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Los Angeles City Council
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APR 6, 2010
DEPUTY

RE: Agenda Item No. 7 on April 6, 2010 City Council Hearing, LA City File #10-0245,
CD 11 - Zone Change and Development Agreement for Proposed Playa Vista Phase 2
Development

Dear Councilmembers:

We are submitting a list of items that were promised on the Phase 1 portion of the Playa Vista project, but which items were never completed. We were asked to submit this list yesterday, so this list may not be exhaustive.

- 1) A methane mitigation monitor was supposed to exist who would oversee the methane mitigation system for the Playa Vista project. This mitigation was also promised to bond buyers in the Mello Roos Bonds issued by the City of LA.
- 2) There is no accountability on the safety of the methane systems. There continues to be no enforcement of the PUBLIC METHANE TASK FORCE- as approved in 2004. It would allow public and independent oversight and review to determine what does and doesn't work and how to change things.
- 3) There is no wildlife crossing for a very wide section of Lincoln Blvd. This was mandated in the Phase 1 EIR. There are enormous amounts of wildlife being killed currently in the Ballona State Ecological Reserve area. The current under-crossing is full of water and unusable for land animals. Also, if 24,000 more car trips are going to be approved for Phase 2, the developer should have to build culverts underneath Jefferson and Culver Blvds. west of Lincoln Blvd. to protect the wildlife.

Other Conditions not fulfilled according to Grassroots Coalition:

- 1) In the 2007 Controller's audit- the Controller (Laura Chick) stated that she could not vouch for the safety of the site and that the records were 'mush'. She found deep flaws in the entire process. Phase 1 has not had changes made or monitoring done that is required. Phase 2 promises appear worthless, when it is already known that the Phase 1 requirements have not been met.

- 2) There has been no mitigation monitoring for the most critical systems (50' vent wells) and none for the bulk of the systems. Until there is accountability there should be no further approvals for Playa Vista.
- 3) There has been no cumulative dewatering analysis of the site (Phase 1 & 2) that includes the methane dewatering and the NPDES dewatering (which in part includes the methane system dewatering needs) . The water is primarily being dumped into the sanitary sewer which is contrary to Phase 1 development agreements and city codes that must show there is -no feasible alternative- to dumping the waters into the sanitary sewer. Any waters dewatered are supposed to be cleansed at the surface and used onsite and used for 'beneficial purposes' - eg. reinjected into the underlying aquifers or used above ground level and put into the streambed/marsh.
- 4) The Streambed Agreement for the riparian corridor and marsh as mitigation measures. This is not occurring. Sanitation records that Grassroots Coalition has Public Record Act requested reveal that PV has not had permits to dump the methane dewatering into the sanitary sewer- they had been doing so illegally, using incomplete applications and no metering of volumes or testing of water quality. No further approvals should be given until there is accountability and adherence to past agreements.
- 5) Millions of cubic feet of oilfield gases are broiling up out of the so-called "freshwater marsh". Playa Capital was responsible for re-abandonment of the oil well-University City Syndicate which is in the immediate proximity of the broiling oilfield gases. University Syndicate has a long history of blow-outs and leakage. It leaked directly after PV did its reabandonment --several bags of cement were poured into the surface leak and the well has not been reinvestigated since the huge leakage started. Mellos Roos bond money paid for the reabandonment. PV continues to ignore the upwelling gases and at least- as of 4/3/10 - new areas of high volumes of uprising gases have been documented on the east side the major flow of gases.
- 6) The Phase 2 EIR does no cumulative analysis of these greenhouse gases that are coming out of PV's oversight of the marsh (Streambed Agreement/Development Agreement as part of Vesting Tract and Mitigation Monitoring Agreements) AND PV does no cumulative analysis of greenhouse gases being emitted through vent pipes of Playa Vista. There has been no discussion of mitigation via scrubbers or flaring of the PV channelized gases.
- 7) We request that the Dept. of Fish and Game weigh in on the failure of the City/Playa Capital LLC to abide by its development agreements and the Streambed Agreement. The City contacts can be provided upon request.
- 7) The City Council and Playa Capital have not enforced or properly implemented numerous mitigation and development agreements. This includes the Streambed Agreement. The waters for the streambed and marsh are supposed to come from

the remediated groundwater of Ballona and as such would be considered a beneficial use of the groundwater. The groundwaters of Ballona are primarily being sent into the Sanitary sewer system. The dewatering is occurring for both lowering the water table to keep the waters out of the methane gas intake pipes and for remediation purposes of the historic Howard Hughes contamination.

The deep 50' methane vent wells also need to be dewatered in order to function and this issue is part of an ongoing Court Appeal. The waters of Ballona are part of a non adjudicated basin thus, there has been no study to determine the volumes of water that can be withdrawn and still maintain the 'wetland system' that runs the entire southern length of Playa Vista and is mitigation for the site.

Regarding the State's role-

Photos have been previously submitted showing the only link (culvert) from Area D on the east side of Lincoln Blvd. to Area B on the west side of Lincoln. The deep water crossing does not fulfill as a wildlife crossing area that would protect the wildlife from traffic hazards. The watercrossing shown in the photos is the only crossing put in place by Playa Capital LLC.

Roadkills are plentiful. Heavy traffic is a constant threat and barrier to wildlife movement for the entire length of Playa Vista along Lincoln Blvd.

Phase 1 EIR Agreements:

Tract. No. 49104

Exhibit B-Certification of Environmental Impact Report and Adoption of Mitigation and Reporting Program

The Los Angeles City Council Hereby Finds and Resolves That:

pg. 2 C. Environmental Objective--To comply with the conditions...enhance the public acceptance and long-term investment value of its project, the applicant seeks as a basic environmental objective to create an ecologically sound development of the property at Playa Vista which implements a comprehensive program of resource protection, enhancement, conservation and reuse. The applicant proposes to create a freshwater wetland system, including a freshwater marsh and riparian corridor in such a manner as to enhance their habitat value, provide mitigation for the project, enhance the quality of water discharged from the project area into Santa Monica Bay, and increase the flood control capacity of the project area.

II. Project Objectives

p.18 Culverts under Lincoln Boulevard should be of sufficient size to permit wildlife movement between Areas B and D without risk of injury or death from traffic hazards.

And, regarding dewatering- one example- pg. 12 The proposed project's planned, on-going remediation of the known existing groundwater contamination in Area D and utilization of the resulting treated water for the beneficial use of supporting on-site wetland vegetation, would result in a beneficial impact on groundwater.

As cited above, there is an ongoing Court Appeal on Phase 1. That appeal also cites the City's and Playa Capital's failure to abide by mitigation measures of providing 'a plan for the beneficial use of any dewatering'. The current dewatering volumes are unknown since Playa Capital has been illegally discharging groundwater into the sanitary sewer without permits and without actual metering of the discharge and without water quality testing prior to discharge. Data- internal correspondence between the Dept. of Sanitation and Playa Capital- that provides source data for the above stated comment have been Public Record Act retrieved by Grassroots Coalition and is available for review.

The City of LA's General Plan calls for:

Section 6.1 Resource Conservation and Management..to protect the City's natural settings..

6.1 2b ..preserving habitat linkages where feasible, to provide wildlife corridors and to protect natural animal ranges."

6.1c. preserving natural viewsheds whenever possible in hillside and coastal areas.

Please help to provide accountability for both Phase 1 and 2 of Playa Vista. It is important to remember that since we have already lost over 95% of California's wetlands, and because the public has already spent millions of dollars to buy back this endangered habitat, it is more important now than ever to provide the best stewardship possible for the land and waters of California.

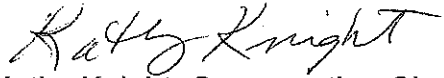
Submitted by Patricia McPherson- Grassroots Coalition

There are other matters that have not been carried out in the Phase 1 project, such as the fact that Phase 1 was promoted as a mixed use residential project. 24 parcels were supposed to be mixed use with the residences above the stores. It was supposed to be a self-contained residential project, but it never happened. They built only 2 mixed use residential developments, and the rest were straight residential. 1 has a pizza place below it. The project was supposed to reduce traffic impacts, be pedestrian friendly, and be a self-contained development plan. It was a major selling point for its approval. Also Phase 1 was supposed to be a totally "stand alone" project that did not need Phase 2. The City of LA argued this point in a CEQA suit in 1994.

Again, there may be more conditions not fulfilled from Phase 1 of Playa Vista, but these are the ones that come to our minds at this time.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Knight".

Kathy Knight, Conservation Chair
Sierra Club Airport Marina Group
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