CALIFORNIA COASTAL COMMISSION
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Hearing Date: 4/9-12/02
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-096

APPLICANT: Ballona Wetlands Foundation & Laguna Del Rey, LLC

AGENT: Wayne Smith, PSOMAS

PROJECT LOCATION: Along the western end of the Playa del Rey sand dunes, between the south bank of Ballona Creek channel and the eastern terminus of 63rd Avenue, and 6204 Vista Del Mar, in Playa del Rey, City of Los Angeles.

PROJECT DESCRIPTION: Remove approximately 350 linear feet of chain link fence and install permanent 6-foot high black vinyl-coated chain link fence approximately 3-10 feet west of existing fence; realign and improve existing trail; remove non-native vegetation and revegetate with native plants; install two new gates; level dirt area at end of 63rd Avenue for temporary dumpster and one parking space for ongoing dune restoration work; pave an existing 2,200 square foot gravel area for parking use by the adjacent apartment residents; construction of a four-foot high wall separating the parking lot from the landscape area; and drainage improvements for the parking area and existing residential development.

LOCAL APPROVALS RECEIVED: Approval in Concept

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions regarding the submittal of landscaping and landscape monitoring plans, signage plans and a deed restrictions requiring continuing maintenance of structural best management practices installed for water quality purposes. As conditioned, the proposed development conforms with all applicable policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Playa Vista land Use Plan, City of Los Angeles
2. Coastal Development Permit No. 5-90-174(Maguire Thomas Partners-Playa Vista; 5-97-144(Maguire Thomas Partners)

STAFF RECOMMENDATION:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-01-096:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit #5-01-096 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Landscaping Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant will submit, for the review and written approval of the Executive Director, a plan for landscaping that is compatible with habitat restoration within the Playa del Rey dunes restoration project. A qualified biologist or licensed landscape architect, with expertise in dune restoration, shall prepare the plan. The plan shall be prepared in consultation with the Commission's biologist, the California Department of Fish and Game, and with another recognized expert in California dune restoration, and shall be submitted to the Executive Director for review and approval. The plan shall include the following:

1. Vegetation planted on the site will consist of, to the greatest extent practical, native plants typically found in Southern California dunes. The seeds and cuttings employed shall be, to the greatest extent practical, from sources in and adjacent to the Playa del Rey dunes. If other Southern California sources are used, the locations of the seed /cutting sources and the approximate number of plants and/or amount of seeds/cuttings from each source shall be reported to the Executive Director.
2. No new plantings of non-native or invasive species will be employed on the site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1992, those species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999,

and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.

3. The site will be stabilized immediately with jute matting or other BMP's to minimize erosion.
4. No permanent irrigation system shall be allowed. Temporary above ground irrigation to allow the establishment of the plantings is allowed. Once all plantings have been established, the irrigation system shall be removed.

B. The plan shall include, at a minimum, the following components:

1. A map showing the types, size, and locations of all plant materials that will be on the site, the irrigation system, topography of the developed site, and all other landscape features;
2. A schedule for installation of plants and removal of the irrigation system;
3. An identification of seed sources and plant communities of the plants planned to be employed;

C. Five years from the date of issuance of Coastal Development Permit No. 5-01-096, the applicants shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist, landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscaping plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the conformance of the resultant landscaping with the requirements of this special condition.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

D. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. **Signage Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a

signage plan showing the size, wording and location of signs. The signage shall be located in conspicuous locations along the trail and landscape area, informing the public of the pedestrian path, and include interpretive signs to identify plants or unique features of the area.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Water Quality Improvements

A. By acceptance of this permit, the applicants acknowledge and agree to implement and maintain in proper working order the stormdrain filters and biofiltration device installed on the existing stormdrain system, for the life of the project, as proposed under Coastal Development Permit No. 5-01-096, and shown in Exhibit No. 4 of this report.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, (1) the applicants, Ballona Wetland Foundation and Laguna Del Rey, LLC, shall secure from the property owner, Playa Capital, for parcel A, as shown on Exhibit No. 3, evidence that Playa Capital has executed and recorded a deed restriction in a form and content acceptable to the Executive Director, permitting applicants access, in perpetuity, to Parcel A, as shown in Exhibit No. 3, in order to allow them to satisfy the requirements listed in the above terms of this condition. The deed restriction shall include a legal description of the entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit; (2) the applicant, Laguna Del Rey, LLC, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, governing parcel B, as shown on Exhibit No.3, incorporating all of the above terms of paragraph A of this condition. The deed restriction shall include a legal description of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to remove approximately 350 linear feet of chain link fence and install permanent 6-foot high black vinyl-coated chain link fence approximately 3-10 feet west of existing fence; realign and improve existing trail; remove non-native vegetation (with the exception of existing mature palm trees) and revegetate with native plants; install two new gates; level dirt area at end of 63rd Avenue for temporary dumpster and one parking space for ongoing dune restoration work; pave an existing 2,200 square foot gravel area for parking for the adjacent apartment residents; construction of a four-foot high wall separating the parking lot from the landscape area; and drainage improvements for the parking area and existing residential development.

The proposed project is located in the northwest corner of the property owned by Playa Capital (see Exhibit No. 2) and on adjacent property owned by Laguna del Rey. Playa Capital has granted Ballona Wetlands Foundation and Laguna Del Rey. LLC, permission to apply for a Coastal Development Permit for the proposed development completely on their property and for that portion of the project that is partially on their property, and to perform the work on their property. The proposed project is located adjacent to and west of an ongoing dune restoration project that was approved by the Commission in 1990 and 1997 [5-90-174 (Maguire Thomas Partners-Playa Vista) and 5-97-144(Maguire Thomas Partners)].

A 350 foot portion of the temporary fence, located approximately 50 feet east of the Playa Capital property line in the northwest portion of the property, will be removed and a new permanent, 6-foot high black vinyl-coasted chain link fence will be relocated approximately three to 10 feet further to the west (approximately 44 feet east of Playa Capital's western property line). Adjacent to the realigned fence, the project will include a pedestrian sand trail to allow public access between the terminus of 63rd Avenue on the south to the Ballona Creek channel southern levee to the north.

The project site is located on separate properties owned by Playa Capital and Laguna Del Rey. All proposed improvements, except for the proposed drainage filters, are located on Playa Capital property. In addition, the existing row of parking spaces, located east of the apartment complex, encroach onto Playa Capital property. The property line for Playa Capital and Laguna Del Rey is located immediately behind, or west of the row of parking spaces (see Exhibit No. 3). The owners of the Del Rey Apartments, Laguna Del Rey, LLC, and Playa Capital have entered into an agreement to allow Del Rey Apartments to continue the use and maintenance of the property. Playa Capital has also allowed Laguna Del Rey, LLC, and Ballona Wetlands Foundation to apply for a Coastal Development Permit for the proposed development.

B. Public Comments

Commission staff received numerous letters in support of the project and one letter objecting to the project. The letters are attached as Exhibit No. 6. In addition, in response

to the objection letter, the applicant has provide a number of letters from biological experts and representatives of the property owner in responding to the issues raised by the opponent of the project (See Exhibit No. 7).

C. The Ballona Wetlands Foundation

The Ballona Wetlands Foundation, who is listed as one of the co-applicants of this project, was created by court action to preserve, protect, and restore the endangered tidal wetland ecosystem of the Ballona Wetlands. The Foundation was first formed in a litigation settlement over the future of the Ballona wetlands. In that lawsuit, the landowner agreed to set aside 340 acres of wetland and upland habitat, including the Playa del Rey sand dunes, for restoration and pay for that restoration. As part of that lawsuit, the Ballona Wetlands Foundation was created to oversee the restoration of the Ballona Wetlands and manage the wetlands after restoration is complete. The Foundation is the only organization legally mandated to care for this degraded ecosystem. The Ballona Wetlands Foundation Board is comprised of individuals appointed by the State of California, the City of Los Angeles, the landowner, and the Friends of Ballona Wetlands.

Along with implementing and managing a comprehensive wetland restoration, the Foundation oversees educational programs and activities focused on enhancing the public's appreciation and enjoyment of this Southern California coastal treasure.

D. Dune Restoration Efforts

In May of 1990, the Commission approved Coastal Development Permit 5-90-172 for an 18-month non-native plant removal and coastal dune restoration plan. The project was located in the Ballona Creek and Centinela Creek drainages, which are located south of Ballona Channel, west of Lincoln Boulevard, and east of Vista del Mar.

The first six month phase of the project included: the removal and subsequent repair of existing, permanent fencing adjacent to Ballona Channel; the installation of a 7,000 linear foot temporary chain link fence around the southern, eastern, and western periphery of the project area located north of Culver Boulevard, south of Ballona Channel, and east of Vista del Mar; the installation of a temporary buried irrigation line running off an existing water utility; the establishment of a temporary native plant nursery; the removal of non-native species; and the removal of approximately 40 yards of compacted foreign soil from the dune area and the recontouring of the affected dune area with native sand.

The second and third six month phases were similar to the first phase as the phases also involved: hand clearance of non-native vegetation from across the entire site above the 2 foot mean sea level contour in degraded dune and wetland areas; the augmentation or reintroduction of native seeds and plants at the dune area; and the implementation of a habitat monitoring program.

The Coastal Development Permit was conditioned to require a monitoring program; removal of the temporary fence after 18 months; application to the Department of Fish and Game for a Streambed Alteration Permit; restriction in the use of "footprint" mechanical equipment; and a condition placing the applicant on notice that the issuance of the permit does not constitute a waiver of any public rights which may have existed on the property.

In July 1997, the Commission approved a second permit for the installation of a temporary (3 years) 6 foot high, 540 foot long chain link fence adjacent to the ongoing native dunes habitat restoration area and a three year extension for the restoration project [5-97-144(Maguire Thomas Partners)]. To date, the restoration project is still ongoing. According to the applicant, most of the non-native plant removal is completed. Since 1990, the restoration effort has averaged the removal of approximately 2,700 cubic yards of non-native grasses and weeds, pampas grass, myoporum, acacia trees, and ice plant, per year. In addition, the restoration project has had significant success in replanting native plants that have been propagated and grown at the nursery.

As stated, the Coastal Development Permit 5-97-144(Maguire Thomas Partners) allowed the restoration effort to continue for three years. At the end of the restoration effort the applicant was to provide to the Commission a restoration monitoring plan and monitor the success of the restoration program. The purpose of the time limit was to trigger the preparation and submittal of the monitoring plan at the end of the restoration, which included removal of invasive plants and revegetation. At this time, however, restoration has not been completed and a monitoring plan has not been prepared. The applicant, or entity that has current legal interest in the property and the restoration project, will be required to submit a new permit application to allow the continued restoration work under a separate application.

The proposed project does not involve the restoration area. However, the removal and resiting of the fence will provide additional area that will be available for potential later incorporation into the restoration project. To incorporate the area into the restoration project a separate coastal development permit application will be required.

E. Environmentally Sensitive Resources

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240(a) 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.*

The Playa del Rey sand dunes and adjacent wetlands are considered environmentally sensitive habitat areas. Playa del Rey sand dunes, along with the main El Segundo Dunes (also known as the Airport Dunes) located further to the south, are remnants 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).

According to the 1997 report prepared by Commission staff for Coastal Development Permit 5-97-144, less than 5% of the historic native species densities remain at Playa del Rey sand dune system, while less than 1% of the historic sand dune associated plant species cover remains.

The proposed project is located along the western edge of the approximately 10-acre remnant of the Playa del Rey sand dunes. The dunes presently occupy the western edge of the Playa Capital owned property, and is bordered to the south by the commercial area along Culver Boulevard, to the north by Ballona Channel, to the east by the Ballona Wetlands, and to the west by residential development within the Vista del Mar community.

A portion of the project site, which measures approximately 50 feet wide by 350 feet long, is located immediately outside of the dune restoration area. Pre-existing development occupies a portion of the site including a cement parking area, a graveled parking area, and ornamental landscaping (palm trees and other non-native small shrubs). The cement covered parking area is located along the northwestern portion of the site and covers an area measuring approximately 20 feet wide by 215 feet long. Between this cement area and 63rd Avenue, there is an approximately 20 foot wide by 100 foot long graveled area. These improvements have existed prior to the Coastal Act.

The majority of the project site is located on property owned by Playa Capital. The existing parking and landscaping improvements were installed, and are currently used, by the adjacent apartment complex, which is owned by Laguna Del Rey, LLC (co-applicants of this permit application). The owners of the Del Rey Apartments and Playa Capital have recently entered into an agreement to allow Del Rey Apartments to continue the use and maintenance of the property.

The proposed project will provide access along the western periphery of the dunes restoration area, within the Playa Capital property, and restrict uncontrolled foot traffic, domesticated animal intrusions, and off-road vehicle disturbances into the restoration area, to help ensure successful restoration of the dunes. The proposed trail will use the existing sandy trail, which was created over the years by continued use of the area. The

trail will not be improved except for the removal of non-native vegetation and revegetating the area with native dune vegetation. The landscaping will help prevent future encroachment of exotic species into the newly restored native dune habitat. Directional and informational signs will be installed to clearly identify the trail and educate visitors with regards to the resources of the area. The applicants will also provide interpretive signs for public educational purposes. The applicants have not provided a signage plan, therefore, as a special condition, the applicant shall provide a plan showing the wording, size and location of the signs.

In addition to the fence, two new gates will be added as part of the project to provide future public access to the wetlands and dunes viewing area located along the southern levee of the Ballona Creek, and provide access for restoration workers. The first gate will be installed along the existing fence that runs along Ballona Creek and the northern property line, approximately 275 feet east of the westerly property line of the Playa Capital property. The fence will provide for future access for observation and guided tours from Playa Capital property site to and along the southern cement/asphalt embankment of the Ballona Creek channel.

The second gate will be installed along the southern portion of the proposed permanent fence at the public trail entrance located at the terminus of 63rd Avenue. This gate will provide convenient access to the dunes area for restoration related activities. Currently, access to the restoration site is by foot from Culver Boulevard, which is over a quarter mile to the south.

The applicant is also proposing to smooth out the surface of a 300 square foot area at the terminus of 63rd Avenue for the temporary placement of a dumpster and parking space for the dune restoration. The area is currently an open area between the existing fence and residential development and the end of 63rd Avenue. The area is currently level and overgrown with ruderal grasses. The applicant will smooth out the area and surface the area with crushed granite.

As proposed, the project will not adversely impact the ESHA or the restoration project. Prior to the Coastal Act, the project site has been impacted by residents and the general public. Because of this use, the site has been degraded and the site does not currently support native habitat. The applicant is proposing to remove all exotic plants and re-landscape this area with native plants so the site will function as a buffer between the residential development and dunes. All existing exotics will be removed, except for the palm trees, which consist of Mexican fan palms, and Canary Island palms. The palms are non-native and potentially invasive plants.

Aerial photographs indicate that the trees where there in 1978 and according to the applicant, the palms have existed since 1971. The applicant has submitted letters from people that were residents in the area in 1971, which state that the palm trees were planted in 1971. One of the letters from a Mr. Randy Krauch, explicitly states that he personally cared for the trees in 1971 after they were obtained from a nursery in Malibu, after the trees sustained fire damage during the Malibu fires of that year (see Exhibit No.

8). Thus, all of the evidence reviewed as of the drafting of this finding indicates that the trees are pre-coastal.

The applicants, after consultation with their restoration consultants, concluded that, since the palms have existed there for a long time and have not spread into the dunes or wetland area since their planting, they do not pose a significant threat to the restoration efforts within the dunes area. Consequently, the applicants propose to leave the palms in the landscape buffer area.

At this time, the applicant has not developed a plant palette for the buffer area to be re-landscaped. However, the applicant proposes to use all native dune plants that have been propagated and grown at the nursery established under coastal development permit 5-90-174(Maguire Thomas Partners-Playa Vista) and are consistent with the restoration plant list approved for the restoration of the dunes. To ensure that landscaping will be consistent with the dune habitat restoration efforts and will not adversely impact the habitat values of the dunes and wetlands, special condition 1 requires that the applicants shall provide a landscape plan, prepared by a licensed landscape architect or biologist, with expertise in southern California dune restoration, in consultation with the Commission's staff biologist, the Department of Fish and Game, and a recognized expert in California dune restoration. Because the applicant is proposing to landscape adjacent to an ESHA and restoration area, the landscaping should be monitored to ensure that the planting becomes established and conforms to the standards established in the landscaping conditions of this permit. Therefore, the applicant shall provide a monitoring report to the Commission five years from the issuance of this permit.

In creating this landscape buffer area the applicant is proposing to remove the temporary fence, and install a new permanent fence further to the west or closer to the residential development. The new fence will be sited 3 to 10 feet further west and approximately 44 feet east of the Playa Capital western property line. According to the applicant, the re-siting of the fence will provide additional area that can be restored as part of the ongoing restoration effort (The applicant will be required to apply for a separate permit to include this additional area in the adjacent restoration project). The Commission, in evaluating the temporary fence in coastal development permit 5-97-144 found that the installation of the temporary fence around the periphery of the property would help to guarantee against trampling of native vegetation by domestic and feral animals and disturbances to native animal species both of which could exacerbate habitat degradation and frustrate progress in the proposed restoration effort. The location of the temporary fence is located outside of any biologically sensitive areas.

Because of the dune habitat's sensitivity to disruptions, and proximity to a densely populated residential community, the potential for animal and human impacts to the habitat value continues to be great. Therefore, the fencing has been determined by the applicant to be necessary to continue to limit animal and human intrusions. Although the re-sited fence will continue to prevent animal and human disruption into the habitat, the buffer area will provide passive access along the western part of the restoration area. As proposed, public access will be allowed on the Playa Capital property and will not interfere

with the adjacent residential development. Furthermore, once the dunes have been fully restored the Ballona Wetlands Foundation and the property owner, Playa Capital, will open the dunes area and provide organized tours through the area.

A potential impact to the buffer area and adjacent dune habitat caused by the proposed development, could be from additional light intrusions into the dune and wetland area from additional lighting for the parking area and from vehicles. Such additional lighting could adversely impact various insects and animals found in the dunes and wetland areas. However, the proposed project will not include additional lighting and will rely on existing lighting. Furthermore, additional lighting from vehicles in the proposed parking improvement area will not be significant. The proposed improved parking area will provide an area for the parking of approximately 15 additional vehicles. This amount of light and its temporary nature will not significantly increase illumination of the area. Moreover, as part of the project, the applicant is proposing to construct a low four-foot high block wall that will physically separate the proposed and existing parking area, along the western periphery of the site, from the landscape buffer area and dunes area. The wall will block most vehicle light from the proposed parking area, as well as the existing parking area, and will serve as a barrier between the residential development and proposed landscape area. As proposed, the project will improve the current situation by reducing the amount of vehicle lights shinning into the area.

The Commission, therefore, finds that only as conditioned to require appropriate landscaping will the proposed project be consistent with Section 30231 and 30240 of the Coastal Act.

F. Control of Polluted Runoff

Section 30230 states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging*

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Playa del Rey sand dunes and adjacent wetlands are considered environmentally sensitive habitat areas. Playa del Rey sand dunes, along with the main El Segundo Dunes (also known as the Airport Dunes) located further to the south, are remnants 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). Uncontrolled and unfiltered urban run-off into the dunes and wetlands can adversely impact the habitat.

Currently, surface runoff for the entire parking area, including the semi-subterranean parking and the improved parking along the northeastern property line (parking encroaches approximately 50 feet onto the adjacent Playa Capital property) drains into the subsurface drainage system, via a series of stormdrains. The runoff is collected and directed into a stormdrain that outlets into the Ballona Wetlands area, approximately 50 feet east of the Playa Capital/Laguna del Rey property line.

Since these apartments and stormdrain system were built in 1965, this development has directed unmitigated parking lot and other hardscape run-off into the wetlands area. The owners of the apartments, and co-applicants of this permit application, are proposing to implement an urban runoff management plan to not only collect and treat the runoff from the proposed 15 car parking area, but also treat the runoff collected from the existing development.

For all six existing stormdrains for the apartment complex that drain into the wetlands area, located along the northern and eastern portion of the property (see Exhibit No. 4), the applicants will install and maintain catch basin/drain filter inserts and install a bio-filtration basin near the end of the drainline. The program will include routine inspections and cleaning by a professional stormdrain maintenance company. In addition, the proposed parking lot area, which is currently a gravel lot, will be improved with a porous pavement to continue to allow water infiltration and eliminate siltation from the site.

A small 3-foot high block wall will be constructed between the parking area and the landscape area. The wall will ensure that runoff from the parking area does not flow into the dunes area and sediment from the landscape buffer area is not eroded from the site and carried into the drainage system.

The proposed water quality program will not only ensure that the runoff from the proposed hardscape from the proposed parking lot is adequately treated, but the program will also go beyond the required treatment of the runoff from the proposed development and treat runoff from the existing residential development. The proposed BMP's have been designed through consultations with water quality specialists using Federal, State, and local standards. The Commission's water quality unit has reviewed the proposed plan,

along with the maintenance program, and has determined that the program is consistent with the Commission's water quality requirements.

However, the parking improvements, fence, landscaping and installation of the biofiltation device will occur on property owned by Playa Capital (Parcel A, as shown on Exhibit No. 3). The installation of the stormdrain filters, which are necessary to mitigate runoff from the proposed parking lot, will occur on Laguna Del Rey property (Parcel B, as shown on Exhibit No.3). According to the applicants, all improvements, including the landscaping and the maintenance of the drainage improvements, will be conducted by the owners of Del Rey apartments. Special condition 3 requires that the stormdrain filters and biofiltration device are implemented and maintained in proper working order for the life of the project. To ensure that these drainage improvements are operated and maintained for the life of the proposed improvements, to mitigate the water quality impacts from the proposed project, a deed restriction on both properties is necessary. Since the development involves two applicants and two separate properties, and neither of the applicants have legal interest over property (Parcel A) owned by Playa Capital, special condition 3 requires the applicants to provide evidence that the property owner, Playa Capital, has executed and recorded a deed restriction permitting the applicants access to the property (Parcel A) in order to operate and maintain the drainage improvements for the life of the proposed development on Parcel A, as shown on Exhibit No. 3. Special condition 3 also requires the owners of the Del Rey Apartments, Laguna Del Rey property, to execute and record a deed restriction on their property, Parcel B, as shown on Exhibit No. 3, to ensure that the drainage improvements on their property are operated and maintained for the life of the proposed development. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30230 and 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

> *Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.*

The proposed project is located within the City of Los Angeles' planning areas of Playa Del Rey and Playa Vista. The City of Los Angeles does not have a certified Local Coastal Program for the Playa del Rey area. The City of Los Angeles submitted its Local Coastal Program in March 1981. The Commission denied the submitted LCP on December 18, 1981. The City has not planned the submittal of a revised LCP.

In November 1986, the Commission certified, with suggested modifications, the land use plan portion of the Playa Vista segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the Playa Vista coastal zone. Among these polices are those specified in the preceding section regarding habitat resources. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

LOS ANGELES AREA

SCALE

0 1 2 3 4 5 6 7 8 9 MILES

EXHIBIT NO. 1

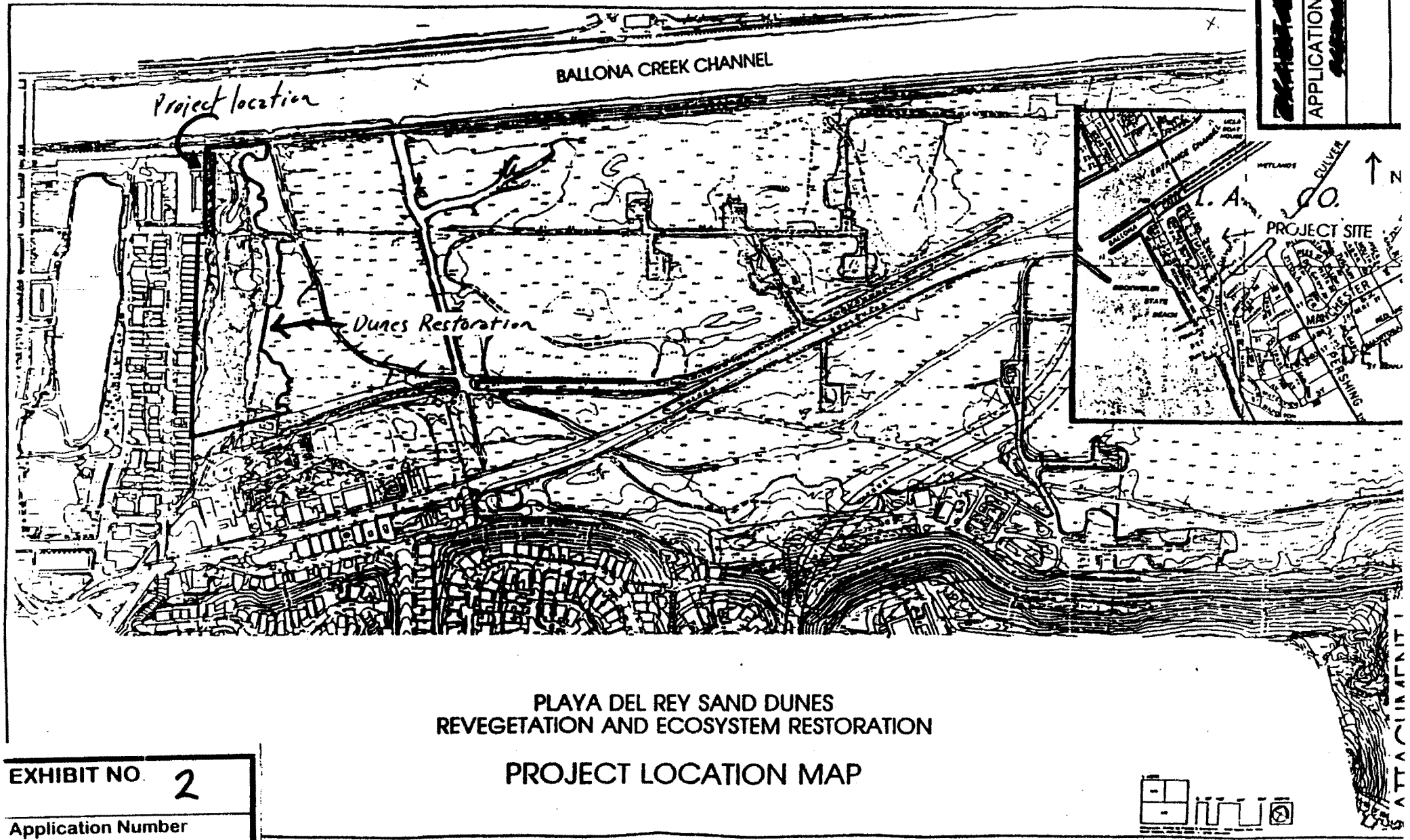
Application Number

5-01-096

Vicinity Map

California Coastal Commission

APPLICATION NO.



PLAYA DEL REY SAND DUNES
REVEGETATION AND ECOSYSTEM RESTORATION

PROJECT LOCATION MAP

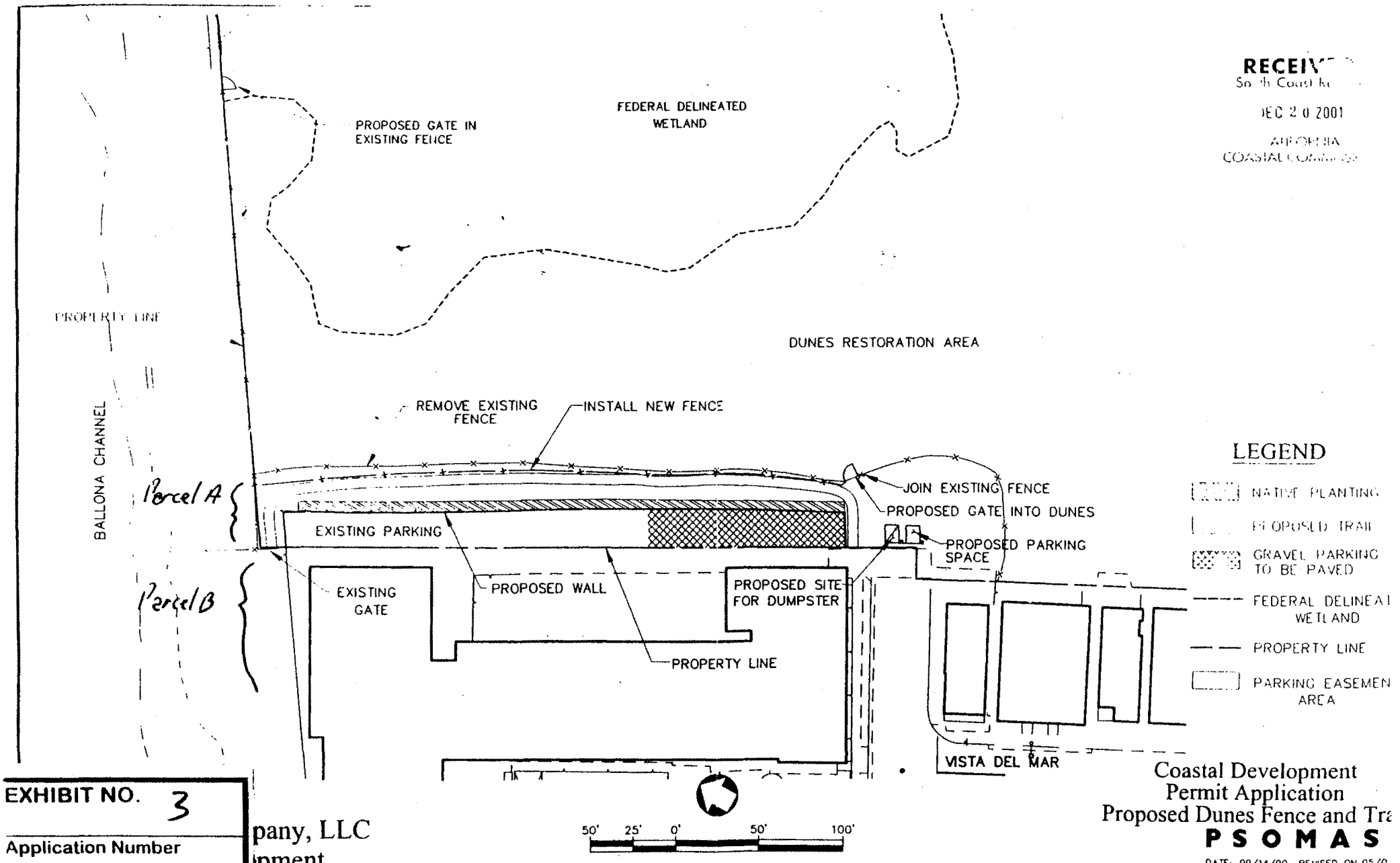
EXHIBIT NO. 2

Application Number

5-01-096

Project location

California Coastal Commission



NOTE: For reduced size prints, original scale is in inches.

pany, LLC
pment

Coastal Development Permit Application
Proposed Dunes Fence and Tra

PSOMAS

DATE: 09/14/00 REVISED ON 05/0
JOB No. 1PCC0204 47

EXHIBIT NO. 3

Application Number

5-01-096

Site Plan

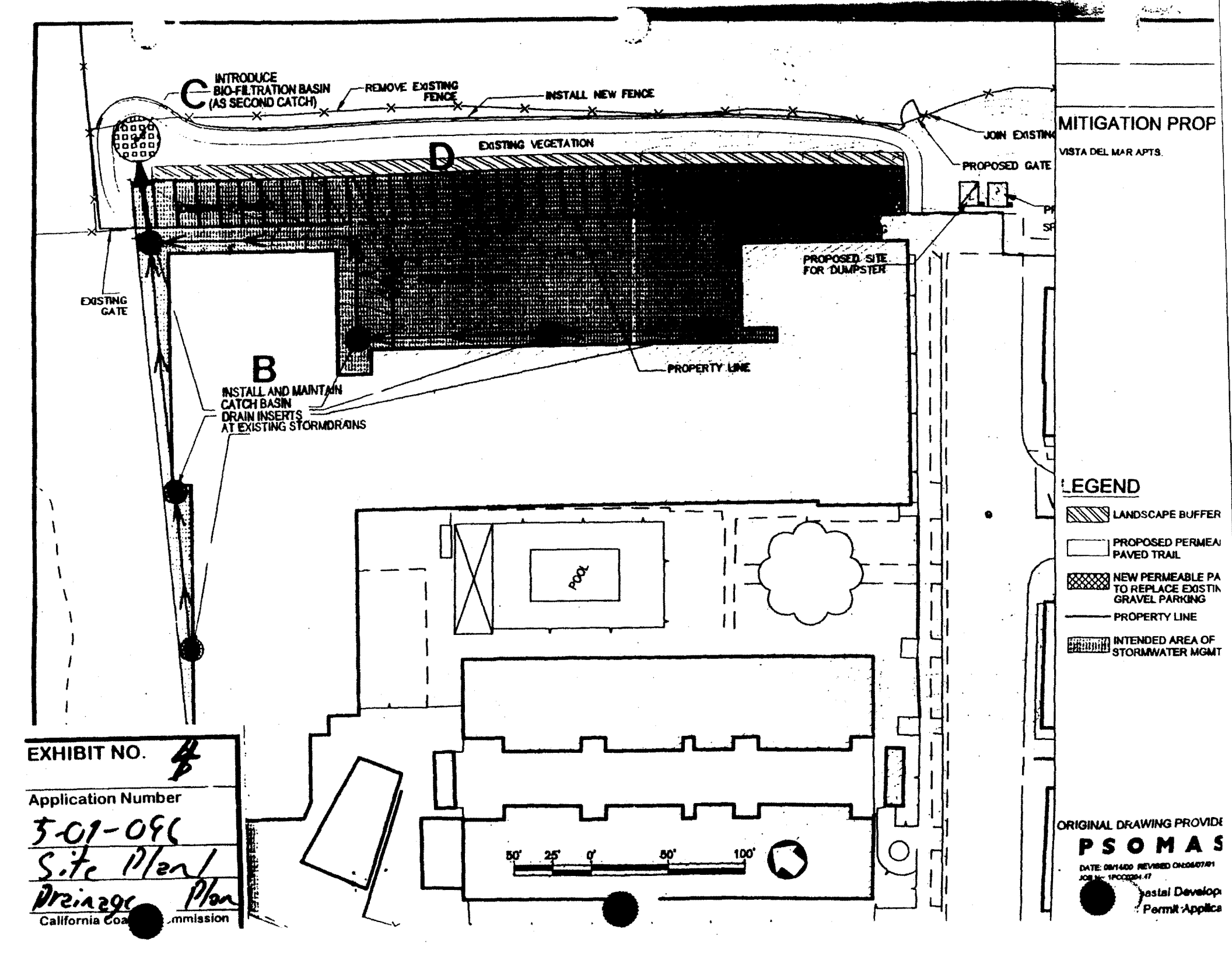


EXHIBIT NO. 4

Application Number

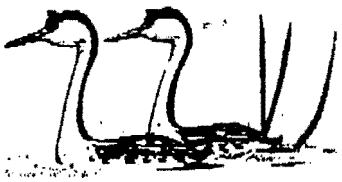
5-01-096

Site Plan/

Drainage Plan

California Coastal Commission

Ballona Wetlands Foundation



Preservation • Restoration • Education

Fax

Date: Monday, February 11, 2002

To: Al Padilla
California Coastal Commission
FAX: 562-590-5084

From: Wendy Rains
Phone: 310-574-0700
Fax: 310-574-9434

Pages: 2 (including cover)

Subject: Dunes Permit

Listed below are the native plants that Friends of Ballona Wetlands have reintroduced or added to small populations - dunes.

Native plants

- ✓ Camissonia cheiranthifolia
- ✓ Abronia umbellata
- Abronia maritima
- Gnaphalium bicolor
- ✓ Stipa cernua
- Erysimum insulare suffrutescens
- Eschscholtzia Californica maritima
- ✓ Encelia Californica
- Isocoma menziesii (haplopappus ericoides on list)
- Eriogonum parvifolium
- ✓ Rhus integrifolia
- Brodia pulchella
- ✓ Dudleya lanceolata
- Limonium Californicum
- Sisyrinchium bellum

Trees (wet spots on dunes)

- Platanus racemosa
- Alnus rhombifolia
- Populus Fremontii ✓

318 B Culver Boulevard Playa Del Rey, California 90293
(310) 574-0700 Fax (310) 574-9434 bwf@ballona-wetlands.org

EXHIBIT NO. 5
APPLICATION NO. 5-01-096
Native Plant List
California Coastal Commission

Tu 17d

JANE HARMAN
36TH DISTRICT, CALIFORNIA

COMMITTEES
ENERGY AND COMMERCE
SUBCOMMITTEES:
TELECOMMUNICATIONS AND THE INTERNET
COMMERCE, TRADE AND CONSUMER PROTECTION
ENVIRONMENT AND HAZARDOUS MATERIALS

PERMANENT SELECT COMMITTEE ON INTELLIGENCE
SUBCOMMITTEES:
TECHNICAL AND TACTICAL INTELLIGENCE
WORKING GROUP ON TERRORISM AND HOMELAND SECURITY
RANKING MEMBER

Congress of the United States
House of Representatives
Washington, DC 20515–0536

WASHINGTON OFFICE:
229 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–8220
FAX: (202) 226–7290

DISTRICT OFFICE:
811 NORTH CATALINA AVENUE
SUITE 1302
REDONDO BEACH, CA 90277
(310) 372–1600
FAX: (310) 372–1622

WEBSITE: www.house.gov/harman
E-MAIL: jane.harman@mail.house.gov

January 25, 2002

Mr. Al Padilla
Coastal Program Analyst
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, Ca. 90802-4302

Re: February Calendar
File # 5-01-096

Dear Mr. Padilla,

I am writing in support of issuing a permit to the Ballona Wetlands Foundation and the co-applicant, the Laguna Del Rey apartment owners, for trail improvements and new fencing and gates along the dunes portion of the Ballona Wetlands.

Restoration of the dunes has been underway for ten years. Volunteers have removed invasive non-native vegetation, and have been able to re-establish the native sand dune ecosystem. By granting this coastal development permit, necessary improvements to enhance these on-going restoration efforts will be possible.

This is a highly sensitive and unique habitat. The proposed permanent fence will protect the restored sand dune from trespassers. The new trail will allow the public to safely walk along the edge of the dunes area without disturbing the habitat. There is also planned signage to clearly identify the trail, as well as to educate visitors. The gates are necessary for restoration worker access as well as for accessing a viewing area for wetland observation for the regularly scheduled guided tours.

I support the efforts of the Ballona Wetlands Foundation to continue to educate the public of the significance of wetlands. This is a much needed part of making that possible. The public trail will connect with the network of future walking and bike paths that are planned to link other parts of Los Angeles to the beach. This project is an important part of that dream.

Regards,

JANE HARMAN
Member of Congress

CC: Wendy Rains

17

UNIVERSITY OF CALIFORNIA, IRVINE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO SANTA BARBARA • SANTA CRUZ

Ecology and Evolutionary Biology

321 Steinhaus Hall
Irvine, CA 92612-2525
(949) 824-6006
(949) 824-2181 FAX

January 19, 2002

Mr. Al Padilla
Coastal Program Analyst
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, Ca. 90802-4302

Re: February Calendar, File # 5-01-096

Dear Mr. Padilla,

I strongly support the issuance of a permit for the Ballona Wetlands Foundation and its co-applicant (Laguna Del Rey apartment owners) to implement trail remediation adjacent the Ballona Wetlands dunes area.

Dune restoration has been conducted at many sites along the coast, and it is truly needed at Ballona, where restoration is feasible with every promise of success. Granting this permit will allow restoration efforts to continue. Removal of non-native vegetation and planting has allowed the initial phases of restoration to occur over a lengthy period of time at this site, and the permit will provide an on-going opportunity for its enhancement.

Dune habitats along coastal California are scarce and few are protected – making those that can be restored even more valuable. At this site trespassing problems, common at restoration sites, can be eliminated by fencing, and the establishment of a new trail along the habitat edge will allow the public to view the site and traverse its perimeter without damaging it.

Education about California's wetlands is vital, and this permit will provide the Ballona Wetlands Foundation with the improvements it needs to do just that. I strongly endorse permitting this request, as it truly serves the public interest and will help all of us both enjoy the existing resource and watch it as it completes its return to a natural habitat. I teach Restoration Ecology (Biology 175) at the University of California, Irvine, and am very pleased at the progress made thus far at Ballona – and at this opportunity to further it.

Thank you for your consideration in this important matter.

Respectfully,

Dr. Peter A. Bowler
Department of Ecology and Evolutionary Biology
University of California
Irvine, California 92697 - 2525

SANTA MONICA COLLEGE

January 15, 2003

To: Mr. Al Padilla
Coastal Program Analyst, California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802-4302

Re: February Calendar: File #5-01-096

Dear Mr. Padilla:

I am writing this statement in support of issuing a permit to the Ballona Wetlands Foundation and co-applicant, the Laguna del Rey apartment owners, for trail improvements and the erection of new fencing and gates along the dunes portion of the Ballona Wetlands.

The dunes restoration has a successful history of over a decade, and I have personally been involved in the preservation of Ballona Wetlands, through the Friends of Ballona Wetlands, for over a quarter of a century.

These particular dunes represent one of two remnants of a historical continuous sand dune community, which once spread from the Pacific Palisades-Santa Monica region to Palos Verdes. The other remaining remnant is the LAX area (which is also carefully being restored).

The Ballona Wetlands sand dune community is inhabited by the legless lizard, a new species of "Potato Bug," or "child of the earth", and the Dune Buckwheat, along with other unique species. Due to the presence of the Dune Buckwheat, I seriously expect that the El Segundo Blue Butterfly will establish itself here within the foreseen future (Note: this particular Buckwheat species is it's food plant).

This is truly a highly sensitive and unique habitat and it is absolutely essential that it be protected from trespassers (human, domestic pets, introduced biota, and feral mammals) by the proposed fencing and gates. A planned trail along the periphery of these dunes will be adequate to educate the public of the dunes ecological uniqueness and importance without the public disturbing its biota.

I strongly urge the issuance of the permit application in the February calendar. If I can be of further assistance to you on this pertinent issue, please contact me without hesitation.

Sincerely,

Edward S. Tarvyd
Professor of Marine Biology and Zoology

Adi Liberman
17540 Superior Street
Northridge, CA 91325

January 18, 2002

Al Padilla
Coastal Program Analyst
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, Ca. 90802-4302

Re: February Calendar
File # 5-01-096

Dear Mr. Padilla,

I am writing you to convey my support to the Coastal Commission of a permit requested by the Ballona Wetlands Foundation and the co-applicant, the Laguna Del Rey apartment owners, for trail improvements and new fencing and gates along the dunes portion of the Ballona Wetlands.

This project is very important to the completion of the dune restoration that has been going on for ten years. Volunteers have removed invasive non-native vegetation, and have been able to re-establish the native sand dune ecosystem. By granting this coastal development permit, necessary improvements to enhance these on-going restoration efforts will be possible. The proposed permanent fence will protect the restored sand dune from trespassers. The new trail will allow the public to safely walk along the edge of the dunes area without disturbing the habitat. There is also planned signage to clearly identify the trail, as well as to educate visitors. The gates are necessary for restoration worker access as well as for accessing a viewing area for wetland observation for the regularly scheduled guided tours.

I particularly support the efforts of the Ballona Wetlands Foundation to continue to educate the public of the significance of wetlands. This is a much needed part of making that possible. The public trail will connect with the network of future walking and bike paths that are planned to link other parts of Los Angeles to the beach. This project represents a significant portion of that future dream.

Sincerely,

Adi Liberman

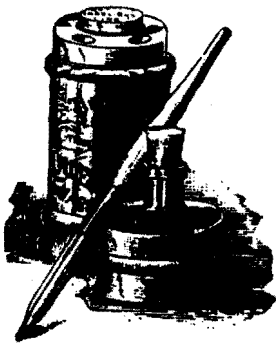
MALEMAN INK

PUBLIC RELATIONS

8939 Sepulveda Blvd., Suite #526
Westchester, CA 90045
TEL. 310.645.2295
FAX: 310.645.6147
E-MAIL: GMALEMAN@AOL.COM

To: Mr. Al Padilla
Coastal Program Analyst
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, Ca. 90802-4302

Re: February Calendar
File # 5-01-096



Dear Mr. Padilla,

I am writing this in support of issuing a permit to the Ballona Wetlands Foundation and the co-applicant, the Laguna Del Rey apartment owners, for trail improvements and new fencing and gates along the dunes portion of the Ballona Wetlands.

Restoration of the dunes has been successfully going on for ten years. Volunteers have removed invasive non-native vegetation, and have been able to re-establish the native sand dune ecosystem. By granting this coastal development permit, necessary improvements to enhance these on-going restoration efforts will be possible.

This is a highly sensitive and unique habitat. The proposed permanent fence will protect the restored sand dune from trespassers. The new trail will allow the public to safely walk along the edge of the dunes area without disturbing the habitat. There is also planned signage to clearly identify the trail, as well as to educate visitors. The gates are necessary for restoration worker access as well as for accessing a viewing area for wetland observation for the regularly scheduled guided tours.

I support the efforts of the Ballona Wetlands Foundation to continue to educate the public of the significance of wetlands. This is a much needed part of making that possible. The public trail will connect with the network of future walking and bike paths that are planned to link other parts of Los Angeles to the beach. This project represents a significant portion of that future dream.

Sincerely,

Geoff Maleman

LOYOLA MARYMOUNT
UNIVERSITY

Department of Biology

15 January 2002

A. Padilla
Coastal Program Analyst
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, Ca 90802-4302

Dear Mr Padilla

Re: February Calendar, File # 5-01-096

I am writing in support of the permit application by the Ballona Wetlands Foundation and the Laguna Del Rey apartment owners for new fencing, access gates, and trail improvements along the dune edge of the wetlands.

The dune restoration program is impressive in its achievements. Monospecific stands of *Carpobrotus* have been replaced with the species typical of a dune habitat in this region. In some areas it appears that the natural dynamic of the system has been restored and seedling recruitment is occurring. This exciting development is, however, subject to reversal if high levels of disturbance occur, such as those associated with excessive trampling due to uncontrolled access to the area. Thus effective fencing is required.

Controlled access through appropriate gates, however, is a requisite to facilitate continued restoration work and scheduled guided tours. Additionally, the proposed trail will allow public access along the edge of the dune habitat without disturbing the habitat. In this way the public may be educated about wetlands and benefit from the restoration and conservation efforts. To this end I support the Ballona Wetlands Foundation and their co-applicant, the Laguna Del Rey apartment owners in their permit application. The proposed improvements will have beneficial outcomes for restoration and education associated with the Ballona Wetlands.

Sincerely yours,

Philippa M. Drennan (Ph.D.)
Associate Professor

cc Wendy Rains, Executive Director
Ballona Wetlands Foundation

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-[illegible]

JAMES A. NOYES, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX [illegible]
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: WM-7

January 28, 2002

Mr. Al Padilla
Coastal Program Analyst
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Dear Mr. Padilla:

LETTER OF SUPPORT FOR COASTAL DEVELOPMENT PERMIT - FILE 5-01-096

We are writing you in support of issuing a permit to the Ballona Wetlands Foundation and the Laguna Del Rey apartment owners (co-applicant), for trail improvements and new fencing and gates along the dunes portion of the Ballona wetlands.

Restoration of the dunes has been successfully ongoing for the past 10 years. Volunteers have removed invasive non-native vegetation and have been able to reestablish the native sand dune ecosystem. By granting this coastal development permit, necessary improvements to enhance these restoration efforts will be possible.

The proposed permanent fence will protect the restored sand dune from trespassers. The new trail will also allow the public to safely walk along the edge of the dunes area without disturbing the habitat. Also, there is planned signage to clearly identify the trail, as well as to educate visitors on wetlands. The gates are necessary for restoration workers access as well as for access to a viewing area for regularly scheduled wetland observation guided tours.

Al Padilla

From: Deborah Lee
Sent: Thursday, March 07, 2002 1:04 PM
To: Teresa Henry; Pam Emerson; Al Padilla; Alex Helperin
Subject: FW: TIME URGENT: Tu17d - Ballona Sand Dunes

CO[illegible]SSION

EXHIBIT #[illegible]
PAGE 1 OF 8

fyi and Peter committed to April... Deborah

-----Original Message-----
From: Marcia Hanscom [mailto:wetlandact@earthlink.net]
Sent: Monday, March 04, 2002 12:42 PM
To: Peter Douglas; Deborah Lee
Subject: TIME URGENT: Tu17d - Ballona Sand Dunes

Peter, Deborah -- As you can see by the contents of this letter, we barely have had time to review and make these comments on this item on tomorrow's agenda. I am extremely disappointed we did not know about this permit item earlier and did not have adequate time to review, comment and plan to be in Monterey for the hearing. Roy's *preliminary* comments are in separate email. This is a very important part of the Ballona Wetlands and deserves as much care and scrutiny and proposed road projects.

Given the time urgency, I'm emailing this to you, although I don't know if it will reach you in time for the hearing.

Marcia

[illegible]etlands Action Network
Sierra Club Ballona Wetlands Task Force
PO Box 1145 • Malibu, CA 90265
(310) 456-5604 • fax: (310) 456-5612

March 4, 2002

California Coastal Commission AGENDA ITEM Tu17d
200 Oceangate, Suite 1000
Long Beach, CA 90802
THESE MATERIALS HAVE BEEN FORWARDED TO COASTAL COMMISSION STAFF

re: application #5-01-096 (Ballona Wetlands Foundation & Laguna del Rey, LLC

Dear Commission Chair Wan and Commissioners:

Thank you for the opportunity to convey our concerns, both biological and legal, about the project proposed by the Ballona Wetlands Foundation, an agent of Playa Vista, Playa Vista's consultant, Psomas, and Laguna del Rey, LLC, owners of an adjacent apartment building to the

sand dunes at Ballona.

There are several problems - both biological and legal in nature - with the Commission's approval of the permit as staff has recommended.

We urge you to continue this matter until it can be heard in Los [illegible]ngeles, and until we have the opportunity to review this plan with the [illegible]oremost experts on sand dune ecology in the Los Angeles region, Dr. Travis Longcore and Dr. Rudi Mattoni.

Following are issues we see as problems, and why the permit ought not to

be approved in its present form:

I. The project needs further scrutiny and review by experts who know the area, and who can properly review the science. Wetlands Action Network, Sierra Club and many other groups are on record with the California Coastal Commission with having an ongoing, keen interest in all things related to the Ballona Wetlands. Despite this fact, we were not notified of this project by staff, with whom we have regular ongoing communications.

This project was only noticed by our reviewing the Commission agenda when it arrived in our office late last week. We immediately called the staff and asked for a copy of the staff report, which we received on Friday, and reviewed this weekend. While the staff report is posted on the Commission's website, none of the maps or plant lists are attached on the website, and these attachments are necessary in order to properly review the staff recommendations.

Attached are comments submitted by Robert Roy van de Hoek, a field biologist who has conducted extensive study and has experience with this particular sand dune area, as he worked for Friends of Ballona Wetlands under contract, managing this restoration for a time. Since his contracted terminated, there has been no biologist with similar experience on site for most of the duration of the "ongoing restoration." Roy has made careful notes of the progress of the restoration, each step of the way, in spite of his no longer being employed by Friends of Ballona Wetlands.

These comments demonstrate that the plant list submitted by Ballona Wetlands Foundation is nearly entirely inaccurate for this ecosystem. It would be highly inappropriate, for example, to plant Populus Fremonitii in this sand dune, as the Commission acknowledged in a similar decision in January, 2002, when an adjacent sand dune restoration at the Ballona Lagoon Marine Preserve was approved.

II. The related project to this permit application, which is intimately tied to the project has not yet submitted monitoring plans nor progress reports for a permit issued in 1990 that was only supposed to last for 18 months.

Given that the original restoration permit for the dunes was to have been completed in eighteen months from the issuance of the permit in 1990, it is curious as to why this new project is needed at this time without a solid knowledge of how these same players have fared on a project that was expected to be completed in 18 months time, and more than a decade later, is still not completed. (Ballona Wetlands Foundation is a group made up of Playa Vista and the Friends of Ballona Wetlands; these two entities have a majority vote on a three person board, with LA City Councilmember Ruth Galanter's office having the third vote.)

Playa Vista has allowed an 18-month project to languish and not be completed, primarily because they use this project as a promotion and public relations tool for their "future restoration." Only the Friends of Ballona Wetlands are allowed to participate in this "community restoration" effort. Sierra Club has asked on several occasions, in the spirit of collaboration and working together with other environmental groups, to participate in the restoration efforts, and were informed by Friends' lawyer, Jo Powe, that this would be in violation of their settlement agreement with the developers.

III. There are inaccuracies in the staff report that staff relies on in its recommendation:

On page 9 of the staff report, it states that "These improvements have existed prior to the Coastal Act," referring to nonnative shrubs, cement parking areas, ornamental landscaping, etc. We do not believe this statement to be accurate, nor is the statement on page 7 accurate that "most of the non-native plant removal is completed."

IV. Public Access issues are not adequately addressed:

While staff is recommending that a deed restriction to run with the land allows the applicants access to the subject site, no such access is guaranteed to the public. This land has long been touted as future public lands, and should be at least subject to an Offer to Dedicate that a nonprofit organization like Access for All could pick up and manage (this and other coastal access group is equipped to open and close trail gates at night, post signage, provide clean-up, etc.) Preferably, the entire sand dune area could be deeded over to State Parks, who is the likely eventual owner and manager of the Ballona Wetlands. This show of good faith would go a long way toward achieving a measure of good will with the community, who to this date, has not been made welcome to even walk along the edges of the sand dune area.

V. Alternatives Analysis & ESHA violations.

As stated on page 14 of the staff report:

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

Staff's conclusions that there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment is incorrect. An alternative planting regime as suggested by Robert Roy van de Hoek is on alternative available to the project. Requiring a monitoring report for the 1990 permit of the sand dunes area and evaluating the results of that plan with full public participation is another alternative that should be fully considered under CEQA.

In addition, ignorance of these alternatives will cause serious harm to an Environmentally Sensitive Habitat Area (ESHA.) Page 10 states that "...the site has been degraded and the site does not support native habitat." This is inaccurate, and is disputed elsewhere in the staff report and the record.

VI. Additional Changes Requested:

While we strongly suggest this permit be continued for further review of the issues detailed in this letter and the preliminary review by Robert Roy van de Hoek, should the Commission feel the need to approve this project now (it should be noted there is no rationale given for a time urgency to do so), we request the following changes be made:

Page 3 - 1. A. 1. - remove language "to the greatest extent practical" line one and line 3.

Not allowing palm trees, such as Mexican fan palms and Canary Island palms, as stated on page 10 will be allowed by the permit. These palms were not present prior to the Coastal Act.

A complete plant palette must be reviewed and approved by Robert Roy van de Hoek, Dr. Travis Longcore and Dr. Rudi Mattoni -- the three experts who combined are most knowledgeable about the site.

Require a deed restriction that allows public access to the dune site, and/or an Offer to Dedicate an accessway to an organization equipped to manage such a site.

VII. Conclusion:

We respectfully request that the Commission postpone this permit application and further investigate and provide the Commission with necessary information not presently before the Commission in a sufficient manner to allow justification for approving this permit, for the many reasons stated above, and as supported by additional information in the Commission's record.

Sincerely,

Marcia Hanscom
Executive Director
Wetlands Action Network
& Secretary, Sierra Club Ballona Wetlands Task Force

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SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

March 14, 2002

VIA FACSIMILE AND U.S. MAIL

Mr. Al Padilla
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

Re: Ballona Wetlands Foundation and Laguna del Rey, LLC
Application No. 5-01-096

Dear Mr. Padilla:

A question has been raised in connection with the above-referenced permit application regarding the historical background of the existing encroachments of the Del Rey Apartments parking lot and adjacent vegetation onto property owned by Playa Capital Company at Playa Vista (the "encroachment area"). The Ballona Wetlands Foundation (the "Foundation") has asked Playa Capital to respond to those questions. I am doing so on their behalf.

The Del Rey Apartments were constructed in phases between 1966 and 1972. At that time and during a period of time thereafter prior to 1973, the owners of the Del Rey Apartments ("Del Rey") expanded the parking lot adjacent to the apartments to its present configuration and planted vegetation, including the row of palm trees located just west of the parking lot on property owned by Playa Capital's predecessor-in-interest. During the early 1990s, Playa Capital's immediate predecessor-in-interest, Maguire Thomas Partners – Playa Vista, opened discussions with Del Rey regarding these encroachments. Del Rey asserted then and continues to assert a prescriptive easement to maintain its improvements in the encroachment area. Playa Capital has authorized the Foundation to negotiate with Del Rey to clean up the encroachment area, to remove all non-native vegetation in the area other than the existing palm trees, to replant the area with native vegetation, to install catch basins and a biofiltration basin to cleanse runoff from the apartments and parking lot and other matters designed to make the area more compatible with the planned dunes restoration located to the east of the encroachment area. Playa Capital has agreed that, upon approval by the Coastal Commission of the planned improvements, Playa Capital will enter into and record an easement agreement documenting its agreement with Del Rey and any requirements imposed by the Commission's permit.

In summary, Del Rey has asserted a prescriptive easement to continue its uses within the encroachment area. The Foundation, with Playa Capital's approval, and Del Rey now

633 WEST FIFTH STREET, SUITE 4000 • LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE: (213) 485-1234 • FAX: (213) 891-8763

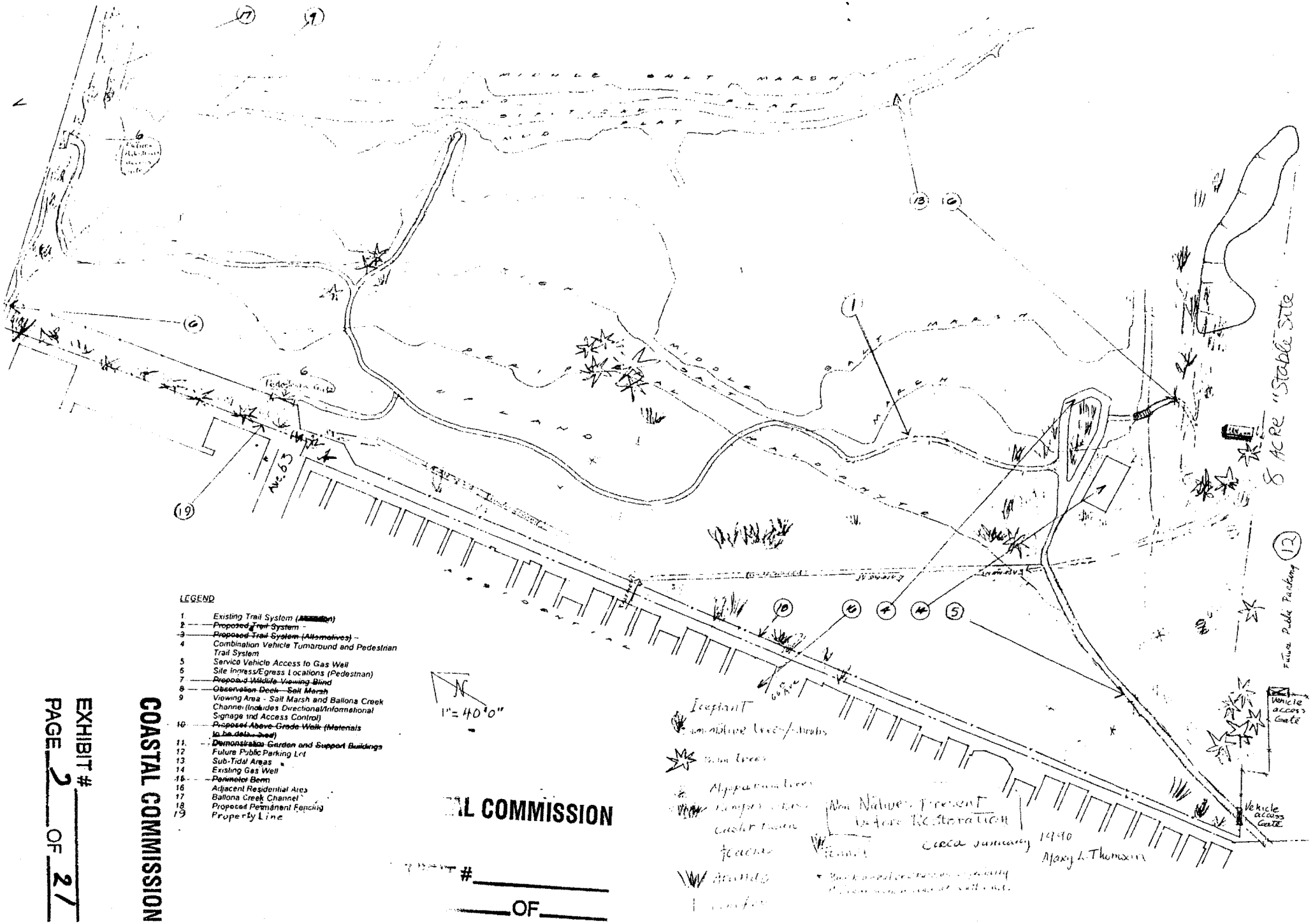
propose to modify the property in the manner set forth in the pending permit application and Playa Capital will enter into and record an easement agreement with Del Rey to reflect such resolution in settlement of Del Rey's assertion of a prescriptive easement. Playa Capital believes that the manner in which the Foundation has resolved this dispute will result in a significant improvement to the encroachment area that will be compatible with the planned dunes restoration and reduce impacts from the Del Rey Apartments on the adjacent Playa Vista property.

Sincerely,

David Vena

David H. Vena
of LATHAM & WATKINS

cc: Ms. Catherine Tyrrell
Ms. Wendy Rains
Ms. Ruth Lansford
Patricia T. Sinclair, Esq.
Henry Dearing, Esq.



COASTAL COMMISSION

EXHIBIT # 2
PAGE 2 OF 27

COASTAL COMMISSION

EXHIBIT #_____
PAGE_____OF_____

Species diversity, cover, and plant height at three sites in the Ballona Dunes Restoration Project.

Success criteria specified in the permit conditions for the restoration of the Ballona dunes adjacent to the Ballona Wetlands are:
1) 60% coverage with perennial native dune species: and
2) evidence of a stable community of native flora and fauna with a consistent species diversity and density (within a 30% range of variability).

A preliminary assessment of these criteria was undertaken using line transect methods at three adjacent sites in the restoration project. The position of the sites is illustrated on Figure. 1. Six transects, each 30 meters in length, were randomly positioned within each of the sites. Any plant touching the transect line was identified and the length over which it intercepted the transect line was recorded. From these data the percentage cover for each species along each transect line was calculated. Plant height was recorded for all plants intercepting the transect line. For each species, the number of plants in different height classes was determined and plotted to provide an indication of whether young plants are present in the population.

In the restoration sites surveyed, over 65% of the vegetation consists of perennial dune species (Table 1). Most of the iceplant has been removed. In these areas the non-native grasses constitute the largest proportion of the invasive species. *Lupinus chamissonis* is the dominant dune species at all sites, with *Lotus scoparius* and *Phacelia ramosissima* contributing significantly more cover than the remaining other species.

Table 1. Species of cover of perennials for three sites in the Ballona Dunes Restoration Project as estimated from line transects. Values for % cover are means ± SE (n = 18).

Species	% cover
Native species:	
Abronia spp	0.07 ± 0.07
Cammisonia cheiranthifolia (Sprengel) Raim	0.13 ± 0.09
Erysium insulare E. Greene ssp. *suffrutescens* (Abrams) R.A. Price	0.18 ± 0.16
Lotus scoparius (Nutt.) Ottley	6.31 ± 3.51
Lupinus chamissonis Eschsch	25.13 ± 4.29
Phacelia ramosissima Lehm.	3.76 ± 1.03
Invasive spcies:	
Non-native grasses	17.57 ± 5.68
Heterotheca grandiflora Nutt.	0.67 ± 0.51
Carpobrotus edulis (L.) N.E. Br.	0.78 ± 0.78

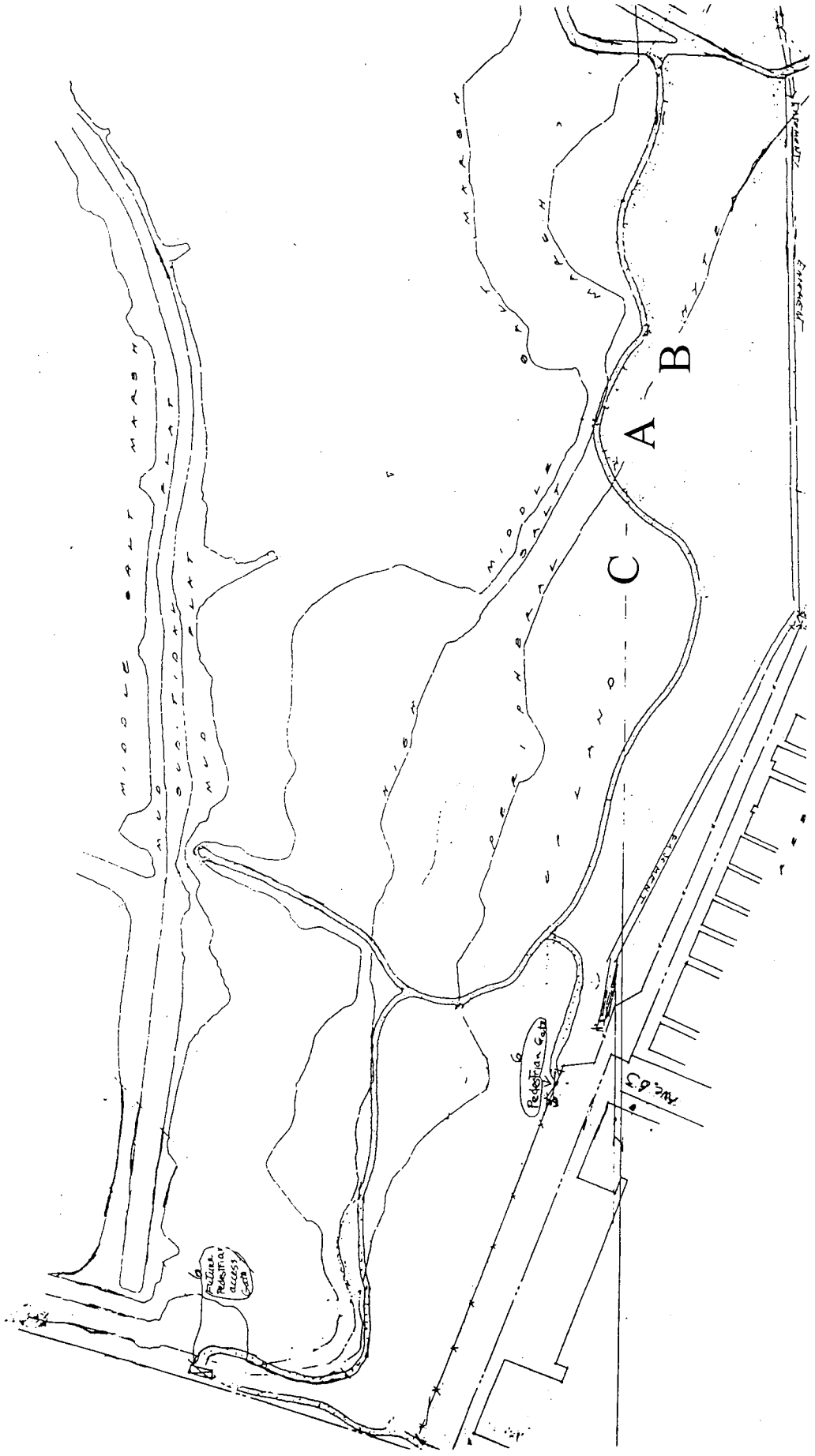


Figure 1. Position of the three sites sampled for cover, species diversity and plant height in the Ballona Dunes restoration project.

The height distributions of plants of these three dominant species (*L. chamissonis*, *L. scoparius*, and *P. ramosissima*) suggest that seedlings are being recruited into the population (Figure 2). A significant number of individuals whose height was less than that suggested for mature plants (Hickman 1993) were recorded.

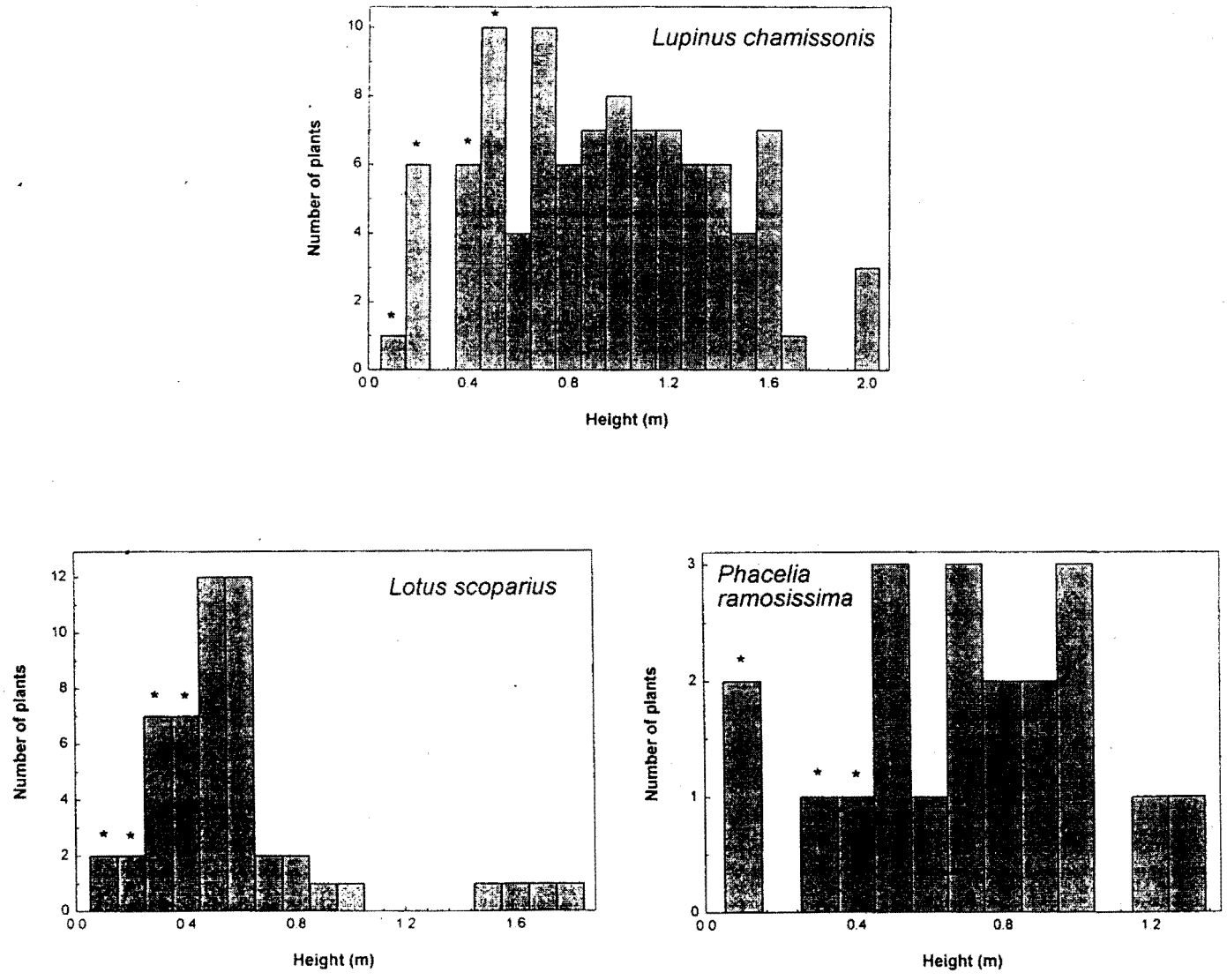


Figure 2. Height of individuals of *Lupinus chamissonis*, *Lotus scoparius*, and *Phacelia ramosissima* measured at three sites in the Ballona Dunes Restoration Project. Size classes indicative of immature plants (i.e., those with heights less than adult height range) are indicated by an asterisk (*) for each species.

Hickman, J.C. (1993) The Jepson Manual: Higher Plants of California. University of California Press, Berkeley and Los Angeles.

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OFFICE OF THE DIRECTOR
ENVIRONMENTAL SCIENCE AND ENGINEERING PROGRAM
10833 LE CONTE AVENUE
BOX 951772
LOS ANGELES, CALIFORNIA 90095-1772

March 15, 2002

Wendy Rains, Executive Director
Ballona Wetlands Foundation
318 B Culver Boulevard
Playa Del Rey, CA 90293

Dear Wendy:

I have reviewed the materials you provided to me concerning your application to the California Coastal Commission for fencing and other activities around the dune restoration area, paying most attention to the CCC Staff Report dated 2/8/02. The proposed activities seem reasonable and well justified to me. The major elements of the proposed project, such as installing fencing and BMPs for existing drains, seem environmentally advantageous. A potential impact from paving the existing parking area will be mitigated by using porous paving material.

Two aspects of the project that are not specified in detail in the application will be crucial to the project's success. First, the planting scheme, and particularly the species to be planted, is critical. From the materials provided and our phone conversation today, it appears that you will be using appropriate plants: all native dune species (and not trees). With the efforts to control non-native species, this should result in a great improvement in habitat value. In addition to planting native dune species, you might consider (and perhaps you already have) using native dune communities as a model for the planting patterns, so the resulting community has a natural vegetation spatial pattern. Second, like all restoration projects, it will be important to monitor the success of this project. I understand that some monitoring has already been conducted and a monitoring plan is being developed, and I encourage the completion of this task.

I hope these brief comments are useful. Please feel free to contact me if you have any questions.

Sincerely yours,

Richard F. Ambrose

Richard F. Ambrose, Ph.D.

PSOMAS
3187 Redhill Avenue, Suite 250
Costa Mesa, CA 92626
(714) 751-7373

MEMORANDUM

DATE: March 18, 2002

TO: California Coastal Commission

FROM: Edith Read, Ph.D., Psomas

SUBJECT: Response to comments by R. R. van de Hoek on Application 5-01-096: Ballona Wetlands Foundation permit to install permanent fence and establish native vegetation to protect Ballona dunes

I have reviewed Mr. van de Hoek's comments ("Preliminary Notes on the Ballona Dune Genuine Restoration" – hereafter referred to as Notes) that were submitted via an email dated March 4, 2002 to John Dixon, Jon Allen, Deborah Lee, and Peter Douglas. The comments were submitted via Marcia Hanscom, Executive Director of Wetlands Action Network.

First, I offer a general observation. In my capacity as Vice-Chair (and past Chair) of the International Society For Ecological Restoration, and having designed and overseen implementation of a small dune restoration project myself, I have often seen how easy it is for people to criticize others' projects from afar – second guess the choice of plants, object to presence of weeds on the site, and so forth. Words are easy to write. It is unclear from the negative tone of the Notes, whether the author has any appreciation of the special conditions on the site, the fact that experts have been consulted on numerous occasions, the hundreds of hours of unpaid labor that have been dedicated to the Ballona dunes, or the remarkable extent to which this labor has reduced the proportion of exotics occupying the dunes. The problems inherent to this site would intimidate even the most seasoned professional.

Following are more specific technical responses.

1. As part of the argument that the right plants have not been planted, reference is made to the historic El Segundo dunes and need to enlarge the Ballona dunes.

> The historic conditions that resulted in formation and maintenance of the dunes are no longer present, nor can these conditions be re-established unless the adjacent apartment buildings are removed. Unlike the El Segundo Dunes, in which I have personally visited and measured vegetation, the Ballona dunes are obstructed by development on their windward side, the Ballona Flood Control Channel on the northern side, development to the south, and saltmarsh to the east. While it is true that

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the current dune area is small, I do not see where the dunes could be enlarged, except into the saltmarsh to the east. I doubt anyone would approve fill of the saltmarsh to expand the dunes.

2. There is an objection to planting of riparian and wetland plant species, including *Baccharis salicifolia* (mulefat) and in fact the Notes' author advocates removal of the existing cottonwood and willows because they are not dune plants. The author also argues these plants have failed to produce seedlings, and uses this argument to suggest the species do not belong at the dunes. The author points to the legless lizard as an example of why the Friends' riparian plantings are inappropriate.

Puristic thinking is inappropriate here. Juxtaposition of freshwater wetland and dune vegetation was probably a natural condition at least at some point in the past, given that this site used to be in the area of the Los Angeles River. Additionally, critics should consider the dune/wetland swale habitat on Vandenberg Air Force base, in which freshwater wetland vegetation occupies swales between sand dunes where there is high groundwater. It is possible that remnant freshwater spring(s) are still expressed at the Ballona dunes (M. Thomson, pers. comm.), and as I understand it the Friends planted the riparian and wetland vegetation in low spots that had been observed to be naturally wet, instead of filling these wet areas with sand for dune plants. I believe such planting is appropriate and enhances the biodiversity of the site, as evidenced from occupation of the cottonwood by herons and observations of songbirds in the willows (R. Lansford, pers. comm.).

I have been conducting riparian vegetation monitoring for the past twelve years. I can attest that production of seedlings by cottonwoods and willows is infrequent, even under natural conditions. Vegetative (clonal) growth is much more common. Absence of seedlings at a site is not unusual and does not constitute evidence that the species do not "belong" there.

Lastly, legless lizards do occur at the Ballona dunes, observed by those who work there (R. Lansford, Mary Thomson, Kelly Rose, pers. comm.). The habitat affinity for the silvery legless lizard (*Anniella pulchra pulchra*), which is a CDFG Protected subspecies of the California legless lizard (*A. pulchra*), is described in the Peterson field guide to western reptiles and amphibians (1985, p. 168), a reference that is widely available to the public in most bookstores. This reference describes the California legless lizard as frequenting sparse vegetation of beaches, chaparral, pine-oak

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woodland, and streamside growth of sycamores, cottonwoods, and oaks; it burrows in washes, dune sand of beaches, and loose soil near the base of slopes and near permanent or temporary streams. Bush lupine (a species planted by the Friends at Ballona) often grows in habitats where conditions are suitable for this lizard. With all this considered I fail to see why the author uses the legless lizard as an argument against planting of riparian species.

3. The author argues that the cottonwood tree at the Ballona dunes was planted.

I am unfamiliar with the aerial photographs the author refers to, but I am familiar with how vegetation appears in aerial photographs, and I am thoroughly familiar with the tree coring technique referred to by the author for aging trees, particularly cottonwoods. I do not know how the author can infer the artificial planting of this tree from the evidence presented. Firstly, cottonwoods lose their leaves in winter, therefore they are practically invisible in aerial photographs taken during that season. Additionally, small seedlings that have established on their own would not necessarily be visible. Without knowing what photographs the author is referring to it is difficult for me to ascertain what he is evaluating – it is possible that historical photos would not show the cottonwood because it was taken during the wrong season, or because the tree was too small to be detectable. Secondly, determination of cottonwood age by taking a core sample and counting growth rings can be fraught with errors – that is why I usually have such samples analyzed by a dendrochronology laboratory that specializes in such things, if I want precision. Cottonwoods can suffer heartrot (loss of core tissue), they can fail to produce growth rings every year, and core samples can exhibit "false" growth rings that are misleading.

For all of the above reasons, and in the absence of any confirmation from anyone that they planted the tree or know of someone who planted it, the origin of the cottonwood must remain an unsolved mystery. But I see no point to solving this mystery, for reasons I've given above for point #3.

4. There is objection to coastal sage scrub and bluff (cliff) species being planted in the dunes.

Again, puristic thinking is inappropriate here. The author draws a line that does not exist in nature. While classification of vegetation communities is useful for evaluating habitat associations of particular species, and can be used as a general guide for restoration, strict adherence to these community types when selecting plant species is not helpful. Coastal sage

10/21

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scrub, dune, and bluff communities are each unique in their own way but can share species in common if the communities are within seed dispersal distance of one another and the soil substrate/drainage characteristics are similar. In the case of the dunes, the plant list has appropriately focused on a mix of species that differ in their affinities for sandy soil, just as the "dune" site is actually comprised of a range of microhabitats with variable conditions. This approach enhances opportunities for success.

5. The author points out that weedy grasses have replaced iceplant that has been removed. This statement is made in the same context as the "incorrect" restoration statement, thus implying the Friends did something wrong and invasion of the grasses should not have occurred.

When I first visited the dunes in 1995 I observed weedy grasses (primarily ripgut brome, *Bromus diandrus*) growing within patches of iceplant. It was perfectly predictable that this and other grass species would expand their territory once the iceplant was removed. These grasses are ubiquitous throughout California and will probably never disappear permanently. But over time their abundance can be managed with ongoing hand weeding and planting of native vegetation. The presence of these grasses does not mean the restoration is "incorrect".

6. Various other objections to the plant palette, including planting of *Dudleya* sp., with the argument that the plants do not belong at the dunes.

In response to this criticism, some data might be of interest. In 1995 I conducted a comparative vegetation transect study of the Ballona dunes and El Segundo dunes. The purpose of the study was to utilize the El Segundo data to develop a rough template for what should be planted at Ballona. More recently, Dr. Pippa Drennan collected vegetation data from the Ballona dunes, which the Foundation has supplied to me. I do not know if our field methods were comparable, but to the extent that the transects are representative, the following numbers may be of interest. Note that *Dudleya lanceolata* did occur at the El Segundo dunes in 1995. I do not know if it was planted there, but clearly it was healthy and unlike Mr. van de Hoek, I have not observed its distribution confined to bluff habitat. It is not out of place at the Ballona dunes.

Preliminary Summary of Some Abundance (Percent Cover) Data Collected at El Segundo and Ballona Dunes – selected species from restoration plant list + iceplant

11/21

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Species	El Segundo Dunes 1995 (E. Read)	Ballona Dunes 1995 (E. Read)	Ballona Dunes 2002 (P. Drennan)
Abronia umbellata (native)	3.6 % (total over 6 transects, 6 plots each)	0.03 % total (same # transects and plots as El Segundo)	0 - 1.2 % total (over three locations, six transects each)
Lupinus chamissonis (native lupine)	2.5 %	8.2 %	35 to 62 % total depending on location
Erysimum suffrutescens (native, somewhat rare though not listed as T or E)	3.8 %	0 % (in transects, but I observed a few individuals outside transects)	0 - 2.9%
Phacelia ramosissima	0.0 %	3.7%	0.3 to 11%
Iceplant (exotic)	0.0%	0.9%	0 %

In brief, the above numbers indicate a positive trend at Ballona toward conditions found at the El Segundo Dunes. While field methods might have differed between 1995 and 2002, I am confident that a more rigorous comparative analysis of all data would document even more progress at the Ballona dunes than is represented by the above numbers.

In summary, I find no basis in fact for questioning the Ballona Wetlands Foundation's and the Friends of Ballona Wetlands' knowledge or actions in revegetating the Ballona dunes with appropriate species.

SANTA MONICA COLLEGE

COASTAL COMMISSION

EXHIBIT #_____

PAGE_____OF_____

To: California Coastal Commission

Response to the March 4, 2002 correspondences to Peter Douglas and Deborah Lee from Marcia Hanscom and Robert Roy van de Hoek regarding the Ballona Sand Dunes project and permit request for fencing, et al.

The Ballona Dunes represent a very small and highly modified remanent of a former very extensive coastal sand dune system that probably existed from Palos Verdes to the Santa Monica region over 200 years ago. (1) This expanded distribution is a little larger than the suggested original dune system distribution from Torrance just north of Palos Verdes to Playa del Rey at Ballona Dunes as stated by Robert Roy van de Hoek in his March 4th correspondence.

Additionally, the Ballona Dunes differed substantially from those at El Segundo in that the Ballona Dunes were permeated with Los Angeles River channels emptying their contents into Santa Monica Bay. Until the middle 1800's, the Los Angeles River exited into Santa Monica Bay from the base of the Playa del Rey cliffs to the present northern site of Venice Blvd. Furthermore, the intertwining water channels

(1.) Remark by Dr. John Garth, circa 1970, in a conversation with Ed Tarver. Dr. John Garth is co-author of Butterflies of California, and this discussion centered on the probable original distribution of the El Segundo Blue Butterfly and its food plant, the Dune Buckwheat.

12/21

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A century and a half of urbanization and land modification due to farming activity eventually left a two part extant fragmentation of the original coastal sand dunes into the majority of the system being present in the LAX region. These are called the El Segundo Dunes. The much smaller fragment of this system exists in Playa del Rey at Ballona Wetlands. It is referred to as the Ballona Dunes, and it was always quite different geomorphologically from the El Segundo Dunes due to the original riparian and estuarine influences of the Los Angeles River.

The present Ballona Dunes are sheltered from the westerly wind patterns by the Laguna del Rey apartment complex which exerts a WIND SHADOW effect on the sand dunes. Thus the WINDWARD side of the Ballona Dunes is non-existent (ie. the apartments are built here). Consequently, little or no sand movement via regular westerly wind activity occurs in the Ballona Dunes. With no wind action, the usual potential water loss from plants occupying coastal sand dunes is not a factor here. In normal coastal sand dune conditions, this wind factor would dictate what can and what cannot exist there as far as the vegetation is concerned.

14/71

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Moreover, since only the Leeward (windless) portion of the Ballona Dunes is extant, the situation here is actually a windless, half dune entity lacking any wind generated sand movement.

The top portion of the Ballona Dunes are covered with exotic and escaped ornamental plants which had their origin from the east facing balconies of the Laguna del Rey apartment complex. These escaped exotic plants include Mexican Reed Grass (Arundo donax), Jade Plant, Dudlea sp., Opuntia spp. cactuses, and many others. They persist in essentially windfree conditions, and they obtain their water source via overflow from regular waterings by the Laguna del Rey residents of their regular balcony plants. In these conditions of regular waterings and existing in a windfree environment, these escaped exotics grow vigorously.

Coupled with all of these historical and present factors, the Ballona Dunes cannot be viewed as a classical coastal dune system. It is rare that one has a chance to restore a Leeward only half dune situation to a functioning ecosystem... but that is exactly what is being done at Ballona Dunes. Additionally, due to the unique riverine and estuarine history associated with the Ballona Dunes, it becomes apparent

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why such supposedly odd riparian vegetation such as mulefat (Baccharis salicifolia), California Willow (Salix sp.), and the lone Fremont Cottonwood grows in the proximity of the SAND dunes, these are relicts from the old riparian system days of the 1800's, just as the wild celery in the high areas of the Salicornia is a relict from early farming in Playa del Rey. With reference to the MARCH 4th correspondences,

I totally agree with the field biologist and marine biologist Robert Roy van de Hoek's statement that "these plants need protection from trampling by people and dogs from the neighboring apartment complex". This is precisely why the present permit for fencing and gates is being requested of the CALIFORNIA COASTAL COMMISSION.

However, I have concern with MARCIA HANSCOM'S completely oppositional views where she highly encourages public access to this fragile sand dune system.

Comments by MARCIA HANSCOM on March 4th

1. "... no such access (to the dunes) is guaranteed to the public." (page 3) ... statement to Peter Douglas and Deborah Lee

2. "... a show of good faith would go a long way toward achieving a measure of good will with the community, who to this date, has not been made welcome to even walk the edges of

11b1

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the sand dune area." ibid

Conversely, the public is allowed access to this site during regularly scheduled tours by FBW docents, BWF docents, and Audubon docents. The docents oversee the public tours and keep them to restricted paths.

One can only imagine the damage to sensitive dune areas that would occur if open, unregulated, unsupervised access was allowed to the general public. Such was the case when the Friends of Ballona Wetlands first undertook the laborious time consuming task of invasive iceplant removal some 15 years ago. Again, this is the whole purpose of this permit application for fencing et al ... to Protect the Dunes from careless wandering by an uninformed public and their accompanying dogs, often allowed to run free of their leash restraints!

If one allowed MARCIA HANSCOM's suggestion that one were to "require a deed restriction that allows public access to the dune site", this will mark the genesis of the DEATH OF BALLONA DUNES. Wandering, unsupervised public and their accompanying animals will trample the dune sands,

11/21

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destroy the dune vegetation, and collapse the dune animal burrows. I cannot fathom how MARCIA HANSCOM could possibly advocate this form of action to the enlightened members of the CALIFORNIA COASTAL COMMISSION. In fact, her views are in direct opposition to the suggestions of her own advisory field biologist, Robert Roy vandeHoek!

Limbless lizards are already using the Ballona Dunes as their habitat. In fact, MARY THOMSON regularly sees live of these animals on the dune sands despite the statement by R.R. vandeHoek that they cannot exist there due to the conditions laid down by the California Department of Fish and Game. I suppose that these limbless lizards do not have access to the CALIFORNIA FISH and Game regulations which state which species can co-exist with which other species in coastal sand dune environments.

Exactly how R.R. vandeHoek expects that the Ballona Dunes should be enlarged is something that should be pursued. Removal of the Laguna del Rey apartment complex would be vehemently opposed by its owners and tenents, so a WINDWARD side to the Ballona Dunes cannot be added.

IV/91

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Substantial addition of expensively moved sand without removal of the LAGUNA del Rey apartment complex simply enlarges the HALF DUNE situation. This does not restore a NATURAL Coastal SAND DUNE situation; it only adds more sand to the existing LEEWARD side of the dunes.

In conclusion, the Playa del Rey area has a small, Leeward, HALF dune situation protected from prevailing WESTERLY wind patterns. It is not a classic Coastal sand dune neatly described in textbooks with checklists of plant and animal species which should occur there. Due to unique historical influences, it is an abnormal situation deviating from usual text book descriptions. Additionally, all volunteers are welcome to involve themselves in the regularly scheduled invasive plant removal process.

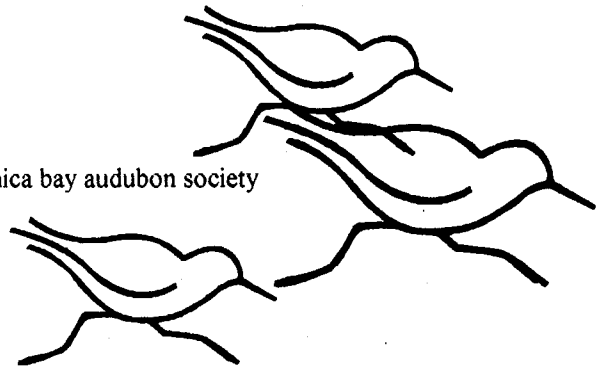
I most highly recommend that the CALIFORNIA COASTAL COMMISSION grant the applied for permit for fencing and gates as requested by the applicants.

Respectfully submitted,

Ed Tarvyd
professor of MARINE Biology and Zoology

Santa Monica Community College District • 1900 Pico Blvd. • Santa Monica, CA 90405-1628 • (310) 434-4000
Piedad F. Robertson, Superintendent and President

10/21



santa monica bay audubon society

COASTAL COMMISSION

EXHIBIT #_____

PAGE_____OF_____

March 15, 2001

Wendy Rains
Ballona Wetlands Foundation
318 B Culver Blvd.
Playa Del Rey, California 90293

Dear Wendy,

I would like to comment on the importance of the willows and cottonwood in providing habitat for nesting birds and cover for birds, insects, and reptiles found in the dune area.

Until a few years ago, the cottonwood was the preferred nesting place for the Great Blue Heron colony. As the colony grew in size it moved on to an area with more trees. The colony this year is again nesting in the Marina on various large trees in two different apartment complexes. While I personally have not observed other species of nesting birds in the cottonwood or the willows, I would be most surprised if these plants were not being used. Observation of breeding birds is a matter of timing on the part of the observer; not seeing them doesn't mean they aren't there.

Last September, Frank Hovore gave an insect lecture to the Audubon docents. On our walk he found several interesting things. Following is from a follow-up email to me for the docents:

> Q. "Did you find any more of the wood boring beetles? Were they a "new" species or just to the wetlands.
>
> A. They are what I thought, a species called Hyperplatys californicus, which gets into horse chestnut, walnut and cottonwoods; I have a few from Saticoy, from planted walnuts, about 30 years ago, and since then I have not encountered it. I got a fine series from the cottonwood; they are working inside the small stems of the dead, down-hanging branch. It was a very lucky find, to say the least. I also found a couple of wonderful orb weavers on that tree, and I guess nobody (me included) noticed the dead snake dangling from the same branch that I hit with the docents. It was, no doubt, dropped by a red-tail or owl. Kind of macabre. I left it there, about 8 feet off the ground.
>
> Q. You also said you would look up some info on the galls for the docents.
>
> A. The stem galls on the willow appear to be an *Euura* sawfly; they lay their eggs in spring, with one to four larvae per gall, and emerge as adults in the fall; I find no mention of alternating generations. I have not found a reference for the leaf gall."

As you can see there is much need for these plants. They provide insects for food, protected resting areas, and nesting material and cover for the birds and other critters on the Wetlands. We regularly see birds of many species resting, perching or foraging in the willows.

20/21

Last summer I had the opportunity to meet and talk with Richard Podolsky, PhD, a professional ornithologist who was hired to assess the effect on the birds of light and sound from areas surrounding the Wetlands. He pointed out that it would be wonderful if more cottonwoods and willows were planted, as they not only provide excellent habitat but also block the noise and light (currently from the apartments and if planted along Culver, from traffic). He suggested that planting cottonwoods would encourage the Great Blue Herons to return to nesting in the Wetlands rather than in the Marina, where they are considered by some to be a "pest".

Barbara Courtois has compiled a list of birds she has seen over the last five years. Barbara is an excellent bird observer and naturalist. For the last two years she has been the lead docent for our Audubon program and as such is on the Wetlands almost every Tuesday and Thursday from October through May.

On behalf of the Santa Monica Bay Audubon Society and myself, I think the cottonwood and willows provide a critical habitat for the birds and other critters on the Wetlands.

Sincerely,

Lillian F. Johnson Almdale
President
Santa Monica Bay Audubon Society

2/24

March 13, 2002

Subject: Palm trees

To Whom It May Concern:

I, Randy Krauch, grew up behind the Lagoon on Esplanade in Playa del Rey in the sixties and seventies. When I was twelve years old, circa 1971, I was hired and retained by the Saint John's apartment complex, adjacent to Ballona Creek, for the purpose of watering newly planted and fire damaged palm trees.

The previously mentioned palms were acquired from a nursery in Malibu shortly after a fire swept thru that area in 1970. These trees had been burned and it was questionable as to whether they would live or not. The palms were planted along the perimeter of the Saint John's property running parallel to the flood control channel and then off at a right angle, south, along the eastern property line.

Two or three times a week for six months to a year, I checked in with a Mr. Hobson, as I recall, after school or on weekends down at the apartment complex. He would provide me with a couple long hoses that I would drag around to the various water faucets. It would take an hour and a half to two hours to accomplish all the watering and hose dragging. I also planted, on hands and knees, all the ice plant under the palm trees at a dollar seventy-five an hour.

I hope that this is helpful in clearing up any questions about when said palm trees were planted.

Thanks for allowing me to recollect this time in my, then young, life. That was my first job and from the money I earned I remember buying a ten-speed bike, a tape recorder and a pair of binoculars.

Sincerely,

Randy Krauch