

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: August 7, 2003  
Commission Action:

**Th 16 a****STAFF REPORT: PERMIT AMENDMENT****AMENDMENT****APPLICATION NUMBER: 5-91-286-A4****APPLICANT:** City of Los Angeles Recreation and Parks, Attn: Jane Adrian;**PROJECT LOCATION:** 15101 Pacific Coast Highway, Potrero Canyon, Pacific Palisades, City of Los Angeles**DESCRIPTION OF PRESENT AMENDMENT REQUEST (5-91-286-A4):  
(Summary of other previously approved amendments on page 2 of this report)**

Amending Phase Two of a slope stabilization and canyon fill project to repair landslide failures between Alma Real Drive and Friends Street up to the 231 Alma Real Drive rear property line and at 15202 Earlham Street (Wachtel property). The project will use approximately 300,000 cubic yards of fill now stock-piled at the site to extend buttress fill to two additional residential lots in order to stabilize hillsides at both sites, and in the second site adjust the boundary of the top of a cut to reduce grading on a privately owned lot (Wachtel).

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-91-286):**

Installation of approximately three million cubic yards of clean fill dirt in Potrero Canyon: First Phase (now completed) entailed installation of subdrain system, storm drain, and 25 feet of fill; Second Phase is 75 additional feet of fill, some deep excavations of landslides and reconstruction of buttress fills along canyon sides; and Phase Three is the construction of additional buttress fills, park and restored riparian habitat area.

**LOCAL APPROVALS RECEIVED:**

- 1) Los Angeles City Coastal Development Permit 85-21, D.M. 7197; C.C. No. 11; EIR Department of Recreation and Parks, June, 1985.
- 2) Los Angeles Department of Building and Safety geologic review letter dated June 13, 2002, Log No. 36757 231 Alma Real Drive, Pacific Palisades.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed amendment with special conditions to 1) assure an assumption of risk of the expanded project; 2) use of adequate erosion control

during construction and consistent with Special Condition 5 of the permit amendment 5-91-286-A2, which updated Special Condition 5 in the original permit; 3) conform to geologic recommendations made by the and City engineer; and 4) comply with conditions previously approved by the Commission for the entire project (5-91-286 and amendments) including revegetating the hillsides with coastal sage scrub consistent with the landscape and restoration special condition (No. 8) imposed in permit 5-91-286 and updated in 5-91-286-A2. As conditioned, the amended project will comply with the Chapter 3 hazards policies of the Coastal Act.

**DESCRIPTION OF FIRST AMENDMENT:**

5-91-286A, the first draft of Phase III plans – withdrawn.

**DESCRIPTION OF SECOND AMENDMENT PREVIOUSLY APPROVED (5-91-286-A2):**

5-91-286-A2, amend Potrero Canyon fill project Phase III to: 1) lower final height of canyon floor to approximately 89 feet above flow line, 2) change interior road configuration to one fire lane/access trail 12 feet wide through the facility from Pacific Coast Highway to the Pacific Palisades Recreation Center, 3) increase riparian area from 7.4 acres to a maximum of 7.9 acres, 4) redesign configuration of buttress fills, 5) extend deadline for final engineering plans, and 6) install surface water diversion system.

**DESCRIPTION OF THIRD AMENDMENT PREVIOUSLY APPROVED (5-91-286-A3):**

Realign an approximately 560 foot long segment of a one-mile long fire/access road to be incorporated into landslide repair plans. Landslide repair includes demolition of Sunspot Motel, excavation of debris and importation of fill and construction of approximately 180 foot high, 87,000 cubic yard buttress fill.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Coastal Development Permits 5-86-958, 5-91-286 and approved amendments (City of Los Angeles Department of Recreation and Parks).
2. Los Angeles Department of Building and Safety geologic review letter dated June 13, 2002, Log No. 36757, 231 Alma Real Drive, Pacific Palisades.
3. Grover Hollingsworth and Associates 2002, "Geologic and soils engineering exploration, proposed stabilization fill slope, Lot 17 and portions of lots 16 and 18, Block 1, Tract 9877, 1501 Pacific Coast Highway, 231 Alma Real Drive and Potrero Canyon Park, Pacific Palisades, California, for Mrs. Leslie Elkus", 25 p. geotechnical report dated 9 May 2002 and signed by G. S. Byrne and R. A. Hollingsworth (GE 2022 CEG 1265).
4. The J. Byer Group Inc. 1997, "Plan review and update, Phase III grading plans, Potrero Canyon Park Stabilization Project, Portion of Lot 7, Tract 10426, 15101 Pacific Coast Highway, Pacific Palisades, California, Project No. 1012-B, Contract 2723", 14 p. report dated 17 December 1997 and signed by J. W. Byer (CEG 883) and R. I. Zweigler (GE 2120).

5. Los Angeles Department of Building and Safety geologic review letter dated January 12, 1998, Log No. 23336, 15101 Pacific Coast Highway, Pacific Palisades.
6. City of Los Angeles Coastal Development Permit Number ZA 2003-0295(CDP), William and Leslie Elkus, 231 Alma Real Drive, Pacific Palisades.

## **PROCEDURAL NOTE**

### **A. Coastal Development Permit Amendments**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

### **STAFF NOTE:**

The City of Los Angeles approved a local coastal development permit, with conditions, for the property owner (Elkus) at 231 Alma Real Drive allowing a buttress fill to stabilize the hillside at the canyon side (the rear) of the property at 231 Alma Real Drive (ZA 2003-0295 CDP – See Exhibit 6). The City staff report states in part:

*According to the applicants, the property was originally included in the stabilization project of Potrero Canyon, which was begun in 1990 by the City of Los Angeles. The applicants purchased the property in 1991. The subject property and the property to the west were subsequently dropped from the stabilization project. The applicants were told by the Department of Recreation and Parks that this was for financial reasons.*

*However, part of the rear yard of the adjacent property to the west "popped out" – a geological term for the land slipping away [sic]. The City of Los Angeles repaired*

*this property but the applicants were distressed to discover that their property now in jeopardy was not to be included.*

*A geologist was hired and the applicants were told that immediate action was necessary. Hence, the current application (sic). The Chief Zoning Administrator helped the representative of the applicants to coordinate with the Coastal Commission and move on the approvals necessary to begin restoration of the site.*

The Alma Real site is located within the single permit jurisdiction of the Coastal Zone. City staff consulted Commission staff regarding suggested conditions of approval for the project. The conditions of approval are similar to what the Coastal Commission would recommend and therefore was not appealed by the Commission. Conditions of the local approval included a future development deed restriction, assumption of risk, conformance of construction plans to geological reports, erosion and drainage control and a landscape plan using native plants (Exhibit 5e-g). According to the City of Los Angeles Department of Recreation and Parks, the City will construct a buttress fill on the Potrero canyon site to meet the buttress that is located on private property. This matching buttress on city property is the subject of the current amendment application.

The Grover Hollingsworth and Associates, Inc. geologic and soils exploration report, dated May 9, 2002, for the proposed portion of the project that is on the private lot and on the adjacent city property, states in part:

*"...it is presently proposed to grade a stabilization fill slope west of the existing developed pad to provide additional support for the steep natural slope below the Elkus property. The toe of the stabilization fill slope will be in Potrero Canyon Park, commencing at the east side of a 20-foot-wide paved road. The lower portion of the slope will vary from 4:1 to 7:1 in gradient, while the upper 50+ feet of slope will be 2:1 in gradient. An 8-foot-wide terrace drain is planned at elevation 160-165. The top of the stabilization fill will be located at elevation 190 or approximately 40 feet below the elevation of the Elkus building pad. The upper portion of the stabilization fill slope will be on the Elkus property and the adjoining site to the north, while the majority of the slope will be in Potrero Canyon Park."*

The City permit allows the stabilization work that will be done on the Elkus site and this amendment includes that portion of the stabilization work that will be done on the City property (Exhibits 2 and 3). The portion of the stabilization work being done on the City property relies on the 2002 geologic and soils exploration report.

**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

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

**MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-91-286 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. SPECIAL CONDITIONS:**

**1. Prior Conditions**

Unless specifically altered by this amendment, all conditions imposed on the previously approved permit and/or amendments thereto shall remain in effect (See Exhibit 5).

**2. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from specific hazards, such as landslide, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. **Conformance of Design and Construction Plans to Geotechnical Report  
Geologic Hazard**

A. All final design and construction plans, grading and drainage plans, shall be consistent with all recommendations contained in Geology and Soils Engineering Report Project No. 1012-B, Contract 2723 by J. Byer Group Inc., dated December 17, 1997 and in Geology and Soils Engineering Exploration Report Project No. GH9892-G by Grover Hollingsworth and Associates, Inc., dated May 9, 2002 and the requirements of the City of Los Angeles Department of Building and Safety, Soils/Geologic review letters Log #23336, dated January 12, 1998 and Log 36757, dated June 13, 2002. **PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

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

4. **EROSION AND DRAINAGE CONTROL**

**A. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control during and after construction that is consistent with Special Condition Number 5 of the original permit 5-91-286. This condition does not replace the previously approved erosion control special condition.

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, Pacific Coast Highway, down slope areas and the Pacific Ocean;
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible;
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets; and
- All sediment shall be retained on site.

(b) The plan shall include, at a minimum, the following components:

- A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A written review and approval of all erosion and drainage control measures by the applicant's engineer.

(c) The drainage control plan shall demonstrate that:

- Spill from trucks shall be controlled; spills of fuel shall be immediately cleaned up
- Stockpiles shall be covered
- Measures shall be taken to prevent tracking of sediment from the site
- Filters shall be installed in debris basins

- (d) The drainage control plan shall include, at a minimum, the following components:
- The location, types and capacity of pipe drains and/or filters proposed.
  - A schedule for installation and maintenance of the devices.
  - A site plan showing finished grades (at ten-foot contour intervals) and drainage improvements.
- (e) Each year, the applicant shall install appropriate erosion control plans by October 1, consistent with Special Condition 5 of the original permit 5-91-286 as amended in 5-91-286-A2.
- (f) The applicant shall provide the Executive Director with copies of all letters and reports from the Department of Building and Safety, all updated geologic reports, and shall report at least every six months on the status of the project.

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

#### **5. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS**

Prior to issuance of the amended coastal development permit, the permittee shall provide 1) proof of the permittee's ability to carry out the project on any lot on which the project encroaches and 2) proof of the applicant's ability to comply with all the terms and conditions of this coastal development permit. No land subject to this coastal development permit may be developed until and unless all terms and conditions relating to the project as a whole have been met and agreed to in writing by all parties with ownership interest.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The City of Los Angeles is undertaking to fill a coastal canyon, Potrero Canyon, to protect the homes on the canyon rim from landslides. The project is now nearing completion. Potrero Canyon is a coastal canyon in the Pacific Palisades district (Exhibit 1). The canyon is about one mile long, extending from Pacific Coast Highway on the south to a small park



located on Alma Real on the north. Increased run-off from domestic uses increased stream flows resulting in failure of canyon slopes and the destruction of homes constructed on lots above the canyon. The City initiated the project in the late 1980's. The Commission required the applicant, once the project is completed, to revegetate the canyon sides, and to re-establish riparian habitat on the newly constructed canyon floor. The project has accepted fill from numerous construction sites and road repair projects in Los Angeles. The City now requests an amendment to Coastal Development Permit 5-91-286 to increase stability of a lot on the canyon rim located between Alma Real Drive and Friends Street near 231 Alma Real Drive (Elkus property) and to reduce the amount of cut on a second lot located at 15202 Earlham Street (Wachtel property). A buttress fill is located on the eastern, downcoast side of the canyon approximately 600-700 feet inland from PCH (between Friends Street and Alma Real Drive). The second lot is located on the western side of the canyon approximately 1,650 feet inland from Pacific Coast Highway near Earlham Street (Wachtel property).

This project will be carried out by two entities: The development that is located on City property and the slight encroachment on the Wachtel property will be carried out by City contractors, the development on private property (Elkus) will be carried out by and at the responsibility of the private owners. The Commission, however, has requested the private owners to be co-applicants on the City project.

City proposes to use approximately 300,000 cubic yards of fill that is now stockpiled at the site to regrade and stabilize hillsides at both lots. The new buttress fill and changed cut are on different sides of the canyon and are physically separated by the newly constructed canyon fill.

Grading at the first, eastern, site consists of a stabilization fill slope extend from the top of the canyon fill to lots located between Alma Real Drive and Friends Street up to the 231 Alma Real Drive rear property line. The actual fill will extend by as much as 40 feet on to this private lot but the City does not propose to be responsible for the work on the private lot. The owner of the property at 231 Alma Real Drive (Lots 17, portions of lot 16 and 18) has a separate permit to construct a fill on his property, which is described in the Staff Note section.

Grading on the second site on the western side of the canyon, at 15202 Earlham Street, the Wachtel property, will include smoothing out a relatively steep rear yard slope at the southern most point of the property and constructing a buttress to support the slope (Exhibit 4). According to the City, the scope of work that is actually being done on the Wachtel property is minimal, occurring just beyond Mr. Wachtel's southern property line, on an undevelopable portion of the lot. The slope will be rounded and smoothed out and made more gradual. As it exists, the slope makes a steep drop from approximately 253 feet in elevation to 220 feet within 50 horizontal feet (1.5:1 - 1.6:1 slope). Once graded, the slope will be less steep at a 2:1 slope. The City will then place a wedge of fill (15-foot wide buttress terrace) at approximately 251 feet in elevation, which overlaps the southern corner property line (Exhibit 4).

**B. Project History**

Coastal development permit 5-91-286 as amended allows the City to place a large volume of fill in Potrero Canyon, a coastal canyon. The fill in the canyon was necessary because landslides had resulted in the loss of twenty homes and endangerment of other homes. The original permit included about 3 million cubic yards of fill, including fill 100 feet above the flow line of the stream, plus additional buttress fills, wedges of earth, extending up to the level of existing lots on the canyon rims. After an initial denial permit, Coastal Development Permit No. 5-86-958 was granted in 1988 and reissued as 5-91-286 in September 1991, after it had expired. Before the fill occurred there was a blue line stream and 3.64 acres of riparian vegetation, primarily willow woodland at the bottom of the canyon. The sides of the canyon were covered with coastal sage scrub. The Commission found that the development as proposed was not consistent with Section 30231 and 30241 of the Coastal Act and could only be approved if the applicant agreed to restore the riparian habitat area that had existed in the canyon bottom at a 2:1 ratio. The City proposed 7.4 acres of mitigation, to be constructed as an artificial riparian area on top of the fill at the completion of the project (Phase III). The City proposed a first amendment (5-91-286A), the first draft of the Phase III plans, but withdrew the amendment in order to conduct community meetings on the design of the riparian mitigation. The City's second amendment, 5-91-286A2, proposed restoring 7.9 acres of riparian habitat, located in a basin protected by a plastic liner such as is used in landfill projects.

In 1993, the Commission approved the final design of the upper buttress fills, and a 12-foot wide fire road/trail access through the canyon. The City also provided a final conceptual design of the riparian area that was ultimately approved of in concept by the Commission (5-91-286-A2). The third amendment (5-91-286-A3) that was approved of with conditions by the Commission allowed a design change in the road at the canyon entrance. As the project has proceeded, additional slope failures along the canyon walls have resulted in the purchase of sixteen additional lots in addition to the initially purchased 21 lots, for a total of 37.

Phase One of the project is now complete, and included the installation of a subdrain, the fill of the canyon to a depth of 40 feet, and the construction of a storm drain. Phase Two of the Potrero Canyon project was to consist of the importation of 2.5 million cubic yards of fill to raise the canyon grade considerably. During construction it was found that the required removal of existing landslide debris was not practicable without the deep removals to expose undisturbed bedrock, necessitating the creation of several stabilization fills in addition to the level fill. This work is nearly complete. Phase Three is planned to involve the creation of additional stabilization fills and the creation of open space and installation of the required habitat and mitigation areas.

**C. Geologic Stability and Safety of Development**

The entire project was approved because the City supplied the Commission convincing evidence that there was no other feasible way to stop ongoing collapse of the canyon walls and destruction of houses located on the canyon rim. This present amendment adds development necessary to stabilize landslide failures located at two separate areas described above in the Project Description section.

Section 30253 of the Coastal Act states in part:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

As mentioned previously, the City proposes to change the work to be done around the property at 15202 Earham Street to eliminate grading down most of a nose that extended out over the canyon. The lot in question has an acute angled extension over the canyon that followed an irregularity of the canyon rim. Original plans called for grading down the nose entirely and creating a uniform slope adjacent to the reconfigured canyon bottom. The owner of the property objected to this, so the City agreed to grade the slope so that the majority of the grading would take place outside the property line, extending around the property (Exhibit 4). There will still be a small amount of incursion on the Wachtel property: earth on the end of the acute angled tip next to the canyon will be removed. The work will now consist of regrading the existing 1.5:1 slope at this tip to make it a more gradual 2:1 slope and eliminate the steep point that is located at the southern most corner of the Wachtel lot. The City will also place compacted fill at a 2:1 slope surrounding the property to avoid over-steepened slopes. (John Byer, personal communication, July 17, 2003).

The proposed project also includes the creation of a stabilization fill slope between Alma Real Drive and Friends Street (city park area) up to the 231 Alma Real Drive. The owner at 231 Alma Real Drive (Lots 17, portions of lot 16 and 18) has a separate City-approved coastal development permit to have work done on his property and on the adjacent private property, both of which are adjacent to the City property. While financial responsibility is separate, there is one set of plans and an additional, private, geology report, commissioned by the private owner. In this case, as noted above, the lot owners requested that the city extend a buttress fill up to their property to improve the factor of safety of their lots. The City agreed, as long as the applicant would prepare a report designing and justifying the additional fill. The applicant commissioned this report, (Grover Hollingsworth and Associates 2002, "Geologic and soils engineering exploration, proposed stabilization fill slope, Lot 17 and portions of lots 16 and 18, Block 1, Tract 9877, 1501

Pacific Coast Highway, 231 Alma Real Drive and Potrero Canyon Park, Pacific Palisades..." geotechnical report dated May 9, 2002), which the grading division of the City of Los Angeles Department of Building and Safety reviewed and accepted.

Commission staff geologist, Mark Johnsson, has reviewed geologic reports, City review letters and grading plans that are relative to this amendment. As explained by Dr. Johnsson, according to The J. Byer Group Inc. 1997, "Plan review and update, Phase III grading plans, Potrero Canyon Park Stabilization Project, Portion of Lot 7, Tract 10426, 15101 Pacific Coast Highway, Pacific Palisades..." report dated December 17, 1997, the stabilization fills will not bring the factor of safety against sliding for all slopes to the City-required value of 1.5 (static). For all private lots around the rim of the canyon, additional geotechnical studies will be required to evaluate the factor of safety and to make recommendations as to how the required factor of safety can be achieved.

Dr. Johnsson reviewed the 2002 Grover Hollingsworth report. He explains that the 2002 report indicates that the existing slope at Lot 17 currently has a very low static factor of safety of 1.04 to 1.08 and the site cannot be developed without raising its stability considerably. The proposed stabilization fill is intended to do just that. The 2002 report cites a 1986 Kovacs-Byer and Associates geotechnical report that formed the design basis for the Potrero Canyon Stabilization Project, which indicated that the proposed 75-foot deep fill with inclined sides was intended to bring all areas to the City's building code requirement of a factor of safety of 1.5. Their analyses, based on new geotechnical strength data gathered from on-site borings, indicate, however, that even after the phase III stabilization fill is complete, a portion of Lot 17 will not meet a factor of safety of 1.5. A failure surface extending through the natural materials above the top of the buttress yields a safety factor of 1.26. The rear 35 feet of the pad measured east from the existing retaining wall on the site has a factor of safety of less than 1.5. The report concludes that the safety factor of this portion of the pad may be raised to 1.5 in the future by providing a row of closely spaced soldier piles just upslope of the existing retaining wall. (Mark Johnsson, Staff Geologist, July 14, 2003). Placement of these pilings will be the responsibility of the owner of the lot whenever any development is proposed for the privately owned residential lot.

The City of Los Angeles Department of Building and Safety (June 13, 2002 approval letter) approved the stabilization fill slope reviewed in the 2002 geologic report. It is Dr. Johnsson's opinion that the Commission can find that the proposed fill slope is consistent with the geologic hazard provisions of the Coastal Act as contained in section 30253 of the Act. However, Dr. Johnsson points out that neither the City approval nor the 2002 geologic report examined the fill slope for seismic stability and would recommend this type of analysis before any new structures are approved on the property at 231 Alma Real Drive. This recommendation applies to the private property that is not a part of this amendment. The owner of that property has a local coastal development permit allowing the hillside on his property to be stabilized but is required to return to the Commission or the City of Los Angeles for a new coastal development permit for any future improvements on the parcel. Dr. Johnsson notes that the fill constructed in this permit may not be sufficient to assure stability of private development on the lot a 231 Alma Real Drive. With

regard to any future projects proposed on these lots, he recommends that the performance of the stability fill under seismic conditions be evaluated, the proposed soldier pile system should be evaluated by quantitative slope stability analyses and perhaps be evaluated under seismic conditions (Exhibit 7).

Dr. Johnsson concludes that the fill is properly designed and will improve the factor of safety of the lots that it supports, reducing private development costs in the future and also reducing the likelihood of slope failure damaging existing homes on the property. Additional measures will be necessary as part of any future construction projects on these and other lots adjacent to the project to assure the stability of development constructed on those lots in the future. The fill itself will be stable and consistent with the provisions of Section 30253, will minimize risks to life and property in areas of high geologic, flood, and fire hazard, assure stability and structural integrity (of the slope), and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

### ***Conformance with Geotechnical Recommendations***

Recommendations regarding the development of the buttresses and additional grading have been provided in reports and letters submitted by the applicant, as referenced in the above noted final reports. Adherence to the recommendations contained in these reports is necessary to ensure that the proposed slope stabilization project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms.

Therefore, Special Condition 3 requires the applicant to conform to the geotechnical recommendations contained in Geology and Soils Engineering Report Project No. 1012-B, Contract 2723 by J. Byer Group Inc., dated December 17, 1997 and, as it pertains to work on public property, the Grover Hollingsworth and Associates 2002, "Geologic and soils engineering exploration, proposed stabilization fill slope, Lot 17 and portions of lots 16 and 18, Block 1, Tract 9877, 1501 Pacific Coast Highway, 231 Alma Real Drive and Potrero Canyon Park, Pacific Palisades, California, for Mrs. Leslie Elkus", (25 p. geotechnical report dated 9 May 2002 and signed by G. S. Byrne and R. A. Hollingsworth (GE 2022 CEG 1265).) The applicant shall also comply with the recommendations by the City of Los Angeles Department of Building and Safety, Geologic/Soils Approval Letter #23336, dated January 12, 1998 for approval of the J. Byer Group Inc 1997, "Geologic and soils engineering "Plan review and update, Phase III grading plans, Potrero Canyon Park Stabilization Project.

### ***Assumption of Risk Deed Restriction***

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new

development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's or public agency's right to use his/her property.

Natural hazards common to this area include landslides, flooding and erosion. Within the Pacific Palisades area, the Commission, in previous permit actions on development has found that there are certain types of risks associated with hillside development that can never be eliminated. The proposed project includes development (grading and slope stabilization) on both City and private property (15202 Earlham Street). The proposed project includes measures to assure geologic stability and minimize risks from natural hazards. However, because of the uncertainty of future natural hazards that may occur on the private property (ies), the Commission is imposing an assumption of risk special condition requiring the City to assume the risk of development. The Commission finds that its approval is based on the information that is the responsibility of the City. Only as conditioned to have the applicant indemnify the Commission and assume the liability for the development can the Commission find that the project is consistent with Section 30253 of the Coastal Act.

The applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the applicant is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission attaches Special Condition 2, which requires the City of Los Angeles to assume the risk of extraordinary erosion and/or geologic hazards of the property and excepts sole responsibility for the removal of any structural or other debris resulting from landslides, slope failures, or erosion on and from the site. A deed restriction is required upon conveyance of the property and will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the

enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

### ***Erosion Control Measures***

This is a massive grading job involving transportation and storage of millions of yards of earth. The City has annually installed erosion control measures designed to stabilize slopes at the stage of the project reach each year. Storage or placement of fill in a location subject to erosion and dispersion via rain or wind could result in silt being transported to the ocean. Special Condition 4 requires the applicant to use both temporary and permanent erosion control measures to ensure that the project areas are not susceptible to excessive erosion.

The applicant has not provided a drainage or erosion control plan specific to this amendment proposal. However, the City has provided a detailed plan in the past for the entire project and proposes to extend that plan to include the current amendment. The entire project will occur on exposed soils within a canyon area that is susceptible to landslide and erosion activity. Therefore, the Commission requires the applicant to submit its erosion control and drainage plan to the Executive Director prior to issuance of the permit to assure that adequate measures are being taken to reduce/prevent erosion. Only as conditioned is the project consistent with the hazard policies of the Coastal Act.

### **D. Proof of Legal Ability to Comply with Conditions**

The proposed project is located on both City and private property (15202 Earlham Street). The property owner of 15202 Earlham Street has expressed interest in participating as co-applicant for the permit request, which involves work that will be done on an undeveloped portion of his lot. However, as of July 17, 2003 the South Coast Area District office has not received a written confirmation from Mr. Wachtel, the property owner. Therefore, it is necessary to require the applicant to provide evidence to the Executive Director that the applicant has the legal ability to carry out the proposed development. Mr. Elkus and his neighbor were both invited to be co-applicants as well due to the possibility of the City encroaching onto the private lots. However, neither Mr. Elkus nor his neighbor (lot 18) has accepted to be co-applicants. According to the City, the work to be done on the 231 Alma Real Drive property will be carried out by the landowner (Elkus).

### **E. Habitat**

Section 30240 Environmentally sensitive habitat areas; adjacent developments

*(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.*

Three Coastal Act policies apply to the Potrero Canyon project as a whole: The Commission initially denied the project because of impacts on environmentally sensitive habitat areas and because of fill of a streambed. When the Commission determined that it was necessary to approve the project in spite of the impacts, it required that the streambed be replaced at a 2:1 ratio, consistent with the applicant's approval from the Department of Fish and Game and the Corps of Engineers. The Commission also required that the disturbed fill areas of the canyon sides be revegetated with coastal sage scrub, with the final plant palette, taking into account necessary modifications to reduce fuel loads.

Section 30240 of the Coastal Act requires the Commission to protect and enhance environmentally sensitive habitat areas, particularly adjacent to state parks. The proposed project is across Pacific Coast Highway from Will Rogers State Beach Park. Before the slide occurred, the canyon sides supported coastal sage scrub, a habitat type/plant community that is increasingly uncommon and subject to removal for development and for fire protection. Because coastal sage scrub habitat is in danger of loss statewide because of development, the State has in some jurisdictions instituted a program to save significant areas of coastal sage scrub. In this part of Los Angeles, there is no coastal sage scrub on the top of the canyon rim, which is already developed, but nearby bluff faces and canyon areas support remnants of the coastal sage scrub community. Coastal sage scrub supports many native plants and animals. As part of the original project as amended, the applicant proposes to restore the slopes within the canyon to coastal sage scrub. The applicant states that the slopes of this proposed additional fill can be revegetated with coastal sage scrub.

In order to assure compliance with the proposal to revegetate with coastal sage scrub, the Commission has required that the program be consistent with Special Condition 8 of the underlying project. Special condition No. 8, as amended (5-91-286-A2) requires submittal of a plant list, a monitoring plan, replanting in event of failure of initial planting, long term maintenance, a training program for city employees on how to maintain native plants, and prohibits use of invasive, introduced plants. This current amendment does not proposed any changes to the previously approved restoration plan. However, the Commission is requiring that all previously approved conditions apply to this amendment as well (Special Condition No. 1). In its separate coastal permit for the property at 231 Alma Real Drive, the City has required the private owner to replace habitat on his slope consistent with the Commission's requirements of the City. As conditioned the project is consistent with Section 30240 of the Coastal Act. (See Exhibit 5)



**F. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act:

- (a) 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 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land), which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

Based upon the findings presented in the preceding sections, the Commission finds that the proposed development, as conditioned, will not create adverse impacts on coastal resources. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

**G. California Environmental Quality Act (CEQA)**

Section 13096 of the Commission's 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 that the activity may have on the environment.

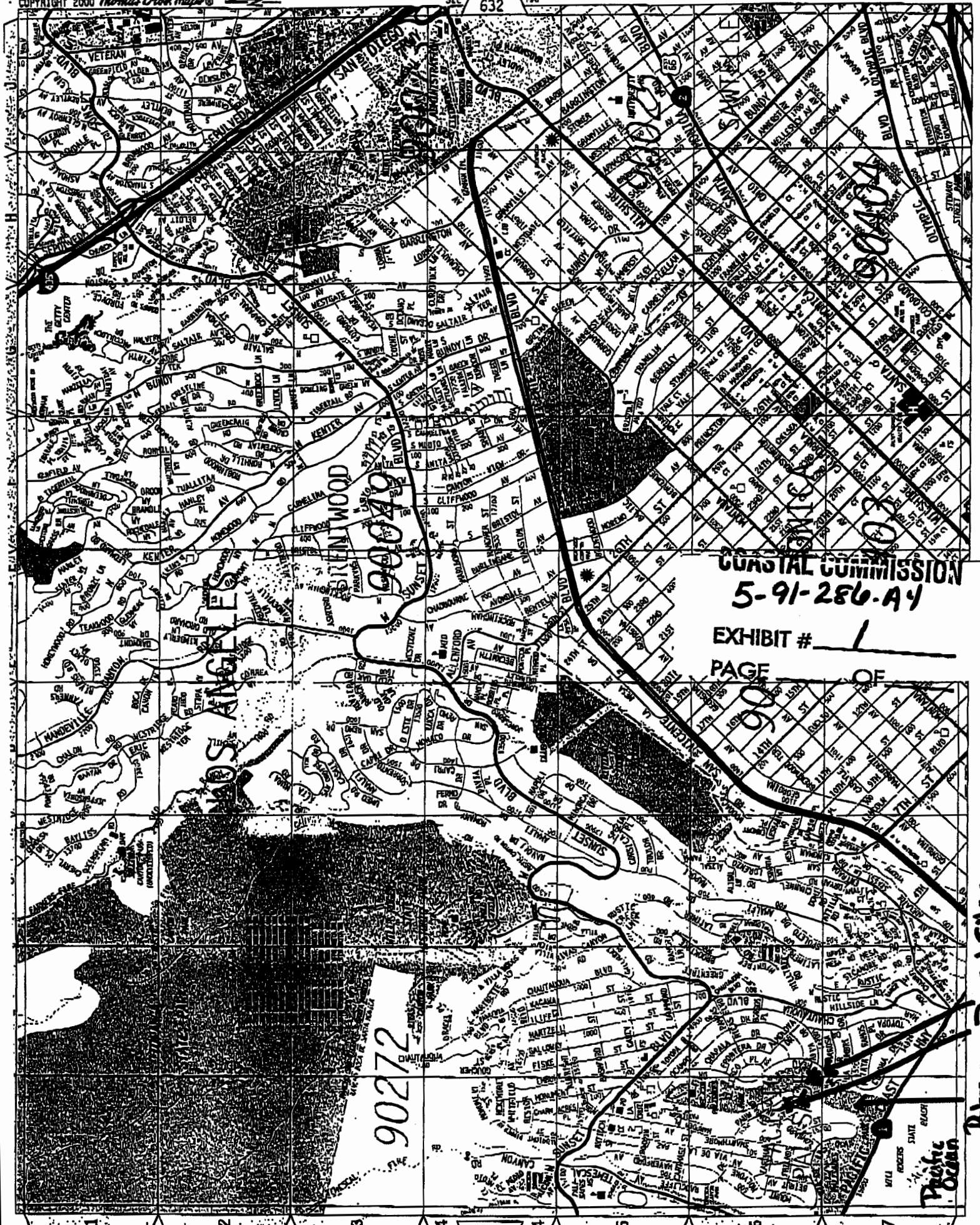
Applicable law requires the Commission to examine the individual and cumulative impacts of a development and find that there is no other less environmentally damaging feasible alternative that could be approved. If there is environmental damage, the law requires the Commission to find that the circumstances require the approval of a project with the anticipated damage, and to require appropriate mitigation.

In this case, the less environmentally damaging alternative to the originally considered project was the "no project" alternative, leaving the stream untouched. The City presented convincing evidence that this alternative would result in the loss of not only the houses that have presently been acquired or demolished, but also other houses as the landslides continued to enlarge. This "no project" alternative was not feasible, and would result in greater impacts on the City and its residents, both financial and physical, than the project as now approved.

The proposed amendment will result in no significant change in the project's impacts on the environment. The original amended project, as conditioned, provides as much mitigation as is feasible for its adverse impacts on the environment, and there are special circumstances, the loss of over 28 homes justifying this impact. The habitat restoration and access improvements will mitigate, in part, both the original and the amended project's destruction of the canyon and bluff environments. The erosion control measures as required by the Commission will mitigate the impacts of the expanded project on the environment and will assure consistency with the Chapter 3 policies of the Coastal Act. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

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SEE 632 MAP



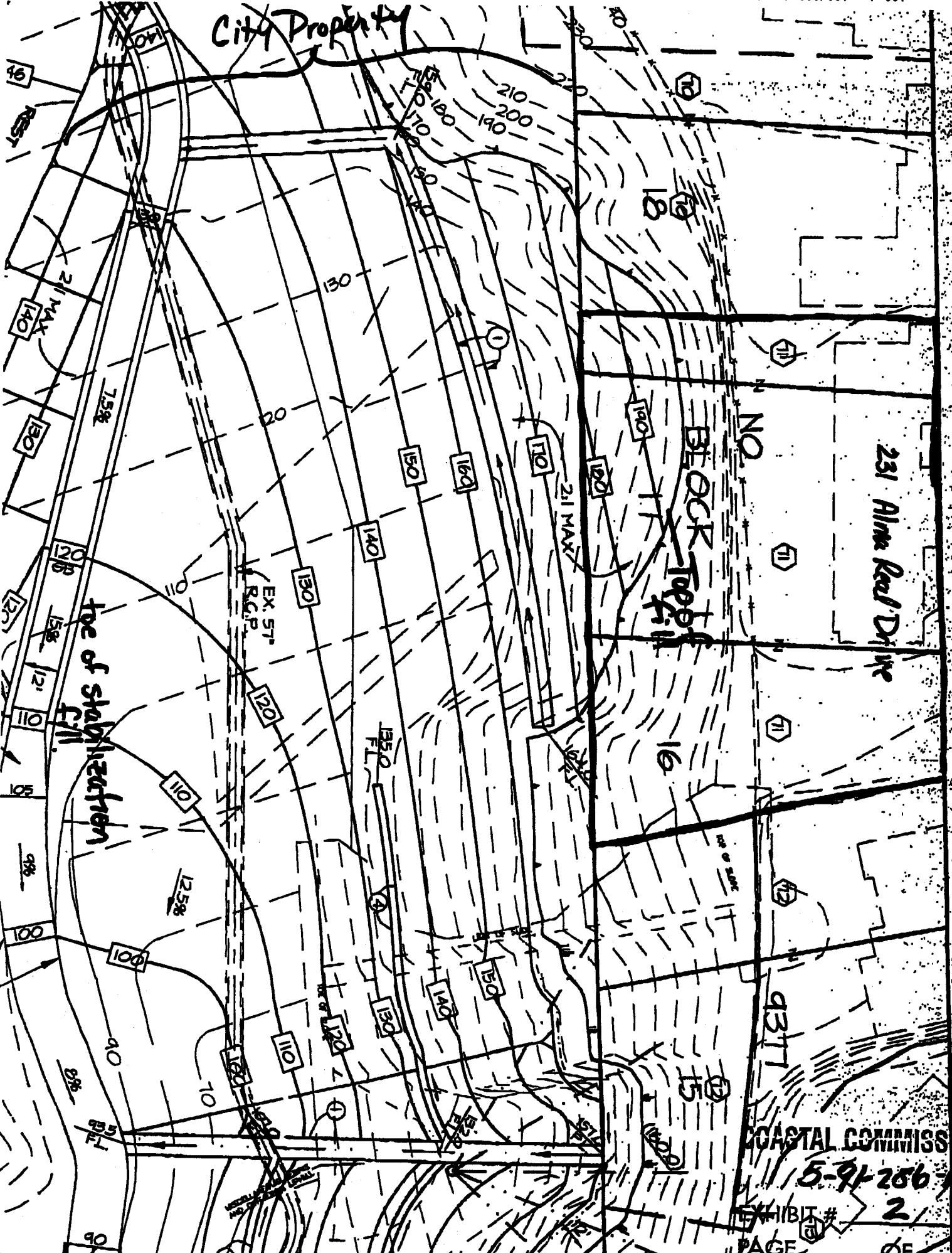
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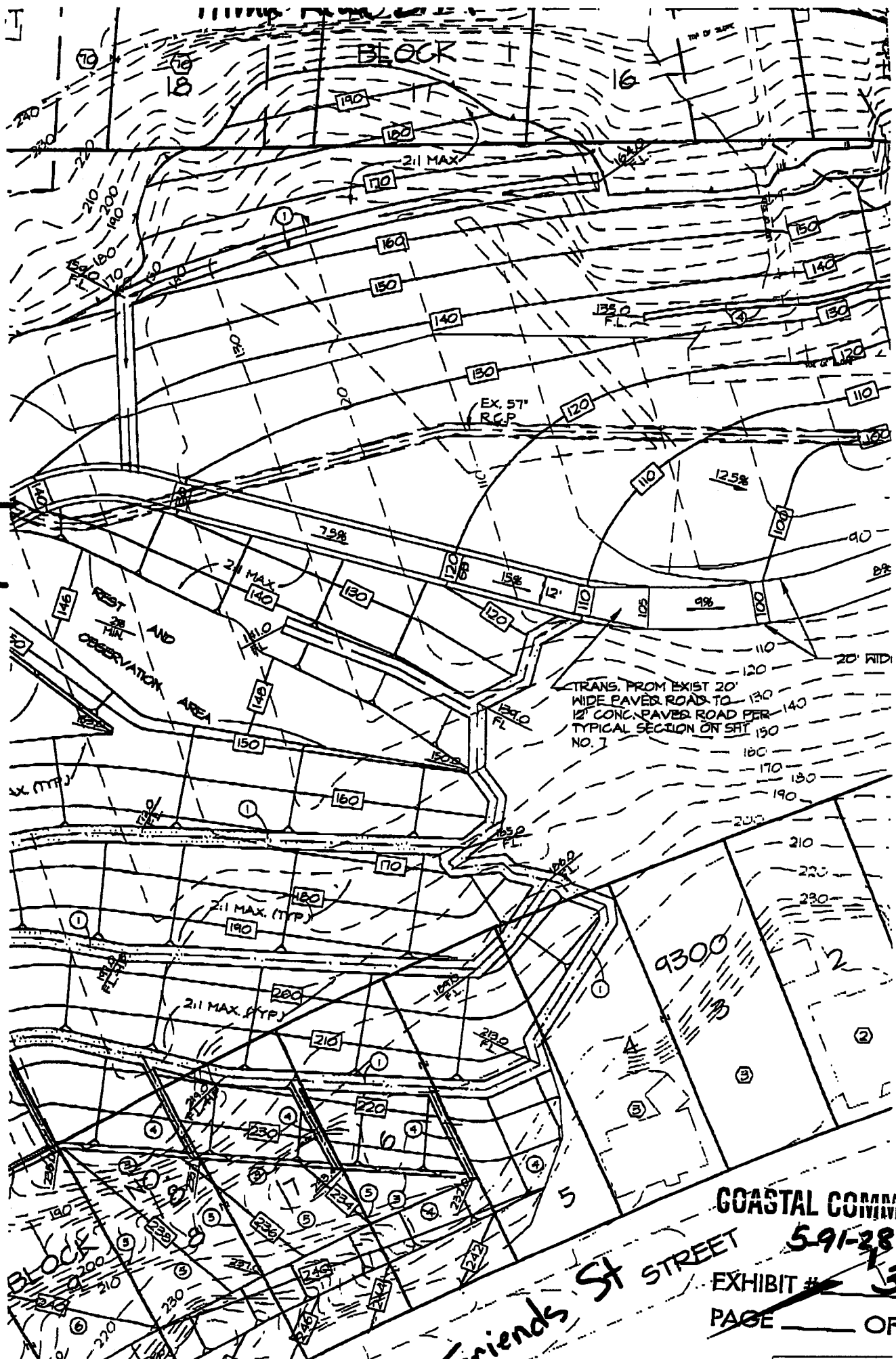
Pacific Ocean  
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City Property



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 PAGE 3 OF

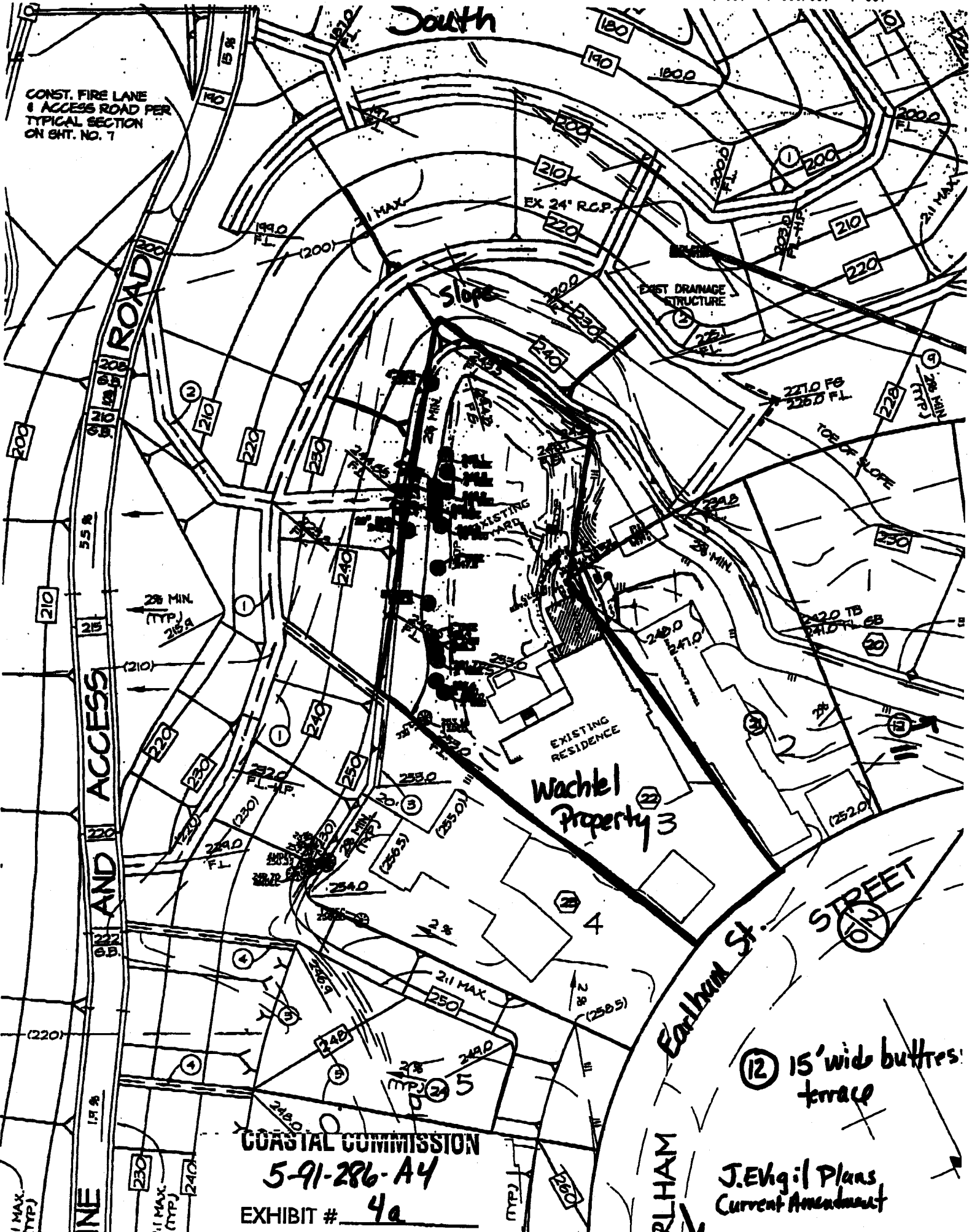
Area of proposed work by City



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South

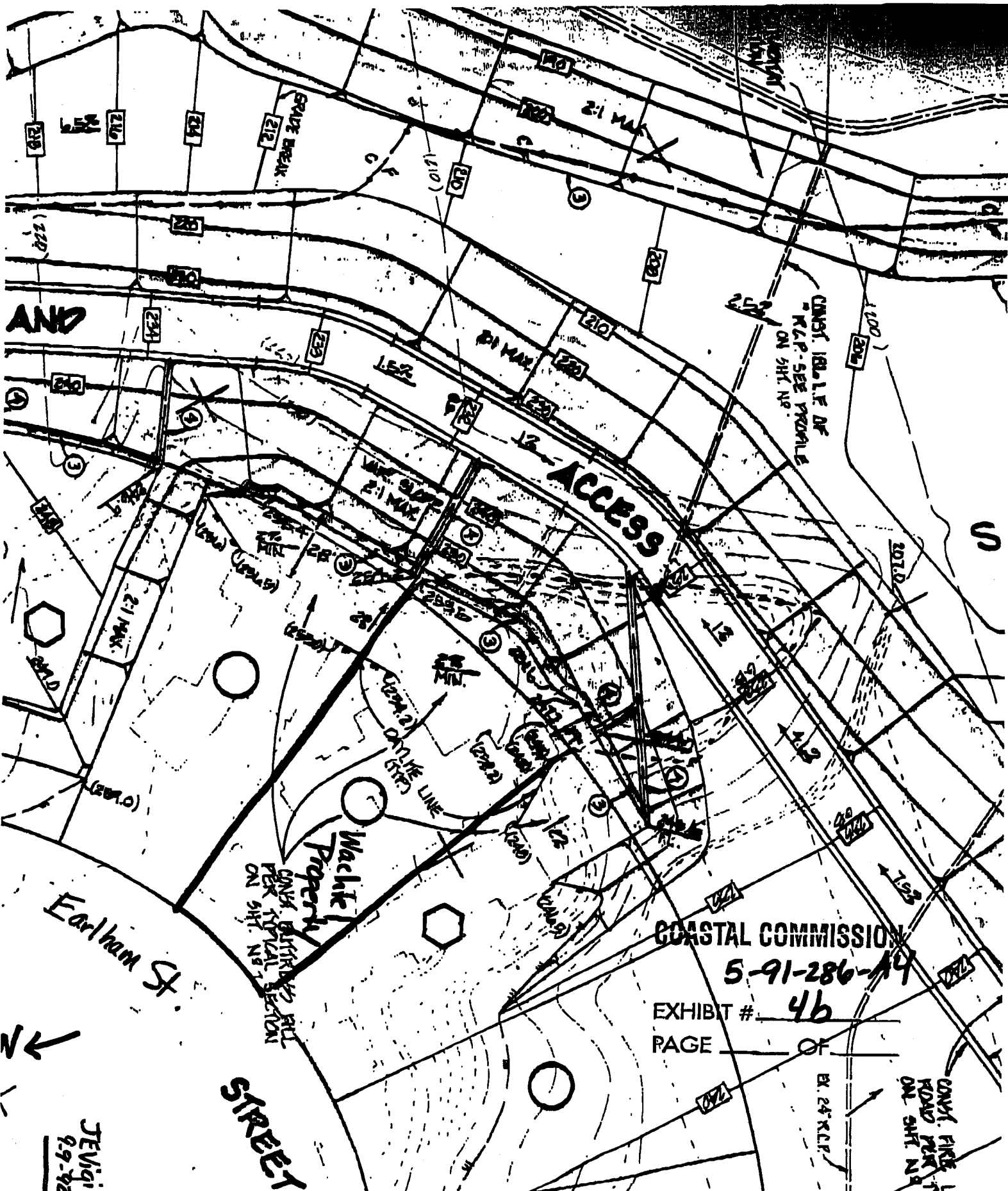
CONST. FIRE LANE & ACCESS ROAD PER TYPICAL SECTION ON SHT. NO. 7



COASTAL COMMISSION  
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 EXHIBIT # 4a

⑫ 15' wide buttress terrace

J. Evigil Plans  
 Current Amendment



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EXHIBIT # 46

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STREET

Earlham St.

Wacker Property  
CONV. FIRE LANE ROAD PER R.C.P. ON SH. NO. 7

CONV. 180 L.F. OF R.C.P. - SEE PROFILE ON SH. NO. 7

CONV. FIRE LANE ROAD PER R.C.P. ON SH. NO. 7

1992 Grading Plans Compare with current grading plans. Unlabeled projects not identified correctly.

JEVIGIL Co.  
9-9-92

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants a permit for the proposed development on the grounds that the development as amended will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. SPECIAL CONDITIONS**

**Staff note:** All conditions previously imposed by the Commission, including standard conditions, unless specifically changed below, remain unchanged.

**1. Evidence of applicability of assumption of risk**

Prior to issuance of the amendment to the permit, the applicant shall provide evidence for review and approval of the Executive Director that 1) the Los Angeles City Council resolution assuming risk of the development and 2) the documents assuming the risk of the development recorded on subdivided residential lots required by condition 2 of coastal development permit 5-91-286 (consistent with the similar condition applied to the predecessor permit 5-86-958) adequately assume the risk of the expanded development. The applicant shall demonstrate that the present documents adequately indemnify the Coastal Commission from damage caused by landslides, mudslides or slope failure. If the Executive Director determines that the present documents do not apply to the additional project area approved in the amendment, the applicant shall 1) amend its Council resolution and 2) record additional documents assuming the risk of the development, consistent with condition 2 of permit 5-91-286, as required by the Executive Director. (see Appendix B.)

**2. Timing of revegetation of buttress fill.**

Prior to issuance of the amendment to the permit the applicant or its representatives shall agree to commence the revegetation program for the buttress fill area not later than six months following final inspection of the buttress fill approved in this amendment. Pursuant to this condition, by May 1, 1997, the applicant shall provide a plant list for the review and approval of the Executive Director. Said list shall include the varieties and the number proposed, the sizes of container plants, and, if seed is proposed the

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type of seed and methods proposed to ensure germination. The revegetation program shall be carried out and maintained consistent with the terms of condition 8 of permit 5-91-286A2 (see appendix B below.) The applicant shall further agree to monitor the installation of coastal sage scrub for no fewer than 5 (five) years. If, after one year, plant coverage is less than 80% and/or weedy or introduced species represent more than 10% of the plant coverage, the City shall re-install the coastal sage scrub vegetation. Pursuant to this condition, the applicant have annual reports prepared by a qualified biologist or revegetation expert and/or submit to inspections by the Coastal Commission staff and the Department of Fish and Game, and shall agree to replant if necessary and to carry out other remediation measures recommended in the reports, or by the Executive Director upon review of evidence of failure of the project.

3. Siltation Control

Prior to the issuance of the amendment to the Coastal Development Permit, the City shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan which controls erosion from the construction site, and prevents silt from the construction site from entering coastal waters during and after the construction. The applicant shall provide evidence acceptable to the Executive Director that the erosion control plans conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers. The approved plan shall be implemented during construction of the proposed project.

4. Consistency with approved plans and foundation design

Prior to the issuance of the amendment to the Coastal Development Permit, the City shall submit for review and approval by the Executive Director, final plans for the demolition, excavation, fill, drainage devices and roads which have been reviewed and approved for structural soundness and safety by a qualified engineer. The submitted plans must be in substantial conformance with the plans approved by the Commission and must contain the foundation design recommendations contained in the Geologic Review letter of approval from Joseph Cobarrubias dated February 23, 1996, and the Report titled Geologic and Soils Exploration/ Proposed Remedial Repair of Sunspot Motel Landslide, Pacific Palisades, J. Byer Group Project ID Number JB 16504-B, January 4, 1996. The quantity of over-excavated material shall generally follow the descriptions and reasoning indicated in the report. Any changes in the design of the proposed project which was approved by the Commission which may be required by the engineer, including any expansion of the size of the fill, additional fills and or additional excavations, shall be submitted to the Executive Director in order to determine if the proposed change requires a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. The proposed road and buttress fill shall be constructed in a manner consistent with the final approved plans.

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## 5-91-286A3 (Potrero Canyon, City of Los Angeles)

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APPENDIX B  
PREVIOUSLY IMPOSED TERMS AND CONDITIONSII. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

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III. SPECIAL CONDITIONS IMPOSED ON 5-91-286A2

**Staff note:** All conditions previously imposed by the Commission, unless specifically changed below, remain unchanged:

1. Condition 1, timing of condition compliance shall now read:

1. Timing of Condition Compliance

(a) The Applicant shall deliver all resolutions and agreements specified below to the Executive Director within 90 days of the Commission's action on this permit amendment.

(b) The applicant shall submit all final plans and mitigation programs as described in Conditions 5 and 8 below within one year of the Commission's action on this permit amendment.

(c) The applicant shall complete all corrections to plans and programs required below within ninety days of the review of such plans by the Executive Director or by the Commission, unless additional time is granted by the Executive Director for a good cause.

(d) Upon final inspection of the fill project the applicant shall provide written notification to the Executive Director. The plants, trails, signs and other elements of the park use plan and habitat restoration plan shall be installed and public use shall begin within one year after completion of the grading work.

Failure to comply with the requirements within the time periods specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

2. Condition 5 below shall substitute for the condition 5 previously imposed by the Commission on permit 5-91-286.

5) Within one year of the Commissions approval of this amendment, the applicant shall provide revised final engineering plans, for the review and approval of the Commission. Prior to submittal the revised plans shall be reviewed and approved by the project geologist, generally conforming to the preliminary plans approved in this amendment action. The plans shall be stamped by the project geologist and a licensed civil engineer, and where appropriate the project naturalist. The plans shall be consistent with the following

a) the revised plans and calculations shall be based on previous geologic reports and shall be approved in writing by the City of Los Angeles Board of Building and Safety.

b) The construction shall use materials specified by the Board and in the geology reports by John Byer, Coastal Commission approved by the geologist, six inch concrete chunks and windrowed rocks

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may be incorporated in the fill. Any expansion of the area of disturbance described in this amendment or work on properties not described in permit file 5-87-958 or 5-91-286 will require an amendment to this permit.

c) The applicant shall also agree to control dust and to carry out temporary erosion control measures to stabilize all slopes and loose earth during the rainy season (Oct 1--April 1) and take any additional measures including temporary revegetation necessary to avoid dust storms, siltation, mudflows or erosion onto the highway or into ocean waters. These measures shall include but not be limited to measures indicated in plans dated 1/9/91 and stamped approved by the Department of Building and Safety. Each fall, the applicant shall install appropriate erosion control plans designed for that phase of the project on or before October 1.

Pursuant to this requirement, the applicant shall provide the Executive Director with copies of all letters and reports from the Department of Building and Safety, all updated geologic reports, and shall report at least every six months on the status of the project.

3. Condition 8 of permit 5-91-286 shall be revised to provide the following:

8. Landscaping and restoration plans

Within one year of the Commission's action on this permit amendment, the applicant shall submit detailed landscaping plans and a restoration program for the review and approval of the Executive Director. The plans and program shall be consistent with the Final Potrero Canyon Riparian Mitigation Proposal, Revised August, 1991, by ERCE.

Pursuant to this requirement, the applicant shall submit working drawings and a manual of operations showing detailed specifications including numbers and sizes of plants, final design for nuisance water recovery and methods of maintenance and inspection. The project shall receive approval of appropriate city agencies, the California Department of Fish and Game and the United States Fish and Wildlife Service. Any significant change in these plans or their method of execution shall be reported to require an amendment to this permit.

The program shall include:

A. The following plans to be completed within one year of Commission action:

i) a statement of habitat objectives, including specific values to be restored and animal species utilization expected;

ii) a detailed site plan;

iii) detailed landscape plan, indicating sizes of plants to be planted.

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**5-91-286-A4**

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planting methods, diversity and location of plant species and associated habitat value to riparian animal species. The plan shall provide willow and riparian vegetation in the riparian corridor, low water use landscaping and access corridor outside the riparian corridors area, appropriate barriers and restored coastal sage scrub habitat; and

iv) park working drawings showing picnic and trails areas that are compatible with coastal sage scrub and riparian restoration showing 1) clear and visible signage at PCH and at the Palisades Recreation Center, 2) trail connections to PCH and to Palisades Recreation Center, 3) automobile and bicycle parking at Palisades Recreation Center, 4) Landscaping to reduce visual impacts at Pacific Coast Highway. If the applicant proposes to use introduced vegetation in the passive recreation and trail area, the plans shall specify that no non-native invasive plants shall be employed. Invasive, non-native vegetation is specified, among other sources, in the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992.

v) Park and Recreation support. The City will work with Caltrans to prepare revised park plans that shall provide for public parking of no fewer than 10 and no more than 30 spaces on City or Caltrans property at the southern end of the canyon to serve the park. Restroom facilities shall be provided accessible to recreation areas and located on park or adjacent public property. The parking lot and restrooms shall be constructed as part of the final park improvements. Future concession development may relocate or incorporate such parking and other facilities, but the parking and bathroom facilities shall be provided free of charge, shall be identifiable as public facilities and the support facilities and their identifying signs shall remain visible from Pacific Coast Highway and the park. If access for parking and/or construction of a restroom at the south (PCH) end of the Canyon is not feasible, the City will submit plans for these facilities at an alternate location for the review and approval of the Commission.

vi) detailed final irrigation/runoff plan including final plans for use of nuisance water, pumps, water quality standards, and a water balance plan for the entire park. The plans shall maximize low flow collection to provide water to the riparian area. If necessary to supply water to the riparian area, the applicant may substitute paved terraces or low water use, non invasive plants for the turf areas shown.

- B. A monitoring and maintenance program, to be provided for the review and approval of the Executive Director within one year of the Commission's action on this project, but to be instituted at the completion of construction. The program shall include:

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- i) Inspection of the vinyl liner and materials under the liner by the consulting geologist and the engineer prior to installation of topsoil and plant materials;
- ii) monitoring and maintenance of the restored area, by reports prepared at 6 months intervals for a period of two years, and annual reports for three additional years, which shall be provided to the Executive Director and the Recreation and Park Commission at these intervals;
- iii) A training program for the Department's personnel to assure long term maintenance of the habitat area in a manner consistent with the purpose of this condition;
- iv) replacement planting to ensure coverage of at least 80 percent of the site;
- v) monitoring of the irrigation system, of the riparian habitat area for water loss, and replacement of nuisance water pumps, or, if necessary, repair and replacement of other fixtures installed as part of this mitigation program; and
- vi) implementation of the City's non-point source, storm drain water quality improvement program, including the Best Management Practices required in the NPDES permit applicable to the Potrero Canyon facility, the surface diverter system and the downtown Pacific Palisades storm drain system. At a minimum such a program shall include public information regarding the effects on the habitat and Santa Monica Bay of discharge into surface drains, and notification of the Recreation and Park Department maintenance staff by the project naturalist of acceptable and unacceptable irrigation, use of chemicals and fertilizers and other limitations that might affect the water quality of the riparian area.

#### 4. Recycling Landslide Debris.

Within 90 days of the Commission action on this amendment the City and its contractors and engineers shall explore with Caltrans the use of Landslide Debris and road failure material as a landfill source for Potrero canyon, and possible location and methods for processing the fill so it would be suitable, and methods for using the landslide material. The results of interagency meetings on the subject shall be provided to the Commission. The City shall also agree accept structural fill from Caltrans road maintenance projects at competitive rates.

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5-91-286Conditions of Approval

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IV. SPECIAL CONDITIONS IMPOSED ON ORIGINAL PERMIT 5-91-2861. Timing of Condition Compliance

(a) The Applicant shall deliver all resolutions and agreements specified in conditions 2-7 below to the Executive Director within 90 days of the Commission's action on this permit.

(b) The applicant shall submit all final plans and mitigation programs as described in Condition 8 below within one year of the Commission's action on this permit.

(c) Upon final inspection of the fill project the applicant shall notify the Executive Director. The plants, trails, signs and other elements of the park use plan and habitat restoration plan shall be installed and public use shall begin within one year after completion of the grading work.

Failure to comply with the requirements within the time periods specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

2. Assumption of risk

Within 90 days of the Commission's action on this permit, the City and all co-applicants shall record a deed restriction and/or submit a resolution by the City Council, as deemed appropriate by the Executive Director, which provides that the applicants understand that the site may be subject to extraordinary hazard from landslides and erosion and the applicants assume the liability from those hazards; that the applicants shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design construction, operation, maintenance, existence or failure of the permitted project.

In addition, the document shall indicate that any adverse impacts on private property caused by the proposed project shall be fully the responsibility of the applicants. The applicants may submit, for compliance with this condition the resolution adopted in compliance with the similar condition applied to 5-86-958.

3. Acceptance of Conditions. Timing of sale of residential lots

Within 90 days of the Commission's action on this permit, the City Council of the City of Los Angeles shall adopt an ordinance, resolution or other action deemed appropriate by the Executive Director accepting the terms and conditions of this permit. The ordinance shall further specify that the City shall not offer for sale any of the City-owned residential lots adjacent to the canyon until the riparian habitat and park construction outlined in these conditions has been completed, the park is open for public use, and a source of funds for its inspection and continued maintenance

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has been identified. When the City-owned residential lots adjacent to the park property are sold, each deed shall include a restriction that gives notice to the buyer that: (1) the park created by this restoration program has been deeded for public park purposes in perpetuity, and (2) the lot is adjacent to an area with a history of geologic problems, a landslide area.

4. Truck haul hours/interference with access

Within 90 days of the Commission's action on this permit, the applicant shall submit a written agreement that no trucks shall use Pacific Coast Highway during the peak beach use hours on weekends and holidays from Memorial Day weekend through Labor Day. Peak hours of beach traffic are the hours between 12:00 noon and 7:00 P.M..

5. Conformance with approved grading plans and approved erosion control plans

Within 90 days of the Commission's action on this permit, the applicant shall agree that all construction shall proceed in conformance with plans dated 5/10/91 by BCA Engineers, as approved by the Board of Building and Safety of the City of Los Angeles on 5/20/91. The construction shall use materials as specified by the Board and in the geology reports by John Byer's. Any expansion of the area of disturbance including the phase three de Pauw buttress or additional work on other properties will require an amendment to this permit. The applicant shall also agree to carry out temporary erosion control measures to stabilize all slopes and loose earth during the rainy season (Oct 1--April 1) and take any additional measures necessary to avoid siltation, mudflows or erosion onto the highway or into ocean waters. These measures shall include but not be limited to measures indicated in plans dated approved 1/9/91 by the Department of Building and Safety. Each year, the applicant shall install appropriate erosion control plans Oct. 1.

Pursuant to this requirement, the applicant shall provide the Executive Director with copies of all letters and reports from the Department of Building and Safety, all updated geologic reports, and shall report at least every six months on the status of the project.

6. Recreational use.

Within 90 days of the Commission's action on this permit, the City of Los Angeles shall agree by resolution that the trail and passive recreation areas developed as a part of this project shall 1) be operated as a public park, 2) include such uses as bicycling and picnicking and 3) shall be open during all daylight hours for public use, according to the normal practices for operation of a public park in the City of Los Angeles.

7. Open Space Preservation Environmentally Sensitive Habitat/Woodland

Within 90 days of the Commission's action on this permit, the applicant as landowner shall agree, by resolution or other official action of the City Council of the City of Los Angeles, to maintain no less than 7.38 acres on

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the site, the area shown in Exhibit 2, as riparian habitat in perpetuity. The resolution or other action shall state that the restored area shall be maintained in willow and sycamore habitat, and shall be protected from foot traffic, consistent with the Final Potrero Canyon Riparian Mitigation Proposal Dated August, 1991 by ERCE

The applicant shall also agree, by resolution, to refrain from all development within the Environmentally Sensitive Habitat/Woodland open space area except for development explicitly approved in this permit.

8. Landscaping and restoration plans

Within one year of the Commission's action on this permit, the applicant shall submit detailed landscaping plans and a restoration program for the review and approval of the Executive Director. The plans and program shall be consistent with the Final Potrero Canyon Riparian Mitigation Proposal Dated August, 1991 by ERCE.

Pursuant to this requirement, the applicant shall submit working drawings and a manual of operations showing detailed specifications including numbers and sizes of plants, final design for nuisance water recovery and methods of maintenance and inspection. The project shall receive approval of appropriate city agencies, the California Department of Fish and Game and the United States Fish and Wildlife service. Any significant change in these plans or their method of execution shall be reported to require an amendment to this permit.

The program shall include:

A. The following plans to be completed within one year of Commission action:

i) a statement of habitat objectives, including specific values to be restored and animal species utilization expected.

ii) a detailed site plan

iii) detailed landscape plan, indicating sizes of plants used, planting methods, diversity and location of plant species and associated habitat value to riparian animal species. The plan shall provide willow and riparian vegetation in the riparian corridor, low water use landscaping and access corridor outside the riparian corridors area, appropriate barriers and restored coastal sage scrub habitat.

iv) park working drawings showing picnic and trails areas that are compatible with coastal sage scrub and riparian restoration showing 1) clear and obvious signage at PCH and at the Palisades Recreation Center, 2) trail connections to PCH and to Palisades Recreation Center, 3) automobile and bicycle parking at Palisades Recreation Center, 4) trail access to De Pauw St., 5) Landscaping to reduce visual impacts at Pacific Coast Highway. If the applicant proposes

PROPOSED RESOLUTION

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to use introduced vegetation in the passive recreation and trail area, the plans shall specify that no non-native invasive plants shall be employed. Invasive, non-native vegetation is specified, among other sources, in the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988.

v) detailed final irrigation/runoff plan including final plans for use of nuisance water, pumps, water quality standards, and a water balance plan for the entire park. If necessary to supply water the the riparian area, the applicant may substitute pavement areas or low water use, non invasive plants for the turf areas shown.

- B. A monitoring and maintenance program, to be provided for the review and approval of the Executive Director within one year of the Commission's action on this project, but to be instituted at the completion of construction. The program shall include:

i) Inspection of the vinyl liner and materials under the liner by the consulting geologist and the engineer prior to installation of topsoil and plant materials

ii) monitoring and maintenance of the restored area, by reports prepared at 6 months intervals for a period of two years, and annual reports for three additional years.

iii) A training program for the Department's personnel to assure long term maintenance of the habitat area in a manner consistent with the purpose of this condition.

iv) replacement planting to ensure coverage of at least 80 percent of the site.

v) monitoring of the irrigation system, of the riparian habitat area for water loss, and replacement of nuisance water pumps, or, if necessary, repair and replacement of other fixtures installed as part of this mitigation program.

#### 9. Park and Habitat Development

Within one year of the completion of grading work, construction of the park in conformance with the riparian habitat mitigation plan required in condition 8, and the draft park plan dated 1/29/91 and 4/28/91 shall be completed, the 7.58 acres of riparian habitat shall be installed, the monitoring programs shall have begun and the park shall be open to public use.

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# CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
CON HOWE  
DIRECTOR

FRANKLIN P. EBERHARD  
DEPUTY DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

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CHIEF ZONING ADMINISTRATOR  
ASSOCIATE ZONING ADMINISTRATORS  
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EMILY J GABEL-LUDDY  
DANIEL GREEN  
LOURDES GREEN  
DAVID KABASHIMA  
ALBERT LANDINI  
JON PERICA  
SARAH RODGERS

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302

### NOTICE OF PERMIT ISSUANCE

DATE: May 9, 2003  
CDP NUMBER - ZA 2003-0295(CDP)  
ADDRESS - 231 Alma Real Drive

Please take notice that the above referenced Coastal Development Permit was issued on March 24, 2003, pursuant to a public hearing on February 27, 2003 and an appeal was not filed with the City of Los Angeles, Office of Zoning Administration as advised in the permit, during the mandatory appeal period.

An appeal period of 20 working days must expire from the date this notice and attached Coastal Development Permit is received and accepted by the California Coastal Commission, Division V in Long Beach before this Coastal Development Permit will become effective.

- ( ) The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20 working day appeal period.
- (X) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20 working day period the applicant may apply to the City of Los Angeles Department of Building and Safety for a building permit.

Con Howe  
Department of City Planning

By Linda M. Clarke

Linda M. Clarke  
Senior Clerk Typist  
Print Name and Title of Individual Signing

Attachments:

- (X) Permit
- ( ) Staff Report
- (X) Application

**COASTAL COMMISSION**  
**5-91-286-A4**

FINAL LOCAL ACTION NOTICE

RECEIVED 5/19/03

REFERENCE # ZA 2003-0295

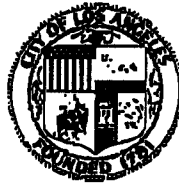
APPEAL PERIOD 6/12/03

cc: Applicant EXHIBIT # 60

CP-1622 (08/10/93) PAGE      OF

# CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN  
MAYOR

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DANIEL GREEN

LOURDES GREEN

DAVID KAWASHIMA

ALBERT LANDINI

JON PERICA

SARAH RODGERS

March 24, 2003

William and Leslie Elkus (A)  
231 Alma Real Drive  
Pacific Palisades, CA 90272

Diane Abbitt (R)  
1851 Tyburn Street  
Glendale, CA 91204

Department of Building and Safety

CASE NO. ZA 2003-0295(CDP)  
COASTAL DEVELOPMENT PERMIT  
231 Alma Real Drive  
Brentwood-Pacific Palisades  
Planning Area  
Zone : RE20-1  
D. M. : 123B129  
C. D. : 11  
CEQA : ENV 2003-0296-CE  
Fish and Game : Exempt  
Legal Description : Lot 17, Block 23,  
Tract 9377

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a request for stabilization of the hillside of an existing single-family dwelling below the grade of the lot located within the single permit jurisdiction of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of the public health, safety or occupants of adjacent property.
4. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included

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in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

5. Prior to the issuance of any permits relative to this matter, an acknowledgment and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions of approval attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

6. Conditions suggested by the California Coastal Commission (as modified):

a. Future Development Deed Restriction

1) This permit is only for the development described herein, ZA 2003-0295(CDP). Any future improvements located on the subject parcel, including but not limited to repair and maintenance identified as not requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), which are proposed shall require an additional coastal development permit from the Commission or from the City of Los Angeles.

2) Prior to Issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission action.

b. Assumption of Risk, Waiver of Liability and Indemnity

1) The applicant acknowledges and agrees (i) that the site may be subject to hazards from brush fire, landslide activity, erosion, and/or earth movement, (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability,

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claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- 2) ... Prior to Issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission action.

c. Conformance of Design and Construction Plans to Geotechnical Reports

- 1) All final design and construction plans, grading and drainage plans, shall be consistent with all recommendations contained in Geology and Soils Engineering Exploration # GH9892-G by Grover Hollingsworth and Associates, Inc., May 9, 2002 and the requirements of the City of Los Angeles Department of Building and Safety, Soils/Geologic review letter Log #36757, June 13, 2002. Such recommendations shall be incorporated into all final design and construction plans.
- 2) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without Commission consideration.

d. Erosion and Drainage Control

- 1) Prior to Issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control.

a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, public streets, and Potrero Canyon.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.

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- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
  - All drainage from the flat portion of the lot shall be directed toward the street and away from the canyon slope into suitable collection and discharge facilities.
- b) The plan shall include, at a minimum, the following components:
- A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
  - A site plan showing the location of all temporary erosion control measures.
  - A schedule for installation and removal of the temporary erosion control measures.
  - A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist. A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.
- c) The drainage control plan shall demonstrate that:
- Run-off from the project shall not increase the sediment or pollutant load in the storm drain system above pre-development levels.
  - Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected and discharged to avoid ponding and/or erosion either on or off the site.
- d) The drainage control plan shall include, at a minimum, the following components:
- The location, types and capacity of pipes drains and/or filters proposed.
  - A schedule for installation and maintenance of the devices.
  - A site plan showing finished grades at two-foot contour intervals and drainage improvements.

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These erosion and drainage control measures shall be required to be in place and operational on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment

shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, and/or silt fencing; and include temporary drains and swales and sediment basins. The plan shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

- 2) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without Commission consideration.

e. Landscape Plan

- 1) Prior to issuance of a Coastal Development Permit, the applicant shall submit a landscaping plan prepared by a professionally licensed landscape architect or resource specialist, for review and approval by the Executive Director. Prior to this submittal, the plan shall be reviewed by Los Angeles City Fire Department for compliance with fuel load standards. The plan shall include, at a minimum, the following components: a map showing the type, size, and location of all plant materials that will be on the developed site, the topography of the developed site, all other landscape features, and a schedule for installation of plants. The landscaping plan shall show all existing vegetation. The plan shall incorporate the following criteria:

- a) The subject site shall be planted and maintained for slope stability, erosion control and native habitat enhancement purposes.

- b) Landscaped areas in the rear sloped (canyon side) portion of the yard shall consist of 100 percent native, drought tolerant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. The landscaping shall be planted using accepted planting procedures required by a professionally licensed landscape architect. To alleviate fire hazard risks the commission requires the use of native grasses and low canopy,

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native/fire resistant species near the canyon edge, gradually increasing the percentage of larger, coastal sage scrub species at the outer edge of the property.

- c) Plantings will be maintained in good growing condition throughout the life of the project and whenever necessary shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements in the landscaping plan.
- 2) 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 Commission action.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"If any portion of a privilege authorized by a variance or conditional use is utilized, the conditions of the variance or conditional use authorization immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Administrator, Board or Commission in connection with the granting of any variance, approval of a conditional use or other action pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter."

**COASTAL COMMISSION**

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Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after APRIL 8, 2003, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street, #300  
Los Angeles, CA 90012  
(213) 977-6083

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the determination becomes final.

NOTICEEXHIBIT # 6c~~PAGE 7 OF 7~~

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would

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include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on February 27, 2003, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

### BACKGROUND

The subject property is a level and sloping, almost rectangular-shaped, interior, record lot, having a frontage of approximately 160 feet on the west side of Alma Real Drive, and a depth varying from 262 to 290 feet. The property features a downslope from the rear yard to the rear property line. The site is developed with an estate sized single-family residence.

Surrounding properties are within the RE20-1 Zone and are characterized by hillside topography and wide streets. The surrounding properties are developed with one and two-story single-family dwellings.

Alma Real Drive, adjoining the subject property to the east, is a Local Street, dedicated to a width of 70 feet and improved with curb, gutter and sidewalk.

The subject property is a two-story single-family residence on the west side of Alma Real Drive in the Huntington Palisades area of the City of Los Angeles. The applicant is requesting a Coastal Development Permit to stabilize the hillside to the rear of the subject residence.

According to the applicants, the property was originally included in the stabilization project of Potrero Canyon, which was begun in 1990 by the City of Los Angeles. The applicants purchased the property in 1991. The subject property and the property to the west were subsequently dropped from the stabilization project. The applicants were told by the Department of Recreation and Parks that this was for financial reasons.

However, part of the rear yard of the adjacent property to the west "popped out" - a geological term for the land slipping away. The City of Los Angeles repaired this property but the applicants were distressed to discover that their property now in jeopardy was not to be included.

A geologist was hired and the applicants were told that immediate action was necessary. Hence, the current application. The Chief Zoning Administrator helped the representative of the applicants to coordinate with the Coastal Commission and the Department of Recreation and Parks necessary to begin restoration of the site.

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**PUBLIC HEARING:**

The public hearing for the subject request was held on February 27, 2003. There was no one present. After consideration of the file and six letters of support, the Zoning Administrator conditionally approved the request for a Coastal Development Permit to stabilize the slope of the subject property.

Subsequent to the public hearing, the Coastal Commission staff was contacted for their recommendations. Several different sets of recommended conditions have been received and it is unclear which is the most appropriate. The conditions imposed herein appear to be the most applicable and have been reviewed by the applicant's representative.

**FINDINGS**

In order for a coastal development permit to be granted, all of the requisite findings contained in Section 12.20.2, G of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to the same.

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The proposed project has been found to be consistent with all of the required features of the Coastal Act, including those provisions involving:

- a. **Shoreline Access:**

The subject property is not located in an area that affects access to a shoreline area.

- b. **Recreation and visitor serving facilities:**

The applicant is proposing to stabilize the "descending slope" to the rear of the property. The slope abuts property owned by the City of Los Angeles and utilized as Pallsades Park. Completion of the stabilization of the slope can only be a benefit to all surrounding properties.

- c. **Water and Marine resources:**

The project will not impact any water or marine resources.

- d. **Environmentally sensitive habitat areas:**

The subject property is located within a developed residential area, which abuts an established park in the OS Zone. The project only involves remedial grading activities which will, upon completion, be landscaped primarily with indigenous plant materials to restore any habitat areas which were disturbed.

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- 2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The Brentwood-Pacific Palisades Community Plan designates the subject property for Very Low I density Residential with corresponding zones of RE20, and RA and Height District No. 1.

There is currently no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone. This request is to institute measures to stabilize a descending slope and ensure the safety of the surrounding area. Therefore, the City's ability to prepare a local coastal program will in no way be prejudiced.

- 3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant.**

The referenced interpretive guidelines are designed to provide direction to the decision making authority in rendering discretionary determinations on requests for coastal development permits pending adoption of a Local Coastal Program. The project is to stabilize a descending slope to ensure slope integrity, which does not conflict with any of the guideline provisions.

- 4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The Commission has consistently indicated concern for the safety and protection of the public welfare and the environment. This grant of approval to permit slope stabilization incorporates and is consistent with previous actions of the Coastal Commission. At the recommendation of the Coastal Commission, conditions have been imposed to the grading and landscaping.

- 5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

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The proposed project is to stabilize the top of a slope in Potrero Canyon. The proposed project will not interfere with the public's right to access to the sea since this location does not affect such access.

- 6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

On January 14, 2003, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2002-0296-CE, for a Categorical Exemption, Class 1, Category 4, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.

**ADDITIONAL MANDATORY FINDINGS**

- 7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
- 8. **Fish and Game:** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



DAVID KABASHIMA  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-1312

DK:ER:lmc

cc: Councilmember Cindy Miscikowski  
Eleventh District  
Adjoining Property Owners  
County Assessor

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**Melissa Stickney**

**From:** Mark Johnsson  
**Sent:** Monday, July 14, 2003 10:49 AM  
**To:** Melissa Stickney  
**Cc:** Pam Emerson  
**Subject:** Potrero Canyon review

South Coast Region

JUL 14 2003

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Melissa--

I have reviewed the following reports relative to the Potrero Canyon amendment to come before the Commission at the August 2003 hearing:

1) The J. Byer Group Inc. 1997, "Plan review and update, Phase III grading plans, Potrero Canyon Park Stabilization Project, Portion of Lot 7, Tract 10426, 15101 Pacific Coast Highway, Pacific Palisades, California, Project No. 1012-B, Contract 2723", 14 p. report dated 17 December 1997 and signed by J. W. Byer (CEG 883) and R. I. Zweigler (GE 2120).

2) Grover Hollingsworth and Associates 2002, "Geologic and soils engineering exploration, proposed stabilization fill slope, Lot 17 and portions of lots 16 and 18, Block 1, Tract 9877, 1501 Pacific Coast Highway, 231 Alma Real Drive and Potrero Canyon Park, Pacific Palisades, California, for Mrs. Leslie Eikus", 25 p. geotechnical report dated 9 May 2002 and signed by G. S. Byrne and R. A. Hollingsworth (GE 2022 CEG 1265).

In addition, I have reviewed City of Los Angeles Department of Building and Safety review letters dated 12 January 1998, which finds reference (1) acceptable; and 13 June 2002, which is an approval letter for reference (2).

I also have reviewed 7 of 10 sheets of the undated grading plan signed by John E. Vigil (RCE 19481) of J.E. Vigil Co., entitled "Potrero Canyon Park Development, Phase 3--Finish Grading." Our only review copy did not contain sheets 8, 9, and 10, which apparently include the cross sections, as no cross sections were found on pages 1 through 7.

Reference (1) is a review of the Phase 3 grading plans, and includes a concise history of the Potrero Canyon stabilization project. Phase 1 of the project is complete, and included the installation of a subdrain, the fill of the canyon to a depth of 40 feet, and the construction of a storm drain. Phase 2 was to consist of the importation of 2.5 million cubic yards of fill to raise the canyon grade considerably. During construction it was found that the required removal of existing landslide debris was not practicable without the deep removals to expose undisturbed bedrock, necessitating the creation of several stabilization fills in addition to the level fill. This work is nearly complete. Phase 3 of the stabilization project is planned to involve the creation of numerous additional stabilization fills and the creation of open space areas for habitat reconstruction.

As indicated in reference (1), the stabilization fills will not bring the factor of safety against sliding for all slopes to the City-required value of 1.5 (static). For all private lots around the rim of the canyon, additional geotechnical studies will be required to evaluate the factor of safety and to make recommendations as to how the required factor of safety can be achieved. Reference (2) is one such study.

Reference 2 indicates that the existing slope at Lot 17 currently has a very low static factor of safety of 1.04 to 1.08. Clearly, the site can not be developed without raising its stability considerably. The proposed stabilization fill is intended to do just that. Reference 2, quoting from a 1986 Kovacs-Byer and Associates geotechnical report that formed the design basis for the Potrero Canyon Stabilization Project, indicates that the proposed 75-foot deep fill with inclined sides was intended to bring all areas to the City's building code requirement of a factor of safety of 1.5. Their analyses, based on new geotechnical strength data gathered from on-site borings, indicate, however, that even after the phase III stabilization fill is complete, a portion of Lot 17 will not meet a factor of safety of 1.5. A failure surface extending through the natural materials above the top of the buttress yields a safety factor of 1.26. The rear 35 feet of the pad measured east from the existing retaining wall on the site has a factor of safety of less than 1.5. The report concludes that the safety factor of this portion of the pad may be raised to 1.5 in the future by providing a row of closely spaced soldier piles just upslope of the existing retaining wall.

In their 13 June 2002 approval letter, the City of Los Angeles Department of Building and Safety approved the stabilization fill slope reviewed in reference (2). I note that neither this approval nor reference (2) examined the fill slope for seismic stability. It is my opinion that the Commission can find that the proposed fill slope is consistent with the geologic hazard provisions of the Coastal Act as contained in section 30253 of the Act. However, before any structure is new development be approved at the site I would recommend that the following be evaluated:

1) The performance of the stability fill under seismic conditions should be evaluated. At a minimum, it should be shown that the slope has a pseudostatic factor of safety of 1.1 using a seismic coefficient of 0.15g. Seismic

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displacement (e.g., Newmark) methods also may be an appropriate means of analysis.

2) The proposed soldier pile system used to bring the site up to a static factor of safety of 1.5 should be evaluated by quantitative slope stability analyses.

3) Perhaps in conjunction with (1) above, the performance of the proposed soldier pile system under seismic conditions should be evaluated. At a minimum, it should be shown that the slope has a pseudostatic factor of safety of 1.1 using a seismic coefficient of 0.15g. Seismic displacement (e.g., Newmark) methods also may be an appropriate means of analysis.

I hope that this review is helpful. Please contact me if you have any additional questions. I will return our only copy of the grading plans via tonight's courier.

Sincerely,

Mark Johnsson  
Staff Geologist

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Mark J. Johnsson                               Staff Geologist

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