed Project site, including all streets and utilities in the northern half of the site, and sewer, storm drains, and curb and gutter in the southern half. All mass grading was completed and surcharge has been placed for the entire Proposed Project site. Remaining construction is limited to: (1) surcharge removal, (2) installation of water, electric, and gas lines, and the pavement of roadways in the southern half of the site, (3) completion of streetscape (sidewalks, street lights, etc.), and (4) building construction. The emissions analysis accounts for GHG emissions associated with all construction activities associated with the Proposed Project, even those that have occurred in the past. Activities analyzed include mass site grading, trenching, building construction, asphalt paving, and architectural coatings.

On-site construction equipment emissions were calculated using the URBEMISv.9.2.4 model, which was released in 2007. URBEMISv.9.2.4 specifically calculates emissions for ROG, CO, NO_x, SO₂, PM₁₀, PM_{2.5}, and CO₂. The model does not calculate methane, nitrous oxide (N₂O), or fluorinated gas emissions, thus they are not available; however CO₂ emissions comprise approximately 99.6 percent of emissions generated by the Proposed Project.⁶⁴ Consequently, non-CO₂ GHG emissions represent a very small percentage of the total short-term construction GHG emissions (approximately 0.4 percent) and would not represent a significant source of GHG emissions generated by the Proposed Project during construction, even when combined with CO₂ emissions.⁶⁵ Peak construction emissions are detailed in Table II.D-3, below.

⁶⁴ *When one gallon of diesel fuel is burned it produces 22.384 pounds of CO₂, 0.000534 pounds of CH₄, and 0.0001928 pounds N₂O. Based on the global warming potential of 21 for CH₄ and 310 for N₂O relative to CO₂, the total pounds of CO₂-equivalent (CO₂EQ) emissions from diesel fuel is 22.455 CO₂EQ/gallon, which is 99.6 percent of the total emissions. Bay Area Air Quality Management District (BAAQS), Source Inventory of Bay Area Greenhouse Gas Emissions, November 2006. See also Mestre Greve Technical Report, p. 16.*

⁶⁵ *Id.*

TABLE II.D-3		
PEAK CONSTRUCTION EMISSIONS (TONS)		
Activity	CO₂ (Carbon dioxide)	CO₂ MMTs
On-site		
- Site Grading/Construction Equip.	2,611	0.002
- Trenching	39	0.000
- Building Construction Equip.	54,703	0.050
- Asphalt Paving Construction Equip.	124	0.000
- Architectural Coating	104	0.000
Off-site		
- Street Improvements	270	0.000
Total Emissions:	57,581	0.053
<p><i>Notes: Other GHG emissions (such as CH₄, N₂O, and Fluorinated Gases) are not calculated using the URBEMISv9.2.4; however, CO₂ emissions comprise approximately 99.6 percent of emissions from burning diesel fuel.</i></p> <p><i>MMT = million metric tons.</i></p> <p><i>Numbers may not add up due to rounding.</i></p> <p><i>Source: Mestre Greve Report, p. 18.</i></p>		

3.2.2.2 Project Greenhouse Gas Emissions

The analysis considers direct and indirect emissions of the operation of the Proposed Project after build out resulting from motor vehicle trips, on-site combustion of natural gas, off-site emissions from the generation of electricity consumed by the Proposed Project, as well as emissions generated by potable and recycled water usage associated with the Proposed Project.

To calculate GHG emissions, the Proposed Project's daily vehicle trip generation provided in the Draft EIR (August 2003) was utilized.⁶⁶ Other emissions will be generated from the Proposed Project through combustion of natural gas as well as off-site GHG emissions from the generation of electricity. The natural gas and electricity consumption for the entire Proposed Project were obtained from Tables 156, 157, and 158 of the Original DEIR.⁶⁷ GHG emissions also will be generated by potable and recycled water usage associated with the Proposed Project. The treatment and conveyance of water is a

⁶⁶ See Appendix B of the Original DEIR for summary of traffic trip data from the Proposed Project.

⁶⁷ Original DEIR Table 156, which quantifies daily electricity and natural gas usage for the Proposed Project, contains a mathematical error in the total projected electricity consumption (53.01 MWh). The correct total appears in Table 157 (40,089.8 KWh or 40.1 MWh). Because the Original DEIR analysis of the Proposed Project's impacts on energy consumption uses the Figure in Table 156, it overestimates energy consumption of the Proposed Project and is therefore a conservative analysis. Similarly, this analysis applies the same conservative energy consumption rate in its assessment of GHG emissions from the Proposed Project.

major source of electricity consumption in California. Potable and recycled water usage for the Proposed Project also was obtained from the Original DEIR. The Original DEIR's Table 163 and Table 164 stated that, on an average daily basis, the entire project requires 0.503 million gallons per day (MGD) of potable water and 63,624 gallons of reclaimed water usage. See Table II.D-4, below.

TABLE II.D-4	
PROJECTED DAILY TRIPS, ENERGY, AND WATER CONSUMPTION FROM PROPOSED PROJECT	
Proposed Project	Proposed Project
Trips	24,220 dt
Electricity Usage	53,010 KWh/day
Natural Gas Consumption	484.73 kcf/day
Potable Water Consumption	0.503 mgd
Reclaimed water usage	63,624 gpd
<p><i>Notes: KWh= kilowatt-hour, mgd = million gallons per day, gpd = gallons per day, dt = daily trips</i></p> <p><i>Sources: Trips: Appendix B, Report from Raju & Associates, 2008; Electricity & Natural Gas: Original DEIR, Tables 156, 157, and 158; Water: Original Draft EIR, Tables 163 and 168; Mestre Greve Report, p. 19.</i></p>	

Table II.D-5 analyzes the projected emissions from the Proposed Project. More specific data utilized in calculating the emissions are provided in the Appendix to the Mestre Greve technical report. CARB's EMFAC2007 emissions database provided the appropriate emission rate and vehicle trip length for each category of vehicle. The emission rates utilized for natural gas and electrical usage were obtained from USEPA's AP-42, Tables 1.4.3 and 3.1-2a, respectively. The electrical consumption required to deliver water depends on how far the water must be pumped to the user. Generally, the LADWP water comes from a variety of sources, ranging from local groundwater supplies to distant areas.⁶⁸ Roughly half of the water services the LADWP area comes from the Metropolitan Water District of Southern California (a consortium of local water districts) and most of that include local wells, which would have a lower (but an unknown) energy consumption rate. As a conservative assumption, the average electrical consumption rate for potable water is assumed to be 2,000 KWh/acre-foot, which represents the typical

⁶⁸ *City of Los Angeles Department of Water and Power, "2005 Urban Water Management Plan."*

TABLE II.D-5			
TOTAL ESTIMATED PROPOSED PROJECT GREENHOUSE GAS EMISSIONS YEAR 2010			
Source	MT/Year Total CO₂EQ	MMT/Year Total CO₂EQ	Percent of Total Emissions
Vehicular Trips	24,440	0.024	58%
Natural Gas Consumption	9,634	0.010	23%
Electrical Usage	7,679	0.008	18%
Potable water usage	56	0.000	0%
Potable water usage	15	0.000	0%
Total Emissions :	41,825	0.042	
<p><i>Notes: A variety of emissions are evaluated to calculate CO₂ equivalency. Many of these emissions are immaterial to the calculation of GHG emission from the Proposed Project, and therefore were not included. Numbers may not add up due to rounding. MMT = million metric tons per year.</i></p> <p><i>Source: Mestre Greve Report, p. 20.</i></p>			

energy requirement for water coming through the Colorado River Aqueduct.⁶⁹ For recycled water, the rate of 400 KWh/acre-foot is typically used.⁷⁰

Emission rates for most sources of N₂O, another GHG, are not available. N₂O is a very minor emission in the combustion process. N₂O emissions will likely be very small and likely will account for only 0.1 percent or less of the GHG emissions for this type of project.⁷¹ As a result, N₂O emissions are not included in this report. To determine the total carbon dioxide equivalent of GHG emissions from the Proposed Project, the source emissions were calculated by multiplying the CH₄ and CO₂ emissions in pounds per day by GWP constants of 21 and 1, respectively. The total CO₂ equivalent is the sum of these

⁶⁹ Wilkinson, Robert, Director, Water Policy Program, Bren School of Environmental Science and Management, UCSB, and Gary Wolff, Principal Economist and Engineer, The Pacific Institute, "2005 Integrated Energy Policy Report to the California Energy Commission." Wilkinson, Robert, Director, Water Policy Program, Bren School of Environmental Science and Management, UCSB, and Gary Wolff, Principal Economist and Engineer, The Pacific Institute, "2005 Integrated Energy Policy Report to the California Energy Commission."

⁷⁰ Wilkinson, Robert, Director, Water Policy Program, Bren School of Environmental Science and Management, UCSB, and Gary Wolff, Principal Economist and Engineer, The Pacific Institute, "2005 Integrated Energy Policy Report to the California Energy Commission."

⁷¹ Mestre Greve Report, p. 20.

CH₄ and CO₂ numbers.⁷² The CO₂ equivalents were then converted to metric tons (MT) per year.

The Proposed Project is projected to emit a total of 41,825 metric tons per year of carbon dioxide equivalent GHGs. Table II.D-5 shows that 58 percent of the Proposed Project's GHG emissions (as expressed in CO₂ equivalents) generated by the Proposed Project are projected to be from motor vehicles. Natural gas consumption and electric usage are the next biggest contributors and account for 23 percent and 18 percent of the GHG emissions, respectively.

The GHG emissions also were projected for future years beyond 2010 to 2040 and are presented in Table II.D-6. The change in the GHG emissions results from the change in the model's projection of CO₂ emission rates, as more stringent regulatory standards take effect.

Year	MT CO₂EQ	MMT CO₂EQ
2010	41,825	0.0418
2020	41,574	0.0416
2030	41,771	0.0418
2040	42,134	0.0421

Source: *Mestre Greve Report*, p. 21.

Table II.D-7 compares the GHG emissions from the Proposed Project to total emissions in California, the United States, and globally. This comparison shows that the Proposed Project's emissions represent a very small fraction of total GHG emissions.

⁷² *This analysis of operational GHG emissions from the Proposed Project includes assessments of methane (unlike the construction analysis) because emissions factors for methane are available for operational GHG emissions from sources such as CARB's EMFAC2007 and EPA's AP-42, Tables 1.4.3 and Table 3.1-2a. See also footnote 65.*

TABLE II.D-7

**RELATIVE CONTRIBUTION OF PROPOSED PROJECT EMISSIONS
TO GLOBAL GHG EMISSIONS**

	MMT CO₂EQ	Year	Percent Contribution of Proposed Project GHG Emissions
Project Emissions	0.0418	2010	
State of California	480	2004	0.0089%
United States	7,068	2004	0.0006%
World	27,941	2004	0.00015%

Mestre Greve Report, p. 21.

Sources: *United Nations Framework Convention on Climate Change, "National Greenhouse Gas Inventory Data for the Period 1990-2004 and Status of Reporting," October 19, 2006; California Energy Commission, "Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004," December 2006.*

The emissions generated by this Proposed Project, therefore, will contribute a very small amount to the overall climate change issue (see Table II.D-7). By way of comparison, the global data from the United Nations indicates that the project would contribute less than 0.00015 percent to the GHG burden for the planet.⁷³ Even when compared to California's GHG emissions, the Proposed Project's individual contribution is quite small (approximately 0.0089 percent of 2004 California emissions).⁷⁴

This analysis also is likely conservative in its assessment of future GHG emissions for the following additional reasons. The primary source of GHG emissions generated by the Proposed Project and equivalency scenarios would be from motor vehicles. Neither the USEPA nor CARB currently regulate non-tailpipe CO₂ emissions. Thus, the analysis results in a conservative estimate because it does not take into account the ramifications of two known developments: (1) implementation of California's low-carbon fuel standard, which is an approved early action measure under AB 32 or (2) implementation of increasing federal CAFE standards, which will improve gas mileage for new cars, light trucks, and sport utility vehicles to 35 miles per gallon by 2020. Additionally, to the extent technology continues to improve and CAFE standards continue to become more stringent (as indicated by California's attempts to get a waiver to institute even more stringent fuel economy standards in California), this analysis is conservative since its emissions from vehicles are calculated using current technology and CAFE standards. The analysis also is conservative because it uses regional default values for trip lengths included in the air

⁷³ *Mestre Greve Report, p. 21.*

⁷⁴ *Id.*

quality models. As discussed more below; however, the Proposed Project's design as a mixed-use site promotes walkable communities, alternative transportation modes, and provides a substantial amount of housing in a jobs rich sub-region. As a result, the average trip lengths for the Proposed Project likely will be less than the regional default values for trip lengths. In fact, the Proposed Project's average trip length is expected to be 5.52 miles, much shorter than average overall trip length of 8.77 miles for all trips in the SCAG region.⁷⁵ Finally, this analysis is conservative because the analysis applies standard energy and water consumption factors used in the Original FEIR, instead of accounting for the reduced levels of GHG emissions attributable to the many conservation measures associated with the Proposed Project.⁷⁶ Thus, the Proposed Project's air quality, energy, and water analyses are conservative, and since this global climate change analysis uses that same data, the analysis of Proposed Project GHG emissions are similarly conservative.

3.2.3 Consistency with 2006 CAT Report, Green LA Action Plan, OPR Guidance, and AB 32

3.2.3.1 Consistency with 2006 CAT Report

The consistency of the Proposed Project with the strategies from the 2006 CAT Report is evaluated in Table II.D-8. In addition, Table II.D-9, OPR Evaluation of Potential GHG Reduction Measures, outlines examples of measures that may be used to reduce GHG emissions. This list was prepared by OPR in its June 19, 2008 Technical Advisory on CEQA and Climate Change, and is meant for illustrative purposes only.⁷⁷ Table II.D-9 describes how the Proposed Project relates to each of the applicable measures.

⁷⁵ *Response to Comment 25-5 Original FEIR 2004.*

⁷⁶ *See Residential and Mixed-Use Sustainable Performance Guidelines (Appendix E.ii and Subsection II.D. 3.2.1 Project Design Features.*

⁷⁷ *OPR Technical Advisory, pp. 18-20.*

TABLE II.D-8

**PROJECT CONSISTENCY WITH 2006 CAT REPORT
GREENHOUSE GAS EMISSION REDUCTION STRATEGIES**

Strategy Project	Consistency
California Air Resources Board	
<u>Vehicle Climate Change Standards</u> AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Consistent The vehicles that travel to and from the Proposed Project site on public roadways would be in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase.
<u>Diesel Anti-Idling</u> In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Consistent Current State law restricts diesel truck idling to five minutes or less. Diesel trucks making deliveries to the Proposed Project site will be limited to two-minute idling. ⁷⁸
<u>Hydrofluorocarbon Reduction</u> 1) Ban retail sale of HFC in small cans. 2) Require that only low GWP refrigerants be used in new vehicular systems. 3) Adopt specifications for new commercial refrigeration. 4) Add refrigerant leak-tightness to the pass criteria for vehicular inspection and maintenance programs. 5) Enforce federal ban on releasing HFCs.	Consistent This strategy applies to consumer products. All applicable products purchased by Proposed Project residents and tenants would comply with the regulations that are in effect at the time of manufacture.
<u>Alternative Fuels: Biodiesel Blends</u> ARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	Consistent The diesel vehicles that travel to and from the Proposed Project site on public roadways could utilize this fuel once it is commercially available.
<u>Alternative Fuels: Ethanol</u> Increased use of E-85 fuel.	Consistent Residents and patrons of the Proposed Project site could purchase flex-fuel vehicles and utilize this fuel once it is commercially available in the region and local vicinity.
<u>Heavy-Duty Vehicle Emission Reduction Measures</u> Increased efficiency in the design of heavy duty vehicles and an education program for the heavy duty vehicle sector.	Consistent The heavy-duty vehicles that travel to and from the Proposed Project site on public roadways would be subject to all applicable CARB efficiency standards that are in effect at the time of vehicle manufacture. In addition, low emission fuels and technology and advanced low emission diesel technology would be utilized.

⁷⁸ Air quality mitigation measure B-5(a)(i)d., Section 2.0 Mitigation by Environmental Topic of Mitigation Monitoring and Reporting Program, p. 12.

TABLE II.D-8

**PROJECT CONSISTENCY WITH 2006 CAT REPORT
GREENHOUSE GAS EMISSION REDUCTION STRATEGIES**

Strategy Project	Consistency
<p><u>Achieve 50 percent Statewide Recycling Goal</u> Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989 (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.</p>	<p>Consistent The Proposed Project would facilitate solid waste separation at the source during construction and operation. Implementation of this plan in the adjacent Playa Vista First Phase Project has resulted in over 90 percent of construction waste diverted from landfills.⁷⁹ In addition, in 2007 (the latest data available), more than 50 percent of all waste generated from the residential, office, and retail uses at Playa Vista First Phase was diverted from landfills.</p>
<p><u>Zero Waste – High Recycling</u> Efforts to exceed the 50 percent goal would allow for additional reductions in climate change emissions.</p>	<p>Consistent The Proposed Project would facilitate solid waste separation at the source during construction and operation. Implementation of this plan in the adjacent Playa Vista First Phase Project has resulted in over 90 percent of construction waste diverted from landfills.⁸⁰ In addition, in 2007 (the latest data available), more than 50 percent of all waste generated from the residential, office, and retail uses at Playa Vista First Phase was diverted from landfills.</p>
Department of Forestry	
<p><u>Urban Forestry</u> A new statewide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs.</p>	<p>Consistent Landscaping for the Proposed Project would include approximately 800 new trees within the parks and streetscape of the Proposed Project site.⁸¹</p>
Department of Water Resources	
<p><u>Water Use Efficiency</u> Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute, and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.</p>	<p>Consistent The Proposed Project would reduce water use through the use of ultra low-flow toilets, low-flow showerheads, low-flow fixtures, and water saving appliances, as required by local law; in addition, as part of its Residential and Mixed Use Sustainable Performance Guidelines, additional water conservation requirements for the Proposed Project, such as the installation of Energy Star-rated dishwashers and</p>

⁷⁹ *Solid waste mitigation measures N.(3)-1 to (3)-6, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, pp. 78-80.*

⁸⁰ *Ibid.*

⁸¹ *Approximately 800 trees would be planted in the parkways and parks within the Project site as envisioned by the design and landscaping concepts presented in Subsection 3.3.1.2.5 of Section IV.O, Visual Qualities (Aesthetics and Views), of the Original DEIR (see pages 1167-1169).*

TABLE II.D-8

**PROJECT CONSISTENCY WITH 2006 CAT REPORT
GREENHOUSE GAS EMISSION REDUCTION STRATEGIES**

Strategy Project	Consistency
	<p>washing machines and, in office, retail and other public buildings, water faucet fixtures with activators that automatically shut off the flow of water when not in use.</p> <p>Further, reclaimed water would be used for landscape irrigation in open space areas such as parks and common open space within development areas, as well as for cooling water and toilets within commercial office buildings. In addition, drip or soaker-based irrigation with automatic controls would be used to water all plants.⁸²</p>
Energy Commission (CEC)	
<p><u>Building Energy Efficiency Standards in Place and in Progress</u> Public Resources Code Section 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards that apply to newly constructed buildings and additions to and alterations to existing buildings.</p>	<p>Consistent The Proposed Project would be required to be constructed in compliance with the standards of Title 24 that are in effect at the time of development. The Residential and Mixed Use Sustainable Performance Guidelines would exceed 2005 Title 24 standards by 15 percent.⁸³</p>
<p><u>Appliance Energy Efficiency Standards in Place and in Progress</u> Public Resources Code Section 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards that apply to devices and equipment using energy that are sold or offered for sale in California.</p>	<p>Consistent Appliances would be consistent with CEC energy efficiency standards.</p>
<p><u>Fuel-Efficient Replacement Tires & Inflation Programs</u> State legislation established a statewide program to encourage the production and use of more efficient tires.</p>	<p>Consistent Residents and patrons of the Proposed Project site could purchase tires for their vehicles, and ensure tires are properly maintained, that comply with State programs for increased fuel efficiency.</p>
<p><u>Alternative Fuels: Non-Petroleum Fuels</u> Increasing the use of non-petroleum fuels in California's transportation sector, as recommended in the CEC's 2003 and 2005 Integrated Energy Policy Reports.</p>	<p>Consistent Neighborhood Electric Vehicles (NEVs) would be used by the homeowner's association staff for landscaping, maintenance workers, janitorial services, and the building engineer. Residents and patrons of the Proposed Project site could purchase and utilize NEVs or alternative fuel vehicles as commercially available in the region and local vicinity.</p>

⁸² *Water consumption mitigation measures N.(1)-4 to (1)-6, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 77.*

⁸³ *Appendix E.ii The Village at Playa Vista Residential & Mixed Use Sustainable Guidelines.*

TABLE II.D-8

**PROJECT CONSISTENCY WITH 2006 CAT REPORT
GREENHOUSE GAS EMISSION REDUCTION STRATEGIES**

Strategy Project	Consistency
Business, Transportation and Housing	
<p><u>Measures to Improve Transportation Energy Efficiency</u> Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools, and information that advance cleaner transportation and reduce climate change emissions.</p>	<p>Consistent The location of the Proposed Project promotes fuel conservation through pedestrian activity, nearby access to public transportation, and jobs and shopping in close proximity to residences.</p>
<p><u>Smart Land Use and Intelligent Transportation Systems (ITS)</u> Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors. ITS is the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods, and services. The Governor is finalizing a comprehensive 10-year strategic growth plan with the intent of developing ways to promote, through state investments, incentives and technical assistance, land use, and technology strategies that provide for a prosperous economy, social equity, and a quality environment. Smart land use, demand management, ITS, and value pricing are critical elements in this plan for improving mobility and transportation efficiency. Specific strategies include: promoting jobs/housing proximity and transit-oriented development; encouraging high density residential/commercial development along transit/rail corridor; valuing and congestion pricing; implementing intelligent transportation systems, traveler information/traffic control, incident management; accelerating the development of broadband infrastructure; and comprehensive, integrated, and multimodal/intermodal transportation planning.</p>	<p>Consistent The Proposed Project locates residential housing near office, retail, and commercial uses, and promotes pedestrian and bicycling activities as opposed to vehicular modes of transit. It also is located near major transit arteries, which would allow residents and patrons of the Proposed Project site the opportunity to use public transit rather than automobiles.</p>
State and Consumer Services Agency	
<p><u>Green Buildings Initiative</u> Green Building Executive Order, S-20-04 (CA 2004), sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared with 2003 levels. The Executive Order and related action plan spell out</p>	<p>Consistent The Proposed Project would be compliant with Title 24 standards that are in effect at the time of development, which would achieve the goal in reduction of energy. The Residential and Mixed Use Sustainable Performance Guidelines would exceed 2001 Title 24 standards (the</p>

TABLE II.D-8	
PROJECT CONSISTENCY WITH 2006 CAT REPORT GREENHOUSE GAS EMISSION REDUCTION STRATEGIES	
Strategy Project	Consistency
specific actions state agencies are to take with state-owned and –leased buildings. The order and plan also discuss various strategies and incentives to encourage private building owners and operators to achieve the 20 percent target.	standards in effect in 2003) by 22 percent and 2005 Title 24 standards by 15 percent. ⁸⁴
Public Utilities Commission	
<u>California Solar Initiative</u> The solar initiative includes installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses, increased use of solar thermal systems to offset the increasing demand for natural gas, use of advanced metering in solar applications, and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	Consistent The Proposed Project would require that solar heating systems would be installed to supplement the heating of all swimming pools and hot tubs, when provided together with swimming pools. In addition, buildings within the Proposed Project would be “photovoltaic-ready”, with roofs designed to accommodate solar panels and equipment and conduit provided from the roof to the electric panel. ⁸⁵
Sources: CAT Report.	

TABLE II.D-9	
OPR EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application To Village At Playa Vista
Land Use and Transportation	
Implement land use strategies to encourage jobs/housing proximity, promote transit-oriented development, and encourage high density development along transit corridors. Encourage compact, mixed-used projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling, and the use of public transit systems.	Consistent The land use plan for the Proposed Project would provide a wide range of opportunities to meet the needs of all those within the community by providing a balanced mix of residential, commercial, and community-serving land uses. The mix of uses would include residential, commercial, and community-serving uses. This approach to providing mixed-use areas minimizes on- and off-site vehicle use by providing a variety of daily needs within a short walk from any residence or business.

⁸⁴ Appendix E.ii The Village at Playa Vista Residential & Mixed Use Sustainable Guidelines.

⁸⁵ Energy mitigation measure M-4, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 73.

TABLE II.D-9

OPR EVALUATION OF POTENTIAL GHG REDUCTION MEASURES

Measure	Application To Village At Playa Vista
Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings.	Consistent The Proposed Project encourages high density without sacrificing open space.
Encourage new development to integrate housing, civic, and retail amenities to help reduce VMT resulting from discretionary automobile trips.	Consistent The mix of uses would include residential, commercial, and community-serving uses. This approach to providing mixed-use areas minimizes on- and off-site vehicle use by providing a variety of daily needs within a short walk from any residence or business.
Apply advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods, and services.	Consistent The Proposed Project would fund implementation of the City's Adaptive Traffic Control System (ATCS) and Transit Priority System (TPS) at numerous locations along key corridors within the Proposed Project area. In addition, the Internal Shuttle would incorporate "NextBus" technology which would allow real-time bus location and status information to be available over the internet and at bus shelters. ⁸⁶
Incorporate features into project design that would accommodate the supply of frequent, reliable, and convenient public transit.	Consistent The Proposed Project would promote pedestrian activity, as well as bicycling, an Expanded Internal Shuttle System, and additional bus service along adjacent corridors, connecting to public transit systems. ⁸⁷
Implement street improvements that are designed to relieve pressure on a region's most congested roadways and intersections.	Consistent The Proposed Project would implement a comprehensive Transportation Improvement Plan which would consist of public transit improvements, improvements to major and secondary arterial roadways and intersections in the Proposed Project vicinity, signal system improvements, and neighborhood traffic management plans. ⁸⁸
Limit idling time for commercial vehicles, including delivery and construction vehicles.	Consistent Current State law restricts diesel truck idling to five minutes or less. Diesel trucks making deliveries to the Proposed Project site will be limited to two-minute idling. ⁸⁹

⁸⁶ *Traffic and circulation mitigation measure K.(1)-8, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, pp. 50-54.*

⁸⁷ *Ibid.*

⁸⁸ *Appendix K-1, City of Los Angeles Department of Transportation, Interdepartmental Correspondence regarding Initial Traffic Impact Assessment for the Proposed Village at Playa Vista Project, August 11, 2003, of the Original FEIR.*

⁸⁹ *Air quality mitigation measure B-5(a)(i)d., Section 2.0, Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 12.*

TABLE II.D-9	
OPR EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application To Village At Playa Vista
Urban Forestry	
Plant trees and vegetation near structures to shade buildings and reduce energy requirements for heating/cooling.	Consistent Approximately 800 trees would be planted in the parks and streetscape of the Proposed Project to increase shading on the Proposed Project site. ⁹⁰
Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage.	Consistent Approximately 55 non-native palm and eucalyptus trees were previously located within the Proposed Project site; these will be replaced by the approximately 800 trees mentioned above.
Green Buildings	
Encourage public and private construction of LEED certified buildings.	Consistent The Residential and Mixed Use Sustainable Performance Guidelines, as well as other Project Design Features (such as the Riparian Corridor, mixed-use design, proximity to transit, etc.), would support buildings constructed within the Proposed Project in attaining LEED certification. ⁹¹
Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial projects.	Consistent The Proposed Project would be at least consistent with Title 24 standards applicable at the time of development. The Residential and Mixed Use Sustainable Performance Guidelines would exceed 2005 Title 24 standards by 15 percent. ⁹²
Include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources.	Consistent The Proposed Project would encourage the use of alternative fuel vehicles by providing electric vehicle charging stations on the Proposed Project site. ⁹³

⁹⁰ *Approximately 800 trees would be planted in the parkways and parks within the Project site as envisioned by the design and landscaping concepts presented in Subsection 3.3.1.2.5 of Section IV.O, Visual Qualities (Aesthetics and Views), of the Original DEIR (see pages 1167-1169).*

⁹¹ *Appendix E.ii The Village at Playa Vista Residential & Mixed Use Sustainable Guidelines .*

⁹² *Ibid.*

⁹³ *Air quality mitigation measure B-7(e), Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 16.*

TABLE II.D-9	
OPR EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application To Village At Playa Vista
Educate the public, schools, other jurisdictions, professional associations, business and industry about reducing GHG emissions.	Consistent The Proposed Project, along with the adjacent First Phase Playa Vista Project, has been the subject of numerous case studies, articles, and seminars on sustainable design, and will continue to do so in the future. In addition, the Proposed Project would circulate a semi-annual newsletter to all on-site residents, businesses and employees, with articles about air pollution reduction. ⁹⁴
Replace traffic lights, street lights, and other electrical uses to energy efficient bulbs and appliances.	Consistent Public areas would be lit with energy-efficient, automatic lighting. The Residential and Mixed Use Sustainable Performance Guidelines would exceed 2001 Title 24 standards by 22 percent. ⁹⁵
Purchase Energy Star equipment and appliances for public agency use.	Consistent Residences of the Proposed Project would be equipped with EnergyStar-rated appliances. ⁹⁶
Incorporate on-site renewable energy production, including installation of photovoltaic cells or other solar options.	Consistent The Proposed Project would require that solar heating systems would be installed to supplement the heating of all swimming pools and hot tubs, when provided together with swimming pools. In addition, buildings within the Proposed Project would be “photovoltaic-ready”, with roofs designed to accommodate solar panels and equipment and conduit provided from the roof to the electric panel. ⁹⁷
Purchase government vehicles and buses that use alternatives fuels or technology, such as electric hybrids, biodiesel, and ethanol. Where feasible, require fleet vehicles to be low emission vehicles. Promote the use of these vehicles in the general community.	Consistent As part of its Transportation Improvement Program, the Proposed Project would fund the purchase of five CNG-powered buses to be operated by the City of Culver City to supplement bus service along key travel corridors. In addition, the Proposed Project would expand an Internal Shuttle system, utilizing low or zero-emission vehicles. ⁹⁸

⁹⁴ *Id.*, mitigation measure B-9, p. 17.

⁹⁵ Appendix E.ii, *The Village at Playa Vista Residential & Mixed Use Sustainable Guidelines*

⁹⁶ Energy mitigation measure M-5, Section 2.0 Mitigation by Environmental Topic, of *Mitigation Monitoring and Reporting Program* pp. 73-74.

⁹⁷ *Id.*, Mitigation Measure M-4, p. 73.

⁹⁸ Traffic and circulation mitigation measures K.(1)-4 and (1)-6, Section 2.0, *Mitigation by Environmental Topic of Mitigation Monitoring and Reporting Program*, pp. 47 and 48.

TABLE II.D-9

OPR EVALUATION OF POTENTIAL GHG REDUCTION MEASURES

Measure	Application To Village At Playa Vista
Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points.	Consistent The Proposed Project would integrate an intricate system of pedestrian paths and bicycle lanes throughout the Proposed Project site.
Programs to Reduce Vehicle Miles Traveled	
Encourage large businesses to develop commute trip reduction plans that encourage employees who commute alone to consider alternative transportation modes.	Consistent Office uses within the Proposed Project would participate in a Transportation Demand Management Plan which would encourage ridesharing and alternative transportation modes. ⁹⁹
Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.	Consistent The Proposed Project would institute internal and expanded shuttle systems throughout the Proposed Project site and to major transit lines. ¹⁰⁰
Create an online ridesharing program that matches potential carpoolers immediately through email.	Consistent. Office uses within the Proposed Project would participate in a Transportation Demand Management Plan which would encourage ridesharing and alternative transportation modes. ¹⁰¹
Develop a Safe Routes to School program that allows and promotes bicycling and walking to school.	Consistent Students within the Proposed Project could walk or bicycle to a proposed Los Angeles Unified School District elementary school (currently undergoing environmental review). The Proposed Project also would work with the LAUSD to develop a "Pedestrian Routes to School" map which would be distributed to students at the beginning of each school year in the event the proposed LAUSD school was not constructed, the Proposed Project would coordinate with the LAUSD on pedestrian and bicycle routes to existing schools serving the Proposed Project site. ¹⁰²

⁹⁹ Appendix K-1, City of Los Angeles Department of Transportation, Interdepartmental Correspondence regarding Initial Traffic Impact Assessment for the Proposed Village at Playa Vista Project, August 11, 2003, of the Original DEIR.

¹⁰⁰ Traffic and circulation mitigation measure K.(1)-6, Section 2.0, Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 48.

¹⁰¹ Appendix K-1, City of Los Angeles Department of Transportation, Interdepartmental Correspondence regarding Initial Traffic Impact Assessment for the Proposed Village at Playa Vista Project, August 11, 2003, of the Original DEIR.

¹⁰² The bases for Proposed Project consistency with this policy is set forth in the Central Region Elementary School No. 22 Draft EIR, September 2008, SCH# 2008041088; Impact 3F5, p. 3F-32.

TABLE II.D-9	
OPR EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application To Village At Playa Vista
Solid Waste	
Create incentives to increase recycling and reduce generation of solid waste by residential users.	Consistent Recycling programs would be made available to residents of the Proposed Project site. In addition, in 2007 (the latest data available), more than 50 percent of all waste generated from the residential, office and retail uses at Playa Vista First Phase was diverted from landfills. ¹⁰³
Add residential/commercial food waste collection to existing greenwaste collection programs.	Consistent Food waste collection would be added to the existing greenwaste collection program.
<hr/> <i>Source: OPR Technical Advisory.</i>	

3.2.3.2 Consistency with City of Los Angeles Green LA Action Plan

The goal of the Green LA Action Plan is to reduce GHG emissions 35 percent below 1990 levels by 2030.¹⁰⁴ The focus of the reduction will be on CO₂ emissions,¹⁰⁵ especially those created by power generation, and the City will tackle GHG emissions on additional fronts, including water conservation, transportation, and open space.

The Village at Playa Vista is consistent with several of the Action Plan's suggested methods of reducing GHG emissions. First, the Proposed Project will help reduce energy and water consumption. The Action Plan suggests replacing appliances with energy efficient ones, and sets a goal of reducing per capita water consumption by 20 percent.¹⁰⁶ The Proposed Project plans to install Energy-Star appliances in residences, and will also reduce energy consumption by using automatic light fixtures in public areas. Moreover, it will utilize power from LADWP, which will be increasing its renewable source portfolio to 35 percent of total electricity, and therefore will use energy that emits fewer GHGs.¹⁰⁷ The Proposed Project will also help reduce water consumption by installing appliances that will

¹⁰³ *Solid waste mitigation measures N.(3)-1 to (3)-6, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program. pp. 78-80.*

¹⁰⁴ *City of Los Angeles, Green LA, An Action Plan to Lead the Nation in Fighting Global Warming (LA Green Plan), p. 5.*

¹⁰⁵ *LA Green Plan, p. 14*

¹⁰⁶ *LA Green Plan, p. 21.*

¹⁰⁷ *LA Green Plan, p. 4.*

reduce water use, such as ultra low-flow toilets, low-flow showerheads, low-flow fixtures, and water saving appliances.

A second major component of the Action Plan is to decrease GHG emissions from vehicles. In 2004, 50 percent of CO₂ emissions in Los Angeles originated from vehicular sources.¹⁰⁸ Several methods are suggested to accomplish such a reduction, such as by placing housing near a jobs-rich area and major transport arteries, and reducing vehicular miles traveled by developing mixed-use areas, promoting walking and biking, and developing communities that require less vehicular use.¹⁰⁹ The Proposed Project is consistent with these methods of reducing vehicular emissions. First, it is located next to two major streets – Lincoln and Jefferson Boulevards – for easy access to major transportation lines. In addition, the mixed-use and transit-oriented nature of the Proposed Project will help reduce vehicular miles traveled by providing retail within walking distance from residences. For example, the Proposed Project would complete the development of the under-used Hughes Aircraft Company property, which is located adjacent to a large employment center and public transportation. The use of bike paths and increased pedestrian safety measures will promote walking and biking, rather than driving.

Another goal of the Action Plan is to recycle 70 percent of trash in the City of Los Angeles. The Proposed Project will help achieve this goal by facilitating solid waste separation at the source through requirements for recycling bins for paper, landscaping waste materials, and a bin for commingled glass, plastic, and metal to be located within each building.

Finally, the Proposed Project will be consistent with the Action Plan's goal of providing additional open space, especially helping Los Angeles achieve the planting of one million trees.¹¹⁰ The Village at Playa Vista will provide open space for people to enjoy, including bike paths and walkways. Approximately 800 trees would be planted in the parks and streetscapes of the Proposed Project. In addition, reclaimed water will be used for landscape irrigation in open space areas such as parks and common open space within development areas. The irrigation systems will include efficiency features such as timers, moisture probes, and spray limiters. The reclaimed water will also be used for water cooling and office building toilets.

¹⁰⁸ *LA Green Plan*, p. 22.

¹⁰⁹ *LA Green Plan*, pp. 22-23.

¹¹⁰ *LA Green Plan*, p. 25.

3.2.3.3 Consistency with AB 32

The goal of AB 32 is to reduce statewide emissions to 1990 levels by 2020. The California Air Resources Board developed and adopted on December 11, 2008 a Climate Change Scoping Plan (Scoping Plan) in order to implement this goal.¹¹¹

From 2002 to 2004, commercial and residential developments accounted for nine percent of California GHG emissions.¹¹² One method to reducing emissions is to enforce requirements on land use developments. Current modeling scenarios indicate that implementation of land use and transit strategies alone can result in a four percent reduction in overall GHG emissions from base case levels in 2002.¹¹³ Even larger reductions are expected to accrue in 2030 – 2050.¹¹⁴ Green buildings can help achieve significant GHG emission reductions, so green building measures should be implemented.¹¹⁵

The Scoping Plan encourages local authorities, who have primary planning authority, to institute land use strategies, such as building ordinances/codes and green building standards, to reduce GHG emissions.¹¹⁶ Strategies should promote denser areas (without depleting open space) that are close to destinations and jobs, conducive to biking and walking, and support alternative modes of travel, all of which will support fewer vehicular trips.¹¹⁷ Low-density developments located distant from employment centers have high-transport footprints, and should be discouraged.¹¹⁸ Resource-efficient communities, which reduce vehicular emission, improve energy efficiency, and decrease GHG emissions associated with water and waste, should also be designed and promoted.¹¹⁹ To reduce energy demand, building codes and appliance efficiency standards should be enhanced, and can require mitigation under CEQA for projects that

¹¹¹ *Climate Change Scoping Plan: a framework for change, December 11, 2008, Pursuant to AB 32, prepared by California Air Resources Board for the State of California; See <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm> (last visited January 20, 2009, Scoping Plan)*

¹¹² *Scoping Plan, p. 11.*

¹¹³ *Scoping Plan Appendix, p. C-79.*

¹¹⁴ *Id., pp. C80-81.*

¹¹⁵ *Scoping Plan, pp. 57-59 (citing Executive Order S-20-04).*

¹¹⁶ *Id.*

¹¹⁷ *Id., pp. 49-51; Scoping Plan Appendix, p. C-57.*

¹¹⁸ *Scoping Plan, p. 38.*

¹¹⁹ *Id., pp. 57-59, 95.*

have adverse GHG effects.¹²⁰ For example, solar water heaters can be installed and watershed-friendly landscape can be planted.¹²¹

The Proposed Project is consistent with the Scoping Plan's land use control measures. Energy-Star appliances will be installed in residences, which will reduce energy usage. Solar systems will be used to heat pools and hot tubs. In addition, buildings within the Proposed Project would be "photovoltaic-ready", with roofs designed to accommodate solar panels and equipment and conduit provided from the roof to the electric panel. The Proposed Project's mixed-use environment will be high in density without sacrificing open space, and will reduce vehicular trips by instituting a work/live/play environment that promotes biking and walking, as well as alternative modes of transportation. For example, an Internal and Extended Shuttle System will be implemented and electric vehicle charging stations will be made available as part of the Proposed Project. The Village at Playa Vista will be consistent with land use strategies that local authorities might develop to reduce GHG emissions, consistent with the Scoping Plan and AB 32.

In addition, as the Air Resources Board develops additional control measures for direct and indirect GHG emissions, the Board retains the authority to require the residents and tenants at the Village at Playa Vista to comply with any newly adopted control measures.

3.2.3.5 Summary of Consistency with Consistency with 2006 CAT Report, Green LA Action Plan, OPR Guidance, and AB 32

As analyzed above, the Proposed Project is consistent with, and will in fact implement a broad range of greenhouse gas emission reductions strategies described in the 2006 CAT Report, the Green LA Action Plan, OPR Guidance, and the AB 32 Scoping Plan. As such, the Proposed Project will not have a significant adverse effect on global climate change, either on a project specific or cumulative basis.

¹²⁰ *Id.*, pp. 57-59.

¹²¹ *Id.*, p.99; *Scoping Plan Appendix pp. C-51, C-87, and C-94.*

3.2.4 Consistency with Measures Promoted by California Attorney General

As discussed above, the Proposed Project does not have any direct, indirect, or cumulative impacts on global climate change. Part of the reason, it does not is that it incorporates all applicable measures promoted by the California Attorney General's office to reduce global warming related impacts.¹²²

Table II.D-10, Attorney General Evaluation of Potential GHG Measures, presents a comprehensive list of suggested measures for new development projects throughout the state of California. This list was prepared by the California Office of the Attorney General relative to addressing GHG emissions and climate change impacts within an EIR as a guide to various measures that may reduce global warming related impacts of a project. The Table below describes how the Proposed Project incorporates the measures as design features. As indicated in Table II.D-10, the Proposed Project responds to those measures that are within the scope/control of the Proposed Project.

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Energy Efficiency	
Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.	Consistent The Proposed Project would utilize energy-efficient appliances and lighting, as well as shading from trees. ¹²³
Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.	Consistent The Proposed Project would install energy-efficient lighting, such as automatic lighting in public areas. ¹²⁴
Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.	Consistent The Proposed Project would plant trees in available open space in order to increase shading. ¹²⁵
Install energy efficient heating and cooling systems, appliances and equipment, and control systems.	Consistent The Proposed Project would utilize certain energy-efficient strategies, including the installation of efficient HVAC equipment. ¹²⁶

¹²² OPR Technical Advisory, pp. 5-7.

¹²³ Air quality mitigation measures B-7 and Energy mitigation measures M-1 to M-11, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program. pp. 15 and 72-75, respectively.

¹²⁴ Energy mitigation measures M-1 to M-11, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, pp. 72-75.

¹²⁵ Id., Mitigation Measure M-9, p. 75.

TABLE II.D-10

ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES

Measure	Application to Village at Playa Vista
Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	Consistent The Proposed Project would use standard City traffic signals, which use LED technology. Street lighting would meet the energy efficiency specifications and requirements of the City of Los Angeles Department of Public Works. Other outdoor lighting would meet the requirements of the Residential and Mixed Use Sustainable Performance Guidelines, which would exceed 2001 Title 24 standards by 22 percent. ¹²⁷
Limit the hours of operation of outdoor lighting.	Consistent Outdoor lighting would be controlled by an automatic lighting system. ¹²⁸
Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.	Consistent Solar systems would supplement the pool and hot tub heating systems. ¹²⁹
Provide education on energy efficiency.	Consistent The Proposed Project would circulate a newsletter to on-site residents and employees which would include information on energy efficiency. ¹³⁰
Renewable Energy	
Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.	Consistent The Proposed Project would utilize certain energy-efficient strategies, including the installation of efficient HVAC equipment. The Residential and Mixed Use Sustainable Performance Guidelines would exceed 2001 Title 24 standards by 22 percent. In addition, buildings within the Proposed Project would be “photovoltaic-ready”, with roofs designed to accommodate solar panels and equipment and conduit provided from the roof to the electric panel. ¹³¹

¹²⁶ *Id.*, Mitigation Measure M-3, p. 73.

¹²⁷ Appendix E.ii, *The Village at Playa Vista Residential & Mixed Use Sustainable Guidelines*.

¹²⁸ Energy mitigation measures M-7, Original FEIR Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 74.

¹²⁹ *Ibid.*

¹³⁰ Air quality mitigation measure B-9, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 17.

¹³¹ Appendix E.ii, *The Village at Playa Vista Residential & Mixed Use Sustainable Guidelines and energy mitigation measures M-1 to M-11, Section 2.0 Mitigation Environmental Topic of Mitigation Monitoring and Reporting Program*, pp. 72-75.

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Install solar panels on carports and over parking areas.	Consistent Although all parking is anticipated to be subterranean, and no carports are anticipated, as noted above, buildings within the Proposed Project would be “photovoltaic-ready”, with roofs designed to accommodate solar panels and equipment and conduit provided from the roof to the electric panel. ¹³²
Water Conservation and Efficiency	
Create water-efficient landscapes.	Consistent The Proposed Project would require that at least 50 percent of the landscaping would use native or drought-resistant vegetation. ¹³³
Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water.	Consistent Reclaimed water will be used for landscape irrigation in open space areas, and drip or soaker-based irrigation with automatic controls would be used to water all plants. ¹³⁴
Design buildings to be water-efficient. Install water-efficient fixtures and appliances.	Consistent Water-efficient fixtures and appliances, such as automatic faucets, would be installed. ¹³⁵
Use graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development allowing graywater to be used for landscape irrigation.	Consistent As noted above, dual plumbing would be installed to allow reclaimed water to be used for landscape irrigation. In addition, dual plumbing would be installed in commercial office buildings for cooling water and toilet flushing. ¹³⁶
Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.	Consistent As noted above, drip or soaker-based irrigation with automatic controls would be used to water all plants. ¹³⁷

¹³² Energy mitigation measures M-1 to M-11, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, pp. 72-75.

¹³³ Water quality mitigation measure C.(2)-3, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 24.

¹³⁴ Water consumption mitigation measure N.(1)-4, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 77.

¹³⁵ *Id.*, Mitigation Measure, N.(1)-2, N.(1)-3., pp. 76-77.

¹³⁶ *Id.*, Mitigation Measure N.(1)-4, p. 77.

¹³⁷ *Ibid.*

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Restrict the use of water for cleaning outdoor surfaces and vehicles.	Consistent The Proposed Project would prohibit car washing, and would restrict the use of water for cleaning outdoor surfaces.
Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment.	Consistent The Proposed Project would include the Habitat Creation/Restoration component, consisting of the final 6.7-acres of a 25-acre riparian corridor and 5 acres of adjacent bluff restoration. The riparian corridor is a component of a natural stormwater treatment system, which also includes a 26.1-acre Freshwater Marsh. In addition, the Proposed Project would include roof drain biofiltration systems to receive and filter runoff from all buildings within the site, and a vegetated swale within a park adjacent to the riparian corridor to receive and filter stormwater runoff prior to it entering the corridor. ¹³⁸
Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.	Consistent See items discussed above.
Provide education about water conservation and available programs and incentives.	Consistent The Proposed Project would circulate a newsletter to on-site residents and employees which would include information about water conservation, available programs and incentives. ¹³⁹
Solid Waste Measures	
Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	Consistent The Proposed Project would facilitate solid waste separation at the source during construction and operation. ¹⁴⁰ Implementation of this plan in the adjacent Playa Vista First Phase Project has resulted in over 90 percent of construction waste diverted from landfills.

¹³⁸ *Water quality mitigation measure C.(2)-1, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 23.*

¹³⁹ *Air quality mitigation measure B-9, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 17.*

¹⁴⁰ *Solid waste mitigation measures N.(3)-1 to (3)-6, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program. pp. 78-80.*

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.	Consistent Operation of the Proposed Project site would increase the institution of a recycling program. ¹⁴¹
Provide education and publicity about reducing waste and available recycling services.	Consistent Recycling information would be distributed to residents of the Proposed Project site. ¹⁴²
Land Use Measures	
Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods.	Consistent The Proposed Project is a mixed-use development that would promote multiple uses throughout the Proposed Project site, and would decrease dependency on vehicular travel by encouraging pedestrian activity and alternative modes of transportation.
Educate the public about the benefits of well-designed, higher density development.	Consistent The Proposed Project, along with the adjacent First Phase Playa Vista Project, has been the subject of numerous case studies, articles, and seminars on smart growth, and will continue to do so in the future.
Incorporate public transit into project design.	Consistent An Internal and Expanded Shuttle system will be incorporated in order to provide transit service for people at the Proposed Project site to destinations within the Proposed Project site as well as external destinations in the area. In addition, the Proposed Project would fund the purchase of five CNG-powered buses to be operated by the City of Culver City to supplement bus service along key travel corridors. ¹⁴³
Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.	Consistent Landscaping plans for the Proposed Project would include the planting of approximately 800 trees throughout the parks and streetscape, replacing approximately 55 non-native palms and eucalyptus trees that were previously located on the Proposed Project site. ¹⁴⁴

¹⁴¹ *Ibid.*

¹⁴² *Water quality mitigation measure C.(2)-3, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, pp. 24-25; Id., Mitigation Measure N.(3)-1, p. 78.*

¹⁴³ *Traffic and circulation Mitigation Measures K.(1)-4 and (1)-6, Section 2.0, Mitigation by Environmental Topic of Mitigation Monitoring and Reporting Program, pp. 47 and 48.*

¹⁴⁴ *Approximately 800 trees would be planted in the parkways and parks within the Project site as envisioned by the design and landscaping concepts presented in Subsection 3.3.1.2.5 of Section IV.O, Visual Qualities (Aesthetics and Views), of the Original DEIR (see pages 1167-1168).*

TABLE II.D-10

ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES

Measure	Application to Village at Playa Vista
Develop “brownfields” and other underused or defunct properties near existing public transportation and jobs.	Consistent The Proposed Project would complete development of the former Hughes Aircraft Company property, and would be located adjacent to a large employment center and public transportation.
Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling, or walking.	Consistent The Proposed Project would create a system of interconnected pedestrian and bicycle trails. Trails would be developed to ensure safety and ease of use.
Transportation	
Limit idling time for commercial vehicles, including delivery and construction vehicles.	Consistent Current State law restricts diesel truck idling to five minutes or less. Diesel trucks making deliveries to the Proposed Project site will be limited to two-minute idling. ¹⁴⁵
Use low or zero-emission vehicles, including construction vehicles.	Consistent The heavy-duty vehicles that travel to and from the Proposed Project site on public roadways would be subject to all applicable CARB efficiency standards that are in effect at the time of vehicle manufacture. In addition, low emission fuels and technology and advanced low emission diesel technology would be utilized. ¹⁴⁶ The Proposed Project would also fund the purchase of five CNG-powered buses to be operated by the City of Culver City to supplement bus service along key travel corridors. ¹⁴⁷ In addition, the Proposed Project would expand an Internal Shuttle system, utilizing low or zero-emission vehicles ¹⁴⁸ , and Neighborhood Electric Vehicles (NEVs) would be used by the homeowner’s association staff for landscaping, maintenance workers, janitorial services, and the building engineer.

¹⁴⁵ Air quality mitigation measure B-5(a)(i)d., Section 2.0, Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 12.

¹⁴⁶ Air quality mitigation measure B-5(a)(i)d., Section 2.0, Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 12.

¹⁴⁷ Traffic and circulation mitigation measures K.(1)-4 and (1)-6, Section 2.0, Mitigation by Environmental Topic of Mitigation Monitoring and Reporting Program, pp. 47 and 48.

¹⁴⁸ Ibid.

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas, and providing electronic message board space for coordinating rides.	Consistent Uses within the Proposed Project would participate in a Transportation Management Demand Plan, which would require designation of parking spaces for carpools and vanpools and adequate passenger loading and unloading and waiting areas. ¹⁴⁹
Create car-sharing programs. Accommodations for such programs include providing parking spaces for the car-share vehicles at convenient locations accessible by public transportation.	Consistent The Proposed Project would provide accommodations for car-sharing.
Create local "light vehicle" networks, such as neighborhood electric vehicle systems.	Consistent Neighborhood Electric Vehicles (NEVs) would be used by the homeowner's association staff for landscaping, maintenance workers, janitorial services, and the building engineer.
Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).	Consistent The Proposed Project would encourage the use of alternative fuel vehicles by providing electric vehicle charging stations on the Proposed Project site. ¹⁵⁰
Increase the cost of driving and parking private vehicles by, e.g., imposing tolls and parking fees.	Consistent Uses within the Proposed Project would participate in a Transportation Management Demand Plan, which would require parking fees. ¹⁵¹
Build or fund transportation centers where various public transportation modes intersect.	Consistent The Proposed Project would fund the purchase of five CNG-powered buses to be operated by the City of Culver City to supplement bus service along key travel corridors, and would expand and Internal Shuttle, both of which would connect with the Fox Hills Transit Center for transfer to other bus lines. ¹⁵²

¹⁴⁹ Appendix K-1, City of Los Angeles Department of Transportation, Interdepartmental Correspondence regarding Initial Traffic Impact Assessment for the Proposed Village at Playa Vista Project, August 11, 2003, of the Original DEIR.

¹⁵⁰ Air quality mitigation measure B-7(e), Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 16.

¹⁵¹ Appendix K-1, City of Los Angeles Department of Transportation, Interdepartmental Correspondence regarding Initial Traffic Impact Assessment for the Proposed Village at Playa Vista Project, August 11, 2003, of the Original DEIR.

¹⁵² Traffic and circulation mitigation measures K.(1)-4 and (1)-6, Section 2.0, Mitigation by Environmental Topic of Mitigation Monitoring and Reporting Program, pp. 47 and 48.

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Provide shuttle service to public transit.	Consistent An Expanded Shuttle system will be incorporated in order to provide transit service for people at the Proposed Project site to external destinations in the area. ¹⁵³
Provide public transit incentives such as free or low-cost monthly transit passes.	Consistent The Proposed Project would provide up to 200 transit passes per month for employees or residents of the Proposed Project for a period of 10 years to encourage transit use. ¹⁵⁴ In addition, the expanded internal shuttle would be free for residents and employees within the Proposed Project and adjacent to the Playa Vista First Phase Project at all times, and for visitors during peak hours.
Promote “least polluting” ways to connect people and goods to their destinations.	Consistent One main goal of the Proposed Project is to develop a community that promotes the use of non-vehicular modes of transportation. Pedestrian and bicycling are encouraged by the creation of walkways and bike paths. Internal and Expanded Shuttles systems would encourage the use of public transportation to access local and outside destinations. ¹⁵⁵ The mixed-use nature of the development would enable people to travel less.
Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.	Consistent As explained above, bicycle paths would be incorporated throughout the Proposed Project site.
Incorporate bicycle-friendly intersections into street design.	Consistent Bicycle paths would be properly designed to be safely incorporated into the Proposed Project site.
For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience.	Consistent The Proposed Project would provide bicycle parking at all commercial projects and public spaces (such as parks).
Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points.	Consistent Bicycle lanes and walking paths within the Proposed Project would connect to destination points within the Proposed Project, the adjacent First Phase Project, and the surrounding community.

¹⁵³ *Ibid.*

¹⁵⁴ *Fourth Amendment to Culver City Agreement, Appendix E.iii, Exhibit B.*

¹⁵⁵ *Ibid.*

TABLE II.D-10	
ATTORNEY GENERAL EVALUATION OF POTENTIAL GHG REDUCTION MEASURES	
Measure	Application to Village at Playa Vista
Work with the school district to restore or expand school bus services.	Consistent Students within the Proposed Project could walk or ride the Internal Shuttle to a proposed Los Angeles Unified School District elementary school (currently undergoing environmental review). The Proposed Project would work with the LAUSD to develop a “Pedestrian Routes to School” map which would be distributed to students at the beginning of each school year. In the event the proposed LAUSD school was not constructed, the Proposed Project would coordinate with the LAUSD on bus services to existing schools serving the Proposed Project site. ¹⁵⁶
Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.	Consistent The Proposed Project would include an advanced digital broadband telecommunications network, facilitating high speed data connectivity, video teleconferencing, video telephony, and interactive multimedia services.
Provide information on all options for individuals and businesses to reduce transportation-related emission. Provide education and information about public transportation.	Consistent The Proposed Project would circulate a semi-annual newsletter to all on-site residents, businesses and employees to provide information on carpool incentives, internal shuttle system routes and schedules, on-site housing and job opportunities, and mandatory or voluntary new technologies for air pollution reduction in businesses and homes. ¹⁵⁷

3.2.5 Equivalency Impacts

The Proposed Project also includes an Equivalency Program in which a maximum of 125,000 square feet of office development may be exchanged for up to 56,832 sq. ft. of retail uses or up to 200 assisted living units, or a combination thereof. Within the Equivalency Program, there are three equivalent scenarios: (1) All Retail, (2) All Assisted Living, and (3) Retail/Assisted Living. The analysis compares daily trips, energy, and water consumption of the three equivalency scenarios and quantifies the greenhouse gas emissions that result from each scenario.

¹⁵⁶ The bases for Proposed Project consistency with this policy is set forth in the Central Region Elementary School No. 22 Draft EIR, September 2008, SCH# 2008041088; Impact 3F5, p. 3F-32.

¹⁵⁷ Air quality mitigation measure B-9, Section 2.0 Mitigation by Environmental Topic, of Mitigation Monitoring and Reporting Program, p. 17.

As indicated in Table II.D-11, the All Retail equivalency scenario will generate the fewest trips (23,931) and use the least amount of energy (40,090 KWh of daily electricity usage, 481.93 thousand cubic feet of daily natural gas consumption, 0.488 million gallons per day of potable water consumption, and 56,999 gallons per day of reclaimed water consumption). The All Assisted Living equivalency scenario is anticipated to generate 24,178 daily trips, 43,174 KWh of daily electricity usage, 518.24 thousand cubic feet of daily natural gas consumption, 0.527 million gallons per day of potable water consumption, and 62,347 gallons per day of reclaimed water consumption. The Retail/Assisted Living equivalency scenario is anticipated to generate slightly fewer daily trips (24,070) and slightly less energy and water consumption (43,172 KWh of daily electricity usage, 515.98 thousand cubic feet of daily natural gas consumption, 0.514 million gallons per day of potable water consumption, and 56,999 gallons per day of reclaimed water consumption).

	All Retail in Equivalency Program	All Assisted-Living in Equivalency Program	Retail/Assisted Living in Equivalency Program
Trips	23,931 dt	24,178 dt	24,070 dt
Electricity Usage	40,090 KWh/day	43,174 KWh/day	43,172 KWh/day
Natural Gas Consumption	481.93 kcf/day	518.24 kcf/day	515.98 kcf/day
Potable Water Consumption	0.488 mgd	0.527 mgd	0.514 mgd
Reclaimed water usage	56,999 gpd	62,347 gpd	56,999 gpd

Notes: KWh= kilowatt-hour; kcf = thousand cubic feet; mgd = million gallons per day; dt = daily trips; gpd = gallons per day.

Sources: Trips: Appendix B, 2008 Report from Raju & Associates Technical Report Summarizing ADTs from 2003 Traffic Study; Electricity & Natural Gas: Original DEIR, Tables 156, 157, and 158; Water: Original DEIR, Tables 163 and 168.

Of the three scenarios in the Equivalency Program, the All Retail scenario would generate fewer emissions than the Proposed Project, while the All Assisted Living scenario would generate the highest emissions. If the Equivalency Program is utilized, then a range of between 41,474 and 43,041 total carbon dioxide equivalent GHGs would be emitted, as shown in Table II.D-12.

TABLE II.D-12

TOTAL ESTIMATED EMISSIONS FROM EQUIVALENCY SCENARIOS – YEAR 2010

Source	MT/Year Total CO ₂ EQ	MMT/Year Total CO ₂ EQ	% of Total Emissions
All Retail in Equivalency Program			
Vehicular Trips	24,149	0.024	58%
Natural Gas Consumption	9,578	0.010	23%
Electrical Usage	7,679	0.008	19%
Potable water usage	55	0.000	0%
Non-potable water	13	0.000	0%
Total Emissions :	41,474	0.041	
All Assisted-Living in Equivalency Program			
Vehicular Trips	24,398	0.024	57%
Natural Gas Consumption	10,300	0.010	24%
Electrical Usage	8,269	0.008	19%
Potable water usage	59	0.000	0%
Non-potable water	15	0.000	0%
Total Emissions :	43,041	0.043	
Retail/Assisted-Living in Equivalency Program			
Vehicular Trips	24,289	0.024	57%
Natural Gas Consumption	10,255	0.010	24%
Electrical Usage	8,269	0.008	19%
Potable water usage	58	0.000	0%
Non-potable water	13	0.000	0%
Total Emissions :	42,884	0.043	
<p><i>Note: Numbers may not add up due to roundings. A variety of emissions are evaluated to calculate CO₂ equivalency. Many of these emissions are immaterial to the calculation of greenhouse gas emission from the Proposed Project, and therefore were not included.</i></p> <p><i>Sources: Mestre Greve Report, p. 23.</i></p>			

3.2.5.1 Projected Greenhouse Gas Emissions of the Equivalency Scenarios

The GHG emissions also were projected for future years beyond 2010 and are presented in Table II.D-13. The analysis indicates that between 2010 and 2020, the GHG emissions in CO₂ equivalent will drop and then rise slightly thereafter. The rise and fall in the GHG emissions are directly proportional to the rise and drop in the projected EMFAC2007 CO₂ emission rates.

TABLE II.D-13

**PROJECT TREND OF GHG EMISSIONS
(METRIC TONS PER YEAR OF CO₂ EQUIVALENTS)**

Year	MT CO ₂ EQ
All Retail in Equivalency Program	
2010	41,474
2020	41,226
2030	41,420
2040	41,779
All Assisted-Living in Equivalency Program	
2010	43,041
2020	42,791
2030	42,987
2040	43,350
Retail/Assisted Living in Equivalency Program	
2010	42,884
2020	42,635
2030	42,831
2040	43,191

Sources: *Mestre Greve Report, p. 24.*

Table II.D-14 compares the GHG emissions from the Proposed Project to total emissions in California, the United States, and globally. This comparison shows that the Proposed Project’s emissions represent a very small fraction of total GHG emissions.

TABLE II.D-14

**RELATIVE CONTRIBUTION OF PROPOSED EQUIVALENCY PROGRAM EMISSIONS
TO GLOBAL GHG EMISSIONS**

	MMT CO ₂ EQ	Year	Percent Contribution of All Retail	Percent Contribution of All Assisted- Living	Percent Contribution of Retail/Assisted- Living
All Retail in Equivalency Program	0.415	2010			
All Assisted-Living in Equivalency Program	0.0430	2010			
Retail/Assisted Living in Equivalency Program	0.0429	2010			
State of California	480	2004	0.0088%	0.0091%	0.0091%
United States	7,068	2004	0.0005%	0.0006%	0.0006%
World	27,941	2004	0.00012%	0.00015%	0.00015%

Sources: *United Nations Framework Convention on Climate Change, “National Greenhouse Gas Inventory Data for the Period 1990-2004 and Status of Reporting,” October 19, 2006; California Energy Commission, “Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004,” December 2006; Mestre Greve Report, p. 24.*

Like the Proposed Project, the emissions generated by any of the three Equivalency Program scenarios, therefore, will contribute a very small amount to the overall climate change issue. The Proposed Project's consistency with the implementing programs and regulations to achieve the statewide GHG emission reduction goals established under AB 32 and associated guidance would also be applicable for these scenarios. By way of comparison, the global data from the United Nations indicates that the Proposed Project would contribute less than 0.00015 percent to the GHG burden for the planet. Even when compared to California's GHG emissions, the project's individual contribution is quite small (approximately 0.0091 percent (or less) of 2004 California emissions).

3.2.6 Impacts of Off-Site Improvements

Proposed Project development could result in secondary impacts arising from implementation of the Proposed Project's mitigation measures, as well as the direct impacts described above. Mitigation measures within the Original DEIR, Section IV.K.(1), Traffic and Circulation, require physical improvements in transportation facilities at numerous locations including roadway widening at seven locations, as described in Subsection 5.8 of that section. In addition, as discussed in the Original DEIR, Section IV.N.(1), Water Consumption, the Proposed Project would required the construction of a water regulator station in the vicinity of Jefferson Boulevard and Mesmer Avenue.

Construction of the off-site improvements would result in GHG emissions resulting from the demolition of existing pavement and curbs, the laying of road bed and pavement, clearing and grubbing of vegetated areas, and the construction of new curbs and sidewalks. GHG emission-generating activities also include delivery and hauling of construction materials to the site, hauling of demolition debris, fuel combustion by on-site construction equipment, and emissions from construction workers' vehicles. Equipment used for demolition and construction would include haul trucks, graders, scrapers, wheeled dozers, rollers, and other typical road construction equipment. Demolition debris, consisting of asphalt, concrete and organic matter would be hauled to the nearest landfill. Construction impacts would be temporary in nature and would most likely occur incrementally. All construction activity would conform to applicable codes and standards.

The analysis of construction impacts for the Proposed Project, in Subsection II.D.3.2.2.1 above, includes the off-site improvements as components of the Proposed Project. The analysis assumes that all of the roadway widening would be implemented simultaneously and at the same time that peak construction activity is occurring on the Proposed Project site. This assumption and the other analysis assumptions are conservative to indicate the highest level of GHG emissions that might occur, and actual impacts are likely to be less than those indicated. For the reasons stated

in Sections 3.2.3 and 3.2.4, the impact attributable to the construction of the Proposed Project, including the construction of the off-site improvements, will be less than significant.

The proposed off-site infrastructure improvements would reduce the traffic and water utility impacts of the Proposed Project. They would not add new population to the area, nor add new buildings to the area. Therefore, the long-term operation impacts of the off-site improvements would be beneficial, and would not cause additional impacts to those of the Proposed Project.

4.0 MITIGATION MEASURES

The Proposed Project would not have a significant impact on global climate change, and therefore mitigation measures are not required.¹⁵⁸ Although mitigation of a significant environmental impact related to global climate change is not required, implementation of many Project Design Features, which are discussed in further detail in Subsection II.D.3.2.1 above and listed below, as well as mitigation measures identified in other Sections of the Original DEIR and Original FEIR (including Original DEIR Sections IV.B, Air Quality, IV.K.1, Transportation and Circulation, IV.M, Energy, and IV.N, Utilities), serves to reduce the GHG emissions of the Proposed Project, and reduce potential impacts on global climate change. Additionally, these project design features are consistent with the applicable measures outlined by the Attorney General, as shown in Table II.D-10, "Potential GHG Reduction Measures." In addition to the mitigation measures identified above from the proposed (and previously adopted and vacated) Mitigation Monitoring and Reporting Program, the following measures shall be enforceable in connection with certification of the RS-DEIR and any approval of the Proposed Project:

- The Proposed Project will coordinate with LAUSD and the City of Los Angeles to prepare a "Pedestrian Routes to School" map, which will be distributed to parents, students, and school staff at the beginning of each school year, and will coordinate with the LAUSD on bus services to schools serving the Proposed Project site;
- The Property Owners Association of the Proposed Project shall use of Neighborhood Electric Vehicles (NEVs) or similar vehicles for landscaping, maintenance workers, janitorial services, and the building engineer;

¹⁵⁸ *Cal. Pub. Resources Code § 21002.1 ("The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.")*.

- The Proposed Project shall incorporate food waste collection to the existing on-site greenwaste collection program;
- Car washing shall be prohibited within the Proposed Project, and the use of water for cleaning outdoor surfaces shall be restricted to the maximum extent possible;
- The Proposed Project shall include accommodations for car-sharing;
- The expanded internal shuttle would be operated as a free service for residents and employees within the Proposed Project and adjacent Playa Vista First Phase Project at all times, and for visitors during peak hours (8:00 to 9:00 a.m. and 5:00 to 6:00 p.m.);
- The Proposed Project shall provide bicycle parking at all commercial projects and public spaces (such as parks); and
- The Proposed Project shall include an advanced digital broadband telecommunications network, facilitating high speed data connectivity, video conferencing, video telephony, and interactive multimedia services.

5.0 UNAVOIDABLE ADVERSE IMPACTS

Although the Proposed Project emissions are quantitatively assessed in this section, in the absence of established thresholds to evaluate impacts associated with GHG emissions, this analysis uses consistency with adopted programs and policies to reduce GHG emissions as a method to qualitatively evaluate the significance of cumulative impacts. The Proposed Project's consistency with the implementing programs and regulations to achieve the statewide GHG emission reduction goals established under AB 32 and associated guidance, the 2006 CAT Report, and the *LA Green Plan* and ability to follow general OPR guidance regarding evaluating GHG emissions only can be evaluated in a general way, given the fact that much of this guidance is preliminary or under development. Nonetheless, the Proposed Project applies a number of project design features, including transportation measures that enhance transit options and a location close to major transit lines and areas rich in jobs, incorporating energy saving appliances, using drought resistant plants and reclaimed water for irrigation, recycling solid waste, and providing a shuttle service, bicycle paths and a pedestrian friendly/mixed-use environment, among others, will result in lower than average per capita GHG emissions. As a result although the Proposed Project will emit GHGs, the Proposed Project will not have a significant adverse effect on global climate change on a project specific basis.

6.0 CUMULATIVE IMPACTS

Global climate change is by definition a cumulative impact as GHG emissions do not have a localized impact, they impact the globe as a whole. All the emission reductions strategies which are detailed in the 2006 CAT Report, the Green LA Action Plan, OPR Guidance, and the AB 32 Scoping Plan involve strategies to assist in the reduction of GHG emissions on a state or regional basis, with the goal of reducing cumulative global GHG emissions. As such, any analysis of the Proposed Project's impacts on global climate change is by definition a cumulative analysis. Since no numeric thresholds exist to assess the GHG emissions of the Proposed Project, the quantitative analysis does not indicate a significant impact. Additionally, since Proposed Project is consistent with the all the applicable policies in the 2006 CAT Report, the Green LA Action Plan, OPR Guidance, and the AB 32 Scoping Plan and these reports, plans, and policies are intended to facilitate the reduction of GHG emissions in California to meet the GHG emissions reduction targets detailed in AB 32, the potential impact on global warming resulting from implementation of the Proposed Project would not be cumulative significant.

III. MITIGATION MONITORING AND REPORTING PROGRAM

1.0 MITIGATION BY ENVIRONMENTAL TOPIC

As of January 1, 1989, the California Environmental Quality Act (CEQA) requires a Mitigation Monitoring and Reporting Program (MMRP) for projects where mitigation measures are a condition of their approval and development. This program has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6. The MMRP describes the procedures the Applicant will use to implement the mitigation measures adopted in connection with the approval of the project and the methods of monitoring and reporting on such actions. Monitoring refers to the observation of mitigation activities at the Project site, in the design of plans or in the operation of designated agencies. A Monitoring/Reporting Program is necessary only for impacts which would be significant if not mitigated.

The mitigation measures listed below are strictly related to the environmental topics identified in this RS-DEIR. The analysis in this RS-DEIR did not identify any additional significant impacts or additional mitigation measures for the Land Use, Wastewater, and Archaeology environmental topics beyond those identified in the Original FEIR and included in the MMRP adopted in 2004 (and subsequently vacated). Thus, these mitigation measures have been re-stated below for ease of convenience. The final MMRP, which was adopted and then vacated, also is available for review at the City Planning Department, Room 720, City Hall, 200 North Spring Street, Los Angeles, California 90012, or on-line at <http://cityplanning.lacity.org>, as is the Original FEIR (which includes the Original DEIR). However, added mitigation measures are proposed in the RS-DEIR for the Global Climate Change environmental topic.

The Project Applicant shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency as provided for herein. All departments listed below are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted. All mitigation measures identified in the final MMRP, which was adopted and then vacated, shall be recommended again for approval, with the addition of mitigation measures related to global climate change listed below.

A. Land Use

Mitigation Measures for the Proposed Project and the Equivalency Program

G-1* Prior to recordation of the tract map, the Proposed Project development standards and guidelines shall be incorporated as tract map conditions including, but not limited to, building height, setbacks, lot coverage, density, and land uses, as analyzed in ENV-2002-6129-EIR (See Attachment C). Any changes shall be subject to additional environmental review and implementation of proper mitigation measures if additional impacts associated with such changes are identified.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once at tract map approval.

Action Indicating Compliance with Mitigation Measure(s): Tract map approval.

G-2 Lot 113 of VTTM 49104 shall remain as open space unless the Advisory Agency determines that this lot is not needed to meet the open space requirements of VTTM 49104.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once at tract map approval.

Action Indicating Compliance with Mitigation Measure(s): Advisory Agency Determination.

Additional Mitigation Measure for the Off-site Improvements

G-3 Any private property that is affected during the construction of off-site improvements shall be restored to be consistent with conditions prior to construction, to the extent feasible.

Enforcement Agency: Los Angeles City, Department of Public Works

* Please note that since the mitigation measures initially approved for the Proposed Project in 2004 are recommended again for reapproval in the RS-DEIR and for ease of reference and clarity, this document refers to the mitigation measures using the same reference numbers as those that were used in the final MMRP, adopted in 2004.

Monitoring Agency: Los Angeles City, Department of Public Works

Monitoring Phase: Post-Construction

Monitoring Frequency: Once at completion of site work.

Action Indicating Compliance with Mitigation Measure(s): Report at the completion of site work with inclusion in the Annual Monitoring Report.

B. Wastewater

Mitigation Measures for the Proposed Project and the Equivalency Program

- N.(2)-1** Prior to issuance of any building permit, construction of on-site infrastructure improvements necessary for the conveyance of project wastewater to the 42-inch Marina Interceptor Sewer in Jefferson Boulevard shall be completed, or suitably guaranteed, to the satisfaction of the City Department of Public Works and other applicable responsible agencies.

Enforcement Agency: Los Angeles City, Department of Public Works

Monitoring Agency: Los Angeles City, Department of Public Works

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once at issuance of any building permit.

Action Indicating Compliance with Mitigation Measure(s): Compliance statement from Department of Public Works.

C. Archaeological Resources

Mitigation Measures for the Proposed Project and the Equivalency Program

- P.(2)-1** Prior to the issuance of any grading/excavation or building permits (except for grading/excavation permits associated with archaeological investigations) which may affect the properties designated as LAN-211/H and LAN-62, the measures required within the approved Archaeological Treatment Plans for these properties, which have been determined eligible for listing in the National Register of Historic Places and accepted by the U.S. Army Corps of Engineers, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation shall be implemented. The archaeological treatment plans shall be consistent with the following: the Secretary of Interior Guidelines for Archaeological Documentation; the California Office of Historic Preservation's Archaeological Resource Management Reports: Recommended Contents and Format, and Guidelines for Archaeological Research Designs; the Department of the Interior's Guidelines for Federal Agency Responsibilities under Sections 106 and 110 of the National

Historic Preservation Act; and take into account the Council's publication, Treatment of Archaeological Properties – A Handbook.

Enforcement Agency: U.S. Army Corps of Engineers

Monitoring Agency: U.S. Army Corps of Engineers; Los Angeles City, Department of Public Works

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once at issuance of grading/excavation or building permits.

Action Indicating Compliance with Mitigation Measure(s): Statement of compliance from U.S. Army Corps of Engineers.

P.(2)-2 Prior to issuance of grading/excavation or building permits, a professional archaeologist shall be retained that meets the Secretary of Interior's guidelines and is listed in the Register of Professional Archaeologists to implement the Research Design and comply with the Programmatic Agreement.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Construction

Monitoring Frequency: Once prior to construction.

Action Indicating Compliance with Mitigation Measure(s): Retention of professional archaeologist; execution of construction contract.

P.(2)-3 Historic resources eligible for listing in the National Register of Historic Places shall be avoided or unavoidable disturbance be mitigated through data recovery, documentation, analysis, and curation. Archeological treatment plans required by the Programmatic Agreement shall be developed and implemented, as applicable. All materials and records resulting from implementation of the Programmatic Agreement shall be curated in accordance with 36 Code of Federal Regulations part 79.

Enforcement Agency: U.S. Army Corps of Engineers

Monitoring Agency: U.S. Army Corps of Engineers

Monitoring Phase: Pre-Construction; Construction.

Monitoring Frequency: Once at issuance of grading or building permits.

Action Indicating Compliance with Mitigation Measure(s): Implementation of archaeological treatment plans; issuance of grading or building permits; Statement of compliance from the U.S. Army Corps of Engineers.

P.(2)-4 In addition to a qualified archaeologist, a representative of the Gabrielino Indians shall be retained to monitor subsurface archaeological excavations. Prior to issuance of grading or building permits, evidence shall be provided for placement in the subject file with the City Planning Department that a Native American monitor has been retained.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Pre-Construction; Construction

Monitoring Frequency: Once prior to construction.

Action Indicating Compliance with Mitigation Measure(s): Retention of a Native American Gabrielino; execution of construction contract, during construction.

P.(2)-5 In the event that previously unknown archaeological and historical resources are discovered during construction, grading/excavation/construction shall temporarily be halted. The U.S. Army Corps of Engineers and the State Historic Preservation Officer shall immediately be notified to provide these agencies with the opportunity to assess the resources and offer recommendations for treatment required by the Programmatic Agreement.

Enforcement Agency: U.S. Army Corps of Engineers

Monitoring Agency: U.S. Army Corps of Engineers

Monitoring Phase: Construction

Monitoring Frequency: Annually until buildout.

Action Indicating Compliance with Mitigation Measure(s): Execution of construction contracts with mitigation measure provisions.

P.(2)-6 The Project archaeologist shall monitor ground disturbing activities in areas where significant archaeological or historical materials are discovered or detected. If cultural resources are discovered during grading/excavation/ construction monitoring, such resources shall be evaluated for their eligibility for listing in the National Register of Historic Places. If potentially significant resources are encountered, a letter of notification shall be provided in a timely manner to the Department of City Planning, in addition to the report (described below) that is filed at the completion of grading. If eligible, an archaeological treatment plan shall be developed and implemented in accordance with the Programmatic Agreement.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Construction

Monitoring Frequency: As needed during construction operations.

Action Indicating Compliance with Mitigation Measure(s): Execution of construction contracts with mitigation measure provisions.

P.(2)-7 Following completion of grading activities, a qualified archaeologist, who meets the Secretary of Interior Guidelines and is listed in the Register of Professional Archaeologists, shall prepare a report of the results of archaeological investigations to the City of Los Angeles Department of City Planning, other appropriate public agencies, and concurring parties as specified in the Programmatic Agreement. The report shall be submitted to the above parties according to the schedules established in the respective Archaeological Treatment Plans (ATPs).

Enforcement Agency: U.S. Army Corps of Engineers

Monitoring Agency: U.S. Army Corps of Engineers

Monitoring Phase: Construction

Monitoring Frequency: Once at completion of all grading.

Action Indicating Compliance with Mitigation Measure(s): Submittal of archaeological investigation report.

P.(2)-8 If a commemorative display center for items of cultural significance should be provided in the Playa Vista First Phase Project, representative artifacts from the Proposed Project site, should they be discovered, or accurate replicas shall be made available for the display at the display center.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Pre-Construction; Construction

Monitoring Frequency: Once at completion of archaeological investigation.

Action Indicating Compliance with Mitigation Measure(s): Provision of artifacts/replicas to commemorative center; or curation at Fowler Museum at University of California, Los Angeles.

D. Global Climate Change

Mitigation Measures for the Proposed Project and the Equivalency Program

Q-1* The Proposed Project shall coordinate with LAUSD and the City of Los Angeles to prepare a "Pedestrian Routes to School" map, which will be distributed to

* *These Mitigation Measures Q-1 to Q-8 are to be integrated into the final MMRP in the Revised FEIR.*

parents, students, and school staff at the beginning of each school year, and shall coordinate with the LAUSD on bus services to schools serving the Proposed Project site.

Enforcement Agency: Los Angeles City, Department of Transportation

Monitoring Agency: Los Angeles City, Department of Transportation, Department of Building and Safety

Monitoring Phase: Post-Construction

Monitoring Frequency: Once, prior to issuance of first temporary or permanent Certificate of Occupancy.

Action Indicating Compliance with Mitigation Measure(s): Issuance of temporary or permanent Certificate of Occupancy; "Pedestrian Routes to School" map.

Q-2 The Property Owners Association of the Proposed Project shall use Neighborhood Electric Vehicles (NEVs) or similar vehicles for landscaping, maintenance workers, janitorial services, and the building engineer.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Post-Construction

Monitoring Frequency: Once at issuance of first temporary or permanent Certificate of Occupancy.

Action Indicating Compliance with Mitigation Measure(s): Issuance of temporary or permanent Certificate of Occupancy; statement of compliance from Property Owners Association.

Q-3 The Proposed Project shall incorporate food waste collection to the existing on-site greenwaste collection program.

Enforcement Agency: Los Angeles City, Department of Public Works (Bureau of Sanitation); Los Angeles City, Department of City Planning; Los Angeles City, Department of Building and Safety

Monitoring Agency: Los Angeles City, Department of Public Works (Bureau of Sanitation); Los Angeles City, Department of City Planning; Los Angeles City, Department of Building and Safety

Monitoring Phase: Post-Construction

Monitoring Frequency: Once at approval of recycling program.

Action Indicating Compliance with Mitigation Measure(s): Approval of recycling program.

- Q-4** Car washing shall be prohibited within the Proposed Project and the use of water for cleaning outdoor surfaces shall be restricted to the maximum extent possible.

Enforcement Agency: Los Angeles City, Department of Public Works

Monitoring Agency: Los Angeles City, Department of Public Works

Monitoring Phase: Post-Construction

Monitoring Frequency: Once at issuance of first temporary or permanent Certificate of Occupancy.

Action Indicating Compliance with Mitigation Measure(s): Issuance of temporary or permanent Certificate of Occupancy; statement of compliance from Property Owners Association.

- Q-5** The Proposed Project shall include accommodations for car-sharing.

Enforcement Agency: Los Angeles City, Department of Transportation

Monitoring Agency: Los Angeles City, Department of Transportation, Department of Building and Safety

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once prior to issuance of first temporary or permanent Certificate of Occupancy.

Action Indicating Compliance with Mitigation Measure(s): Issuance of temporary or permanent Certificate of Occupancy; Evidence of provision of accommodations for car-sharing satisfactory to Los Angeles City, Department of Transportation (LADOT).

- Q-6** The expanded internal shuttle would be operated as a free service for residents and employees within the Proposed Project and adjacent Playa Vista First Phase Project at all times, and for visitors during peak hours (8:00 to 9:00 a.m. and 5:00 to 6:00 p.m.).

Enforcement Agency: Los Angeles City, Department of Transportation

Monitoring Agency: Los Angeles City, Department of Transportation

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once at implementation of expanded internal shuttle system.

Action Indicating Compliance with Mitigation Measure(s): Issuance of temporary or permanent Certificate of Occupancy; Evidence of shuttle operation satisfactory to LADOT.

Q-7 The Proposed Project shall provide bicycle parking at all commercial projects and public spaces (such as parks).

Enforcement Agency: Los Angeles City, Department of Building and Safety

Monitoring Agency: Los Angeles City, Department of Building and Safety

Monitoring Phase: Pre-Construction; Construction

Monitoring Frequency: Once at issuance of building permit; once at issuance of temporary or permanent Certificate of Occupancy.

Action Indicating Compliance with Mitigation Measure(s): Issuance of building permit; issuance of temporary or permanent Certificate of Occupancy.

Q-8 The Proposed Project shall include an advanced digital broadband telecommunications network, facilitating high speed data connectivity, video teleconferencing, video telephony, and interactive multimedia services.

Enforcement Agency: Los Angeles City, Department of City Planning

Monitoring Agency: Los Angeles City, Department of City Planning

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once prior to issuance of first temporary or permanent Certificate of Occupancy.

Action Indicating Compliance with Mitigation Measure(s): Issuance of temporary or permanent Certificate of Occupancy; statement of compliance from Property Owners Association.

IV. ORGANIZATIONS AND PERSONS CONTACTED

4.0 DOCUMENT PREPARATION

4.1 Lead Agency

City of Los Angeles
Department of City Planning
EIR Unit
200 N. Spring St., Room 720
Los Angeles, CA 90012
(213) 978-1397

Contact: David Somers, City of Los Angeles, Department of City Planning,
Environmental Review Coordinator

- Hamilton, Gordon, Department of City Planning, Deputy Advisory Agency
- Somers, David, Department of City Planning, Planning Assistant

4.2 Other City of Los Angeles Agencies

- Pfann, Susan, City Attorney's Office, Los Angeles City Attorney's Office
- Shyu, Siegmund, City Attorney's Office, Los Angeles City Attorney's Office
- Belal, Tamini, Department of Public Works, Bureau of Sanitation
- Kwon, Nam Hee, Department of Public Works, Bureau of Sanitation
- Netto, Hiddo, Department of Public Works
- Dojiri, Mas, Department of Public Works, Bureau of Sanitation, Environmental Monitoring Division
- Beller, Jeffrey, Department of Public Works, Bureau of Sanitation, Environmental Monitoring Division
- Yamamoto, Kay, Department of Public Works, Bureau of Sanitation, Environmental Monitoring Division
- Fan, Steve, Department of Public Works, Bureau of Sanitation, Environmental Monitoring Division
- Ruiz, Mike, Department of Public Works, Bureau of Sanitation, Environmental Monitoring Division
- Lau, Rowena, Department of Public Works, Bureau of Sanitation, Wastewater Engineering Services Division

- Danishwar, Abdul, Department of Public Works, Bureau of Sanitation, Wastewater Engineering Services Division

4.3 Consultants

Matrix Environmental
6701 Center Drive West, Suite 900
Los Angeles, CA 90045

- Lackow, Bruce, President
- Luckert, Ryan, Principal Planner

Camp Dresser & McKee, Inc.
523 West Sixth Street
Los Angeles, CA 90014

- Chamberlin, David, Senior Vice President
- Accashian, Jay, Principal Environmental Engineer
- Zych, Michele P.G., Senior Project Manager/Geologist

Flow Science Incorporated
683 Harkle Road, Suite A
Santa Fe, NM 87505

- Paulsen, Susan C., Ph.D., P.E., Vice President/Senior Scientist
- List, E. John, Ph.D., P.E., Principal Consultant
- Mead, Aaron, P.E.
- Zhao, Gang, Ph.D.

MBC Applied Environmental Sciences
3000 Red Hill Avenue
Costa Mesa, CA 92626

- Beck, Shane, President/Senior Scientist
- Vilas, David, Senior Scientist

Mestre Greve
27812 El Lazo Road
Laguna Niguel, CA 92677

- Greve, Fred, Principal
- Moon, Tanya, Staff Engineer

Psomas & Associates

555 South Flower Street, Suite 4400

Los Angeles, CA 90071

- Crehan, Michael J., Vice President/Principal
- Lee, Daniel, P.E., LEED AP, Civil Engineer
- Blood, Brad, Ph.D., Senior Environmental Scientist
- Miller, Gregg, Senior Biologist

Statistical Research

6099 East Speedway Boulevard

Tucson, Arizona 85712

- Grenda, Donn, President/CEO
- Douglass, John G., Research Director, Principal Investigator
- Vargas, Benjamin R., Principal Investigator

Geosyntec Consultants

55 SW Yamhill Street, Suite 200

Portland, OR 97204

- Strecker, Eric, P.E., Principal

CH2M Hill

1000 Wilshire Blvd., 21st Floor

Los Angeles, CA 90017

- Miller, Judi, P.E.

4.4 Other Agencies and Organizations

- Dmitriew, Alex, Crown Disposal, Inc
- Lieb, Jacob, Southern California Association of Governments
- Sudol, Mark F., Chief, Regulatory Branch, Department of the Army

4.5 Project Applicant

Playa Capital Company, LLC

6500 Seabluff Drive

Playa Vista, CA 90094

- Huffman, Marc, Vice President, Planning & Entitlements

V. LIST OF ACRONYMS AND ABBREVIATIONS

Acronym	Title
AB 32	Assembly Bill 32
ADWF	Average Dry Weather Flow
AMSL	Above Mean Sea Level
APE	Area of Potential Effect
ATP	Archaeological Treatment Plan
ARMR	Archaeological Resources Management Reports
CAFE	Corporate Average Fuel Economy
Cal EPA	California Environmental Protection Agency
CARB	California Air Resources Board
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CH ₄	Methane
City	City of Los Angeles
CO	Carbon Monoxide
COHP	California Office of Historic Preservation's
Corps	United States Army Corps of Engineer
CRA	Community Redevelopment Agency of Los Angeles
CUP	Conditional Use Permit
CWA	Clean Water Act
dt	Daily Trips
EIR	Environmental Impact Report
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
gpd	Gallons Per Day

Acronym	Title
GHG	Greenhouse Gas
GWP	Global Warming Potential
HFCs	Hydrofluorocarbons
H RTP	Historic Resources Treatment Plan
HVAC	Heating, Ventilating and Air Conditioning
ILUP	Industrial Land Use Policy Project
kcf	Thousand Cubic Feet
Kwh	Kilowatt-Hour
LACDPW	Los Angeles County Department of Public Works
LACFD	Los Angeles County Fire Department
LADOT	City of Los Angeles, Department of Transportation
LAUSD	Los Angeles Unified School District
LAX	Los Angeles International Airport
LEED	Leadership in Energy and Environmental Design
LMU	Loyola Marymount University
mgd	Million Gallons per Day
MMT	Million Metric Tons
MTA	Metropolitan Transportation Authority
MT/Year	Metric Tons Per Year
MWD	Metropolitan Water District
N ₂ O	Nitrous Oxide
NEVs	Neighborhood Electric Vehicles
NHPA	National Historic Preservation Act of 1966
NO _x	Nitrogen Oxides
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places
O ₃	Ozone
OPR	Office of Planning and Research

Acronym	Title
Original DEIR	Original Draft EIR prepared for the Proposed Project in 2003
Original FEIR	Final Environmental Impact Report prepared for the Proposed Project and Certified in 2004
PA	Programmatic Agreement
PCBs	Polychlorinated Biphenyls
PDWF	Peak Dry Weather Flow
PFCs	Perfluorocarbons
RCPG	Regional Comprehensive Plan and Guide
RPZ	Runway Protection Zone
RS-DEIR	Recirculated Sections of Draft Environmental Impact Report
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCAQMD	Southern California Air Quality Management District
SB	Senate Bill
SF ₆	Sulfur Hexafluoride
SO ₂	Sulfur Dioxide
sq. ft.	Square Feet
SWRCB	State Water Resources Control Board
TTM	Tentative Tract Map
UNFCCC	United Nations Framework Convention on Climate Change
USEPA	United States Environmental Protection Agency
VTTM	Vesting Tentative Tract Map

VI. REFERENCES

The following list is a compilation of references for the entire RS-DEIR. These references are organized according to topics in which they either occur or are most substantially connected. The full list of references used in the Original DEIR and Original FEIR are on file with the City of Los Angeles Department of City Planning: 200 North Spring Street, Room 720, Los Angeles, CA 90012.

GENERAL

Los Angeles CEQA Thresholds Guide, City of Los Angeles (June 2006).

California Public Resources Code, §§ 21000-21178 et seq.

State CEQA Guidelines, California Code of Regulations, Title 14, §§ 15000 et seq.

A. LAND USE

City of Los Angeles, The Citywide General Plan Framework, Goals, Objectives, and Policies (August 2001).

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