

Village at Playa Vista RS-DEIR – The Ballona Wetland Land Trust’s Comments Summarized

The Ballona Wetlands Land Trust finds that Playa Vista’s Re-circulated Sections of the Draft Environmental Impact Report (RS-DEIR) is an insufficient and inaccurate document, and misrepresents the true environmental effects of the Playa Vista Phase II project in each subject area covered by the RS-DEIR.

Land Use:

CEQA guidelines require projects to be consistent with density limits in existing Community and Specific Plans, and failure in consistency is defined as a significant impact. Under the current Area D Specific Plan, only *108,050 sq. ft of office space* is available for development by Playa Vista in the Phase II area. The proposed development calls for 2600 residential units, 175,000 sq. ft of office space, and 150,000 sq. ft of retail space. To avoid the definition of this impact, the RS-DEIR requires that the Area D Specific Plan and Westchester/Playa del Rey Community Plan be *amended* to allow for increased density and different land uses. Why should well researched urban plans be changed to allow for density in excess of what is zoned for? Furthermore, the RS-DEIR does not assess traffic impacts due to development at this scale.

Wastewater:

The RS-DEIR does not fully address the true impacts from wastewater, either from a treatment capacity standpoint or from a water quality standpoint. It is unclear at what capacity Hyperion is currently operating and what the cumulative flows will be to the treatment system. Because it is relevant to the determination of significant impacts, the EIR must address the true capacity of Hyperion in relation to current flows into Hyperion for purposes of determining whether there is adequate capacity. On the demand side, the City appears to be using the Sewer Allocation Ordinance to assess treatment capacity only after project build-out. Because the City is not properly tracking capacity by reducing the available capacity by other project allocations, the RS-DEIR avoids a true discussion of impacts due to wastewater. Further, the public and decisionmakers cannot tell from the RS-DEIR whether or not the wastewater flows will cause significant impacts to the sewer collection system because the RS-DEIR’s analysis of sewer line capacity is flawed.

Water Supply:

As aptly stated by Los Angeles Department of Water and Power’s (LADWP) CEO and general manager David Nahai, “There are no more rivers to tap or aqueducts to build from hundreds of miles away.” Given the finite water resources available; the state of emergency recently declared by the Governor; the 8-year drought described as “most critical drought in the State’s modern history”; groundwater contamination; the recent federal court decision curtailing water deliveries from northern California due to environmental factors in the Sacramento-San Joaquin Delta; the low Sierra Nevada snow-pack; and the impacts of global warming, the RS-DEIR is deficient for failing to address

the availability of water for the project both individually and cumulatively. For the Second District Court of Appeals has stated: “An environmental impact report for a housing development must contain a thorough analysis that reasonably informs the reader of the amount of water available.” (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 717.)

Methane and Methane Mitigation:

Methane is **not** addressed in the RS-DEIR – a mistake, considering that new evidence has arisen highlighting the inadequacy of methane gas mitigation measures described in the Final EIR of 2004. Evidence of methane gas entering existing buildings has been presented by members of the public to Building and Safety. In addition, the City Controller’s 2007 report found Playa Vista’s methane mitigation methods to be inadequate. Single-family dwellings in the development are not consistently required to have methane detection systems, and responsibility for the design, installation, and testing of detection systems in single family homes was not assigned.

Archaeology:

Archaeological preservation in place is defined by CEQA as the *preferred method* to reduce impacts to archaeological sites. Two archaeological sites located in the project area were eligible for the National Register for Historic Places. The RS-DEIR maintains preservation in place of these sites was not possible, but never adequately states why. Alternative designs to restore in place the archaeological sites are not fully described and are dismissed without adequate exploration of their potential. The possibility for replacement of Native American remains **in their original location** is not addressed, the preferred option as expressed by the Gabrielino Tongva in original project documents. The failure to address placing remains back in their original place is a violation of the Court of Appeal’s 2007 order.

Global Warming:

California’s interagency Climate Action Team (CAT) projected in March 2009 that if rising sea levels follow their current trajectory, the project area (as well as much of the surrounding coast line) may be under water by the end of the century¹. While no one can predict exactly when sea levels will rise to this height, the research summarized by the CAT indicates that a rise of between 1 and 1.4 meters not unlikely over this time period. Limiting coastal development in areas at risk from sea rise was one proposed strategy included in the report. With growing consensus on the effects of climate change, and state-led imperatives already initiated to deal with coastal decline, it is irresponsible to allow the development of Playa Vista’s Phase II.

¹ Margot Roosevelt, “California panel urges immediate action to protect against rising sea levels.” Los Angeles Times, March 12, 2009. <http://www.latimes.com/news/local/la-me-global-warming-searise12-2009mar12,0,2741152.story>

In summary, with such serious project deficiencies, breaches of City, State and Federal environmental and planning guidelines, and looming environmental realities, allowing Playa Vista's Phase II project to proceed would be highly irresponsible. In this era of increased threats to water supply, air quality, and open land, alternate uses for remaining open land need to be explored. More development in the last remaining section of open coastal land in the city will only hasten our community on the way to environmental failure.