

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 11/14/01
49th Day: waived
Staff: AJP-LB
Staff Report: 1/22/02
Hearing Date: 2/5-8/02
Commission Action:

**W 20c.**

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-PDR-01-442

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PDR-01-442

APPLICANT: Los Angeles World Airports

PROJECT LOCATION: South side of Waterview street and Napoleon Street, between Pershing Drive and Vista del Mar, Playa del Rey, City of Los Angeles

PROJECT DESCRIPTION: Installation of landscaping (including 60 palm trees), irrigation, pedestrian path, minor street realignment, curb and gutter, and fence relocation and/or replacement. The 30 palm trees previously installed along Rindge and at the corner of Rindge and Waterview will be removed, the other 60 palm trees previously installed along Waterview and Napoleon Streets will remain.

APPELLANTS: The Urban Wildlands Group, Inc.

RECORD PACKET COPY

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** as to conformity with Chapter 3 of the Coastal Act, because the project approved by the City is not consistent with Coastal Act policies regarding environmental resource protection and visual resources.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits: 5-86-217G (City of Los Angeles); 5-87-777 (City of Los Angeles); 5-88-1149 (City of Los Angeles); 5-92-131 (City of Los Angeles)

2. Commission staff report and findings for denial for Airport Dunes" Local Coastal Plan, November 12, 1987.

I. APPEAL PROCEDURES

Prior to certification of a local coastal program Section 30602 of the Coastal Act (Division 20 of the California Public Resources Code) allows any action by local government on a Coastal Development Permit application pursuant to Section 30600(b) to be appealed to the Commission. Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued Coastal Development Permits prior to certification of a LCP.

After a final local action on a Coastal Development Permit issued pursuant to section 30600(b) of the Coastal Act prior to certification of the LCP, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice, which contains all the required information, a twenty working day appeal period begins. During the appeal period, any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602). Section 30621 of the Coastal Act states that a hearing on the appeal must be scheduled for hearing within 49 days of the receipt of a valid appeal. The appeal and local action are analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act (Section 30625(b)(1)). If the Commission finds that a substantial issue does exist, the Commission holds a new public hearing to act on the Coastal Development Permit application as a de novo matter.

In this case, the City's Notice of Final Local Action was received on November 7, 2001. The twenty working day appeal period was commenced, ending on December 10, 2001. The South Coast District office received an appeal of the Local Coastal Development Permit during the appeal period, on November 14, 2001.

The Commission may also decide that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, in which case the action of the local government stands. Alternatively, if the Commission finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976, it will find that a substantial issue exists with the action of the local government. If the Commission finds substantial issue, then the hearing will be continued open and the application will be scheduled to be heard as a de novo permit request at the same or subsequent hearing. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

In this case, the project site is located partly within the dual, and partly within the single, permit jurisdiction area of the City of Los Angeles. The majority of the development, located between Pershing Drive and Vista del Mar, approved by the City is within the

single permit area. The portion of the approved development that lies within the dual permit area is located approximately midblock between Rindge Avenue and Vista del Mar (see Exhibit No. 4).

For the development that lies within the single permit area, unless the Commission finds a substantial issue, the local government's action will be final. For development within the dual area, even if the Coastal Commission finds the appeal to raise no substantial issue or approves the local permit *de novo*, a second permit will be required from the Commission under the requirements of section 30601, in addition to the Commission's action on this appeal.

II. APPELLANTS' CONTENTIONS

The City approval of the proposed development was appealed on November 14, 2001, by The Urban Wildlands Group, Inc. The appellant contends that the proposed development is not consistent with the resource protection policies of the Coastal Act.

The appeal by the The Urban Wildlands Group, Inc. contends that:

1. The project violates the provisions of Section 30240(a) and (b) by retroactively permitting the installation of 60 Washingtonia robusta palm trees and a walkway in and adjacent to an environmentally sensitive habitat area (ESHA), failing to condition use of irrigation to specified seasons, and failing to require local propagule sources for native plant landscaping.
2. The permit violates Section 30251 by failing to prohibit disruption of views along scenic coastal areas.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the conformity of the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to Public Resources Code Section 30625(b)(1).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PDR-01-442 raises **NO** substantial issue as to conformity with Chapter 3 of the Coastal Act.

A majority of the Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes to construct/ install landscaping, irrigation, a pedestrian path, minor street and curb realignment, replace and relocate existing chain link fence with a decorative fence, within an approximately 2.4 acre area along the northern perimeter (Waterview, Rindge and Napoleon Streets) of the 302-acre El Segundo dunes site, owned by the Los Angeles World Airport (LAWA) (See Exhibit No. 1, 2 and 3). The proposed landscaping includes native plant species and approximately 60 non-native palm trees (*Washingtonia robusta*). Thirty palm trees previously planted along Rindge Street will be removed.

Portions of the project were constructed prior to LAWA applying for a CDP. The applicant constructed the pedestrian path, and planted a total of 90 palm trees along Waterview, Rindge and Napoleon Streets, between Pershing Drive and Whitlock Avenue. As stated, 30 of the trees will be removed. In addition, the applicant removed and/or replaced curb and gutters; however, this work was within the road right-of-way and would be exempt from coastal permit requirements.

The El Segundo dunes, also known as the Airport Dunes, covers approximately 302 acres. As stated in the City's staff report, the area is a sensitive environmental area. The dunes is a remnant of a larger dune habitat area that once covered approximately 4.5 square miles of coastline, between Westchester south to the base of Palos Verdes peninsula and from the Pacific Ocean inland for approximately one-half mile (*El Segundo Blue Butterfly Draft Recovery Plan, September 1997*). The El Segundo dunes system was not disturbed until the turn of the Century. In the early 1900's, the City of Redondo Beach and the community of Venice were developed. Following residential construction, power plant construction, construction of a refinery and the Hyperion Wastewater Treatment Plant, only about 346 acres of the dune system was left, located directly north of Hyperion and west of Los Angeles airport.

Approximately 200 acres of the remaining dune area was developed with approximately 800 residences. Between 1966-1972, LAWA purchased all properties west of the airport and cleared all residential development from the area. The airport subsequently excavated and recontoured the easternmost strip, comprising 70% of the backdunes, to realign Pershing Drive. The backdune area was revegetated with coastal sage scrub, particularly the common buckwheat. By the late 1970's native revegetation had not occurred, and there were major extirpations of native biota on the site and, while patches of vegetation existed throughout the site, only about 40 acres of undisturbed habitat were left.

In December 1985, the Commission first considered the City's LCP for the Airport Dunes. The LCP included a proposal for a 27 hole golf course and recreation facility covering the majority of the 302 acre site. The Commission found that the dunes supported a wide variety of native dune flora and fauna, including a number of rare and/or endangered species. The Commission denied the plan, finding that the dunes were environmentally sensitive habitat under the Coastal Act, and that the golf course plan was not consistent with Section 30240 of the Coastal Act.

In March 1986, the Commission approved an Emergency Permit application (No. 5-86-217G) for interim habitat restoration for the El Segundo Butterfly, on three two-acre sites on the Airport Dunes. The permit included removal of non-native vegetation, revegetation with native plant species, and installation of a drip irrigation system.

In September 1987, the Commission approved a coastal development permit (CDP No. 5-88-777) to permanently authorize the emergency work, as well as additional habitat augmentation. The permit authorized habitat augmentation and restoration on three separate sites on the 302-acre parcel.

In 1990, the Commission approved CDP No. 5-90-1149 for interim restoration over an additional 46-acres, temporary sprinkler system on 9 acres, revegetation of 8 acres with native dune plants, and a maintenance and monitoring plan.

In May 1992, the City submitted a second LCP proposal that included a 200 acre nature preserve and a golf course covering approximately 100 acres in the northern portion of the property. The LCP proposal was deemed incomplete. Subsequently, the submittal was withdrawn.

In October 1992, the Commission approved a two-year work program for the restoration of 137 acres (CDP No. 5-92-131). The project involved removing non-native and some native vegetation, revegetation with native coastal dune plants, reintroducing native flora and fauna, expanding populations of existing on-site species with less than 100 members, and monitoring of all aspects of the interim restoration. The proposed project would complete the revegetation of almost all of the City designated 200-acre dune preserve area, with the exception of the subdivision road network. The permit did not include the remaining 100-acre area.

All restoration activity has occurred within an approximately 200-acre area located south of Sandpiper Street (see Exhibit No. 6). The remaining 100 acres, located north of Sandpiper, has not been restored.

B. DESCRIPTION OF LOCAL APPROVAL

The City Engineer approved CDP 00-05 in April 2001. The Engineers' decision was appealed to the Board of Public Works. On June 20, 2001, the Board approved the permit and denied the appeal. The approved coastal development permit (CDP No. 00-05) was for:

constructing/installing landscaping, irrigation, a pedestrian path, minor street realignment, and curb, gutter, and fence relocation and/or replacement adjacent to and immediately south of Waterview street and Napoleon Street, between Pershing Drive and Visa del mar. The 30 palm trees previously installed along Rindge and at the corner of Rindge and Waterview will be removed, but the other 60 palm trees will remain.

The permit was approved with one condition, which states:

The Project must use only species native to southern California coastal dunes in future plantings at the Project site.

Notice of the City's Board of Public Works' final action was received by the Coastal Commission's South Coast District office on November 7, 2001.

C. SUBSTANTIAL ISSUE ANALYSIS

Section 30602 of the Coastal Act states:

Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the commission, any person, including the applicant, or any two members of the commission to the commission.

Coastal Act Section 30625(b)(1) states that the Commission shall hear an appeal filed pursuant to subdivision (a) of Section 30602 (the pre-certification permit option) unless it determines:

(1) ... that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal of a locally issued coastal development permit unless it "finds that the appeal raises no substantial issue in accordance with the requirements of public resources code section 30625(b) and section 13115(a) and (c) of these regulations" (Cal. Code Regs., tit. 14, section 13321.) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City raises a substantial issue with regard to the appellants' contentions regarding coastal resources.

1. **Appellants' Contentions**

The contentions raised in the appeal present valid grounds for appeal in that they allege the project's inconsistency with the resource policies of the Coastal Act and the Commission finds that a substantial issue is raised.

Listed below are the appellant's contentions that address resources policies of the Coastal Act:

a. **Resource Protection**

The appellant contends that the project violates the provisions of Section 30240(a) and (b) by retroactively permitting the installation of 60 *Washingtonia robusta* palm trees and a walkway in and adjacent to an environmentally sensitive habitat area (ESHA), failing to condition use of irrigation to specified seasons, and failing to require local propagule sources for native plant landscaping.

Section 30240 of the Coastal Act states:

a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The El Segundo Dune (also known as Airport Dunes) property is physically divided into two areas by Sandpiper Street and perimeter fencing. The area south of Sandpiper consists of approximately 200 acres. All previous City restoration efforts within the El Segundo Dune property have occurred within this 200-acre area only. The dunes and El Segundo Blue Butterfly, that inhabit the area, have been protected since 1986 as part of an ongoing plan developed and operated by LAWA. The area also contains a 5 acre site for navigation equipment which is maintained and operated by the airport, with access from Pershing Drive, and an approximately 2 acre public park (Vista del Mar Park) off of Vista del Mar.

The approximately 100 acre area located north of Sandpiper has not experienced any restoration efforts from the time all residences were removed in the 1970's, under coastal development permit no.P-1-20-75-4657. The area is fenced along the entire perimeter, except along the northern portion of the property where the fence is set back approximately 50 feet from the adjacent streets. The 100 acre area contains the old streets, some residential foundations, and exotic landscaping. The applicant is proposing to plant 60 palm trees along with native vegetation, and install irrigation, a pathway, and new fencing, along the approximately 50 foot wide strip of land between the adjacent streets and the existing fence in the northern perimeter of this 100-acre area. The existing fencing will be removed and the new fencing will be installed in the same location.

Although significantly altered in the past by residential and other types of development, the 302-acre dune area supports a wide variety of native dune flora and fauna. As stated above, the entire 302 acre El Segundo dunes is considered an Environmentally Sensitive Habitat Area (ESHA). The Dunes provide habitat for the El Segundo Blue Butterfly, a federally listed endangered species endemic to the El Segundo Dunes, and many other rare species of insects, reptiles, mammals and plants that are endemic, rare, or of limited distribution. According to the El Segundo Blue Butterfly (ESB) Recovery Plan (approved and published by the U.S. Fish and Wildlife Service) the El Segundo Dunes supports a number of unique species, including: Lange's El Segundo Dune Weevil, Dorothy's El Segundo Dune Weevil, Belkin's Dune Tabanid Fly, Henne's Eucosman Moth, Busck's Gall Moth, and the Coastal Little Pocket Mouse.

LAWA maintains an El Segundo Blue Butterfly preserve that lies approximately half mile from the project site, within the 200 acre area located south of Sandpiper Street. The preserve occupies approximately 90% of the 200 acre area. According to the City's report on the CDP, LAWA continues to maintain the preserve and employs landscape personnel to eradicate nonnative species.

According to previous restoration reports and a biological study that was prepared for the Los Angeles International Airport Master Plan (January 2001), the northern 100 acres of the El

Segundo Dunes is disturbed area. The area has not been subject to any restoration efforts, and based on the biological study, does not have a high biological value.

However, the 100 acre area does support native dune flora and fauna. Furthermore, Commission's staff biologist, Dr. John Allen, states that although the area is segmented from the dune restoration area and has been degraded in the past, the 302 acre dune habitat is still connected and functions as a contiguous habitat and that the area should be protected.

Section 30107.5 of the Coastal Act defines Environmentally Sensitive Habitat Areas as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Coastal Act requires in Section 30240 that such areas be protected against disruption of these habitat values and the development in adjacent areas be compatible with the continuance of such areas.

The applicant is proposing to plant non-native palm trees (*Washingtonia robusta*), install irrigation and a pathway along a 20 to 30 foot wide area along the northern perimeter of the parcel. A condition of the City's permit requires that future planting be restricted to the use of southern California native dune plants.

The appellants argue that the use of non-native plants (palm trees) could adversely impact the ESHA on the project site as well as the adjacent restoration area. Furthermore, the City condition requiring the future use of southern California native dune plants, without requiring that the plants be from locally propagated sources, could also have an adverse impact on existing flora and fauna.

Although there are questions as to the potential impact *Washingtonia robusta* will have on the restoration area, which is located approximately 1,800 feet from the project area, the entire 302 acre airport property has been considered ESHA, and although the project site is degraded by human activity, including construction and demolition of residences, the area does support native flora and fauna. The planting of native invasive plants, such as the *Washingtonia robusta*, can compete and impact native plants and could be counter-productive to any landscaping effort with native plants.

Washingtonia robusta grows to a height of approximately 100 feet and propagates through seed dispersal. Although the seeds are rather large, and are not dispersed great distances by the wind, seeds could be dispersed within the proposed landscaped area as well as the adjacent area, and could easily be carried and dropped by birds and other animals within the designated ESHA, as well as the City's preserve. These future seedlings from the 60 new trees have the potential to adversely impact native flora and fauna through direct competition

for space and through the trees providing habitat for pest species that adversely impact the native habitat, such as the starling.

The City argues that *Washingtonia robusta* can be found throughout the area, including within the Dunes area, adjacent neighborhood, public beach, and the 1-acre public park (Vista del Mar Park), and despite its presence in and around the El Segundo Dunes, there has not been a problem with *Washingtonia robusta* spreading into the dunes area. Furthermore, the City indicates that LAWA employs full-time landscaping personnel to eradicate non-native species at the preserve.

Although *Washingtonia robusta* is abundant in the area, the planting of additional trees along the perimeter of the El Segundo Dunes area will reduce the buffer area between the residential community and their exotic plants, and the dunes. Furthermore, the additional trees will significantly increase the number of seeds being deposited in the area which could create problems with any eradication and restoration efforts.

Therefore, because the area is located within an ESHA and is relatively close to the portion of the dunes that has been restored, the Coastal Act requires that the area be protected against disruption of habitat values and that the development is designed to prevent impacts to the surrounding area and be compatible with the continuance of those habitat areas. The planting of *Washingtonia robusta* will have an adverse impact on the ESHA and is not compatible with the surrounding ESHA.

Furthermore, In or adjacent to environmentally sensitive areas, the Commission has consistently required that landscaping be done with native non-invasive plants that will not compete with adjacent native plants, and if feasible, planting has been required to be done through the use of a local seed sources to ensure species compatibility. Although the City's permit requires the use of native plants, it does not specify type of plants or source of plants.

Finally, as stated by the appellants, irrigation can also have an adverse impact on the habitat. In the LAWA Master Plan biological report, prepared by Sapphos Environmental, January 2001, it also states that irrigation tends to encourage the growth of non-native plants. Moreover, according to the appellant and other sources, water sources promote population increases of non-native Argentine ants, European earwigs, and other exotic species, which compete and displace native insect species. Increases in exotic species populations can cause these species to encroach further into the El Segundo Dunes.

The applicant has indicated that although the irrigation was initially intended to be permanent, due to concerns raised, irrigation will be done through temporary drip irrigation. Although the applicant has indicated that irrigation will be temporary, and the issue of irrigation is addressed in the City's report, the City's permit does not restrict irrigation to any specific method. Therefore, without the permit being conditioned to restrict the type of irrigation, there exists the potential for permanent irrigation to be installed.

Therefore, the appellant's contention does raise a substantial issue with respect to Chapter 3 policies of the Coastal Act.

b. Visual Resources

The appellant contends that the project violates Section 30251 by failing to prohibit disruption of views along scenic coastal areas.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject property was once developed with residences, and currently contains remnants of the former neighborhood, such as, foundations, streets, driveways, and some exotic plants, including *Washingtonia robusta*. Where concrete or asphalt does not cover the ground, ruderal grasses cover the area. Immediately north of the subject property, is a developed residential neighborhood. The adjacent neighborhood is developed with single-family residences, ornamental landscaping within the yard areas, and a small public landscaped park. A number of residences in the immediate area, including the public park, contain *Washingtonia robusta* as part of their landscaping.

From the northeast corner of the property, Pershing Drive and Waterview Street, the property gradually ascends along Waterview Street, approximately 40 to 55 feet to Rindge Street. From Rindge Street, the property begins to descend approximately 120 feet to Vista del Mar, which runs parallel to the beach and is approximately 30 feet above the inland extent of the sandy beach.

Coastal views are limited along the project site. Along Waterview Street, from Pershing Drive to Rindge Street, views of the beach and ocean are blocked by the sloping vacant airport property to the south and the residential neighborhood to the north. Views of the beach and ocean become available, directly to the west and south, near the intersection of Rindge and Waterview Streets, and down Napoleon Street to its intersection with Vista Del Mar.

According to the City's staff report for the CDP, the project will restore and enhance visual quality in a degraded area and, since *Washingtonia robusta* is found throughout the area, the landscaping will be visually compatible with the surrounding area.

Although the palm trees may be visually compatible with the surrounding area due to the number of existing similar trees located throughout the surrounding area, high concentrations and grouping of trees within a confined area, could adversely impact public views to the beach and ocean horizon from the adjacent public streets. Although the trunks of the palm trees are slim, massing of the trees within a line of sight could create a visual barrier and interfere with public views from the public streets where views are currently available.

The City acknowledges in the staff report that a grouping of trees near the corner of Waterview and Rindge may affect views from adjacent homes. Although impact to views from adjacent homes is not a Coastal Act issue, the City's statement indicates that such trees could have an adverse impact on public views from the adjacent public street if improperly sited. Therefore, the appellant's contention does raise a substantial issue with respect to Chapter 3 polices of the Coastal Act.

Conclusion

The Commission finds that substantial issues exist with respect to the approved project's conformance with the environmentally sensitive habitat and visual resource protection policies of the Coastal Act. Therefore, appeal No. A-5-PDR-01-442 raises a substantial issue with respect to the grounds on which the appeal has been filed.

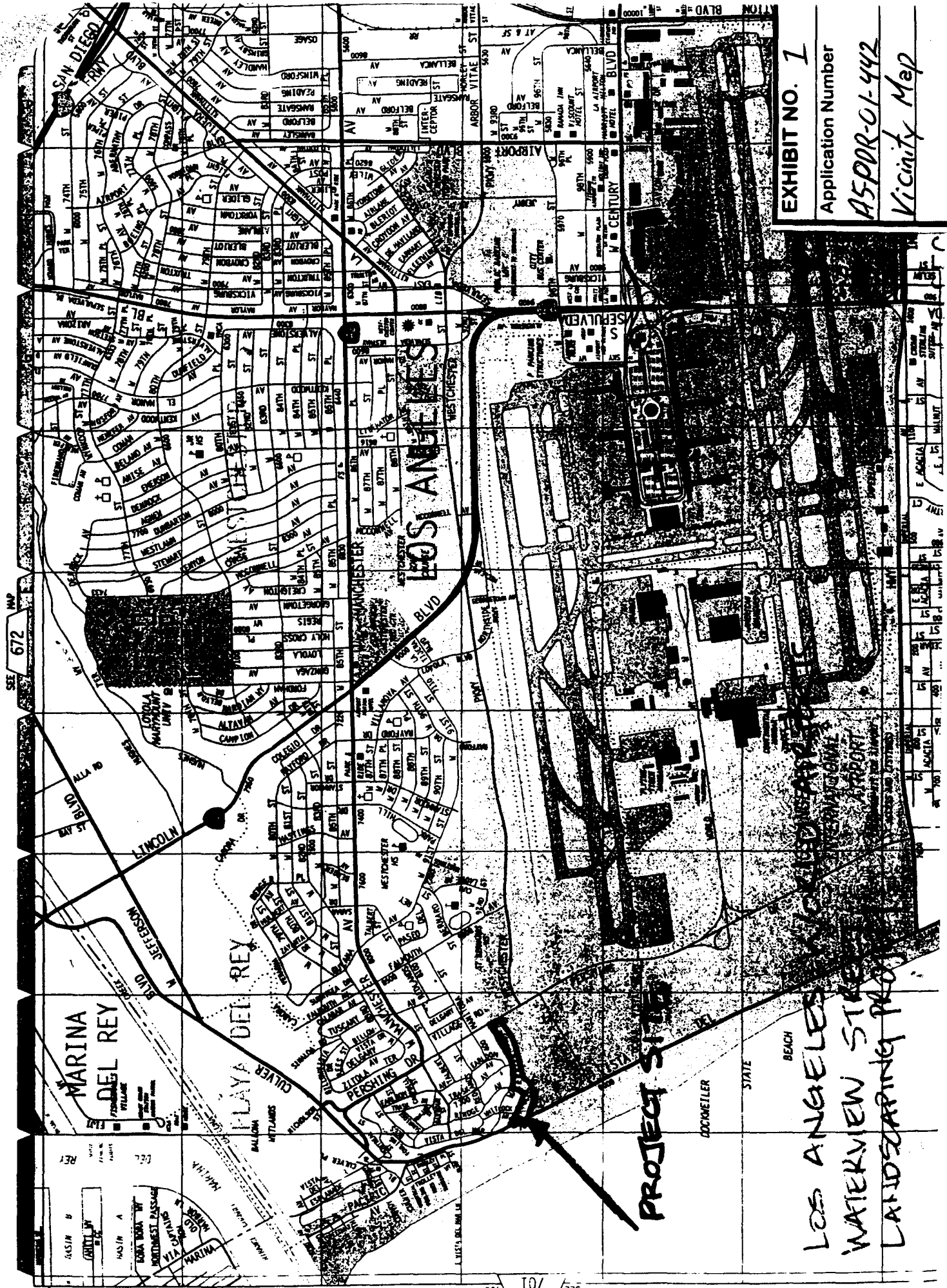


EXHIBIT NO. 1
 Application Number
ASPPR-01-442
Vicinity Map

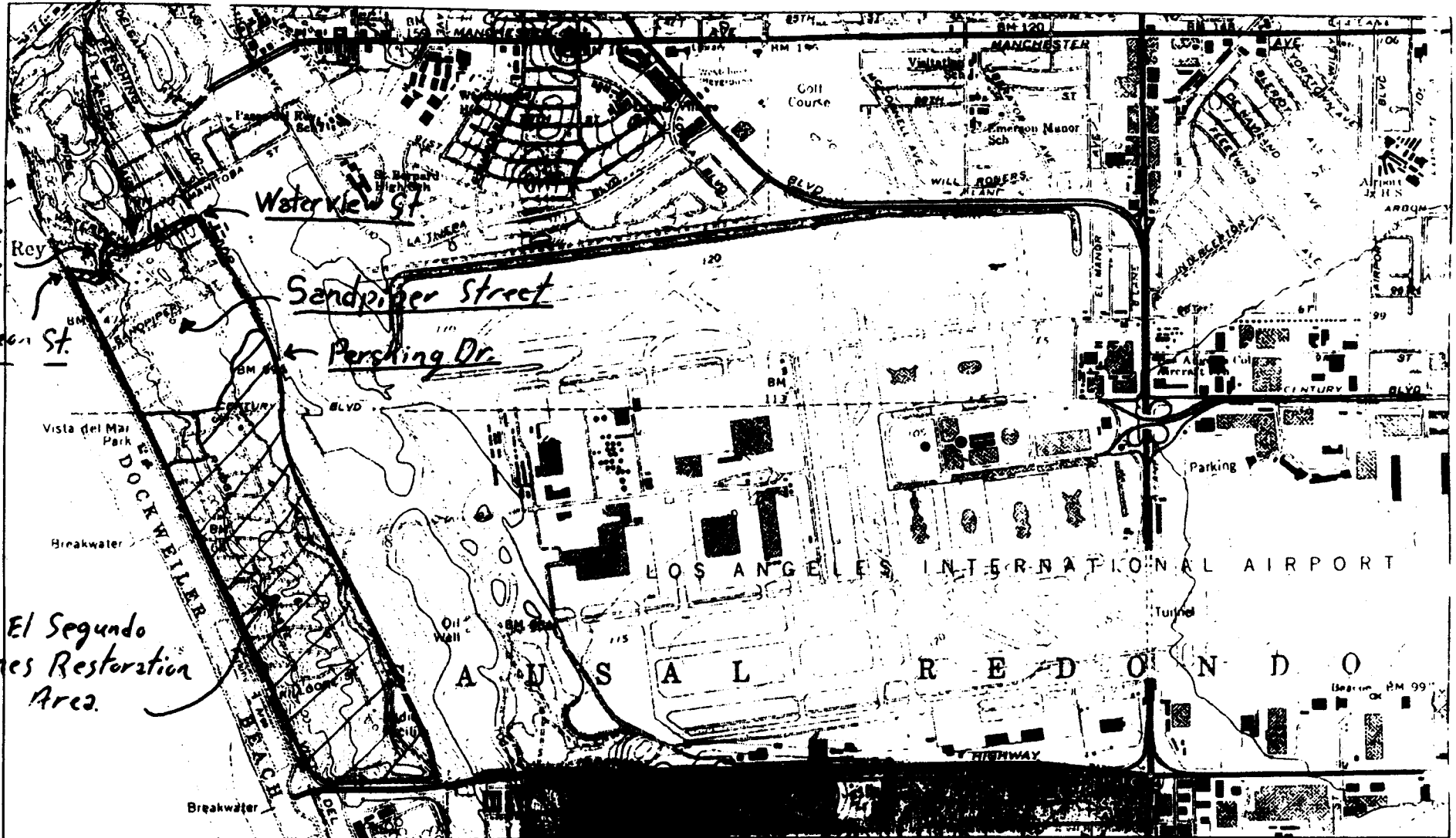
SEE MAP 672

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PROJECT SITE

LOS ANGELES
 WATERVIEW STREET
 LANDSCAPING PROJECT

Project Location



LEGEND

—— Los Angeles/El Segundo Dunes

EXHIBIT NO. 2

Application Number
A5-PDR-01-442

Location Map 1
Airport Property
California Coastal Commission



Scale = 1" = 200'

ATTACHMENT 2
Topographic Map: Project Vicinity

4117

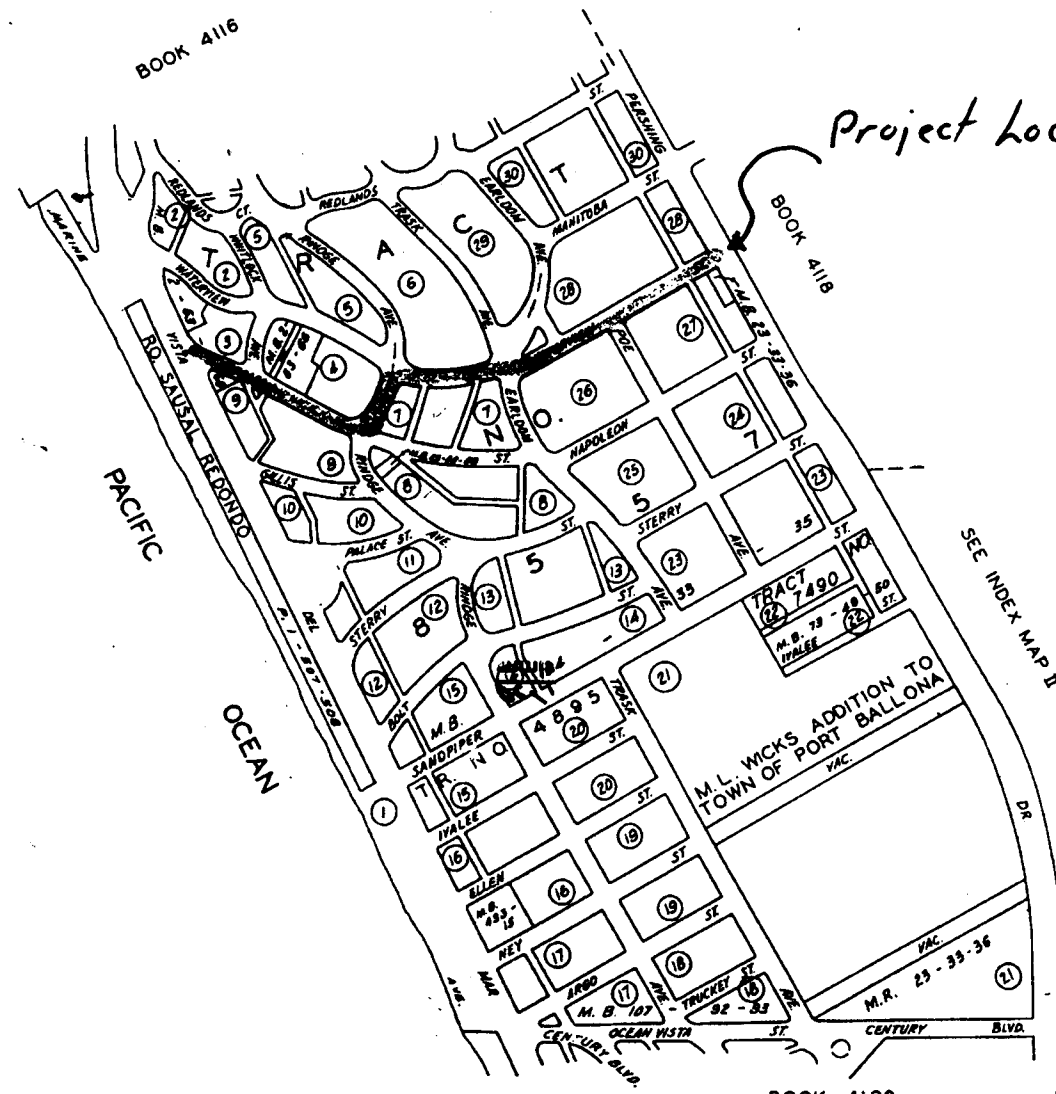
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SCALE 1" = 400'

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8194
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INDEX - 4117

SCALE 1 IN. = 400 FT.



Project Location

EXHIBIT NO.	3
Application Number	195-PDR-01-442
	Parcel Map
California Coastal Commission	

CITY OF LOS ANGELES
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

(AREA)

TRACT NO 748

Dual and Single
Perm. + Jurisdiction
Line

... Dual Jurisdiction Line

EXHIBIT NO.	4
Application Number	A5-PDR-01-442
Dual and Single Perm. Jurisdiction Line	
California Coastal Commission	

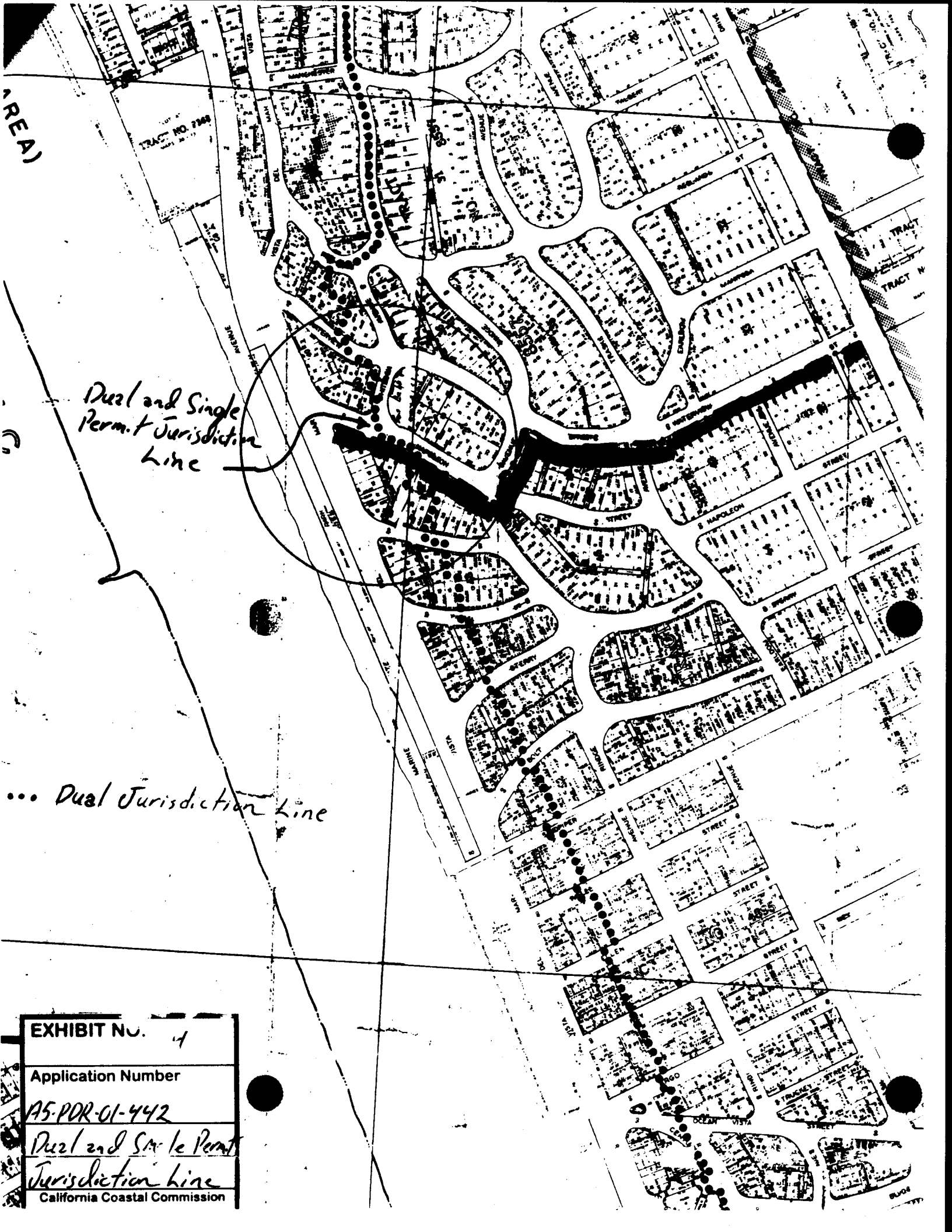
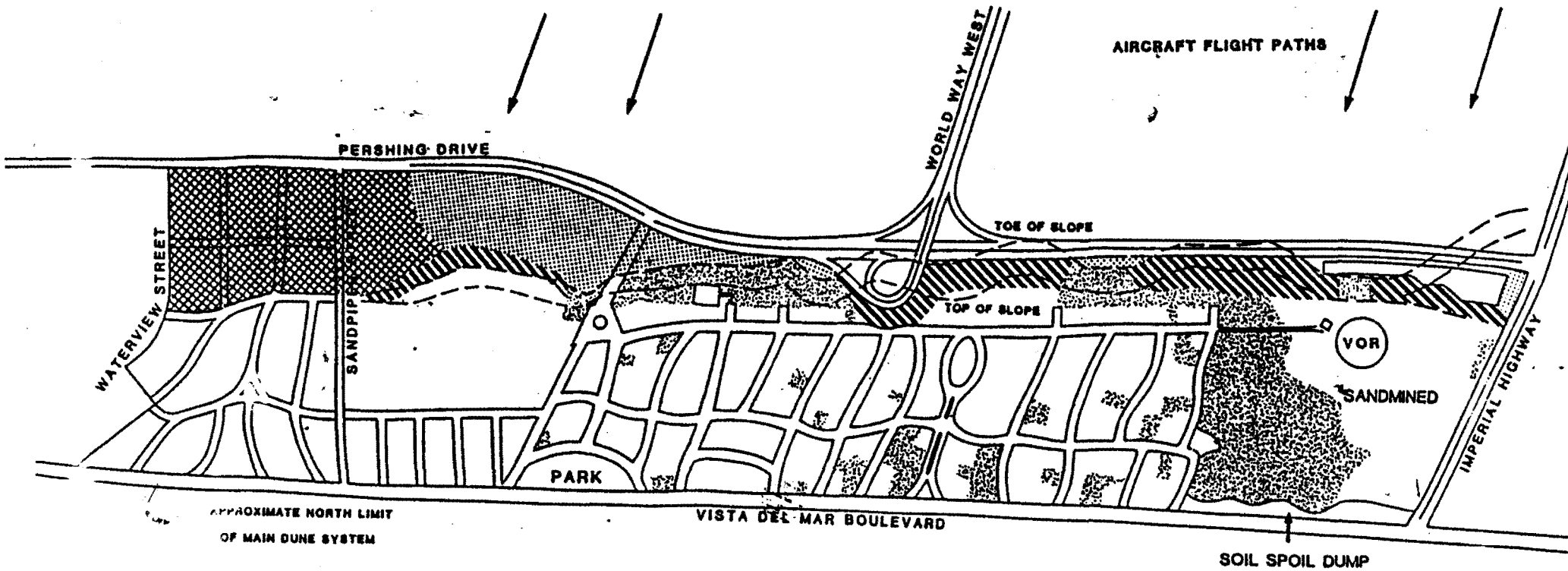








Figure 5.
Recent history of land use at the LAX El Segundo sand dunes. The land use pattern correlates with disturbance and hence habitat value. A similar map is superimposed on subsite designations, Figure 9.



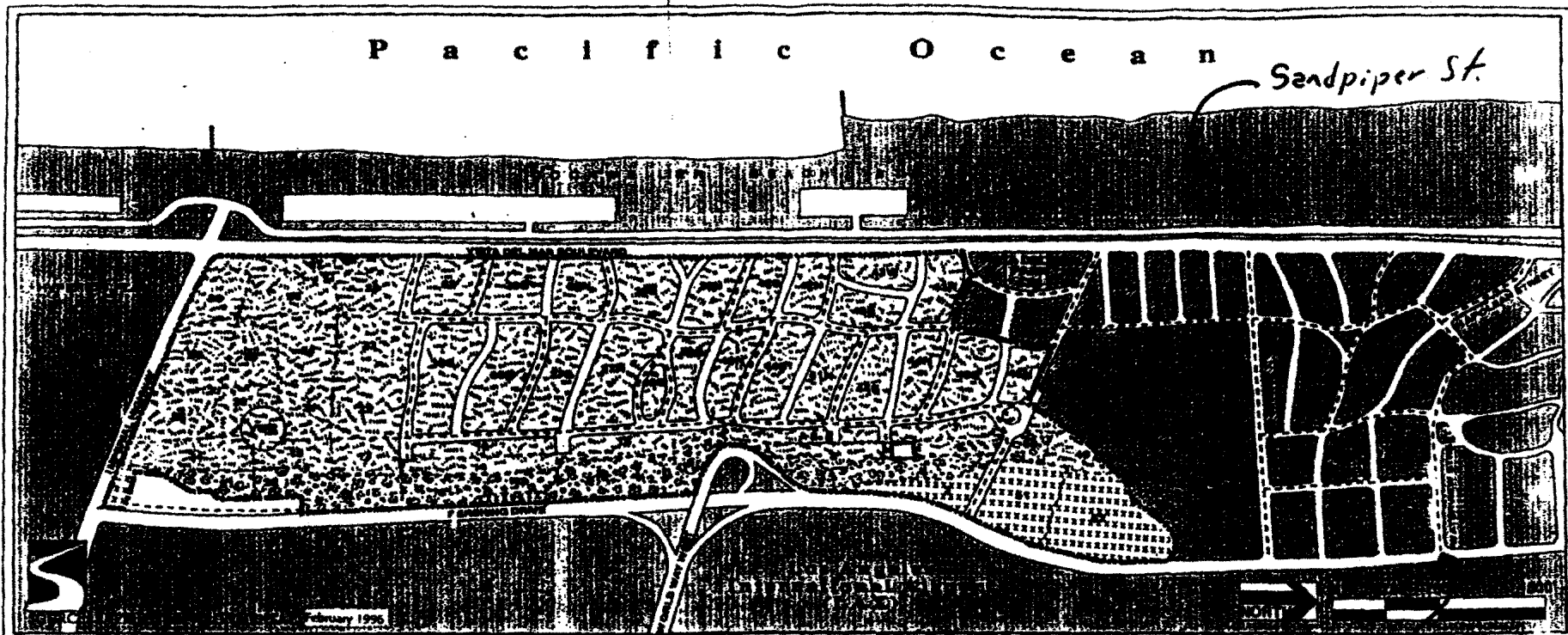
LEGEND

	Areas never disturbed by actual building construction or other moving activity. From aerial photos (1966-1967) and field checks. Backdune 9 Acres, 3.6 Hectares. Foredune, 30 Ac., 12 Ha. Misc. lots 4 Ac., 1.6 Ha. Total contiguous 39 Ac., 15.6 Ha.		Backdune created by excavation and recontouring. 872.18 Ac., 7.3 Ha.		Native dune slack meadow. Pre-landfill sandstone base 0-60 cm depth, scraped in 1970's. 24 Ac., 9.7 Ha.
	Approximate historical extent of the east facing native backslope		Non-dune area, sandy loam soil, weedy grassland. 25 Ac., 10.1 Ha.		Area disturbed by homes, streets or sandmining. 82 Ac., 77.8 Ha.













0 600'

EXHIBIT NO. 5
Application Number
175-PDR-01-442
Historical Land
Use & Dune Area
California Coastal Commission



LEGEND

- | | | | | | |
|---|--|---|------------------------------|---|-----------------------|
|  | Reserve Boundary |  | Southern Fore-dune |  | Disturbed Former Dune |
|  | Subsite |  | Southern Dune Scrub |  | Disturbed |
|  | Remote Communications Site |  | Valley Needlegrass Grassland | | |
|  | Very High Omni Range Navigation Beacon | | | | |
|  | Trailer | | | | |

Project Location

Figure . Plant Communities of the LAX/EI Segundo Dunes

EXHIBIT NO. **C**

Application Number

A-5-PDR-01-442

Restoration Area

VALERIE LYNNE SHAW
PRESIDENT
ELLEN STEIN
VICE-PRESIDENT
MARIBEL MARIN
PRESIDENT PRO-TEM
STEVEN CARMONA
WOODY FLEMING

JAMES A. GIBSON
SECRETARY



JAMES K. HAHN
MAYOR

EXHIBIT NO. 7
Application Number A-5 PDR-01-442
City CDP and Staff Report
California Coastal Commission

COASTAL DEVELOPMENT PERMIT

(Under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public () Private

APPLICATION NUMBER: 00-05

Applicant: Los Angeles World Airports (LAWA)

Project Location: Council District: 6
Community: Westchester-Playa del Rey Community Plan Area
Engineering District: West Los Angeles

DEVELOPMENT DESCRIPTION: Waterview Street Landscaping Project. To enhance the aesthetic character of the airport border by constructing/installing landscaping, irrigation, a pedestrian path, minor street realignment, and curb, gutter, and fence relocation and/or replacement adjacent to and immediately south of Waterview Street and Napoleon Street, between Pershing Drive and Vista del Mar. The 30 palm trees previously installed along Rindge and at the corner of Rindge and Waterview will be removed, but the other 60 palm trees will remain.

- I. **FINDINGS:** In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:
- A. Whereas the Project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone and, moreover, the Project's proposed improvements will improve pedestrian access to coastal resources and will not affect vehicular traffic flow, the improvements are in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).
 - B. That, whereas the Project's proposed improvements are in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976 and will not significantly affect the marine environment, land resources, or industrial development, subject to the condition outlined in Section II, Part 4, Land Resources, of the Staff Report, the improvements are in conformity with Chapter 3 of the California Coastal Act of 1976.
 - C. That, whereas the Project's proposed improvements are in conformity with Chapter 3 of the California Coastal Act of 1976 and the Project's proposed improvements are in conformity with the Westchester-Playa del Rey Community Plan, the Coastal Transportation Corridor Specific Plan, and the Los Angeles Airport/El Segundo Dunes Specific Plan, and therefore the improvements will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Plan that is in conformity with California Coastal Act of 1976.
 - D. That, as evidenced in the staff report on the Project's proposed improvements, the Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977.

ADDRESS ALL COMMUNICATIONS TO THE CITY ENGINEER

and subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.

E. That, as evidenced in the staff report on this project, the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to § 30625(c) of the Public Resources Code.

F. That, whereas the City of Los Angeles Board of Airport Commissioners determined that the Project is exempt from CEQA as provided by Article VII, Class 11(8) of the Los Angeles City CEQA Guidelines, there are no additional mitigation measures required by the California Environmental Quality Act in connection with the approval of this permit.

II. Pursuant to a public hearing held on June 20, 2001, by the Board of Public Works Commissioners, permit application number 00-05 was approved.

III. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

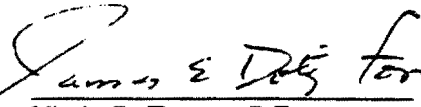
IV. This permit shall not become effective until the expiration of twenty (20) working days after a COPY of this permit has been received by the California Coastal Commission, upon which all permittee(s) or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within ten (10) working days following issuance of the permit, but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the executive director shall not accept any application for the extension of the permit.

V. Work authorized by this permit must commence within two (2) years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VI. This permit is subject to the following condition:

A. The Project must use only species native to southern California coastal dunes in future plantings at the Project site.

VII. Issued November 2, 2001, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.

By: 
Vitaly B. Troyan, P.E.
City Engineer

VII. I, _____, permittee/agent, hereby acknowledge receipt of permit number 00-05 and have accepted its contents.

Signature

Date

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VITALY B. TROYAN, P.E.
CITY ENGINEER

650 SOUTH SPRING ST., SUITE 200
LOS ANGELES, CA 90014-1911

COASTAL DEVELOPMENT PERMIT APPLICATION NO. 00-05
FINAL
STAFF REPORT

(Under authority of the California Coastal Act, California Public Resources Code § 30600(b),
and Los Angeles City Municipal Code, Chapter 1, Article 2, § 12.20.2)

I. SUMMARY

Project Title: WATERVIEW STREET
LANDSCAPING PROJECT

Applicant: Los Angeles World Airports
(LAWA)

Project Location:

Council District: 6

Community: Westchester-Playa del Rey

Engineering
District: West Los Angeles

Project Description:

To complete the Waterview Street Landscaping Project (the Project), LAWA seeks a Coastal Development Permit (CDP) to construct and/or install landscaping, irrigation, a pedestrian path, minor street realignment, replacement of an existing chain-link fence with an ornamental fence, and curb and gutter relocation and/or replacement. The Project site is adjacent to and immediately south of Waterview Street and Napoleon Street, between Pershing Drive and Vista del Mar, as shown in Figure 1. LAWA reports that the

Project's purpose is to enhance the aesthetic character of the airport border.

Portions of the Project were implemented before LAWA applied for a CDP. In the 1970s, LAWA acquired and demolished more than 800 homes in the area south of Waterview Street and Napoleon Street. Remnants of the former development remain, including paved streets (with curbs and gutters), building foundations, and some landscaping elements. Before LAWA applied for a CDP, LAWA completed construction of the pedestrian path and minor street realignment. Also, portions of the curb and gutter were removed and/or replaced. LAWA installed mature palm trees, *Washingtonia robusta*, in accordance with plans approved by the City of Los Angeles Board of Airport Commissioners. The remaining ornamental fence installation, landscaping, and irrigation work stopped pending CDP approval. Figure 2 illustrates work completed to date.

The improvements are within the City's authority—specifically, the City Engineer's authority—to issue a CDP as detailed by California Public Resources Code (PRC) § 30600 *et seq.* and Los Angeles City Municipal Code (LACMC) § 12.20.2 *et seq.*

Project Cost: Approximately \$841,000



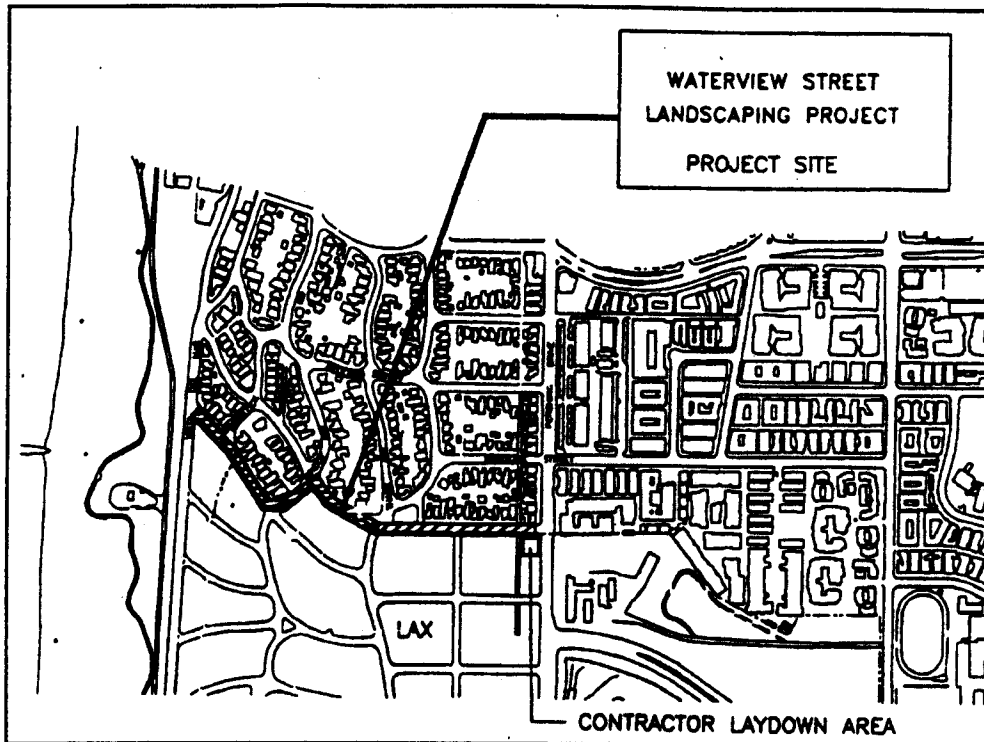


Figure 1. Site location map.

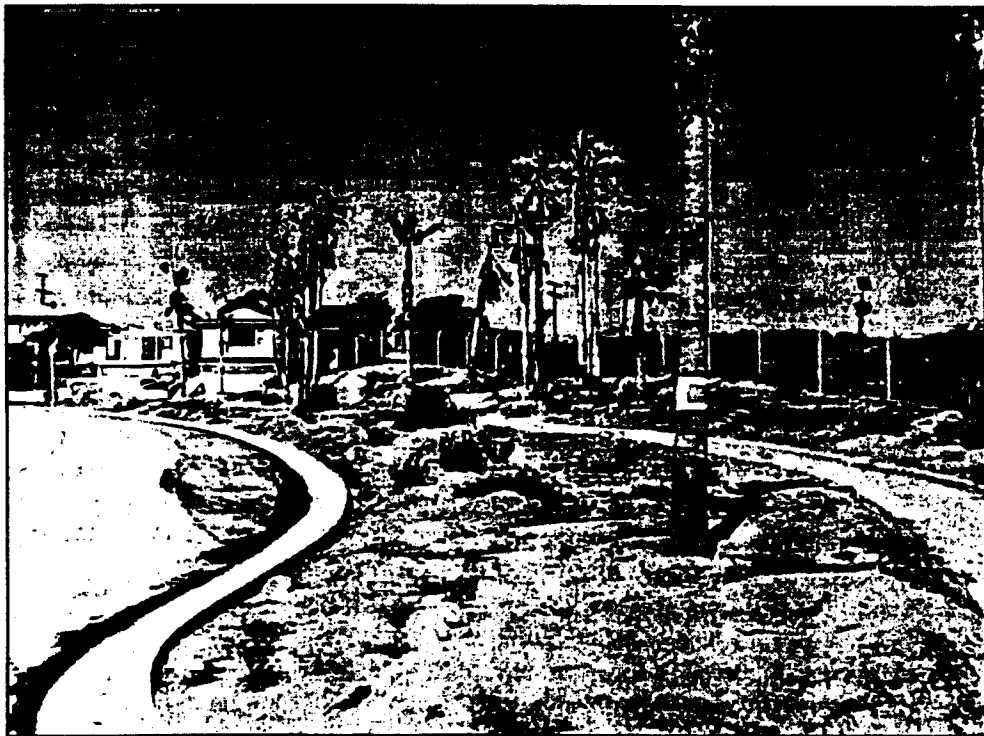


Figure 2. Photograph illustrating work completed to date.

Applicable Permits, Permissions, and Approvals:

California Environmental Quality Act: Via two resolutions, the City of Los Angeles Board of Airport Commissioners determined that the project is exempt from the California Environmental Quality Act (CEQA). The first, Resolution Number 20689, adopted June 15, 1999, did not reference any authority for exemption. The second, Resolution Number 20844, adopted November 16, 1999, determined that the project is exempt from CEQA as provided by Article VII, Class 11(8) of the Los Angeles City CEQA Guidelines. This class of exemption includes "[a]uthorizations by the Department of Airports [now LAWA] for the installation, maintenance, relocation, replacement, and/or removal of . . . fencing; . . . landscaping; . . . paving; [and] drainage system facilities . . . accessory to the use of existing or approved airport structures, facilities, or operations, and involv[ing] negligible or no expansion of airport operations."

National Environmental Policy Act: Not applicable.

Other: No other approvals reported by LAWA.

Does the Waterview Street Landscaping Project that would be authorized by this permit conform to the relevant adopted Community Plans?: Yes.

Plan Title: Westchester-Playa del Rey Community Plan; Coastal Transportation Corridor Specific Plan; and Los Angeles Airport/El Segundo Dunes Specific Plan.

In addition to being in the Westchester-Playa del Rey Community Plan area, the Project is in or borders on two specific plan areas. The Westchester-Playa del Rey Community Plan and the Coastal Transportation Corridor Specific Plan identify the area north of Waterview Street and Napoleon Street as low-density, single-family residential. The Project, as planned, is consistent with single-family residential development. As LAWA suggests, the Project will likely "enhance [the] aesthetic character of [the] airport border." As such, it will create a visual transition between landscaped areas of the residential community and the degraded dune areas south of the streets. Other sections below detail additional benefits to the residential community.

The Project is also consistent with the current Los Angeles Airport/El Segundo Dunes Specific Plan. According to that plan, LAWA dedicated approximately 100 acres south of Waterview and Napoleon Streets, between Pershing Drive and Vista del Mar, for building a public golf course. The Project, a narrow, landscaped area along the streets, would provide a buffer between the golf course and residential areas and is consistent with this plan.

II. STAFF COMMENTS

A. Questions of Fact

None.

B. Applicable Policies of the California Coastal Act

PRC § 30600(b) allows local governments to assume authority to issue coastal development permits within its jurisdiction before certification of its local coastal program. The City issues CDPs under this section.

Before examining specific requirements of the Coastal Act, a determination must be made whether the Project is a development requiring a CDP. Under the Coastal Act, development that requires a CDP includes projects that cause "change in the density or intensity of use of land . . ." Because the Project involves such change, it requires a CDP. Moreover, because the Project site is within a sensitive environmental area, as discussed below, there can be no argument that the change would be *de minimis* and therefore not subject to permitting requirements. Thus, the Project subject to this permit (Waterview Street Landscaping Project) constitutes activities that are subject to the Coastal Act (PRC § 30000 *et seq.*) and requires a CDP.

The Project's proposed improvements are consistent with applicable City planning documents designed to consider wide-ranging factors relevant to Coastal Act policies.

Under PRC § 30604, a coastal development permit shall be issued if the issuing agency, in this case the City, finds that the proposed development conforms with PRC Chapter 3 (PRC § 30200 *et seq.*) and the development will not prejudice the

ability of the local government to prepare a local coastal program. PRC § 30007.5 acknowledges that "conflicts may occur between one or more policies" of the Coastal Act. Consequently, § 30007.5 continues that "such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." PRC § 30009 adds that, therefore, the policies "shall be liberally construed to accomplish [the Coastal Act's] purposes and objectives." Thus, this analysis applies all relevant portions of the PRC in this context. Presented below is a discussion of PRC sections specifically applicable to the Project.

1. PUBLIC ACCESS (PRC §§ 30210-30214)

The "first public road paralleling the sea" in this area is Vista del Mar. The Project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

The Project is consistent with the provisions of the Coastal Act that favor increased public access to the coast since it does not affect the active, existing roadway system that provides coastal access. Moreover, the footpath will improve pedestrian access to coastal resources.

PRC § 30210 sets forth the general context of public access policies as follows:

"In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

With respect to specific sections of the Act relating to public access, § 30211, § 30212, and § 30212.5 collectively require that maximum access and public recreational opportunities shall be provided in development projects. The types of "new development" contemplated in these PRC sections do not include the development included in the Project. Thus, the Project will not interfere with public access to the coast; in fact, the pedestrian path will enhance public access to the coast.

PRC § 30213 requires that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Develop-

ments providing public recreational opportunities are preferred." The pedestrian paths add safe "public recreational opportunities" that did not previously exist, since no formal footpath formerly existed, and, therefore, the project meets these objectives because it will provide access to coastal resources at no direct cost to users.

Robert "Roy" van de Hoek, Chair of the Sierra Club Ballona Wetlands Task Force, suggested that LAWA should install native vegetation, identify plants with markers, and broadly open the area to school children and others interested in learning about the natural resources that once occupied the area in abundance. Although public access to coastal resources is a prime focus of the Coastal Act, time, place, and manner restrictions to public access must be considered. Specifically, PRC § 30214 requires consideration of "the capacity of the site to sustain use and at what level of intensity." Inviting school groups to tour the area via a natural history walking tour would likely result in a significant increase in both pedestrian and vehicular traffic. Because the Project site is in an environmentally sensitive habitat area, as described in Part 4, Land Resources, below, any significant increase in traffic could exceed the capacity of the site to sustain use and/or exceed a sustainable intensity of use.

Consequently, as pertaining to access requirements, staff concludes that the Project site has the capacity to sustain the use proposed by LAWA. The Project will provide a safe walking path where none existed before, without inviting a significant increase in traffic, if any. Staff further concludes that these portions of the Project comply with PRC § 30214. Limitations of the site's use and intensity of such use are further addressed under Part 4, Land Resources, below.

2. RECREATION (PRC §§ 30220-30224)

Because of its location inland from the coast and absence of any identifiable wetland, stream, vernal pool, or other permanent or seasonal body of water, the Project will not impact coastal areas suited for water-oriented recreational activities (PRC § 30220), ocean-front land suitable for recreational use (PRC § 30221), aquaculture (PRC § 30222.5), upland areas necessary to support coastal recreational uses (PRC § 30223), recreational boating opportunities (PRC § 30224).

PRC § 30222 states a preference for visitor-serving commercial recreational facilities over private residential, general industrial, or general commercial development. Arguably, the Project area could be used for visitor-serving commercial recreational facilities, but staff does not interpret § 30222 as intended to override the use contemplated by the Project. As such, staff considers the Project consistent with the recreational policies set forth in PRC §§ 30220-30224.

3. MARINE ENVIRONMENT (PRC §§ 30230-30237)

Because of its location and design, the Project does not conflict with any of the policies in PRC §§ 30230-30237. The Project is inland and it will not influence the maintenance, enhancement, or restoration of areas of marine resources considered in PRC § 30230, nor will it impact the biological productivity or water quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms, as discussed in PRC § 30231. Although the project alters paved areas, such alteration will likely result in a minor decrease in run-off because there will be a net decrease in impermeable, paved areas. Project construction will not involve transport of hazardous substances and, thus, there will be no spillage of crude oil, gas, petroleum products, or hazardous substances, as prohibited by PRC § 30232. The Project will not involve the diking, filling, or dredging of open coastal waters (PRC § 30233), commercial fishing and recreational boating facilities (PRC §§ 30234 and 30234.5), constructing revetments, breakwaters, or other construction altering the natural shoreline (PRC § 30235). The Project does not alter rivers or streams and, therefore, does not affect water supply and flood control (PRC § 30236). PRC § 30237 relates to Orange County wetlands and therefore does not apply. For these reasons, the sum total impact on marine resources may be a net decrease in urban runoff and, therefore, none of these provisions apply to the Project.

4. LAND RESOURCES (PRC §§ 30240-30244)

Special conditions apply to land resources in environmentally sensitive areas and areas adjacent thereto. PRC § 30240 states "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and

only uses dependent on those resources shall be allowed within those areas." PRC § 30107.5 defines "environmentally sensitive area" as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Absent this definition, PRC § 30240 also states that "Development in areas adjacent to environmentally sensitive habitat areas . . . shall be . . . designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat . . . areas." In 1998, the U.S. Fish and Wildlife Service (USFWS) approved and published the Recovery Plan for the El Segundo Blue Butterfly (*Euphilotes battoides allyni*) (ESB Recovery Plan), representing "the official position of the [U.S. Fish and Wildlife] Service," and which identifies the Project site as included within the Airport Dunes Recovery Unit for the El Segundo Blue Butterfly (ESB). The City's Draft *CEQA Thresholds Guide* identifies the Project site as located along and within the perimeter of an "Open Space/Habitat Area" and, additionally, the County of Los Angeles Regional Planning Department identified the Project site as being in the El Segundo Dunes Significant Ecological Area (SEA). Consequently, for Coastal Act analysis purposes, the Project site is within an environmentally sensitive habitat area and, therefore, PRC § 30240 requires a careful examination of the issues involving land resources.

Current conditions

The El Segundo Dunes habitat is a remnant of a much larger dune habitat that formerly occupied approximately 4.5 square miles. Perhaps the most-widely known species occupying this habitat is the ESB, which was listed as an endangered species by the USFWS in 1976 (41 Federal Register 22041). The dunes habitat is also home to many other unique flora and fauna. The ESB Recovery Plan, perhaps the most comprehensive analysis of biotic issues related to the dunes, identifies the unique species of the dunes as follows:

"The El Segundo dunes support a number of plants and animals that are endemic, rare, or of limited distribution, including the El Segundo dune flower (*Pholisma paniculatum*), Trask's snail (*Hemitho-glypta traski*), El Segundo crab spider (*Ebo new species*), El Segundo sun spider (*Eremobates new species*), trapdoor spider (*Aptostichus simus*), Santa

Monica dunes moth (*Copablepharon santamoni-cae*), River's dune moth (*Euxoco riversii*), El Segundo goat moth (*Comadia intrusa*), Ford's sand dune moth (*Psammobotys fordii*), El Segundo scythrid moth (*Scythris new species*), lesser dunes scythrid moth (*Scythris new species*), El Segundo Jerusalem cricket (*Stenopelmatus new species*), Belkin's dune fly (*Brennania belkini*), south coast dune beetle (*Psammodyus macclayi*), dune scarab beetle (*Aegilia convexa*), Dorothy's sand dune weevil (*Trigonoscuta dorothea*), Lange's dune weevil (*Onychobaris langei*), San Diego horned lizard (*Phrynosoma coronatum blainvillei*), California legless lizard (*Anniella pulchra*), western spadefoot toad (*Scaphiophus hammondi*), and burrowing owl (*Spetyto cunicularia*).")

Much of the remaining dune habitat is degraded from human uses, including the construction and subsequent demolition of more than 800 homes. LAWA maintains an ESB preserve that lies approximately 0.5 mile from the Project site and is separated from the Project site by several paved roads remaining from the former subdivision. LAWA employs two full-time landscaping personnel to eradicate nonnative species at the preserve, most of which persist from the former residential development. Authors of the ESB Recovery Plan acknowledge "substantial" and "extensive" efforts by LAWA in the conservation and recovery of the ESB. Although sampling methods vary, studies indicate a dramatic increase in the ESB population on the ESB preserve. However, due to the former development and lack of restoration efforts such as those that LAWA pursues on the ESB preserve, the 100 acres owned by LAWA north of the ESB preserve can at best be described as "restorable" dune habitat.

By all accounts, the Project site is a highly ruderal area on the edge of a larger, degraded, and unrecovered area of the dunes now owned by the City of Los Angeles and maintained by LAWA. Neither opponents nor supporters of the Project submitted reports during the comment period that suggest any study specifically examined the biota of the Project site. In reference to the ESB, the ESB Recovery Plan acknowledges that "inconsistent survey techniques make population estimates difficult". Studies and data referenced by the Urban Wildlands Group (UWG) in its letter of opposition to the Project, including unpublished materials, report standardized numerical data for occurrence of species in wide-ranging portions of the dune habitat. Standardized data do not reflect actual occurrences at specific locations, but, rather, report

"big picture" findings of a larger area. It is common knowledge that a habitat area's resource value often diminishes in direct relation to proximity to developed areas, including streets. Here, even to the untrained eye, a markedly different palette of plants exists near the streets than at a greater distance from the streets.

Context of Coastal Act policies related to land resources

On its face, PRC § 30240 appears to prohibit development of the Project based on the site's environmentally sensitive nature, proximity to the ESB preserve, and inclusion in the SEA. PRC § 30240 requires that "[e]nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values" and applies to the Project site because of the site's inclusion in the SEA and potential for restoration.

The ESB Recovery Plan describes "potential habitat" as "areas that contain El Segundo sand dune and are not currently occupied by the [ESB], but could be managed and restored for the species." In this light, according to the ESB Recovery Plan, "[p]rotection and management of existing and potential habitat, removal of exotic vegetation, and reduction of other threats to the species and its habitat is needed." The ESB Recovery Plan implementation schedule expresses its authors' expectation that the City of Los Angeles will participate in the protection, restoration, and management of the ESB habitat. Moreover, it states that the "centerpiece of any effort must be the Airport Dunes, as this site contains not only the largest fragment, but the closest approximation to the prehistoric El Segundo Dune ecosystem."

However, the ESB Recovery Plan admits that "the data needed to determine specific habitat acreage objectives for each [Recovery Unit] are not available" and "[u]ntil such data are obtained, the highest priority will be to protect existing populations of the [ESB]." In their response to comments, the plan's authors state that "estimates of [land] necessary to ensure the long term viability of the [ESB] are desirable" but concede that due to "limited knowledge of the [ESB] species, any such estimates would be premature." Their response to comments also concedes that the ESB Recovery Plan "is an advisory document only" and "cannot mandate actions." The disclaimer to the ESB Recovery Plan makes it clear that "[r]ecover

plans do not obligate other parties to undertake specific tasks." Thus, suggestions made in the ESB Recovery Plan may provide a rough scientific framework for evaluating the Project, but do not by themselves possess any legal authority.

Consequently, staff must examine specific aspects of the Project in light of the limited scientific information available, information submitted by interested parties, site visits, and common sense.

Selection of plant species

Again, PRC § 30240 requires that "[e]nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values." More broadly, goals contained in PRC § 30001.5 require developments to, "where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources." There is a risk that permanently installing non-native vegetation in the area identified by the SEA could result in further loss of sensitive habitat and, therefore, violate one of these Coastal Act provisions. Because native species are available, staff finds that it is feasible to use plant species other than the palette of exotic species initially included in LAWA's plans for the Project. At the same time, though, staff recognizes that because the Project area's habitat value is already degraded, removal and replacement of the exotic species occupying the area before initiation of the Project, in itself, does not necessarily rise to the level of a "significant disruption of habitat values."

Many letters of opposition to the Project as originally proposed by LAWA interpret PRC § 30240 to not only protect "against any significant disruption of habitat values", but, instead imply that this section requires an all-or-nothing approach to restoring sensitive habitat areas. Staff does not interpret PRC § 30240 to impose such a duty to restore degraded habitats. Nevertheless, because the Project would remove mixed native and nonnative species and replace them with mostly nonnative plants, staff concludes that LAWA's original plan does not comply with PRC § 30240. Beyond this, PRC § 30240 provides little guidance. Had LAWA not initiated the Project, it would be under no obligation to improve, repair, or otherwise alter the Project site. However, because LAWA disturbed the status quo at the Project site, staff concludes that LAWA must now ensure that all Project activities comply with the Coastal Act.

In its disclaimer to the ESB Recovery Plan, the USFWS indicates that the plan's objectives "will be attained . . . subject to budgetary and other constraints affecting the parties involved, as well as the need to address other priorities." LAWA reports that it seeks to construct this project to ameliorate neighborhood concerns about the Project site's aesthetic impact. From comments received during the public hearing for this CDP, it is clear that many of LAWA's neighbors feel strongly about retaining some or all of the *Washingtonia robusta* that LAWA planted before applying for a CDP. Since staff recognizes that PRC § 30240 does not require an all-or-nothing approach to restoring habitats, and community relations easily fits into the "need to address other priorities" recognized by the USFWS, staff concludes that LAWA may retain or remove any or all of the *Washingtonia robusta* that were planted in accordance with plans for this Project that were approved by the City of Los Angeles Board of Airport Commissioners. However, since there is no exact pre-construction inventory of site conditions and since no "bright line" test exists to determine how much activity can occur on a degraded habitat before the activity becomes a "significant disruption of habitat values", **staff concludes that as a condition of granting a CDP for this Project, the Project must use only species native to southern California coastal dunes for any plantings related to this Project that were not already in place at the time of application for this CDP.**

The UWG expressed in its letter of opposition to the Project that LAWA should only use "locally native propagule sources" for future plantings at the Project site, but failed to define "locally native." Since LAWA manages the ESB preserve, it follows that LAWA could take advantage of this local source. However, The UWG failed to demonstrate why LAWA, in its efforts to improve a narrow strip of land in a highly degraded area, should be forced to use propagule from poorly defined sources. While staff agrees that it is logical for LAWA to use nearby propagule sources, staff does not conclude that the provisions of PRC § 30240 were intended to reach this extreme.

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Issues pertaining specifically to *Washingtonia robusta*

Perhaps the most widely disputed topic at the public hearing centered on the value of the palm trees, *Washingtonia robusta*, that LAWA planted before applying for a CDP. Staff recognizes that some individuals may oppose selected aesthetic aspects of the Project. However, in considering the CDP application, staff need not reach a decision regarding the aesthetic quality of the trees nor does the Coastal Act require that all members of the public agree on the aesthetic value of a project's components. Rather, staff must evaluate whether the inclusion of these trees in the Project violates Coastal Act policies, particularly whether they represent a "significant disruption of habitat values" and/or whether they are compatible with the continuance of adjacent habitat areas (emphasis added).

Staff recognizes that *Washingtonia robusta* can produce copious amounts of seed. However, parties who expressed opposition to the trees during the public comment period failed to demonstrate how a few dozen palm trees planted beside a residential street would harm the ESB preserve or neighboring dunes any more than the palm trees that remain from the former residential development on the unrestored portions of the Airport Dunes, the dozens of palm trees along the perimeter of the Airport Dunes, or the thousands of palm trees located within a short radius of the dunes.

Of all the plants originally proposed by LAWA, the *Washingtonia robusta* are probably the most distinctive species. Even an untrained person could readily recognize their presence in an undisturbed dune environment. Despite the presence of thousands of *Washingtonia robusta* within a short radius of the ESB preserve and the degraded former residential area, staff observed few occurrences of palms on the dunes. Of these, nearly all were mature trees that clearly represent remnants of the former residential area's landscaping. Moreover, because LAWA works diligently to eliminate non-native species from the ESB preserve, it is unlikely that palms would persist on the preserve. Consequently, staff finds no reason to remove the palm trees on the grounds that they will invade the dune habitat.

Section 5, Development, below, addresses issues pertaining to the palms and their relationship to views of and along the ocean.

Irrigation

Staff received several comments concerning permanent irrigation systems. These comments generally indicated that permanent irrigation would increase populations of nonnative and/or undesirable species. Since this staff report presupposes that LAWA will plant predominantly native species in conformance with the conditions imposed herein, plants will require irrigation only until they become established. Once established, both the native plants and palms should no longer require irrigation. Staff anticipates that LAWA will remove all aboveground irrigation components once LAWA deems that the plants are fully established. Consequently, staff concludes that no Coastal Act concern regarding irrigation remains.

Other land resource issues

The land is not zoned for or, due to location and proximate land uses, considered suitable for agricultural or timber uses and therefore PRC §§ 30241, 30241.5, 30242, and 30243 do not apply.

PRC § 30244 requires "reasonable mitigation measures" for any project that would adversely affect archeological or paleontological resources. According to LAWA's CDP application, the Project site contains no historic, archeological, or paleontological resources. Moreover, no grading is planned for this project and, consequently, § 30244 does not apply.

Although the pedestrian path will take away from the area available for plants, staff concludes that the pedestrian path will serve to confine pedestrian traffic to a limited area, the path, rather than indiscriminate encroachment upon landscaped areas as observed at nearby locations and which presumably occurred at the Project site before LAWA constructed the paths. Unbridled access to the habitat would inevitably result in destruction of that habitat. Moreover, in recent years public interest in the El Segundo Dunes habitat has increased but access to the dunes and ability to use this resource remains limited. Thus, the path replacement ornamental fence confine pedestrian traffic to a limited portion of the habitat, prevent-

ing further damage to the remaining habitat yet opening a limited portion of the habitat to uses encouraged by the Coastal Act. The minor street realignment and curb and gutter replacement add nearly 2,300 square feet of "landscaped area" to the habitat and better redirects runoff that does not originate on the Project site.

Conclusion regarding land resource issues

Staff concludes that with modification the Project can comply with PRC § 30240 and, at the same time, benefit the dune habitat. Moreover, in compliance with the City's own policies, the City *CEQA Thresholds Guide* states that SEAs should be "preserved in an ecologically viable condition" but do not preclude "limited compatible development."

Based on this analysis, and the condition above, staff concludes that the Project complies with the land resource requirements of the Coastal Act.

5. DEVELOPMENT (PRC §§ 30250-30255)

The Project complies with Coastal Act policies that address development. The planned improvements will not cause new residential, commercial, or industrial development and, as such, the provisions of PRC § 30250 directing such development be located near existing developed areas do not apply.

PRC § 30251 requires that new "development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas." Although many of the Project's features may be observed

from neighboring homes and roadways, the Project's design purposely protects "views to and along the ocean and scenic coastal areas."

Because the Project site rests on the border of an area that was once occupied by more than 800 homes, no "natural land forms" will be altered. In fact, the Project will remove some of the remnants of this former residential development. Consequently, the Project will "restore and enhance visual quality" in a degraded area that was once developed. Because the Project site lies between an area of residential development and vacant land, the Project is also "visually compatible with the character of the surrounding areas."

Some residential neighbors complained at the public hearing that the *Washingtonia robusta* obscure their views of the ocean. Most of those who voiced this concern own homes near the northeast corner of the intersection between Waterview Street and Rindge Avenue. In response to these concerns, staff visited one of these homes to observe the view. The homeowner's attorney described the home as "probably the most severely affected" by the palm trees. Figure 3 is a composite of several photographs taken from this home and illustrates the panoramic view from the home's living room. From this visit, staff concurs that the palm trees may affect views from these homes.

However, staff finds that the trees allow "views to and along the ocean and scenic coastal areas" and are "visually compatible with the character of surrounding areas," particularly since many *Washingtonia rotusta* are located throughout the residential areas shown in Figure 3 (including one at the home from which these photos were taken). Consequently, staff finds the Project in compliance with PRC § 30251.



Figure 3. Panoramic composite of photographs taken from living room of 249 Waterview Street.

Nevertheless, in a letter dated February 5, 2001, addressed to "LAX Neighbors", LAWA states that LAWA intends to "abide by [LAWA's] assurances to the homeowners whose ocean views were affected by the installation of 30 palm trees at the corner of Rindge and Waterview, and along Rindge" and implies that LAWA will remove those trees. For the reasons stated in the preceding paragraph, staff finds that such removal is not required by the Coastal Act. Conversely, however, staff finds that LAWA's "good neighbor" plan to remove these trees, likewise, will not violate the Coastal Act.

PRC § 30252 includes requirements for public access to the coast. The Project is fully compliant with these provisions, since it does not affect vehicular traffic and provides safer paths for existing pedestrian traffic. The Project is a minor modification of existing facilities, and, therefore, does not create an increased risk to life or property as contemplated in PRC § 30253; if anything, such interests are better protected with the construction of a formal footpath. Provisions regarding sewage treatment plants in PRC § 30254.5 and siting considerations of §§ 30254 and 30255 do not apply to the Project.

Thus, staff concludes that the Project complies with the development considerations set forth in the Coastal Act.

6. INDUSTRIAL DEVELOPMENT (PRC §§ 30260-30265.5)

The Project will not in any way involve the location or expansion of coastal-dependent industrial facilities (PRC § 30260), use of tanker facilities or liquefied natural gas terminals (PRC § 30261), oil and gas development (PRC § 30262), refineries or petro-chemical facilities (PRC § 30263), thermal electric generating plants (PRC § 30264), legislative findings and declarations regarding offshore oil transportation (PRC § 30265), or coordination of activities concerning offshore oil transport and refining (PRC § 30265.5). Therefore, none of these provisions apply to the Project.

C. Related Previous Applications

None.

D. Issues of Legal Adequacy of the Application

None. PRC § 3600(b) allows local governments to assume authority to issue coastal development permits within its jurisdiction before certification of its local coastal program and the Project are within the City Engineer's jurisdiction (LACMC § 12.20.2 *et seq.*). The applicant's agent filed an application that was deemed adequate.

E. Public Comment

The LACMC, Chapter 1, Article 2, § 12.20.2(E) requires a Notice of Intent be posted after a CDP application has been filed with the appropriate City office. The Notice must be posted in a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development.

Copies of the Notice of Intent were posted November 9, 2000, at multiple locations on or near the Project site. The Notice of Intent included information as to the nature of the proposed improvements and a contact for further information.

On February 20, 2001, staff mailed public hearing notices to property owners within 100 feet of Project site, as identified by LAWA, and other interested parties. A public hearing was held at 1:00 PM on March 6, 2001, in the community room of the municipal building located at 7166 W. Manchester Avenue. In addition to staff, 30 persons attended, including neighborhood residents, representatives of various community groups, persons representing LAWA, and at least one member of the press. Oral comments were received from 12 persons. Oral comments ranged from full support of the Project as originally proposed by LAWA to opposition of key portions of the Project as originally proposed.

F. Response to Issues Raised

Most of the comments received pertain directly to policies of the Coastal Act and have been incorporated into the preceding analysis. The following issues do not directly relate to policies of the Coastal Act.

Allegations of special consideration to LAWA

The UWG suggests in its letter of opposition to the Project that LAWA might receive "special consideration" because LAWA began implementing the Project before it applied for a CDP. In support of this argument, The UWG enumerates grievances about LAWA's alleged failure to involve The UWG in the early stages of planning the Project. The UWG concludes its argument that the CDP-related "environmental review must analyze the project on its own merits" and further suggests that "LAWA must be responsible for restoring the landscape." Staff interprets this statement to suggest that The UWG seeks to force LAWA to fully restore the Project site to an undisturbed, natural state. For the reasons stated throughout this staff report, staff concludes that such a requirement is not in any way required by the Coastal Act and, moreover, staff finds no basis in the Coastal Act to impose such punitive sanctions upon an applicant who initiated a project before applying for a CDP. Staff agrees with The UWG that the CDP review process "must analyze the project on its own merits" and this staff report reflects precisely such an analysis.

Animal feces

One neighborhood resident, Ms. Verna Garcia, reported that other neighborhood residents walking their pets sometimes fail to clean up pet feces. During a field visit, staff observed several locations where it appeared that owners failed to do so. Staff further observed that most of the feces appearing to be the waste of domestic animals were not located immediately along the walking paths already constructed on the Project site; indeed, many of these locations were not on the Project site itself. Consequently, staff concludes that the Project will not encourage pet owners to violate an existing law. Staff advises persons concerned about irresponsible pet owners to contact the appropriate authorities for enforcement of LACMC Chapter V, Article 3, § 53.49.

Health concerns

Dr. Suzanne DeBenedittis, a self-described social ethicist, wrote that research shows that "when we alter the natural biodiversity of an area, it not only weakens the ecosystem, but creates changes that in effect weaken our own immune systems." Staff is not aware of any such research addressing the El

Segundo dune habitat. Moreover, as a condition to the CDP and as described in this staff report, the natural biodiversity of the Project site will likely improve as a result of reintroducing native species. Therefore, based on Dr. DeBenedittis' argument, there would be no likely adverse health affects.

Park-like setting would create a public nuisance

During the public hearing, Ms. Jean Rezzo opined that a park-like setting would create a nuisance by encouraging visitors to picnic and camp in the landscaped areas. Because predominantly native landscaping would consist of plants of roughly the same height and density as those that presumably pre-existed LAWA's work at the site, staff finds it unlikely that the planned improvements will encourage such uses.

G. California Environmental Quality Act

As discussed in Section I, above, the LAWA Board of Airport Commissioners determined that the project is exempt from CEQA via two separate resolutions. The first, Resolution Number 20689, adopted on June 15, 1999, did not reference any authority for exemption. The second, Resolution Number 20844, adopted on November 16, 1999, determined that the project is exempt from the requirements of CEQA as provided by Article VII, Class 11(8) of the Los Angeles City CEQA Guidelines. LAWA did not report filing a Notice of Exemption.

H. Relevant Prior Decisions of the Coastal Commission

No prior decisions of the Coastal Commission address to this project directly.

I. Other Relevant Matters

1. Interpretive Guidelines:

The California Coastal Commission State-wide Interpretive Guidelines have been reviewed and considered in preparation of the discussion in Section IIB (1-6) of this report.

2. Local Coastal Program:

The Project conforms to the applicable Community Plan and Specific Plans, as discussed

in Section I, above, and, thus, the Project will not prejudice the ability of the City to prepare a Local Coastal Plan in conformity with the Coastal Act and amendments.

III. STAFF RECOMMENDATIONS

A. That the City Engineer finds:

1. That, whereas the Project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone and, moreover, the Project's proposed improvements will improve pedestrian access to coastal resources and will not affect vehicular traffic flow, the improvements are in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976 (commencing with § 30200 of the California Public Resources Code).
2. That, whereas the Project's proposed improvements are in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976 and will not significantly affect the marine environment, land resources, or industrial development, subject to the condition outlined in Section II, Part 4, Land Resources, of the Staff Report, the improvements are in conformity with Chapter 3 of the California Coastal Act of 1976.
3. That, whereas the Project's proposed improvements are in conformity with Chapter 3 of the California Coastal Act of 1976 and the Project's proposed improvements are in conformity with the Westchester-Playa del Rey Community Plan, the Coastal Transportation Corridor Specific Plan, and the Los Angeles Airport/El Segundo Dunes Specific Plan, and therefore the improvements will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Plan that is in conformity with California Coastal Act of 1976.
4. That, as evidenced in the staff report on the Project's proposed improvements, the Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977, and subsequent amendments thereto

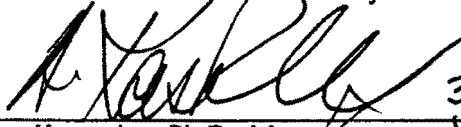
have been reviewed, analyzed and considered in light of the individual project in making this determination.

5. That, as evidenced in the staff report on this project, the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to § 30625(c) of the Public Resources Code.
6. That, whereas the City of Los Angeles Board of Airport Commissioners determined that the Project is exempt from CEQA as provided by Article VII, Class 11(8) of the Los Angeles City CEQA Guidelines, there are no additional mitigation measures required by the California Environmental Quality Act in connection with the approval of this permit.


- B. That the City Engineer issue a Coastal Development Permit for this Project *conditioned upon modification of the Project in compliance with the terms outlined in Section II, Part 4, Land Resources, of the Staff Report, and in compliance with PRC §§ 30240-30244.*

IV. RECOMMENDATIONS

Based on the above analysis and the comments received, I recommend adoption of the findings and conclusions recommended by staff.

 3/30/01
 Ara Kasparian, Ph.D., Manager Date
 Environmental Group
 Architectural & Engineering Consulting Services
 Program
 Bureau of Engineering

DOCUMENT PREPARED BY:

 ZAMAKO1
 Paul Teensma, Environmental Specialist Date
 Bureau of Engineering

V. REFERENCES

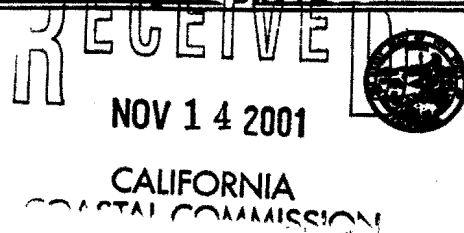
California Coastal Act, *Public Resources Code*,
 Division 20, § 30000 *et seq.*

- California Coastal Commission. *Statewide Interpretive Guidelines*.
- City of Los Angeles. *Coastal Transportation Corridor Specific Plan*.
- City of Los Angeles. *LAX – El Segundo Dunes Specific Plan*.
- City of Los Angeles. *Municipal Code*, Chapter I, Article 2, § 12.20.2, *et seq.*
- City of Los Angeles. *Municipal Code*, Chapter V, Article 3, § 53.49, *et seq.*
- City of Los Angeles. *Westchester – Playa del Rey Community Plan*.
- City of Los Angeles Environmental Affairs Department. 1998. *Draft CEQA Thresholds Guide*.
- England and Nelson Environmental Consultants. 1976. Los Angeles County Significant Ecological Areas Study. Los Angeles County Department of Regional Planning, Los Angeles, California.
- Longcore, T.R. 2000. Email correspondence from T.R. Longcore to T. Henry, California Coastal Commission, dated March 22, 2000.
- Longcore, T.R., R. Mattoni, G. Pratt, and C. Rich, 1997. On the perils of ecological restoration: lessons from the El Segundo blue butterfly. Paper read at 2nd Interface Between Ecology and Land Development in California, April 18-19, at Occidental College, Los Angeles.
- Mattoni, R., T.R. Longcore, V. Novotny. 2000. Arthropod monitoring for the Fine-Scale Habitat Analysis: A Case Study of the El Segundo Sand Dunes. *Environmental Management* 25(4): 445-452.
- U.S. Fish and Wildlife Service. 1998. Recovery Plan for the El Segundo blue butterfly (*Euphilotes battoides allyni*). Portland, Oregon. 67 pp.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

The Urban Wildlands Group, Inc. [see attached for additional appellants]
P.O. Box 24020
Los Angeles, CA 90024-0020 (310) 276-2306
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles

2. Brief description of development being appealed: Installation of landscaping, irrigation, pedestrian path, curb, gutter, and fence on El Segundo dunes.

3. Development's location (street address, assessor's parcel no., cross street, etc.): Along Waterview Street and Napoleon Street between Pershing Drive and Vista del Mar.

4. Description of decision being appealed:
- a. Approval; no special conditions: _____
 - b. Approval with special conditions: X
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-PDR-01-442

EXHIBIT NO	<u>8</u>
Application Number	<u>114/01</u>
	<u>South Coast / Long Beach</u>
	<u>Appeal from Urban Wildlands Group, Inc.</u>
	California Coastal Commission

Review her
11/14/01

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other Board of Public Works

6. Date of local government's decision: November 2, 2001

7. Local government's file number (if any): 00-05

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Los Angeles World Airports
One World Way
Los Angeles, CA 90009

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Please see attached.

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Catherine Rich
Signature of Appellant(s) or
Authorized Agent

Date November 13, 2001

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

**ATTACHMENT TO
APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

SECTION I. Appellants

The Urban Wildlands Group, Inc.
P.O. Box 24020
Los Angeles, CA 90024-0020
Phone: 310-276-2306

Endangered Habitats League
8424-A Santa Monica Blvd., #592
Los Angeles, CA 90069-4267

Lepidoptera Research Foundation
9620 Heather Road
Beverly Hills, CA 90210

Santa Monica Bay Audubon Society
P.O. Box 35
Pacific Palisades, CA 90272

Sierra Club Airport Marina Group
Att'n: Kathy Knight
P.O. Box 451153
Los Angeles, CA 90045

Mandie Saner
P.O. Box 5103
Playa del Rey, CA 90296

Bonnie Foster
P.O. Box 5103
Playa del Rey, CA 90296

SECTION III. Identification of Other Interested Persons

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

Roy van de Hoek
Sierra Club
P.O. Box 192
Malibu, CA 90265

Marcia Hanscom
Wetlands Action Network
P.O. Box 1145
Malibu, CA 90265

Sandy Wohlgemuth
Los Angeles Audubon Society
7377 Santa Monica Blvd.
West Hollywood, CA 90046-6694

Kathy Knight
Spirit of the Sage Council
1122 Oak Street
Santa Monica, CA 90405

Suzanne M. DeBenedittis, Ph.D., M.F.C.C.
10708 Northgate Street
Culver City, CA 90230

Theresa Brady
8005 Airline Avenue
Los Angeles, CA 90045

John Hodder
410 Manitoba Street
Playa del Rey, CA 90293

SECTION IV. Reasons Supporting This Appeal

The findings and conclusions adopted by the City in the approval for this permit improperly apply the resource protection standards of Chapter 3 of the California Coastal Act of 1976. There is no certified LCP for the project area, and it lies within the dual permit zone. We believe therefore that the standard for review is Chapter 3 of the California Coastal Act. We contend that the project violates the provisions of Section 30240(a) and 30240(b) by retroactively permitting the installation of 60 *Washingtonia robusta* palm trees and a walkway in and adjacent to an environmentally sensitive habitat area (ESHA), failing to condition use of irrigation to specified seasons, and failing to require local propagule sources for native plant landscaping. We also assert that the permit violates Section 30251 by failing to prohibit disruption of views along scenic coastal areas.

