

CALIFORNIA COASTAL COMMISSION

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Staff: AJP-LB
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W15 I&m.

STAFF REPORT:
DENOVO & REGULAR CALENDAR

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPLICATION NUMBER: A-5-PDR-01-442/5-02-008

APPLICANT: Los Angeles World Airports (City of Los Angeles)

PROJECT LOCATION: South side of Waterview Street, Rindge Street and Napoleon Street, between Pershing Drive and Vista del Mar, Playa del Rey (Airport Dunes Planning District), City of Los Angeles

PROJECT DESCRIPTION FOR A-5-PDR-01-442: Installation of California native landscaping, below grade irrigation system, and pedestrian path, fence relocation and/or replacement, and removal of 90 *Washingtonia robusta*. Some of the components of the proposed project constitute an after-the-fact permit request for authorization for work that has already occurred, such as construction of a public pedestrian path and the installation of the irrigation system. The 90 *Washingtonia robusta*, which were previously installed along Waterview Street and Napoleon Street, are only proposed to be removed.

PROJECT DESCRIPTION FOR 5-02-008: Installation of landscaping, below grade irrigation system, and fence relocation and/or replacement. The proposed project includes an after-the-fact permit request for the construction of the pedestrian path and irrigation system.

Summary of Staff Recommendation

Staff recommends that the Commission take one vote adopting a two-part resolution for A-5-PDR-01-442 which would approve portions of the proposed development and deny other portions of the development; and a separate vote adopting a resolution for 5-02-008 which would duplicate the approval of the development within the dual permit jurisdiction area. The major issue of this staff report is the planting of non-native invasive plants within an Environmentally Sensitive Habitat Area (ESHA). The proposed development consists of planting California native dune vegetation, the removal of 90 palm trees, installing the irrigation systems, and construction of fencing and a public pathway.

Staff recommends that the Commission **deny** the installed below grade irrigation system that was installed without benefit of a coastal development permit since frequent watering

may adversely impact native vegetation within the ESHA. Staff recommends that the Commission **approve** the planting with Southern California native coastal dune and prairie vegetation, the removal of the 90 palm trees, replacement of existing fence with new decorative fencing, and construction of an after-the-fact public pathway with seven (6) special conditions requiring 1) submittal of revised landscaping plans showing use of California native coastal dune and prairie vegetation; 2) identification and protection of all existing Southern California native dune and prairie vegetation; 3) removal of all palm trees; 4) placement of public access and educational signage; 5) a future development restriction; and 6) condition compliance. The motions to carry out the staff recommendations are found on p. 3-5.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits: 5-86-217G (City of Los Angeles); 5-87-777 (City of Los Angeles); 5-90-1149(City of Los Angeles); 5-92-131(City of Los Angeles).
2. Commission staff report and findings for denial for Airport Dunes” Local Coastal Plan, November 12, 1987.

Staff Note:

The proposed development is within the coastal zone area of the City of Los Angeles. Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own coastal development permits.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the “Dual Permit Jurisdiction” area, the Coastal Act requires that the development which receives a local development permit also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency (City of Los Angeles) coastal development permit is the only coastal development permit required.

The proposed improvements located between Pershing Drive and approximately Whitlock Avenue are within the single permit area. The proposed improvements located west of Whitlock Avenue are in the dual permit area (see Exhibit No. 4). For the development that lies within the single permit area, once the local government authorizes that development, unless an appeal is filed and the Commission finds the appeal to raise substantial issues,

the local government's action is final. For development within the dual area, after the local government approves a permit, a second permit is required from the Commission under the requirements of section 30601, in addition to the Commission's action on this appeal.

The City's approval of the local coastal development permit for the single permit area was appealed to the Commission (A-5-PDR-01-442) by nine individuals and groups (see Exhibit No. 10). At the February 2002 Commission hearing, the Commission found that the appeal raised a substantial issue and the project was subsequently scheduled for De Novo hearing. The De Novo portion of the appeal is the subject of this staff report.

In order to minimize duplication and unnecessary delays, Commission staff has herein combined its analysis for the De Novo review of the permit appealed (A-5-PDR-01-442) and for the Commission's review of the dual permit jurisdiction coastal development permit application (5-02-008) into one staff report and one Commission hearing. However, Commission approval, modifications, or disapproval of this project will require separate actions on the appeal (De Novo) and on the coastal development permit.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. A-5-PDR-01-442:

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

MOTION: *I move that the Commission adopt the staff recommendation to approve in part and deny in part Coastal Development Permit No. A-5-PDR-01-442, by adopting the two-part resolution set forth in the staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit, as conditioned, for the removal of 90 *Washingtonia robusta* (Mexican Fan palm), landscaping with Southern California coastal native dune and prairie vegetation, removal and replacement of existing fence, construction of a public pathway, and denial of the request for after-the-fact authorization for a permanent, below-ground irrigation system; and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

Part 1: Approval with Conditions of a Portion of the Development

The Commission hereby approves a permit, subject to the conditions below, for the proposed development consisting of: the removal of 90 *Washingtonia robusta* (Mexican fan palm), landscaping with Southern California native coastal dune and prairie vegetation, removal and replacement of existing fence, and construction of a public pathway; 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 aspects of the permit listed above 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.

Part 2: Denial of the Remainder of the Development

The Commission hereby **DENIES** a coastal development permit for the portion of the proposed development consisting of: after-the-fact installation of the below grade irrigation system; and adopts the findings set forth below, on the grounds that the development would not be in conformity with the provisions of Chapter 3 of the California Coastal Act and would 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 and would result in significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. 5-02-008:

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

MOTION: *I move that the Commission adopt the staff recommendation to approve in part and deny in part Coastal Development Permit No. 5-02-008, by adopting the two-part resolution set forth in the staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned for landscaping with Southern California native coastal dune and prairie vegetation, removal and replacement of existing fence, and construction of a public pathway, and denial of the request for after-the-fact authorization to

install a permanent, below-grade irrigation system; and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

Part 1: Approval with Conditions of a Portion of the Development

The Commission hereby approves a permit, subject to the conditions below, for the proposed development consisting of landscaping with Southern California native coastal dune and prairie vegetation, removal and replacement of existing fence, construction of a public pathway; 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.

Part 2: Denial of the Remainder of the Development

The Commission hereby **DENIES** a coastal development permit for the portion of the proposed development consisting of: after-the-fact construction of a permanent irrigation system and adopts the findings set forth below, on the grounds that the development would not be in conformity with the provisions of Chapter 3 of the California Coastal Act and would 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 and would result in significant, avoidable adverse effects on the environment within the meaning of the California Environmental Quality Act.

III. 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.

IV. SPECIAL CONDITIONS FOR COASTAL DEVELOPMENT PERMIT NO. A-5-PDR-01-442

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 El Segundo Blue Butterfly preserve. A qualified biologist or licensed landscape architect, with expertise in dune restoration, shall prepare the plan. The plan shall include the following:

1. Vegetation planted on the site will consist of native plants typically found in Southern California coastal dunes and prairies. The seeds and cuttings employed shall be from sources in and adjacent to the El Segundo 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 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. Planting will maintain available views of the beach and ocean.

4. The site will be stabilized immediately with jute matting or other BMPs to minimize erosion during the raining season (November 1 to March 31) if plantings have not been fully established.
5. No permanent irrigation system shall be allowed. Temporary above ground irrigation to allow the establishment of the plantings is allowed. If a temporary above ground irrigation system is used, then once all plantings have been established, the temporary 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 temporary irrigation system, topography of the developed site, and all other landscape features;
2. A schedule for installation of native plants/removal of non-native plants;
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. A-5-PDR-01-442, the applicant 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 assesses whether the on-site landscaping is in conformance with the landscaping plan approved pursuant to this special condition and provides no less than 80% coverage of planted area and resists invasion by exotic plant species as demonstrated by less than 25% coverage of weed species. 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. **Existing Native Plant Assessment**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a map identifying all existing Southern California native coastal dune and prairie vegetation within the proposed development area, as generally depicted in Exhibit No 2. The plan shall indicate all native coastal dune and prairie plants that have the potential of being impacted by the development. The map shall be prepared by a qualified biologist or licensed landscape architect, with expertise with Southern California native dune vegetation. All identified Southern California native dune plants shall not be disturbed; however, in the event of unavoidable impacts to Southern California native dune or prairie plants during construction, including the removal of the palm trees, the native plant(s) shall be relocated prior to construction activity within the landscaped area.

3. **Palm Tree Removal**

In order to implement the applicant's proposal, the applicant shall remove all (90) existing Mexican Fan palms (*Washingtonia robusta*) within the proposed landscape area within 90 days from Commission approval of this permit. The Executive Director may grant additional time for good cause.

4. **Public Access Signage**

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 for the purposes of public information and public access. The signage shall inform the public of the pedestrian path, and cautioning the public to stay on the path due to the sensitive nature of the landscaping. Interpretive signs to identify plants or unique features of the area may also be included. The plan shall show the size, wording and location of signs. The signage shall be located in conspicuous on-site locations.

The permittee shall undertake development in accordance with the approved final plan. 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.

5. **Future Development**

By the acceptance of this permit the applicant agrees that this permit is only for the development described in coastal development permit No. A-5-PDR-01-442. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall

not apply to any of the parcel, generally depicted in Exhibit No. 2. Accordingly, any future improvements to the property, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), which are proposed within the area shall require an amendment to Permit No. A-5-PDR-01-442 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Condition Compliance

WITHIN 60 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

V. SPECIAL CONDITIONS FOR COASTAL DEVELOPMENT PERMIT NO. 5-02-008

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 El Segundo Blue Butterfly preserve. A qualified biologist or licensed landscape architect, with expertise in dune restoration, shall prepare the plan. The plan shall include the following:

1. Vegetation planted on the site will consist of native plants typically found in Southern California coastal dunes and prairies. The seeds and cuttings employed shall be from sources in and adjacent to the El Segundo 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 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. Planting will maintain available views of the beach and ocean.

4. The site will be stabilized immediately with jute matting or other BMPs to minimize erosion during the raining season (November 1 to March 31) if plantings have not been fully established.
5. No permanent irrigation system shall be allowed. Temporary above ground irrigation to allow the establishment of the plantings is allowed. If a temporary above ground irrigation system is used, then once all plantings have been established, the temporary irrigation system shall be removed. 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 temporary irrigation system, topography of the developed site, and all other landscape features;
2. A schedule for installation of native plants/removal of non-native plants;
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. A-5-PDR-01-442 and 5-02-008, the applicant 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 and provides no less than 80% coverage of planted area and resists invasion by exotic plant species as demonstrated by less than 25% coverage of weed species. 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. Existing Native Plant Assessment

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a map identifying all existing Southern California native coastal dune and prairie plants within the proposed development area, as depicted in Exhibit No. 2. The plan shall indicate all native coastal dune and prairie plants that have the potential of being impacted by the development. The map shall be prepared by a qualified biologist or licensed landscape architect, with expertise with southern California coastal dune vegetation. All identified Southern California native dune and prairie plants shall not be disturbed; however, in the event of unavoidable impacts to Southern California native dune or prairie plants during construction, including the removal of the palm trees, the native plant(s) shall be relocated prior to construction activity within the landscaped area.

3. Public Access Signage

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 for the purposes of public information and public access. The signage shall inform the public of the pedestrian path, and cautioning the public to stay on the path due to the sensitive nature of the landscaping. Interpretive signs to identify plants or unique features of the area may also be included. The plan shall show the size, wording and location of signs. The signage shall be located in conspicuous on-site locations.

The permittee shall undertake development in accordance with the approved final plan. 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.

4. Future Development

By acceptance of this permit the applicant agrees that this permit is only for the development described in coastal development permit No. 5-02-008. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to any of the parcel, generally depicted in Exhibit No. 2. Accordingly, any future improvements to the property, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), which are proposed within

the restricted area shall require an amendment to Permit No. 5-02-008 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Condition Compliance

WITHIN 60 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

VI. APPROVAL FINDINGS AND DECLARATIONS FOR COASTAL DEVELOPMENT PERMIT A-5-PDR-01-442:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct/ install California native landscaping, remove 90 Mexican Fan palm trees (*Washingtonia robusta*), and replace and relocate existing chain link fence with a decorative 8 foot high metal mesh panel fence. In addition, the project includes the request for after-the-fact approval of the construction of a pedestrian path and installation of permanent irrigation system within an approximately 2.4 acre area along the northern perimeter (Waterview, Rindge and Napoleon Streets) of the 302-acre El Segundo dunes site, owned by the Los Angeles World Airport (LAWA).

Portions of the project were constructed prior to LAWA applying for a Coastal Development Permit. The applicant installed the irrigation system, constructed the pedestrian path, and planted 90 palm trees along Waterview Street, Rindge Street, and Napoleon Street without the required coastal development permit. In addition, the applicant removed and/or replaced curb and gutters; however, this work was within the road right-of- way and would be exempt from coastal permit requirements.

The total project site involves a 50-foot wide strip of land along the south sides of Waterview Street, Rindge Street and Napoleon Street, between Pershing Drive and Vista del Mar (see Exhibit No. 3). The total area is approximately 2.4 acres in area. The proposed project is within the single permit jurisdiction area, addressed under A-5-PDR-01-442, and the dual permit jurisdiction area, addressed under both A-5-PDR-01-442 and separate CDP application No. 5-02-008. The single permit jurisdiction area extends from the intersection of Pershing Drive and Waterview Street to approximately the intersection of Napoleon Street and Whitlock Avenue. The dual permit jurisdiction area is the area west of approximately Whitlock Avenue (see Exhibit No. 4).

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

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

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

In March 1986, the Commission approved an Emergency Permit application (No. 5-86-217G) for interim habitat restoration for the El Segundo Butterfly, on three two-acre sites on the Airport Dunes, within the 200-acre area that is currently designated as the Dune Restoration Area. The permit included removal of non-native vegetation, revegetation with native plant species, and installation of a drip irrigation system.

In September 1987, the Commission approved a coastal development permit (CDP No. 5-88-777) to permanently authorize the emergency work, as well as additional habitat augmentation. The permit authorized habitat augmentation and restoration on three separate sites within the 200-acre area that is currently designated as the Dune Restoration Area.

In 1990, the Commission approved CDP No. 5-90-1149 for interim restoration over an additional 46-acres, temporary sprinkler system on 9 acres, revegetation of 8 acres with native dune plants, and a maintenance and monitoring plan within the 200-acre area that is currently designated as the Dune Restoration Area..

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

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

Currently, all restoration activity has occurred within an approximately 200-acre area located south of Sandpiper Street, see Exhibit No. 2 and 6 (Sandpiper Street is a through-street providing public vehicular access between Pershing Drive and Vista del Mar). The remaining approximately 100 acres, located north of the restoration area, which includes approximately 50 acres north of Sandpiper Street, has not been restored. The area north of Sandpiper Street is separately fenced.

B. Environmentally Sensitive Resources

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 El Segundo Dune property is physically divided into two areas by Sandpiper Street and perimeter fencing. The area south of Sandpiper consists of approximately 250 acres. All previous restoration efforts within the El Segundo Dune property have occurred within approximately 200 acres of this area. The dunes and El Segundo Blue Butterfly have been protected since 1986 as part of an ongoing City plan developed and operated by Los Angeles World Airports (LAWA). The area also contains a navigation equipment site on approximately 5 acres, maintained and operated by the airport, with access from Pershing Drive, and an approximately 2 acre public park (Vista del Mar Park) off of Vista del Mar (see Exhibit No. 2). The approximately 100 acre area located north of the restoration area has not experienced any restoration efforts from the time all residences were removed in the 1970's, under coastal development permit no. P-1-20-75-4657. The unrestored 100-acre area is divided in half by Sandpiper Street. The approximately 50-acre area north of Sandpiper Street is fenced along the entire perimeter, except along the northern portion of the property where the fence is setback approximately 50 feet from the adjacent streets. The 50-acre area contains remnants of old streets, some residential foundations, and exotic landscaping.

The applicant originally requested after-the-fact authorization to install 60 non-native Mexican Fan Palms (*Washingtonia robusta*) along with Southern California native coastal dune vegetation and a public pedestrian pathway, within the approximately 50 foot wide strip of land located between the adjacent streets and the existing fence in the northern perimeter of this approximately 50 acre area.

Although significantly altered in the past by residential and other types of development, the Dunes support a wide variety of native dune flora and fauna. As stated above, the entire 302-acre El Segundo Dunes is considered an Environmentally Sensitive Habitat Area (ESHA). The Dunes provide habitat for the El Segundo Blue Butterfly, a federally listed endangered species endemic to the El Segundo Dunes, and many other rare species of insects, reptiles, mammals and plants that are endemic, rare, or of limited distribution. According to the El Segundo Blue Butterfly (ESB) Recovery Plan (approved and published by the U.S. Fish and Wildlife Service, 1998) the El Segundo Dunes supports a number of unique species, including: Lange's El Segundo Dune Weevil, Dorothy's El Segundo Dune Weevil, Belkin's Dune Tabanid Fly, Henne's Eucosman Moth, Busck's Gall Moth, and the Coastal Little Pocket Mouse.

LAWA maintains an El Segundo Blue Butterfly Preserve that lies approximately half mile south from the project site. The Preserve is part of the 200-acre Dune Restoration area. According to the City's staff report on the CDP, LAWA continues to maintain the preserve and employs landscape personnel to eradicate non-native species.

According to previous restoration reports and a biological study that was prepared for the Los Angeles International Airport Master Plan (January 2001), the northern 100 acres of the El Segundo Dunes is a disturbed area. The biotic community has been significantly altered and degraded by development activities. The floral component typically associated with the dunes is almost completely absent due to extensive grading and paving and invasion of exotic annual grasses. The area has not been subject to any previous restoration efforts. However, despite the past disturbances and invasion of exotic plants, the area does support some native dune flora and fauna, and, as part of the 302-acre El Segundo Dunes, constitutes part of one of the last remaining vestiges of the once extensive Southern California coastal sand dunes.

The Commission's staff biologist, Dr. Jon Allen, states that although the area is segmented from the dune restoration area and has been degraded in the past, the 302 acre dune habitat is still connected and functions as a contiguous habitat and that the area should be protected.

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

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

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

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

Washingtonia robusta is a slender palm and grows to a height of approximately 100 feet. The palm propagates through seed dispersal. Although the seeds are rather large, and are not dispersed great distances by the wind, seeds could be dispersed within the proposed landscaped area as well as the adjacent area, and could easily be carried and dropped within the designated ESHA, as well as the nearby City dune preserve, by birds and other animals. These future seedlings produced by the 90 new trees [?] have the potential to adversely impact native flora and fauna through direct competition for space and through the trees providing habitat for pest species, such as starlings and rodents, that adversely impact the native habitat through increased competition and increased predation of native species.

Washingtonia robusta is a slender palm and grows to a height of approximately 100 feet. The palm propagates through seed dispersal. Although the seeds are rather large, and are not dispersed great distances by the wind, seeds could be dispersed within the proposed landscaped area as well as the adjacent area, and could easily be carried and dropped within the designated ESHA, as well as the nearby City dune preserve, by birds and other animals. These future seedlings produced by additional trees have the potential to adversely impact native flora and fauna through direct competition for space and through the trees providing habitat for pest species, such as starlings and rodents, that adversely impact the native habitat through increased competition and increased predation of native species.

Washingtonia robusta can currently be found throughout the area, including within the dunes area, adjacent neighborhood, public beach, and the 2-acre public park (Vista del Mar Park), and despite its presence in and around the El Segundo Dunes, there has not been a problem with *Washingtonia robusta* spreading into the dunes area. Furthermore, the City indicates that LAWA employs full-time landscaping personnel to eradicate any non-native species at the preserve.

Although *Washingtonia robusta* is abundant in the area, the planting of additional trees along the perimeter of the El Segundo Dunes area will reduce the buffer area between the residential community and their exotic plants, and the dunes. Furthermore, the additional

trees will significantly increase the number of seeds being deposited in the area which could create problems with any eradication efforts due to the increase number of seedlings that could germinate throughout the area. Dr. Allen concurs that the palm trees do represent a threat to the existing habitat and should be removed and that landscaping in the area should be restricted to mainly native dune plants and done in consultation with a qualified dune biologist.

Therefore, because the area is located within an ESHA and is relatively close to the portion of the dunes that have been restored by the City, the Coastal Act requires that the area be protected against disruption of habitat values and that the development is designed to prevent impacts to the surrounding area and is compatible with the continuance of those habitat areas. The planting of *Washingtonia robusta* and other non-native plants will have an adverse impact on the ESHA and is not compatible with the surrounding ESHA. The applicant is proposing to remove all *Washingtonia robusta* within the proposed landscape area.

Furthermore, in or adjacent to environmentally sensitive areas, the Commission has consistently required that landscaping be done with native non-invasive plants that will not compete with adjacent native plants, and if feasible, planting has been required to be done through the use of local seed sources to ensure species compatibility. Because of the uniqueness of the habitat area, the applicant should also be limited to the use of only southern California native coastal dune and prairie plants. The use of southern California native coastal dune and prairie plants will help protect and enhance the habitat area. To ensure species compatibility with the existing native vegetation, the landscaping plan shall be reviewed by a licensed landscape architect or biologist, with expertise in southern California dune restoration. All existing California native coastal dune and prairie plants shall be protected and incorporated into the landscape plan. Because the applicant is proposing to landscape in an ESHA, 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.

The applicant is requesting an after-the-fact authorization for the installation of the below grade irrigation system within an ESHA. Opponents state that irrigation can also have an adverse impact on the habitat since frequent watering is not consistent with southern California's natural weather patterns. In the LAWA Master Plan biological report, prepared by Sapphos Environmental, January 2001, it also states that frequent irrigation tends to encourage the growth of non-native plants. Furthermore, water sources promote population increases of non-native Argentine ants, European earwigs, and other exotic species, which compete and displace native insect species. Increases in exotic species populations can cause these species to encroach further into the El Segundo Dunes. Dr. Allen concurs that permanent irrigation represents a threat to the existing habitat and should be used.

The proposed pathway will generally follow the existing foot worn path and will be constructed with decomposed granite. As proposed the path will minimize impacts in the habitat area by

providing a formal pathway that people can use instead of walking through areas that may contain dune vegetation. The path will also allow access through the ESHA so that the public can experience the resources within the ESHA. Furthermore, the use of granite for the path will allow infiltration of water during rains to minimize surface runoff and erosion. The proposed fence will also serve to protect the area by continuing to limit uncontrolled access to the remaining portion of the property. As stated the majority of the property has been fenced since the residences were demolished and removed in the 1970s. The new fence will replace the fence along the northern portion of the property, but allow the public to access the 50-foot wide portion of the property.

The Commission, therefore, finds that only as conditioned will that part of the proposed project that is approved be consistent with Section 30240 of the Coastal Act. Furthermore, for that part of the project that is denied, the commission finds the proposal to be inherently and irremediably inconsistent with Sections 30240 of the Coastal Act.

C. Public Access

All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

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

The applicant is proposing to construct an approximately five foot wide pedestrian pathway, constructed with decomposed granite, extending from Whitlock Avenue to Vista del Mar (dual permit jurisdiction area). The pathway will be part of the City's proposed pathway extending from Pershing Drive to Whitlock Avenue (single permit jurisdiction) and continue from Whitlock Avenue to Playa del Mar (dual permit jurisdiction). The pathway will meander through the proposed approximately 50-foot wide landscape strip, located between the adjacent streets and the existing fence.

There is currently no formal or improved pathway or sidewalk along the northern perimeter of the airport property. However, the area has been used over the years by pedestrians forming an informal foot worn pathway.

The construction of a pathway will enhance public access between Pershing Drive and Vista del Mar. The pedestrian path will provide safe public access to the beach along an area that did not have formal access. However, increased access within an area adjacent to, or within an ESHA, could adversely impact the habitat, in violation of Section 30240 of the Coastal Act, if access is not confined to the improved pathway. Compared to the

current situation, which allows people to walk through the unfenced area, a pathway will provide a formal accessway and provide a visual barrier and keep people within the established pathway. However, because of the area's proximity to an urban and highly populated area, there will continue to be people that will walk outside of any established trail. To minimize intrusions into the landscaped area and the remaining ESHA, and minimize disturbances, signage should be placed along the trail and adjacent streets. Signage can be used to direct people to the trail and inform users of the value of the landscaping.

The proposed fence, will continue to allow access to the northern 50-foot wide area and will continue to limit uncontrolled access to the remaining portion of the property to the south. As stated the majority of the property has been fenced since the residences were demolished and removed in the 1970s. The new fence will replace the fence along the northern portion of the property, but allow the public to access the 50- foot wide portion of the property along the streets from Pershing Drive to Paseo del Mar.

To minimize pedestrian impact through the proposed landscape area, a special condition is necessary requiring the appropriate placement of signage to inform the public regarding use of the trail and sensitive nature of the landscaping and ESHA. Furthermore, in discussions with representatives of LAWA, the applicant may want to include in the signage plan interpretive signs for public educational purposes. Such signs will indicate various plant species or other unique features of the area to increase public benefit and the educational value of the area. Any proposed interpretive signs shall be included in the sign plan showing design and location.

As conditioned, the project will enhance existing public access in the area and minimize pedestrian impacts to the area. The Commission finds that the proposed project, only as conditioned, will be consistent with Sections 30210 and 30240 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states:

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

The subject property, which was once developed with residences, still contains the old streets and some exotic plants and trees, including *Washingtonia robusta* and other palms. Where concrete or asphalt does not cover the ground, ruderal grasses grow. The adjacent

neighborhood to the north is developed with single-family residences, ornamental landscaping within the yard areas, and a small public landscaped park. A number of residences in the immediate area, including the public park, contain *Washingtonia robusta* as part of their landscaping.

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

Coastal views are limited along the project site (single permit jurisdiction area--between Pershing Drive and Whitlock Avenue). Along Waterview Street, from Pershing Drive to Rindge Street, views of the beach and ocean are blocked by the topography of the site to the south and the residential neighborhood to the north. Views of the beach and ocean become available, directly to the west and south, near the intersection of Rindge and Waterview Streets, and down Napoleon Street to its intersection with Vista Del Mar (dual permit jurisdiction area. The surrounding streets are not scenic highways nor are there any designated scenic look outs within this area.

The area has been fenced with a 7-8 foot high fence, since the early 1970's, when the homes were purchased by the airport. Due to existing street alignment, fence setback from the adjacent streets, and topography, the existing fence does not have a significant impact on public views of the beach and ocean, from the public streets. Where views are available views are generally from above and beyond the top of the fence.

The proposed project will provide an approximately 2,000 foot long, 50-foot wide landscape strip along the northern perimeter of the airport property, from Pershing Drive to Vista del Mar and replacement of the existing fence with a new 8-foot high decorative metal mesh panel fence. According to the City's staff report for the CDP, the project will restore and enhance visual quality in a degraded area.

Although the palm trees may be visually compatible with the surrounding area, due to the number of existing similar trees located throughout the surrounding area, high concentrations and grouping of trees within a confined area, could adversely impact public views to the beach and ocean horizon from the adjacent public streets. The City acknowledges in the City's staff report that a grouping of trees near the corner of Waterview and Rindge may affect views from adjacent homes. Although impact to views from adjacent homes is not a Coastal Act issue, the City's statement indicates that such grouping of trees could have an adverse impact on public views if improperly sited. As proposed, the applicant will remove the palm trees, thus, eliminating any potential visual impacts the trees may have. Therefore, as proposed public coastal views will be protected. The Commission, therefore, finds, that as proposed, with the removal of all 90 palm trees, the proposed project will be consistent with Section 30251 of the Coastal Act.

E. Unpermitted Development

The Los Angeles World Airport started construction on the site by installing the pathway and irrigation system (single and dual permit jurisdiction area) and planting 90 palm trees (single permit jurisdiction area) within a 50-foot wide strip of land along Waterview Street, Rindge Street and Napoleon Street, from Pershing Drive to Vista del Mar. The project was started early in the year 2000. The applicant stopped work once notified that the development required a coastal development permit. There are no records of permits issued for this development.

To ensure that the unpermitted development component of the development approved by this application is resolved in a timely manner, a special condition has been required that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action. In addition, in order to ensure implementation of the applicant's proposal to remove the unpermitted palm trees, a special condition has been required to ensure that the applicant remove all 90 Washington robusta (Mexican Fan Palms) within 90 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

Although unpermitted development has taken place on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action by the Commission on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

F. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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 in the Airport Dunes planning subarea of the City of Los Angeles. At this time the Airport Dunes subarea of the City of Los Angeles does not have a certified Local Coastal Program.

In December 1985, the Commission first considered the City's LCP for the Airport Dunes. The LCP included a proposal for a 27-hole golf course and recreation facility covering the majority of the 302-acre site. The Commission found that the dunes supported a wide

variety of native dune flora and fauna, including a number of rare and/or endangered species. The Commission denied the plan, finding that the dunes were environmentally sensitive habitat under the Coastal Act, and that the golf course plan was not consistent with Section 30240 of the Coastal Act.

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

As conditioned to address environmental resources, visual resources and public access, approval of the part of the proposed development that is being approved, with conditions, will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project, as conditioned, is consistent with the provisions of Section 30604 (a) of the Coastal Act. Furthermore, for the request for the after-the-fact authorization to install 60 non-native palms this portion of the project will prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the installation of 60 non-native palms is consistent with the provisions of Section 30604 (a) of the Coastal Act.

G. 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.

For the part of the proposed development that is being approved, with conditions, there are no feasible alternatives or mitigation measures (beyond the conditions imposed) 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.

VII. DENIAL FINDINGS AND DECLARATIONS FOR COASTAL DEVELOPMENT PERMIT A-5-PDR-01-442:

The Commission hereby finds and declares as follows:

A. Environmentally Sensitive Resources

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.

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

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

As described previously, a portion of the applicant’s proposal involves installation of a permanent below grade irrigation system within the proposed landscape strip. The proposed project area is located along the northern perimeter of the 302-acre El Segundo Dunes. The El Segundo dunes is considered an Environmentally Sensitive Habitat Area (ESHA). The Dunes provide habitat for the El Segundo Blue Butterfly, a federally listed endangered species endemic to the El Segundo Dunes, and many other rare species of insects, reptiles, mammals and plants that are endemic, rare, or of limited distribution. According to the El Segundo Blue Butterfly (ESB) Recovery Plan (approved and published by the U.S. Fish and Wildlife Service, 1998) the El Segundo Dunes supports a number of unique species, including: Lange’s El Segundo Dune Weevil, Dorothy’s El Segundo Dune Weevil, Belkin’s Dune Tabanid Fly, Henne’s Eucosman Moth, Busck’s Gall Moth, and the Coastal Little Pocket Mouse.

Approximately 200 acres of the area located in the southern portion of the property has been restored through the removal of non-native vegetation and planting of native dune vegetation. According to previous restoration reports and a biological study that was prepared for the Los Angeles International Airport Master Plan (January 2001), the northern 100 acres of the El Segundo Dunes is a disturbed area. The biotic community has been significantly altered and degraded by development activities. The report states that the floral component typically associated with the dunes is almost completely absent due to extensive grading and paving and invasion of exotic annual grasses. The area has not been subject to any previous restoration efforts. However, despite the past disturbances and invasion of exotic plants, the area does support some native dune flora and fauna, and, as part of the 302-acre El Segundo Dunes, constitutes part of one of the last remaining vestiges of the once extensive Southern California coastal sand dunes. The Commission’s staff biologist, Dr. Jon Allen, states that although the area is segmented from the dune restoration area and has been degraded in the past, the 302 acre dune habitat is still connected and functions as a contiguous habitat and that the area should be protected.

Due to the projects location within an environmentally sensitive area and close proximity to the dunes restoration area, it is necessary that the proposed project be designed to protect the habitat values within the ESHA. Opponents state that irrigation can have an adverse impact on the habitat since the construction of the trenches for the system can impact the existing habitat and the frequent watering is not consistent with southern California's natural weather patterns, which can cause changes to the habitat. In the LAWA Master Plan biological report, prepared by Sapphos Environmental, January 2001, it also states that frequent irrigation tends to encourage the growth of non-native plants. Furthermore, water sources promote population increases of non-native Argentine ants, European earwigs, and other exotic species, which compete and displace native insect. Increases in exotic species populations can cause these species to encroach further into the El Segundo Dunes.

The Coastal Act requires, in Section 30240, that environmentally sensitive areas be protected against disruption of habitat values and the development in adjacent areas be compatible with the continuance of such areas. The installation and use of permanent irrigation will have an adverse impact on the ESHA. Therefore, the installation and use of permanent irrigation is not consistent with Section 30240 of the Coastal Act. Denial of the proposed project will protect the habitat values within the ESHA.

B. Alternatives

Denial of the below grade irrigation system will not deny all economically beneficial or productive use of the applicant's property or unreasonably limit the owner's reasonable investment-backed expectations of the subject property. As an alternative to the installation and use of permanent irrigation, the applicant has a number of available alternatives, such as installation of temporary surface irrigation or hand irrigation. The denial of the irrigation system will not significantly change the overall project. The applicant is left with a substantial development of significant economic value covering much of the portion of the property proposed for development under this permit.

VII. APPROVAL FINDINGS AND DECLARATIONS FOR COASTAL DEVELOPMENT PERMIT No. 5-02-008 (Dual Permit Jurisdiction):

The Commission hereby finds and declares:

DUAL PERMIT JURISDICTION (Section 30601)—CDP No. 5-02-008

Staff Note:

The following section of the report discusses the application for a permit to install native landscaping, irrigation, construct a public pedestrian pathway, and replace fencing in an area that is located within 300 feet of the inland extent of a beach, or the sea where there is no beach, an area that was designated as within the Dual Permit Jurisdiction area by

the Commission, pursuant to Section 13307 of the California Code of Regulations. Thus, a coastal development permit is required from both the City and the Commission.

A. Project Description and Location

The applicant proposes to construct/ install California native landscaping, below grade irrigation and relocate the existing chain link fence with a decorative metal mesh panel fence, within an approximately 50-foot wide strip, located along the south side of Napoleon Street, approximately between Whitlock Avenue and Vista del Mar (dual permit jurisdiction area), within the El Segundo Dunes area. The proposed landscaping includes California native plants (*Washingtonia robusta* are not located within this dual permit jurisdiction area).

The total project site involves a 50-foot wide strip of land along the south sides of Waterview Street, Rindge Street and Napoleon Street, between Pershing Drive to the east and Vista del Mar to the west (see Exhibit No. 3). The total area is approximately 2.4 acres in area. The portion of the project within the single permit jurisdiction area, and addressed under A-5-PDR-01-442, extends from the intersection of Pershing Drive and Waterview Street to approximately the intersection of Napoleon Street and Whitlock Avenue. The dual permit jurisdiction area is the area west of approximately Whitlock Avenue (see Exhibit No. 4). The portion of the project located within the dual permit area is addressed under both permit application no. 5-02-008 and in the City's permit, which is reviewed here de novo (A-5-PDR-01-442).

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

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

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

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

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

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

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

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

Currently, all restoration activity has occurred within an approximately 200-acre area located south of Sandpiper Street (see Exhibit No. 2 and 6). The remaining approximately 100 acres, located north of the restoration area (50-acres to the south and 50-acres to the north of Sandpiper Street), has not been restored.

B. Environmentally Sensitive Resources

Section 30240 of the Coastal Act states:

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

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

The El Segundo Dune property is physically divided into two areas by Sandpiper Street and perimeter fencing. The area south of Sandpiper consists of approximately 250 acres. All previous restoration efforts within the El Segundo Dune property have occurred in this area only. The dunes and El Segundo Blue Butterfly, that inhabit the area, have been protected since 1986 as part of an ongoing City restoration plan developed and operated by LAWA. The area also contains a navigation equipment site, on approximately 5 acres, maintained and operated by the airport, with access from Pershing Drive, and an approximately 2 acre public park (Vista del Mar Park) off of Vista del Mar (see Exhibit No. 2).

The approximately 50-acre area located north of Sandpiper has not experienced any restoration efforts from the time all residences were removed in the 1970's under coastal development permit no. P-1-20-75-4657. The area is fenced along the entire perimeter, except along the northern portion of the property where the fence is setback approximately 50 feet from the adjacent streets. The 50-acre area contains the old streets, some residential foundations, and exotic landscaping.

The applicant is proposing to landscape an approximately 50 foot wide area along the northern perimeter of the 50 acre site with native vegetation, install permanent below grade irrigation, a pedestrian pathway, and replace the existing fencing.

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

LAWA maintains an approximately 200-acre El Segundo Blue Butterfly preserve that lies approximately half mile from the project site, within the 250-acre area located south of Sandpiper Street. According to the City's report on the CDP, LAWA continues to maintain the preserve and employs landscape personnel to eradicate nonnative species.

According to previous restoration reports and a biological study that was prepared for the Los Angeles International Airport Master Plan (January 2001), the northern 100 acres of the El Segundo Dunes is a disturbed area. The biotic community has been significantly altered and degraded by development activities. The floral component typically associated with the dunes is almost completely absent due to extensive grading and paving and invasion of exotic annual grasses. The area has not been subject to any previous restoration efforts. However, despite the past disturbances and invasion of exotic plants, the area does support some native dune flora and fauna, and, as part of the 302 acre El Segundo dunes, constitutes part of one of the last remaining vestiges of the once extensive Southern California coastal sand dunes.

The Commission's staff biologist, Dr. Jon Allen, states that although the area is segmented from the dune restoration area and has been degraded in the past, the 302 acre dune habitat is still connected and functions as a contiguous habitat that should be protected.

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

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

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

The applicant is proposing to revegetate the area with California native plants, install a permanent below grade irrigation system, and construct a pathway along a 50-foot wide area along the northern perimeter of the property.

Revegetating the site with plants native to Southern California and Southern California dunes can be beneficial to existing native plants, however, not all native California plants are endemic to this particular habitat and can cause adverse impacts to this particular ecosystem. The planting of native plants that are not endemic to the area, can compete and impact endemic native plants, adversely impacting flora and fauna. In or adjacent to environmentally sensitive areas, the Commission has consistently required that landscaping be done with native non-invasive plants that will not compete with adjacent native plants, and if feasible, planting has been required to be done through the use of a local seed sources to ensure species compatibility. Dr. Allen concurs that any landscaping in the area should be restricted to native dune and prairie plants and done in consultation with a qualified dune biologist.

Therefore, because the area is located within an ESHA, and is relatively close to the portion of the dunes that have been restored by the City, it is important that the area be protected against disruption of habitat values and that the development is designed to prevent impacts to the surrounding area and is compatible with the continuance of those habitat areas.

In or adjacent to environmentally sensitive areas, the Commission has consistently required that landscaping be done with California native non-invasive plants that will not compete with adjacent native plants, and if feasible, planting has been required to be done through the use of local seed sources to ensure species compatibility. Because of the uniqueness of the area and plant species, the applicant should also be limited to the use of only southern California native coastal dune and prairie plants. The use of southern California native coastal dune and prairie plants will help protect and enhance the habitat area. Furthermore, the plan shall not include *Washingtonia robusta*. To ensure species compatibility with the existing native vegetation, the landscaping plan shall be reviewed by a licensed landscape architect or biologist, with expertise in southern California dune restoration. All existing California native coastal dune and prairie plants shall be protected and incorporated into the landscape plan. Because the applicant is proposing to landscape in an ESHA, 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.

Furthermore, irrigation can also have an adverse impact on the habitat. In the LAWA Master Plan biological report, prepared by Sapphos Environmental, January 2001, it also states that irrigation tends to encourage the growth of non-native plants. Furthermore, according to the appellant and other sources, water sources promote population increases of non-native Argentine ants, European earwigs, and other exotic species, which compete and displace native insect species. Increases in exotic species populations can cause these species to encroach further into the El Segundo Dunes. Therefore, to ensure that irrigation will not adversely impact the ESHA, the applicant shall be restricted to temporary above ground irrigation to establish the plantings. Once the planting have been established, the temporary irrigation shall be removed.

The Commission, therefore, finds that only as conditioned will that part of the proposed project that is approved be consistent with Section 30240 of the Coastal Act. Furthermore, for that part of the project that is denied, the commission finds the proposal to be inherently and irremediably inconsistent with Sections 30240 of the Coastal Act.

C. Public Access

All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The applicant is proposing to construct an approximately five foot wide pedestrian pathway, constructed with decomposed granite, extending from Whitlock Avenue to Vista del Mar (dual permit jurisdiction area). The pathway will be part of the City's proposed pathway extending from Pershing Drive to Whitlock Avenue (A-5-PDR-01-442). The pathway will meander through the proposed approximately 50-foot wide landscape strip, located between the adjacent streets and the existing fence.

There is currently no formal or improved pathway or sidewalk along the northern perimeter of the airport property. However, the area has been used over the years by pedestrians forming an informal pathway.

The construction of a pathway will enhance public access between Pershing Drive and Vista del Mar. The pedestrian path will provide safe public access to the beach along an area that did not have formal access and will provide viewing opportunities of the ESHA. However, increased access within an area adjacent to or within an ESHA could adversely impact the habitat if access is not confined to the improved pathway. Compared to the current situation, which allows people to walk through the unfenced area, a pathway will provide a formal accessway and provide a visual barrier and keep people within the established pathway. However, because of the area's proximity to an urban and highly populated area, there will continue to be people that will walk outside of any established trail. To minimize intrusions into the landscaped area and the remaining ESHA, and minimize disturbances, signage can be placed along the trail and adjacent streets. Signage can be used to direct people to the trail and inform users of the value of the landscaping and area.

Therefore, to minimize pedestrian impact, a special condition is necessary requiring the appropriate placement of signage to inform the public regarding use of the trail and sensitive nature of the landscaping and ESHA. Furthermore, in discussions with representatives of LAWA, the applicant may want to include in the signage plan interpretive signs for public educational purposes. Such signs will indicate various plant species or other unique features of the area to increase public benefit and the educational value of the area. Any proposed interpretive signs shall be included in the sign plan.

The proposed fence, will continue to allow access to the northern 50-foot wide area and will continue to limit uncontrolled access to the remaining portion of the property to the south. As stated the majority of the property has been fenced since the residences were demolished and removed in the 1970s. The new fence will replace the fence along the northern portion of the property, but allow the public to access the 50- foot wide portion of the property along the streets from Pershing Drive to Paseo del Mar.

As conditioned, the project will enhance existing public access in the area and minimize pedestrian impacts to the area. The Commission finds that the proposed project, only as conditioned, will be consistent with Sections 30210 and 30211 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states:

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

The subject property was once developed with residences, and currently contains the old streets and some exotic plants. Where concrete or asphalt does not cover the ground, ruderal grasses cover the area. Immediately north of the subject property, is a developed residential neighborhood. The adjacent neighborhood is developed with single-family residences, ornamental landscaping within the yard areas, and a small public landscaped park.

From Whitlock Avenue to Vista del Mar (dual permit jurisdiction area), the property descends approximately 80 feet to Vista del Mar, which runs parallel to the beach and is approximately 30 feet above the inland extent of the sandy beach. Views of the beach and ocean are available, directly to the west and south.

The area has been fenced with a 7-8 foot high fence, since the early 1970, when the homes were purchased by the airport. Due to existing street alignment, fence setback from the adjacent streets, and topography, the existing fence does not have a significant impact on public views of the beach and ocean from the public streets. Views are generally from above and beyond the top of the fence.

The proposed project will involve landscaping a degraded approximately 50 foot wide strip of land located between the street curb and existing fence, and replacement of the existing 7-8 foot high fence with a new 8-foot high decorative metal mesh panel fence.

The new mesh fence will be installed in the same location as the existing fence. The new fence will be of an open design and will have no greater impact on views than the existing fence. Furthermore, the proposed project will enhance the visual quality of the area

through the landscaping of the degraded area, and will not adversely impact any available public coastal views from the area.

As proposed, the project will restore and enhance the visual quality in a visually degraded area and will be sited and designed to protect views to and along the ocean and scenic coastal areas. Therefore, the Commission finds that the proposed project will be consistent with Sections 30251 of the Coastal Act.

E. Unpermitted Development

The Los Angeles World Airport started construction on the site by installing the pathway within a 50-foot wide strip of land along Napoleon Street, from Whitlock Avenue to Vista del Mar (dual permit jurisdiction area). The project was started early in the year 2000. The applicant stopped work once notified that the development required a coastal development permit and applied to the City for a coastal development permit. There are no records of permits issued for this development.

To ensure that the unpermitted development component of the development approved by this application is resolved in a timely manner, a special condition has been required that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action. In addition, in order to ensure implementation of the applicant's proposal to remove the unpermitted palm trees, a special condition has been required to ensure that the applicant remove all 90 Washington robusta (Mexican Fan Palms) within 90 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

Although unpermitted development has taken place on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action by the Commission on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

F. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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 in the Airport Dunes planning subarea of the City of Los Angeles. At this time the Airport Dunes subarea of the City of Los Angeles does not have a certified Local Coastal Program.

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

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

As conditioned, to address, environmental resources, visual resources and public access, approval of the proposed development, with conditions, will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project, as conditioned, is consistent with the provisions of Section 30604 (a) of the Coastal Act.

G. 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.

VIII. DENIAL FINDINGS AND DECLARATIONS FOR COASTAL DEVELOPMENT PERMIT 5-02-008 (Dual Permit Jurisdiction):

The Commission hereby finds and declares as follows:

A. Environmentally Sensitive Resources

Section 30240 of the Coastal Act states:

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

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

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

LAWA maintains an approximately 200-acre El Segundo Blue Butterfly preserve that lies approximately half mile from the project site, within the 250-acre area located south of Sandpiper Street. According to the City's report on the CDP, LAWA continues to maintain the preserve and employs landscape personnel to eradicate nonnative species.

According to previous restoration reports and a biological study that was prepared for the Los Angeles International Airport Master Plan (January 2001), the northern 100 acres of the El Segundo Dunes is disturbed area. The area has not been subject to any restoration efforts. However, the area does support native dune flora and fauna. The Commission's staff biologist, Dr. John Allen, states that although the 50-acre area is segmented from the larger 250 acre area to the south, which includes the dune restoration area, and has been degraded in the past, the 300 acre dune habitat is still connected and functions as a contiguous habitat that should be protected.

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

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

The applicant is proposing to install a permanent irrigation system to irrigate proposed landscaping along a 50-foot wide area located along the northern perimeter of the vacant LAWA property. Because the area is located within an ESHA, and is relatively close to the portion of the dunes that have previously been restored by the City, it is important that the area be protected against disruption of habitat values and that the development is designed to prevent impacts to the surrounding area and is compatible with the continuance of those habitat areas. The use of a permanent irrigation system can have an adverse impact on the habitat. In the LAWA Master Plan biological report, prepared by Sapphos Environmental, January 2001, it states that irrigation tends to encourage the growth of non-native plants. Furthermore, according to the appellant and other sources, water sources promote population increases of non-native Argentine ants, European earwigs, and other exotic species, which compete and displace native insect species. Increases in exotic species populations can cause these species to encroach further into the El Segundo Dunes and disrupt or adversely change the existing dune ecosystem. Moreover, the construction of the trenches, either by machine or hand, can adversely impact existing habitat through uprooting of plants by the digging, or by crushing caused by machines or workers walking in the area.

The Coastal Act requires, in Section 30240, that environmentally sensitive areas be protected against disruption of habitat values and the development in adjacent areas be compatible with the continuance of such areas. The use of permanent irrigation will have an adverse impact on the ESHA. Therefore, the installation and use of permanent irrigation is not consistent with Section 30240 of the Coastal Act. Denial of the after-the-fact installation of a permanent irrigation system will protect the habitat values within the ESHA.

B. Alternatives

Denial of the installation of permanent irrigation will not deny all economically beneficial or productive use of the applicant's property or unreasonably limit the owner's reasonable investment-backed expectations of the subject property. As an alternative to the installation and use of a permanent irrigation system, the applicant can install temporary above ground irrigation or hand water. Both methods would provide the plantings adequate water and will control over-watering which could adversely impact the habitat. Both watering methods would be compatible with the surrounding ESHA and could meet the applicant's objective of aesthetically improving the area through landscaping. The denial of the use of the permanent irrigation will not significantly change the overall project. The applicant is left with a substantial development of significant economic value covering much of the portion of the property proposed for development under this permit.