

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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November 16, 2001

TU 13m**RECORD PACKET COPY****MEMORANDUM**

FROM: Deborah Lee, Deputy Director
South Coast Staff

TO: Commissioners and Interested Persons

SUBJECT: Application 5-01-190 Calvary Church

The attached staff report has not been materially changed since it was published for the November hearing. However, after the November 15, 2001 public hearing, the Commission requested the applicant and the staff to explore ways in which the playing field could be open for "significant public use." Staff will meet with the applicants in late November and early December to explore alternatives, and will report the results in an addendum.

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TU 13m

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Staff Report: 10/30/01
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Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-190

APPLICANTS: Calvary Church of Pacific Palisades;
City of Los Angeles Department of Recreation and Parks

AGENTS: Mark C. Allen III, Dan Barnett, Geosoils Consultants, Peter Brandow AIA; Donald Cunningham, Shannon Nonn, Marilyn Tamuri, VTN Assoc., Jim Wadsworth, Charles Yelverton

PROJECT LOCATION: 701 Palisades Drive, Pacific Palisades, City of Los Angeles, Los Angeles County

DESCRIPTION OF PROPOSED PROJECT: The proposed project would allow construction of a 32,400 square-foot sports field; a retaining wall on each side of the field, including a 278-foot long, up to 23-foot high, wall at the toe of the western slope; relocation of 33 existing parking spaces; and 16,400 cubic yards of grading which would extend on to 1.25 acres of a 107.23 acre City park. The rear wall, 15,000 square feet of the playing field and much of the grading would extend into the park and outside an Urban Limit Line that delimits the park, which is deed restricted to open space to prevent landform alteration, vegetation removal, or further subdivision (Exhibits 2, 3, 28.) The sports field would permanently occupy approximately 15,000 square feet of the public park. Approval of the project would recognize the creation of a 1.25-acre joint use area with restricted access rights within the 107.23-acre park. No additional parking spaces are being provided for the new sports field.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **DENIAL** of the proposed project because it establishes a private use on public park land and proposes grading and permanent removal of native vegetation on a steep mountain hillside. The proposed project is inconsistent with Coastal Act policies protecting public access, public recreation, public views, habitat and the integrity of natural landforms. The applicants propose only limited use of the proposed sports field by youth groups other than those associated with the Calvary School or the Calvary Church. They propose that the field would be open to organized groups from the nearby Pacific Palisades Community from 4:00 p.m. to 6:00 p.m. on Fridays during the spring, and for three one-week, half-day soccer camps during the summer months. During the fall, the field would be available to AYSO Region 69 "K" on Fridays from 4:00-6:00 p.m. and on two Saturdays a year the field would be available to Cub Scout packs from the Pacific Palisades community from noon to 5:00 p.m. Although roughly half of the proposed field

would be located on public park land owned by the City of Los Angeles, the City Department of Recreation and Parks can only request use by organized youth groups (under the age of 15) and for a maximum of 6 days a year, if no school activities are anticipated for the requested date and time. The field would not be available at any time for use by groups that include members over the age of 15 or to individuals for passive use when it is not being used by the above groups.

The applicant's representatives request that the Commission approve the project without requiring increased public use. Staff is recommending that the Commission deny the proposal for two reasons. Most important, the proposed project reserves dedicated public recreation land for private purposes. Secondly the project would extend grading onto hillside land that has not been graded. The grading would extend within the banks of a small stream, which supports riparian trees although fire clearance has reduced its habitat value. The wall and buttress fill would extend a hard edge into a habitat area. The wall and the field would be visible from public areas, although the applicant proposes to lower the field and to plant vines on the walls to reduce their obtrusiveness. The hillside and much of the stream channel is deed restricted to protect natural vegetation and natural land forms. The dedications and restrictions were required to mitigate the underlying 740-unit project's inconsistency with Sections 30250, 30251, 30253, 30210 and 30223 of the Coastal Act.

In June, 2001, staff recommended that the Commission approve this project with conditions of assumption of risk, revegetation and maintenance, and most important, given that half the field is located on public land, with a condition to allow use by individuals and by organized groups from throughout the City of Los Angeles during non-school hours or when school events were not planned. More specifically, staff recommended that the Commission approve the project with conditions that the applicants operate the field as a public facility open to individuals and to use by groups for organized events and programs in a manner consistent with other City parks throughout the City of Los Angeles. The applicant requested a continuance before the public hearing to investigate alternatives. The applicant's representatives investigated changing their project to allow the public to use the facility more frequently and found that it would require an amendment of its approval from the City Park and Recreation Commission and an amendment to its City Conditional Use Permit. They assert that these agencies would not approve greater use of the facility by the public or by groups from other areas of the City of Los Angeles, given the opposition of neighboring homeowners. The applicant's representatives contend that the neighboring homeowners' groups had supported the project only because the City has guaranteed that the field would not be open many hours a week to large numbers of children, and that these homeowners were unwilling to support a change that would allow more children to use the facility, with attendant noise and traffic.

Half the sports field, most of the retaining wall, the cut slopes, brow ditch, energy dissipaters and vegetation removal would be located outside the Urban Limit Line established by permit A-381-78A, which created the subdivision on which both lots are

located. Permit A-381-78A allowed subdivision of 1200 acres for 740 dwelling units but limited grading outside the Urban Limit Line to "paved or unpaved pathways and other incidental improvements for low intensity recreation." The Commission required the applicant to dedicate the area outside the urban limit to State Parks (or, as later amended, to either State Parks, a private non-profit organization approved by the Executive Director, or to the City of Los Angeles Department of Recreation and Parks) and to deed restrict the land to prevent further development except as permitted by the permit or for "park purposes," finding: "for it is only with the dedication of these lands for permanent reservation of visual and landform resources and for public recreational use that the Commission can find the development of the four tracts on the balance most protective of significant coastal resources." If, therefore, this were treated as an application for an amendment to that permit, it would have to be rejected as lessening the intended effect of those conditions.

APPROVALS RECEIVED:

1. City of Los Angeles Planning Department Case No. ZA 85-1219 (CUZ)(PAD); Plan Approval.
2. City of Los Angeles Department of Building and Safety, log 30714 Geologic review letter, signed by Dana Prevost and Theodore Gilmore. July 10, 2000.
3. City of Los Angeles Board of Building and Safety, July 26, 2000, Board File 000085, Approval of Export of 10,000 Cubic Yards.
4. City of Los Angeles Board of Recreation and Park Commissioners, October 6, 1999 approved report of General Manager to (1) approve the shared use agreement of a portion (1.25 acres) of Santa Ynez Canyon Park for 25 years to Calvary Church of Pacific Palisades with a 25-year "lease" renewal option; (2) authorize the President and Secretary of Board to sign the Shared Use Agreements between the Calvary Church and the Department after approval by the Cultural Affairs Department of the design of the sports field and all other City approvals.

SUBSTANTIVE FILE DOCUMENTS:

1. A-381-78 (Headland Properties and Gateway Associates) as amended through A-381-78A11, including A-381-78A, A3, A4, A5, A7, A8, A9, A10 and A11.
2. City of Los Angeles Board of Recreation and Park Commissioners: Santa Ynez Canyon Park, agreement for shared use of a portion of Santa Ynez Canyon Park by Calvary Church of the Pacific Palisades, Oct. 6, 1999.
3. City of Los Angeles Department of Recreation and Parks, Report of the General Manager concerning the shared use agreement of a portion (1.25 acres) of Santa Ynez Canyon Park for 25 years to the Calvary Church of Pacific Palisades with a 25-year lease renewal option.

4. City of Los Angeles, Case No. ZA 85-1219(CUZ)(PAD) Conditional Use Permit for plans to permit the addition of a vacant 1.25 acre parcel of land leased from the Los Angeles Department of Recreation and Parks to an existing church and school site for use as an athletic field (Parcel A and portion of Parcel B, PMLA 5372.
5. Geosoils Consultants Inc., Geologic and Geotechnical Engineering Report, Proposed Sports Field and Parking Area, Parcel Map 5372, Lot 1, 701 Palisades Drive, Pacific Palisades, for Calvary Church, April 21, 2000, W.O. 3910B
6. GeoSoils Consultants Inc. 2001, "Response to California Coastal Commission geologic review memorandum, dated March 28, 2001, regarding GeoSoils Consultants, Lot 1, Parcel Map 5372, 701 Palisades Drive, Pacific Palisades, California for Calvary Church", 6 p. geologic report dated 12 April 2001 and signed by D. D. Yoakum (GE 918) and R. F. Ruberti (CEG 1708
7. Mark Johnsson, Senior Staff Geologist, California Coastal Commission, 25 April 2001: Review of geotechnical response to CCC comments, Calvary Church.
8. Mark Johnsson, Senior Staff Geologist, California Coastal Commission, 28 March 2001: Geologic Review Memorandum, Regarding GeoSoils Consultants, "Lot 1, Parcel Map 5372, 701 Palisades Drive, Pacific Palisades, California for Calvary Church".
9. GeoSoils Consultants Inc. 2001, "Response to California Coastal Commission.
10. Wolfe, Scott, Biological Survey, Proposed Sports Field at the Calvary Church of the Pacific Palisades, VTN ref. No. 6158, October 5, 2000.
11. 5-00-484 (LA City Dept Recreation and Parks); A5-VEN-01-008, (LA City Dept Recreation and Parks); 5-91-286, as amended (LA City Dept Recreation and Parks), 5-85-076 (Jonathan Club).

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 Coastal Development Permit No. 5-01-190 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby **DENIES** a coastal development permit for the proposed development and adopts the following findings on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. HISTORY OF THE REQUEST.

On January 9, 2001, the co-applicants, Calvary Church of the Palisades ("Calvary" or "the Church") and the Los Angeles City Department of Recreation and Parks, submitted an application to build a privately operated ball field. Calvary proposed to build the ball field partly on land owned by the City of Los Angeles. A shared use agreement between Calvary and the City of Los Angeles would give Calvary primary control and access over the area and allow a limited amount of use by groups that were not associated with the Church. The Executive Director initially informed the applicants that the proposed project was an amendment to Coastal Development Permit A-381-78, and subsequently accepted this application (See "History of the Present Application," below.)

B. HISTORY OF UNDERLYING APPROVAL- A-381-78A.

The Commission granted permit A-381-78 to Headlands Properties¹ in 1979 for grading, roads and utilities to accommodate a 230 unit residential tract in the Santa Monica Mountains, in a then undeveloped 1200-acre holding in the Pacific Palisades District of the City of Los Angeles. In a 1980 amendment to the permit, A-381-78A, the Commission approved four tracts, established the total number of dwelling units at 740, allowed massive grading within an Urban Limit Line, the construction of this church, (described as an "institutional site"), two sites for commercial development (2 acre total), and required the dedication in fee of almost 1,000 acres of public open space, the area outside the Urban Limit Line, to State Parks. A 1987 amendment, A-381-78-A7, allowed land that was too close to residential structures to be acceptable to State Parks to be dedicated to the City of Los Angeles Board of Recreation and Parks. In 1989 the City of Los Angeles Department of Recreation and Parks accepted a total of 475 acres of the public open space land including the canyon sides of lower Santa Ynez Canyon, a total of 272 acres,

¹ Headlands is also known as Palisades Resources, Palisades Highlands and Gateway Corporation

for park purposes. The park land subject to this application was accepted in that action (Exhibits 14 and 15.) In describing the dedications, the Commission consistently described the dedicated land as dedicated for "public park purposes." The full text of the Commission's original adopted findings and conditions of A-381-78, the underlying approval, is found in Exhibit 20.

The Commission required the Urban Limit Line to assure consistency of the underlying project with Sections 30210, 30223, 30230, 30231, 30240, 30250 30251 and 30252 of the Coastal Act, in order to consolidate massive grading in one part of the 1200 acre site and to protect public views, land forms, public recreational opportunities and habitat outside the disturbed area. Condition 3 required the applicant to record a deed restriction applicable to all lands outside the urban limit line along with the recordation of all tracts to restrict the use of all lands outside the urban limit line, preventing further subdivision except for park purposes and preventing development outside the urban limit line except as permitted by the permit or for park purposes. The recorded deed restriction applies to the park land that is subject to this application.

The underlying permit restricted development outside the urban limit line in three ways, all of which still apply to the park land subject to this application. Condition 1(a) stated that all "grading, structural development, and subdivided lots shall be located entirely within the urban limit line," and condition 1(c) created some limited exceptions to that prohibition, stating in part that "outside of the Urban Limit Line: minor grading may be performed to re-contour previously graded land; paved or unpaved pathways and other incidental improvements for low intensity recreation may be constructed". Condition 2 required the applicant, as it recorded the four tracts, to dedicate the land outside the Urban Limit Line in fee to the California Department of Parks and Recreation, and in the mean time restricted its use. Condition 3 required that the applicant, as it recorded each tract, record a deed restriction to prevent development outside of the Urban Limit Line except as permitted by this permit or for park purposes. (See Exhibit 20 for the text of the Commission's revised findings adopted in 1980, which include these Conditions. Exhibit 31 contains the most recently amended conditions.)

When the Commission approved all four tracts of underlying project in 1980, in A-381-78A², the newly adopted Coastal Act contained policies that were much more restrictive concerning landform alteration than previous interpretations of applicable County and City rules. Sections 30251 and 30253, discourage landform alteration and Section 30240 protects environmentally sensitive habitat. These policies were based on studies that indicated several reasons to preserve natural landforms: protection of watershed, protection of natural vegetation, protection of public views and assurance of safety and

² In 1979 in approving 381-78, the Commission approved 230 units; in 1980 in approving 381-78A the Commission approved four tracts and 740 units, as shown in Exhibit 20. In that action the Commission required the dedications and established the ULL. The urban limit line has been extended twice since. Once to accommodate the Church and its required buttress fills (for geological mitigation), once to respond to geological problems near Temescal Ridge (Tract 32184).

geologic stability. The first major amendment A-381-78A expanded a limit of grading, called the Urban Limit Line first established in the original action. Within the Urban Limit Line, grading and landform alteration, and construction of buildings and roads could take place. Outside the Urban Limit Line, no grading could take place except for park purposes, and vegetation removal was limited to thinning for fire control within 100 feet of residential structures. The institutional site (where the church is now located) was identified on a seven-acre site that had been graded and disturbed, and the Commission found that intense development could occur within this area without requiring additional landform alteration.

In the Commission's approval of the underlying permit, the findings address the protection of undisturbed habitat and the undisturbed nature of the hillsides, especially in the Gateway, where the present project is proposed. The findings for approval of the original permit state:

The project would result in permanent alteration of approximately 145 acres of the 185 acres in Tracts 31935 and 32184. A firm Urban Limit Line is to be established with permanently preserved buffer areas designed to protect the integrity of the local wildlife systems from both construction and residential impacts.

The project will result in alteration of only approximately 25 acres out of the total 122-acre Gateway property. The substantial acreage left intact will protect the integrity of local wildlife systems from construction and residential commercial impacts. Based upon this fact the Commission finds this project does not involve any significant disruption of habitat values and is compatible with the continuance of surrounding habitat areas so this it is consistent with the policies of Section 30240 of the Coastal Act.

Habitat. The 1980 findings that addressed the protection of the hillside habitat were based on a characterization of the slopes as an important watershed, and a finding that if the slopes were not cleared, more watersheds would remain. At the time of the Commission's original action, the Los Angeles basin and the City of Santa Monica obtained a large proportion of their drinking water from ground water. The implication was that extensive areas were needed to protect urban water supplies, and that dedication of almost 1,000 acres of steep land would do so. The objective was to protect an extensive partially pristine and partially degraded area. This strategy, appropriate to a large tract, was not dependent on the presence of a unique or irreplaceable component, with the implication that if there was some habitat found that was irreplaceable, that particular habitat must be saved, but leaving little grounds to protect the common and extensive watershed cover, on which the streams and the ground water depended. There was very little analysis of the kind of habitat or its value, although some of the letters the Commission received stated that there were "five endangered species" in the area. (Exhibit 25). In the late 1970's coastal sage scrub had not been identified as habitat for several endangered species. At the time, the public and government agencies perceived

"brush" as a nuisance. Although the Commission referred generally to the "habitat policies" of the Coastal Act, in order to carry out these policies, the Commission applied the principals of Section 30252, which encouraged clustering of development within a largely undisturbed landscape. The Commission imposed the Urban Limit Line and limited removal of vegetation to areas within the Urban Limit Line. The exception was for purposes of fire clearance within 100 feet of residential structures. The decision allowed greater densities within the area to be developed in exchange for preservation of other lands. Within the larger 740-unit Headlands/Pacific Highlands development there are town houses and condominium units sharing views of protected ridgelines.

Public Recreation Purpose of Dedications.

In approving the amended permit in 1980, the Commission required the dedication of public parks to protect land from grading and development and to mitigate the demand that this new development would put on existing coastal and mountain recreational facilities. As it first considered this project on appeal in 1979, the Commission received testimony concerning the existing use of the land for trail access to the mountains and its value for habitat and public views. (Exhibit 25, letter received during consideration of A-381-78) In its 1980 action, the Commission considered the impact on roads for the development and required parks to be dedicated within the subdivisions for the public and to provide onsite recreational facilities to serve the development. In approving the amended project A-381-78A in May of 1980, the Commission found that:

"The major issues in its previous action (July 1979 (*sic*)) were the density of the project as it affected the traffic impact on access to the coast, the extent of grading and alteration of natural landforms as it affected scenic habitat and recreational resources and the provision of housing opportunities for persons of low and moderate incomes. ... Approval of this amendment authorizes an increase in the number of units ... in all cases the balance of the 968 acre Phase II site would be either dedicated as open space or dedicated for park purposes." (Revised Findings, 1980 Exhibit 20)

The Commission imposed conditions to limit the build-out in order to reduce traffic impacts and to preserve watershed land intact. However, once it had required deed restrictions in order to preserve the hillsides from future development, the Commission required that the land be dedicated in fee to a public agency. The identified recipient was the State Department of Parks and Recreation. The permit was later modified to allow dedication to the City of Los Angeles also. The findings further explained the purpose of the dedication, and indicated emphatically that the purpose of the dedication was to provide public land for "public recreational use" (Revised Findings A-381-78A, p.8.) The original permit, which runs with the land, required in two separate conditions, 1) dedication of land outside the urban limit line in fee to a public agency and 2) restriction of the use of that land to open space and park purposes. Based on the clarification in the findings, and

given that the land was dedicated to a *public* entity (and the only use allowed, except for open space, was as a park) the only allowable use of the land, except for open space, is as a *public park*.

Documents indicate that the land was dedicated for park purposes. In 1981, the applicant recorded a deed restriction limiting the use of several parcels, including Parcel A, Gateway (the subject property) to public recreation. Palisades Resources also recorded a second document offering to dedicate the land to the California Department of Parks and Recreation and, failing acceptance by the Department of Recreation and Parks, to the City. In 1981, The City adopted Ordinance 155203 allowing it to accept the land for park or recreational purposes (Exhibit 16). According to the City, the offer to dedicate Parcel A to the City stated:

The above grant is made and the real property herein described is dedicated for the purpose that the real property herein described be used either for public park purposes or for open space purposes and for no other purpose or purposes whatsoever. By acceptance of this dedication grantee shall be deemed to covenant with grantor to use the real property herein described solely for park purposes or for open space purposes. Such restriction shall be a covenant running with the land hereby dedicated.

As noted above, the City Department of Recreation and Parks has provided evidence that it accepted this land on January 10, 1989.

The protection of steep land was one other purpose of both the Commission's 1979, and its later 1980 action. The intent of the underlying permit was to protect the sloping watershed land from all grading and open the steeper slopes only to low intensity uses. However, it did make an exception for public park use. Significant public use is required to satisfy the Coastal Act requirements for public access and recreation, as the Commission recognized in 1980 when it imposed deed restrictions applicable to the site and established the following restrictions:

- (a) "Prevent further division of such dedication parcels for any purposes except for park purposes outside of the Urban Limit Line.
- (b) Prevent development outside of the Urban Limit Line except as permitted by this permit or for park purposes,

Finally, the Commission addressed traffic impacts on coastal access routes, attempting to incorporate commercial uses, park land and one institutional site, the present church, into the development to reduce external trips by the new residents.

The Commission based its action on Sections 30210 and 30223 of the Coastal Act, which require maximum public access and recreational support, and in addition, Sections 30230 and 30231, which protect watershed land, streams and water quality, Section 30240,

which protects sensitive habitat, and finally Sections 30250 and 30252, which require the Commission to review the location and intensity of development with respect to its impacts on public access. This prior history establishes two tests for approval of a permit on the land subject to A-381-78 as amended. The first test, as always in the coastal zone, is consistency with the Chapter 3 policies of the Coastal Act. However, land that was subject to this permit that also lies outside the Urban Limit Line also carries significant pre-existing restrictions. In this case it is public park land that is also deed restricted to limit subdivision, development and grading. (Complete adopted findings attached, Exhibit 20.)

C HISTORY OF THE PRESENT APPLICATION.

On June 20, 2000, the applicant's representative, Shannon Nonn, provided the staff with grading plans for "the recreation field w[ith] parking." She left a note (Exhibit 22) requesting the staff to review the plans and approve them administratively: "Please review. I am trying to get a grading plan approved. I am in plan check, but know it will need a coastal sign off. I will see you Tues[day] at 3:30."

Under the scope of permit A-381-78, as amended, the Commission had granted a very broad authority to staff, delegating approval of detailed grading and construction plans to the staff:

"Conditions on this approval require the applicant to construct an emergency access road south from Tract 31935--to the southerly boundary of the applicant's property (adjoining the AMH project site), provide 100 units of low and moderate cost housing (especially for the elderly and families), to dedicate title to between 1067 and 1180 acres (depending on the final grading and tract boundaries) for public park purposes, and to vacate easements for road extensions through Topanga State Park. The Commission recognized that the four tracts are proposed for development in an integrated development plan. **Thus the Commission has issued a single permit authorizing all development (except as specified) necessary to complete these four tracts and does not intent that the applicant or his successor return for further permits, except for construction [of] the commercial and institutional structures or the Gateway. Minor changes in design or unit which have no adverse affect on Coastal resources and which do not conflict with this approval, will be approved administratively by the Executive Director.** Like all major land development projects, the project authorized by this permit will proceed in at least four major stages (one for each of the noted tracts). The conditions require perman[en]ce of stated obligations (dedications, construction of facilities) phased with the development of associated tracts. However it is the intent of this Commission that this permit be considered a comprehensive and final approval, and not be voidable once any portion of the approved development is undertaken unless the applicant fails to comply with the conditions. As the development plan is integrated, so are the dedications required by the conditions. For it is only with the dedication of these lands for permanent

preservation of visual and landform resources and for public recreational use that the Commission can find the development of the four tracts on balance most protective of significant coastal resources. The dedication of these lands also provides a conclusion to the issue of continuing development in the area. With the approval of this amendment with the dedication of open space areas outside the last four tracts, the Commission and the applicant have achieved a compromise beneficial both to the public and to the developer, resolving once and for all the major Coastal Act issues of location and intensity of development, traffic impacts, amount of grading and provision of low and moderate cost housing. Therefore it is intended that once any portion of the permit is exercised or any offer dedication made, that the entire development and dedication plan proceed to completion as expeditiously as possible." (Source: Revised Findings, A-381-78A, 6/4/80, page 8; see Exhibit 20)

Staff met with Ms. Nonn and explained that administrative approval of the plans that she had provided exceeded the scope of the authority of the Executive Director under the permit. Any work outside the scope of the permit would require an amendment to the permit. In January 2001, the applicant submitted the present request as an application for an amendment to A-381-78. On January 26, 2001, upon review of the amendment application, the staff determined that the project would undermine the intended effect of the existing permit because, among other reasons, it would 1) create a private park on public land, and 2) extend grading past the urban limit line established in the underlying permit A-381-78, as amended, to protect landforms and habitat.

However, on February 7, 2001, the applicant's representative, Mark Allen, urged the Commission staff to reconsider, citing community support and the scarcity of playing fields in the area, and raising procedural and substantive legal arguments. Mr. Allen's letter stated that, "if reconsideration is denied, we will appeal the decision for consideration by the Commission." Upon further review of the special condition that established the Urban Limit Line, and the adopted findings, the Executive Director determined that even though the proposed project would extend grading outside the Urban Limit Line, the extension could be allowable if the grading and development outside the Urban Limit Line were for park purposes. Since the application could properly be regarded as a new permit application as well as an application for an amendment, staff decided to treat it as a new permit application, and that treatment continues to govern the form in which this application comes before the Commission now. Although this application is styled as a new application for a permit in this staff report, it remains the case that approval of this request would in effect amend the prior permit. Therefore at the end of each section analyzing the consistency of the request with Chapter 3 policies of the Coastal Act, this report also addresses the reasons why the application would also be rejected if it were treated as an application for an amendment.

When staff determined that the project was an amendment of the underlying permit, no locally issued coastal development permit was necessary, since the Commission has

jurisdiction over amendment to its own permits. When staff agreed to accept the application as a coastal development permit, this presented a problem because the City had not issued a coastal development permit under Section 30600(b), which was its right. The applicant requested that staff waive the initial City approval of a CDP.³ The reasons were 1) The applicant had already obtained a Conditional Use Permit from the City of Los Angeles Associate Zoning Administrator. 2) The applicant had already received approval of a Shared Use Agreement from the City of Los Angeles Board of Recreation and Parks. 3) Both City agencies had held duly noticed public hearings at which extensive testimony was heard. 4) A local CDP would be appealable. 5) If staff determined that the project was inconsistent with a prior Commission action, the Executive Director would appeal the locally issued coastal development permit. In other words, the applicant would have spent six months processing a Coastal Development Permit from the City and would still need to receive concurrence from the Commission. Although informed that they should have applied for a coastal development permit from the City, the applicant's representatives stated that the project had received a Conditional Use Permit from the City and decided that it would save time and effort to go forward with this request at the Coastal Commission. Now, upon treating it as a new permit application, it could go back to the City for a locally issued coastal development permit. However, there is a provision in the regulations allowing the Commission to hear the matter and then after a decision to refer the matter back to the City for its consideration, if the City deems such consideration necessary. Although the City processes most initial permit applications itself pursuant to Coastal Act Section 30600(b), because this came to the Commission originally, and because staff is unaware of any City opposition to the Commission waiving a local coastal development permit in view of the extensive prior City hearings on this matter, the Commission is retaining it.

On that basis, after the applicants provided some new information necessary to analyze the request, the application was accepted. Necessary information required before considering the application complete included documentation of the transfer of title of the required open space land from the developer to the City. The application was accepted and deemed complete on April 12, 2001. The co-applicants in the case include Calvary Church and the City of Los Angeles Department of Recreation and Parks.

D. APPLICANTS' PROPOSAL

The applicants propose to construct a 32,400 square foot 165-foot long sports field on the slope adjacent to Calvary Church and school and erect a four-sided 440-foot long, variable height, (23-foot maximum) retaining wall. The segment of the wall located at the base of the hill would be 278 feet long (Exhibit 3). The applicant also proposes to relocate 33 existing parking spaces on Calvary property, and grade 16,400 cubic yards. The applicant's church and school lie in the bottom of Santa Ynez Canyon on about seven and a half acres on the western side of Palisades Drive, north of Sunset Blvd. (see Exhibits 1

³ The City of Los Angeles has opted to issue coastal development permits as authorized in 30600(b).

and 2). West of the school, there is a 400 foot high 1.5:1--2:1 slope that lies on a 107.23-acre parcel of the park dedicated as a condition of the underlying Permit A-381-78A. The applicant proposes to notch the sports field into the hillside, and extend it over the present school parking. The field would be elevated about five feet above the existing driveway. The hillside would be supported by a retaining wall. Thirty-three (33) of the 34 parking spaces lost because of the project would be replaced adjacent to a driveway on a previously graded area on Calvary's own property (within the Urban Limit Line.) Much of the grading and the lowering of the height of the field is a result of conditions imposed by the City of Los Angeles to protect views from a 75 unit condominium (also approved in the underlying Permit A-381-78A) that is located on the east side of the canyon. The applicant proposes no extra parking for the playing field, noting that it would either be used by the school or by others after school hours.

Fifteen thousand square feet of the sports field, the 278-foot retaining wall at the base of the hill (the highest segments,) portions of two shorter retaining walls along the sides of the field, the cut slopes, the brow ditch, the energy dissipaters and most of the vegetation removal would extend onto a previously ungraded hillside that is a dedicated public park. The hillside supports habitat, although the value of the habitat within 200 feet of the school building has been reduced by fire clearance.

When the applicants submitted the application, they indicated that the playing field would be a privately operated field that would be available to certain specified groups a limited number of times a year. When Commission staff questioned whether a private field could be considered "low intensity public recreation " or an appropriate use for a public park property, the representative of the Calvary responded (1) the deed restrictions applied only to the original developer, (2) The City found that this was an appropriate use of park property and the shared use agreement represents a long term but not permanent determination by the City that this is an appropriate use of its parkland at this time. (3) "[T]he original developer ... was restricted on its use of property subject to certain exceptions including an overall proscription on development outside the ULL that the parcels were to be dedicated outside the ULL for park purposes. Nothing in the dedication to the City restricts the City from using the City park land for a park nor leasing such land to a third party for such park use. ... Hence it is the City not the Coastal Commission which determines whether park land is being used for park purposes." Mark Allen, letter, February 7, 2001. The City did not respond, but did begin to examine its record.

E. PUBLIC ACCESS AND RECREATION.

The Coastal Act provides for maximum access to coastal resources for all the people of the State. It provides for protection of public recreational opportunities. The conversion of public recreation land to a privately operated park, with limited shared use, raises significant issues with Sections 30210, 30212.5, 30213, 30223 and 30252 of the Coastal

Act as well as issues of consistency with the Commission's previous actions on the underlying permit.

Section 30210 establishes the Commission's responsibility to provide maximum access to all the people.

Section 30210.

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 30212.5 encourages a widespread distribution of access facilities.

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 establishes the Commission's responsibility to provide public recreational facilities.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30223 encourages the reservation of upland recreational facilities.

Section 30223

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

Section 30252 requires that new development be sited and designed to reduce traffic impacts and to improve and protect access to the coast:

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of

serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The project before the Commission is an urban park for active recreation. It cannot be constructed without grading into the hillside. The Commission has received testimony in correspondence received regarding this permit that playing fields are limited in the Los Angeles Basin. The Commission notes that it has limited ability to trade off the protection of watershed and habitat for public access. If it were to consider balancing the need to provide recreation to the general public with the need to protect landforms and habitat, there is little in this proposal to support its decision because the park is not proposed to serve the general public. In order to approve a park in a habitat area, the Commission would also need to consider whether a public park could be accommodated elsewhere or in a manner that would not cause impacts to habitat.

About half the proposed playing field would be located on land that is dedicated and accepted as public park land consistent with the Commission's earlier action. As noted above, the City Department of Recreation and Parks has provided evidence that it accepted this land on January 10, 1989.

In 1999, one of the co-applicants, Calvary Church, approached the owner, the City of Los Angeles Department of Recreation and Parks, with a proposal to use what Calvary viewed as vacant City land that lay adjacent to its site. Calvary proposed to develop the site with a playing field for its associated school. Discussions with neighboring property owners and with other youth groups such as the American Youth Soccer Organization (AYSO) ensued. When it considered the terms of the proposal, the staff of the Department of Recreation and Parks (DRP) received objections from neighbors concerning: 1) the potential noise of a playing field, 2) the lights from a playing field, 3) traffic and parking conflicts, and 4) the visual impact of a large flat field as seen from the condominium on the east side of Palisades Drive. The Associate Zoning Administrator heard similar objections when she considered the Conditional Use Permit (Exhibit 23).

These and other concerns are reflected in conditions of the Shared Use Agreement and also in the conditions of the Conditional Use Permit. The Shared Use Agreement specified that certain identified local youth groups could use the field a limited number of afternoons each year, and that a local Cub Scout troop could use the field for three one-week long events each summer. The conditions also allow "City sponsored" events or practices. However City -sponsored groups are limited to six days a year, require advance notice to neighbors concerning the scheduling and identity of any "City -sponsored" groups, and require that if there is a conflict between groups requesting to use the field, groups from the Pacific Palisades should have preference. The six days of use for events or practices are limited to youths under the age of 15. (Agreement, para. 5B.) (See Exhibit 10.)

The agreement between Calvary and the City states that all users of the field must comply with Calvary's rules and regulations for use of the field. (Agreement para. 5.A.6 and 5.B) (Exhibit 10). However, neither the agreement nor the permit application states what Calvary's rules and regulations are. The agreement requires Calvary to allow only six days per year for City-sponsored events or practices, "if no school activities are anticipated for the requested date and time" and if "the requested use does not otherwise conflict with Calvary's enjoyment of its property and the field." (Agreement para. 5.B). There is nothing to prevent Calvary from scheduling activities during all non-school hours and thereby precluding the "six events or practices" for other youth groups referred to in the agreement with the City. The agreement with the City does not allow any use by the public, or other organized groups, during January, February, or March except at "the sole discretion of Calvary." (Agreement para. 5.A.5). (See Exhibit 10.)

Apart from the "six events", the agreement allows use on Friday evenings in April, May and June from 4 to 6 p.m. by YMCA youth soccer league; and on Friday evenings in November and December by AYSO region 69 "K" league from 4 p.m. to dark. (Agreement para. 5.A.1. and 5.A.3). The agreement also allows use of the field two Saturday afternoons each year by Cub Scout packs only from the Pacific Palisades community. (Agreement para. 5.A.4). The agreement also states that if one of the groups authorized to use the field fails to comply with Calvary's rules, Calvary may substitute another group. (Agreement para. 5.A.6). Finally, the Agreement gives Calvary the right to modify the specified uses in paragraph 5.A. of the agreement with the City, if they conflict with Calvary's private use of the field, and requires that Calvary endeavor to find some other time when the use can be accommodated that does not conflict with Calvary's use. (Agreement para. 5.A). Therefore, it appears that none of the specified public uses in the agreement are guaranteed, but rather, that Calvary could expand its non-school use of the field so that little or no other times are available for other groups. On October 6, 1999, the Board of Recreation and Parks approved this agreement conditional upon Calvary receiving all necessary approvals⁴ (Exhibit 10.)

Calvary justifies its near exclusive use of the land saying that the public would be served by "freeing up" demand on the other local park, Palisades Park, where the Calvary School team now practices. City staff notes that the entire City is deficient in playing fields, and that the City would get some use of this playing field without the expenditure of City funds (Exhibit 30, letter from General Manager.) The developer of the underlying project Headlands/Pacific Highlands development, dedicated 25 acres of land to the City as its Quimby requirement, which accommodates a debris basin and some steep land. As a result of both the City's and the Commission's open space and recreation requirements the City obtained a total of 475 acres. However, none of this land is suitable for an urban

⁴ On January 28, 2000, the Associate Zoning Administrator approved the conditional use permit for the project. In addition to standard City conditions for hillside development, the Zoning Administrator imposed nine conditions dealing with view protection and noise and traffic impacts to the neighborhood and adopted the Board and Recreation and Parks agreement by reference." (Exhibit 23.)

park. Much of the dedicated land is too steep to develop with playing field or recreation centers without extensive grading. There are informal trails throughout the park. On this part of the City's property there is an informal trail leading up the creek from the church access road to a small meeting area with benches arranged under the trees.

The City does have other models for shared use (Exhibit 12). In those models the City has developed parks on school property in exchange for being able to operate supervised parks that are available for use by the public and/or organized groups during non-school hours. City contracts give City staff the right of access to telephones, and require that restrooms be available. They require that City staff have keys to an office. Calvary's representative states that Church officials have discussed these issues with the groups that they have identified to share the facility. At the Calvary site, there is a restroom accessible from the driveway and a pay telephone that can be made available to people using the field. The restroom is normally locked. However, availability of these restrooms and telephones are not part of the City's contract with Calvary or required in the shared use agreement between Calvary and the City. The City objects that these models are not comparable because Calvary is paying for this development, and in those other cases, the City also paid a portion of the development costs (Exhibit 30, letter of the General Manager. Recreation and Parks.)

As proposed, the project does not provide recreational opportunities for all the people consistent with public safety needs and therefore violates Coastal Act section 30210. The project also does not provide recreational facilities to serve the development; the four Headlands tracts, which the dedication of the land was required to mitigate under Section 30252. By virtue of the proposed restrictions only a fraction of the population of either the development, the City or of the State of California would be eligible to use the land that was required to be dedicated to the public.

Moreover, this land is not only watershed land; it is land dedicated for a specific purpose, public use, by the Commission's own action. In order to consider any kind of park proposed on land required to be dedicated under Section 30210 of the Coastal Act; the Commission must first find that the park is a public park and provides maximum access to all the people of California. The park must be public. A public park, by definition is open to the public. The Commission cannot approve predominantly private use of public parkland that was dedicated to the City as a result of the State's action on the underlying permit. In order to find that the intended use of the field is a public park, the public must have significant and frequent access to the land, and the land must be open to all members of the public.

The amount of public use proposed by the applicants is not adequate to determine that the field is a "public park" because it reserves the field for primarily private use by Calvary Church. Secondly, the City condition granted priority to children in a specific neighborhood. Additionally, the City is allowed to use the property for other youth groups only 6 days a year. However, those groups may not have members over the age of 15.

While as a matter of practice, children's groups from nearby neighborhoods would be the most likely to request to use the field, the Commission cannot find a rule that explicitly grants priority to groups from one neighborhood of Los Angeles and does not include groups from other neighborhoods in the City, or even from neighboring cities, consistent with Coastal Act policies. Pacific Palisades neighbors argue that fields are in short supply. In fact, playing fields are in short supply City-wide. The Commission finds that in order for it to find that the field is a public park and that the use is consistent with the Coastal Act public access and recreation policies, as interpreted in its prior action, the field should be available to anyone (during reasonable hours), on a first come, first serve basis, when its not being used by Calvary or by an organized group authorized by the City. Moreover, nothing in the Coastal Act or the Municipal Code would allow use of a City Park only by neighborhood groups, excluding others. Given the Church's stated inability to accept such restrictions, the Commission has no choice but to find the proposal simply unapprovable.

The Commission finds that it has approved parks in other areas that required limitations and/or supervision due to the type of use proposed. Most recently, it approved a skate park in Venice for one of the applicants, the City of Los Angeles Department of Recreation and Parks. In that case, the Commission imposed and the City accepted a condition requiring that the City open the park to all groups throughout the City.

In accepting the present application, the Director acknowledged that part of the purpose of the dedication of park and open space lands under 30252 was to provide recreational facilities to serve the new development. However the Commission also indicated in its findings that the use envisioned for the recreational land was for a public park. The Commission finds that the proposed use is not a public park. If the Commission's underlying permit condition and the deed restriction allow "limited" grading for park purposes, the purpose of the grading must be for a park. There is no indication in the record that the Commission understood the word "park" as meaning anything other than a public park in the most conventional meaning of the word. If the land is restricted as proposed it is not a public park and the application must be denied.⁵

Development on dedicated parkland as a private sports field, that allows only a very limited amount of public use, is not consistent with the Commission's prior actions or with the Coastal Act. As proposed, the project is not a public park and is inconsistent with the public access and recreation policies of the Coastal Act Sections 30210, 30223 and 30252 of the Coastal Act, which provide that development shall provide maximum access, as well as with the purpose of the dedications, the recorded deed restrictions, and the underlying conditions applied to the subdivision, and must be denied. :

⁵ The law is well-settled that an illegal contract is void. As such, it cannot be ratified by any act or declaration, and no person can be prevented from challenging an illegal contract's validity. Thus, to the extent the contract between the City and the Church violates the Coastal Act or a permit (and its conditions) issued pursuant to the Coastal Act, or any other applicable law such contract is illegal and void for as long the permit and its conditions are in effect.

F. VISUAL IMPACTS -- LANDFORM ALTERATION

Sections 30251 of the Coastal Act states:

Section 30251

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

The Coastal Act requires that public views and natural landforms be protected. The natural landform in this instance is the ungraded hill that rises 400 feet above Palisades Drive, which was constructed along the bottom of a Canyon. To a driver along the road, the buildings are dwarfed by the canyon sides, which are covered with chaparral, with its characteristic gray-green color. Many of the ridgelines north of the project are publicly owned, and provide views from ridgeline trails of the canyons and higher ridges that lie farther north. The Department of Parks and Recreation has purchased many of these ridgelines in the last 25 years. A trail from Los Lions Canyon park, that lies to the south of this project, and also obtains access off Sunset Boulevard, climbs up Los Lions Canyon to the ridge, where it meets a spur from a lower knoll. It is possible to walk along public trails and see the "Gateway," lower Santa Ynez Canyon, Palisades Drive, the church roofs and the Searidge condominiums that are all located along the former stream channel.

This project is located on land called the "Gateway," the relatively narrow part of Santa Ynez Canyon. The slope rises 400 feet above the parking lot behind the church, which is itself elevated at least 20 feet above Palisades Drive, the road that goes up Santa Ynez Canyon. The hillside provides a backdrop for the Church and is visible from Palisades Drive and from a 75-unit condominium approved in permit A-381-78A. The hillside is covered with chaparral. At the top of the hill, which is a lateral ridge extending toward the coastline from Temescal Ridge, there is a paved street and a number of homes on ridgeline lots that were created prior to the Coastal Act.

The testimony at the City hearing on this matter concentrated on impacts on views. Residents of the other Gateway development, a 75-unit condominium on the eastern side of Palisades Drive, objected to the playing field because it would be visible from their units and would displace views of a natural hillside from their units and from Palisades Drive. In response, the City required the present applicants to lower the level of the field so that it would be hidden behind Calvary from the condominium residents, and incidentally from

travelers on Palisades Drive, requiring the applicant to cut about 16,000 cubic yards from the toe of the slope. The purpose of the condition was to protect the views from the condominiums across the street, hiding the field behind the existing church and school buildings (Conditional Use Permit Exhibit 23). The applicant is proposing a variable height retaining wall to support the slope and buttress fill at the hillside edge of the field. While the wall would vary from ten to 23 feet above grade, the debris wall would add another three feet to that height. The City determined that the wall would be visible to some degree, and required appropriate colors and that the applicants cover the wall with vines. However, coverage from vegetation would be limited: The debris wall must be regularly cleared to be effective – a mat of vegetation would not be allowed to accumulate behind and over it.

In response to concerns about invasive plants, the applicants propose that they would use plants that are not invasive in hillside areas, such as *Bougainvillea*, which would contrast with the color of the native hillside vegetation, but which is not invasive.

Calvary Church is 50 feet above finished grade, and the school is 42 feet above finished grade. The heights of church and the school exceed the height of the retaining wall. It is unlikely that the field or the wall would be visible from Palisades Drive. Some of the wall would be visible to residents of Searidge, the condominium across the street. There would be no visible cut slope above the field. The wall varies in height—it is 23 feet high only a very small portion of its length. It would be possible to impose conditions on this development to minimize visual impacts from Palisades Drive

However, there are public trails that go along a ridge within Topanga State Park on the ridge above this development. The Church and portions of the field would be visible from some of the trails leaving Los Liones State Park as they reach the ridgeline. While other urban development is also visible from those trails, the field would be another manufactured element in the view shed of the State Park and of the public trails. The school and church would not mask the view of the field from the trail.

Absent other issues, at its proposed elevation, screened by the Church, and with landscaping that is visually consistent with the chaparral on the natural hillside, the project could be made more visually compatible with the surrounding hillside, consistent with Section 30251 of the Coastal Act. It would still raise issues with respect to impacts on public views and Section 30251, as it requires protection of natural land forms. The project is also not consistent, with previous restrictions imposed to protect natural land forms.

G. SAFETY OF DEVELOPMENT

A second reason to leave natural landforms alone is to assure the safety and stability of development. Cutting at the toe of a 400-foot high hill in the Santa Monica Mountains can

result in collapse of the hill. The rocks in the hillsides are sedimentary rocks of varying strength. Slope failures are common. Any grading at the toe of a very high slope can be hazardous because it can remove the support of the slope.

Section 30253 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 general area has been subject to landslides. Landslides occurred on several occasions during and after the development of the underlying project. A major slide blocked Palisades Drive in the late 1980's. A slide during construction of Tract 31935 buried an archaeological site and required 1.5 million cubic yards of grading to repair. Later, in response to the history of landsliding, the City required the developer to remove sediments that were perched up near the ridge line and which might impact the development in Tract 32184, and to construct a buttress fill. Finally, the retaining wall supporting the 75-unit condominium development located across the street from this project failed during construction. The developer was required to replace the wall with a new, redesigned wall.

In rejecting the earlier application for amendment, staff expressed concern that cutting into the toe of the hillside could represent a hazard. In response to these issues, the applicant provided a geology report concerning the proposed playing field and the land inland of the playing field. The consultant states that a buttress fill and a wall at the toe of the slope would allow the cut that is proposed at the toe of the slope to occur without jeopardizing the safety of the hillside. City geologists approved the report but required a waiver to indemnify the City in case of slope failure or debris flow.

The hillside is located north and west of the field. In a geology report prepared in support of the project, the geologist, GeoSoils Consultants, identified slopewash, colluvium, and Martinez formation sedimentary rock with a southwest trending dip. The report concluded that natural slope range from the gradient of 1½: 1 to 2:1 (horizontal vertical) with total vertical height up to 400 feet. A slope stability analysis was performed on the slope. The results, as presented, indicate a factor of safety above minimum code values (Exhibit 11).

6.2 debris containment. The City of Los Angeles approved report dated December 10, 1981 recommended that a 20 plus foot structural setback be provided from the toe of slope. The setback consists of the existing 20-ft roadway that extends along

the west end of the project site and serves as the catchment and drainage area for any debris or runoff accumulating from upslope areas. The construction of the proposed sports field and parking area retaining wall essentially creates a larger containment area for the debris or runoff accumulation. Also no occupancy structures are proposed.

We recommend that the backfilled retaining or shoring walls constructed the toe of the slope have a minimum freeboard of six inches to prevent nuisance slope materials from topping over the wall. The freeboard portion of the wall, which will serve as an impact wall, should be designed with an equivalent fluid pressure of 125pcf. In the event of a larger debris flow or runoff, the material will flow over the wall and into the enlarged containment area (i.e., sports field and parking area). (Geosoils)

The City geologist approved this report and the wall, the buttress fills and drains that were proposed. The first condition of the City report is what is commonly known as a slide waiver. The City approval states, in part:

"The proposed improvements are in an area that has been designated as a debris containment area. Approval to use the parking area for potential debris containment was provided in the referenced request for modification.

The City required a three-foot minimum debris wall on top of the retaining wall to protect players on the field or visitors in the revised parking area from mudflows. The 23-foot high retaining wall described throughout, as staff understands it does not include the debris wall, resulting in a structure that will be as much as 26 ft high.

Staff reviewed the report and the Commission senior geologist requested some additional information, regarding stability and bedding planes. The applicant provided supplemental information, correcting some errors of nomenclature. After analyzing both reports, the senior staff geologist wrote:

The revised set of slope stability analyses demonstrates that the slopes above the proposed development will be grossly stable. The presence of extensive slope wash deposits indicates that they are subject to periodic debris flows and/or rock fall, which could pose a hazard. In my opinion, this hazard will be adequately mitigated against by condition of the City of Los Angeles, Department of Building and Safety letter of 10 July 2000. As pointed out in that letter, the proposed development is in an area that has been designated as a debris containment area. Accordingly, maintenance of the debris fence and the periodic removal of accumulated material will be necessary. I recommend that such maintenance be attached as a special condition to any Coastal Development Permit issued.

Recommendations regarding the design of the retaining walls and grading have been provided in several reports and letters submitted by the applicant, as referenced in the above noted final reports.

If the Commission were approving this project it would require that Calvary record an amendment to the Joint Use Agreement whereby the City and Calvary Church each assumed the risk of extraordinary erosion and/or geologic hazards of the property and accepts sole responsibility for the removal of any structural or other debris resulting from landslides, slope failures, or erosion onto and from the site. The Commission would also consider a condition to assure the maintenance of the debris wall for the life of the field approved in this project.

One reason the Commission originally imposed an Urban (grading) Limit Line on the project was to minimize risks to life and property consistent with Section 30253. The Commission opted for a strategy of avoidance of potentially hazardous sites, instead of a strategy of demonstration that each site was safe on a case by case basis. The staff initially rejected this project when it was presented as an amendment application because it involved landform alteration on deed restricted land outside the Urban Limit Line established in the underlying permit.

The Commission often approves development in inherently risky areas if there is a design to mitigate hazards and if the owner can assume the risk if the site fails. The Commission follows this strategy (an investigation, a design and an assumption of risk) when the danger is debatable or can be mitigated and where the owner claims that without this compromise he or she would be deprived of the use of his or her property. In this case, this compromise is not necessary. The private church property is safe. The Commission approved a reasonable use in the original permit. A large church and a school, and a small playground already exist on the church parcel. The grading would occur on public property that already has a use, public open space and habitat. In this case, the land subject to most of the cut is already publicly owned and reserved for open space. There is no need to approve the grading in order to assure that a person can use his or her land.

The Commission finds that there are potential geologic safety issues in this project, but they have been addressed in the engineering of the project. It would be possible to find the project consistent with Section 30253 as it addresses safety, if an assumption of risk and a requirement to maintain the wall were imposed as conditions of approval. However, the Commission finds that the safest course is to refrain from the landform alteration, a course that is consistent with its prior action and with Section 30253 of the Coastal Act.

H. RUN OFF AND EROSION CONTROL MEASURES

The applicant is building the field out over a 34-car parking lot and installing a new 33-car parking lot. Runoff from parking lots is a major cause of stream and ocean pollution.

During construction, it is possible to use sandbags and other devices to reduce the amount of pollutants in the runoff, which would also reduce the number of pollutants entering the Santa Ynez Creek drain and the ocean. The applicant has submitted a drainage plan that includes permanent erosion control measures. If it were to approve the project, the Commission would require a complete erosion control plan for both permanent and temporary measures, addressing both siltation and waterborne contaminants from the driveways.

One of the side effects of increased hardening of hillsides as proposed here, is that there is less sand reaching the beaches. The gradual and episodic sloughing of natural vegetated slopes delivers relatively clean sand, in incremental quantities to the shoreline. Run-off from grading projects or collapsing road cuts can overwhelm coastal streams and tide-pools. Moreover natural sloughing and slides more often occur in the rainy season, when the system is flushed with storms and rainfall. Silt deposited in a summer stream cannot wash out or disperse onto the beaches and impacts habitat. The Department of Fish and Game attributes the diminished populations of some amphibians and the loss of some offshore resources such as kelp and some shellfish to siltation due to grading projects.

As noted in the June 2001 staff report, it would be possible to condition the project so the project would not contribute to pollution and impair water quality. However, any project that includes significant grading raises a greater danger of siltation and damages to streams than one that does not. However, if the project were otherwise approvable, it would be possible to impose conditions that would assure consistency with the marine resources policies of the Coastal Act. However, the project is not consistent with the deed restrictions and special conditions of the underlying permit, A381-78.

I. NATURAL RESOURCES AND HABITAT

Section 30240 of the Coastal Act requires, among other things, that new development shall not have significant adverse effects on coastal resources. It states:

Section 30240.

(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 30230 of the Coastal Act requires that marine resources shall be maintained and states: "Special protection shall be given to areas and species of special biological or ecological significance."

Section 30230

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

Section 30231

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 hillside behind this proposed playing field is covered with chaparral and coastal sage scrub, a natural community that has lately begun to be appreciated. The hillsides, with their natural cover, allow water to slowly percolate into the ground and to sustain natural streams. Some coastal sage scrub supports endangered species. In the Santa Monica Mountains near highly developed areas like the Pacific Palisades, it no longer does so. Nevertheless, coastal sage scrub is valuable even where it does not rise to the value of ESHA. This canyon supports a number of plants and animals, including a mountain lion and hawks. Extending the line of grading and development and of intense human use farther into this area would impose additional stress on the habitat and additional conflicts between human needs and the need of the habitat.

This project is within and adjacent to a park. It is adjacent to a streambed, and the toe of the grading would be very close to the stream extending over and beyond the lip of the gully in which the stream lies. Most of the area that is identified for the playing field has been severely and frequently cleared for fire protection purposes. Even so, a cluster of walnuts and some established native shrubs remain. Replanting the area with grass would commit the area to introduced plants and a water pesticide and herbicide regime that is inconsistent with maintenance of chaparral. However, the grading proposed extends beyond the presently disturbed area in two or three locations, (up to 220 feet from the wall of the school), which is more that is cleared at present.

In seeking a coastal development permit for the work described in this project, the applicant had a vegetation survey prepared. On the applicant's property, the surveyor found only grasses and weeds. However, on the City property outside the Urban Limit Line, there were established, if stressed, native shrubs and a cluster of four mature walnut trees, constituting the remainder of a walnut woodland, a form of habitat that is increasingly rare in California. The streambed has also been "raked" and cleared. Because of impact by fire clearance, the report discounted the value of the habitat even on the City property but did indicate that walnut woodland, like many other assemblages of native plants are increasingly rare in California. The land up and above the fire clearance area is quite healthy, according to the applicant's consultant and to the staff ecologist.

The applicants' report distinguishes the plants found on the applicant's site, which were characterized as "remnants of the original plant community on the site." from the plants outside the Urban Limit Line, characterized as "the City property adjacent to the site." It stated

"Vegetation on the City property adjacent to the project site is a likely indicator that prior to disturbance the site could have been most closely characterized as California walnut woodland (Sawyer, 1995) the nature conservancy habitat program rank for this community is S-2.1. (Sawyer, 1995) This ranking indicates the community has less than 10,000 acres present statewide and is considered very threatened." The specific nature of the California walnut woodland on this site is characterized by a lack of large trunk diameter trees, an overstory height of approximately 15 feet, and a fairly even mix of four shrub tree species, California walnut, *Juglans californica*, Coast wedgeleaf ceanothus, *Ceanothus cuneatus fascicularii*, Toyon, *Heteromeles arbutifolia* and Lemonade Berry, *Rhus integrifolia*. Mexican elderberry, *Sambucus mexicana*, is also present in some numbers. The understory is largely absent, due to the prolonged absence of fire and dense growth and shade from the dominant continuous over story.

There is a small detention basin adjacent to the site to the south. ...Upstream of the detention-desilting basin is a grove of mature Coast live oaks along a small drainage course. The oaks form a continuous overstory. This area shows evidence of raking and regular maintenance, although significant leaf and branch litter was present. The understory of the oaks included poison oak, *Toxicodendron diversilobum*, Black berry, *Rubus* sp., Soft chess, *Bromus horaceus*, Purple sage, *salvia leucophyllia* and wild cucumber. No evidence of wet soils, waterborne debris or obligate wetland plant species was seen. " (See Exhibit 8 for additional material from report)

The report concluded that the site does not have "special value". It recommends that the development should avoid disturbance of the adjacent oaks and the adjacent streambed. It advises that introduction of a non-native invasive plant species adjacent to the native

plants in the streambed and the introduction of non-native invasive plant species adjacent to the native plant communities should be prohibited (Exhibit 8.)

The Commission staff ecologist visited the site in mid-summer, after fire clearance. He found that within 200 feet of the structures, where either City or the applicants had mowed to soil level, the trees stood in isolated clumps and that there was very little habitat value. On the steeper slopes where the buttress fill would be placed, there is dense brush, CSS habitat. The staff ecologist noted that school personnel had reported a mountain lion on the slope behind the school, a sign that the habitat preserved on City property was relatively undisturbed, and connected with other preserved areas in the Santa Monica Mountains. In fact the City property is adjacent to Topanga State Park on the north, separated only by a thin sliver of landslide that the successor to original developer, Headland Properties has retained, but has not developed. Topanga State Park is part of the Santa Monica Mountains National Recreation Area, which when complete, would form a connected system of undisturbed habitat and public recreation land from Ventura County to the Pacific Palisades (at Will Rodgers State Park into Ventura County and also eastward along Mulholland Drive, encompassing the ridges that surround Los Angeles and the San Fernando Valley.

The streambed is very close to the grading. The grading footprint for the field extends below the lip of the gully that protects the stream. The June 2001 staff report included a requirement recommended by the applicant's consultant to set grading back at least 25 feet from the top of the arroyo/gully that encloses the stream. A site visit revealed that at least at the corner of the field it would not be possible to limit grading to a line 25 feet outside the break in upper slope into the gully. The stream flows into a culvert, where it joins a remnant of Santa Ynez Creek along Palisades Drive. Plants that are found along streams, including oaks and walnuts are termed "riparian." The assemblage is rare in California, although there is a remnant of Santa Ynez Creek at various locations along Palisades Drive.

The applicant does not identify an area in which it would be possible to replace the four walnut trees, the "scrub oak" and the Toyon and the Mexican elderberries that are within the footprint of the field. The trees are found on gently sloping area at the toe of the much steeper main hillside. They are mature trees –the walnuts cover about 700 square feet of land –but not tall and they have small trunks. The applicant has hired a landscape architect, who has provided a landscaping plan that would replant some coast live oaks, but use bougainvillea, a non-native vine and a ceanothus cultivar at the edge of the wall.

The presence of a high occupancy structure at the toe of the slope has resulted in stress to the habitat due to the necessary fire clearance. Extending the line of clearance would remove the stressed habitat that is left. There are other conflicts between human occupancy and habitat. Fire clearance is one conflict. In addition, school employees have observed a mountain lion feeding on the deer that frequent the cleared area. While the applicants assert that the lion would not be interested in large groups of children due to

their noise, the Commission finds that extending human habitation farther into the habitat may increase conflicts. Putting a playing field next to a mountain lion habitat could result in pressure to remove the lions.

The Commission finds that the measures proposed by the applicant for streambed protection and replacement of the vegetation of the site are not adequate. The area described as "City property" in this report was dedicated as a park in order to protect the watershed land, which includes vegetation. The project would extend into areas of hillside cover, which have not yet been graded out. It would substitute watered, grass lawn for a somewhat depauperate area remnant of walnut woodland, and it would create an artificial edge to the natural habitat. . It would extend a hardened edge into relatively healthy habitat and remove more brush. The project would install vines, often invasive, next to habitat and water them, which encourage their growth. It is required by its City Conditions to use herbicides and pesticides to maintain the look of the lawn, a practice that can impact insects. It would increase human activity, often a factor in damage to habitat diversity. All these activities would further stress the habitat area and may not be consistent with its preservation.

The proposed project would also destroy several mature walnut trees, which are coastal resources. The consultant felt that four walnut trees were not enough to find that the area was a special area but stated that walnuts are a species of "special biological or ecological significance" due to their relative scarcity, and therefore are entitled to special protection under Section 30250. The Commission finds that it cannot find the project consistent with Sections 30230, 30231, 30240 and 30250 of the Coastal Act. The Commission finds the project as proposed is not consistent the Special Conditions and deed restrictions that it imposed in its action on the underlying permit A-381-78A

J. 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 (commencing with Section 30200).

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, and an unstable canyon, all private lands in the community were subdivided and built out. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. 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. In recent months the City has established an advisory committee to discuss a Local Coastal Program for Pacific Palisades. The committee is discussing issues such as the scale of new development, geologic safety, preservation of public views, water quality and access to and protection of recreational resources.

This project raises issues that may be of concern to the Commission when it addresses the Pacific Palisades Local Coastal Program. Since the adoption of the Coastal Act, public agencies have acquired land in the Santa Monica Mountains through purchase and through dedication during permit actions. Permits A-381-78 and A-390-78 resulted in the dedication of extensive tracts of mountain land in the Pacific Palisades portion of the Santa Monica Mountains. The State of California Department of Parks and Recreation accepted 568 acres as a result of permit A-381-78 alone (Exhibits 28 and 29.) In its acquisition of Los Liones Canyon the Department of Parks and Recreation purchased a canyon and trailhead that gives access to the hillside that overlooks the central portion of Santa Ynez Canyon and would overlook the proposed playing field. Access to these lands is often on fire roads entered at street ends or otherwise close to private residential development. Fortunately many of the trailheads are already protected by conditions of approval in the Commission's issued and vested coastal development permits. In many cases such access is dependent on the enforcement of prior permit conditions. Three trailheads providing public access to Topanga State Park, for example, gain access from residential streets that were subject to permit A-381-78. Preservation of open space lands, trails and trailhead parking in the face of predictable conflict between recreational visitors and the nearby residents, such as the Commission has seen in this case, would raise difficult planning and regulatory issues. The Commission finds that approval of this project as proposed could raise serious difficulties for the City in its efforts to prepare a Local Coastal Program that is consistent with the Coastal Act. Therefore the project as proposed must be denied.

K. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 which the activity may have on the environment.

There are other feasible alternatives or mitigation measures available other than those proposed by the applicants and by the Commission, which would lessen any significant adverse impact the activity, would have on the environment. These measures include the construction of a public park, the enhancement of passive trail use of the area, the opening of a streamside meeting area on City land to the public, the reduction of clearance of riparian vegetation as part of fire control. Calvary can investigate other recreational pursuits that do not require as much land and that do not require grading on dedicated parkland. There are other projects, such as narrow hand ball courts, exercise trails and picnic areas that can also provide public and private recreation and that are feasible. There is other land in the Headlands development that is dedicated for playing field purposes that could be cooperatively developed and would not be located in a school's "back yard." The project would have significant adverse impacts on the environment and would undermine the intended effect of an approved and vested permit – which has benefited the applicant. The Commission has reviewed alternatives and has concluded that the proposed project would have greater impacts on public recreation and access and on habitat than all alternatives.

The project is not the least damaging alternative. Even though the project is or could be conditioned to be consistent with the geologic safety, visual quality and marine habitat sections of the Coastal Act, it is not consistent with section 30210 or 30240 of the Coastal Act. There are other feasible alternatives or mitigation measures available, which would lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act as carried out in the certified Local Coastal Program and must be denied.

L. RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

As explained in the History of the Present Application at the beginning of this report, in the early stages of the Commission's processing of this application, Commission staff rejected the application, pursuant to Section 13166(a) of Title 14 of the California Code of Regulations, as an application for an amendment that would lessen the intended effect of an approved permit. That rejection was transmitted in a letter dated January 26, 2001 (the

"rejection letter"). Shortly thereafter, the applicant's counsel asked staff to reconsider its decision. In support of its request, the applicant focused primarily on the question of whether the proposed development was intended for "park purposes" and on procedural elements of how Section 13166 should be implemented. However, in a footnote, the applicant stated:

"The rejection letter also implies that the recreational use by church school students is somehow of a lower order than that of 'public' use. We believe that this bespeaks an implied animus toward the Church. As such, we believe the Commission may be in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ('RLUIPA'), 42 USC §2000cc."

Commission staff has now brought the application before the Commission, and the issue of RLUIPA's application has not been raised since this statement in February. Nevertheless, the Commission notes that its action is not based upon any animus toward the Church. Although the Commission does treat recreational use by church school students differently from public use, that is not because of any characteristic of the users, but only because such use constitutes an exclusive, private use. Any private use would be treated differently from public use, for the reasons stated in previous sections of this report.

Moreover, the Commission has reviewed the actual provisions of RLUIPA, which prohibit certain actions even if *not* based upon animus, to ensure that its actions are not in violation of federal law in any other way. Section 2 of RLUIPA ("Protection of Land Use as Religious Exercise"), 42 U.S.C. § 2000cc, contains four separate prohibitions on government action.⁶

Pursuant to that section, the Commission may not "implement a land use regulation . . ."

- "in a manner that imposes a substantial burden on the religious exercise of a[n] . . . institution, unless the imposition of the burden . . . (A) [furthers] . . . a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest" (RLUIPA Section 2(a));
- "in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution" (RLUIPA Section 2 (b)(1));
- "that discriminates against any assembly or institution on the basis of religion or religious denomination" (RLUIPA Section 2 (b)(2)); or
- "that (A) totally excludes religious assemblies from a jurisdiction; or (B) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction" (RLUIPA Section 2(b)(3)).

⁶ These prohibitions apply to all state agencies, including the Commission. 42 U.S.C. § 2000cc-5(4).

These sections are inapplicable, initially, because the Commission's action does not involve the implementation of a "land use regulation" as RLUIPA defines that phrase. RLUIPA specifically defines "land use regulation" to mean "a zoning or landmarking law . . . that limits or restricts a claimant's use or development of land . . . if the claimant has an ownership, leasehold, easement, servitude, or other property interest . . . or a contract or option to acquire such an interest." RLUIPA Section 8(5); 42 U.S.C. § 2000cc-5(5). The Coastal Act provisions implemented by the Commission's decision are neither zoning nor landmarking laws.

Furthermore, even if the Commission's action were to constitute implementation of a "land use regulation" for purposes of RLUIPA, it meets none of the four criteria listed above. Regarding the first prohibition, in RLUIPA Section 2(a), the Commission notes that its action imposes no substantial burden on the applicant's religious exercise. The proposed development is not designed to facilitate the exercise of religion (much less is it central to such exercise). Thus, denial of the proposal does not burden the applicant's exercise of religion, much less substantially burden it.

Secondly, with respect to RLUIPA Section 2(b)(1), the Commission's action treats the applicant on terms that are identical to those it would apply to any non-religious entity applying for the same development. Indeed, as the applicants pointed out in their February letter, the City of Los Angeles, a non-religious entity, is a co-applicant, and its presence did not cause the Commission to apply a different standard to the application. Although it is true that an application to create a sports field for general public use might be treated differently, that is not due to the fact that such an application could come from a non-religious entity. A religious entity could apply to build ballfields that would be open to the general public; in fact, it has been suggested that Calvary reach an agreement with the City that would make the ballfields essentially open to the public. Such an application could be treated differently because it would be for a fundamentally different sort of development. It is the nature of the proposed development, and the fact that it involves private, semi-exclusive use of the land, which is burdened by the existing permit conditions, rather than the nature of the applicant, that is critical to the Commission's decision.

Finally, the Commission's action does not discriminate against the applicant on the basis of religion or religious denomination, and it does not exclude or unreasonably limit religious assemblies or institutions from any jurisdiction. Consequently, the Commission concludes that its action is not in violation of the Religious Land Use and Institutionalized Persons Act of 2000.

M. UNPERMITTED DEVELOPMENT

In visiting the site, the staff discovered some development that had not been authorized:

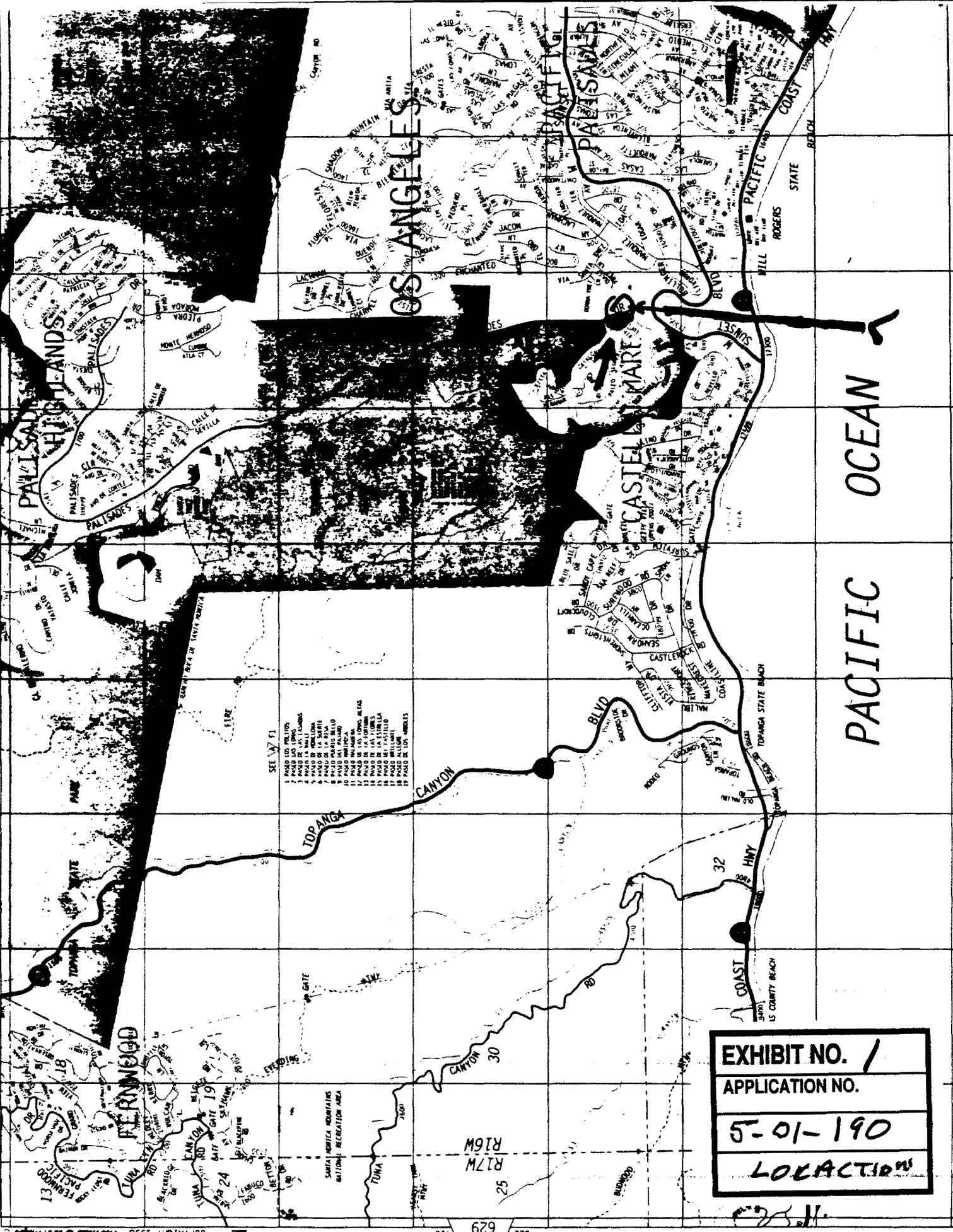
- 1) Fire clearance up to 200 feet of the structure. Fire clearance up to 100 feet from the structure, is contemplated in the permit A-381-78A. However, the condition addressing permitted uses on land outside the urban limit line, condition 1c states "vegetation within 100 ft. of any residential structure may be removed or altered for fire protection purposes." The condition addressing deed restricted land outside the urban limit line and condition 3 b. states that the recorded deed restriction "prevent(s) development outside the urban limit line except for park purposes."
- 2) Staff also observed an outdoor meeting area beside the stream, under the trees about 200 yards up the creek on city property. The development consisted of a low-key development with foot trails, had installed wooden benches in a small amphitheater accommodated about 30 people, and minimal grading.

Placement of benches on city park land in areas dedicated as part of this permit may be within the authority of the executive director to approve under the terms and conditions of permit A-381-78A. Had the City sought permission would have considered the project and determined whether or not a permit or a permit amendment was required. Under the categorical exclusion for public facilities, replacement of benches in city parks or maintenance of trails does not need a permit. The creation of a new meeting area does require review.

Fire clearance orders now require clearance more land than they did in 1978-1980. However staff often works with landowners to minimize habitat damage when they are carrying out fire clearance. In this instance, according to Calvary officers, City crews carried out the clearance. The fire clearance should have been presented to the staff to determine whether an amendment was necessary, and was not.

To ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission encourages the City and or Calvary to discuss these activities with staff and determine whether they were contemplated under the original permit, need a new permit, or could be exempt.

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



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EXHIBIT NO. /
APPLICATION NO.
5-01-190
LOCATION

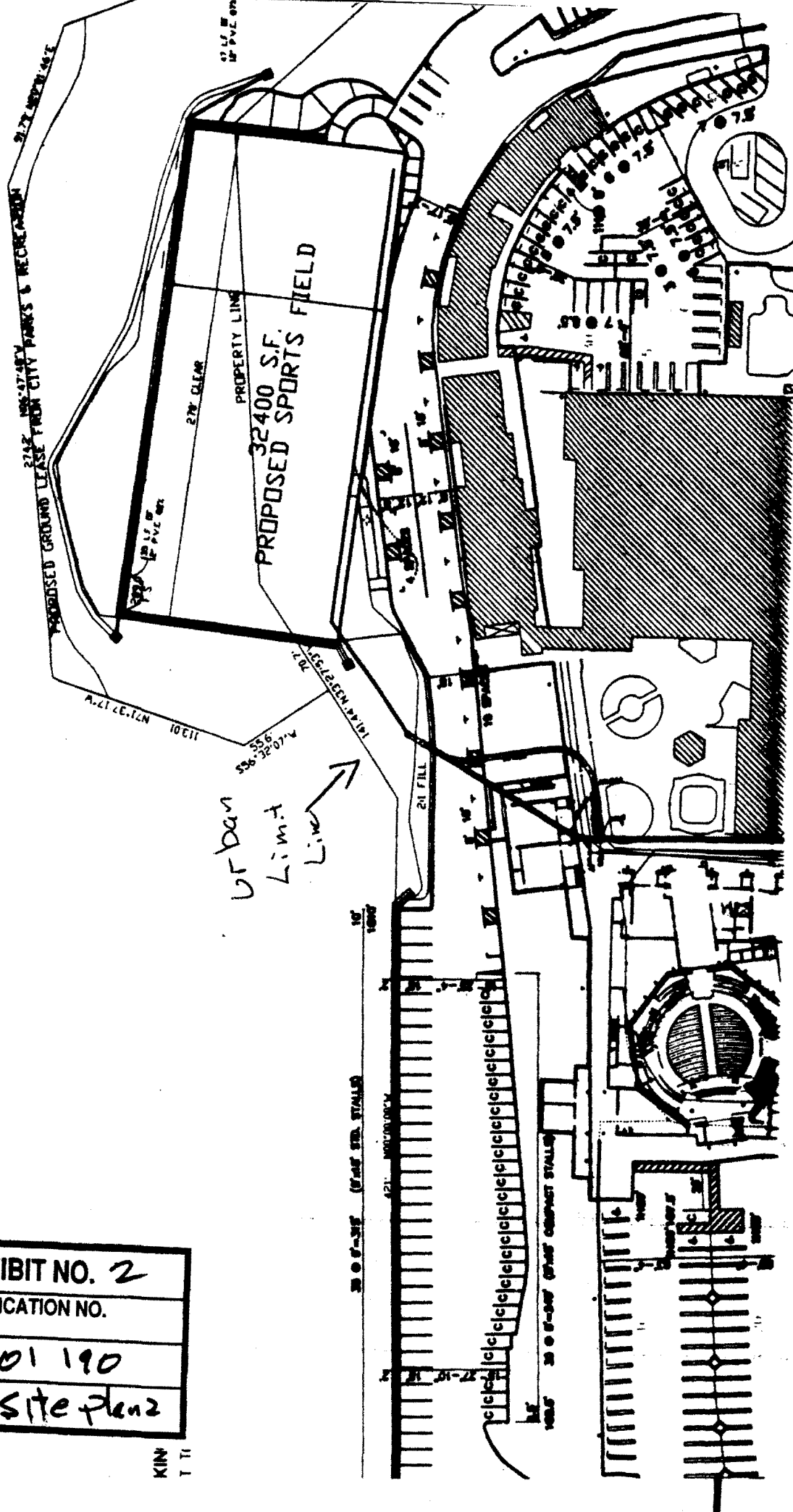
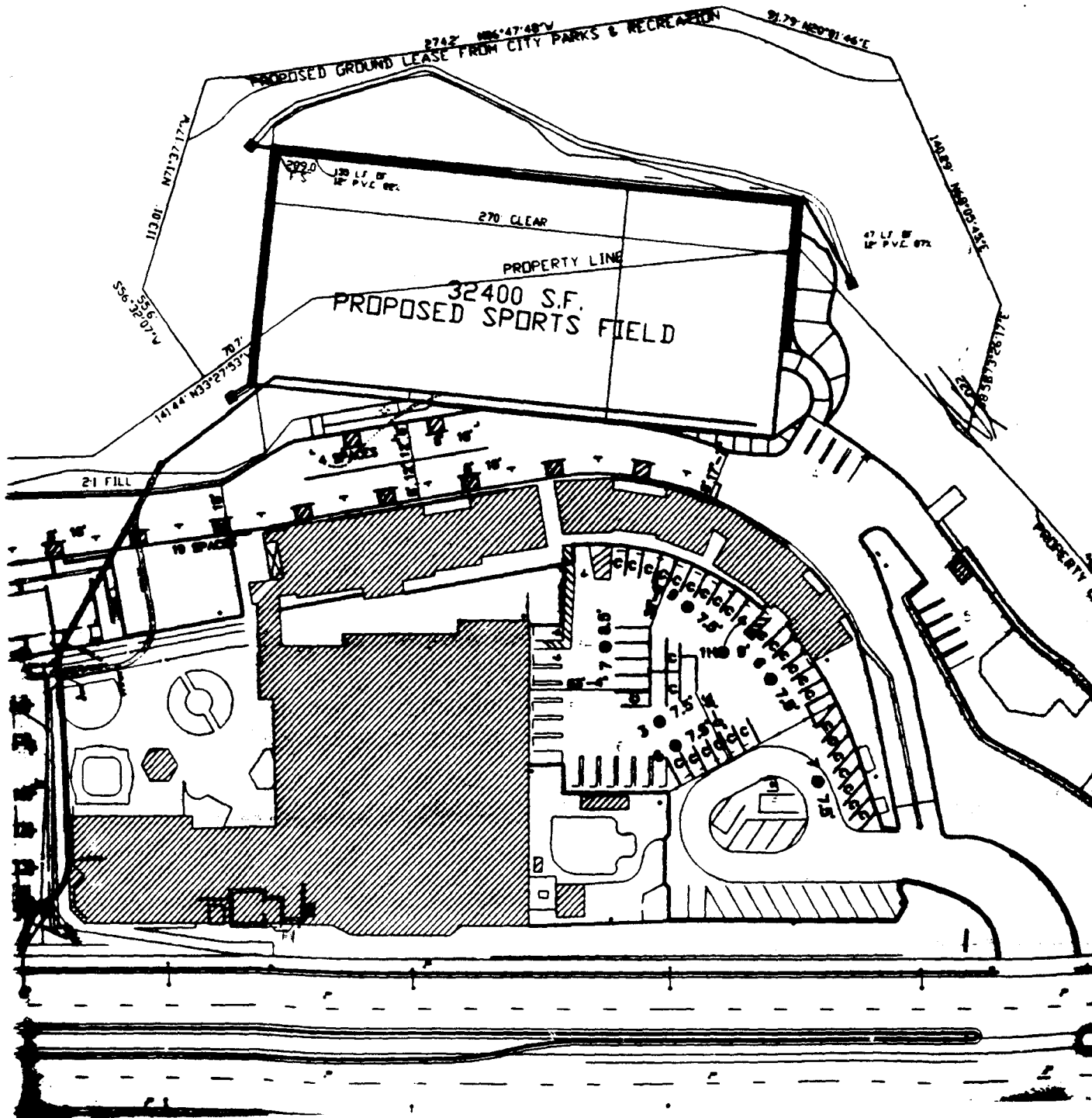


EXHIBIT NO. 3

APPLICATION NO.

5-01-190

site plan (1)



PALISADES' HIGHLANDS
GATEWAY PLOT PLAN
EXHIBIT B-2

COASTAL COMMISSION

5-01-190

EXHIBIT # 4

PAGE _____ OF _____

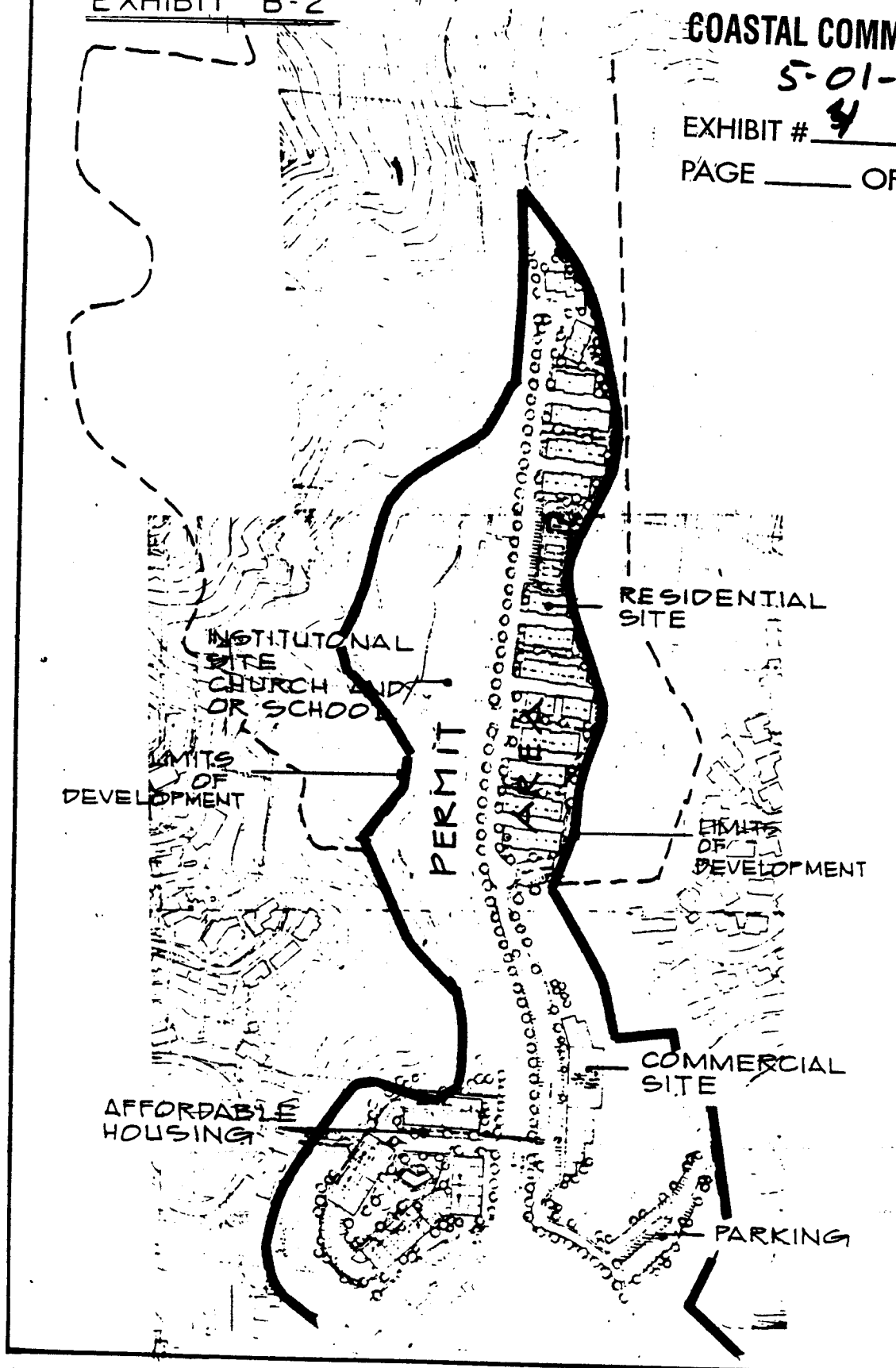


EXHIBIT "A"

OFFER OF DEDICATION AGREEMENT

PERMIT AREA

PALISADES HIGHLANDS
GATEWAY PLOT PLAN
EXHIBIT B-2

COASTAL COMMISSION

5-01-190

EXHIBIT # 5

PAGE OF

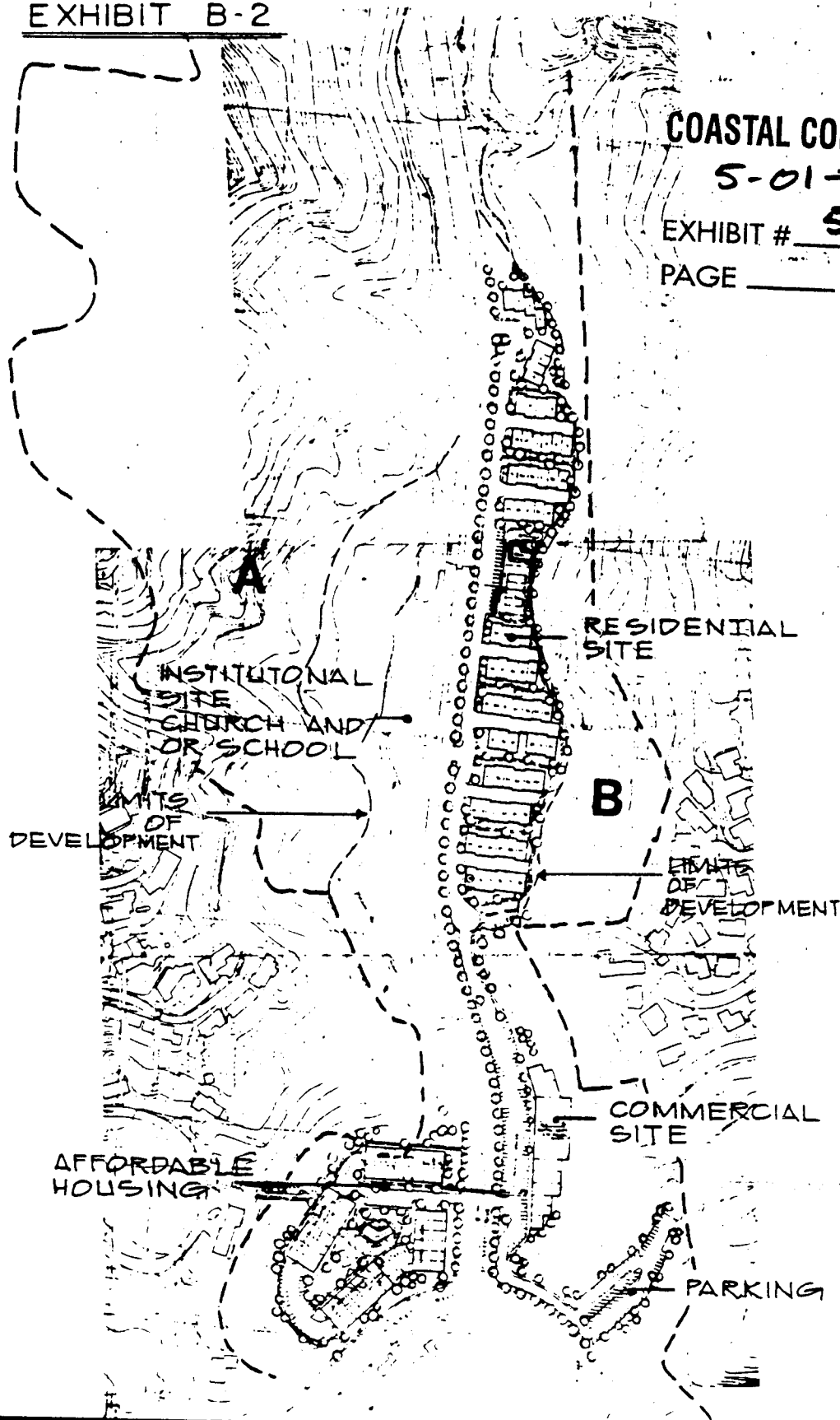


EXHIBIT "B"

DEDICATION AREA

OFFICE OF DEDICATION, Palisades

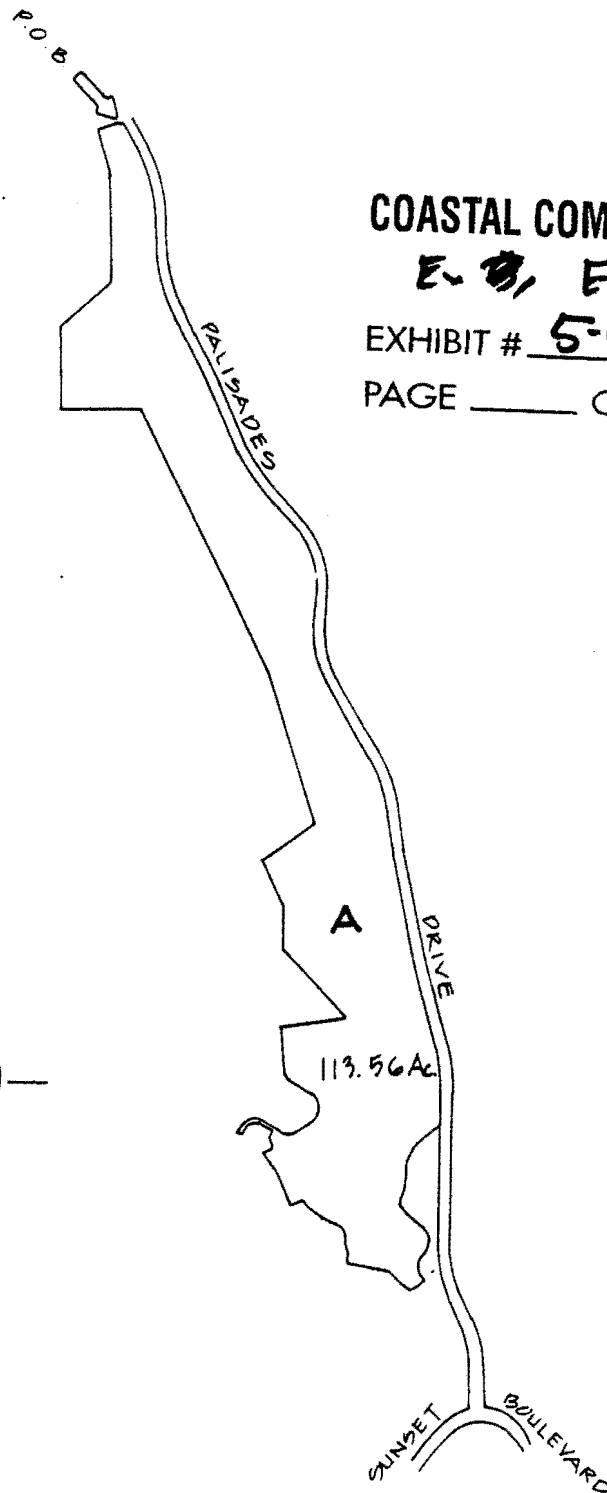
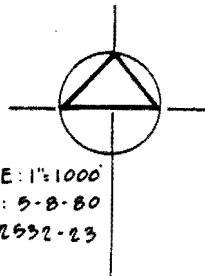
COASTAL COMMISSION

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EXHIBIT # 5-01-190 #6

PAGE ____ OF ____

SCALE: 1"=1000'
DATE: 5-8-80
W.O. 2632-23



PLAT TO ACCOMPANY LEGAL DESCRIPTION

"A"

OFFER OF DEDICATION AGREEMENT
Palisades Resources, Inc

RECEIVED
South Coast Region

September 1, 2000

JAN 9 2001

CALIFORNIA
COASTAL COMMISSION

Mr. Peter Douglas, Executive Director
Attn: Ms. Pamela Emerson
Los Angeles Area Supervisor
California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90802

Re: Request for Amendment to CDP 381-78 ("CDP") to Change the Urban Limit Line and Allow Grading for a Sports Field for Calvary Christian School, 701 Palisades Drive, Pacific Palisades, CA

Dear Ms. Emerson,

Calvary Church of the Pacific Palisades, dba Calvary Christian School ("Calvary"), and the City of Angeles Department of Recreation and Parks ("City"), jointly make this request for an amendment to the CDP to change the applicable Urban Limit Line ("ULL") to allow for the construction of a school sports' field and to allow the necessary grading needed for the construction of the field. Calvary and the City jointly make this request since the City owns the fee and Calvary will have a leasehold interest in the subject property.

A. Overview

Calvary operates a school serving approximately 430 children in preschool through 8th grade and desires to construct a middle school-sized sports field (the "Field") adjacent to its school to provide an on-site location for the school's athletic programs given the lack of available sports fields in the community. Although Calvary owns most of the land needed to construct the field, a small additional portion is needed from the City which is the adjacent property owner. The City's land was dedicated to them as part of the development of the Palisades Highlands and is outside the ULL. After long and complicated negotiations with the City, the community at large and the adjacent homeowners, Calvary and the City negotiated a Shared Use Agreement (the "Agreement"), providing for the long-term lease, at fair market value, of approximately 1/3 of an acre for the Field. The Agreement also provides for the shared use of the construction, of a larger 1.25-acre parcel (inclusive of the Field) for access and grading

COASTAL COMMISSION

5-01-1907
EXHIBIT # _____

PAGE 1 OF _____

purposes. As a condition of the lease, Section 5 provides for Calvary to make the field available for usage by the AYSO and YMCA organizations for soccer practices and camps, the Cub Scouts as well as specified use by the Department of Recreation and Parks. Section 19 prohibits artificial lighting, sound amplification and the installation of permanent seating.

The CDP includes an Urban Limit Line ("ULL") that you state follows Calvary's westerly property line, resulting in the City land being on the other side of the ULL. You have informed me that Conditions 1 and 2 of the CDP restrict grading and mandate unrestricted public usage outside the ULL. Condition 1 to the CDP states, "All grading, structural development, and subdivided lots shall be located entirely within the Urban Limit Line" The Dedication language in Condition 2 of the CDP permits only usage for park purposes beyond the ULL.

B. Amendment Request

The specific request is to amend the CDP as follows:

- 1) Relocate the ULL to be approximately coincident with the limits of grading as shown on the Sports Field Grading Plan dated August 23, 2000, prepared by VTN West, Inc., permitting Calvary to grade a portion of the Parcel for a sports field.
- 2) To provide public usage of the field as limited by the language contained in the Agreement.

C. Background

Prior to 1988, Calvary Church was located on Via de la Paz in the village of Pacific Palisades. For many years, it had desired to relocate but found it difficult to locate a suitable site. In 1988, Calvary reached agreement with the Headlands Corporation to acquire an approximate 7.5 acre parcel on Palisades Drive to relocate its church facility as well as to construct an elementary school. Due to the configuration of the land adjacent to the side of the canyon slope and the terms of the CDP which had been negotiated with Headlands, Calvary purchased the maximum amount of land available from Headlands.

Calvary then proceeded to construct an elementary school-serving preschool through the 5th grade. After several years, it became apparent that Calvary's initial goal to limit its school to the 5th grade needed to be revised due to the community's demand for additional grades to serve children until they were ready to enter high school. Calvary then completed the second and final phase of its school building construction, adding room for grades 6th through 8th. While the addition of the middle school met the strong demand of the community, it presented the need to develop larger sports' facilities to serve the needs of the older and bigger middle school students. That need resulted in the plan for a sports

field to be constructed along the west side of Calvary's property with the addition of a small portion of land so that the field would be regulation-sized for middle school soccer and football, but less than one-third to one-half the size of a regulation-sized soccer or football field.

Calvary first contacted the City in August 1997 to inquire about land for a sports field. Concurrent with its City negotiations Calvary also sought input from the community. Meetings were held and input obtained from community leaders, i.e., Rubbell Helgeson, Frank Wilson, Randy Young and Kurt Toppel, as well as representatives from Councilwoman Miscikowski's office. Additionally, Calvary held numerous meetings and obtained input from residents in the adjacent Miramar Estates and Sea Ridge homeowner associations. Extensive negotiations occurred with the Sea Ridge leaders with Calvary making compromises to its plan that eventually resulted in a letter from the Sea Ridge Board in support of the field. Calvary met with YMCA Executive Director, Connie Maguire, and AYSO Regional Commissioner, Debbie Held, and extended the church and school's offer of complimentary usage of the field by their respective organizations. On three occasions Calvary appeared before the Pacific Palisades Community Council and, at their meeting of June 24, 1999, the council unanimously "approved the plan in concept and applauded Calvary's effort in promoting more availability of recreational space."

As a result of these long and complicated negotiations, which sought to balance the needs of the community at large for access to recreational areas against the needs of Calvary's use of the field in connection with the conduct of its school and church and the needs of Calvary's immediate neighbors, a compromise was reached regarding the amount of access to the Field and the conditions under which it would be operated. This agreement between Calvary, its immediate neighbors, the City, and the community reflects an effort to provide public access to property which was previously inaccessible and usable only as open space, and thus increase the usable recreational space available to the community and the public at large.

D. Entitlements

The following summarizes the entitlement status with the City.

1. Recreation & Parks Commission - Shared Use Agreement approved on 10/6/99
2. Planning Department - Conditional Use Permit approved on 1/28/00
3. Cultural Affairs Commission - Landscaping for retaining walls approved on 2/17/00
4. City Council - Approval forthcoming, awaiting minor language revision to the Agreement.

E. Engineering Design / Plan Check

1. Haul Route - Approved by the City on 6/27/00

2. Geotechnical/Soils Report - Approved by the City on 7/10/00
3. Grading Plan - Plan checked and ready to be approved by the City subject to some signoffs, including Planning Dept. which is awaiting State approval
4. Structural Design - Preliminarily designed, subject to revisions once the grading plan is approved
5. Landscape Design - Completed

F. Field Design

The proposed sports field is planned for an area along the westerly boundary of Calvary's property which presently is landlocked and has no public access. While the area is sufficiently flat to permit the construction of the sports field, the slope of the canyon walls quickly becomes too steep for use and, like most of the canyon north of Calvary's property is presently unusable as recreational space and is usable only as open space. After lengthy negotiations with Calvary's adjacent homeowners' associations and City representatives, the height of the field was established at a level that would conceal the field behind the existing school buildings and thus reduce the impact of noise from field activities. As a condition of the Agreement with the City, Calvary has agreed to provide public access to the field across its property and to make suitable arrangements for security, insurance and maintenance resulting from the agreed public uses. As a result, if an amendment to the CDP is granted, a portion of public land only usable as open space would become accessible to the public and available for recreational purposes in a manner which reflects a compromise between the needs of the community at large and the needs of Calvary and the adjacent homeowners.

As you will note from reviewing the Sports Field Grading Plan, the Field will be 120 feet x 270 feet. Most of the 32,400 sq. ft. Field, as it will be finally constructed, is located on Calvary's property with only 15,000 sq. ft. overlapping the City property and the present ULL. The terms of the Agreement with the City allow for an initial lease during construction of a 1.25-acre parcel to permit room for construction. Once construction is completed, the size of the leased parcel will be reduced to the actual size of the field pursuant to Paragraph 2.B(2) of the Agreement. The retaining walls will be landscaped with Boston Ivy and Creeping Fig which, in a reasonably short period, will substantially cover the walls and present a pleasing appearance to the adjacent neighbors. Additionally, these retaining walls and the necessary grading for the construction of the Field will enhance the stability of the natural slopes above the Field and will provide for an improvement in the drainage of the slope.

The construction of the Field will also increase fire safety in the area by providing better access to the property beyond the ULL by fire safety equipment and personnel, and the Field provides a potential landing area for helicopters for emergency purposes only.

G. Public Usage

In view of Condition 2 to the CDP which requires public usage of the property outside the ULL, and reflecting the principles used in Calvary's prior agreement with the Coastal Commission to make a portion of its parking lot available for beach goers during normal daylight hours (CDP A-381-78A6), Calvary engaged in extended negotiations with adjacent homeowner associations and community groups and was ultimately able to reach a compromise to satisfy the City's Department of Parks & Recreation demand for public use of the leased property even though that would mean that Calvary's private property bear the burden of public use and the nearby homeowners would also have to contend with additional traffic, noise and disruption due to the impact of the public uses. After considerable negotiations, and the helpful intervention of Councilwoman Miscikowski's office, Calvary was able to reach agreement with the City and adjacent homeowners to provide for the public uses which occur in all seasons of the year except the winter rainy season. Calvary will make its Field available for 47 public uses throughout the year by the AYSO, YMCA and Cub Scout organizations in addition to six public uses by the City of Los Angeles Department of Recreation & Parks. This required public usage is contained in Section 5 of the Agreement.

H. Environmental Benefits

Palisades Park, located in the heart of the Palisades' village, is the only unrestricted public park serving the community. On any given school day in the mid- to late-afternoon hours, the field is significantly impacted by local schools' athletic activities. A typical weekday in the fall would most likely include practices or games by Calvary's 'A' and 'B' flag football teams, the flag football teams of Corpus Christi and Village School, in addition to one or two AYSO soccer practices. Additionally, this fall the City is planning to have its own flag football league using this field. Calvary, located on Palisades Drive off the west end of Sunset Blvd., is located 2 miles from the village and its parents need to drive the boys and girls to the football practices, impacting village traffic during the area's peak times. By having its own field available for practices and games, Calvary will provide much needed relief to the public resources at Palisades Park and alleviate traffic in the village area and on Sunset Boulevard.

In furtherance of Calvary's environmental studies curriculum for its students, the administration and faculty want to enhance the proliferation of wild life along the school's adjacent hillside. To that end Calvary is interested in maintaining a water guzzler and salt lick in a shaded location suitable as a rest area for the deer and small mammals and would commit to do so with the construction of its field.

COASTAL COMMISSION

EXHIBIT # 7
PAGE 5 OF 6

I. Fundraising Effort

Given the late stage of the progress of this project, Calvary's school foundation has completed raising the estimated \$1.7 million to construct the sports field.

J. Conclusion

Specific questions regarding this request may be addresses to the following:

Calvary Church of Pac. Palisades
c/o Wadsworth Associates LLC
Attn: Jim Wadsworth, Principal
2716 Ocean Park Blvd. #1010
Santa Monica, CA 90405
Tel: (310) 314-2407

Dept. of Recreation & Parks
City of Los Angeles
Attn: Maureen Tamuri, Assistant General
Manager for Planning and Construction
200 N. Main Street, Room 709
Los Angeles, CA 90012
Tel: (213) 485-9999

Thank you, Ms. Emerson, for considering our request.

Respectfully,

Calvary Church of Pacific Palisades, Inc.



James Ingram, President

Dept. of Recreation & Parks
City of Los Angeles



Maureen Tamuri, Assistant General Manager

Copy (w/o submittals): Councilwoman Cindy Miscikowski

Submittals

1. Legal Description for the approximate 1.25-acre parcel dated August 22, 2000, prepared by VTN West, Inc.
2. Sports Field Grading Plan dated August 23, 2000, prepared by VTN West, Inc.
3. Calvary Christian School Sports Field digital rendering.
4. City of Los Angeles Building & Safety Haul Route Approval dated 7/26/00.
5. City of Los Angeles Soils/Geology approval dated 7/10/00.
6. Geologic and Geotechnical Engineering Report dated 4/21/00, prepared by GeoSoils Consultants, Inc.
7. Conditional Use Agreement ZA 85-1219 Approval of Plans dated 1/28/00.
8. Shared Use Agreement draft dated 9/___/99.
9. Pacific Palisades Community Council minutes of June 24, 1999.

COASTAL COMMISSION

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EXHIBIT # 7

PAGE 6 OF 6



VTN West, Inc.
PLANNERS ENGINEERS SURVEYORS

Lloyd A. Poindexter, P.E.
William D. Egerdahl, P.E.
William S. Kish, L.S.
R. Eric Taylor

October 5, 2000

COASTAL COMMISS.

5-01-190

EXHIBIT # 8

PAGE 1 OF 3

Mr. Peter Douglas, Executive Director
Attn: Ms. Pamela Emerson
Los Angeles Area Supervisor
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90805

RE: Biological Survey, Proposed Sports Field at the Calvary Church of the Pacific Palisades
VTN Ref. No. 6158-5

Dear Ms. Emerson,

Per your request, we did a biological field investigation and literature search of the proposed sports field site at the Calvary Church in Pacific Palisades. We understand this survey is necessary for the Church and the City to use as a part of their application to the California Coastal Commission for a Coastal Development Permit (CDP). The findings, below, are a result of this investigation. Note that exhibits and photos made for the CDP filing may be used to reference this report so no additional exhibits have been made to accompany this text.

SITE DESCRIPTION

The project site for development is a total of approximately 0.7 acres, located on the east facing side of Santa Ynez Canyon, approximately 1400 feet north of Sunset Boulevard in the Pacific Palisades. Most of the site is within the property currently built and used as the Calvary Church and School. The remainder of the site is a small portion of the hillside owned by the City of Los Angeles Department of Recreation and Parks and is designated Open Space by the City. The Church and School grounds include several buildings, parking lots, landscaping and small playgrounds. The church and school site front on Palisades Drive, a four lane collector road built on what once was the streambed of Santa Ynez Canyon. This streambed was replaced with a large concrete box culvert which is located beneath the roadbed of Palisades Drive.

Regional Setting - Regionally, the church portion of the project site is part of a complex of residential, commercial and this institutional use clustered at the bottom of Santa Ynez Canyon in the Santa Monica Mountains. These developed areas are surrounded by a peninsula of mostly natural habitat of approximately 300 acres that extends into the developed area of Pacific Palisades. The biological value of this 300 acres has been severely degraded by the removal of surface water and riparian habitat as a result of the channelization of the creek and construction of Palisades Drive (built in the late 1960's), the presence of surrounding development on three sides and introduction of non-native species such as the stand of Canary Island Pines, *Pinus canariensis*, adjacent to this site. This habitat area is connected to the larger area of natural habitat of the Santa Monica Mountains to the north only along the sides of Santa Ynez Canyon.

6946 Van Nuys Boulevard, Suite 100, Van Nuys, California 91405-3963

TEL 818.779.8740

FAX 818.779.8750

E-MAIL vtnwest@aol.com

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PAGE 2 OF 3

Site Vegetation - Most of the vegetation on the site are non-native species typical of disturbed sites. The major species encountered during a site visit on August 21, 2000, were:

Ricinus communis - castor bean
Marah macrocarpus - wild cucumber
Marrubium vulgare - horehound
Nicotiana glauca - tree tobacco
Bermuda sp. - bermuda grass
Heteromeles arbutifolia - toyon
Malva parviflora - cheeseweed
Brassica nigra - black mustard
Mimulus aurantiacus - sticky monkeyflower
Juglans californica - California walnut
Cercocarpus betuloides - birchleaf mountain mahogany
Quercus berberidifolia - scrub oak
Cortaderia selloana - pampas grass
Sambucus mexicana - Mexican elderberry

There was no dominant over story or evident dominant plant community. Most of the area is trampled and bare. Most plants existed as individuals. Eleven small trees/shrubs were observed within the grading area. These included three Toyon (*Heteromeles arbutifolia*) with multiple trunks three inches in diameter at breast height (DBH), three California Walnut (*Juglans californica*) trees with multiple trunks at 7 inches DBH, three Mexican elderberry (*Sambucus mexicana*) trees with multiple trunks at 9 inches DBH, one Birchleaf Mountain Mahogany (*Cercocarpus betuloides*) shrub at 2 inches DBH, and one scrub oak (*Quercus berberidifolia*) at 3 inches DBH. We suspect these species are remnants of the original plant community from this site. The soils were alluvial and one evident rock outcropping of conglomerate was seen. The rock outcroppings were carefully searched for presence of Santa Monica Mountains Dudleyea, *Dudleyea cymosa ovatifolia*, a federally Threatened species. This plant is reported in the current California Fish and Game Natural Diversity Database (NDDb) for this area on "...east facing moss covered conglomerate rock." There were no mosses present, or any other plants on the rock on this site. The site was also searched for the other species listed in the NDDb that possibly matches this site's characteristics, Braunton's Milk Vetch, *Astragalus brauntonii*. This species prefers disturbed sites or recent burns on gravelly clay soils over granite or limestone. No plants were seen. The site's soils are sandy alluvium and no evidence of fire for many years was noted.

Vegetation on the City property adjacent to the project site is a likely indicator that prior to disturbance, the site could have been most closely characterized as California Walnut Woodland (Sawyer, 1995). The Nature Conservancy Heritage Program rank for this community is S-2.1 (Sawyer, 1995). This ranking indicates the community has less than 10,000 acres present, statewide and is considered "very threatened". The specific nature of the California Walnut Woodland on this site is characterized by a lack of large trunk diameter trees, an over story height of approximately 15 feet, and a fairly even mix of four shrub/tree species, California

Walnut, *Juglans c. californica*, Coast Wedgeleaf *Ceanothus*, *Ceanothus cuneatus fascicularii*, Toyon, *Heteromeles arbutifolia*, and Lemonade Berry, *Rhus integrifolia*. Mexican elderberry, *Sambucus mexicana*, is also present in some numbers. The under story is largely absent due to the prolonged absence of fire and dense growth and shade from the dominant, continuous over story. There is often one foot or more of litter from the shrubs on the ground and lower branches.

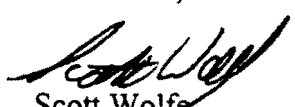
There is a small detention/ desilting basin adjacent to the site to the south. Evidence of recent maintenance of the basin included scraping of silt, and accompanying plant material, if any. Upstream of the detention/ desilting basin is a grove of mature Coast Live Oaks along a small drainage course. The oaks form a continuous over story. This area shows evidence of raking and regular maintenance, although significant leaf and branch litter was present. The under story of the oaks included Poison Oak, *Toxicodendron diversilobum*, Blackberry, *Rubus* sp., Soft chess, *Bromus horeaceus*, Purple sage, *Salvia leucophylla* and Wild cucumber, *Marah macrocarpus*. No evidence of wet soils, waterborne debris or obligate wetland plant species were seen. There is a noticeable bed bank and channel of approximately three feet wide at the base of the bank. The proposed project does not have grading of the streambed.

Animals - No species were observed during our site visit other than very common bird species (scrub jays, common crows). We reviewed the NDDB and found no likely matches, although the Canary Island Pines located approximately 300 feet southwest of the site might be suitable for Monarch Butterfly roosts. The disturbed nature of the project site and the dense, unburned nature of the adjacent native plant communities does not lend us to expect many animal species to be present. The lack of connection of the site to nearby water and the surrounding developed areas do not make the site important for animal movement.

Recommendations - The site does not have any special value for native biological communities. No special status plants or animals were observed or are expected to occur. Impacts to adjacent California Walnut Woodland are expected to be minimal and this community is currently degraded, significantly, due to lack of fire, overgrowth and development intrusions. The development should avoid disturbance to adjacent oaks and the adjacent streambed. Introduction of non-native invasive plant species adjacent to the native plant communities should be prohibited.

We hope this report and review assist you in properly designing your project.

Very truly yours,
VTN West, Inc.


Scott Wolfe
for Eric Taylor
Senior Vice President

ET:sjb

COASTAL COMMISSION

EXHIBIT # 5-01-190-8

PAGE 2 OF 3



CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

COASTAL COMMISSION

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EXHIBIT # 9

PAGE 1 OF 2

25 April 2001

GEOLOGIC REVIEW MEMORANDUM

To: Pam Emerson, Los Angeles Area Supervisor
From: Mark Johnsson, Senior Geologist
Re: Review of geotechnical response to CCC comments, Calvary Church

I have reviewed the following document, which is a response to my geologic review memorandum of 28 March 2001:

GeoSoils Consultants Inc. 2001, "Response to California Coastal Commission geologic review memorandum, dated March 28, 2001, regarding GeoSoils Consultants, Lot 1, parcel Map 5372, 701 Palisades Drive, Pacific Palisades, California for Calvary Church", 6 p. geologic report dated 12 April 2001 and signed by D. D. Yoakum (GE 918) and R. F. Ruberti (CEG 1708).

In addition, I spoke with Mr. Roberti by telephone on 4 April 2001, and he was able to clarify several questions I had posed in my memorandum.

The document referenced above adequately addresses the concerns raised in my 28 March memorandum. Most significant are a new set of slope stability analyses that demonstrate the gross stability of two slopes above the proposed playing field and parking lot.

More specifically, the report addresses each of the seven items enumerated in my 28 March memo as follows:

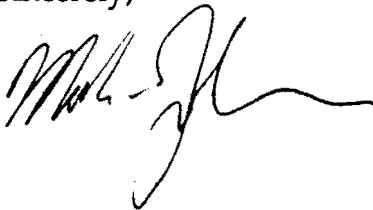
- 1) The cohesion and friction angles used in cross section B-B' are, appropriately, those determined from direct shear tests on Sespe Formation samples from a boring reported on in the 21 April 2000 GeoSoils report. The slope stability analyses corresponding to cross-section A-A', now make use of appropriately referenced data for the Martinez Formation, which underlies that slope. I had originally been concerned that shear strength data from materials in boring B-1 were not used in the slope stability analyses. Although not clearly identified in the earlier report, Mr. Ruberti pointed out to me that the materials encountered in boring B-1 are artificial fill, and no such fill is found in the slope. The cohesion and friction angles used in the revised slope stability analyses are therefore acceptable.

- 2) The unit weights used in the revised slope stability analyses are now supported by appropriate test data.
- 3) Because the strike of bedding is at a high angle to the slopes above the proposed bedding, circular failure surfaces are acceptable.
- 4) Pseudo-static slope stability analyses were performed with this submittal, and demonstrate an adequate factor of safety under seismic loading.
- 5) The revised slope stability analyses make adequate allowances for pore-water pressures within the slopes. Pore water need not be considered in the dense formational units.
- 6) Correcting the "negative effective stress at base of slice" warning by reducing the cohesion value is acceptable.
- 7) Bedding attitudes were, in fact, provided on the original submission; Mr. Ruberti pointed out their locations on the geologic map.

The revised set of slope stability analyses demonstrate that the slopes above the proposed development will be grossly stable. The presence of extensive slope wash deposits indicate that they are subject to periodic debris flows and/or rock fall, which could pose a hazard. In my opinion, this hazard will be adequately mitigated against by condition of the City of Los Angeles, Department of Building and Safety letter of 10 July 2000. As pointed out in that letter, the proposed development is in an area that has been designated as a debris containment area. Accordingly, maintenance of the debris fence and the periodic removal of accumulated material will be necessary. I recommend that such maintenance be attached as a special condition to any Coastal Development Permit issued.

I hope that this review is helpful. Please do not hesitate to contact me if you have any questions.

Sincerely,



Mark Johnsson
Senior Geologist

COASTAL COMMISSION

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EXHIBIT # 9

PAGE 2 OF 2

**SHARED USE AGREEMENT
BETWEEN CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS
AND
CALVARY CHURCH OF PACIFIC PALISADES INC.**

This Shared Use Agreement ("AGREEMENT") is made and entered into this 25th day of April, 2001, by and between the City of Los Angeles, a municipal corporation acting by and through its Board of Recreation and Park Commissioners (hereinafter referred to as "CITY"), and the Calvary Church of Pacific Palisades Inc., doing business as Calvary Christian School (hereinafter referred to as "CALVARY").

WITNESSETH

WHEREAS, CITY owns certain land included in what is known as Santa Ynez Canyon Park, situated in the City of Los Angeles, County of Los Angeles, State of California, 1.25 acres of which is legally described in Exhibit "A" attached hereto and made a part hereof, together with all easements and rights appurtenant thereto, if any (the "PROPERTY");

WHEREAS, CALVARY owns property on which it operates a school immediately adjoining the PROPERTY; and

WHEREAS, CITY approves and fully supports CALVARY's sharing the PROPERTY for the purpose of constructing a playing field ("FIELD"), as set forth herein;

WHEREAS, the interests of the public will be served by CALVARY's use of the PROPERTY, including the construction of a portion of the FIELD thereon, creating a usable portion of land from an otherwise unimproved hillside; and,

WHEREAS, the CITY and CALVARY desire to share the FIELD by making it available to the public for certain specified purposes and at certain specified times.

NOW, THEREFORE, for and in consideration of the covenants and conditions contained herein and the performance thereof, the parties hereto mutually agree as follows:

1. TERM

The term of this AGREEMENT shall be for twenty-five (25) years from the date of execution, with an additional twenty-five (25) year option to extend in favor of Calvary provided in Section 18 below.

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2. FEE FOR USE

A. INITIAL FEE

The initial fee for use of the PROPERTY (the "INITIAL FEE") shall be \$100.00 payable to the CITY on the first of each month, commencing after (1) all governmental agencies, including CITY Council, have approved the AGREEMENT and (2) all permits necessary to construct the FIELD have been obtained. The INITIAL FEE shall continue until CALVARY notifies the CITY that all fund-raising has been completed, a building permit has been issued and construction of the FIELD has commenced, whereupon the BASIC FEE described in Section 2.B. below shall become effective (the "Basic Fee Commencement Date"). CALVARY shall deliver such notice promptly after each and all of the above-referenced events shall have occurred.

B. BASIC FEE

(1) The basic fee for use of the PROPERTY by CALVARY ("BASIC FEE") shall be \$600.00 per month, commencing on the Basic Fee Commencement Date, provided, however, that the BASIC FEE shall begin no later than two years after commencement of the INITIAL FEE and provided further that the BASIC FEE shall be adjusted in accordance with Section 2.C. below. The BASIC FEE shall be in lieu of, and not in addition to, the INITIAL FEE.

(2) Notwithstanding anything contained herein to the contrary, following the completion of construction of the FIELD, CALVARY shall reduce the size of the PROPERTY to a size which will reasonably accommodate CALVARY's use of the FIELD. Before any use of the FIELD for any school activities other than construction and cleanup, CALVARY shall furnish CITY with a notice that the construction of the FIELD has been completed and that a Certificate of Occupancy or other document evidencing CALVARY's right to use the FIELD has been issued for the FIELD, accompanied by a modified legal description showing that portion of the PROPERTY which is necessary to reasonably accommodate CALVARY's use of the FIELD. Effective on the first day of the calendar month following delivery of such notice to CITY, the BASIC FEE (and any adjustments made pursuant to Section 2.C. below) shall be reduced in the proportion that the area surrendered to CITY bears to the total area of the PROPERTY utilized by CALVARY under this AGREEMENT, but in no event shall the BASIC FEE be less than \$400. CITY and CALVARY shall then execute an amendment to this AGREEMENT by which the revised legal description is substituted for Exhibit "A" attached hereto.

C. ADJUSTMENT OF BASIC FEE

The BASIC FEE under Section 2.B. above shall be adjusted every two (2) years commencing on the second anniversary of the Basic Fee Commencement Date

and every two (2) years thereafter (each, an "Adjustment Date") during the term of this Lease to reflect percentage increases or decreases, if any, in the cost of living as provided below. The BASIC FEE shall be multiplied by a fraction, the numerator of which is the U.S. Department of Labor Consumer Price Index for Urban Wage and Clerical Workers (All Items) Unadjusted, Los Angeles/Anaheim/Long Beach Metropolitan Area (1982-4 = 100) (the "Index") published for the calendar month preceding the month in which an Adjustment Date occurs (the "Adjustment Index Figure") and the denominator of which is the Index published for the month in which this Agreement commences (the "Base Index Figure"). When the Adjusted Basic Fee is determined after each Adjustment Date, the CITY shall within three (3) months following the respective Adjustment Date give CALVARY written notice indicating the amount thereof and the method of computation. Such adjustment shall be retroactive so as to be effective as of the respective Adjustment Date. If the Index shall cease to use 1982-4 as the base year, the Index shall be converted in accordance with the conversion factor, if any, published by the United States Department of Labor, Bureau of Labor Statistics. If the Index (or the components comprising such Index) is materially changed or discontinued, CITY shall be entitled to substitute the official Index published by the Bureau of Labor Statistics (or successor thereto or similar governmental agency as may then be in existence) as the most nearly equivalent thereto.

3. OWNERSHIP

CALVARY and CITY agree that title to the PROPERTY is and shall remain in the CITY and that any and all improvements constructed thereon, whether existing now or to be installed hereafter, are and shall remain the property of the CITY, subject to this AGREEMENT.

4. CALVARY'S USE OF PROPERTY

CALVARY shall enjoy exclusive and uninterrupted use of the PROPERTY and FIELD except as otherwise expressly provided in Paragraph 5, below.

5. PUBLIC USE OF PLAYING FIELD

The FIELD shall be open to the public uses specified in Section 5A below and to such other and further uses pursuant to Section 5B below as may be approved by CALVARY and which are not inconsistent with CALVARY's use of its property.

A. Specified Annual Public Uses

- (1) **April, May, June:** The FIELD shall be available to the YMCA Youth Soccer League for practices on Friday afternoons from 4:00 p.m. to 6:00 p.m.

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12 x 6 x 10
P3

- (2) **June, July, August:** The FIELD shall be available to YMCA Youth Specialty Soccer Camps for one week each month, Monday to Friday, for half-day sessions (i.e., 9:00 a.m. to 1:30 p.m.).
- (3) **September, October, November, December:** The FIELD shall be available to AYSO Region 69 "K" League for practices on Friday afternoons from 4:00 p.m. to 6:00 p.m. in **September and October** and from 4:00 p.m. until dark in **November and December**.
- (4) Additionally, the FIELD shall be available two Saturday afternoons each year, 12:00 p.m. to 5:00 p.m., to Cub Scout packs for physical fitness and sports achievement requirements. The FIELD shall be available only to Cub Scout packs in the Pacific Palisades community, including packs in public as well as private schools.
- (5) **January, February, March:** Because of the potential for cold and inclement weather, no public uses are specified. Any use shall be in the sole discretion of CALVARY.
- (6) The above-named groups in the above "Specified Annual Public Uses" do not have an exclusive or vested right to use the FIELD. In the event that an above-specified user will not use the FIELD, or fails to comply with all the CALVARY Rules and Regulations for Public Use of the FIELD, CALVARY may substitute another group to use the FIELD so long as such substitute group agrees to comply with all the CALVARY Rules and Regulations for Public Use of the FIELD.

CALVARY reserves the right to modify the Specified Annual Public Uses should they conflict with CALVARY's private use of the FIELD, in which event CALVARY shall endeavor to accommodate the Specified Annual Public Uses by permitting them to occur at some other time which does not conflict with CALVARY's use of the FIELD.

B. Additional Public Uses.

In addition to the Specified Annual Public Uses enumerated above, the CITY may request use of the FIELD for any youth athletic events or practices during non-school hours and for no time earlier than 9:00 a.m. or later than 6:00 p.m., up to six (6) days per year. The FIELD will not be available until 1:00 p.m. on Sundays. (The public uses herein contemplated are limited to youths, that is, under the age of 15.) Such a request shall be in writing and shall provide advance notice of at least ten (10) business days prior to the date of requested use. If (1) no school activities are anticipated for the requested date and time, (2) the requested

use does not otherwise conflict with CALVARY's enjoyment of its property and the FIELD and (3) the requesting user agrees to comply with all the CALVARY Rules and Regulations for Public Use of the FIELD. approval for such a use shall not be unreasonably withheld.

6. REPAIRS AND IMPROVEMENTS

A. CALVARY.

CALVARY may, from time to time, make repairs and improvements to the PROPERTY at its own cost and expense.

B. CITY.

CITY may, from time to time, propose repairs, improvements and enhancements necessary to the ongoing use of the PROPERTY. If CALVARY concurs that the work proposed by the CITY will benefit CALVARY, a mutual agreement shall be entered into between the parties which specifies the repairs, improvements and enhancements proposed at the PROPERTY, and the portion of such cost to be borne by the CITY, if any, shall be credited against the INITIAL FEE or BASIC FEE, as the case may be, as referenced in Paragraph 2.

C. APPROVALS.

Any proposed improvements shall be subject to all customary approvals of the City of Los Angeles.

7. MAINTENANCE OF PROPERTY

CALVARY shall ensure that the PROPERTY is kept in a clean, wholesome, and sanitary condition and shall not permit offensive or refuse matter nor any material detrimental to the public health, peace, or safety to remain or accumulate upon the PROPERTY.

8. RIGHT OF INSPECTION

Authorized representatives, agents, and employees of CITY shall have the right to enter the PROPERTY at any time in case of emergency, and at reasonable times for the purpose of property inspection.

9. HOLD HARMLESS; INSURANCE

(a) Each of the parties agrees to defend, indemnify and hold the other harmless from all direct loss, expense or liability for injury or death to persons and for damage, actual or alleged, to tangible property which may result from the acts or omissions of the indemnifying party, or any of its officers, agencies, employees, licensees, contractors, invitees or any other person subject to supervision or control by the indemnifying party,

in the performance of its obligations under this Agreement. In the event of third-party loss caused by the negligence, wrongful act or omission of both parties to this agreement, each party shall bear financial responsibility in proportion to its percentage of fault as may be mutually agreed between them or as may be judicially determined.

(b) In addition to the indemnity provisions of Paragraph 9 (a), CALVARY agrees to defend, indemnify and hold the CITY, its officials and employees, harmless from any and all loss, damage, or liability, including, without limitation, all legal fees, expert witness fees, consultant fees and expenses related to the response to, settlement of or defense of any claims or liability which may be suffered by CITY as a result of CALVARY'S grading of the PROPERTY, including, without limiting the foregoing, any inverse condemnation actions which may be filed against the CITY for damages due to instability of the slope allegedly caused by the grading of the PROPERTY.

(c) CALVARY shall obtain and maintain a policy of commercial general liability insurance, with coverage for "premises and operations" and "contractual liability including any inverse condemnation action" with combined single limits of not less than One Million Dollars (\$1,000,000), so long as such insurance is available at commercially reasonable rates. Such insurance shall name CITY as an additional insured and shall require not less than thirty (30) days' prior notice to CITY in the event of cancellation or reduction in coverage or limits if such cancellation or reduction occurs at the election of the insurance carrier. CALVARY shall furnish evidence of such insurance in the form of a City Special Endorsement Form, or in lieu thereof, a copy of the insurance policy. CALVARY acknowledges that CITY self-insures its liability with respect to matters covered under this Agreement.

10. RESTORATION

At the expiration or earlier termination of this AGREEMENT, CALVARY shall deliver the PROPERTY to the CITY in as good and usable condition as the PROPERTY was as of the date of this AGREEMENT, ordinary wear and tear thereof, damage by the elements, fire, earthquake, flood, act of God or public calamity excepted; provided, however, that any permanent improvements that provide structural or geological support for any portion of the PROPERTY shall not be removed without the prior written consent of CALVARY and the CITY.

11. CANCELLATION; ASSIGNMENT AND DELEGATION

A. CALVARY may terminate this AGREEMENT at any time prior to the start of construction of the FIELD and, in the event of a material breach by either party, the nonbreaching or non-defaulting party may terminate this AGREEMENT, by giving written notice of such termination, or default or breach and termination, to the other party at least ninety (90) days prior to the effective date thereof. The AGREEMENT shall be terminated at the end of the such ninety-day period except where the termination occurs as a result of a default or breach and the

default or breach is cured. Notice is to be deemed given upon the mailing thereof to the recipient at the address listed hereinbelow.

- B. CALVARY may not assign nor delegate any or all of its rights or obligations under this AGREEMENT (except to a successor in interest of CALVARY by operation of law) without the prior written consent of CITY, such consent not to be unreasonably withheld, conditioned or delayed.

12. NOTICE

All notices required or permitted by this AGREEMENT shall be in writing and may be delivered in person (by hand or by messenger or courier service) or may be sent by regular certified or registered mail or U.S. Postal Service Express Mail, with postage prepaid, and shall be deemed sufficiently given if served in a manner specified in this Section 12. Tenant's address for notice purposes shall be as follows:

Calvary Church of Pacific Palisades
701 Palisades Drive
Pacific Palisades, California 90272

Landlord's address for notice purposes is as follows:

City of Los Angeles
Department of Recreation and Parks
Attention: Real Estate Asset Management Division
City Hall, Room 709
200 North Main Street
Los Angeles, California 90012

Either party may by written notice to the other specify a different address for notice purposes. A copy of all notices required or permitted to be given to either party hereunder shall be concurrently transmitted to such party or parties at such addresses as either party may from time to time hereafter designate by written notice to the other.

Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, the postmark thereon. If sent by regular mail the notice shall be deemed given forty-eight (48) hours after the same is addressed as required herein and mailed with postage prepaid. Notices delivered by U.S. Postal Service Express Mail or overnight courier that guarantees next day delivery shall be deemed given twenty-four (24) hours after delivery of the same to the United States Postal Service or courier. If any notice is received on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

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13. GOVERNING LAW

This AGREEMENT shall be controlled by and construed under and in accordance with the laws of the State of California.

14. COUNTERPARTS

This AGREEMENT may be executed in any number of counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

15. AMENDMENTS

This document may be modified only by further written agreement between the parties. Any such modification shall not be effective unless and until executed by CALVARY and the CITY.

16. SEVERABILITY

If any term, covenant or condition of this AGREEMENT shall, to any extent, be invalid, void, illegal or unenforceable, the remainder thereof shall not be affected thereby, and each other term, covenant or condition of this AGREEMENT shall be valid and be enforced to the fullest extent permitted by law.

17. WARRANTIES

A. CALVARY'S Warranties: As an inducement to the CITY to enter into this AGREEMENT, CALVARY represents, warrants and covenants as follows:

- (1) that it is a regularly organized and existing non-profit corporation under the laws of the State of California;
- (2) that it has the power and authority to carry on its function as a non-profit corporation, to enter into this AGREEMENT, and to consummate the transaction herein contemplated;
- (3) that all actions to be taken by or on behalf of the CALVARY to authorize it to make, deliver and implement the terms of this AGREEMENT have been duly and properly taken prior to the execution of this AGREEMENT; and,
- (4) that this AGREEMENT is a valid and binding obligation of CALVARY, enforceable in accordance with its terms except as the same may be affected by subsequent changes in law, court decisions, bankruptcy, insolvency, moratorium or similar laws, or by legal or equitable principles relating to or limiting the rights of contracting parties generally.

B. CITY'S Warranties: As an inducement to CALVARY to enter into this AGREEMENT, the CITY represents, warrants and covenants as follows:

- (1) that it is a municipal corporation, duly organized and validly existing and in good standing under the laws of the State of California;
- (2) that it has the power and authority to carry on its function as a city, to enter into this AGREEMENT, and to consummate the transaction herein contemplated;
- (3) that all actions to be taken by or on behalf of the CITY to authorize it to make, deliver and implement the terms of this AGREEMENT have been duly and properly taken prior to the execution of this AGREEMENT; and,
- (4) that this AGREEMENT is a valid and binding obligation of the CITY, enforceable in accordance with its terms except as the same may be affected by subsequent changes in law, court decisions, bankruptcy, insolvency, moratorium or similar laws, or by legal or equitable principles relating to or limiting the rights of contracting parties generally.

18. GRANT OF OPTION

Subject to the provisions contained in this Section 18, CITY hereby grants to CALVARY the option to extend the terms of this AGREEMENT (the "Extension Option") for one (1) twenty-five (25) year extension term (the "Extension Term"). The BASIC FEE for use of the PROPERTY by CALVARY during the Extension Term shall initially be the BASIC FEE payable by CALVARY during the last month of the initial term. CALVARY shall give written notice thereof to CITY if CALVARY wishes to exercise the Extension Option not less than sixty (60) days prior to the expiration of the initial term; provided, however, (i) that the Extension Option shall be personal to CALVARY and shall not be exercisable by any person or entity other than CALVARY or its successor by operation of law and (ii) that the Extension Option not be exercisable by CALVARY if CALVARY is at the time of exercise in default in its payment obligations under Section 2 above. Notwithstanding the foregoing, termination of the AGREEMENT at any time during the prior term of the AGREEMENT shall also terminate and render void the Extension Option. Except as otherwise set forth in this Section 18, CALVARY shall use the PROPERTY during the Extension Term upon all of the terms and conditions of the AGREEMENT that are in effect immediately prior to the commencement of such Extension Term. Without limiting the generality of the foregoing, the provisions of Section 2.C. relating to the adjustment of the BASIC FEE to reflect changes in the Index will be in effect during the Extension Term if the Extension Option is exercised.

19. ADDITIONAL COVENANTS

The parties further agree as follows:

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- A. No artificial lighting or illumination shall be permitted for the FIELD except to the extent required by applicable law.
- B. Prior to each public use, CITY shall provide notice to the local homeowners associations and local community groups shown on Exhibit B attached hereto.
- C. No more than 100 non-participant spectators shall be permitted to attend each event of public use, and no permanent seating shall be installed at the FIELD.
- D. In the event CITY receives multiple requests for public use, priority shall be given to public uses proposed by local residents or local groups.
- E. No loudspeakers or other sound amplification shall be permitted for events at the FIELD.
- F. Any public use during non-school hours shall occur between the hours of 9:00 a.m. and 6:00 p.m. on up to six days per year.
- G. Any proposed improvements shall be subject to all approval processes customarily employed by CITY, including without limitation community meetings, zoning and other CITY approvals.
- H. For the months of January, February and March, no public uses are specified because of the potential for cold and inclement weather. Any use during such months shall be at the sole discretion of CALVARY.

20. TAXES

By executing this Agreement and accepting the benefits thereof, a property interest may be created known as a "possessory interest" and such property interest will be subject to taxation. CALVARY, as the party in whom the possessory interest is vested, may be subject to the payment of property taxes levied upon such interest.

21. INCORPORATION OF STANDARD PROVISIONS

Attached hereto and incorporated fully herein by this reference, to the extent applicable, are the "Standard Provisions for City Personal Services Contracts (Rev. 1/01)" (hereinafter, "Standard Provisions"). In case of conflict between the language of this AGREEMENT and the Standard Provisions, the language of this AGREEMENT shall prevail.

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IN WITNESS WHEREOF, the parties have executed this AGREEMENT to be effective as of the day and year set forth above.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners

CALVARY CHURCH OF PACIFIC PALISADES, INC. doing business as CALVARY CHRISTIAN SCHOOL

By: _____
President

By: *James G. Ingram*
James G. Ingram, President

By: _____
Secretary

By: *John B. Garacochea* VP
John B. Garacochea, Vice President

APPROVED AS TO FORM AND LEGALITY

Dated _____, 2001

JAMES K. HAHN, City Attorney

By _____
Assistant City Attorney

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p 11

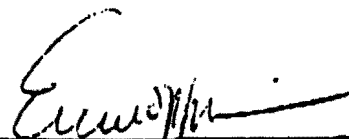
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OCT 06 1999

REPORT OF GENERAL MANAGER

NO. 428-99DATE October 6, 1999BOARD OF RECREATION
and PARK COMMISSIONERSC.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SANTA YNEZ CANYON PARK - AGREEMENT FOR SHARED USE OF A
PORTION OF SANTA YNEZ CANYON PARK BY CALVARY CHURCH OF
PACIFIC PALISADESP. Bryant _____
J. Zatorski _____
S. Klippel _____
G. Stigile _____J. Duggan _____
M. Whelan _____
R. Fawcett _____
R. Sessinghaus _____
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve the Shared Use Agreement of a portion (1.25 acres) of Santa Ynez Canyon Park for 25 years to Calvary Church of Pacific Palisades with a 25 year lease renewal option; and,
2. Authorize the President and Secretary of Board to sign the Shared Use Agreement between the Calvary Church and the Department after approval by the Cultural Affairs Department of the design of the sportsfield, and all other City approvals.

SUMMARY:

The Calvary Church of Pacific Palisades has requested the use of 1.25 (1-1/4) acres of our hillside park to create a player's sports field for its school use by excavating over an acre of hillside park land and constructing a retaining wall to contain the hill.

The Board will recall that an earlier report was submitted to the Board over a year ago (BR 344-98 on September 28, 1998) and was withdrawn at the request of the City Attorney for lack of public participation and compliance with the necessary C.E.Q.A. requirements.

Numerous meetings have since been held with our staff, attorneys for Calvary school, Councilmember's staff and the City Attorney. The agreement reached allows public groups, the Y.M.C.A., Youth Soccer League, Cub Scout packs, etc. to use the field, and in addition, allows the Department to request the use of the field six times a year.

The school is requesting a 25-year term with an option for another 25 years at the discretion of the school.

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Exhibit 11
p1

REPORT OF GENERAL MANAGER

PG. 2

NO. 428-99

Staff has negotiated an interim fee of \$100.00 per month starting after all governmental agencies, including City Council, have approved the Shared Use Agreement, and continuing until the School notifies the Department of Recreation and Parks that all fundraising, anticipated at being approximately \$1,500,000.00 over a two-year period, is completed; a building permit has been issued and construction activities have begun which use the 1.25 acres of City-owned land. The fee will then be \$600.00 per month, with a CPI adjustment to be implemented every two years, for the duration of the construction and until the School submits to the Department of Recreation and Parks a new legal description of the City-owned land which will be used for the completed playing field (less than the 1.25 acres) and a Certificate of Occupancy. Thereafter and for the duration of the 25-year agreement and the additional 25 year option, if exercised, the use of the completed playing field will be at a fee which is proportionate to the use of the playing field but not less than \$400.00 per month, with a CPI adjustment to be implemented every two years.

The school will seek support from the homeowners within a 300-foot radius of the school as well as from Councilmember Miscikowski.

The School will also obtain all required City approvals for the sportsfield including a plan approval from the Office of Zoning Administration for the addition of the sportsfield as an extension of the existing Conditional Use Permit for the School.

In addition to the above, the Council Office has suggested eight additional items that have been incorporated into the agreement:

1. Prohibit all lighting or illumination on the sportsfield.
2. City shall provide notice prior to each public use to local homeowner associations and local community groups as shown on "Exhibit B" of the agreement.
3. Limitation on the ¹⁰⁰number of non-participant spectators for public usage, however, there will be no permanent seating.
4. Where there are multiple requests for public usage, priority shall be given to local residents or local groups.
5. No sound amplification.
6. City's usage during non-school hours shall be between the hours of 9:00 a.m. and 6:00 p.m. up to six times per year.
7. Any proposed improvements shall be subject to all customary City approval processes including but not limited to Community meetings, City and Zoning approvals.
8. For the months of January, February, and March: Because of the potential for cold and inclement weather, no public uses are specified. Any use shall be at the sole discretion of Calvary Church.

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Ex 6.6.11
P2

REPORT OF GENERAL MANAGER

PG. 3

NO. 428-99

The Planning Department, as the Lead Agency for City approvals for the Calvary School, advises that the Shared Use Agreement, to permit a part of the sports field to be constructed on City-owned hillside park land, is exempt from C.E.Q.A. pursuant to a Categorical Exemption (Class 5 - Category 23 of the City C.E.Q.A. Guidelines) and on August 3, 1999, filed a Notice of Exemption (Class 5 - Category 23) as valid C.E.Q.A. clearance for the Shared Use Agreement.

Graphic illustrations of the proposed development will be shown at the meeting.

Staff recommends approval.

5-01-190
Exh. 4
P3

JOINT USE AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES
UNIFIED SCHOOL DISTRICT FOR THE JOINT USE OF WASHINGTON IRVING MIDDLE SCHOOL

THIS JOINT USE AGREEMENT, made and entered into this 4th day of June, 1998, by and between THE CITY OF LOS ANGELES, a municipal corporation, by and through its Board of Recreation and Park Commissioners, hereinafter called CITY, and the LOS ANGELES UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY, a school district, acting by and through its Board of Education, hereinafter called DISTRICT.

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WITNESSETH:

WHEREAS, DISTRICT intends to develop a passive park with picnic areas, trees, and restrooms in the area along Fletcher Drive and a sports field on the southeast area of the campus at the DISTRICT'S Washington Irving Middle School at 3010 Estara Avenue in Glassell Park; and,

WHEREAS, the CITY and the DISTRICT desire to make the Facilities available to the public for community recreation; and,

WHEREAS, DISTRICT has estimated the cost of constructing the Facilities at \$1,375,700 and has applied for a Grant from the City of Los Angeles, Commission for Children, Youth and Their Families, hereinafter referred to as CCYTF, in the amount of \$1,375,700 from the 1997 Los Angeles City Parks Act, Proposition "K", which will fund the development and construction of the Facilities; and,

WHEREAS, award of the Grant from the CCYTF is contingent upon the DISTRICT and the CITY entering into a thirty (30) year Agreement to share the use of the Facilities according to the terms and conditions hereinafter set forth; however, the Grant from CCYTF shall be subject to a separate agreement between DISTRICT and CCYTF to which this Agreement shall be attached, and this Agreement is not intended by the parties to be a commitment for funding; and,

WHEREAS, CITY'S thirty (30) year term of use of the subject Facilities under the terms of this Agreement will commence upon DISTRICT'S completion and acceptance of said Facilities; and,

WHEREAS, CITY and DISTRICT desire to cooperate in establishing, jointly operating and maintaining the Facilities in order that the greatest public use for recreational activities will arise from the operation of the Facilities for the benefit, education, amusement, convenience and enjoyment of the public; and,

WHEREAS, DISTRICT shall cooperate and consult with CITY and its representatives relative to the planning, design and construction of the Facilities; and,

WHEREAS, pursuant to the provisions of Title I, Division 7, Chapter 5 of the California Government Code and the provisions of Part 7, Chapter 10, Section 10900, et seq. of the California Education Code, the parties hereto may contract to achieve said purposes and are authorized to cooperate with each other in the development and execution of adequate programs of education and community recreation, and in the exercise of such power shall be subject to the lawful restrictions applicable to the CITY; and,

NOW, THEREFORE, for and in consideration of the covenants and conditions contained herein and the performance thereof, the parties hereto mutually agree as follows:

1. FUNDING:

DISTRICT shall within a reasonable time after the approval by the CCYTF of the Grant application for Proposition "K" funds begin phased construction of the Facilities on the premises described in

[Another school]

Exhibit 1 attached and made part hereof. DISTRICT, at its sole cost, shall prepare plans, advertise for construction contracts and administer the project during the construction phase. DISTRICT shall, using available project Funds, provide any additional improvements to the Facilities and the installation of equipment therein, which DISTRICT deems necessary. DISTRICT shall use reasonable efforts to complete the construction within DISTRICT'S budget parameters and shall be under no obligation to provide any additional funds beyond those identified .

The CITY will not be responsible for any cost overruns with respect to the construction of the Facilities. If, during any phase of the project, DISTRICT determines that there are insufficient funds to complete the Facilities, DISTRICT shall have the reasonable right to reduce the scope of the project. If DISTRICT determines that the project does have to be downsized, DISTRICT will notify CITY and CCYTF in writing regarding scope of reduction of work prior to proceeding with completion of the project. If CITY does not concur with DISTRICT'S proposed changes, CITY can propose alternative changes or provide supplemental funding for the identified shortfall. CITY shall respond to DISTRICT in writing within ten (10) days of DISTRICT'S notification to CITY.

2. DELAYS BEYOND THE CONTROL OF PARTIES:

Neither of the parties hereto shall be liable to the other party on account of any delay or inability to perform when such delay or inability is due in whole or in part to fire, strikes, labor disturbances, riots, civil commotions, acts of nature, any present or future law or governmental regulation, or any cause beyond the control of the parties. If any delay is caused by such occurrences, the delayed party shall have the right to extend the time for performance of any act delayed thereby insofar as performance thereof is required.

3. LICENSE AND TERM:

During the hours provided for the CITY'S use pursuant to Paragraph 11 hereof, the DISTRICT hereby sets apart the use and occupancy of the DISTRICT'S land described on Exhibit 1, attached hereto, together with the right of ingress and egress from the nearest public street, at no cost.

CITY'S rights to utilize the Facilities shall be for an initial period of thirty (30) years from the date of completion of the Facilities as approved and accepted by the DISTRICT and the CITY in writing (the "Initial License Period"), and the parties shall make reasonable efforts to extend the Initial License Period (the "Extended License Period(s)") by amending or supplementing this Agreement upon similar covenants and conditions set forth herein. DISTRICT shall not be obligated to construct the Facilities unless and until funding is available.

To initiate renewal of the Agreement, CITY shall provide one year's written notice to the DISTRICT. Following expiration of this Agreement, and until such time as either CITY or DISTRICT terminates CITY'S occupancy, or until such time as a new Agreement is executed by both parties, CITY'S non-exclusive use of the Facilities will continue on a month-to-month basis upon the same terms as specified in this Agreement, except for the term. The privilege to continue the terms of the agreement on a month to month basis shall be subject to termination by either party upon 90 days written notice.

In recognition of the substantial contributions of both parties to the Facilities, this Agreement for joint use shall not be terminated by either party prior to the expiration of the Initial License Term set forth in this Section of the Agreement in the absence of a material breach of the Agreement. In the event of a default in the terms of this Agreement, the non-defaulting party shall provide written notice thereof to the party in default in the manner provided by Section 15 and the party in default shall immediately cure the default or commence to cure the default if the default cannot be immediately cured. The defaulting party shall, within five (5) days of receiving the notice of default, respond to the other party in writing that the default has been cured or identify the steps that will be taken and

by what time to cure the default. Except for defaults which remain uncured after 90 days or which are frequently repeated, the Agreement shall not be terminated for material breach.

4. OWNERSHIP AND SURRENDER:

The parties hereby agree that the completed Facilities (exclusive of land) shall become the property of the DISTRICT. The parties further agree that title to DISTRICT'S land described on Exhibit 1 shall remain in the DISTRICT.

5. OPERATION OF FACILITY:

DISTRICT and CITY shall share operation of the Facilities as hereinafter provided and in accordance with Paragraphs 6, 7, 8, 9, 10 and 11 hereof. Use of the Facilities at the school by parties other than the CITY shall remain under the control of the DISTRICT through the Real Estate and Asset Management Branch, Civic Center Program Office. The CITY may request authorization for occasional use by a third party during its hours of use and permission for such shall not be unreasonably withheld.

6. DISTRICT MAINTENANCE:

DISTRICT shall keep the Facilities in a safe and sanitary condition at all times, including school summer vacation periods, and will maintain and keep in good repair the land described in the attached Exhibit 1, together with all physical improvements erected thereon, and pay all utilities, including but not limited to, water and power required for the operation of the Facilities.

DISTRICT'S upkeep of the Facilities shall be limited to the following:

- A. Provision of custodial/janitorial services and supplies for the Facilities and Restrooms, as it would have normally undertaken (in absence of this Agreement) for the rest of the school buildings and fields through the school's on-site custodial staff. DISTRICT'S personnel shall also provide CITY access to restroom and janitorial supplies. During CITY'S periods of permitted use under this Agreement, the CITY shall be responsible for replenishing any supplies used.
- B. Exercise reasonable efforts to schedule and complete all major annual Facilities maintenance (such as re-seeding, reconditioning, and other upkeep of the DISTRICT'S land) during the months of July and August and other field maintenance and preparation periods during the year, with the exception of those ongoing maintenance activities which are normally performed either year-round or during other months of the year.

7. CITY'S MAINTENANCE:

- A. Notwithstanding the maintenance obligation assumed by DISTRICT hereunder, CITY shall perform any emergency maintenance which may become necessary during its use of the Facilities to keep it in a safe and sanitary condition. Should such maintenance not be convenient to perform during the period of use, CITY or DISTRICT having use at the time the emergency is discovered shall warn of any defects or blockade any areas which may be dangerous; and should this not be feasible, CITY or DISTRICT shall immediately cease use of the Facilities and vacate same until such time as the Facilities are safe and sanitary.
- B. In addition to any "emergency maintenance" by CITY as set forth above, and notwithstanding anything to the contrary in this Agreement, CITY shall, at its sole cost, clean up or cause to be cleaned up the Facilities and Restrooms promptly after the CITY'S (and/or its permittee')

usage, in order to keep the Facilities and Restrooms in a sanitary, clean and usable condition for school use on the following school day.

- C. On a quarterly basis, or as deemed necessary by either DISTRICT or CITY, representatives of the parties will confer to evaluate the adequacy of the operational and maintenance responsibilities of each party, as stipulated in this Agreement, and make such adjustments as they deem necessary.
- D. In addition, notwithstanding the maintenance obligation assumed by the DISTRICT hereunder, CITY shall make all repairs to the Facilities and land that are caused by or result from the negligent acts or omissions of its officers, agents or employees.
- E. CITY shall be responsible for any substantial increase in utility costs attributable to its use of the Facilities.

8. STAFFING:

DISTRICT shall provide personnel necessary for the complete and proper maintenance of the Facilities in accordance with the provisions of Paragraph 7 herein. CITY shall provide, only during the time it has use of the Facilities and without cost to DISTRICT, appropriate staff as deemed necessary by CITY, for the safety and security of individuals utilizing the Facilities. DISTRICT shall also provide staffing of the Facilities to insure its availability to the CITY at no cost.

9. USE OF SCHOOL PARKING LOT:

CITY shall have use of a parking lot on the School site, to be designated by the School principal, for use by CITY or its permittee during CITY'S periods of use. When large attendance is expected for "Special Events" including those during the summer break, the CITY shall coordinate with the Real Estate and Asset Management Branch, Civic Center Program Office to secure additional parking. CITY shall provide advance notice of at least ten (10) school working days prior to the requested use of additional parking. CITY will be responsible for any required clean-up of the parking areas after each use.

10. USE OF FACILITIES:

DISTRICT shall have use of the Facilities for recreational, educational and other school-associated or sponsored activities. Use of DISTRICT Facilities by the CITY shall be permitted pursuant to the Civic Center Act (§38130-et seq. of the Education Code). CITY shall follow the DISTRICT's procedures in obtaining a DISTRICT issued Civic Center Permit. CITY will have use of said Facilities for recreational purposes for the general public. The DISTRICT shall not dislodge the CITY'S pre-established recreational programs by establishing a competing recreational program.

During its period of use of the Facilities, CITY (and its permittee) shall have access to required restroom facilities. Further, during its period of use of the Facilities or other buildings on the site, CITY'S on-site supervisory staff shall have access to a "work area" designated for CITY use (equipped with a telephone) located near the Facilities, such location to be determined by the Principal of Washington Irving Middle School in his/her sole discretion.

CITY shall comply with all applicable laws, ordinances and regulations pertaining to the use of the DISTRICT'S land and, in this regard, shall enforce the prohibitions against the use of profane language, smoking, possession or use of intoxicating beverages and narcotics, quarreling and fighting, betting and other forms of gambling.

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CITY when using DISTRICT facilities shall provide approved and appropriate security and supervision of the facilities and activities to ensure proper standards of conduct, cleanliness and safety. When DISTRICT staffing for access is otherwise unavailable, the CITY when using DISTRICT facilities shall have access to keys or other devices that provide physical access to any facilities that will be used.

DISTRICT shall provide the CITY access to a DISTRICT telephone during CITY's use of the Facilities. CITY shall ensure that the telephone usage shall be limited to work related matters and/or emergency purposes. Use of DISTRICT telephones by the CITY for long distance or personal calls will not be permitted.

11. HOURS OF OPERATION:

DISTRICT shall have the right to the exclusive use of the Facilities during all "regular school days" including athletic practice and games as hereinafter defined. In addition, DISTRICT activities which customarily occur after "regular school days" (i.e. "Back to School Night", dances, athletic activities) shall have priority for use of the Facilities. CITY shall have the right to use the Facilities to serve the general public one (1) hour after the end of "regular school days" and on Saturdays, Sundays, school holidays and during school vacation periods as follows:

- A. Monday to Friday from 4:30 p.m. until 10:00 p.m.
- B. Saturdays and Sundays from 8:00 a.m. until 10:00 p.m.
- C. School vacation periods and holidays;
Monday through Friday from 8:00 a.m. until 10:00 p.m.

For the period of time shown above in Sections A through C, CITY will cooperate with the Washington Irving Middle School Principal, his/her designee's or the DISTRICT's Real Estate and Asset Management Branch, Civic Center Program Office to alter CITY'S hours to meet Washington Irving Middle School's needs for external youth services programs and for athletic activities and practices for which the Middle School has no other adequate alternative facility and which cannot be reasonably accommodated during regular school hours. Further, CITY acknowledges that the DISTRICT receives and fulfills requests for use of the Facilities pursuant to the Civic Center Act (§38130-et seq. of the Education Code) from time to time. The Principal of Washington Irving Middle School and the DISTRICT's Real Estate and Asset Management Branch, Civic Center Program Office may make a request for approval to alter the CITY'S hours stated above, upon no less than seven (7) days advance notice to the CITY, which approval shall not be unreasonably withheld.

In the event the CITY shall need use of the Facilities outside the designated hours, the CITY must submit a request at least seven (7) days in advance of the event to the DISTRICT's Real Estate and Asset Management Branch, Civic Center Program Office. If no school activities are anticipated for the requested date, approval for use shall not be unreasonably withheld.

Where a conflict exists between a DISTRICT program customarily offered at the school and a program proposed by the CITY, the DISTRICT program shall have priority.

12. INDEMNIFICATION:

DISTRICT agrees to save and hold CITY harmless from any and all claims or liability for personal injury, death or property damage arising out of or in connection with the operation of the Facilities during the hours DISTRICT has the exclusive use of the Facilities.

Conversely, CITY agrees to save and hold DISTRICT harmless from any and all claims or liability for personal injury, death or property damage arising out of or in connection with the operation of the Facilities during the hours the CITY has exclusive use of the Facilities.

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Exh. 61 12 p 5

Pursuant to Government Code Sec. 895.4, each party hereto indemnifies and holds harmless the other party, its officers, agents and employees for any liability imposed by law upon such other party which results from, or is caused by, any negligent or wrongful act or omission occurring in the performance of this Agreement by the indemnifying party or its officers, agents or employers.

In the event that third-party loss is attributable to the negligence or wrongful act or omission of both parties, the ultimate financial responsibility of each party shall be proportionate to its percentage of fault as determined by mutual agreement between the parties or by a court of competent jurisdiction. The provisions of California Civil Code 2778 regarding interpretation of indemnity agreements are made a part hereof as if fully set forth herein.

13. DAMAGE AND DESTRUCTION:

If through no fault of the parties hereto all or any portion of the Facilities shall be so damaged by earthquake, fire, casualty or other cause of happening as to be substantially destroyed and rendered untenable, or if any authority having jurisdiction shall order the demolition or removal of the Facilities herein, then this Agreement shall terminate.

If through no fault of the parties hereto all or any portion of the Facilities shall be partially destroyed by fire, casualty, or other cause or happening, or be declared unsafe by an authority having jurisdiction, neither party hereto shall have the obligation to restore said Facilities or put it in proper condition for use and occupancy; provided, however, that should said Facilities not be restored and made safe or a decision is not made to restore within one year from the date of said partial destruction or declaration of unsafe condition thereof, then in that event, either party hereto may, at its option and upon thirty (30) calendar days notice thereof being given to the other in writing, terminate this Agreement.

14. RECORDS ACCESS:

The parties hereto agree to provide access to records of either party pertaining to the use or maintenance of the Facilities.

15. NOTICES:

Any party delivering notice or requesting information from the other shall send such notice or request as indicated below:

DISTRICT: Real Estate and Asset Management Branch
Los Angeles Unified School District
355 South Grand Avenue, Floor 5
Los Angeles, California 90071
Tel: (213) 633-7581, Fax: (213) 633-7546
Attn: Michael DeLuca, Deputy Director

CITY: General Manager, Department of Recreation and Parks
City of Los Angeles
200 North Main Street, Room 1330, City Hall
Los Angeles, California 90012
Attn: Real Estate and Asset Management Division
Tel: (213) 485-5111, Fax: (213) 617-0439

5-61-190
Exh. 12
p 6

16. ATTORNEYS FEES:

In the event either party brings an action or claim for breach of this Agreement against the other party in a court, the prevailing party as determined by such court shall be entitled to recover its reasonable attorneys' fees and expenses actually incurred in the pursuit or defense of such claim, as the case may be.

17. COUNTERPARTS:

This Agreement may be executed in any number of counter parts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature (s) thereon provided such signature page is attached to any other counterpart identical thereto except having additional signature pages executed by other parties to this Agreement attached thereto.

18. AMENDMENTS:

This document may be modified only by further written agreement between the parties. Any such modification shall not be effective unless and until executed by the DISTRICT and CITY.

19. ASSIGNMENT AND SUBLEASE:

This Agreement is not assignable by either party. Neither DISTRICT nor CITY shall without written consent of the other party, sublicense or sublease any portion of the Facilities. Any attempted sublease or sublicense without the consent of the other party shall render this Agreement null and void. Each of the provisions, agreement terms, covenants and conditions herein that are to be performed by either party shall be binding upon any transferee thereof.

20. SEVERABILITY:

If any term, covenant or condition of this Agreement shall, to any extent, be invalid, void, illegal or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

21. WARRANTIES:

A. DISTRICT'S Warranties: As an inducement to the CITY to enter into this Agreement, the DISTRICT represents, warrants and covenants as follows:

- (1) that it is a regularly organized and existing school district under the laws of the State of California;
- (2) that it has the power and authority to carry on its function as a school district, to enter into this Agreement, and to consummate the transaction herein contemplated;
- (3) that all actions to be taken by or on behalf of the DISTRICT to authorize it to make, deliver and implement the terms of this Agreement have been duly and properly taken prior to the execution of this Agreement; and
- (4) that this Agreement is a valid and binding obligation of the DISTRICT, enforceable in accordance with its terms except as the same may be affected by subsequent changes in law, court decisions, bankruptcy, insolvency, moratorium or similar laws,

or by legal or equitable principles relating to or limiting the rights of contracting parties generally.

B. CITY'S Warranties: As an inducement to the DISTRICT to enter into this Agreement, the CITY represents, warrants and covenants as follows:

- (1) that it is a municipal corporation, duly organized and validly existing and in good standing under the laws of the State of California;
- (2) that it has the power and authority to carry on its function as a city, to enter into this Agreement, and to consummate the transaction herein contemplated;
- (3) that all actions to be taken by or on behalf of the CITY to authorize it to make, deliver and implement the terms of this Agreement have been duly and properly taken prior to the execution of this Agreement; and
- (4) that this Agreement is a valid and binding obligation of the CITY, enforceable in accordance with its terms except as the same may be affected by subsequent changes in law, court decisions, bankruptcy, insolvency, moratorium or similar laws, or by legal or equitable principles relating to or limiting the rights of contracting parties generally.

COASTAL COMMISSION
5-01-196

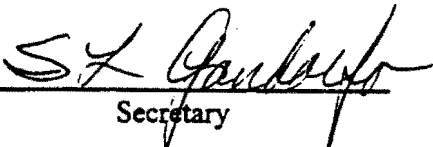
EXHIBIT # 12
PAGE 8 OF 10

another school


IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the day and year set forth above.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners

By 
President

By 
Secretary

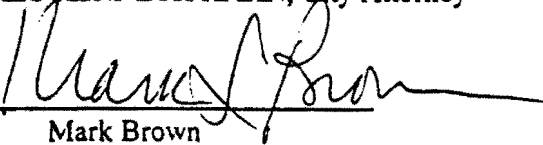
LOS ANGELES UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY
By the Board of Education of the City of Los Angeles

By 
BOB NICCUM
Director of Real Estate and Asset Management

APPROVED AS TO FORM AND LEGALITY

Dated 6-4, 1998

JAMES KENNETH HAHN, City Attorney

By 
Mark Brown
Assistant City Attorney

C.WASH-IRV..ACM
Revised 5/27/98 - CM

5-at-190
Exh. b. + 12
p 9

CITY OF LOS ANGELES
C.A.M.B. 5458
D.M. 153-B-213
C.W.S. 41
ZONE R3-1, 04-1
SCALE: 1"=150'



FLETCHER DRIVE SCHOOL SITE

ESTARA STREET

COASTAL COMM'IS.
501.140
EXHIBIT # 12
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TRAJECT NO. 11428

Marguerite Freeway

Glendale

Avenue 32

MOSS AVE.

BROSWELL STREET

LOT 1

M.B. 225-32/33

NO

①

575

①

EASEMENT TO OIL & METALS BANK & TRUST CO. OVER REAR OF LOTS FOR POLE LINE.

RECORDED AT THE REQUEST OF
THE CITY OF LOS ANGELES

PLEASE DELIVER TO:
CITY CLERK MAIL BOX

COPY of Document Recorded

81- 631479

Has not been compared with original.
Original will be returned when
processing has been completed. C

LOS ANGELES COUNTY REGISTRAR-RECORDER

(Space Above for Recorder's Use) 91870

R/W 28000-788(C)

OFFER OF DEDICATION

WHEREAS, Coastal Permit No. A-381-78, as amended (the "Permit") was issued by the California Coastal Commission (the "Commission") to the undersigned PALISADES RESOURCES, INC., a California corporation ("Palisades") on December 22, 1980 whereunder, subject to compliance with the terms and provisions of the Permit, Palisades was permitted to develop certain real property located in Los Angeles County, California; and

WHEREAS, in compliance with certain conditions of the Permit, Palisades has executed and recorded that certain Offer of Dedication Agreement dated as of December 11, 1980 recorded January 5, 1981 as Document No. 81-3844, Official Records, Los Angeles County, California (the "Offer") whereunder subject to the terms and provisions of the Offer, Palisades has offered to dedicate to a public agency designated by the Commission certain real property located in Los Angeles County, California more particularly described in Exhibit B attached thereto, reference being made to the Offer for further particulars; and

WHEREAS, those certain parcels of real property designated as Parcels A and B more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Dedication Property") were among the parcels of real property included in Exhibit 2 of the Offer so required to be dedicated by Palisades; and

WHEREAS, Ordinance No. 155,203 (the "Ordinance") adopted May 7, 1981, by the City Council of the City of Los Angeles, California (the "City") provided, among other things, that in connection with approval by the City of the subdivision of certain lands owned by Palisades, Palisades would be required to offer to dedicate the Dedication Property, or any portion thereof, to the City with respect to which the Offer may be revoked, expire or rejected by the State of California; and

WHEREAS, Palisades is willing to offer to dedicate the Dedication Property to the City in compliance with the terms and provisions of the Ordinance subject, however, to the provisions of the Offer;

OF, ROLETON,
IN & MERITTRICK
IN CORPORATION

COASTAL COMMISSION

5.01.190.

EXHIBIT # 13

PAGE 1 OF 3

NOW, THEREFORE, in compliance with the conditions of the approval of said subdivision of Palisades' lands by the City and conditions imposed by the Permit, Palisades hereby irrevocably offers to dedicate pursuant to California Government Code Section 7050 to the City all or any portion of the Dedication Property with respect to which the Offer may be revoked, may expire or may be rejected by the State of California; provided, however, that this Offer of Dedication is subject to each of the terms and provisions hereinafter set forth.

1. The obligations of Palisades hereunder are subject to each of the obligations of Palisades created by the Offer.

2. This Offer of Dedication may not be accepted by City as to any parcel or portion thereof until such time as the offer of the parcel or portion thereof is rejected by the State. At such time as the State, or its designated department or agency, shall take title to the parcel or portion thereof, the power of City to accept the Offer of Dedication is terminated, unless and until the parcel, for any reason whatsoever, shall cease to be owned by the State or the designated agency or department or, if transferred, shall cease to be restricted to public park or open space use.

3. This Offer of Dedication and acceptance thereof by City of all or any portion of the Dedication Property shall convey title thereto in the condition prescribed in the Offer of Dedication and the acceptance of this Offer of Dedication shall contain, among other provisions, the following provisions:

"This acceptance is made and the real property herein described acquired for the purpose that such real property be used either for public park purposes or for open purposes whatsoever and by acceptance it is agreed that the real property shall be held and used only for such purposes. This restriction is a covenant running with the land hereby accepted."

4. Palisades reserves the right to adjust the boundaries of the Dedication Property described herein to include such additional real property as may be located between such Dedication Property and any real property to be developed by Palisades and located more or less contiguous thereto; provided, however, that in no event shall any portion of the Dedication Property described in any Dedication Deed be reduced to an area of lesser size than the applicable portion of the Dedication Property described in Exhibit A hereto. City consents, without further notice to it, to Palisades recording a document modifying the descriptions of the parcels described in Exhibit A to effectuate the intent of this paragraph.

5. All of the provisions of this Offer of Dedication shall be binding upon and effective against any owner whose title is derived through foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

6. All of the covenants contained herein shall be construed in a fair manner, and neither for nor against Palisades. If any one or more provisions or any portion hereof shall be held to be invalid, or for any reason become unenforceable, no other provisions of this Offer of Dedication shall thereby be affected or impaired.

COASTAL COMMISSION

5-01190

EXHIBIT # 13

PAGE 2 OF 3

IN WITNESS WHEREOF, this Offer has been executed as of
this 22 day of June, 1981, at Long Beach
California.

PALISADES RESOURCES, INC. a
California corporation

By Charles A. Venerdon

Its: Vice President

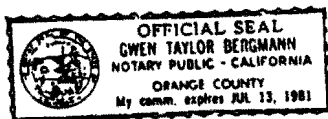
By Rex A. McKittrick

Its: Assistant Secretary

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

On JUNE 22, 1981, before me, the under-
signed, a Notary Public in and for said State, personally appeared
CHARLES A. VENERDON, known to me to be the Vice President,
and REX A. MCKITTRICK, known to me to be the Assistant
Secretary of the corporation that executed the within Instrument,
known to me to be the persons who executed the within Instrument
on behalf of the corporation therein named, and acknowledged to
me that such corporation executed the within instrument pursuant
to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Gwen Taylor Bergmann
Notary Public in and for said
County and State

CERTIFICATE OF ACCEPTANCE

This is to certify that the
interest in real property
conveyed by the within deed
or grant to The City of Los
Angeles, a municipal corpo-
ration, is hereby accepted
under the authority of the
Board of Recreation and Park
Commissioners of The City of
Los Angeles, pursuant to
Resolution No. 4561, dated
May 23, 1963, and the
grantee consents to the
recording thereof by its
duly authorized officer.

Date June 23 1981
John A. Schum
Secretary

BOARD OF RECREATION AND PARK
COMMISSIONERS

COASTAL COMMISSION

5.01.190

EXHIBIT # 13

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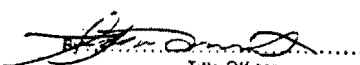
WHEREAS, the undersigned PALISADES RESOURCES, INC., a California corporation ("Palisades") is the owner of that certain real property located in the County of Los Angeles, State of California, more particularly described in Exhibit A attached hereto and by this reference made a part hereof (the "Permit Area"); and

WHEREAS, Palisades is the owner of that certain real property located in the County of Los Angeles, State of California, designated as Parcels A and B upon Exhibit B attached hereto and by this reference made a part hereof (the "Dedication Area"); and

WHEREAS, both the Permit Area and the Dedication Area are located within the coastal zone as defined in Section 30103 of the California Public Resources Code (which code is hereinafter referred to as the "Public Resources Code"); and

WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") creates the California Coastal Commission (hereinafter referred to as the "Commission") and the South Coast Regional Commission (hereinafter "Regional Commission") and requires that any development approved by the Commission or Regional Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code; and

WHEREAS, pursuant to the Act, Palisades, together with Headland Properties, Inc., a California corporation, (hereinafter collectively referred to as "Permittees") applied to the Commission or Regional Commission for a

I hereby certify this document to be a true and correct copy
of that which recorded on 1-5-81
Instrument No. 81-3844

Title Officer

COASTAL COMMISSION

5-01-90

EXHIBIT # 14
PAGE 1 OF 12

Permit Areas within the coastal zone of Los Angeles County;

WHEREAS, such permit was approved by the Commission as Permit No. 381-78 on July 17, 1979 and as amended May 21, 1980, June 18, 1980 and July 22, 1980 (hereinafter referred to as the "Permit") and was issued on December 22, 1980 (hereinafter referred to as the "Permit Date"); and

WHEREAS, in its decision on the Permit, the Commission found that the development proposed by the Permittees would cause adverse cumulative impacts on both coastal resources and public access to the coast within the Los Angeles County coastal zone, and that such development could not be permitted consistent with the policies of the Act without offsetting dedication of the Dedication Area in order to prevent residential development, conserve the natural resources and provide area for public recreation on the lands within the Dedication Area so as to mitigate the adverse cumulative effects of the proposed development; and

WHEREAS, in its decision on the Permit the Commission acting on behalf of the People of the State of California and pursuant to the Act, granted the Permit to the Permittees upon condition (hereinafter the "Condition") requiring, among other things that Palisades offer to dedicate the Dedication Area to a governmental agency for park and open space uses so as to preserve the open space and scenic values present in the Dedication Area and so as to prevent the adverse cumulative effects on coastal resources and public access to the coast which would occur if the Dedication Area were developed as building sites for residential use; and

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COASTAL COMMISSION

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EXHIBIT # 17

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the Permit because a finding must be made under Public Resources Code Section 30604 (a) that the proposed development is in conformity with the provisions of Chapter 3 of the Act and that in the absence of the protections provided by the Condition said finding could not be made; and

WHEREAS, Palisades has elected to comply with the Condition and execute this Offer of Dedication Agreement (this "Agreement") so as to enable Permittees to undertake the development authorized by the Permit; and

WHEREAS, on July 22, 1980 the Commission amended that certain Categorical Exclusion E-79-8 initially adopted October 17, 1979 ("Categorical Exclusion") so as to remove, in substance and in effect, the Permit Area and the Dedication Area from further Coastal Commission permit requirements subject to the terms and conditions set forth in the Categorical Exclusion; and

WHEREAS, it is intended that this Offer shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said restrictions shall thereby qualify as enforceable restrictions under the provisions of the California Revenue and Taxation Code, Section 402.1;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth herein and substantial public benefits for the protection of coastal resources to be derived therefrom, the preservation of the Dedication Area in open space uses and the advantages that accrue to Permittees as a consequence of their ability to undertake the development authorized by the Commission in the Permit, without the necessity of

COASTAL COMMISSION
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EXHIBIT # 14
PAGE 3 OF 12

and the Categorical Exclusion, as well as the beneficial effect on the method of determining the assessed value of the Dedication Area including any reduction thereof due to the imposition of limitations on its use as set forth in this Agreement, Palisades hereby agrees as follows:

1. Subject to the provisions hereinafter set forth, Palisades hereby irrevocably offers, for a period of seven (7) years, to dedicate and convey Parcels A and B to Grantee (as such term is hereafter defined).

(a) Palisades shall have no obligation to dedicate or convey the Dedication Area to the Grantee unless and until the Dedication Date (as defined in Paragraph 2 below) may occur.

(b) If, without the written consent of Headlands, the Permit and the Categorical Exclusion, or either of them, may be revoked or may be modified by the Commission with respect to all or any portion of the Permit Area or the Dedication Area so as to impose additional obligations upon Palisades, this Agreement shall expire and shall have no further force or effect. The recordation by Palisades, sixty (60) days after written notice to the Commission of such event, of an instrument containing a true and accurate copy of any such revocation or modification of the Permit and of the Categorical Exclusion, or either of them, together with a description of the Dedication Area, shall constitute conclusive evidence of such revocation or modification and shall effect the expiration of this Agreement as of the date of such recordation insofar as this Agreement then affects the Dedication Area or that portion thereof described in such recorded instrument. The termination of the Categorical Exclusion as contemplated by the provisions of the

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COASTAL COMMISSION

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EXHIBIT # 14

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13249(b) upon certification by the Commission of a local coastal program and delegation of development review authority, shall not cause this Agreement to expire unless such local coastal program imposes additional obligations upon Headland with respect to the Permit Area and the Dedication Area, or either of them. The provisions of this Paragraph 1(b) shall not apply to any portion of the Dedication Area as to which the Dedication Date has occurred.

(c) If within seven (7) years after the Permit Date the Dedication Date has not occurred (the "Termination Date"), then this Agreement shall expire automatically on the Termination Date as to the entire Dedication Area.

2. Concurrently with the recordation of a Final Map of the Permit Area (the "Dedication Date"), Palisades shall become obligated to dedicate and convey to Grantee a full fee interest in and to the entire Dedication Area. Upon the Dedication Date the obligation of Palisades to dedicate and convey the Dedication Area pursuant to the provisions of this Paragraph 2 shall be irrevocable and shall continue in full force and effect for twenty-one (21) years.

3. The instrument providing for dedication by Palisades to Grantee (the "Dedication Deed") of the Dedication Area shall contain, among other provisions, the following terms and provisions:

"The above grant is made and the real property herein described given for the purpose and on the condition that said real property be used either for public park purposes or for open space purposes, and for no other purpose or purposes whatsoever and if said real property

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COASTAL COMMISSION

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purposes whatsoever then, in that event, said real property hereby conveyed shall immediately and automatically revert unto grantor, its successors and assigns, upon entry by Grantor, its successors and assigns. It is the intent of Grantor to convey to Grantee a fee simple estate subject to a condition subject to a right of re-entry."

4. The Dedication Deed shall convey the Dedication Area free and clear of all liens, claims and encumbrances except the lien of taxes not then due and payable as well as the exceptions hereinafter permitted by the provisions of this Paragraph 4. In addition, subject to obtaining the prior written consent of the Executive Director, Palisades reserves the right to grant, prior to the applicable Dedication Date, any easements, right-of-way and other rights in, over, under, across and through any portion of the Dedication Area theretofore granted, transferred, conveyed or otherwise disposed of by Palisades, its successors and assigns, for utility, storm drain, slope, roadway or other purposes related to satisfaction of conditions to approval by governmental agencies of tentative or final subdivision maps, parcel maps or building permits covering any portion of the Permit Area (collectively, the "Development Easements"). Palisades shall not grant any Development Easement unless and until Palisades shall have obtained the prior written consent of the Executive Director with respect thereto which consent shall be granted or withheld on the basis of whether or not such Development Easement would materially and adversely affect use of any of the Dedication Area for park or open space uses.

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COASTAL COMMISSION

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to dedication of the Dedication Area or the termination of this Agreement in accordance with its terms, whichever first occurs, Palisades shall keep and maintain the Dedication Area as open space and shall not construct or install any improvements thereon. Notwithstanding the foregoing, subject to the review and written approval of the Executive Director of the Commission, Palisades may (a) perform minor grading of the Dedication Area so as to recontour previously graded portions thereof; (b) construct pathways, either paved or unpaved, and other improvements incidental to low intensity recreational land uses; (c) construct minor facilities to provide public or utility services which do not require significant grading in the event that alternative locations are not feasible, and (d) construct or install such other improvements as are contemplated by the grant of Development Easements approved by the Executive Director.

7. Concurrently with the recordation of a Final Map of any portion of the Permit Area Palisades shall execute an instrument in form and substance as set forth in Exhibit 3 attached hereto restricting and affecting the Permit Area covered by such Final Map as well as the Dedication Area required to be dedicated concurrently with the recordation of such Final Map. Such instrument shall be free of prior liens and encumbrances except tax liens and shall be binding upon Palisades, its successors and assigns.

8. Palisades reserves the right to adjust the boundaries of the Dedication Area to include such additional real property as may be located between the Dedication Area and the Permit Area more or less contiguous thereto; provided, however, that in no event shall the Dedication Area be reduced to an area of lesser size than the Dedication Area described in Exhibit 2 hereto.

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COASTAL COMMISSION

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EXHIBIT # 14

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California Department of Parks and Recreation, the National Park Service of the United States Government; or to any other agency, department or subdivision of the United States Government or of the State of California legally capable of holding title to public land restricted to open space or public park uses and designated by the Coastal Commission by written notice to Palisades.

10. All of the provisions of this Offer of Dedication shall be binding upon and effective against any owner whose title is derived through foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

11. All of the covenants contained herein shall be construed in a fair manner, and neither for nor against Palisades. If any one or more provisions or any portion hereof shall be held to be invalid, or for any reason become unenforceable, no other provisions of this Offer of Dedication shall thereby be affected or impaired.

12. Palisades agrees that, either in response to or in undertaking any civil action to enforce or to challenge the provisions of this Offer of Dedication, if equitable remedies in addition to any monetary penalties are sought by the Commission, its successor or the Attorney General of the State of California, a finding of fact by the Court in which such civil action is pending that the covenants or restrictions have not been implemented as provided herein shall conclusively demonstrate irreparable damage to the public interest.

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be binding upon and shall benefit Palisades, its successors and assigns and shall constitute covenants running with the land enforceable against Palisades, and each of its successors in interest with respect to the Permit Area and the Dedication Area, and each of them. The terms and provisions of this Agreement shall benefit the State of California and shall be enforceable by any agency thereof.

IN WITNESS WHEREOF, this Agreement has been executed as of this 17th day of December, 1980, at NEW PORT BEACH ~~Los Angeles~~, California.

Approved as to form and substance this 17 day of December, 1980
CALIFORNIA COASTAL COMMISSION

By Michael L. Fischer
Executive Director

PALISADES RESOURCES, INC.
a California corporation

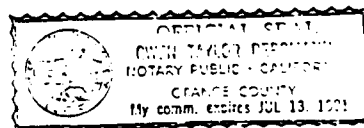
By Charles A. Velvert
Vice President

By Rex A. McKittrick
Assistant Secretary

STATE OF CALIFORNIA)
 ORANGE) ss.
COUNTY OF LOS ANGELES

On DECEMBER 11, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES A. VELVERT known to me to be the Vice President, and REX A. MCKITTRICK, known to me to be the Assistant Secretary of the corporation that executed the within instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Owen Taylor Bergmann
Notary Public in and for
said County and State

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EXHIBIT # 14

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PALISADES' HIGHLANDS
GATEWAY PLOT PLAN
EXHIBIT B-2

COASTAL COMMISSION

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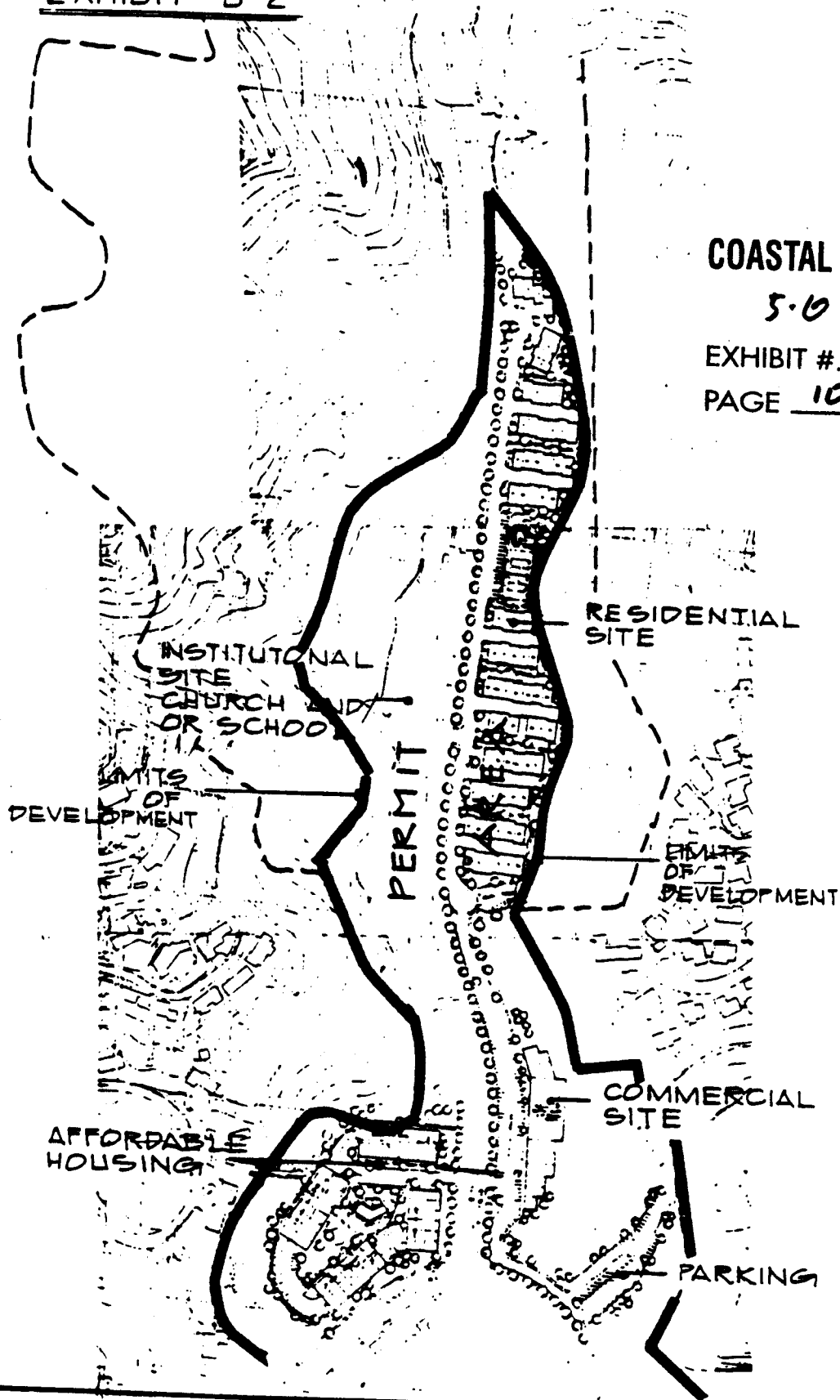


EXHIBIT "A"

OFFER OF DEDICATION AGREEMENT

PERMIT AREA

PALISADES HIGHLANDS
GATEWAY PLOT PLAN
EXHIBIT B-2

COASTAL COMMISSION

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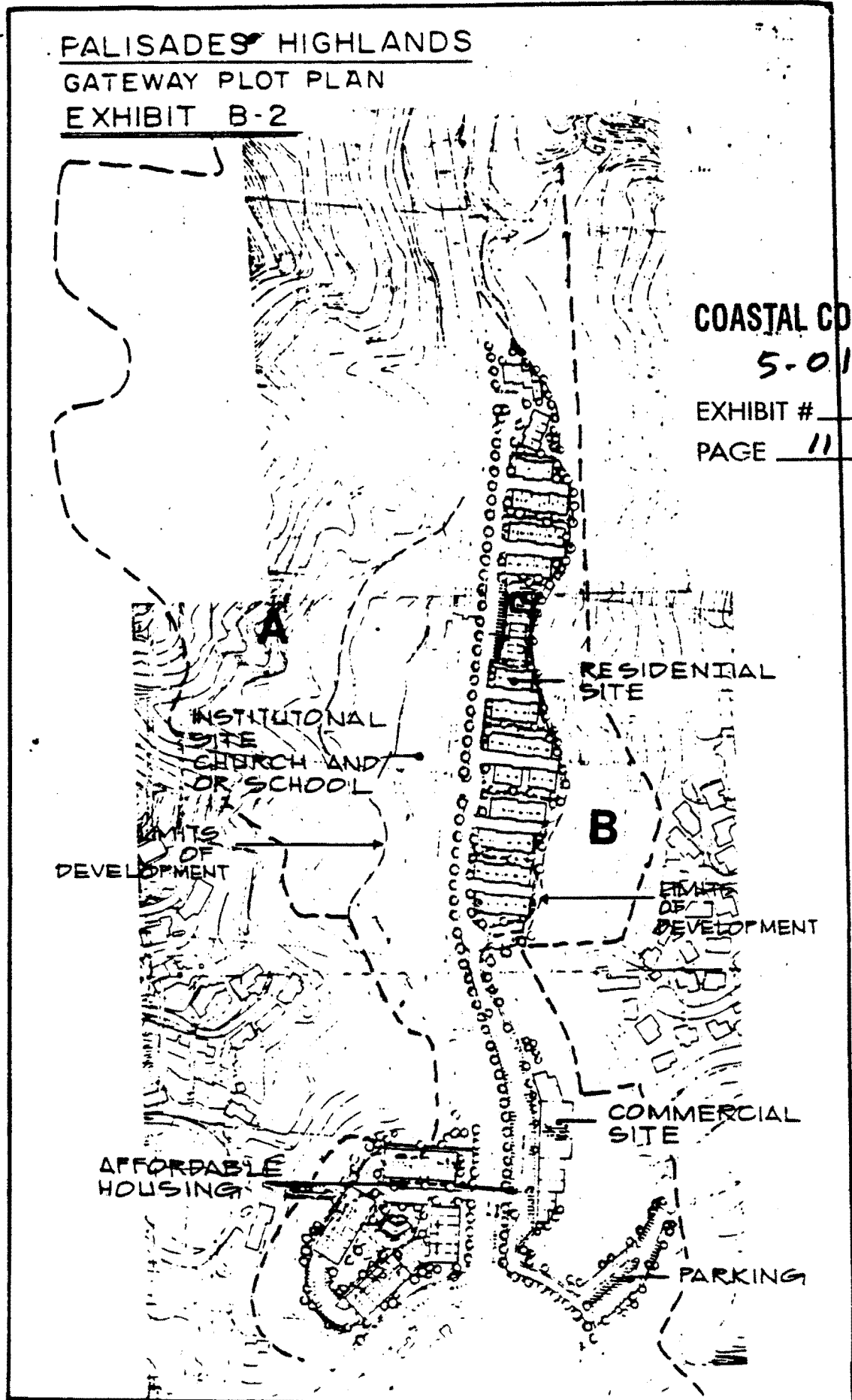


EXHIBIT "B"

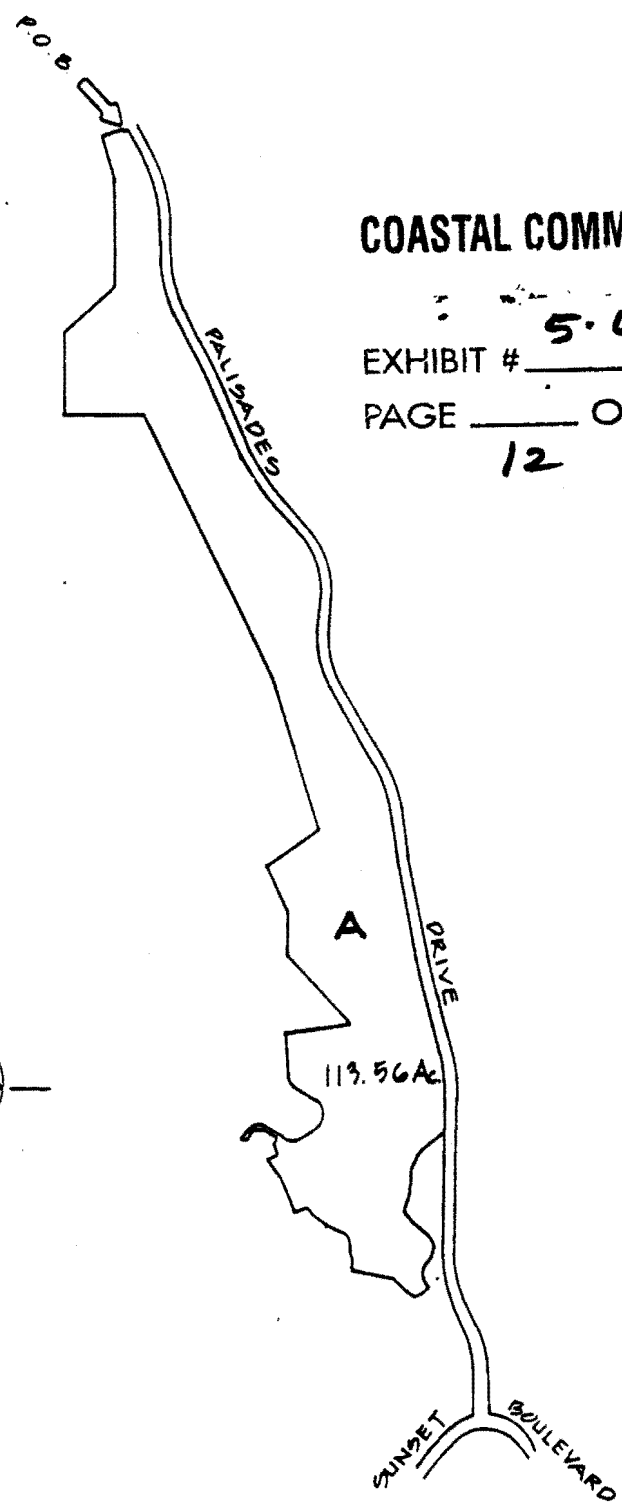
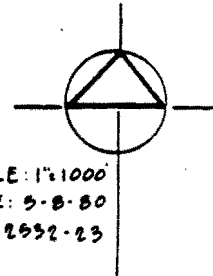
DEDICATION AREA

OFFER OF DEDICATION D-15-00-000

COASTAL COMMISSION

EXHIBIT # 5.01.190
14
PAGE 12 OF 12

SCALE: 1"=1000'
DATE: 9-8-80
W.O. 2932-23



PLAT TO ACCOMPANY LEGAL DESCRIPTION

"A"

OFFER OF DEDICATION AGREEMENT
Palisades Resources, Inc

Oct. 21, 1998

9:25am

REC&PARKS/DSN&CONST

No. 5700

P. 3/4

REPORT OF GENERAL MANAGER

NO. 204-89DATE April 10, 1989C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: Santa Ynez Canyon Park Addition:
Acceptance of Grant Deed for 108.46
Acres of Additional Open Space Along
Palisades Drive

*JB
SNJ
SEK
JR

GWR
DG
JT


General ManagerApproved XDisapproved Further Report RECOMMENDATION:

That the Board:

1. Accept the Grant Deed for the conveyance of 108.46 acres of additional open space property from Headland Properties Associates along Palisades Drive adjacent to our Santa Ynez Canyon Park; and,
2. Direct the Board Secretary to transmit the Grant Deed to the Department of Public Works, Title Officer, for recordation, and to transmit a copy of the recorded deed to Headland Properties Associates.

SUMMARY:

In conjunction with their development of the Palisades Highlands located northerly of Sunset Boulevard off of Palisades Drive, the Headland Properties Associates have offered to convey via Grant Deed a 108.46 acre parcel of open space to our Department. The subject property is located southerly of and directly adjacent to our Santa Ynez Canyon Park as shown on the attached exhibit.

Headland Properties originally deeded 48.46 acres of Santa Ynez Canyon Park to the Department in 1972. They deeded an additional 25.17 acres to the Park in 1981 bringing the total to 73.63 acres. The above properties were offered to fulfill their Quimby requirements.

COASTAL COMMISSION

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EXHIBIT #

15

PAGE

1

OF

4

OCT 21 '98 09:34

213 617 8439

PAGE.03

REPORT OF GENERAL MANAGER

PG. 2

NO. 204-89

Due to a reduction in residential density imposed by the California Coastal Commission, 108.46 acres of open space was offered to the Department by Headland Properties.

On May 7, 1981, the City Council adopted Ordinance No. 155,203 authorizing the Department of Recreation and Parks to receive and record grant deeds for several parcels of property including the subject 108.46 acres. These additional dedications will be completed on an incremental basis as various tracts within Headland Properties Associates holdings are recorded.

It is anticipated that the Department will receive an additional +292 acres of open space as these additional tracts are recorded. Including the previously dedicated 73.63 acres, plus the subject 108.46 acre dedication, and the estimated future dedication of 292 acres, the Santa Ynez Canyon Park will be comprised of a total of approximately 475 acres.

Headland Properties has previously dedicated 95.48 acres to the State Department of Parks and Recreation as an addition to Topanga State Park with an additional estimated 536 acres to be dedicated in the near future.

The 108.46 acres plus the future dedication of +292 acres will be designated as open space and used for picnicking and hiking into the adjacent Topanga State Park.

The Assistant General Manager, Pacific Region, and Councilman Braude of the District endorses the acceptance of this property by the Board.

COASTAL COMMISSION

5-01-190

EXHIBIT # 15

PAGE 2 OF 4

OPEN SPACE DEDICATION
TO REC & PARKS

Offered to
State of
California

Santa Ynez
Canyon Park
(City of Los
Angeles)

Slide Area

Offered to
City of Los Angeles

COASTAL COMMISSION

5-01-190

EXHIBIT # 15

PAGE 3 OF 4

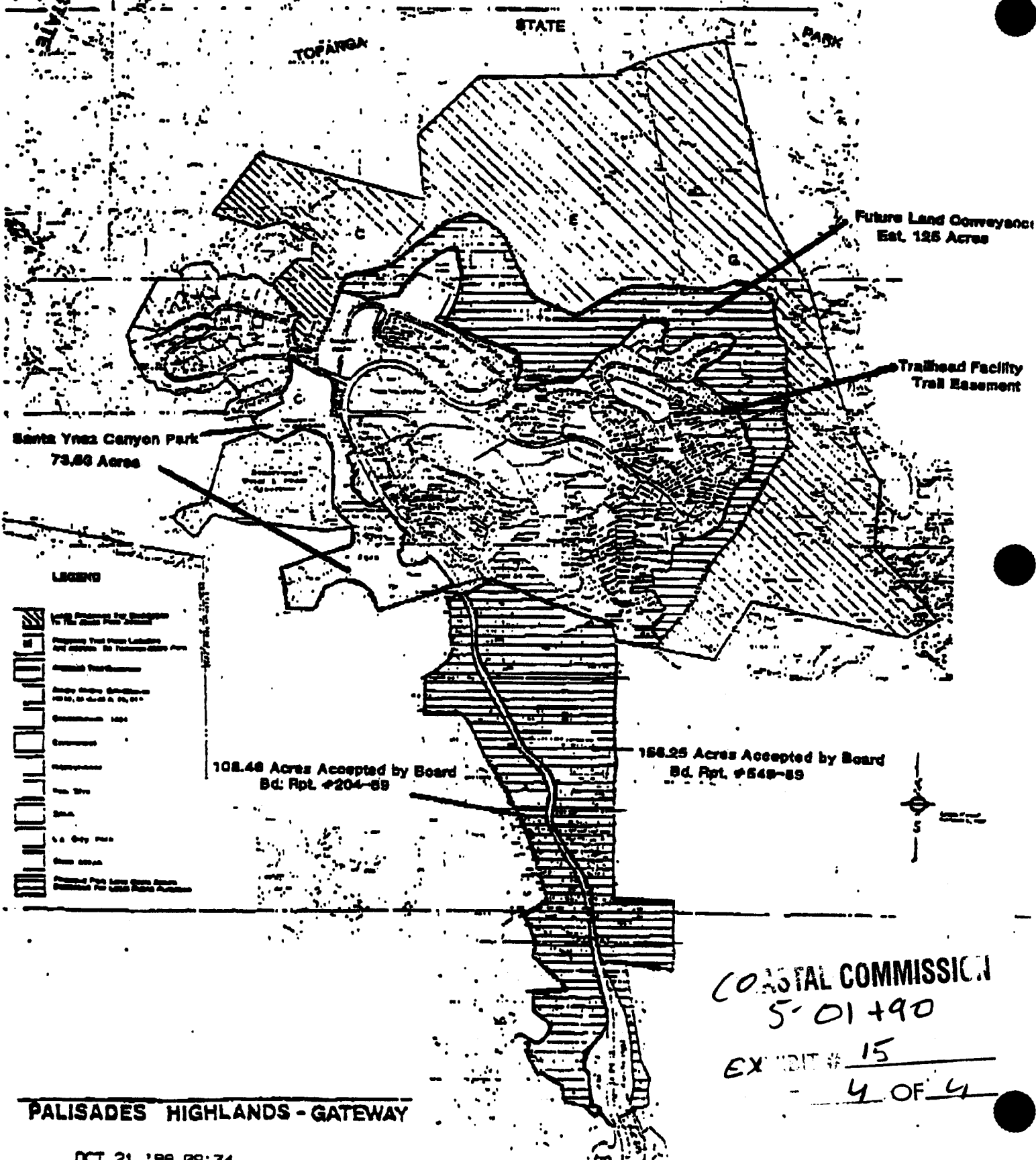
Post-It Fax Note	7671	Date	10/21/98
To	Gail Gordon	From	Al Carmichael
Co./Dept.		Co.	
Phone #	629-1033	Phone #	(213) 485-5671
Fax #		Fax #	

OCT 21 '98 09:33

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PAGE.01

SANTA YNEZ CANYON PARK MASTER PLAN



COASTAL COMMISSION
5-01-90
EXHIBIT # 15
4 OF 4

An Ordinance authorizing acceptance of dedication or conveyance of real property for park and recreational purposes to serve future inhabitants of proposed subdivisions and providing that the land so dedicated may be credited against dedications or fees required for said proposed subdivisions, and consenting to the relinquishment of an agreement right to obtain a dedication of certain other real properties for park and recreational purposes.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Headland Properties, Incorporated and Palisades Resources Incorporated have filed tentative tract maps and preliminary Parcel maps and will file additional tentative tract maps and preliminary parcel maps and will file final subdivision maps and parcel maps for the subdivision of certain lands located in the Pacific Palisades area of the City of Los Angeles. Said lands proposed for subdivision are shown on the map attached to Council File No. 73-2040 S which number appears at the end of this ordinance, and which map is identified as "Master Plan, Palisades Highlands" and is dated February 4, 1981. The said lands proposed subdivision are outlined in red on said map and are also identified by the following numbers:

Tract No. 41661, P.M. 14109, P.M. 14108

Tract No. 41662, P.M. 3947 Tract No.

41709, Tract No. 41710, Tract No. 31935,

Tract No. 32184, and unnumbered "P.M."

1 lying between Tract No. 41710 and 31934,

2 Tract 34923, and Tract No. 31070.

3 Sec. 2. As a condition of said subdivisions, Headland
4 Properties must dedicate or convey to the City of Los Angeles 25
5 acres of real property for park and recreational purposes, which
6 25 acres are identified on said map as "to be dedicated to L.A.
7 City Park." It must also dedicate or convey to the State of
8 California 95.4 acres of real property, which real property is
9 identified on said map as "to be dedicated to State of California,"
10 and an additional approximately 857 acres identified on the map
11 with the letters "A," "B," "D," "E," and "G." The 25 acres of
12 land to be dedicated or conveyed to the City of Los Angeles will
13 satisfy all requirements of California Government Code Section
14 66477 and Los Angeles Municipal Code Section 17.12 (known as
15 "Quimby" statute and ordinance) for dedication of land for park
16 and recreational purposes as a condition of subdivision of the
17 lands proposed for subdivision. Pursuant to Los Angeles Municipal
18 Section 17.12-F-2, it is intended that the dedication or conveyance
19 of said 25 acre parcel as a condition of the first subdivision of
20 any of the lands proposed for subdivision shall also satisfy the
21 park and recreational dedication requirement for all of the lands
22 proposed for subdivision. It is, however, the desire of the City
23 that should the dedications or conveyances to the State of
24 California not be made, revoked, terminated, or rejected, then the
25 City shall have the opportunity to obtain all of the parcels or any
26 portions thereof which were "to be dedicated to the State of
27 California" or which are identified with the letters "A," "B," "D,"
28 "E," and "G" as City-owned recreation and park or open space land,

1 should it choose to obtain same.

2 Sec. 3. The Council of the City of Los Angeles hereby
3 finds and determines that the public interest and convenience
4 requires the dedication or conveyance of the said 25 acre parcel
5 of real property to the City of Los Angeles for park and recreational
6 purposes; and pursuant to Section 17.12-F-2 of the Los Angeles
7 Municipal Code the Council authorizes the acceptance of said land
8 as a credit for the dedication requirement for all of the parcels
9 proposed for subdivision, as identified above, or any resubdivision
10 or subsidiary subdivision thereof; and if the City of Los Angeles
11 receives clear title to said 25 acre parcel of land for park and
12 recreational purposes as a condition of the first subdivision,
13 no further dedication of lands or payment of fees in lieu thereof
14 shall be required as a condition of subdivision of any of the
15 other parcels identified on said map as proposed for subdivision.
16 Provided, that this acceptance is authorized only if concurrently
17 with the conveyance or offer of dedication of the 25-acre parcel,
18 an offer is made to the City of Los Angeles for recreation and park
19 and/or open space purposes describing all of the land identified
20 as "A," "B," "C," "D," "E," and "G" on said map, said offer to be
21 irrevocable, but said offer shall provide that it may be accepted
22 only as to such portions of the land for which the conveyance or
23 offer of dedication to the State of California is revoked, expired,
24 or rejected by the State of California.

25 Sec. 4. The Council of the City of Los Angeles further
26 approves of the release of a promise made by Headland Properties
27 Incorporated in April, 1969 to donate approximately 150 acres of
28 land to the Department of Recreation and Parks, "accepted" by

1 the Board of Recreation and Park Commissioners on September, 1969,
2 as the conveyances to the City and State mentioned above all satisfy
3 the objectives of said promise.

4 Sec. 5. The Department of Recreation and Parks and/or
5 the City Engineer are authorized to receive and record a grant
6 deed or deeds to the real property identified as "to be dedicated
7 for L.A. City Park" conveying same to the City of Los Angeles
8 for park or recreational purposes and to receive and record offers
9 of dedication of the land which is "to be dedicated to the State
10 of California" and also which is identified with the letters "A,"
11 "B," "D," "E," and "G," which offers of dedication shall be
12 conditioned as described above.

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5.01.190
Exh. 16
p 4

Sec. 6 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles. at its meeting of May 7-1981

REX E. LAYTON, City Clerk,

By Edward W. Ackerman
Deputy.

Approved.....

Norman L. Roberts
Mayor.

Approved as to Form and Legality

April 23 1981
BURT PINES, City Attorney,

By Norman L. Roberts
NORMAN L. ROBERTS, Asst. City Attorney

Carrie L. Hamilton rec

File No. 73-2040 S

City Clerk Form 23

5-01-196
Exh. b. + 16
p5



Negotiation re acceptance

COASTAL COMMISSION

5. 21. 1980

EXHIBIT # 17

PAGE 1 OF 2

February 17, 1986

Honorable Marvin Braude
Councilman, 11th District
Los Angeles City Council
Room 275 City Hall
200 North Spring Street
Los Angeles, California 90012

Attention: Cindy Miscikowski
Chief Deputy

Subject: Boundary Survey -Dedication Parcels
Palisades Highlands

Dear Councilman Braude:

Please find transmitted herewith one copy of a survey plat consisting of three sheets dated February, 1986 (Drawing No. 1239) prepared by the California Department of Parks and Recreation depicting the boundary of the area of open space lands in Palisades Highlands that the State Department of Parks and Recreation has agreed to accept. The plat was hand delivered by Mr. Jim Heiner, Chief of Planning, California Department of Parks and Recreation during a meeting today. It is our understanding that an agreement has been made between the State agency and the City of Los Angeles concerning conveyance of the dedication parcels to the City and the State by Headland Properties, Inc. The dedication of the open space is required by Coastal Permit A-381-78 issued to Headland Properties, Inc. on December 23, 1980.

The proposed acquisition parcels shown on the survey plat include portions of Dedication Parcels "G", "E" and all of Parcel "C" as depicted on Exhibit A-1 of Coastal Permit A-381-78.

A copy of the legal description of the acquisition Parcel, as prepared by the State, is also attached.

You will note that, in accordance with prior meetings and discussions concerning this matter between representatives of the State, City, Headland Properties and other interested organizations and individuals Dedication Parcels "D", "A" and "B" are not included in the California Department of Parks and Recreation acquisition proposal.

The remainder portions of Parcels "G" and "E" and all of Parcels "A" and "B" are to be conveyed to the City of Los Angeles in accordance with Coastal

5-01-190

Honorable Marvin Braude
February 17, 1986
Page 2

EXHIBIT # hPAGE 2 OF 2

Permit A-381-78 and the agreement between the City and the State agency.

Conveyance of Parcel "D" may be made to the City or, as has been suggested, combined with Parcel Map 5164 (Recreation site) for recreational and open space use if approved by the City, Coastal Commission, Headland Properties, Inc. and found to be practicable.

Map Distribution

Mr. Heiner indicated during our meeting today that the Department's Legal Counsel, Mr. Buchter, will forward a copy of the map and legal description directly to Mr. Norman Roberts of the City Attorney's office for his use.

Copies of the survey map will be provided upon request to other interested persons, agencies and organizations by Headland as soon as a reproducible copy of the map is received from Mr. Heiner's office and copies can be prepared.

Necessary Actions

- o Headland will direct its Project Engineers, VTN, Inc. to review the map and legal description and confirm the State's plat.
- o A copy of the map and legal description will be forwarded to the Coastal Commission Executive Director and Chief Counsel for the Commission's review and approval.
- o A request will be made by Headland to the Coastal Commission that the designated recipients of the Dedication Parcels be made in accordance with Coastal Permit A-381-78 requirements.
- o Upon completion of the above, conveyance of the parcels will be made to the designees in the order and sequence defined in the Coastal Permit dated December 23, 1980, the Findings (Revised June 4, 1980) adopted by the Coastal Commission in approving the permit, and the offers of Dedication Agreements dated December 11, 1980 (Recorded January 5, 1981).

Please accept our sincere thanks for the many efforts made by your office in resolving the numerous problems that have heretofore prevented conveyance of these extensive open space lands to the public and permitting Headland Properties and its related corporate entities to complete development of the Palisades Highlands and Gateway properties in conformance with the City and Coastal Commission requirements.

Very truly yours,



Charles A. Yelverton
CAY:hb

Enclosures: (1) Survey Plat and Legal Description
(2) Master Plan -- Palisades Highlands/Gateway

1583 (2 files)

Trans Pam Is This OK
wow



pc in [unclear] w/o map
Tane
Pam E
COASTAL COMMISSION
5.01.190
EXHIBIT # 15

February 17, 1986

PAGE 1 OF 2
RECEIVED

California Coastal Commission
631 Howard Street
San Francisco, California 94105

FEB 19 1986
CALIFORNIA
COASTAL COMMISSION

Attention: Mr. Peter Douglas, Executive Director
Mr. Roy Gorman, Chief Counsel

RECEIVED
FEB 21 1986

Subject: Conveyance - Dedication
Parcels - Palisades Highlands

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Reference: Coastal Permit No. A-381-78

Gentlemen:

In accordance with an extended series of meetings, discussions and negotiations between representatives of the California Department of Parks and Recreation, the City of Los Angeles, Headland Properties, Inc. and various organizations, and individuals an agreement has been reached concerning conveyance of open space lands for public use by Headland Properties, Inc. and Palisades Resources, Inc. as required by Coastal Permit A-381-78.

As a result of an agreement between the California Department of Parks and Recreation and the City of Los Angeles a portion of the lands located in Palisades Highlands has been determined to be acceptable for acquisition by the State as shown on the enclosed survey plat prepared by the Department of Parks and Recreation dated February, 1986.

All other open space lands not determined to be acceptable to the State would be conveyed to the City of Los Angeles for public open space.

As proposed, the State Department of Parks and Recreation would accept all of Parcel "C" and portions of Parcels "G" and "E". The remainder of the Dedication Parcels including all of Parcels "A", "B" and those portions of "E" and "G" not acquired by the State would be conveyed to the City of Los Angeles. Parcel "D" has been proposed for possible merger with Parcel Map 5164 (Recreation Site) in order to assure its open space character and maintenance.

Headland Properties, Inc. and Palisades Resources, Inc., permittees under the provisions of Coastal Permit A-381-78, are desirous of completing the terms and conditions of the permit in respect to the open space land dedications.

675-7110

Conveyance to
City

Therefore, it would be greatly appreciated if the Commission and staff would review the survey plat and legal description and initiate appropriate actions necessary to enable the permittees to proceed with completion of the permit conditions.

It would appear at this time that an approval would be required by the Commission for a portion of the land to be conveyed to the City and that both the California Department of Parks and Recreation and the City of Los Angeles be designated as recipients of the identified parcels.

Your earliest consideration of this matter will be greatly appreciated. Any comments, suggestions, or procedures needed to be followed in accomplishing the terms of the permit in the referenced matter would be helpful.

Enclosed for your reference and information is a letter of this date to Councilman Braude and Cindy Miscikowski who have worked closely with all concerned in efforts to resolve the dedication issue.

Very truly yours,



Charles A. Yelverton

CAY:hb

Enclosures: (1) Survey Plat and Legal Description
(2) February 17, 1986 letter to Council Marvin Braude

cc: Ms. Cindy Miscikowski

COASTAL COMMISSION
5.01.190

EXHIBIT # 18

PAGE 2 OF 2

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

June 20, 1979

TO: STATE COMMISSION AND INTERESTED PARTIES

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: MAJOR DEVELOPMENT IN PACIFIC PALISADES, CITY OF LOS ANGELES, APPEALS
NO. 381-78 (Headlands Properties) and 390-78 (AMH Corp.)

On May 16, 1979 the Commission directed the staff to prepare a plan showing the amount and location of development within the total properties held by Headlands Properties, Inc. and AMH Corporation, Inc. within the Pacific Palisades community of the City of Los Angeles, which could be approved consistent with the policies of the Coastal Act.

Attached are maps and charts describing four options for the property:

- Plan A - Developers' original proposal as permitted under adopted Brentwood-Pacific Palisades Community Plan. Would allow approximately 2300 new residential units.
- Plan B - Compromise offered by the developers as a reduction from original proposal for implementation. Includes approval of Tracts 31935, 21601 and 30453 at issue in these appeals. Would allow approximately 1560 new residential units.
- Plan C - Staff Recommendation for approval of a portion of the development sought on Tracts 31935 (Headlands) and 21601 (AMH), and approval of all of Tract 30403. Would allow between 660 and 750 new residential units.
- Plan D - Projects which would be allowed if the City's slope/density formula (otherwise applicable in the Brentwood-Pacific Palisades Community). Would be applied to these ownerships. Would allow between 450 and 500 new residential units.

The Commission will hold a briefing by staff and a public hearing on June 21 with regard to these alternatives. Following the Commission's public hearing and receipt of further written comments, the staff will prepare a recommendation for action at the July 17-18 meeting regarding the permits pending before the Commission for projects on Tracts 31935, 21601, and 30453 and direction to the Local Coastal Program for the balance of the holdings.

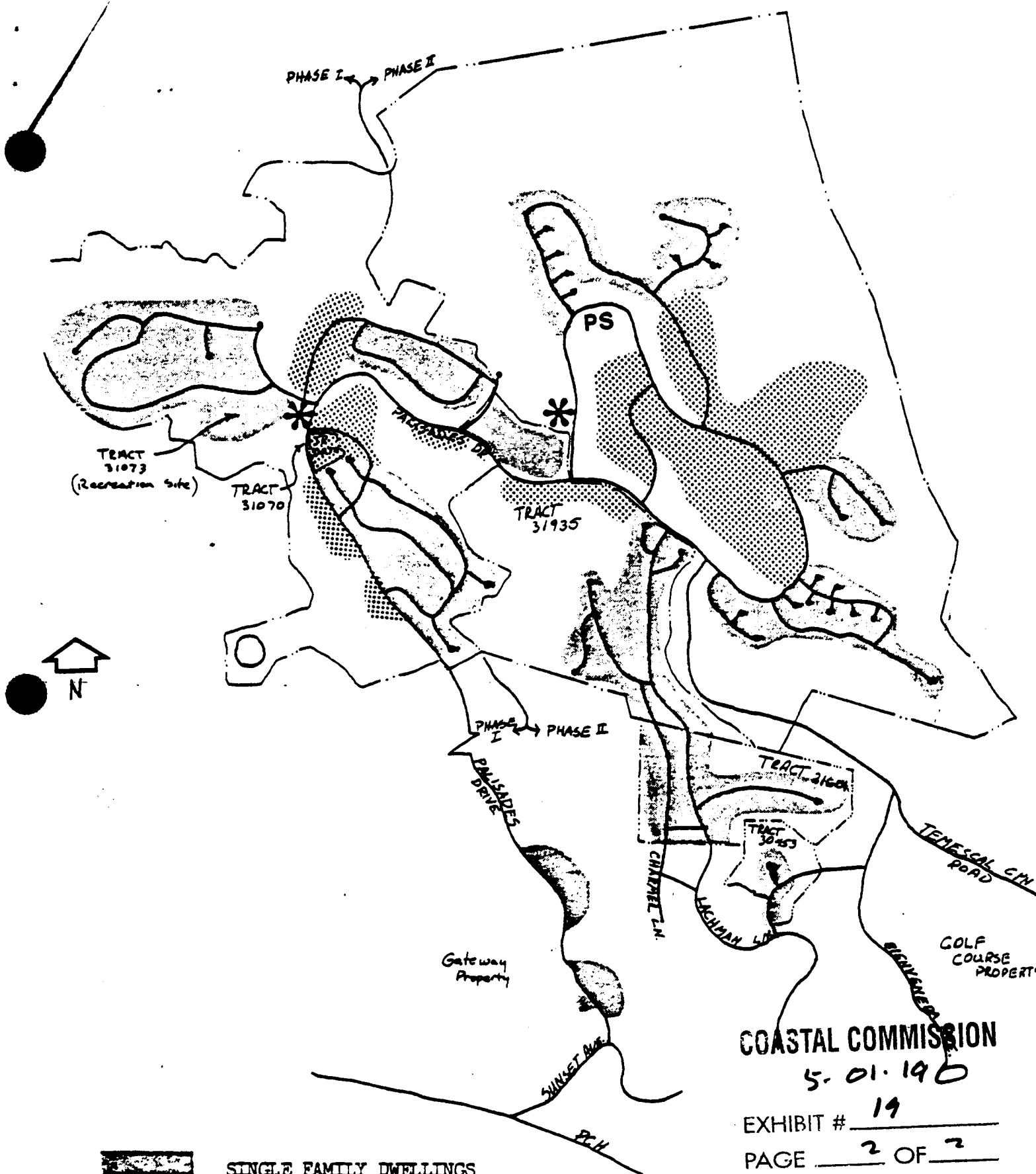
COASTAL COMMISSION

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EXHIBIT # 19

PAGE 1 OF 2

*Project as a whole
initial discussions*



SINGLE FAMILY DWELLINGS

MULTI-FAMILY DWELLINGS



COMMERCIAL

PS

PUBLIC SERVICES SITE

(NOT TO SCALE)

COASTAL COMMISSION

5-01-1960

EXHIBIT # 19

PAGE 2 OF 2

PLAN A -- DEVELOPERS' PROPOSAL
(about 2300 new units)

A

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

REVISED FINDINGS
AMENDMENT TO PERMIT.

Permit No. 381-78
(Headland Properties)
Amendment Approved: 5/21/80
Findings Adopted: 6/4/80

AMENDMENT

APPLICANT: Headland Properties Inc.

DEVELOPMENT

LOCATION: Palisades Drive, Pacific Palisades, City of Los Angeles

AMENDMENT

DESCRIPTION: (See Conditions and Findings)

COMMISSION

ACTION: Amendment Approved: May 21, 1980; Findings Adopted June 4, 1980

I. Approval With Conditions.

The Commission hereby grants an amendment to the permit as described below, subject to the conditions below, on the grounds that, as conditioned, the amendment 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 Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions

The permit is subject to the following conditions:

1. Scope of Approval.

a.. This permit amendment authorizes subdivision of 4 tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a 7-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the attached Findings and Declarations. All grading, structural development, and subdivided lots shall be located entirely within the urban limit line, as described in the surveys and maps prepared by VTN Engineers and submitted by Applicant to the Coastal Commission on March 21 and 26, 1980, and identified in the Coastal Commission files as approved Applicants Exhibits A-1, B-1 and C-1, except as shown below. (See Exhibits 4 and 5).

*Original action on
underlying
permit*

COASTAL COMMISSION

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EXHIBIT # 20
PAGE 1 OF 14

Upon notice to the Executive Director, the applicant may reduce the number of multiple family units and replace them with single-family units. The Executive Director shall approve such minor modifications to the project provided that there is no increase in the area graded or in the amount of traffic generated by the project, there is no interference with the provision in this permit for low and moderate income housing, and the modifications are otherwise consistent with this approval.

b. Concurrent with the development of Tract 31935, the applicant shall construct an emergency access road and pedestrian-bicycle path as generally indicated in Exhibit 4, between the southern terminus of public roadways serving Tract 31935 and the southern boundary of applicant's property. The road shall be designed and constructed as to require the minimum amount of land form alteration and to provide emergency entry to and exit from the Palisades Highlands development. The road shall be wide enough to accommodate two lanes of vehicles and meet the minimum specifications of the City of Los Angeles but at no point should the road width exceed 20 ft. Cuts and fills required for the construction of the road shall be the minimum required by the City of Los Angeles.

c. Subject to the review and approval of the Executive Director, in areas outside of urban limit line : minor grading may be performed to re-contour previously graded land; paved or unpaved pathways and other incidental improvements for low intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading may be installed if alternative locations are not feasible; vegetation within 100 ft. of any residential structure may be removed or altered for fire protection purposes.

2. Dedication. Within 10 days following the issuance of this permit, Applicant and Palisades Resources, Inc. (a co-applicant) shall record offers to dedicate to the State of California all of the property lying outside the urban limit line. Such offers shall be of a form and content approved in writing by the Executive Director. Such offers of dedication shall be irrevocable for a period of 7 years, except in the event of revocation of this permit. As final maps for the respective four tracts (noted below) are recorded, said offers shall be irrevocable as to specified parcels for 21 years thereafter and shall require dedication in fee of such specified parcels upon acceptance by the State of California or its agent. The offers of dedication shall contain the following provisions as to the parcels specified below:

a. Canyon Park. Concurrent with the recordation of a final map for Tract 34923 and prior to construction of residential units on such tract, the applicant shall record an irrevocable offer to dedicate the full fee interest in approximately 120 acres of land in Santa Ynez Canyon north of the existing City park and west of Palisades Drive (areas C and C-1 in Exhibit 2). With the exception of tax liens and the prior offer of dedication of such property to the City of Los Angeles Park Commission, the dedication shall be free of all prior liens and encumbrances. The applicant shall use best efforts to secure the waiver of the City Parks Commission to such prior offer of dedication. However to promote the most efficient and orderly operating and maintenance of these parklands, the applicant may withdraw the offer in favor of the State with regards only to the approximately 25 acres south of Avenida de la Montura (area C-1, Exhibit 4) and adjacent to the existing City park, provided that the City Park Commission accepts the dedication of area C-1 for operation as a City park.

COASTAL COMMISSION

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EXHIBIT # 20

PAGE 2 OF 14

b. Gateway. Concurrent with the recordation of a final map subdividing the Gateway Tract, Palisades Resources, Inc., shall record an irrevocable offer to dedicate the full fee interest in approximately 297 acres of land outside of the urban limit line on the Gateway tract established pursuant to Condition 1 above (generally shown as areas A and B in Exhibits 2 and 5).

c. Tract 31935. Within 30 days following the recordation of a final map subdividing Tract 31935 the applicant shall record an irrevocable offer to dedicate the full fee interest in the approximately 386 acres adjoining the portion of Tract 31935 to be developed (shown as areas D and G in Exhibit 2).

d. Tract 32184. Within 30 days following the recordation of the final map subdividing the first unit of Tract 32184 the applicant shall record an irrevocable offer to dedicate a full fee interest in the approximately 338 acres shown as area E in Exhibit 2.

e. Permit Expiration. In the event the obligation of Palisades Resources, Inc., and applicant to dedicate all of the property lying outside the urban limit line does not occur within seven (7) years after issuance of this permit, applicant shall be obligated to surrender and abandon this permit upon expiration of such seven year period and this permit shall have no further force or effect insofar as this permit pertains to any property not then subject to a final subdivision map.

f. Road Easements. Prior to recordation of any final maps for the authorized development, the applicant shall grant to the State of California all of the applicant's interests in road easements through Topanga State Park, including Palisades Drive extension to Mollholland Drive and Temescal Canyon Road towards Sunset Boulevard.

3. Restrictions. Concurrent with the recordation of final maps as noted in 2a, 2b, 2c, and 2d above, the applicant shall record an instrument covering such parcels in a form approved in writing by the Executive Director. Such instrument shall be considered a covenant running with the land in favor of the people of the State of California, shall be recorded free of prior liens and encumbrances except tax liens and shall bind the applicant and all successors in interest. Such instrument shall provide specifically as follows:

a. Prevent further division of such dedication parcels for any purposes except park purposes outside of the urban limit line.

b. Prevent development outside of the urban limit line except as permitted by this permit or for park purposes.

c. Waive all claims against the public for damages due to flood, fire or geologic instability which may arise as a consequence of approval of development within the permitted tracts.

4. Landscaping Plans. The Applicant has submitted landscaping plans and specifications for Tract 31935 and 32184, which have been reviewed and approved by the Executive Director. The final landscaping plans shall provide that slope areas exposed by grading or other construction shall be revegetated with primary endemic

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Exh. hit 20

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drought and fire resistant vegetation. On Tracts 31935 and 32184, landscaping shall be designed to screen and soften the visual impact of the project as seen from Topanga State Park. The areas of special landscaping concern (identified in Exhibit 4) shall be screened from view by a combination of berms and extra vegetation in conformance with the preliminary landscaping plan submitted by the applicant. No further review of landscaping plans for Tracts 31935 and 32184 is required. Landscaping plans for the Gateway shall be submitted for review and approval by the Executive Director prior to the start of construction of any units on the Gateway.

5. Archaeological Site. Prior to the development of Tract 32184, the applicant shall undertake or fund a thorough examination and test excavation of Archaeological Site LAN - 666 as recommended in the archaeological investigation performed by Roberts S. Greenwood in June of 1976. The examination and test excavation shall be performed under the direction of a qualified Archaeologist. Development of Tract 32184 shall not proceed until excavation of all significant features of site LAN - 666 is complete. The Archaeologist shall be notified of and allowed to observe all brush clearing and grading operations within the permitted development. All contractors and construction personnel shall be advised of the potential existence of other archaeological resources; all work shall be halted and professional consultation be obtained promptly if prehistoric materials are encountered or suspected in the process of development.

6. Housing. Prior to issuance of the permit, the applicant shall enter into an agreement with the Coastal Commission to provide for affordable housing as stated below. The agreement shall bind the applicant and any successors in interest and shall be recorded as a covenant to run with the land, with no prior liens other than tax liens. The agreement shall be recorded as a covenant on the 75 unit residential site on the Gateway - (as shown in Exhibit 5) and Lot 193, Tract 32184 as shown on Exhibit 4. The agreement shall provide:

a. The applicant shall either provide 60 units of affordable dwelling units, subject to resale controls, at prices which are affordable to low and moderate income persons earning from 50-120% of median income on Lot 193, Tract 32184, or 100 units of affordable housing in the same manner on the Gateway site if and when that site is rezoned to allow such development.

b. When and if the Gateway tract is rezoned to allow for the provision of the 100 affordable units described above, the restriction on Lot 193, Tract 32184 shall terminate.

c. Upon issuance of a certificate of occupancy as to 60 affordable housing units on Lot 193, Tract 32184 or 100 affordable housing units on the affordable housing site in the Gateway the agreement shall terminate as to the 75 unit residential site in the Gateway.

d. If five (5) years after the date of the rezoning of the affordable housing site in the Gateway no construction has commenced for affordable housing thereon and if applicant thereafter dedicates the fee interest in the affordable housing site to a public housing agency the agreement to construct such affordable units shall terminate as of the date of recordation of such dedication.

COASTAL COMMISSION

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EXHIBIT # 20

4 OF 14

e. Prior to the applicant commencing construction of the affordable housing or prior to the dedication referred to in paragraph d, applicant shall enter into an agreement, approved by the Executive Director, with a public housing authority or other agency acceptable to the Executive Director, providing that such agency agrees to construct if necessary and administer the affordability (resale) controls provided for in the Commission agreement.

f. The units shall be priced to be affordable to the range from 50-120% of median income so that an equal number of units is available in each of the following price ranges: 50%, 60%, 70%, 80%, 90%, 100%, 110%, and 120%. At least one third of the units in each range shall be three bedroom units of at least 1000 square feet. All other units, if any, shall be at least 600 square feet. Up to two thirds of all the units may be designated for elderly, and at least one third shall be designated for families.

g. The sales price in each range shall be determined by the following formula:

$$\text{Sales Price} = \frac{(1/3) (\text{median income}) (\text{family size adjustment}) (\text{income range}) - (\text{Homeowners Association Dues} + \text{Insurance Premiums})}{(\text{Debt Service Constant Percent}) (\text{Loan to Value Ratio}) + 1\%}$$

The family size adjustment shall be as follows: for a one bedroom unit, 80% (.8); for a two bedroom unit, 95% (.95); for a three bedroom unit, 108.5% (1.085). Median income shall be the median income for a family of four as last calculated by HUD, prior to the issuance by the Department of Real Estate of the Public Report for the units.

h. The affordable units shall be offered for sale subject to controls on resale, substantially as provided in the Commission's guidelines, subject to the approval of the Executive Director, in order to assure continued affordability.

i. No residential development shall take place on the 75 unit residential site in the Gateway until such site shall have been released from the agreement in accordance with either 6c or 6d above.

7. Park Facilities. Concurrent with the grading of Lots 86 and 87 of Tract 32184, the applicant shall construct trailhead facilities (including a 6-10 car parking lot, gates and signs) in vicinity of said Lots 86 and 87 substantially as shown in Applicant's Exhibit A-1, so as to provide foot trail access to an existing trail on Temescal Ridge. The applicant shall also construct a restroom facility in the vicinity of Palisades Highlands at a location designated by the State Department of Parks and Recreation in Topanga State Park or on the dedicated lands. If the applicant is unable to construct the restroom prior to completion of Tract 32184, the applicant may post a bond in an amount sufficient to fund construction by the State if such facilities are determined to be necessary by the Department of Parks and Recreation. All facilities shall be constructed to the usual specifications of the Department of Parks and Recreation, and shall be turned over to the Department for operation and maintenance.

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III. FINDINGS AND DECLARATIONS:

The Commission finds and declares as follows:

1. Amendment Description. The proposed amendment to this development permit consists of expanding its scope to authorize: (a) the division of acres on Tract 31935 into 137 lots for 133 single-family dwellings, 2 lots for a total of 50 condominiums (the condominiums may require a local government rezoning at a later date), one recreation lot and a 30-acre open space lot; (b) the division of 115 acres on the remaining undeveloped portion of the Palisades Highlands (Tract 32184) into 260 lots for 257 single-family dwellings, 1 site for 60 condominiums, a recreation lot and an approximately 8-acre open-space lot; (c) the division of approximately 322 acres in the "Gateway" area (immediately northerly of the intersection of Sunset Boulevard and Palisades Drive) into six separate parcels: a 10 acre site for 75 market price residential units; about 7.5 acres for church, school, or similar public serving institutional use; a commercial and parking site of approximately 2.5 acres; a site of approximately 5 acres for 100 units of affordable housing; and 2 parcels for permanent open space totalling 297 acres to be dedicated to the public; (d) the development of a 6 acre graded site into 64 condominium units on Tract 34923. The project would include approximately 3.5 million cubic yards of grading in the Palisades Highlands, and additional, comparatively minor, grading in the Gateway, for streets and building pads, and installation of drainage facilities, utilities, streets, landscaping, and improvement of the active recreational site in Tract 31935 (Exhibit 4); (e) a 1 acre recreation site adjacent to the westerly boundry of Tract 31935; and, (f) construction of single family dwellings and condominium units on each of the permitted tracts consistent with applicable City zoning standards.

The Palisades Highlands portion of the project site is vacant and in a natural state except for a small area on the north end of Tract 31935 where some grading and slope work was performed in connection with off-site improvements for another tract. The site is within Palisades Highlands which is 2 to 3 miles north of the shoreline on the southern slopes of the Santa Monica Mountains in the City of Los Angeles. Existing development in Palisades Highlands is set into a bowl graded out of Santa Ynez Canyon; the proposed tracts would be above and to the east of the existing development and along, below, and northerly of the ridge separating Santa Ynez Canyon from Pulga and Temescal Canyons.

The Gateway project site is located on both sides of Palisades Drive, immediately north of its intersection with Sunset Boulevard in the Pacific Palisades area of the City of Los Angeles. It is approximately one mile from the shoreline, and is not between the first public road and the sea. The site is adjacent to existing developed areas, and lies south of Palisades Highlands, at the southerly terminus of the Santa Monica Mountains in this part of Los Angeles. Except for Palisades Drive and a small frame structure on Parcel 1 used by applicant's employees, the site is vacant. The areas proposed for development were previously graded in conjunction with the construction of Palisades Drive and related facilities. About 25 acres of the site proposed for development are essentially level so that minimal additional grading will be required, and no alteration of significant landforms will occur. About 297 acres of the Gateway are in a natural state and would not be graded or otherwise developed.

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The Palisades Highlands portion of the project authorized in this amendment is the ninth and tenth of 10 major tracts approved or proposed in Palisades Highlands. The first eight tracts, containing 1018 dwelling units on 417 acres, ("Phase I" of the overall Headland project), are nearly complete. Included in this action is the approval of 64 condominium units on a 6 acre tract (Tract 34923), which is the last vacant site in Phase I. This site was once designated for commercial use. Because the Gateway will include about 2 acres of neighborhood commercial uses, the Commission can approve residential development on all of Tract 34923.

This action of the Commission authorizes 500 units in the Phase II area of Palisades Highlands, to be concentrated on about 185 acres in two separate tracts. The permit includes development of up to 183 dwelling units on Tract 31935, grading of roads and building pads and installation of necessary subdivision improvements (streets, sewers, drains, utilities, and recreational facilities) for up to 50 high density condominiums on about 6 acres and 133 single-family dwellings (RE-15 zoning). The Commission also approves, subject to conditions, development of 317 dwelling units on Tract 32184, grading of roads and building pads and installation of necessary subdivision improvements (streets, sewers, drains and utilities) for 60 high density condominiums on about 6 acres and 257 single-family dwellings (R-1 and RE-15 zoning) on the remainder of the tract. As proposed, this project -- 500 dwelling units on 185 acres -- would have a net density of 2.71 d.u./acre. Conditions requiring dedication of substantially more than 800 acres for State park purposes will reduce the effective density to significantly less than 1 d.u. per 2 acres. Current City zoning would allow 2.93 d.u./acre. This project was specifically exempted from application of the slope-density formula applied by the City to most other hillside projects within the area. However if the slope-density formula had been applied, development would have been limited to approximately 300 units in Phase II.

Finally, this action authorized all subdivision, minor grading, installation of subdivision improvements and construction of up to 175 multiple family residential units on 15 acres of the Gateway tract. The Gateway is also to be prepared for the development of about 25,000 square feet of neighborhood commercial uses and parking on a 3 acre site and community-institutional uses on a 7 acre site. Construction of institutional and commercial structures is not authorized by this permit, as sufficient detail of design has not yet been specified. As permitted, the residential components of the Gateway project, involving a total of 175 dwelling units on 15 acres, would have a net density of 11.66 d.u./acre. Conditions requiring dedication of 297 acres for open space park purposes reduce the effective density to 1 d.u./1.8 acres.

The Gateway portion of the project is not compatible with existing City zoning. Rezoning will be necessary to implement this portion of the project, and the conditions of this permit require the applicant to use best efforts to obtain it. While rezoning should be obtainable within 2 years, if the City of Los Angeles is willing to take such action, the need for rezoning will necessarily delay implementation of the project. For this reason, the Commission has allowed 7 years for the commencement of construction under this permit. The Commission finds that the departures from existing City zoning required by this action are reasonable and necessary to bring the project into conformity with the policies of the Coastal

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Act. Without them, the project could not be approved. The City's slop-density formula would have limited development on this site to about 50 residential units. However all 175 units approved in this action can be sited within already graded areas. The Commission has approved this higher density in order to reduce the amount of development in the Phase II area of Palisades Highlands, there by reducing the total amount of landform alteration. In addition, the higher density allows the applicant to provide 100 units of low and moderate cost housing at this site which is more convenient to bus lines, commercial uses and other community services, than would be sites in Palisades Highlands.

Conditions on this approval require the applicant to construct an emergency access road south from Tract 31935 to the southerly boundary of the applicant's property (adjoining the AMH project site), provide 100 units of low and moderate cost housing (especially for the elderly and families), to dedicate title to between 1067 and 1180 acres (depending on the final grading and tract boundaries) for public park purposes, and to vacate easements for road extensions through Topenga State Park. The Commission recognized that the four tracts are proposed for development in a integrated development plan. Thus the Commission has issued a single permit authoring all development (except as specified) necessary to complete these four tracts and does not intent that the applicant or his successor return for further permits, except for construction the commerical and institutional structures or the Gateway. Minor changes in design or unit which have no adverse affect on Coastal resources and which do not conflict with this approval, will be approved administratively by the Executive Director. Like all major land development projects, the project authorized by this permit will proceed in at least four major stages (one for each of the noted tracts). The conditions require permanence of stated obligations (dedications, construction of facilities) phased with the development of associated tracts. However it is the intent of this Commission that this permit be considered a comprehensive and final approval, and not be voidable once any portion of the approved development is undertaken unless the applicant fails to comply with the conditions. As the development plan is integrated, so are the dedications required by the conditions. For it is only with the dedication of these lands for permanent preservation of visual ad landform resources and for public recreational use that the Commission can find the development of the four tracts on balance most protective of significant coastal resources. The dedication of these lands also provides a conclusion to the issue of continuing development in the area. With the approval of this amendment with the dedication of open space areas outside the last four tracts, the Commission and the applicant have achieved a compromise beneficial both to the public and to the developer, resolving once and for all the major Coastal Act issues of location and intensity of development, traffic impacts, amount of grading and provision of low and moderate cost housing. Therefore it is intended that once any portion of the permit is exercised or any offer dedication made, that the entire development and dedication plan proceed to completion as expeditiously as possible.

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2. Coastal Resources. The major issue in the Commission's July, 1979 action were: the density of the project as it affected the traffic impact on access to the coast, the extent of grading and alteration of natural land forms as it affected scenic habitat and recreational resources and the provision of housing opportunities for persons of low and moderate incomes. Approvals of this amendment authorizes an increase in the number of units in the total project from about 600 to about 740 units, with proportionately greater impacts on the local traffic network, substantial increase in the area to be graded in the Phase II (i.e., Tract 31935 and 32184) area of Palisades Highlands from about 100 acres to about 185 acres. However, the projects originally proposed and authorized by the City's District Plan for this area would have contained 1850 units on 445 acres. In all cases the balance of the 968-acre Phase II site would be either dedicated as open space or dedicated for park purposes. Both the July, 1979 permit and this amendment provide for 100 units of affordable housing to be located on the Gateway Tract.

a. Traffic. By limiting approval of units in the Highlands and by further finding that only 500 other units in addition to the 64 townhomes on Tract 34923 and 1 residential estate can be approved in the area, the Commission can find that the ultimate direct and cumulative traffic impacts would be substantially reduced to less than about 5000 vehicle trips per day.

As conditioned by the Commission to limit the total number of dwelling units to 175, the Gateway portion of the project will have an adverse impact on local and regional traffic circulation. If all 175 residential units were market price, the project might be expected to generate about 1650 vehicle trips per day. However, since 100 units will be for persons of low and moderate income, this estimate can be reduced substantially, since such persons generally own fewer cars and use those they own less frequently. Vehicle trip generation will be further mitigated by the provision of a 2.5-acre commercial and parking site which will reduce the need for residents to travel elsewhere to secure needed goods and services. Since the commercial site will serve the Palisades Highlands as well, it will also reduce to some extent vehicle trips over Sunset Boulevard and Pacific Coast Highway by residents in developments there. The total traffic generated by the 4 tracts will amount to about 6500 vehicle trips per day. The traffic impacts from development permitted as a result of this action is significant. Because of these impacts, these projects could not be approved but for the fact that the projects as conditioned will provide beneficial impacts by preserving natural landforms, habitats, scenic vistas, granting free of charge to the public substantial lands with significant recreational potential, and providing needed affordable housing in this area of the coastal zone.

b. Alteration of Natural Landforms. The 183-unit Tract 31935 development is designed to require about 1.5 million cubic yards (mcy) of grading, most of which is a cut to remove a hillside required in order to extend Palisades Drive, the only access to the proposed new tracts. The 317-unit Tract 32184 development is designed to require about 2 million cubic yards (mcy) of grading. The developed portions of the Gateway property under the project approved here would be limited to relatively flat areas adjacent to Palisades Drive; Grading will be minimized and no material alteration of natural landforms will occur. There are no views to or along the ocean from anywhere in the area to be developed on the Gateway tract; and hillside areas will be left virtually untouched.

The project EIR for the entire project originally proposed in Phase II notes that an additional 8.0 mcy of grading would be performed to build roadways and pads for an additional 1850 units. The presently revised plan for an additional 317 DU's in the

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remainder of Palisades Highlands

would require only about 3.5 mcy, a reduction of more than 50%. Although grading for Tract 31935 averages about 1875 cubic yards of cut and fill for each dwelling unit, a large portion of this grading is necessary in order to satisfy the Secondary Access Road connection. Because of the need to make the road connection, the overall reduction of grading in the total project area and the fact that grading and lot placement has been sensitively designed to protect landforms (including the "Split Rock" formation in Tract 31935) and views of particular significance, it is determined by the Commission that this landform alteration is consistent with Section 30251 of the Coastal Act. Visual impact of the grading will be mitigated by revegetation of exposed slopes and lots consistent with Coastal Act policies, and in conformity with approved landscaping plans.

The project would result in permanent alteration of approximately 145 acres of the 185 acres in Tracts 31935 and 32184. A firm Urban Limit Line is to be established with permanently preserved buffer areas designed to protect the integrity of the local wildlife systems from both construction and residential impacts.

The project will result in alteration of only approximately 25 acres out of the total 322 acre Gateway property. The substantial acreage left intact will protect the integrity of local wildlife systems from construction and residential/commercial impacts. Based upon this fact the Commission finds this project does not involve any significant disruption of habitat values and is compatible with the continuance of surrounding habitat areas, so that it is consistent with the policies of Section 30240 of the Coastal Act.

The project is visually compatible with both the surrounding areas adjacent to Sunset Boulevard, which contain existing residential and commercial development, and with the Palisades Highlands to the north. The Commission finds that the minimal landform alterations involved are mitigated by the permanent preservation of far larger areas in a natural state. Within these conditions, the Commission finds that development on the Gateway would be consistent with the policies of the Coastal Act.

Although the amended permit allows for a significantly greater graded area, it is more protective of the undeveloped areas as they will be dedicated to park purposes. Thus, on balance the Commission finds that the project is protective of natural landforms, and, as conditioned, is consistent with Sections 30240 and 30251 of the Coastal Act.

c. Affordable Housing. Section 30213 of the Coastal Act provides that:

...housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided...

The Commission's Interpretive Guideline on New Construction of Housing, adopted on 22 January 1980, generally requires that 25 percent of the units in new residential developments be set aside for persons of low and moderate income. The Gateway development being approved in this action, considered by itself, significantly exceeds this minimum requirement by providing affordable housing which is 133 percent of the market price units proposed (100 vs. 75).

However, this Gateway project is being approved as part of a series of actions by the Commission intended to provide for the coordinated development, consistent with Coastal Act policies, of the Gateway and the remaining undeveloped portions of the

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Palisades Highlands. This combined development adds a total of 640 new market rate residential units to the housing supply in the Pacific Palisades area. (183 units on Tract 31935 (Appeal No. 381-78); 64 units on Tract 34923; 317 units in the remainder of the Phase II area of the Highlands; and 75 in the Gateway). The 100 units of affordable housing are only 15.6 percent of this total; and, were it not for the other significant public benefits provided by the project, the Commission could not find that the Coastal Act's affordable housing requirement had been met.

Section 30007.5 specifically contemplates balancing of competing Coastal Act policies, and requires that conflicts be resolved in a manner which is most protective of coastal resources. With respect to affordable housing, the Interpretive Guideline on New Construction of Housing specifically provides that the Commission may require a smaller percentage of affordable housing where a project includes significant other public benefits such as "extraordinary public access or parkland dedications". The Commission finds that the Gateway and Palisades Highlands projects being approved together clearly provide such extraordinary public benefits of open space park dedication and habitat and landform preservation that reduction of the general 25 percent requirement is appropriate.

The Interpretive Guideline on New Construction of Housing also requires the Commission to consider community need for lower cost housing. The Commission notes that Pacific Palisades has a relatively high proportion of demand for housing for elderly persons. Consequently the Commission has required that up to 2/3 of the units be reserved for this group. The Commission finds that the Gateway Tract is an appropriate location to provide the project's inclusionary units as it is located on the Sunset Blvd. bus line, across the street from a neighborhood commercial center, and within 1/4 mile of both a large food store and the beach.

Because the Gateway Tract is not zoned for multiple unit development, however, there is some potential that the affordable housing would not be allowed. Therefore, the Commission has required that a 6-acre condominium site in Tract 32184, large enough for about 60 units, be held available to provide an alternative location for inclusionary housing units. If the Gateway Tract is not rezoned for higher densities (RD-1.5 or RD-2) the condominium site in Tract 32184 would be used as the site for 60 units of affordable housing. It is the intent of this condition to provide assurance that low and moderate cost housing units be constructed by the applicant and provided for purchase by qualified members of the public within a resale control program administered by a local housing agency. Although the Commission prefers that affordable units be sited in the Gateway, if such location is not allowed, a lesser number (60 units) must be provided in the Palisades Highlands Phase II area. In the event that the applicant is either unable or unwilling to construct the units, within 5 years, securing City rezoning for the higher density affordable units (i.e. to RD-2), the applicant may dedicate the site to a local housing agency provided that the applicant receives housing agency agreement to construct and maintain the units and the Executive Director of the Commission approves such agreement. The Commission recognizes that agreement of the housing agency may depend upon the applicant providing sufficient funds to enable the agency to complete the project expeditiously and actually provide the housing opportunities such a provision is entirely within the intent of this condition. Without this condition, the Commission could not find that the development of the four tracts subject to this action would be consistent with the mandate of Section 30213 which states "...housing opportunities for persons of low and moderate income shall be protected, encouraged and where feasible, provided."

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d. Archaeological Resources. The archaeological survey performed for the EIR on the Phase II area, noted that there are two significant pre-historical sites in the area. One of these, site LAn-666 is located within the area to be totally altered during grading for Tract 32184. The other site is outside the area to be developed. The EIR survey noted:

The milling stone site LAn-666 is a highly significant cultural resource with the potential for contributing important data for research into the cultural history of the Santa Monica Mountains and the broader sequence of development in Southern California.

The report recommended that the site be excavated and analyzed prior to grading, as a mitigation for its destruction. Conditions on this approval incorporate the recommendations of this report in conformance with Section 30244 of the Coastal Act. Only with these conditions can the Commission find the project consistent with the policies of the Coastal Act. The report also notes the potential existence of other archeological resources. Therefore the Commission's conditions require that the applicant notify a qualified archeologist before starting any grading or brush clearing in the Phase II area (Tracts 31935 and 32184), allow the archeologist to be present to observe such operations, and to require that work stop if new archeological sites are found, while appropriate mitigation is undertaken. Only with these conditions can the Commission find the proposed development of Tracts 31935 and 32184 consistent with the policies of the Coastal Act.

4. Precedent. As the Commission noted in its findings in July of 1978, these tracts may be approved only because the significant impacts of buildout have been identified and mitigated to the maximum extent feasible, in a comprehensive review of all potential large scale development in Pacific Palisades. The Commission is fully aware that the scope of these approvals is one which is generally more appropriate to a Local Coastal Program. However, because of the already extensive planning and permit reviews of this project by the City of Los Angeles the City's reluctance to further review this area in its Local Coastal Program and the extent of mitigation as offered by the applicant and confirmed by the conditions, the Commission finds these projects may be approved prior to certification of the City's LCP. In conformance with Section 30625 of the Coastal Act, this decision shall guide preparation of the Local Coastal Program for this area.

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PALISADES HIGHLANDS
GATEWAY PLOT PLAN
EXHIBIT B-2

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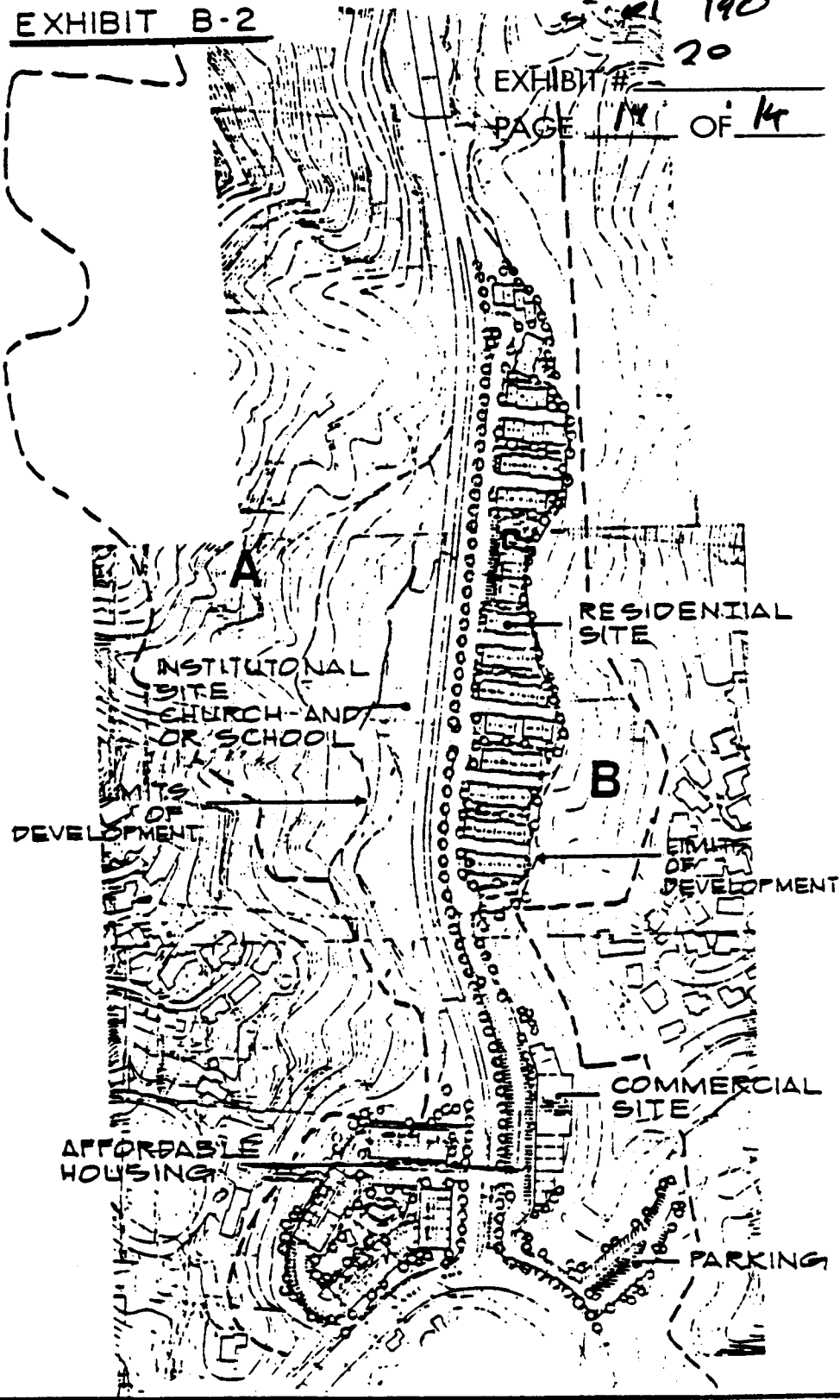


Exhibit 5

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

FILED: 12/3/86
49th DAY: 1/22/87
180th DAY: 6/1/87
STAFF: Emerson *PK*
STAFF REPORT: 2/3/87
HEARING DATE: 2/26/87



FILE COPY

AMENDMENT REQUEST

COASTAL COMMISSION

5.01.190

STAFF REPORT AND RECOMMENDATIONEXHIBIT # 2APAGE 6 OF 7

Application: A-381-78A7 (Palisades Resources, Headlands Properties)

Applicant: Palisades Resources Inc and Headlands Properties
PO Box 705
Pacific Palisades, Ca 90272

Description: Amend permit for 740 unit subdivision, including construction of condominiums and creation of single family lots, construction of low and moderate income housing, open space dedications, commercial center, church and school to extend expiration date.

This is a request to amend Condition Two imposed by the Commission in its action on 381-78A. Condition Two addresses dedication of open space land. It provides for interim, seven-year offers to dedicate open space. At the time of recordation of final maps, it provides for offers of dedication to extend for twenty-one years. It also provides that the applicant will be required to abandon the permit seven years after the date of approval unless all final maps connected with the development have been recorded and all associated dedications have been made.

Because the applicant has not yet recorded the final map on one tract, 32184, both interim offers of dedication over the open space and the permit will automatically expire on May 21, 1987. This request is to extend the life of the permit and the period of time in which the interim offers of dedication are valid for an additional seven years, from May 21 1987 to May 21 1994.

Site: The entire project is located in Santa Ynez Canyon, west of Temescal ridge and east of Topanga State Park, and north of Sunset Boulevard in the Pacific Palisades District of the City of Los Angeles.

*Amendment changing
Agency accepting
Dedications*

Substantive File Documents:

- 1) Pacific Palisades Community Plan, City of Los Angeles
- 2) A-381-78; Amendments 1-6.

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development, as conditioned, 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. STANDARD CONDITIONS: See Attachment X

III. SPECIAL CONDITIONS:

1) Limits of amendment

This amendment pertains to condition 2 only and does not affect the remainder of the approval or the adopted conditions of the Commission.

2) Revised Dedication Condition.

Prior to the extension of the date of surrender and abandonment (expiration date) the applicant shall record offers to dedicate open space lands specified in Condition Two. In each of the offers, the accepting agency shall include the City of Los Angeles or a private non-profit association acceptable to the Executive Director as specified in the revised condition. The expiration date of the interim offer to dedicate that applies to area E shall be extended an additional seven years, until May 21, 1994. Consistent with Condition Two, the applicant shall record offers to dedicate the areas where tracts have already been recorded, that is, offers pertaining to areas A, B, C, C-1, D and G. The offers shall be irrevocable for a period of twenty-one years from the date of recordation of the offers. These offers shall also reflect

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the change in possible accepting agencies in the revised Condition 2.

After the applicant records these changes in the offers to dedicate in a manner acceptable to the Executive Director, the expiration date of the permit (date of surrender and abandonment) shall be extended to May 21, 1994. If the process of dedication is not complete by that time the applicant shall abandon the permit.

Condition 2 as revised shall state:

2. Dedication. Within 10 days following the issuance of this permit, applicant and Palisades Resources, Inc. (a co-applicant) shall record offers to dedicate to the State of California, the City of Los Angeles, and/or a private, non-profit corporation acceptable to the Executive Director all of the property lying outside the urban limit line. Such offers shall be of a form and content approved in writing by the Executive Director. Such offers of dedication shall be irrevocable ~~for a period of 7 years~~ until May 21 1994 except in event of revocation of this permit. As final maps for the respective four tracts (noted below) are recorded, said offers shall be irrevocable as to specified parcels for 21 years thereafter and shall require dedication in fee of such specified parcels upon acceptance by the State of California or its agent. The offers of dedication shall contain the following provisions as to the parcels specified below:

- a. Canyon Park. Concurrent with the recordation of a final map for Tract 34923 and prior to construction of residential units on such tract, the applicant shall record an irrevocable offer to dedicate the full fee interest in approximately 120 acres of land in Santa Ynez Canyon north of the existing City park and west of Palisades Drive (Areas C and C-1 in Exhibit 2) With the exception of tax liens and the prior offer of dedication of such property to the City of Los Angeles Park Commission, the dedication shall be free of all prior liens and encumbrances. The applicant shall use best efforts to secure the waiver of the City Parks Commission to such prior offer of dedication. However to promote the most efficient and orderly operation and maintenance of these parklands, the applicant may withdraw the offer in favor of the State with regards only to the approximately 25 acres south of Avenida de la Montura (area C-1, Exhibit 4) and adjacent to the existing City park, provided that the City Park Commission accepts the dedication of area C-1 for operation as a City park.

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- b. Gateway. Concurrent with the recordation of a final map subdividing the Gateway Tract, Palisades Resources, Inc., shall record an irrevocable offer to dedicate the full fee interest in approximately 297 acres of land outside of the urban limit line on the Gateway tract established pursuant to condition 1 above (generally shown as areas A and B in Exhibits 2 and 5).
- c. Tract 31935. Within 30 days following the recordation of a final map subdividing tract 31935, the applicant shall record an irrevocable offer to dedicate the full fee interest in the approximately 386 acres adjoining the portion of Tract 31935 to be developed (shown as areas D and G in Exhibit 2).
- d. Tract 32184. Within 30 days following the recordation of the final map subdividing the final unit of Tract 32184 the applicant shall record an irrevocable offer to dedicate a full fee interest in the approximately 338 acres shown as area E in Exhibit 2.
- e. Permit Expiration. In the event the obligation of Palisades Resources, Inc., and applicant to dedicate all of the property lying outside the urban limit lines does not occur ~~within seven (7) years after the issuance of this permit~~ before May 21, 1994, applicant shall be obligated to surrender and abandon this permit ~~upon expiration of such seven year period~~ on May 22, 1994 and this permit shall have no further force or effect insofar as this permit pertains to any property not then subject to a final subdivision map.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and History

This amendment is a request to extend the automatic expiration date of a complex subdivision involving four tracts and approximately 1300 acres in the Santa Monica Mountains directly north of the developed portion of Pacific Palisades. Procedurally, this action is the seventh amendment of a series of amendments. The first amendment, 381-78A amended a permit allowing 600 units to allow 740 units on approximately 1300 acres in the Santa Monica Mountains. This action established an urban limit line, and included parks, open space dedications over approximately 1077 acres of mountainous terrain, streets, a trailhead, a commercial development and a church, and other improvements.

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P 4

Pam Emerson

From: Camille Didier [CDidier@RAP.LACITY.ORG]
Sent: Thursday, May 24, 2001 5:23 PM
To: pemerson@coastal.ca.gov
Subject: Re: hi gene--re playing fields city wide

Hi, Pam--we did a Community Needs Assessment Project in 1999--but we did not focus solely on playning fields--we looked at "top facilities/programs/key issues". Among Top facilities needed for Brentwood-Pacific Palisades did include "youth Team Sports". also, for Pacific Region (includes Palisades) respondents listed "open play areas" as most visited or would visit, if available, as well as multipurpose spoortsfields 7 listed multip. sports fields as one of the 3 most important facilities, also in Pacific Region, same thing from our survey for open play areas & m.sports fields, with youth team sports high on programs needed--sorry-I've been working on emergency stuff all day today.

>>> Pam Emerson <pemerson@coastal.ca.gov> 05/23/01 11:07AM >>>
hi Gene,

- 1) Is the Pacific Palisades only LA community that does not have enough playing fields?
- 2) Is there any documentation concerning the availability of playing fields city-wide or with respect to various communities? such as planning or budget or prop 12 summary documents that you can fax to me and i can attach to my report when it goes out tomorrow

thanks

Pam Emerson
Los Angeles Area Supervisor
South Coast District
California Coastal Commission
200 Ocean Gate, Suite 1000
Long Beach, CA 90802

<<Pam Emerson.vcf>>

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Exh. bit 23
Playing fields

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
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ALBERT LANDINI
LEONARD S. LEVINE
JON PERICA
SARAH A. RODGERS
HORACE E. TRAMEL, JR.

January 28, 2000

John Wilson, President (A)
Calvary Church of Pacific Palisades, Inc.
701 Palisades Drive
Pacific Palisades, CA 90272

Department of Recreation and Parks (O)
200 North Main Street, Room 1330
Los Angeles, CA 90012

James R. Wadsworth (R)
Wadsworth Associates, LLC
2716 Ocean Park Boulevard, #1010
Santa Monica, CA 90405

CASE NO. ZA 85-1219(CUZ)(PAD)
APPROVAL OF PLANS
701 Palisades Drive
Brentwood-Pacific Palisades
Planning Area
Zone : RE40-1-H
D. M. : 129B117/7216
C. D. : 11
CEQA : CE 99-0705-PAD
Fish and Game: Exempt
Legal Description: Parcel A and
portion of Parcel B, PMLA 5372

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Sections 12.24-F and G, I hereby APPROVE:

as modified, plans to permit the addition of a vacant 1.25-acre parcel of land leased from the Los Angeles Department of Recreation and Parks, to an existing church and school site for use as an athletic field,

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, elevation and landscape plans attached to the file and marked "Revised 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

Exhibit 24 City CUP

opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. All of the terms and conditions of the Shared Use Agreement with the Los Angeles Department of Recreation and Parks, attached to the file as Exhibit "B", shall be strictly complied with.
6. No permanent seats or bleachers shall be erected in conjunction with the proposed athletic field.
7. Except for low level security lighting, the athletic field shall not be lit at night.
8. Except for those events which are a part of the school's organized athletic program, no outdoor athletic events shall be permitted to occur simultaneously.
9. No amplified sound shall be permitted on any portion of the property.
10. The use of whistles, bells and chimes shall be modulated so as not to be a disturbance to the neighborhood.
11. The school shall develop a calendar which includes dates and times for athletic events related to the school's normal physical education program and the special public events outlined in the Shared Use Agreement, for distribution within the first 30 days of each fall semester. The calendar shall be distributed to neighbors within 500 feet of the site and to any other person who has requested in writing to be put on a mailing list designated for this purpose. Inasmuch as there may not be a certainty regarding all athletic events, the school may modify the athletic event schedule at the beginning of each athletic season. The modified schedule shall be provided to neighboring property owners in the manner prescribed herein.
12. All persons transporting students and other participants to and from the property shall be instructed to load and unload them within the subject property, in areas designated for this purpose by the school administration. No persons attending athletic events on the site shall be required to board or alight from any vehicle within a public street.
13. The applicant shall secure appropriate grading and drainage permits from the City Department of Building and Safety.
14. The retaining walls erected at the northerly and southerly edges of the athletic field shall be landscaped as shown on the landscape plan attached to the file as Exhibit "B". All landscaping shall be comprised of drought resistant and fire retardant materials.

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15. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect.
16. Maintenance of landscaped areas shall include continuous operations of watering, removal of weeds, mowing, trimming edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects and rodents and other operations necessary to assure normal plant growth.
17. Prior to recordation of any action by the Zoning Administrator, plot plans for the proposed development shall be submitted to the Los Angeles Fire Department for review and approval. Recommended fire prevention measures shall be incorporated in project design and construction.
18. The following shall be complied during grading and construction of the field:
 - a. During construction, exposed earth surfaces should be sprayed with water at least twice per day by the contractor to minimize dust generation.
 - b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust by wind.
 - c. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
 - d. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - e. One flag person(s) shall be required at the job site to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook".
19. To mitigate potential impacts from the generation of dust during excavation, grading and construction activities, construction areas shall be wetted at least twice per day, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403, and shall also include the following:
 - a. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of dust.
 - b. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

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CUP

- c. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
20. To mitigate impacts from noise generated by construction equipment during grading and construction activities the following measures shall be implemented:
- a. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - b. Construction shall be restricted to the hours of 7 a.m. and 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
 - c. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which cause high noise levels.
21. The project shall comply with the provisions of the Flood Hazard Management Specific Plan, Ordinance No. 154,405.
22. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance) which imposes numerous water conservation measures in landscape, installation and maintenance.
23. Prior to issuance of any permits, the project shall be reviewed by the Bureau of Engineering relative to sewer and storm water drainage system capacity.

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 that you advise them regarding the conditions of this grant.

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VIOLATIONS OF THESE CONDITIONS. A MISDEMEANOR

Section 12.24-J,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

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 FEBRUARY 14, 2000, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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. SUCH 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

NOTICE

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 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.

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FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on September 23, 1999, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use plan approval pursuant to Section 12.24-G of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a large, approximately 7.5 acre, sloping, irregular-shaped, interior parcel of land having a frontage of approximately 1,414 feet on the westerly side of Palisades Drive, beginning approximately 695 feet northerly of Sunset Boulevard, and a maximum depth of 370 feet. The site is developed with one- and two-story structures housing the Calvary Church of Pacific Palisades and its associated elementary and preschool, playgrounds and several large, level parking areas.

Property to the north and west, comprising vacant, steeply sloping hillside, is part of adjacent Santa Ynez Canyon Park. The southerly adjacent property, at the northwesterly corner of Sunset Boulevard and Palisades Drive is developed with a two-story apartment complex. While there are existing single-family dwellings visible from Palisades Drive, they are located approximately 75 to 100 feet higher in elevation and are served by non-continuous, interior streets with no access to Palisades Drive.

Property across Palisades Drive to the east is developed with the two-story, 74-unit Sea Ridge at Pacific Palisades Condominium development.

Palisades Drive adjoining the subject property to the east is designated a Scenic Secondary Highway, dedicated to a width of 90 feet and improved with curb, gutter, sidewalk and a landscaped median.

Previous zoning-related actions on the site/in the area include:

Subject Property:

Case No. ZA 85-1219(CUZ) - On May 15, 1986, the Zoning Administrator approved a conditional use to permit: 1) a two-story and mezzanine sanctuary building with related offices and meeting rooms with such structure having a 50-foot maximum height at the peak of the roof with 790 fixed seats; and 2) a two-story, multipurpose building for assembly, administrative offices, meeting rooms and including a preschool facility with a maximum enrollment of 60 children, an elementary school (grades kindergarten through six) with a maximum enrollment of 300 pupils, and having auxiliary outdoor play areas; and 3) with the structures observing 15-foot setbacks from Palisades Drive.

On June 5, 1997, the Zoning Administrator approved plans in conjunction with an increase in school enrollment from 60 preschool and 300 kindergarten through

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lack of available park sites and play areas throughout the Pacific Palisades, Malibu and Santa Monica communities.

Residents of the Sea Ridge Condominium development, located across Palisades Drive to the south testified that although they were not categorically opposed to Calvary Church being permitted to construct a new athletic field on the leased site, they were concerned that the field as proposed would be much larger than the playing field which previously existed on the site, that the field erected 13 feet above grade would bring the surface of the field and the proposed elevated bleachers into direct view of Sea Ridge residences and that the proposed seating capacity for 200 spectators would bring increased noise and traffic and would substantially damage and impair the quiet use and enjoyment of their property. They also raised issues relating to the adequacy of project review pursuant to the California Environmental Quality Act and impacts on public safety brought about by the increased traffic the project would generate.

The owner of property on Via Santa Ynez also testified in opposition to the proposed project noting that not only would the playing field be visible from residential property from more than 750 feet distant, but that neighboring property owners within the same radius would also be subject to increased noise from players on the field and spectators in the stands. He urged the Zoning Administrator to deny the request in its entirety.

A representative of the District Council also voiced concerns regarding the elevation of the playing field and its visibility from adjacent and nearby residential properties.

At the close of the hearing, the matter was taken under advisement in order to allow time for the Recreation and Parks Commission to act on the Shared Use Agreement and to permit the Zoning Administrator time to review all of the verbal and written testimony presented at the hearing and to the file.

More than 50 letters expressing opposition to the project as originally proposed were submitted by homeowners of the Sea Ridge Townhomes. A letter in opposition was also received from two representatives of properties located on Via Santa Ynez. A number of letters in support were received from parents of students attending Calvary Church from the Palisades-Malibu YMCA and the Palisades Recreation Center.

During the advisement period, a Line of Sight survey prepared by the applicant's engineer was submitted to the Zoning Administrator for consideration. Owners of the Sea Ridge Townhome development submitted a subsequent communication objecting to the methods and results of the survey.

The applicant also submitted modified plans for the proposed project, with the most recent plans eliminating a portion of the field cantilevered over a portion of the parking area and withdrawing the request for restrooms and locker rooms under the field surface and with elimination of all on-site bleachers and seating in relation to the athletic field. The most recent plan, attached to the file as "Revised Exhibit A" also shows the surface of the playing field at a lowered elevation on the easterly side at 212 feet, sloping up to 214 feet on the westerly side.

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A letter to the file dated November 24, 1999, indicates support of the Sea Ridge Townhome Board of Directors for the revised plan with provision for landscaping as indicated on the plans attached to the file and provided that no nighttime use of the field is permitted and conditions are imposed prohibiting sound amplification or electrical equipment, no lighting and no bleachers.

AUTHORITY FOR APPROVAL OF PLANS

Section 12.24-G of the Los Angeles Municipal Code provides in part:

"G. Development, Change or Discontinuance of Uses

1. Development of Site. On any lot or portion thereof on which a conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site ... provided plans therefore are submitted to and approved by the Commission or by a Zoning Administrator, whichever has jurisdiction at that time..."

FINDINGS

1. The proposed location will be desirable to the public convenience or welfare and the location is proper in relation to adjacent uses or the development of the community.

The church and school on the site has been in existence for a number of years, providing religious and educational services to the surrounding community. On May 15, 1986, the Zoning Administrator authorized phased development on the site. Subsequent authorization permitted the expansion of school enrollment and grade levels; the construction of new classroom buildings; use of modular classrooms; and the construction, modification of the earlier approval permitting the construction, use and maintenance of a new sanctuary and multipurpose building.

The church and school is now proposing to add a 1.25-acre site to its present 7.5 acres which, along with a portion of the applicant's property will be utilized for outdoor activity purposes. The 1.25 acre City-owned portion of the field will be leased from the Los Angeles Department of Recreation and Parks through a 25-year Shared Use Agreement which was adopted by Board of Recreation and Parks Commissioners on August 6, 1999. As negotiated with the owners and residents of adjacent properties and the District Council Office, the field will be maintained as permanent open space with no structures involved. Hours and days of operation are scheduled to avoid any conflict with adjacent land uses with hours of use between 9 a.m. and sunset on any given day. Further, the proposed athletic field will not be lighted in order to avoid any adverse impacts from glare or noise and congestion from late night hours of operation.

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The 1.25-acre parcel involved is currently vacant and located immediately adjacent to the western boundary of the existing church site being buffered from any sensitive land uses by location, distance, elevation and existing physical structures. Therefore, the location of the field is desirable to the public convenience and welfare providing open area for desired sports and recreation activities; and, is proper in relation to adjacent uses and the development of the community.

2. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

As previously noted, the only issue involved is the addition of a vacant 1.25-acre parcel to the existing church and school site for joint use as a "sports field". Ownership of said parcel of land will remain with the Los Angeles Department of Recreation and Parks with limited public use delineated in the Shared Use Agreement attached to the file. In no instance is there any indication that any development or land use in the adjoining area or community will be adversely impacted by use of the 1.25-acre site for recreation and open space purposes. In fact, the property is part of the designated Santa Ynez Canyon Park and could be developed for the identical use as a public Recreation and Parks facility at any time.

3. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The adopted Brentwood-Pacific Palisades District Plan designates the site for Open Space with Low density residential permitted. However, the Plan does not recognize ownership by the Los Angeles Department of Recreation and Parks; nor, does said plan recognize use for recreational purposes. However, said plan promotes the use and maintenance of recreational facilities at various locations which minimize potential conflicts with competing land uses. Based upon the foregoing evidence, the proposed location of the 1.25-acre site for sports field purposes will be desirable to the public convenience and welfare as well as being in harmony with the elements and objectives of the General Plan providing space for recreational purposes serving the general public and the existing church/school facility in a positive manner.

ADDITIONAL MANDATORY FINDINGS

4. **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.**
5. **On August 3, 1999, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines); log reference CE 99-0705-PAD, for a Categorical Exemption, Class 5, Category 23, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby certify that action.**

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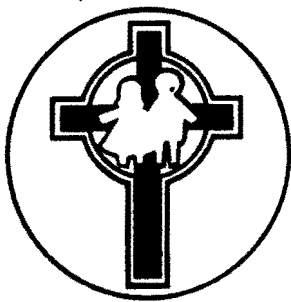
6. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.


SARAH A. RODGERS
Associate Zoning Administrator
Direct Telephone No. (213) 580-5488

SAR:lmc

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

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Calvary Christian School

A Ministry of Calvary Church

RECEIVED
South Coast

JUN 11 2001

COMMISSION

June 8, 2001

California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, California 90802

**Re: Application No. 5-01-190
Calvary Church and City of Los Angeles Dept. of Recreation and Parks**

Honorable Commissioners:

Calvary Church of Pacific Palisades has been an important part of the Palisades community for 53 years. Right now the students at Calvary School do not have an appropriate play area on campus. Students must travel to the local Palisades Park for school activities and games. This generates traffic, overcrowding at Palisades Park, and is inconvenient. A few years ago, we looked for a better way to serve our students without impacting the community of which we are so much a part. We decided that if we could create a small play area on our campus without creating a nuisance for our neighbors or altering the beautiful landforms that surround our campus, we could help ourselves and help the community at the same time. After a good deal of review, engineering, and consideration, we came up with a plan that is essentially the one that is before the Commission. The plan involves leasing 1.25 acres (subsequently reduced to approximately 15,000 sq. ft.) from the City of Los Angeles for property adjacent to our campus, which is, for all practical purposes, inaccessible to the public. For this, we will pay fair market value and all constructions costs. We will get a play area for our students, we will not unduly impact the local community and the public will get a resource that it can use as well.

The cost of doing this is considerable. In addition to the operating costs and liability, all of which Calvary is taking on, the construction costs will probably exceed \$1.7 million.

We have spent three years carefully negotiating this project with our neighbors and with the City of Los Angeles. Because we worked so hard to receive unanimous support from the community, we were disappointed by the Commission Staff's apparent hostility to the project as approved by the City. The conditions imposed by the Staff would keep Calvary from maintaining any control over its own property. Moreover, they have mandated us to break our promise to our neighbors by changing the character of the facility from something that would have limited impact on the neighboring community to something that would have a very substantial impact. We promised our neighbors that we would not do this. We will keep our promise.

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Exhibit 24
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California Coastal Commission

Re: Application No. 5-01-190, Calvary Church/City of Los Angeles

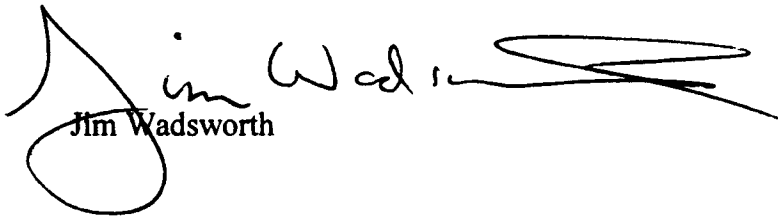
June 8, 2001

Page 2

We believe that the arrangement we worked out with the City of Los Angeles and the Palisades community is in the best interest of all concerned. We hope that the Commission will reconsider the new conditions proposed by the Staff and allow the project to go forward as approved by the City.

I will be available at the hearing to answer any questions.

Respectfully,


Jim Wadsworth

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5860 Belbert Circle
Calabasas, Ca., 91302
June 13, 1979

California Coastal Commission
631 Howard Street
San Francisco, Ca., 94105

Re: Appeal 381-78 (Headlands)

Dear Commissioners,

My involvement in this appeal grows out of a concern for Topanga State Park, the second largest urban park in the United States. This park was put together in the late 1960's, essentially out of land the developers didn't want. That is, the ridges and steeper canyons were sold to the city, while the more developable canyon bottoms were committed to high-density urban development. As a result, the public owns thousands of acres of urban wilderness, from which there are some fine views of the Los Angeles and Malibu coastlines. Unfortunately, it is very difficult to get to these wild canyons and ridges because access is blocked by urban development. We have the spectacle of millions of urban residents in Santa Monica, Venice, and West Los Angeles living within less than a half hour's drive from publicly owned wildlands, but able to get to them only with the greatest difficulty because canyons are blocked by housing, trailhead parking is limited, and most access trails are too steep.

This project threatens to directly impact one major and two secondary trails leading into Topanga State Park. A second trail, a lovely, level trail through a wooded canyon, would be destroyed by a debris basin that would allegedly be required by the buildout of Headlands II.

Thus, Headlands II would virtually obliterate access into Topanga State Park from the Santa Monica - Pacific Palisades area. It would also extend over the ridge into the wild, state-owned Temescal drainage, impacting the watershed and viewshed of a much wider portion of the state park, further degrading its value to urban residents.

In addition, the required debris basin would destroy what is probably the finest riparian woodland left in the city of Los Angeles, an area of especially high value because it is accessible to and usable by senior citizens and the physically handicapped. This area is slated for designation as a city park, but the city proposes instead to turn it into a debris basin if Headlands II is built, destroying not only the trail but the riparian forest and backing the basin up into the state park as well.

Thus, Headlands II will destroy the remaining resources of Santa Ynez Canyon, cause substantial degradation of Topanga State Park, and leave the park far more inaccessible than ever before.

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Considering that the Headlands property surrounds Topanga State Park on three-and-a-half sides, one would expect the City of Los Angeles to adopt special land use planning mechanisms to protect the resources of the park and maintain public access to it. On the contrary, the city has specifically exempted this developer from the slope density formula, so that instead of being permitted to build 230 units, he is to be permitted to build 1850 units, with all of the impacts on park access and resources described above.

The reason for all this is not hard to uncover. The developer has, according to the enclosed figures, given over \$30,000 to members of the Los Angeles City Council (Unofficial estimates run as high as \$100,000). No wonder the city's representative on the Regional Commission has been little less than an advocate for the developer.

The city's performance relative to this project over a long period of time leaves one with absolutely no confidence in the city's willingness to protect Topanga State Park and public access to it.

The Regional Commission has approved the first of four tracts in Headlands II. This approval is not in conformity with a number of sections of the Coastal Act. To approve this tract at this time without extensive mitigation which would provide secure, permanent protection for the resources of Topanga State Park and maintain and improve public access to this park would prejudice the city's ability to come up with an L.C.P. that met the requirements of the Coastal Act. Public access to the Malibu beaches would be impacted without any compensating public benefit.

If the Commission is to approve any development in this project as part of this appeal, it should be with the extensive mitigation noted above. This would mean donation to the State of California (not the City of Los Angeles) of the Temescal-Santa Ynez Ridge and the proposed city park in upper Santa Ynez Canyon. Only these donations will maintain access to Topanga State Park and adequately buffer its resources. Only these donations will even begin to compensate for the visual impact of additional development and the impact on traffic on Pacific Coast Highway.

Given the past record of the city and the developer's continuing efforts to remove himself from the Commission's jurisdiction, I feel I must insist strongly that these donations go to the state (State Parks, Coastal Conservancy) and not to the city, and that the transfer of ownership be completed prior to the beginning of construction.

My reasons for asking for donation to the state rather than to the city are based on a variety of factors - the city's general attitude toward this developer - and toward the resources of the area, the continued insistence on the debris basin in upper Santa Ynez Canyon without regard to resource and access impacts, and the need for unified management of access, resources, etc. Donation to a local agency would simply not provide secure and permanent protection for that portion of the developer's property which contains significant natural resources or could adversely impact Topanga State Park. Without such secure and permanent protection, I could not feel that the major adverse impacts of additional development in this canyon have been adequately mitigated.

As a frequent user of Pacific Coast Highway, I can testify to the serious

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traffic congestion currently existing in the vicinity of Sunset Boulevard that this project would aggravate. Pacific Coast Highway is the only access to the Malibu beaches and to the new Santa Monica Mountains National Recreation Area for millions of residents of the densely populated western Los Angeles Basin. In your understandable desire to calm the political forces unleashed by this developer, I hope you will not succumb to the temptation to approve more units in this project than sound planning can justify.

I am sympathetic to the concern of local residents regarding local traffic circulation and other community impacts, but it is important to continue to emphasize that this project threatens major impacts on regional open space and coastal access.

In general, I feel any units approved should be sited where they will have the most minimal impact on state park viewshed and resources. The number of units approved for the entire 968 acres should be limited to that allowed under the city's slope density formula. The only exception to this should be for low and moderate income housing.

Sincerely,



David M. Brown

5-01 190
Exh. 6.1 + 25
P 3

James R. Wadsworth, Principal

October 30, 2001

Ms. Pamela Emerson
Los Angeles Area Supervisor
California Coastal Commission
200 OceanGate; Suite 1000
Long Beach, CA 90802

Fax 562 590-5084

Re: Application 5-01-010-A/Proposed Amendment to A-381-78 (Headlands
Properties); Response from the Neighborhood

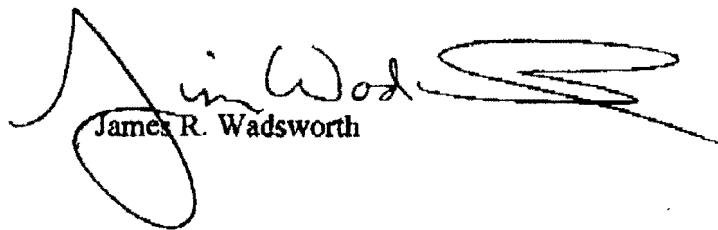
Dear Pam,

At the June meeting of the Coastal Commission, we received informal feedback from several of the Commissioners who thought we should be more willing to open the field to non-Calvary users at such times when the school didn't have a need for it. We decided to pursue the matter with the community. The principal reason we had been reticent to doing so was a result of the commitment we made to the community. The uses outlined in the Shared Use Agreement were the result of long and arduous meetings with neighbors in the community who are in earshot of the prospective field. Most of these neighbors are members of two homeowner associations: Sea Ridge to the east of us and Miramar Estates to the west of us.

I met with both HOA presidents: Laura Snyder of Sea Ridge and Audrey Boyle of Miramar Estates. I explained our need for some flexibility with the field usage, including the need for more public usage. Each of them went back to their respective boards and members and responded with the letters previously forwarded to you. Both groups were adamant about not supporting any additional usage beyond the usage to which was previously agreed and contained in the Shared Use Agreement. As you know, since that time Sea Ridge has even reneged on that support and now opposes us.

Please call me with any additional questions regarding this topic.

Kind regards,


James R. Wadsworth

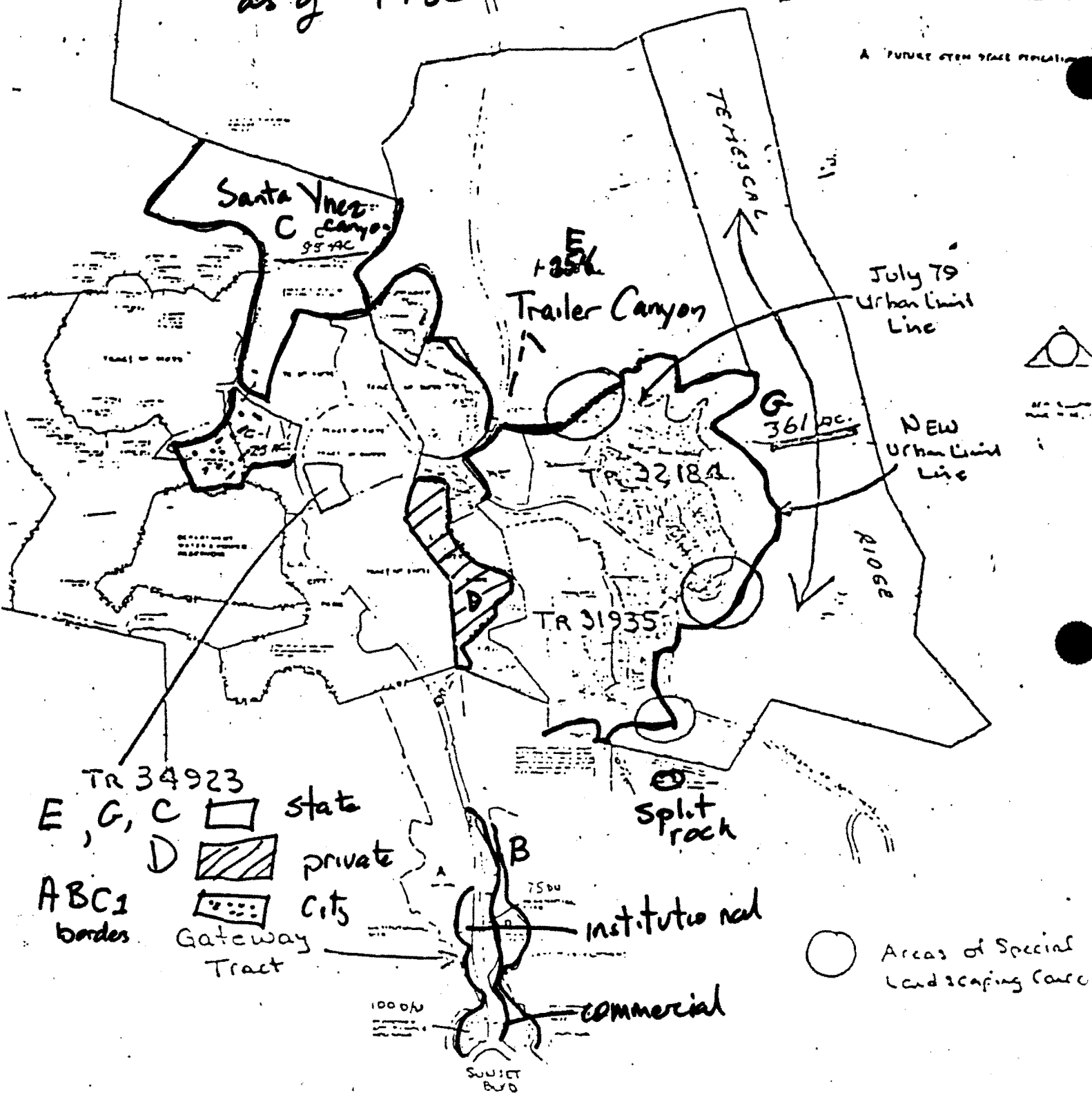
2716
Ocean Park Boulevard
Suite 1010
San't Monica
California 90405
310-314-2407
Fax
310-314-2406

5-01-140

Exh. b. f 26

H 381.78 11
 - Exhibit 2
 as of 1980

REV. 7 COPY SPACE RESERVATION
 MODIFIED MAY 31, 1980
 HEARSTING PROPERTIES, INC.



(front 381.78 11) Exhibit 2 (MODIFIED)

S. 01. 190
 Exhibit 28
 + 100 ft / Urban Limit Line



RECEIVED
JAN 11 1988
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

January 7, 1988

California Coastal Commission
South District
245 West Broadway, Suite 380
Long Beach, California 90802

Attention: Ms. Pamela Emerson
Senior Staff Analyst

Subject: OPEN SPACE LAND CONVEYANCE TO STATE OF CALIFORNIA

Dear Ms. Emerson:

Transmitted herewith is a copy of a Grant Deed recorded on December 17, 1987 (Instrument No. 87-1994353) by the State of California Department of General Services whereby 568 acres of open space lands in Palisades Highlands are conveyed to the California Department of Parks and Recreation by Headland Properties, Inc.

The described conveyance is made in accordance with agreements between Headland Properties, Inc. and the California Coastal Commission and as authorized by Coastal Permit No. A-381-78 dated May 21, 1980 and subsequent amendments thereto. The conveyed lands consist of a substantial portion of previously identified Dedication Parcels "G" and "E" and all of Dedication Parcel "C" in the Palisades Highlands Development Project.

Remaining portions of Dedication Parcels "G" and "E" and all of Parcels "A" and "B" are to be conveyed by similar Grant Deeds to the City of Los Angeles in the future.

The parcel originally identified as Dedication Parcel "D" in the May 21, 1980 permit authorization is to be merged with recorded Parcel Map 5164 in accordance with Coastal Permit Amendment A-381-78(A9) as authorized by the Commission on December 9, 1982.

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Exh. b. + 29
p 1

Ms. Pamela Emerson
January 7, 1988
Page Two

Thank you for your continuing assistance and cooperation in facilitating Headland's compliance with the Coastal Permit condition and requirements.

Very truly yours,



Charles A. Yelverton

CAY:nm

Enclosure: Grant Deed (Instrument No. 87-1994353)

cc: Peter Douglas, Executive Director California
Coastal Commission
Councilman Marvin Braude
Cindy Miscikowski, Chief Deputy
Gary M. Morris, Deputy Advisory Agency,
City of Los Angeles
Rex A. McKittrick, Esquire
McKittrick, Jackson, De Marco & Peckinpaugh
Rubel Helgeson, Deputy to Councilwoman
Ruth Galanter, P.P.R.A.
Philip Leacock, Temescal Canyon Association

5-01-190

Exhibit 29p2

BOARD OF RECREATION AND
PARK COMMISSIONERS

LEROY CHASE
VICE PRESIDENT

DAVID MICHAELSON
ROBERT W. NIZICH
LISA SPICHT

ELLEN OPPENHEIM
GENERAL MANAGER

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
RECREATION AND PARKS
PLANNING AND CONSTRUCTION
200 NORTH MAIN STREET
ROOM 700
LOS ANGELES, CA 90012

(213) 485-8989
FAX: (213) 617-0439

MAUREEN TAMURI
ASSISTANT GENERAL MANAGER

June 8, 2001

California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, California 90802

Honorable Commissioners:

**APPLICATION NO. 5-01-190
CALVARY CHURCH AND CITY OF LOS ANGELES DEPARTMENT OF RECREATION
AND PARKS**

The Los Angeles Department of Recreation and Parks has reviewed the Coastal Commission Staff Report and conditions of approval. This letter is to formally file the City's opposition to the recommendations contained therein for the reasons outlined below.

The staff's position, if accepted by the Commission, will effectively kill the project, which takes currently unusable City property and improves it for public benefit through a partnership with Calvary Church. As outlined in the General Manager's report to the Department of Recreation and Parks Commission, the balance of public versus private use was arrived at after over a year of meetings with the stakeholders (see Coastal Commission Staff Report Exhibit 11). Throughout the process, Calvary has committed to provide public use at no liability or cost to the City. This is reflected in our Agreement with Calvary Church which was approved by the City Council (see attached).

I do not feel the Coastal Commission can reasonably insist that the City take on financial or legal responsibilities outside of those agreed to between the City and Calvary Church. Placing full responsibility on Calvary was a condition imposed by the Board of Recreation and Park Commissioners and City Council members during the approval process.

Given that the City is paying nothing and, in fact, is being paid fair market value by Calvary, the public will receive the maximum public benefit commensurate with the City's lack of financial exposure. The public benefits include use of the field free six days per year and limited use another



5-01-190
Exh. 6 + 30
P1

47 days, annually. The Agreement with Calvary Church contains assurances that groups with non-exclusive policies have playfield access during hours of non-use by Calvary.

The Coastal Commission Staff report suggests that naming specific organizations in the Shared-Use Agreement somehow "cuts out" other groups from throughout the City. The opposite is the case. We named specific groups with non-exclusive policies in the agreement so as to assure public access. We wanted to make certain that the organizations that are currently unable to find play field space, such as AYSO and YMCA, would be allowed access to the Calvary playfield. Both organizations submitted letters to the Commission urging the field's approval.

As the Staff Report correctly notes, the Department of Recreation and Parks has a number of shared use agreements with LAUSD for recreational purposes. These arrangements are not similar, either financially, legally or in terms of the physical environment, to the situation here as illustrated in the following chart:

Item	Subject Project [Calvary Church School]	Commission Staff example [Washington Irving M.S.]
Construction Cost	Borne by Calvary [\$1.7 million]	Borne by City [\$1.4 million in grant funds]
Liability indemnity	100% Calvary	Split between LAUSD and City
Supervision/Security	100% Calvary	Split between LAUSD and City
Public Access	Though private property	Public street.
Term	25 yr. plus option	30 yr. plus commitment to extend
Maintenance	100% Calvary	Split between LAUSD and City
Public use	6 days per year plus limited usage another 47 days	After school and on weekends
<i>Total Cost to the City</i>	<i>Nothing</i>	<i>\$1.4 million plus ongoing cost for supervision, maintenance and security</i>

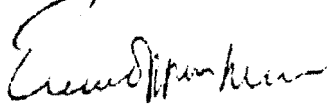
S.O. 190
Exh. 130
p.2

June 8, 2001

Page 7

The Commission should approve the Application for the Coastal Permit conditioned only on the Coastal Commission's standard conditions and the conditions of the City's conditional use permit and related lease with Calvary Church. We urge the Commission to honor the City's right to execute an agreement with a private landholder, and to affirm the resulting public benefit resulting from this partnership.

Sincerely,



ELLEN OPPENHEIM

General Manager

EO/MT:st

Attachment

cc: Jim Wadsworth, Calvary Church
Maureen Tamuri, Assistant General Manager
Lisa Gritzner, CD11
W.A. #08693

S-01-190
Exhibit 30
p3

September 20, 2001

SEP 19 2001

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

In Re: Application No: 5-01-190
Calvary Church
701 Palisades Drive
Pacific Palisades, CA 90272

Dear California Coastal Commission:

We live at 300 Via Nicolas in Pacific Palisades, CA located immediately to the north and above the proposed playing field.

We previously wrote to you regarding our opposition to the pending application of the Calvary Church and the City of Los Angeles to construct a sports field at 701 Pacific Palisades Drive. Once again, we would like to join with Paul and Evelyn Nankivell in their opposition to this project for the additional reasons as set forth in their letter of September 20, 2001. We strongly believe that the permanent reservation of open space beyond the urban limit line must be respected. Public land cannot and should not be diverted for private use. This issue was litigated and settled in 1981. Also, we are substantially concerned as to the Calvary Church's ability to respond to any damage claim which might result in the event of the failure of the two story retaining wall. The applicant must be required to provide evidence of insurability and/or financial responsibility to satisfy the potential claims which could be in the tens of millions of dollars.

Sincerely,

McNugget Rogers (Name)
300 Via Nicolas (Address)
Pacific Palisades, CA 90272

(one of 35
similar letters)

5-01-190
Exhibit 31

**SEA RIDGE @ PACIFIC PALISADES
HOMEOWNERS ASSOCIATION**

12 June 2001

**ITEM NO: W 23c
APPLICATION NO: 5-01-190
LAURA LOWTHER-SNYDER
PRESIDENT, HOMEOWNERS
ASSOCIATION SEA RIDGE**

OPPOSE

California Coastal Commission
200 Ocean Gate, Suite 1000
Long Beach, California 90802

**RE: Application No: 5-01-190
Calvary Church and City of Los Angeles Dept. of Recreation &
Parks**

Honorable Commissioners:

The homeowners at Sea Ridge, a 75- family complex directly across Palisades Drive from Calvary Church and School, the Applicant, express our **opposition** to the California Coastal Commission's Staff Report that the proposed sports field be opened as a public park.

Sea Ridge opposes for the following reasons:

1. Sea Ridge's position has not changed from when extensive hearings were held in front of Parks and Recreation Commission and the Zoning Commission.
2. Sea Ridge agreed in principle to the limited use and conditions as outlined in the approval plans dated January 28, 2000 from City of Los Angeles, Office of Zoning Administration.
3. Any changes from what was approved by the Zoning Commission alters the total agreement and must be re-submitted back through

5-01-190
Exhibit 31
P1

Parks and Recreation Commission and the Zoning Department for public input.

4. **Public Safety:** Traffic on Palisades Drive will be severely impacted by the increased use of the Calvary Church property. Approval of this plan opened as a public park will only further exacerbate the issues associated with public safety. It has become impossible for Sea Ridge homeowners to exit the South Entrance at Sea Ridge during Calvary School opening and closing hours and special events at the Church because of the cars lined up to Sunset Blvd awaiting entry to the Church parking lot. The entrance to the field is accessed by a left turn from northbound lanes across southbound lanes without good visibility. The current traffic southbound on Palisades Drive is virtually uncontrolled and moves at very high speeds.
5. **Public Safety: Homeless Encampments in Canyons:** The recent incident of a homeless encampment setting fire in Marquez Canyon points out the vulnerability of another public access in a fire prone and residential area.

I will be available at the hearing along with other Sea Ridge homeowners to answer any questions.

Very truly yours,

Laura Lowther-Snyder
Laura Lowther-Snyder
President HOA Sea Ridge

5-01-190

IE 4.6.131

P2