

*ETINA, GRASSROOTS COALITION, et al., v. City of Los Angeles and Playa Capital Company (Playa Vista Phase One)* 2005 Cal. App. Unpub. LEXIS 9697

**TABLE OF ISSUES AND DISPOSITION**

	<b>ISSUE</b>	<b>Grassroots Coalition Argued</b>	<b>Playa &amp; City Attorney Argued</b>	<b>Court Decided in Favor for</b>
1	On June 12, 2001 did the City Council approve and adopt new methane mitigation measures (the PVMDPMP) for the Playa Vista Phase One development and direct City Departments to implement and enforce these new mitigation measures?	Yes: City’s “note and file” language was a subterfuge to avoid triggering CEQA review regarding Phase One’s environmental, health and safety impacts.	No: City only “noted and filed” the CLA Report on June 12, 2001 only for purposes of for Mello-Roos bonds approvals. Therefore, no CEQA review triggered.	<b>GRASSROOTS COALITION</b>  (Opinion, pages 7-8)
2	Did the City Council’s June 12, 2001 approval and adoption of the CLA Report and the PVMPDMP only done for Mello-Roos bond purposes?	No	Yes	<b>GRASSROOTS COALITION</b>  (Opinion, page 8)
	<b>ISSUE</b>	<b>Grassroots Coalition Argued</b>	<b>Playa &amp; City Attorney Argued</b>	<b>Court Decided in Favor for</b>
3	Was the City Council’s June 12, 2001 approval a discretionary act for CEQA purposes?	Yes	No	<b>GRASSROOTS COALITION</b>  (Opinion, p.8)

4	Is there substantial evidence in the record to support the City Council's implied CEQA finding that the PVMPDMP would reduce Phase One's impacts on methane gas to a level of insignificance?	No	Yes	<b>CITY and PLAYA</b>  (Opinion, pages 8-9)
5	Will the dewatering necessitated by the PVMPDMP potentially cause significant environmental effects so that City Council must decide whether an SEIR is required on that basis?	Yes: based on the Phase One EIR, the City placed a condition of approval on the Phase One development prohibiting permanent dewatering because studies showed that even short-term dewatering caused subsidence and toxic groundwater plume expansion at the site.	No	<b>GRASSROOTS COALITION</b>  (Opinion, p. 10-11)
6	Did Grassroots Coalition exhaust their administrative remedies before suing the City under CEQA?	Yes, they worked in good faith with the City as much as possible to address all issues before suing.	No, they didn't do enough and case should be thrown out on those grounds	<b>GRASSROOTS COALITION</b>  (Opinion, p.12)
	<b>ISSUE</b>	<b>Grassroots Coalition Argued</b>	<b>Playa &amp; City Attorney Argued</b>	<b>Court Decided in Favor for</b>
7	Did Grassroots Coalition sue within the CEQA-mandated time period?	Yes	No, and case should be thrown out on those grounds	<b>GRASSROOTS COALITION</b>  (Opinion, pages 12-13)

8	What does the City Council have to do now?	<ol style="list-style-type: none"> <li>1) Vacate the Phase One methane mitigation approvals.</li> <li>2) Comply with CEQA</li> <li>3) Re-approve the methane mitigation system</li> </ol>		<p><b>GRASSROOTS COALITION</b></p> <p>(Opinion, pages 11 and 13 )</p>
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