



Ballona Ecosystem Education Project's SAVE OUR BALLONA PARK BULLETIN

JANUARY 2003

**California Coastal Commission Hearing
SHOULD A SUPER-MAJOR HIGHWAY CUT OUR FUTURE STATE
PARK IN HALF? PLEASE COME TO THE PUBLIC HEARING ON
DOUBLING THE WIDTH OF LINCOLN BLVD. THROUGH THE
WETLANDS ON THURSDAY JANUARY 9TH, 9:00 A.M. (Agenda Item
10-B). Call 310-670-9000 for information on the day of the hearing.**

This is the first step in L.A. City's plan to widen Lincoln Blvd. to freeway width from LAX to Santa Monica. If we can stop it at Ballona, it will prevent the freeway-ization of the rest of Lincoln Blvd. With all the work done so far to save the wetlands on either side of Lincoln, we cannot allow even more tons of concrete to divide our park. **WHERE:** Radisson Hotel, in Westchester, at the corner of Sepulveda and Century Blvds. The full Coastal Commission Staff Report can be viewed at <http://www.coastal.ca.gov/lb/5-01-450.pdf>.



Photo of Lincoln Blvd. widening and Marina freeway wetlands threatened by highway projects

HERE'S THE GOOD NEWS AT BALLONA

By Rex Frankel, President, Ballona Ecosystem Education Project

We've been working hard in 2002:

OPEN SPACE PRESERVATION LAWSUITS

- Soon, three of four parcels originally scheduled for development by Playa Vista will be wildlife refuge and parkland. This represents two-thirds of the remaining wetlands and surrounding open spaces. We filed the first lawsuit against Playa Vista phase one in 1993, and while the courts would not stop the first 3300 condominiums and 3 million square feet of offices, since then we have built a coalition of over 100 groups to stand up to the development plans, convincing Playa Vista to sell much of their land and cut back development plans for the rest.(continued on next page)

- In fact, the financial backers of the Playa Vista development have lost \$100 million since 1989, or fully half of their investment, thanks to the “reality check” our coalition of environmental groups has heaped on them.
- Also, the owner of the Ballona Westbluffs, Catellus Corporation, is now a willing seller. Our lawsuits have prevented any development here for over three years.
- While we’ve kept the other side very busy in court, the Ballona wetlands have been restoring themselves naturally. Previously unsurveyed wetlands were found last year, becoming big obstacles to two major road projects needed by Playa Vista and other big developers. At one of these sites, we are the lead plaintiff suing the State Highway Department and the Coastal Commission to halt the building of a freeway in the wetlands, paid for with our tax dollars. At the other, the Lincoln Blvd. widening, we believe this project has numerous hurdles and may not be approved.

TOXICS AND POLLUTION

We contributed funds to the Grassroots Coalition to help in their campaign to distribute educational brochures to neighborhoods near this project about Playa Vista’s oilfield gas problems. We have learned from the developer’s own expert that the much-touted fix of Playa Vista’s methane problem, an underground vent pipe system, DOESN’T WORK, plugging up with wetlands mud! And as much as we hate the toxic mess from the old Hughes Aircraft factory, their investors hate it more. Since 1999, 2 different major investors have backed out of developing the 3 million square foot office complex in the east end of Playa Vista: DreamWorks Studios and Frank Gehry. For more information on Playa Vista’s toxics problems, see www.grassrootscoalition.org on the internet.

OUR OTHER ACTIONS

- We halted the Lee Group’s condominium project on the former train tracks and wetlands parallel to the Marina Freeway, convincing the Coastal Commission to also oppose the project, due to illegal destruction of wetlands. (And we didn’t have to file a lawsuit!)
- We beat the owners of the Howard Hughes Center in a “corporate welfare” lawsuit over a gift to them of \$5 million given by the L.A. City Council.
- We have spent much of 2002 working to halt the doubling of the width of Lincoln Blvd., which would pour many more tons of concrete between the two halves of soon-to-be Ballona State Park.
- We created an illustrated booklet with photos and descriptions of over 150 native plants found in the Ballona wetlands area. With this knowledge, we found more wetlands in the path of Playa Vista’s proposed roads.
- Finally, every month we help clean up and restore the wetlands and are designing plans to restore and reconnect the wetland parcels in cooperation with the Ballona Wetlands Land Trust.

TO ALL OF OUR SUPPORTERS: THANK YOU!!!

Your donations have made all of these accomplishments possible! Ballona Ecosystem Education Project is a charitable, IRS recognized tax-deductible non-profit corporation. Since we are a volunteer-run organization, donations go straight to pay our attorneys who are some of the best environmental defenders in Southern California. Your donations also pay for our office expenses and community outreach costs.

A big thanks goes out to our caring volunteers who helped with this issue: Kathy Knight, Leslie Purcell, Teri English and Jeanette Vosburg.

BALLONA WETLANDS AT RISK FROM MARINA FREEWAY EXTENSION

On July 10th, 2002, BEEP filed suit against the State's Transportation Department and Coastal Commission to halt destruction of 5 acres of wetlands in the 20-acre median of the Marina Freeway. This acreage is contained between the westbound and eastbound freeway lanes between Culver Blvd and Mindanao Way. Because extension of the Freeway is both a required mitigation for Playa Vista and re-development of the Marina with high-rises, this lawsuit is vitally important. The extension, which includes a new bridge over Culver Blvd., is specifically required to be constructed if Playa Vista is to build 3 million square feet of office complexes on the eastern end of their land, which is the former DreamWorks site. Taxpayers are being asked to pay over \$12 million for this mega-growth causing project.

In early 2002 BEEP surveyed the site of the bridge and discovered wetland plants and wildlife, including willow trees, reeds, cattails, salt bush, mulefat, seaside heliotrope and sand spurrey. Birds that use this site include great blue heron, barn swallows, Allen's hummingbirds, American goldfinches, northern mockingbirds, sparrows, mourning doves, and killdeer. After alerting the Coastal Commission of this find, their experts declared that some of this bridge site was a wetland. But because of the extremely dry winter of 2002, they decided the freeway extension was still OK. We disagree. It's our goal to reconnect these 20 acres of wetlands with the rest of the future state park. We've been assigned to Superior Court Judge Dzintra Janavs and are awaiting a court date.

BEEP and the Bluffs community are working together for a bluffs wildlife park! To get involved, call our hotline at 310-967-5920. Our website is www.savewestbluffs.org



Photo of Ballona Bluffs by Peg Pollino

THANKS!!! TO THE COASTAL COMMISSION STAFF FOR OPPOSING THE LINCOLN WIDENING PLAN

In unusually strong language, the staff of the California Coastal Commission in December agreed with us and recommended against approval of the State Highway department's plan to double the width of Lincoln Blvd, which runs through the future Ballona Wetlands State Park. Expansion of the road to freeway-width has been sought by large developers in the region as a way to bring thousands more motorists to their planned condominium and office projects using the public's tax dollars. On the other hand, we see the widening as the first, and most important step in plans to widen the road all the way from LAX to Santa Monica, (a plan originally approved by the L.A. City Council in 1985). This widening project, which so far only involves the narrow portion of Lincoln between Jefferson Blvd. and Fiji Way, has been scheduled to be heard by the Coastal Commission on Thursday January 9th, at its meeting at Westchester's Radisson Hotel, located at 6225 W. Century Blvd (at Sepulveda Blvd.).

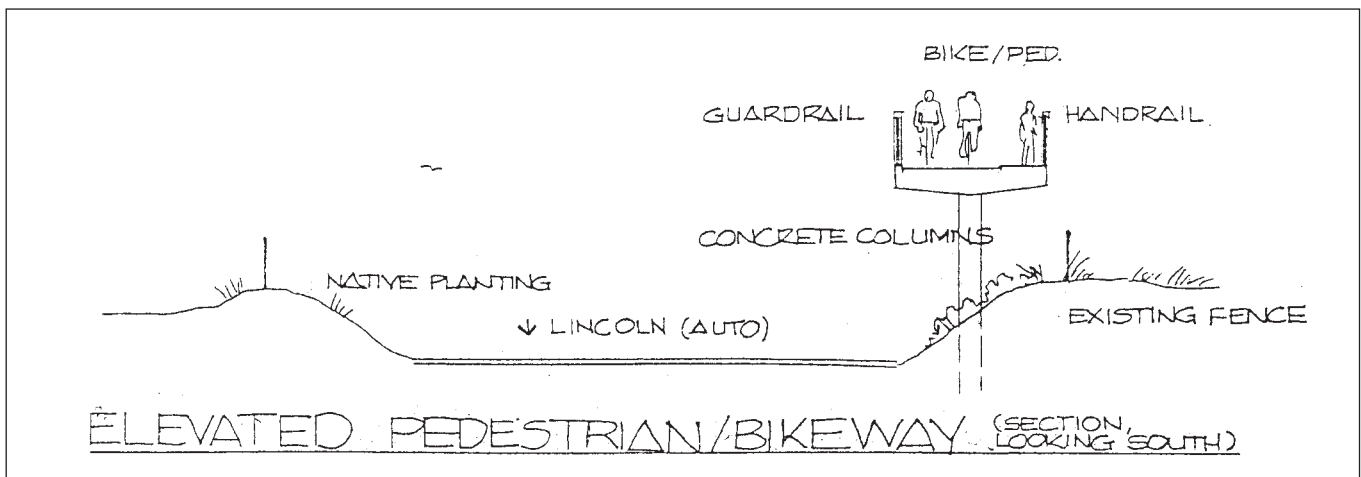
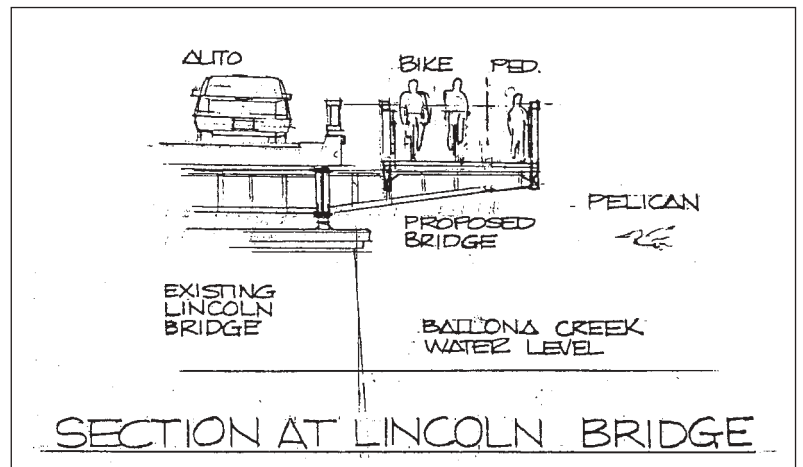
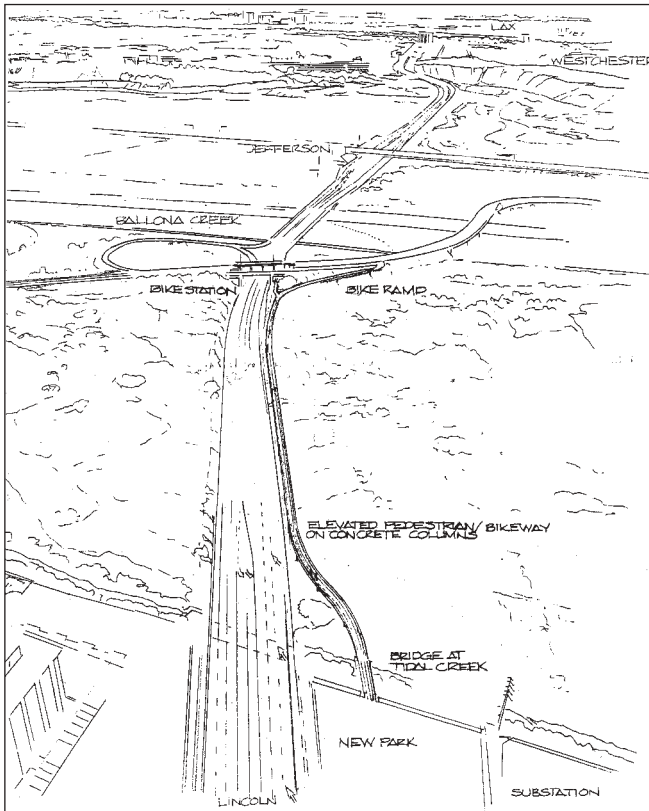
Approximately 50 feet of wetlands and wildlife habitat on both the east and the west side of the road would be paved or damaged. This includes parts of the current State owned land east of Lincoln, and the land west of Lincoln, which the State Parks department is negotiating to buy. A new four-lane bridge over Ballona Creek would be built, just east of the current bridge. Two art-deco platforms that originally supported the historic Pacific Electric railway would be demolished. The Culver Blvd. bridge over Lincoln would be replaced with a six-lane bridge, to accommodate future widening of Culver Blvd. from Playa del Rey to the 90 freeway.

As an alternative to widening the highway, BEEP along with the Ballona Wetlands Land Trust and the Coalition to Save the Marina have proposed the **"Safe and Green Lincoln Blvd. North Alternative Plan."** This plan proposes: no widening of the road, but instead a slight narrowing of lanes so one more lane can be added in each direction without the need to pour more concrete; and the construction of a system of two bike and pedestrian paths alongside Lincoln and Culver Blvds. which will ease and encourage access for the public to the future State Park, while eliminating the safety hazard for motorists who now share the narrow road with bikes and pedestrians. Future plans for restoration of this site should include bringing ocean water across Lincoln Blvd., a plan easily accommodated by an elevated bikepath, which would not interfere with a water system design. We believe this alternative is scientifically the best for the wetlands because linking wetlands and bringing more water to them is recognized as the best way to increase their biological productivity, both for plants, small animals and migratory birds.

In arguing against approving the project, the staff report cites these legal reasons:

1. Since more traffic can be handled by restriping traffic lanes to add an additional lane in each direction "...there is no immediate need to widen the road." This would smooth out a narrowed portion of the highway which is now 4 lanes wide, to a consistent 6 lane width with the rest of Lincoln Blvd. to the north and south of the Wetlands. Widening of the highway is unnecessary because the LAX expansion and the Playa Vista project east of Lincoln Blvd. have been scaled back, and the developers have also offered to sell the wetlands west of Lincoln Blvd. to the Parks Department and abandon development plans for those properties, too.
2. With the State Parks department negotiating to buy the wetlands west of Lincoln with funding from Proposition 50, approved in last month's election, a decision on whether to double the width of a major highway through the middle of this park should be postponed until the plans for restoring the wetlands and design of the park are considered, pursuant to California Coastal Act section 30240(b).

3. Construction of a second 4-lane bridge over Ballona Creek, a protected wetland, requires the pouring of concrete in Ballona Creek, which is illegal, and also requires a one-year closure of the Ballona Creek bike path, now used by hundreds of people daily. Both actions violate the California Coastal Act.
4. The remains of the Pacific Electric bridge could be re-used to construct a new pedestrian and bike path bridge to connect the two halves of the future State Park. The staff report states: "the decision of which of the existing structures should remain as part of a park is most appropriately made during the park planning process."



Lincoln Blvd Bike path engineering drawings by John Ulloth

WILL THE STATE OVERPAY FOR THE BALLONA WETLANDS?

In 1997, Playa Vista's owners, the Playa Capital Company, paid \$107 million for their 1000 acres. As part of their offer to sell everything west of Lincoln Blvd., (mostly undevelopable wetlands), they have quietly floated asking prices as high as \$135 million. And while the county tax assessor has valued the entire 1000 acres at \$135 million, the assessor only values the over 400 acres owned by Playa Vista west of Lincoln at \$22 million, because they know most of this could never be developed.

When Playa Capital (the Morgan-Stanley, Goldman Sachs investment partnership) became the new owners in 1997 after Robert Maguire lost control of the land to his lender, the County tax assessor raised the assessed value to around \$430 million. Because this would mean Playa Capital would have an annual tax bill of around \$4.3 million, they complained and got the value reduced. But while Playa Capital pleads poverty to the tax collector, that their land is low value, they can't also claim a super-high value when offering the land to the State Parks department. Which government agency are they lying to?

MORE LAND IS FOR SALE

While the best wildlife habitat is west of Lincoln Blvd., which we think will be bought very soon, another section east of the highway would be great to add if the cash is available. Basically, no one wants to invest in this site, which is the former-aircraft plant, because it will take at least 30 years to clean up the chemicals that were spilled into the ground water by Hughes Aircraft Company over the last 50 years. As far as we know, neither the chemical nor the methane gas seeps underground are bad for wildlife---just bad for investors. Last summer, Playa Vista's president Steven Soboroff told the L.A. Business Journal that the 100-acre ex-aircraft factory was worth around \$50 million.

If the State were to buy any land from Playa Vista, the price would have to be based on an appraisal that also considers the liabilities associated with the land, such as methane and hydrogen sulfide gas, and the spilled cancer-causing chemicals at the old aircraft plant. We don't believe they can really justify a value higher than the assessed valuation for their vacant land. In fact, it is in Playa Vista's interest to sell NOW. Environmental lawsuits have made it too costly and virtually impossible to develop the land. And every year, more of their land is reclaiming itself as wetlands, so more becomes undevelopable each year that they wait.

What only 15 years ago were agricultural fields and now are offered for sale at Ballona are slowly filling back up with wetland plants. This is important because under the Coastal Act, if land is covered with wetland plants, it IS a wetland, and so it can't be developed. Areas which the developer planned for condominiums, hotels and a yacht harbor are now filling back in with native low-lying ground-covering wetland plants such as: pickleweed, which looks like red and green strings of frankfurters; alkali heath, with pink flowers; alkali weed, with white flowers; seaside heliotrope, with white flowers that look like caterpillars; and sand spurrey, a pink flowering plant that resembles clover.

Even during the record dry winter of 2001-2002, these wetland plants did especially well, popping up in three notorious cases, in the path of road projects needed by the Playa Vista developer: the Lincoln Blvd. widening, Marina Freeway extension, and the Culver-Lincoln Loop road.

IN SUMMARY: As an issue of fairness, the fact is that Playa Capital only paid \$107 million for the land, and yet our City and State government is giving them over \$400 million in tax dollars, tax breaks, and tax-exempt housing and infrastructure bonds to help them build those architectural monstrosities at the corner of Lincoln and Jefferson. So for a fraction of what politicians are giving them to build it, we could buy it and make a great park out of it.

WHAT THE STATE IS ABOUT TO PURCHASE:

Everything that is undeveloped west of Lincoln Blvd., approximately 475 acres, (except for the bluffs) is what the State is about to purchase for the Park system. This includes areas of salt marsh, freshwater creeks, sand dunes and coastal uplands that are home to 200 types of birds including the endangered Belding's savannah sparrow and least tern. Native plants include pickleweed, frankenia, alkali weed, alkali mallow, salt bush, lupine, arroyo willow and cottonwood trees, mulefat, yerba mansa, horsetweed, salt grass, buckwheat, sand verbena, smartweed, rabbit's foot grass, seaside heliotrope, mugwort, coastal sage, coyote bush, laurel sumac and assorted wildflowers.

WHAT WE HAVE SAVED AT BALLONA

Parcel C, Saved in 2000, has been owned by the State since 1988 when it was turned over to the State by the estate of Howard Hughes instead of paying estate taxes. Playa Vista, however, had an option to buy this land until December 31st, 2000. Located east of Lincoln and north of Ballona Creek, Parcel C has all of the ingredients of a state park. It includes hiking trails, 3 Little League fields and parking, at least one Native American site, and one of the last remnants of Ballona Creek with direct access to ocean water. Wildlife experts have found rare animals such as California killifish, Belding's savannah sparrow, white-tailed kite, northern harrier, Cooper's hawk, California brown pelican, loggerhead shrike, red-tailed hawk, black phoebe, yellow-rumped warbler, accipiters, passerines, and peregrine falcon. Plants include the rare yellow-flowering Lewis' primrose and southern tarplant and other less rare, but ecologically valuable plants such as the white-flowering coastal sage, jimson weed, coyote bush, everlasting, and mulefat; the yellow-flowering deerweed and telegraph weed; the orange-flowering California poppy; the purple-flowering bush lupine; the pink-flowering frankenia; along with pickleweed and saltbush.

AFTER OUR VICTORY, ROUND TWO IN HUGHES CENTER BATTLE: BEEP SUES L.A. CITY FOR \$5 MILLION GIFT TO DEVELOPER

We are defending our August 2001 victory granted by the L.A. Superior Court before the Appeals Court in this case against the City of Los Angeles to halt the gift of \$5 million of public funds to a shopping center developer at the Howard Hughes Center in Westchester. This gift has already been ruled illegal by Superior Court Judge Dzintra Janavs. The forgiven fees are required to be paid by all large developers in this area to the City, which then spends the money to compensate for impacts caused to surrounding neighborhoods by large developments. The Hughes Center is one of the largest recent real estate developments on the westside of Los Angeles, and is built on filled-in wetlands in the flood plain of Centinela Creek. The Center consists of 5 office towers 10 stories and taller, and is located at the intersection of the 405 freeway and Sepulveda Blvd. The recently opened shopping center, the "Promenade", features theatres, restaurants, bars and stores and is estimated to add 15,000 cars a day to the local, gridlocked street system.

Because the City and developer are both appealing the judge's decision and trying to find another way to rip off taxpayers, we filed a second lawsuit. Along with the giveaway issue, the new complaint also alleges that the City has violated the California Environmental Quality Act because the City's latest action on July 2nd exempting the developer from the \$5 million in traffic impact fees also added 250,000 square feet of office space to the surrounding office project, without any analysis of the environmental impact of this huge addition to the project. The developers have argued that this addition to the size of the Hughes Center, along with the gift of \$5 million, is "insubstantial" or merely a "technical" change that should not be causing any controversy. Craig Sherman, our attorney, wrote in the complaint now before the court "Being that there is no new consideration or public benefit being provided by the City's July 2, 2002 action, once a tax becomes due and payable, a subsequent act of the legislature reducing the tax by reason of a change in the exemption, tax rate, or in any other manner is a gift of money prohibited under California Law and the State Constitution article 16, section 6."

GET INVOLVED IN BALLONA WETLANDS RESTORATION

For those that want to get involved in Ballona restoration, there is a cleanup and stewardship event every month on the second Saturday from 10 A.M. to 2 P.M which meets on the Ballona Creek bike path just east of Lincoln Blvd. on the 73 acre patch of the wetlands owned by the State of California. The next event is January 11th and parking is available at the Little League fields located on Culver Blvd. The cleanup is sponsored by the Ballona Wetlands Land Trust, and BEEP's president, Rex Frankel leads a wildflower walk most months.



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LINCOLN BOULEVARD WIDENING ALERT!!