

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**Th17b****ADDENDUM**

Date: July 9, 2012

To: COMMISSIONERS & INTERESTED PERSONS

From: JOHN AINSWORTH, DEPUTY DIRECTOR
SOUTH COAST DISTRICT STAFF

Subject: Commission Hearing of July 12, 2012, **item Th17b** of agenda, Coastal Development Permit Amendment No. 5-91-286-A9 (City of Los Angeles), Pacific Palisades, City of Los Angeles, Los Angeles County.

1. On page 6, Special Condition number 2.D., should be modified as follows:

D. Permit the sale of six of the city-owned residential lots restricted in Special Condition 3A, specifically located at ~~15205, 15209, 15213, 15217, 15221, and 15225~~, 15273, 15277, 15281, and 15285 De Pauw Street, as generally depicted in **Exhibit No. X 2** attached to this staff report. Monies from the sale of the specified lots shall be directed to the Potrero Canyon Trust Fund and be used to fund construction of the approved Potrero Canyon Restoration Project.

2. All references to the six sale lots in the staff report should be changed as follows (deletions are shown as ~~strikethrough~~ and additions are underlined):

~~15205, 15209, 15213, 15217, 15221, and 15225~~, 15273, 15277, 15281, and 15285 De Pauw Street

APN: 4412-027-900, 901; ~~4412-028-909, 911, 912, and 913~~ 4412-028-900, 902, 903, and 904

The City of Los Angeles' Bureau of Engineering, as applicant of the amendment, requests that four of the six lots (15205, 15209, 15213, 15217, De Pauw Street) listed for sale in the amendment be changed to four different lots (15273, 15277, 15281, and 15285 De Pauw Street) that are part of the City's originally owned 22 canyon rim lots. The total number of lots being proposed for sale under this amendment will remain the same (6). The reason for the change is the City would like to minimize expenses associated with rental issues and interim maintenance costs, and maximize sale potential (see attached City letter). The change in the location of the

sale lots does not affect staff's recommendation of approval or conditions of approval, except for replacing the four lot address locations in Special Condition No. 2.D as shown above.

3. Exhibits No. 2, 3 and 4 should be replaced with the attached exhibits to reflect the change in location of the sale lots.
4. Letter of support from the Pacific Palisades Community Council.

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July 2, 2012

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JUL 6 2012

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast Division
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
Attn: Al Padilla

Dear Mr. Padilla:

**Addendum to Coastal Development Permit Amendment Application for Coastal Development
Permit No. 5-91-286
(Potrero Canyon Park Development)**

On April 3, 2012, the Bureau of Engineering submitted an application for amendment (Amendment 9) of CDP No. 5-91-286 for the Potrero Canyon Park Development project (copy of Amendment Form enclosed). The April amendment application requested permission to sell six City-owned lots in the vicinity of the canyon: 15205, 15209, 15213, 15217, 15221 and 15225 De Pauw Street.

The Bureau is now submitting an addendum to the previous amendment application. The purpose of the addendum is to revise the list of properties that the Bureau is requesting permission to sell. **The Bureau now requests permission to sell the following six City-owned properties: 15221, 15225, 15273, 15277, 15281, and 15285 De Pauw Street.**

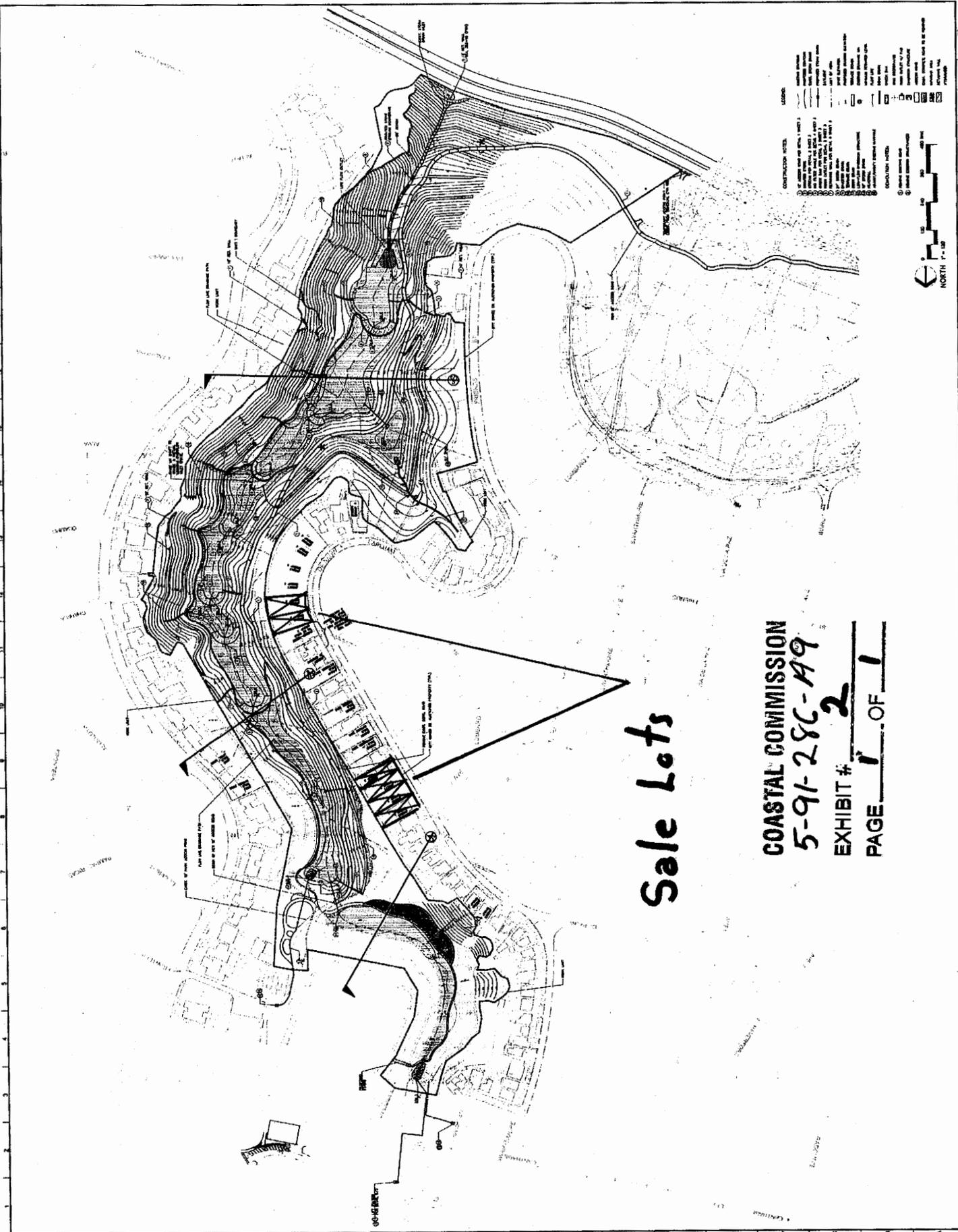
The sale of the new group of properties is preferable to the sale of the group originally requested for several reasons. The properties at 15273 and 15285 De Pauw St. are developed with single-family residences that have until recently had been rented to tenants. The leases have expired and the tenants have vacated the premises. If these properties could be sold as soon quickly, the City would avoid incurring expenses related to re-rental of the properties and maintenance in the interim. If the properties were re-rented, it is possible that difficulties would arise in getting the tenants to vacate in the future when the properties are to be sold. Additionally, if there was a delay before the properties could be rented and occupied by new tenants, the properties might become attractive nuisances and the presence of persons not authorized to be on the properties could create health and safety hazards. Finally, if the developed properties at 15273 and 15285 De Pauw St. are sold, it is sensible to also sell the two vacant lots between them (15277 and 15281 De Pauw St.). This would create the opportunity for a buyer to purchase adjacent lots and may increase the value of all of these four properties, resulting in greater revenue that can be deposited into the Potrero Canyon Trust Fund and use for park development.

Please contact me if you require any additional information.

Sincerely,

Norman Mundy
Environmental Specialist
Environmental Management Group





Sale Lots

COASTAL COMMISSION
5-91-28C-A9
EXHIBIT # 2
PAGE 1 OF 1

2012



MAPPING AND GIS
 SERVICES
 SCALE 1" = 60'

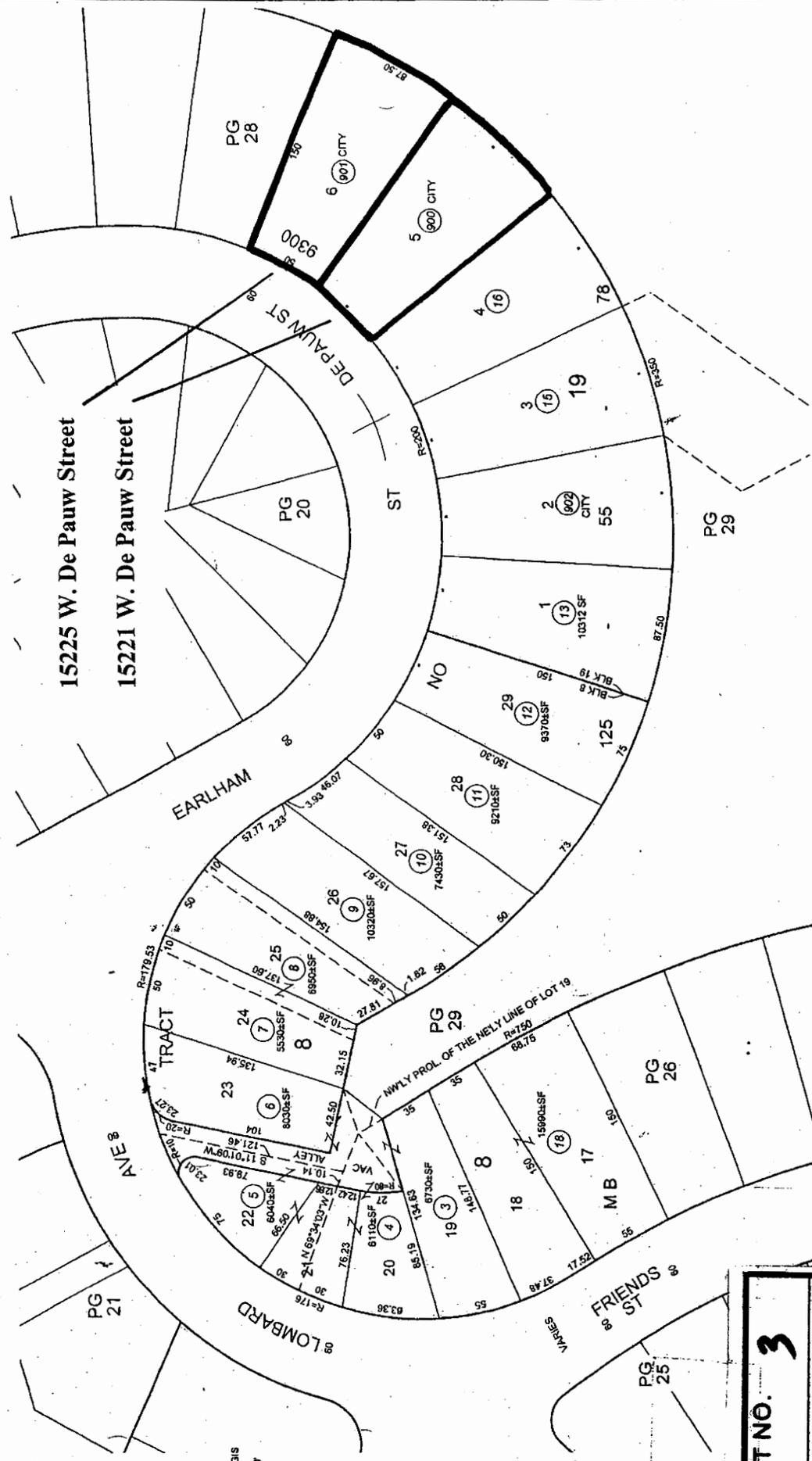


EXHIBIT NO. 3
Application Number 5-91-286-1A9
Parcel Map
California Coastal Commission

412 28

LE 100'

2013

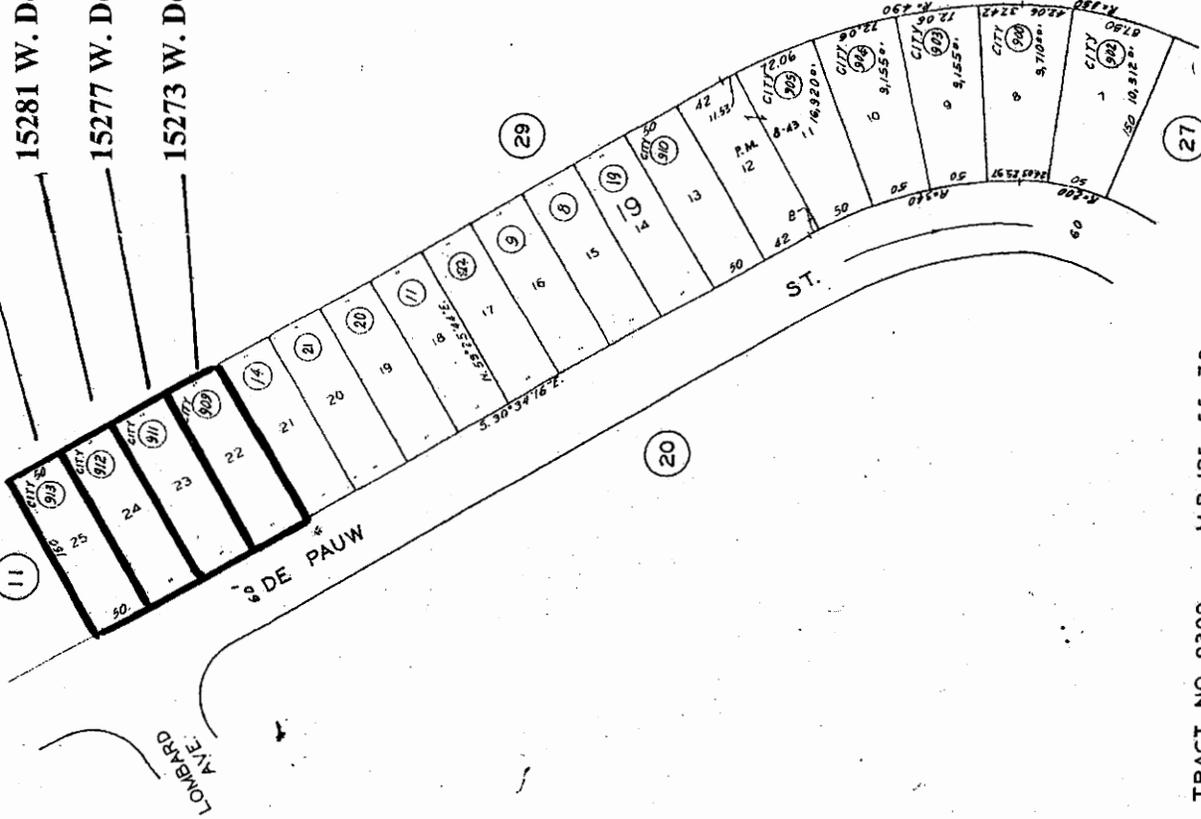
850730103-85
850918800-85
850530009-86
850730101-86
851018608-86
87023581-87
9606104002001-07
801204170009201-0722
2012050819007001-07

15285 W. De Pauw Street

15281 W. De Pauw Street

15277 W. De Pauw Street

15273 W. De Pauw Street



TRACT NO. 9300 M.B. 125-55-78

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

HIBIT NO.	4
Application Number	91-286-1A9
California Coastal Commission	Parcel Map



PACIFIC PALISADES COMMUNITY COUNCIL

July 3, 2012

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California Coastal Commission, South Coast District

200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Re: **Pacific Palisades Community Council CONDITIONAL SUPPORT - AGENDA ITEM #17B, 7.12.2012 (Chula Vista, CA)** / Permit No. 5-91-286-A9 (City of Los Angeles, Department of Recreation and Parks), 15101 Pacific Coast Highway, Los Angeles – Request by the City of Los Angeles Department of Recreation and Parks for amendment of Special Condition 3 to allow for sale of 6 remaining 14 City owned canyon rim lots (15205, 15209, 15213, 15217, 15221, and 15225 De Pauw Street).

Dear California Coastal Commission Commissioners and Mr. Al Padilla:

Pacific Palisades Community Council (“PPCC”) has been the voice of the Pacific Palisades community for nearly 40 years. The PPCC is most interested in ensuring consistency of acceptable parameters for the development of all parcels along the Potrero Canyon rim.

On June 6, 2012 PPCC sent a letter to the Los Angeles City Council, Council District 11 and the Coastal Commission that asked for this hearing be postponed until such time as the yet-to-be-finalized ZI Bulletin could be completed, published and imposed with full force and effect on the Permit No. 5-91-286-A9 lot sales, the remaining City owned canyon rim lots and any other parcels along the canyon rim.

PPCC is informed that the ZI Bulletin will contain parameters that are consistent and encourage development of parcels in a manner not inconsistent with maintaining the aesthetic beauty of the canyon (i.e., appropriate restrictions on the size, location and color of retaining walls and the types of landscaping permitted which, generally speaking, should be consistent with the canyon’s landscaping plan of coastal scrub and similar plants). PPCC has asked that three specific concerns be noted: (1) native shrubbery to be installed must be of an existing or likely future height sufficient to aesthetically protect the wall, (2) native shrubbery and all planting must be done on private property and not City parkland and (3) landscape and “low flow” irrigation plans must be approved by the appropriate agencies (including Bureau of Engineering, Los Angeles Fire Department) to safeguard against brushfire risk and excessive water discharge into Potrero Canyon.

Therefore, PPCC supports Agenda Item #17B, with said support expressly conditioned upon the ZI Bulletin as generally described herein.

With gratitude as always for your time and attention,

Barbara Kohn, President
Pacific Palisades Community Council

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



TH17b

Filed: 4/4/12
180th Day: 10/1/12
Staff: A. Padilla-LB
Staff Report: 5/20/12
Hearing Date: 6/12/12

STAFF REPORT: MATERIAL AMENDMENT

Amendment Application No.: 5-91-286-A9

Applicant: City of Los Angeles

Location: 15101 Pacific Coast Highway, Potrero Canyon, Pacific Palisades, City of Los Angeles

Description of Amendment: Amend Special Condition No. 3 to allow for the sale of six of the remaining fourteen City owned canyon rim lots (15205, 15209, 15213, 15217, 15221 and 15225 De Pauw Street). The money would be directed to an established Trust Fund and used solely for the completion of remaining phases of development of the Potrero Canyon Park Restoration Project. Specifically, monies generated from the sale of these six lots would fund construction of final grading within the canyon and park development for the Potrero Canyon Park Restoration Project. Permission to sell additional lots will require application for a subsequent amendment. (APN: 4412-027-900, 901; 4412-028-900, 902, 903, 904)

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles proposes an amendment to the original permit to allow the public sale of six additional City owned Canyon lots. Funds generated by the sale will go towards final grading and completion of the canyon grading and park development. The standard of review is the Coastal

Act. Staff is recommending **Approval** of the proposed coastal development permit amendment with special conditions. The special conditions would require: 1) require compliance with all previously approved conditions of approvals; and 2) modify special condition number 3 of the original permit related to the timing for the sale of the City-owned residential lots to allow the sale of six additional City owned lots.

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APPENDICES

Appendix A -- Prior Permit Action

Appendix B -- Substantive File Documents

EXHIBITS

Exhibit 1-- Project Vicinity Map

Exhibit 2—Location of Proposed Six Sale Lots

Exhibit 3—Parcel Maps

Exhibit 4—Canyon Site Plan

Exhibit 5—Potrero Canyon Estimated Budget

PROCEDURAL NOTE

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 project is a substantial change from that previously approved. Therefore, pursuant to Section 13166 of the Commission's regulations, the Executive Director is referring this application to the Commission.

I. MOTION AND 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 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:

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. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Conditions Imposed Under Original Permit. Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-91-286 and/or amendments thereto shall remain in effect. If the specifications of any plans approved to comply with permit 5-91-286 are inconsistent with either the project description submitted with this amendment or the conditions imposed by this amendment, the applicant shall submit new plans to the Commission, for the review and approval of the Executive Director, that are consistent with the terms and conditions of this permit as modified by this amendment 5-91-286-A9.
2. **Modify Special Condition No. 3, Acceptance of Conditions, Timing of Sale of Residential Lots, shall be modified as shown below** (Deletions shown as ~~striketrough~~ and additions shown as underlined):

A1. 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 open for public use, and a source of funds for its inspection and continued maintenance has been identified.

A2. Notwithstanding section A.1. of this condition, the City may sell any lots adjacent to the canyon prior to completion of the park and riparian habitat only if the funds acquired from the sale are deposited into the City's Potrero Canyon Trust Fund for exclusive use for the completion of the Potrero Canyon Park Restoration Project. Any future sale of lots beyond those approved in this permit shall require Commission approval through a permit amendment. 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 the park created by this restoration program has been deeded for public purposes in perpetuity.

B. Permit the sale of two of the city-owned residential lots restricted in Special Condition 3A, specifically located at 615 and 623 Alma Real Drive. Monies from the sale of the specified lots will be directed to the Potrero Canyon Trust Fund and be used to fund additional geologic investigation within Potrero Canyon, and for the design of final grading plans and park plans for the Potrero Canyon Park Restoration Project.

C. Permit the sale of six of the city-owned residential lots restricted in Special Condition 3A, specifically located at 15229/15233, 15237, 15241, 15253, 15261 and 15265 De Pauw Street, as generally depicted in Exhibit No. 2 attached to this staff report. Monies from the sale of the specified lots will be directed to the Potrero Canyon Trust Fund and be used to fund construction of the approved Potrero Canyon Restoration Project.

D. Permit the sale of six of the city-owned residential lots restricted in Special Condition 3A, specifically located at 15205, 15209, 15213, 15217, 15221 and 15225 De Pauw Street, as generally depicted in Exhibit No. X attached to this staff report. Monies from the sale of the specified lots shall be directed to the Potrero Canyon Trust Fund and be used to fund construction of the approved Potrero Canyon Restoration Project.

~~D.~~E. After close of escrow for the sale of the lots indicated in section B, C, and D. of this condition, the City shall submit to the Executive Director, for his review and approval, documentation verifying that the funds acquired from the sale of these lots have been deposited in the Potrero Canyon Trust Fund.

IV. FINDINGS AND DECLARATIONS

A. AMENDMENT PROJECT DESCRIPTION

The City of Los Angeles Department of Recreation and Parks proposes to amend a previously issued Coastal Development Permit (CDP) that allowed the City to fill a coastal canyon (Potrero Canyon) to protect the homes on the canyon rim from landslides. Potrero Canyon is located approximately .5 miles north of Chautauqua Boulevard and .5 miles south of Temescal Canyon Road in the Pacific Palisades area of the City of Los Angeles (see **Exhibit No. 1**).

The City requests to modify Special Condition No.3 of the original CDP to allow for the sale of six additional City owned lots prior to the completion of the grading and construction of the public park and riparian habitat (see **Exhibit No. 2, 3 & 4** for location of properties). The six lots are:

15205 W. De Pauw Street
15209 W. De Pauw Street
15213 W. De Pauw Street
15217 W. De Pauw Street
15221 W. De Pauw Street
15225 W. De Pauw Street

The City purchased twenty-two residential properties located along the canyon rim as a consequence of litigation due to unsafe conditions created by landslides within the canyon. Under the original CDP the Commission included a special condition that restricted the City from selling any of these residential lots until the park and habitat mitigation component of the canyon fill project had been installed. Subsequently, through approved amendments, the Commission allowed the sale of eight of the twenty-two residential lots (Amendments No. 6 and 8) to provided needed financing for the canyon project.

Funds generated by the sale of the City owned residential lots are directed to the Potrero Canyon Trust Fund (PCTF). Potrero Canyon Park Trust Fund is an account established by the City in 2008 (see **Exhibit No. 7**) to hold and distribute money solely for the completion of all remaining phases of development of the Potrero Canyon Park Restoration Project.

The original approved construction plans for the Potrero Canyon Park Restoration Project have never been completed and progress stopped completely in 2004 due to lack of funding. According to the City, in order to fund the remainder of the Potrero Canyon Park project additional lot sales will be required. Permission to sell lots to fund additional work requires Commission approval through permit amendments.

B. PROJECT HISTORY

Coastal Development Permit 5-91-286 as presently amended allows the City to place a large volume of fill in Potrero Canyon, a coastal canyon inland of Pacific Coast Highway. 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 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 denial of the initial permit application, Coastal Development Permit 5-86-958 was granted in 1988 and reissued as 5-91-286 in September 1991, after the initial permit expired. The Commission found that the development as proposed was not consistent with Section 30231 and 30240 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 Three). The City proposed a first amendment (5-91-286-A1), the first draft of the Phase Three plans, but withdrew the amendment in order to conduct community meetings on the design of the riparian mitigation. The City's second amendment, 5-91-286-A2, 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 in concept by the Commission (5-91-286-A2). The third amendment (5-91-286-A3) that was approved with conditions by the Commission allowed a design change in the road at the canyon entrance. The fourth amendment (5-91-286-A4) that was approved with conditions by the Commission proposed to amend Phase Two of the slope stabilization and canyon fill project to repair landslide failures between Alma Real Drive and Friends Street. Amendment No.4 was never issued due to more recent slides that have occurred in the proposed project vicinity that have warranted a more significant stabilization plan than what was approved previously.

In 2008, the Commission approved amendment no. 6, for the sale of two of the twenty-two City owned canyon rim lots (615 and 623 Alma Real Drive). The lots were sold and generated approximately \$4.6 million. The money was placed in the City's Potrero Canyon Trust Fund (PCTF). According to the City, the money generated by the sale of the initial two lots is being used to fund the initial phase of construction that consists of repair of the slope below 211 and 231 Alma Real Drive (Amendment No. 7). Amendment No. 7, approved in October 2009, allowed an additional 161,000 cubic yards of fill for the construction of a 130 foot high, 2:1 fill slope near the mouth of the filled canyon along the eastern slopes of the canyon to stabilize the slope below the two private properties.

In 2010, the Commission approved amendment no. 8, for the sale of six of the remaining twenty City owned canyon rim lots (15229/15233, 15237, 15241, 15253, 15261 and 15265 De Pauw Street). The money was deposited into the PCTF and is being used towards the completion of the canyon grading.

The initial grading for the canyon project consisted of three phases. Phase One included clean out of the canyon and installation of a storm drain. Phase One was completed in 1990. Phase Two 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. Approximately sixty-five percent of the proposed grading was completed prior to 2004 when a lack of funding caused work to cease. 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. GRADING

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.

The entire canyon 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 privately owned houses located on the canyon rim. According to the City, completion of the original approved Potrero Canyon Park Project requires sale of the City owned lots to help finance the final planning and construction of the project since the only source of funding for the completion of the project is from the sale of the twenty-two City owned lots located along the Canyon's rim.

This present amendment would allow for the sale of six of the remaining fourteen City owned residential lots. The City proposes to utilize funds generated from the sale of the six residential lots that are the subject of this permit, to continue funding the additional grading for the main canyon and park development. By directing funds specifically to these tasks, the City would be able to make progress toward completing the stabilization of the canyon and the eventual installation of the approved riparian habitat and public park.

According to the City's Geotechnical Engineering Division (GED) most of the upper reaches of the canyon have been filled to an elevation within a few feet of the finished rough grade. Approximately 233,650 cubic yards of compacted fill still needs to be placed within the canyon with a majority of the fill to be placed in the southern, or seaward portion of the canyon.

The remaining project (Phase Three) that is part of the Commission approved canyon fill project has been divided by the City into four Planning Units. The four Units and City's progress are as follows:

Unit 1, Elkus – Pardee - This unit includes a portion of the east side of canyon wall in the southerly portion of the project. During the 2005 winter storms, the upper portion of the slope at the rear of 211 and 231 North Alma Real Drive, owned by the Elkus and Pardee families, had failed. This is a relatively shallow but steep failure that occurred within the upper portion of the canyon wall. Approximately 173,000 cubic yards of fill needs to be imported to complete Unit 1. To date approximately 99,350 cubic yards has been imported and importing of all fill is scheduled to be completed in August 2012.

Unit 2, Main Canyon Grading and Park Development - Unit 2 includes most of the northerly portion of the canyon. A geotechnical study has been prepared by URS [geotechnical consultants] under the direction of GEO [Geotechnical Engineering Group] which provides data, analyses and recommendations for the grading of the canyon walls.

Unit 3, Friends Street Slope - Unit 3 includes the area along the west wall of the canyon opposite Unit 1. A detailed geotechnical investigation by GEO was prepared for a sewer and storm drain project that extends from Friends Street beneath the slope into the canyon. The previously collected data will be used to address the proposed park development in this area. This geotechnical data will be submitted to the DBS [Department of Building and Safety] in a separate report.

Unit 4, PCH Slope – Unit 4 includes the slope that extends from Pacific Coast Highway to Friends Street. This slope was graded during the earlier phases of grading, under the

consultant's oversight. More recently obtained geotechnical data indicates that this slope is potentially unstable. Additional geotechnical studies are recommended to address this area. The work within this unit may include the construction of a pedestrian bridge over Pacific Coast Highway to provide a connection between the beach and the park. There are no structures for human habitation at the top and bottom of the slope. Reducing the acceptable calculated factor of safety may reduce the cost of mitigating the stability of the slope. However, a reduced stability may have consequences affecting the overall safety of park users utilizing any future bridge over PCH.

According to the City, Unit 4 is being removed from the scope of the project at this time in order to complete the project within budget and expedite the schedule. Unit 4, which included additional grading near the mouth of the canyon and a possible bridge over PCH was previously added by the City as a potential project (based on available funding) and was not part of the Commission's approval of the original canyon fill project. Portions of the regrading that needs to be done within Unit 4 and the bridge have not been approved by the Commission. Once the main canyon fill and the riparian park has been completed, the City will consider completing the work in Unit 4 and come back to the Commission for approval.

Additional activities that have taken place in 2011 following the approval of the lot sale approved by Amendment No. 8, include:

- A Technical Advisory Committee (TAC) was created to evaluate landslide remediation and slope stabilization, habitat restoration and park development.
- Conceptual grading plans for the remainder of the park (beyond Unit 1) was completed in early 2012.
- Conceptual landscaping and park development plans for the entire canyon was completed in 2012.
- Community outreach .

The above activities were funded by the City's PCTF in 2011 as follows:

\$285,000	for geotechnical stability analysis (URS Report)
\$2,574,720	for Unit 1 grading contract
\$333,907	for additional expenses (change orders) arising during Unit 1 construction.
\$48,098	for Technical Advisory Committee.
\$311,788	for the development of grading, landscaping and park development plans.
\$162,000	for City staff salaries for work performed during design of Unit 1 grading plans.

_____ \$841 _____ for fees to Los Angeles Department of Building and Safety.

Total \$3,716,354

To date, to fund the planning and grading of the canyon project, the City has generated approximately \$9.3 million through the sale of eight of the 22 City owned lots along the canyon rim. In 2008, the City sold two lots that generated approximately \$4.6 million (Amendment No. 6). In 2011, the City sold an additional four lots that generated approximately \$4.6 million (Amendment No. 8). All monies generated by the sales were placed in the City's Potrero Canyon Trust Fund (PCTF) to be used exclusively towards the completion of the canyon project. (Two other properties that were part of the first two group sales have not been sold at this time. One is still in escrow and the other was tied up in a tenant lawsuit with the City. Both issues are being resolved and the two lots are expected to add an additional approximately \$3 million when sold). The City estimates that the revenues from the sale of the additional six residential lots through the approval of this amendment will generate approximately an additional \$7.1 million. Based on the City's Potrero Canyon Preliminary Budget Summary, that was part of the required progress report, this will provide a total of approximately \$19.5 million in the PCTF.

The City's budget analysis indicates that based on an updated cost estimate, the cost of the canyon project is projected to be approximately \$27.5 million. Total revenue generated from the sale of all 22 City owned lots is estimated to generate a total of approximately \$29.4 million, providing a surplus of approximately \$2 million for the entire project (see **Exhibit No.6**, Potrero Canyon Preliminary Budget Summary).

According to the City's projected work schedule, the City plans to sell the remaining lots in groups of five or six over the next 2-3 years in order to provide adequate and continuous funding for the project and to space the sale of the lots so as not to flood the local real estate market. The sale of all remaining lots is necessary to complete the Potrero Canyon Park Project. The project is scheduled for completion in 2015.

As stated, one of the conditions of the previous permit (Amendment No. 8) that allowed the sale of the City owned lots was that the City needed to demonstrate significant progress towards the completion of the Potrero Canyon Park Restoration Project, consistent with the originally approved permit and amendments. As shown above, the City continues to make progress towards completing the grading within the canyon and continues planning efforts to finalize grading and park plans. Monies generated through the sales of the City owned lots are going towards funding the planning and grading activity within the canyon.

With regards to the park and habitat plans, the City has indicated that they are working on revised grading plans for the park and habitat area. To ensure that the park and habitat plans would be part of the final grading, and included in the funding generated by the sale of the remaining lots, one of the Special Conditions imposed on the previous amendment required that the City agree that park and riparian improvements approved in the original permit, and subsequent amends, shall be completed as part of the final grading of the main canyon. The City continues to support this

requirement and continues to make every effort, including working with Commission staff, to complete the park and habitat area.

To monitor the progress of the construction and expenditure of funds for the canyon project, as conditioned in the previous amendment, the City will continue to be required to submit annual reports. The reports will provide the Commission data on the construction and use of the funds and will be able to use this information to adequately analyze any future city requests for additional lot sales or changes to the project. Through the sale of these six lots, and the continuing construction, the Commission will be able to adequately gauge the City's progress on completing the grading and construction of the park and habitat areas.

The sale of the remaining eight City owned lots will need Commission approval, as previously conditioned, through the permit amendment process. If it is determined that significant progress has not been made toward the completion of the final grading and park development, or that re-evaluated projected funding estimates are not sufficient to complete the park and habitat development, the Commission has the option to not approve the future sale of the remaining City owned lots.

Because of lack of City funding that stopped grading activity in the canyon in 2004, the sale of the six lots is necessary to continue and complete stabilization work within the canyon and for park and habitat development. The City has modified the project scope to ensure that the main canyon fill and park development are completed on schedule and within budget. All work will continue to be consistent with the originally approved permit and subsequent amendments, and any future proposed grading not previously approved will require an amendment to the original permit, as required by previous conditions. **Special Condition No. 1** ensures continued compliance with all applicable conditions of the previous permit/amendment and ensures that all monies from the sale of these six lots are deposited into the City's PCTF for use in the completion of the canyon project. **Special Condition No. 2** modifies special condition no. 3, Timing of Sale of Residential Lots, of the original permit and subsequent amendments to allow the sale of the six additional City owned lots. As conditioned the development is consistent with Section 30253 of the Coastal Act.

D. HABITAT

Section 30240 of the Coastal Act states in part:

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.

Section 30231 of the Coastal Act states:

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

ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The primary impact on environmentally sensitive habitat created by the original filling of the canyon approved under the permit was the elimination of a blue line stream and concomitant destruction of 3.69 acres of riparian habitat, including willows, sycamores and associated understory. This impact was identified in the original EIR and required to be replaced at a 2:1 ratio, on site, as an EIR mitigation measure, by the Army Corps of Engineers, California Department of Fish and Game and the Commission. After further amendments to the original permit, the required on-site replacement of riparian habitat restoration has increased to 7.9 acres total.

The original coastal development permit was conditioned so that none of the previously described City-owned residential lots could be sold until the required habitat installation was completed and open to the public. The Commission previously approved the sale of two lots (5-91-286-A6) to fund additional geologic investigation of the canyon, and the creation of final grading plans and final habitat (park) restoration plans; and the sale of six lots (5-91-286-A8) to go towards funding completion of remaining grading phases.

The City is currently working on completing the final habitat plans and has met with Commission staff to discuss design issues, including fire modification requirements and riparian designs that would be compatible with the final grading plans and with the Commission's approval of the original permit and subsequent amendments.

The City has submitted this amendment to request that an additional six lots (third group sale) be allowed to be sold prior to completion of the park and habitat area. According to the City all work within the canyon had been stopped since 2004 because of lack of funding and the sale of the six lots in 2010 allowed the City to commence work towards the completion of grading within the canyon, including park and riparian construction. According to the City, the future sale of the City owned lots provide the only funding available to complete the canyon project. All funds from the sale of the lots go into the PCTF, which was established by the City to accept funding from the lot sales, which was specifically created for use for the canyon project, as conditioned by the coastal development permit.

Special Condition No. 2, of the previous amendment (Amendment No. 8) ensures that monies from the sale of the residential lots would be directed to the PCTF for financing the completion of all remaining phases of development of the Potrero Canyon Park Restoration Project and Special Condition No. 3 of the previous amendment (Amendment No. 8) ensures that the park and riparian area are constructed along with the finished grading of the canyon. These conditions will remain in effect with this amendment, therefore, as proposed the project is consistent with Section 30231 and 30240 of the Coastal Act.

E. PUBLIC ACCESS/RECREATION

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

In its 1991 approval the Commission required that the City mitigate impacts on coastal resources by preserving and enhancing the recreational use of the canyon. The Commission required that the City Recreation and Parks Department provide a picnic area and trail link from the Pacific Palisades Recreation Center to Pacific Coast Highway so that in its final form the park will provide coastal access. Due to the 200 foot high bluffs that exist throughout much of the adjacent areas in the Pacific Palisades, little foot or bicycle access is available from inland portions of the Palisades to the coastline, this park, as designed and approved, would provide that access.

As stated above, the original coastal development permit was conditioned so that none of the previously described City-owned residential lots could be sold until the park and trail access were completed and open to the public. Monies from the sale of the residential lots would be used to create a final park and trail plan that would be compatible with the final grading plans for the stabilization of the canyon. Special Condition No. 2 of the previous amendment ensures that monies from the sale of the residential lots would be directed to the Potrero Canyon Park Trust Fund, an account established to hold and distribute money solely for the completion of all remaining phases of development of the Potrero Canyon Park Restoration Project. The condition will remain in effect with this amendment, and will ensure that the final grading will include the park and trail access. As proposed the project is consistent with Sections 30210, 30211 and 30223 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Section 30604 (a) of the Coastal Act states:

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

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development, as conditioned to minimize risks from natural hazards, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

For the part of the proposed development that is being approved, with conditions, there are no feasible alternatives or mitigation measures (beyond the conditions imposed) available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

APPENDIX

APPENDIX A-- PRIOR PERMIT ACTION:

Description of Original Coastal Development Permit: 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 includes 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.

Description of Amendment #1: Withdrawn.

Description of Amendment #2: Amend Potrero Canyon fill project Phase Three 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. Amendment approved October 14, 1995.

Description of Amendment #3: 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. Amendment approved October 10, 1996.

Description of Amendment #4: Amend 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. Amendment approved August 7, 2003 but never issued.

Description of Amendment #5: Incomplete submittal, returned due to inactivity.

Description of Amendment #6: Amend Special Condition #3 to allow for the sale of two of the twenty-two City owned canyon rim lots (615 and 623 Alma Real Drive). The money would be directed to an established Trust Fund and used solely for the completion of all remaining phases of development of the Potrero Canyon Park Restoration Project. Specifically, monies generated from the sale of these two lots would fund additional needed geologic investigations of Potrero Canyon, and creation of final grading plans and final park plans for the canyon. Permission to sell additional lots will require application for a subsequent amendment.

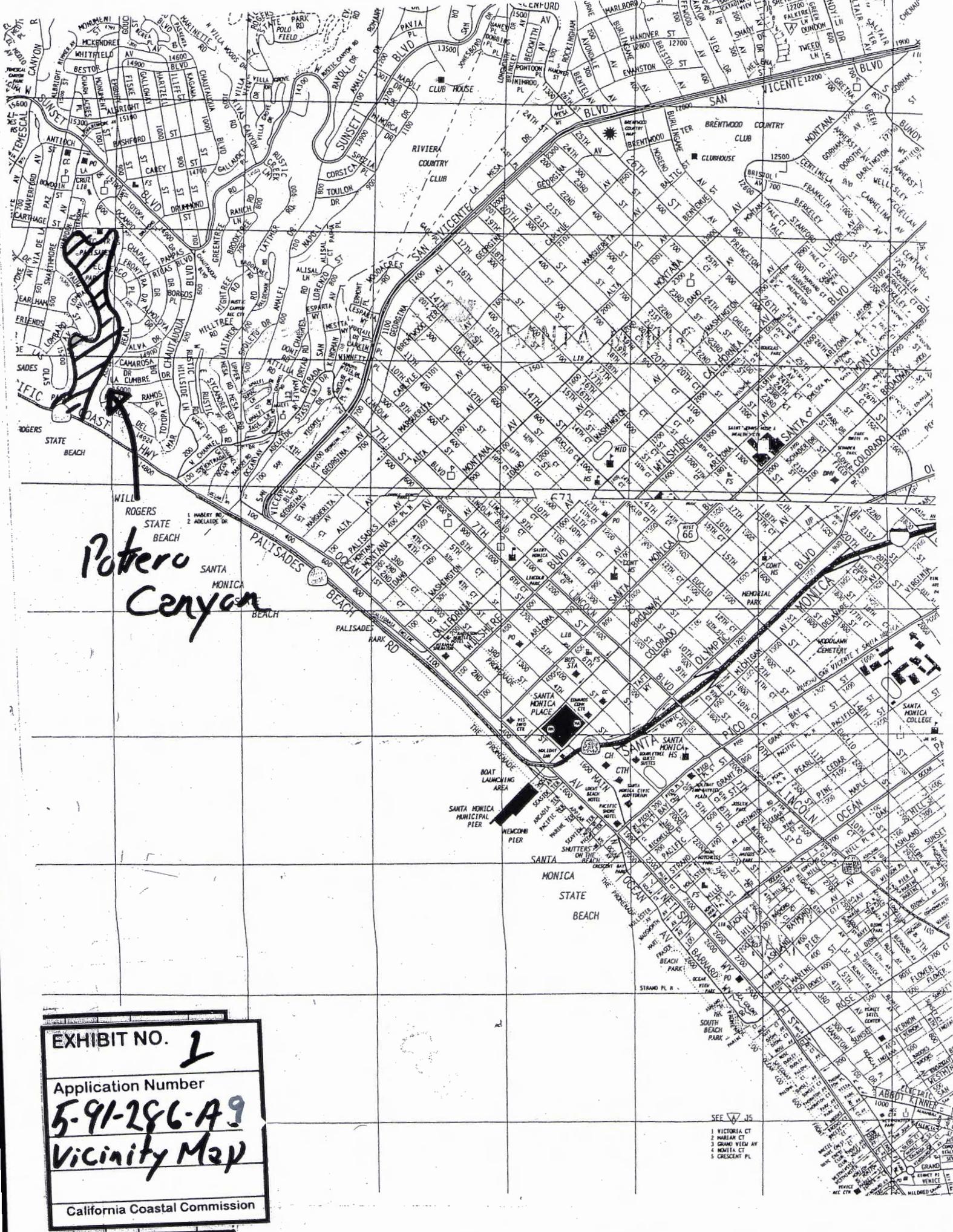
Description of Amendment #7: Add an additional 161,000 cubic yards of fill for the construction of a 130 foot high, 2:1 fill slope near the mouth of the filled canyon along the eastern slopes of the canyon. The fill slope will be constructed on two private properties along the rim of the canyon and

on City property to stabilize the slope. A drainage system, consisting of terrace drains and down drains will be incorporated into the fill slope.

Description of Amendment #8: Amend Special Condition #3 to allow for the sale of six of the remaining twenty City owned canyon rim lots (15229/15233, 15237, 15241, 15253, 15261 and 15265 De Pauw Street). The money would be directed to an established Trust Fund and used solely for the completion of remaining phases of development of the Potrero Canyon Park Restoration Project. Specifically, monies generated from the sale of these six lots would fund construction of final grading within the canyon and park development for the Potrero Canyon Park Restoration Project. Permission to sell additional lots will require application for a subsequent amendment.

APPENDIX B—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. City of Los Angeles Geotechnical Engineering Division, “Interim Design Report, Potrero Canyon Park Development Study,” Updated October 5, 2010.
3. City of Los Angeles Geotechnical Engineering Division, “Pre-Design Report, Potrero Canyon Park Development Study,” dated March 18, 2008.
4. City of Los Angeles Geotechnical Engineering Division, “Geotechnical Report, Potrero Canyon Park, Pacific Palisades, City of Los Angeles,” dated March 11, 2008.
5. City of Los Angeles Geotechnical Engineering Division, “Geotechnical Real Estate Disclosure, Lot #38 of Tract 9377, 615 Alma Real Drive, Pacific Palisades, CA 90272,” dated March 19, 2008.
6. City of Los Angeles Geotechnical Engineering Division, “Geotechnical Real Estate Disclosure, Lot #39, 623 Alma Real Drive, Pacific Palisades, CA 90272,” dated March 19, 2008.
7. City of Los Angeles, Ordinance #179472 – Added Chapter 147 of Division of the Los Angeles Administrative Code – Potrero Canyon Trust Fund, adopted December 11, 2007.



Potero Canyon

EXHIBIT NO. **1**

Application Number
5-91-286-A9

Vicinity Map

California Coastal Commission

SEE ∇ JS

- 1 VICTORIA CT
- 2 MARLAN CT
- 3 GRAND VIEW AV
- 4 MONITA CT
- 5 CRESCENT PL

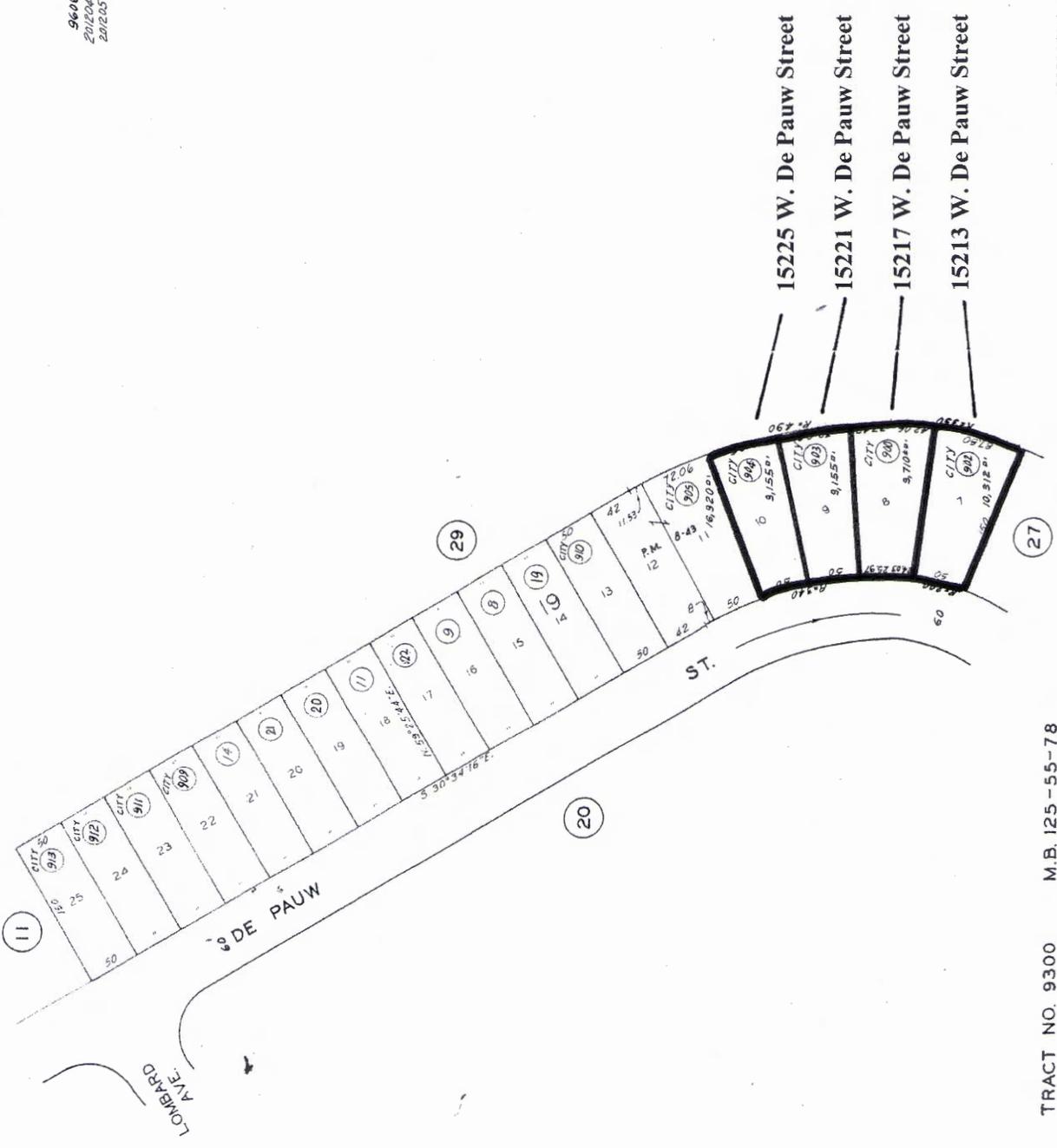
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TRACT NO. 9300 M.B. 125-55-78

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT NO. 4
Application Number 5-91-286-179
Parcel Map
California Coastal Commission

A	PROJECT TITLE:	Potrero Canyon Park - Combined Cost for all Units					
B	WORK ORDER NUMBER:	E1907343					
C	PROJECT SCOPE:	Revised by RCH, May 24, 2012 - the scope of the project has been reduced to reflect the deletion of the Unit 4 slope and Pedestrian Bridge, which are to be constructed as ancillary projects. The landscaping and Park development for the entire project and the grading for Units 2&3 are combined as one project.					
D	CLIENT DEPARTMENT:	Department of Recreation and Parks					
E	BOE CONTACT:	Robert Hancock and Gene Edwards					
F	TYPE OF ESTIMATE:			<input type="checkbox"/> Class "A"	<input type="checkbox"/> Class "B"	<input checked="" type="checkbox"/> Class "C"	
				-5% to -10%	-20% to -15%	-30% to -20%	
G	PROJECT COST ESTIMATE:						
	ACTIVITIES	% of budget	OVERALL PROJECT BUDGET	Unit 1a - Slope Repair DAILY	Unit 1b - Landscape	Units 2&3 - Grading and Landscaping	Unit 4 - Grading and Park Development
1	LAND						
	1.01 Environmental Reviews (Phase VII)						
	1.02 Appraisal/Escrow/Title						
	1.03 Acquisition						
	1.04 Relocations and Related Costs						
	1.05 Land Cost Total						
2	BOE PRE-DESIGN COSTS						
	2.01 Citizen Out Reach		\$ 25,000			\$ 25,000	
	2.02 Geotechnical		\$ 55,000				
	2.03 BOE Design		\$ 399,076	\$ 162,000		\$ 237,076	
	2.04 BOE Pre-Design Cost Total	2%	\$ 479,076	\$ 162,000	\$ -	\$ 262,076	
3	BOE COSTS - DESIGN PHASE, BID & AWARD						
	3.01 Project Management		\$ 110,000		\$ 40,000	\$ 40,000	
	3.02 Project Engineering		\$ 110,000		\$ 40,000	\$ 40,000	
	3.03 Design Contingency (2.5% of Construction Cost)		\$ 471,000		\$ 25,000	\$ 300,000	
	3.04 BOE Cost Total - Design	2%	\$ 691,000	\$ -	\$ 105,000	\$ 380,000	\$ -
4	BOE COSTS - CONSTRUCTION & POST CONSTRUCTION						
	4.01 Project Management/Geotechnical		\$ 220,000	\$ 55,000	\$ 11,000	\$ 77,000	
	4.02 Construction Management/Geotechnical		\$ 220,000	\$ 55,000	\$ 11,000	\$ 77,000	
	4.03 Landscape Inspection		\$ 80,000		\$ 40,000	\$ 40,000	
	4.04 Geotechnical Mapping in Construction		\$ 80,000	\$ 40,000		\$ 40,000	
	4.05 Survey		\$ 2,164,000	\$ 724,000		\$ 1,440,000	
	4.06 BOE Cost Total - Construction	9%	\$ 2,764,000	\$ 874,000	\$ 62,000	\$ 1,674,000	\$ -
5	TOTAL BOE COSTS	13%	\$ 3,934,076	\$ 1,036,000	\$ 167,000	\$ 2,316,076	\$ -
6	CONSULTANT COSTS						
	6.01 Geotechnical Testing - Unit 1		\$ 200,000	\$ 208,000		\$ 416,000	
	6.02 Geotechnical Testing - Unit 2		\$ 250,000				
	6.03 TAC		\$ 43,000			\$ 30,000	
	6.04 Design Consultant (Full Design Services)		\$ 619,000		\$ 27,000	\$ 641,000	
	6.05 Construction Administration - As-Builts		\$ 16,000		\$ 5,000	\$ 6,000	
	6.06 Geotechnical Exploration						
	6.06 Consultant Cost Total	5%	\$ 1,328,000	\$ 208,000	\$ 32,000	\$ 1,088,000	\$ -
7	CONSTRUCTION						
	7.01 Unit 1 Grading		\$ 3,000,000	\$ 2,575,000		\$ 4,940,000	
	7.02 Import fill and stockpile for Unit 2		\$ 470,000				
	7.03 Unit 2&3 Grading		\$ 4,940,000				
	7.04 Landscaping and Park Development		\$ 7,444,000		\$ 522,000	\$ 6,922,000	
	7.05 Construction Cost Subtotal		\$ 15,854,000	\$ 2,575,000	\$ 522,000	\$ 11,862,000	\$ -
	7.06 Construction Contingency (20% of Construction Cost)		\$ 3,521,000	\$ 386,000	\$ 78,000	\$ 2,475,000	
	7.07 Construction Cost Total	66%	\$ 19,375,000	\$ 2,961,000	\$ 600,000	\$ 14,337,000	\$ -
8	INSPECTION						
	8.01 BCA Inspection		\$ 1,103,000	\$ 154,000	\$ 31,000	\$ 743,000	
	8.02 Material Testing		\$ 164,000	\$ 26,000	\$ 5,000	\$ 124,000	
	8.03 BCA Cost Total	4%	\$ 1,267,000	\$ 180,000	\$ 36,000	\$ 867,000	\$ -
9	OTHER DIRECT COST						
	9.02 Plan Check, Permits		\$ 60,000		\$ 20,000	\$ 20,000	
	9.03 Printing, Reproduction		\$ 15,000		\$ 5,000	\$ 5,000	
	9.04 Bid Advertising		\$ 45,000		\$ 15,000	\$ 15,000	
	9.06 Other Direct Cost Total	0.4%	\$ 120,000	\$ -	\$ 40,000	\$ 40,000	\$ -
10	PROJECT TOTAL COST BEFORE ESCALATION		\$ 26,044,076	\$ 4,385,000	\$ 875,000	\$ 18,653,076.0	\$ -
11	CONSTRUCTION COST ESCALATION						
	11.01 Projected Const Cost Escalation (9% of construction)		\$ 1,265,000	\$ -	\$ 42,000	\$ 990,000	
	11.02 Projected Escalation Total	4%	\$ 1,265,000	\$ -	\$ 42,000	\$ 990,000	\$ -
12	PROJECT TOTAL COST		\$ 27,309,076	\$ 4,385,000	\$ 917,000	\$ 19,643,076	\$ -
13	STAFF COSTS ABSORBED BY DEPARTMENTS		\$ -	\$ -	\$ -	\$ -	\$ -
14	FINAL PROJECT COST		\$ 27,309,076	\$ 4,385,000	\$ 917,000	\$ 19,643,076	\$ -
15	FUNDING SOURCES						
	15.01 Potrero Canyon Trust Fund (anticipated revenue)		\$ 29,400,000				
	15.02 Total Funding Available	93%	\$ 29,400,000				
16	SUBTOTAL: FUNDING SURPLUS		\$ 2,090,924				
18	FINAL PROJECT COST		\$ 27,309,076	\$ -	\$ -	\$ -	\$ -
19	TOTAL: FUNDING SURPLUS		\$ 2,090,924				

Prepared by:

Date:

Reviewed by:

Date:

Approved by:

Date:

COASTAL COMMISSION
5-91-286-179

EXHIBIT # 6
PAGE 1 OF 1

General Notes

- The Project Budget Template Percentage values shown are based on a construction cost of over \$2,000,000.
- All Project Budget Template Percentage values serve as guidelines only. The values shall be reviewed and adjusted if necessary on a project-by-project basis, based on each project's specifics, time and location.
- The properties are sold by CSD Asset Management, at a cost of \$20,000 per lot for a total of \$420,000. Asset Management is funded through the general fund and therefore these costs were deleted from this estimate.

ORDINANCE NO. 179472

An ordinance establishing a trust fund to receive the proceeds from the sale of 22 City-owned lots adjacent to Potrero Canyon and providing for expenditures from the trust fund for the purposes of completing the final phases of the Potrero Canyon Park Restoration project.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1: Chapter 147 of Division 5 of the Los Angeles Administrative Code is added to read:

Chapter 147
POTRERO CANYON TRUST FUND

Sec. 5.547. Creation and Administration of the Fund.

(a) There is hereby created and established in the Treasury of the City of Los Angeles a special trust fund to be known as the "Potrero Canyon Trust Fund," (Fund). The Fund shall be administered by the Bureau of Engineering, Department of Public Works.

(b) All proceeds from the sale of the 22 lots owned by the City of Los Angeles located adjacent to Potrero Canyon Park on DePauw Street, Earlham Street and Alma Real Drive shall be deposited into the Fund. The Fund shall be used solely for completion of all remaining phases of development and attendant projects of the Potrero Canyon Park Restoration Project and, if any funds remain thereafter, for repayment or reimbursement of advances or loans from City funds.

(c) All interest and other earnings from monies deposited into the Fund shall be credited to the Fund and shall be devoted to the purposes of the Fund, as stated in this chapter.

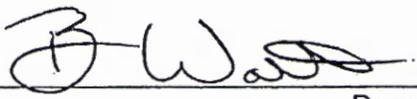
(d) Appropriations from the Fund shall be approved by the City Council.

EXHIBIT NO. 7
Application Number 5-91-286-179
Potrero Canyon Trust Fund Ord.
California Coastal Commission

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 11 2007.

FRANK T. MARTINEZ, City Clerk

By  Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
MARK L. BROWN
Senior Assistant City Attorney

Date 12-10-07

File No. 04-1587

Said ordinance was presented to the Mayor on December 11, 2007; the Mayor returned said ordinance to the City Clerk on December 24, 2007 without his approval or his objections in writing, being more than ten days after the same was presented to the Mayor.

Said ordinance shall become effective and be as valid as if the Mayor had approved and signed it. (Section 250(b), City Charter)
C.F. 04-1587

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 of plants 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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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, ~~except that if 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 used.

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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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IV. SPECIAL CONDITIONS IMPOSED ON ORIGINAL PERMIT 5-91-286

1. 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 shall be 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 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

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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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