

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 3/09/09		Item Number: <u>A-10</u>	
AGENDA ITEM: Discussion of the January 2009 Recirculated Sections of Draft Environmental Impact Report for the Proposed Village at Playa Vista and Direction to Staff.			
Contact Person/Dept.: John Rivera		Phone Number: 310.253.5616	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Public Notification: Posted on Culver City web page 03/06/09; Master Notification List 03/06/09.			
Department Approval: Charles D. Herbertson (03/06/09)		City Attorney Approval: Carol Schwab (by H. Baker) (03/06/09)	
Chief Financial Officer Approval: JF for Jeff Muir (03/06/09)		City Manager Approval: Jerry B. Fulwood (03/06/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council discuss the January 2009 recirculated sections of the Draft Environmental Impact Report (RS-DEIR) for the proposed Village at Playa Vista and direct staff as deemed appropriate. <u>BACKGROUND:</u> The City of Los Angeles (LA) approved the Playa Vista Phase 2 Project – Village at Playa Vista in 2004. Subsequently various entities filed judicial challenges to the project. On September 13, 2007, a State Appellate Court panel issued a ruling in two consolidated appeals. The Appellate Court ruling found in favor of LA's approval in some issues and on three specific issues found in favor of the appellant. These issues concern the project's Environmental Impact Report's (EIR) land use discussion, preservation-in-place of archaeological resources in the riparian corridor and the availability of wastewater treatment capacity in the LA system to handle anticipated wastewater from the project. In May 2008, the Los Angeles County Superior Court issued a Judgment on the Writ of Mandate (Judgment) that directed LA to vacate the project approvals and certification of the EIR and revise the analysis of the three specific areas discussed above (See RS-DEIR Appendicies). On July 9, 2008, the LA City Council complied with the Judgment by vacating the project approvals and the certification of the EIR, and directing the LA Department of Planning to revise the EIR in accordance with the Judgment. In January 2009, LA prepared and recirculated a RS-DEIR to address the three areas discussed above. In addition to the three areas discussed above, the RS-			
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DEIR also includes a discussion of the project's impacts regarding global climate change. While the Judgment did not require the climate change issue to be discussed, LA has included its analysis because the State has adopted new legislation since certification of the original EIR for the project, requiring responsible agencies to consider greenhouse gas emissions and climate change as part of the CEQA process.

The City received the RS-DEIR on February 5th for review. Los Angeles established a 45-day review and comment period that began on January 29th and ends on March 16th. City staff from Public Works, Planning, Transportation and the City Attorneys Office immediately commenced with review of the document.

Since 1985, the City Council has consistently reconfirmed that the City's position regarding the Playa Vista Project has been to ensure traffic and transportation impacts on the City from the Playa Vista project are mitigated, as opposed to seeking a fundamental challenge to the Project from land use, general environmental and planning perspectives. As such, the City has had in place formal agreements to ensure those impacts are mitigated. The original agreement was signed on October 15, 1993 and subsequently amended in 1995, 1996, 2002 and 2004, which collectively are the "Culver City Agreement" (Agreement). The last formal Council action related to the Playa Capital Company, LLC (PCC) and the Agreement occurred in open session on May 17, 2004, at which time the Council approved the Fourth Amendment to the Agreement approving a "Mitigation Program" to address "traffic, traffic related and transportation impacts" of the "Phase 2" project, the Village at Playa Vista. None of the issues addressed in the RS-DEIR deal specifically with the issues Culver City has historically determined were of issue, which are traffic, transportation and park use impacts. As such the RS-DEIR was not referred to the City Council for review when staff received it on February 5th.

DISCUSSION:

As discussed above, the Court Judgment is narrowly tailored to direct LA to only revise the EIR analysis in three specific areas, namely i) land use impacts; ii) discussion of the preservation-in-place for resources of an archeological nature; and ii) identification of the intended and likely measures to dispose of the project's wastewater and analysis of the environmental impacts of employing those measures to dispose of the wastewater generated by the project, including cumulative impacts to the Santa Monica Bay.

City staff reviewed the RS-DEIR analysis of land use impacts to ensure there were no traffic, transportation and park use related changes that might affect the City. The project's development proposal has not been changed and no new impacts

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were identified and are not anticipated by staff. Therefore staff has no recommended comments regarding this issue.

Staff reviewed the wastewater flow analysis to ensure that the City's Amalgamated Agreement with the LA for sewage treatment at the Hyperion Sewage Treatment Plant was not compromised. The project's development proposal has not been changed and no new impacts were identified and are not anticipated by staff. The project as analyzed in the RS-DEIR will not affect the City's Amalgamated Agreement with the LA for sewage treatment. Therefore staff has no recommended comments regarding this issue.

The archaeological resources issue was not reviewed in detail as the potential impact was considered to be localized to the project site.

Staff reviewed the global climate change discussion to determine if there was any new project information that would create any new impacts on the City. The RS-DEIR specifically references the Fourth Amendment to the Playa Vista Agreement and the transportation related mitigation included in the Agreement. The project's development proposal has not been changed and no new impacts were identified or are anticipated by staff. Therefore staff has no recommended comments regarding this issue.

FISCAL IMPACT

There is no direct fiscal impact to the City anticipated from the RS-DEIR, other than the staff cost of review of the document. Any project related impact costs are subject to the Fourth Amendment to the Playa Vista Agreement regarding the Village Project which was approved May 17, 2004. Pursuant to the amendment, the City would receive from PCC approximately \$8 million for traffic signalization and transportation improvements and funding for operation to implement mitigation measures in various areas of the City.

ATTACHMENTS:

1. CD of the January 2009 Recirculated Sections of Draft Environmental Impact Report for the Proposed Village at Playa Vista.

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MOTION:

That the City Council:

1. Discuss the January 2009 recirculated sections of the Draft Environmental Impact Report (RS-DEIR) for the proposed Village at Playa Vista;

AND

2. Determine that no response to the RS-DEIR is necessary;

OR

3. Direct staff to submit comments to the RS-DEIR as determined by Council;

OR

4. Provide other direction to staff as deemed appropriate.