

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: MATERIAL AMENDMENT**AMENDMENT**

APPLICATION No.: 5-91-286-A7

APPLICANTS: City of Los Angeles and Maxwell-Palisades Trust

AGENTS: Norman Mundy

PROJECT LOCATION: 15101 Pacific Coast Highway, Potrero Canyon, Pacific Palisades, City of Los Angeles (more specifically at 211 and 231 Alma Real)

DESCRIPTION OF CURRENT AMENDMENT #7: Add an additional 161,000 cubic yards of fill for the construction of a 130 foot high, 2:1 fill slope near the mouth of the filled canyon along the eastern slopes of the canyon. The fill slope will be constructed on two private properties along the rim of the canyon and on City property to stabilize the slope. A drainage system, consisting of terrace drains and down drains will be incorporated into the fill slope.

DESCRIPTION OF ORIGINAL COASTAL DEVELOPMENT PERMIT: Installation of approximately three million cubic yards of clean fill dirt in Potrero Canyon: First Phase (now completed) entailed installation of subdrain system, storm drain, and 25 feet of fill; Second Phase includes 75 additional feet of fill, some deep excavations of landslides and reconstruction of buttress fills along canyon sides; and Phase Three is the construction of additional buttress fills, park and restored riparian habitat area. Amendment approved September 11, 1991.

DESCRIPTION OF AMENDMENT #1: Withdrawn.

DESCRIPTION OF AMENDMENT #2: Amend Potrero Canyon fill project Phase Three to: 1) lower final height of canyon floor to approximately 89 feet above flow line, 2) change interior road configuration to one fire lane/access trail 12 feet wide through the facility from Pacific Coast Highway to the Pacific Palisades Recreation Center, 3) increase riparian area from 7.4 acres to a maximum of 7.9 acres, 4) redesign configuration of buttress fills, 5) extend deadline for final engineering plans, and 6) install surface water diversion system. Amendment approved October 14, 1995.

DESCRIPTION OF AMENDMENT #3: Realign an approximately 560 foot long segment of a one-mile long fire/access road to be incorporated into landslide repair plans. Landslide repair includes demolition of Sunspot Motel, excavation of debris and importation

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of fill and construction of approximately 180 foot high, 87,000 cubic yard buttress fill. Amendment approved October 10, 1996.

DESCRIPTION OF AMENDMENT #4: Amend Phase Two of a slope stabilization and canyon fill project to repair landslide failures between Alma Real Drive and Friends Street up to the 231 Alma Real Drive rear property line and at 15202 Earlham Street (Wachtel property). The project will use approximately 300,000 cubic yards of fill now stock-piled at the site to extend buttress fill to two additional residential lots in order to stabilize hillsides at both sites. Amendment approved August 7, 2003 but never issued.

DESCRIPTION OF AMENDMENT #5: Incomplete submittal, returned due to inactivity.

DESCRIPTION OF AMENDMENT #6: Amend Special Condition #3 to allow for the sale of two of the twenty-two City owned canyon rim lots (615 and 623 Alma Real Drive). The money would be directed to an established Trust Fund and used solely for the completion of all remaining phases of development of the Potrero Canyon Park Restoration Project. Specifically, monies generated from the sale of these two lots would fund additional needed geologic investigations of Potrero Canyon, and creation of final grading plans and final park plans for the canyon. Permission to sell additional lots will require application for a subsequent amendment. Amendment approved June 11, 2008.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **Approval** of the proposed coastal development permit amendment with eight (8) special conditions. The special conditions would: 1) clarify that all conditions imposed under the original permit and previous amendments remain in effect unless modified by this amendment or previous Commission approved amendments; 2) require use of adequate erosion control during construction consistent with Special Condition 5 of the permit amendment 5-91-286-A2, which updated Special Condition 5 in the original permit; 3) require conformance to geotechnical recommendations made by the City engineer; 4) require a landscape plan for revegetating the hillsides with coastal sage scrub consistent with the landscape and restoration special condition (No. 8) imposed in permit 5-91-286 and updated in 5-91-286-A2; 5) require that future on-site development require an amendment to this permit; 6) require that the applicant assume the risk of development; and, 7) submittal of final grading plans for review and approval by the Executive Director and 8) require evidence of legal ability to conduct work on all properties subject to this permit and to comply with all conditions. The special conditions are necessary to bring the proposed development into conformance with the geologic stability and water quality protection policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits 5-86-958, 5-91-286 and approved amendments (City of Los Angeles, Department of Recreation and Parks).

2. Grover Hollingsworth and Associates Inc, “Geologic and Soils Engineering Exploration, Proposed Stabilization Fill Slope, 211 and 231 Alma Real Drive, 1501 Pacific Coast Highway, and Potrero Canyon Park, Pacific Palisades, California,” dated March 19, 2007.
3. Grover Hollingsworth and Associates Inc, “Additional Comments Regarding Proposed Stabilization Fill Slope, 211 and 231 Alma Real Drive, 1501 Pacific Coast Highway, (Potrero Canyon Park) Pacific Palisades, California,” dated May 30, 2007.
4. City of Los Angeles Department of Building and Safety Geology and Soils Approval Letter, dated June 7, 2007, Log No. 57799.

PROCEDURAL NOTE

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

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

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

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

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution:

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

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development authorized by the permit amendment has not commenced, the permit amendment will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Conditions Imposed Under Original

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-91-286 and/or amendments thereto shall remain in effect (see Exhibit No. 8). If the specifications of any plans approved to comply with permit 5-91-286 are inconsistent with either the project description submitted with this amendment or the conditions imposed by this amendment, the applicant shall submit new plans to the Commission, for the review and approval of the

Executive Director, that are consistent with the terms and conditions of this permit as modified by this amendment 5-91-286-A7.

2. Erosion and Drainage Control

A. **PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control during and after construction that is consistent with Special Condition No. 5 of the original permit 5-91-286, as amended in 5-91-286-A2. This condition does not replace the previously approved erosion control special condition.

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

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

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

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

(c) The drainage control plan shall demonstrate that:

- Spill from trucks shall be controlled; spills of fuel shall be immediately cleaned up
- Stockpiles shall be covered

- Measures shall be taken to prevent tracking of sediment from the site
 - Filters shall be installed in debris basins
- (d) The drainage control plan shall include, at a minimum, the following components:
- The location, types and capacity of pipe drains and/or filters proposed.
 - A schedule for installation and maintenance of the devices.
 - A site plan showing finished grades (at ten-foot contour intervals) and drainage improvements.
- (e) Each year, the applicant shall install appropriate erosion control plans by October 1, consistent with Special Condition 5 of the original permit 5-91-286 as amended in 5-91-286-A2.
- (f) The applicant shall provide the Executive Director with copies of all letters and reports from the Department of Building and Safety, all updated geologic reports, and shall report at least every six months on the status of the project.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including grading, elevation plans, and drainage plans, shall meet or exceed all recommendations and requirements contained in *Geologic and Soils Engineering Exploration, Proposed Stabilization Fill Slope, 211 and 231 Alma Real Drive, 1501 Pacific Coast Highway, and Potrero Canyon Park, Pacific Palisades, California* prepared by Grover Hollingsworth and Associates Inc. dated March 19, 2007 and the requirements of the City of Los Angeles Department of Building and Safety, Geology and Soils Approval Letter, Log No. 57799, dated June 7, 2007.
- B. **PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

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

4. Landscaping Plan

- A. **PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT** the applicant shall submit detailed landscaping plans and a restoration program for the review and approval of the Executive Director. The plans and program shall be consistent with the Final Potrero Canyon Riparian Mitigation Proposal prepared by ERCE, dated August 1991. Pursuant to this requirement the applicant shall submit working drawings and a manual of operations showing detailed specifications including numbers and sizes of plants and methods of maintenance and inspection. Local native plant stock shall be used if available. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).
- B. No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.
- C. At the intervals of 6, 12, 24, 48 and 60 months from the date of issuance of Coastal Development Permit No. 5-91-286-A7, the applicant shall submit, as proposed in the Final Potrero Canyon Riparian Mitigation Proposal prepared by ERCE, dated August 1991, for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist, landscape architect or qualified resource specialist that assesses whether the on-site restoration is in conformance with the restoration plan. The habitat goal is that at five years from the date of the first native plantings, the on-site restoration should provide no less than 80 percent coastal sage scrub plant cover. The monitoring reports shall include photographic documentation of plant species, plant coverage and an evaluation of the conformance of the resultant landscaping with the requirements of this special condition.
- D. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Future Development

This permit amendment is only for the development described in coastal development permit amendment 5-91-286-A7. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development permit amendment 5-91-286-A7. Accordingly, any future improvements to the structures authorized by this permit amendment shall require an amendment to permit 5-91-286 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Assumption of Risk, Waiver of Liability and Indemnity Agreement

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

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

7. Final Grading Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full size sets of final grading plans consistent with the project as described in this permit.

B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive

Director determines that no amendment is required.

8. Proof of Legal Ability to Conduct Work on all Properties and to Comply with Conditions

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

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Amendment Project Description

The City of Los Angeles Department of Recreation and Parks proposes to amend the previously issued Coastal Development Permit No. 5-91-286 that allowed the City to fill a coastal canyon (Potrero Canyon) with approximately 3 million cubic yards of fill to protect the homes on the canyon rim from landslides. The proposed amendment from the City and the co-applicant, Maxwell-Palisades Trust (Elkus), requests to modify Coastal Development Permit No. 5-91-286 to increase the stability of two private lots located on the canyon rim off of and west of Alma Real Drive, at 211 Alma Real Drive [HSP 211, LLC (Pardee)] and 231 Alma Real Drive (Elkus), Pacific Palisades (See Exhibits No. 1-3 for location). The proposed fill stabilization located along the western edges of the residential properties would result in a 130 foot high, 2:1 (horizontal to vertical) slope that would include four foot wide terrace drains located every 25 vertical feet (see Exhibit No.4-6). The proposed project would require an estimated 161,000 cubic yards of fill which will be obtained from outside sources.

The proposed stabilization fill is to increase the stability of the steep slopes located along the western portion of the private residential lots and above the east side of Potrero Canyon. The existing slope is approximately 130 feet high and varies in gradient from ½:1 to 1½ to 1. The toe of the proposed 2:1 stabilization fill slope will extend to the western slope, raising the bottom of the filled canyon where the proposed fire lane will be located, approximately 10 to 15 additional feet (See Exhibit No. 5-6).

Eight-five percent of the proposed stabilization project would be conducted on City of Los Angeles Department of Recreation and Parks property, with the remaining work to take place on the two private residential lots, which are improved with single-family residences.

In approving the original permit, the Commission required the applicant (City of Los Angeles), once the canyon fill project is completed, to revegetate the canyon sides, and to re-establish riparian habitat on the newly constructed canyon floor. The original approved plans have never been completed, and progress stopped completely in 2004 due to lack of funding. The canyon currently exists in a partially graded state with approximately sixty-five percent of the original grading completed.

The City purchased twenty-two residential properties located along the canyon rim as a consequence of litigation due to unsafe conditions created by landslides within the canyon. Under the original CDP the Commission included a special condition that restricted the City from selling any of these residential lots until the habitat mitigation component of the canyon fill project had been installed.

Recently the Geotechnical Engineering Division (GED) of the City of Los Angeles has conducted a review of the historical stabilization work completed to date as a part of the canyon park project. GED uncovered several areas of deficient or lacking documentation related to existing conditions within the canyon, and to the scope of work previously completed. GED has completed a Geotechnical Report for Potrero Canyon Park detailing these findings, accompanied by a proposed scope of work for a thorough geotechnical investigation of current stability conditions within the canyon that will generate a revised grading scheme designed to complete the park development. In June 2008, the Commission approved amendment no. 5-91-286-A6 to allow for the sale of two of the City-owned lots in order to fund geotechnical investigations of the canyon and the completion of a new grading plan and park plan.

In August 2003, the Commission approved amendment 5-91-286-A4 which proposed to amend Phase Two of the slope stabilization and canyon fill project to repair landslide failures between Alma Real Drive and Friends Street up to the 231 Alma Real Drive (Elkus property) rear property line, and at another property (15202 Earlham Street) located more inland and across the canyon from the Alma Real Drive properties. The project involved approximately 300,000 cubic yards of fill to extend buttress fill to the Elkus property, and below the adjacent lots, and to a second private residential lot along the western canyon rim (15202 Earlham Street). This amendment was never issued, and subsequent to its approval in the winter of 2005, additional slope failure behind the Elkus property occurred, requiring the design of a new and more extensive stabilization plan that is now the subject of this amendment request.

B. Project History

Coastal Development Permit 5-91-286 as presently amended allows the City to place a large volume of fill in Potrero Canyon, a coastal canyon. Before the fill occurred there was a blue line stream and 3.64 acres of riparian vegetation, primarily willow woodland at the bottom of the canyon. The sides of the canyon were covered with coastal sage scrub. The fill in the canyon was necessary because landslides had resulted in the loss of twenty

homes and endangerment of other homes. The original permit included about 3 million cubic yards of fill, including fill 100 feet above the flow line of the stream, plus additional buttress fills, wedges of earth, extending up to the level of existing lots on the canyon rims. After denial of the initial permit application, Coastal Development Permit 5-86-958 was granted in 1988 and reissued as 5-91-286 in September 1991, after it had expired. The Commission found that the development as proposed was not consistent with Section 30231 and 30240 of the Coastal Act and could only be approved if the applicant agreed to restore the riparian habitat area that had existed in the canyon bottom at a 2:1 ratio. The City proposed 7.4 acres of mitigation, to be constructed as an artificial riparian area on top of the fill at the completion of the project (Phase Three). The City proposed a first amendment (5-91-286-A1), the first draft of the Phase Three plans, but withdrew the amendment in order to conduct community meetings on the design of the riparian mitigation. The City's second amendment, 5-91-286-A2, proposed restoring 7.9 acres of riparian habitat, located in a basin protected by a plastic liner such as is used in landfill projects.

In 1993, the Commission approved the final design of the upper buttress fills, and a 12-foot wide fire road/trail access through the canyon. The City also provided a final conceptual design of the riparian area that was ultimately approved in concept by the Commission (5-91-286-A2). The second amendment (5-91-286-A3) that was approved with conditions by the Commission allowed a design change in the road at the canyon entrance. The third amendment (5-91-286-A4) that was approved with conditions by the Commission proposed to amend Phase Two of the slope stabilization and canyon fill project to repair landslide failures between Alma Real Drive and Friends Street. Amendment A4 was never issued due to more recent slides that have occurred in the proposed project vicinity that have warranted a more significant stabilization plan than what was approved previously. This more significant stabilization plan is the subject of the current amendment application.

Phase One of the project is now complete, and included the installation of a subdrain, the fill of the canyon to a depth of 40 feet, and the construction of a storm drain. Phase Two of the Potrero Canyon project was to consist of the importation of 2.5 million cubic yards of fill to raise the canyon grade considerably. During construction it was found that the required removal of existing landslide debris was not practicable without the deep removals to expose undisturbed bedrock, necessitating the creation of several stabilization fills in addition to the level fill. Approximately sixty-five percent of the proposed grading was completed prior to 2004 when a lack of funding caused work to cease. Phase Three is planned to involve the creation of additional stabilization fills and the creation of open space and installation of the required habitat and mitigation areas.

C. Geologic Stability

Section 30253 of the Coastal Act states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The entire project was approved because the City supplied the Commission convincing evidence that there was no other feasible way to stop ongoing collapse of the canyon walls and destruction of houses located on the canyon rim. This present amendment would allow for 161,000 cubic yards of additional fill to stabilize the steep slopes located along the western portion of private residential lots on the east side of Potrero Canyon. The toe of the proposed stabilization fill slope will extend to the western slope of the canyon, raising the bottom of the filled canyon where the proposed fire lane will be located, approximately 10 to 15 feet additional feet. The proposed stabilization is similar to what was proposed and approved by the Commission in 5-91-286-A4, but never acted on due to further landsliding and the need for more extensive stabilization.

According to the Geologic and Soils Engineering report, prepared by Grover Hollingsworth and Associates, Inc. (March 19, 2007):

The existing descending slope at the west of the subject properties does not possess the Code-required safety factor of 1.5. In fact, the minimum factor of safety of this slope is very low ranging from 1.04 to 1.08 at 231 Alma Real to approximately 1.0 at 211 Alma Real. A portion of the slope at 211 Alma Real has failed with the most recent failure occurring in early 2005. The slope with the low factor of safety is jointly owned by the City of Los Angeles; Mr. And Mrs. Elkus, and Mr. Pardee. The stability of the slope is a function of the slope height, slope steepness, the type of material comprising the slope, geologic structure, and the strength of the earth materials. The steep nature of the descending slope, the adversely oriented joint planes, and the presence of a tall backfilled retaining wall along the top of the slope are thought to be the primary reasons for the low safety factors. The over steepened lower portion of the slope is situated within Potrero Canyon Park.

The current grading under the Phase II grading plan within Potrero Canyon does not provide a factor of safety of 1.5 for the subject properties as was represented in the June 3, 1986 KBA report for the canyon project...If the slope is constructed per the plan, the safety factor of the existing pads which will be adjoined by the stabilization fill slope will be 1.5 or greater.

The City of Los Angeles Department of Building and Safety (June 7, 2007 approval letter. See Exhibit No. 7) approved the stabilization fill slope reviewed in the 2007 geologic report. Commission staff geologist, Dr. Mark Johnsson, has reviewed geologic reports, City review letters, and grading plans relative to this amendment. Dr. Johnsson concludes

that the fill is properly designed and will improve the factor of safety of the lots that it supports, reducing private development costs in the future and also reducing the likelihood of slope failure damaging existing homes on the adjacent properties. However, it should be noted that the fill slope constructed in this permit may not be sufficient to assure stability of future private development on the adjacent residential lots. Private residential development is currently not proposed under this permit, any future development will need to be evaluated and approved under a separate permit. Additional measures may be necessary as part of any future construction projects on these and other lots adjacent to the project to assure the stability of development constructed on those lots in the future. The fill itself will be stable and consistent with the provisions of Section 30253, will minimize risks to life and property in areas of high geologic, flood, and fire hazard, assure stability and structural integrity (of the slope), and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

1. Conformance with Geotechnical Recommendations

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

Therefore, Special Condition No. 3 requires the applicant to conform to the geotechnical recommendations contained in Geology and Soils Engineering Report by Grover Hollingsworth and Associates, Inc., dated March 19, 2007. The applicant shall also comply with the recommendations by the City of Los Angeles Department of Building and Safety, Geologic/Soils Approval Letter Log #57799, dated June 7, 2007 for approval of the proposed Potrero Canyon Park Stabilization Project. Special Condition No. 7 requires that the applicant submit for review and approval by the Executive Director final grading plans.

2. Assumption of Risk Deed Restriction

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's or public agency's right to use his/her property.

Natural hazards common to this area include landslides, flooding and erosion. Within the Pacific Palisades area, the Commission, in previous permit actions on development has found that there are certain types of risks associated with hillside

development that can never be eliminated. The proposed project includes development (grading and slope stabilization) on both City and private properties. The proposed project includes measures to assure geologic stability and minimize risks from natural hazards. However, because of the uncertainty of future natural hazards that may occur on the private properties, the Commission is imposing an assumption of risk special condition placing the City on notice that there are risks involved in development of the property. The Commission finds that its approval is based on the information that is the responsibility of the City. Only as conditioned to have the City indemnify the Commission and assume the liability for the development can the Commission find that the project is consistent with Section 30253 of the Coastal Act.

The City may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, the Commission should not be held liable for the applicant's decision to develop. Therefore, the City is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop.

3. *Erosion Control Measures*

This is a massive grading job involving transportation and storage of millions of yards of earth. The City has annually installed erosion control measures designed to stabilize slopes at the stage of the project reach each year. Storage or placement of fill in a location subject to erosion and dispersion via rain or wind could result in silt being transported to the ocean. Special Condition No. 4 requires the applicant to use both temporary and permanent erosion control measures to ensure that the project areas are not susceptible to excessive erosion.

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

D. Habitat

Section 30240 of the Coastal Act states in part:

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

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

The primary impact on environmentally sensitive habitat created by the original filling of the canyon approved under the permit was the elimination of a blue line stream and concomitant destruction of 3.69 acres of riparian habitat, including willows, sycamores and associated under story. This impact was identified in the original EIR and required to be replaced at a 2:1 ratio on site, as an EIR mitigation measure, by the Army Corps of Engineers, California Department of Fish and Game and the Commission. After further amendments to the original permit, the required on-site replacement of riparian habitat restoration has increased to 7.9 acres total. The Commission also required that the disturbed fill areas of the canyon sides be revegetated with coastal sage scrub, with the final plant palette, taking into account necessary modifications to reduce fuel loads.

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

In order to assure compliance with the proposal to revegetate with coastal sage scrub, the Commission has required that the program be consistent with Special Condition No. 8 of the underlying project. Special condition No. 8, as amended (5-91-286-A2) requires submittal of a plant list, a monitoring plan, replanting in event of failure of initial planting, long term maintenance, a training program for city employees on how to maintain native plants, and prohibits use of invasive, introduced plants (see Exhibit No. 8 for conditions of previous permit and amendments). This current amendment does not propose any changes to the previously approved restoration plan. However, the Commission is requiring that all previously approved conditions apply to this amendment as well (Special Condition No. 1) and has included a landscaping condition (Special condition No. 4) consistent with the original permit condition, as amended. As conditioned the project is consistent with Section 30240 of the Coastal Act.

E. Public Access/Recreation

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30223 of the Coastal Act states:

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

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

The additional fill stabilization project proposed by this amendment is consistent with the City's future park plans and will not interfere with the future development of the park, and will enhance public access and recreation by improving the geologic stability of the area. Therefore, as proposed, the project is consistent with Sections 30210, 30211, and 30223 of the Coastal Act.

F. Visual Impacts/Landform Alteration

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas.

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As discussed previously, a major canyon fill project is underway to stabilize the residential lots along the canyon rim. While the canyon bottom has been disturbed by this fill project, the canyon slopes above the fill line have remained, in most cases, undisturbed. Upon completion of the fill project, the fill line will be approximately 30 to 40 feet in elevation below the top of the slope. However, the City is investigating adding additional fill to approximately the top of the canyon to protect the residences surrounding the canyon.

In its approval of the original canyon fill project, the Commission required in part, the planting of riparian habitat at the bottom of the canyon and coastal sage scrub on the canyon slopes. The Commission also required the creation of a public park with hiking trails from the beginning of the canyon to Pacific Coast Highway. The offset of allowing the City to fill the canyon with millions of cubic yards of earth was the creation of a public park with reconstructed riparian and coastal sage communities. When completed the park will have a walking trail that connects the existing Palisades Park (including the Palisades Park Recreation Center, public tennis courts, baseball fields, passive recreation areas, a public library, and public parking lots) to Pacific Coast Highway and Will Rogers State Beach. The requirement to establish a public park in the filled canyon (Coastal Development Permit 5-91-286, as amended) will allow the public to enjoy a coastal canyon experience that is not readily available in this area of the City Los Angeles.

The fill, proposed by this amendment is located near the mouth of the canyon and will be visible from the future park and access trail, and from Pacific Coast Highway. Although, the visual impact of the fill could be significant from the canyon and PCH, the fill is consistent with slope stabilization work that was completed along the western slope at the mouth of the canyon and with the approval of Amendment No. 4. As with the previously approved stabilization work, the visual Impacts caused by the fill can be mitigated through landscaping. Therefore, to ensure that the visual impact is minimized, and is consistent with the landscaping of the canyon as previously approved by the Commission, the Commission imposes Special Condition No. 4, consistent with the landscaping condition imposed on the original permit and subsequent amendments. Only as condition will the proposed project be consistent with Section 30251 and 30253 of the Coastal Act.

G. Proof of Legal Ability to Conduct work on all properties and Comply with Conditions

The proposed project is located on both City and private properties [231 (Mr. Elkus) and 211 (HSP 211, LLC) Alma Real]. Mr. Elkus and HSP 211, LLC were both invited to be co-applicants along with the City of Los Angeles. Initially both accepted. However, on June 5, 2009, Chris Graves, on behalf of HSP 211, LLC, withdrew as co-applicant with the understanding that the City would continue to move forward to obtain a coastal development permit to cover all three properties. Furthermore, in addition to the two private properties mentioned, the grading may extend onto the adjoining properties to the north of 231 Alma Real and south of 211 Alma Real. The City has indicated that as part of the overall fill project for the entire canyon the City has legal authority as part of the canyon fill project to conduct work on private residential lots along the canyon to stabilize the canyon slopes and canyon properties. The City, however, has not submitted any evidence or invited all affected property owners to be co-applicant to this Coastal Development Permit. Therefore, it is necessary to require the applicant to provide evidence to the Executive Director that the applicant has the legal ability to carry out the proposed development.

H. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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

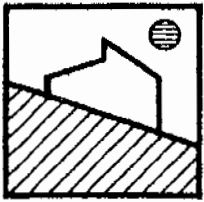
The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development, as conditioned to minimize risks from natural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

I. California Environmental Quality Act

The City of Los Angeles is the lead agency on this project for the purposes California Environmental Quality Act (CEQA) review. The City certified an environmental impact report for the overall project in 1985.

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

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



Grover-Hollingsworth and Associates Geotechnical Consultants

BY SH DATE 3/02

CLIENT _____

REF. LOS ANGELES COUNTY

GH _____

THOMAS GUIDE PAGE 631

SUBJECT VIC

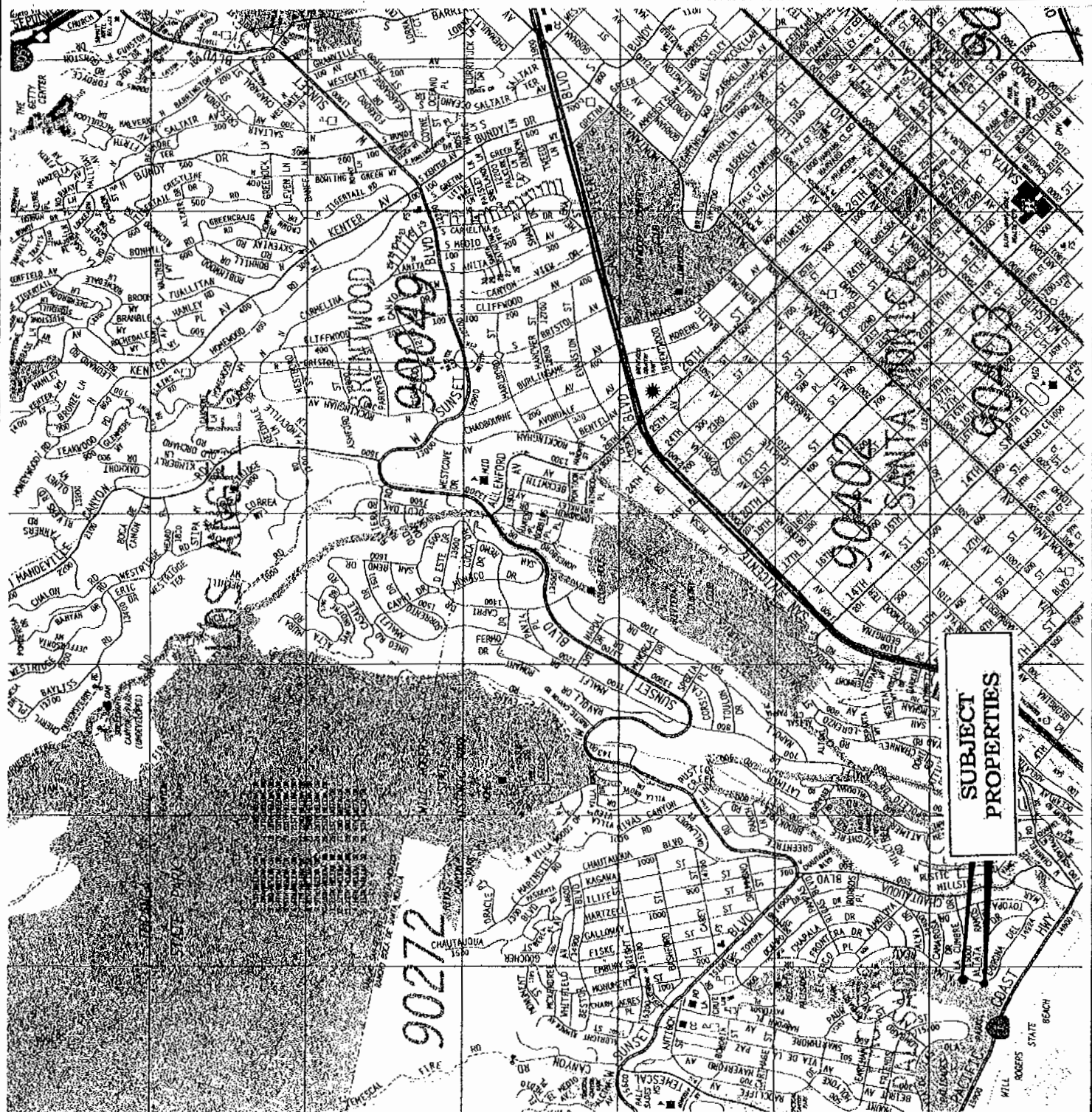
EXHIBIT NO. 1

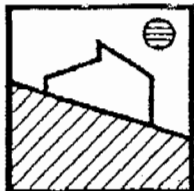
Application Number

5-91-286-177

Vicinity Map

California Coastal Commission





Grover-Hollingsworth and Associates, Inc.
Geotechnical Consultants

BY **SH**

DATE **3/02**

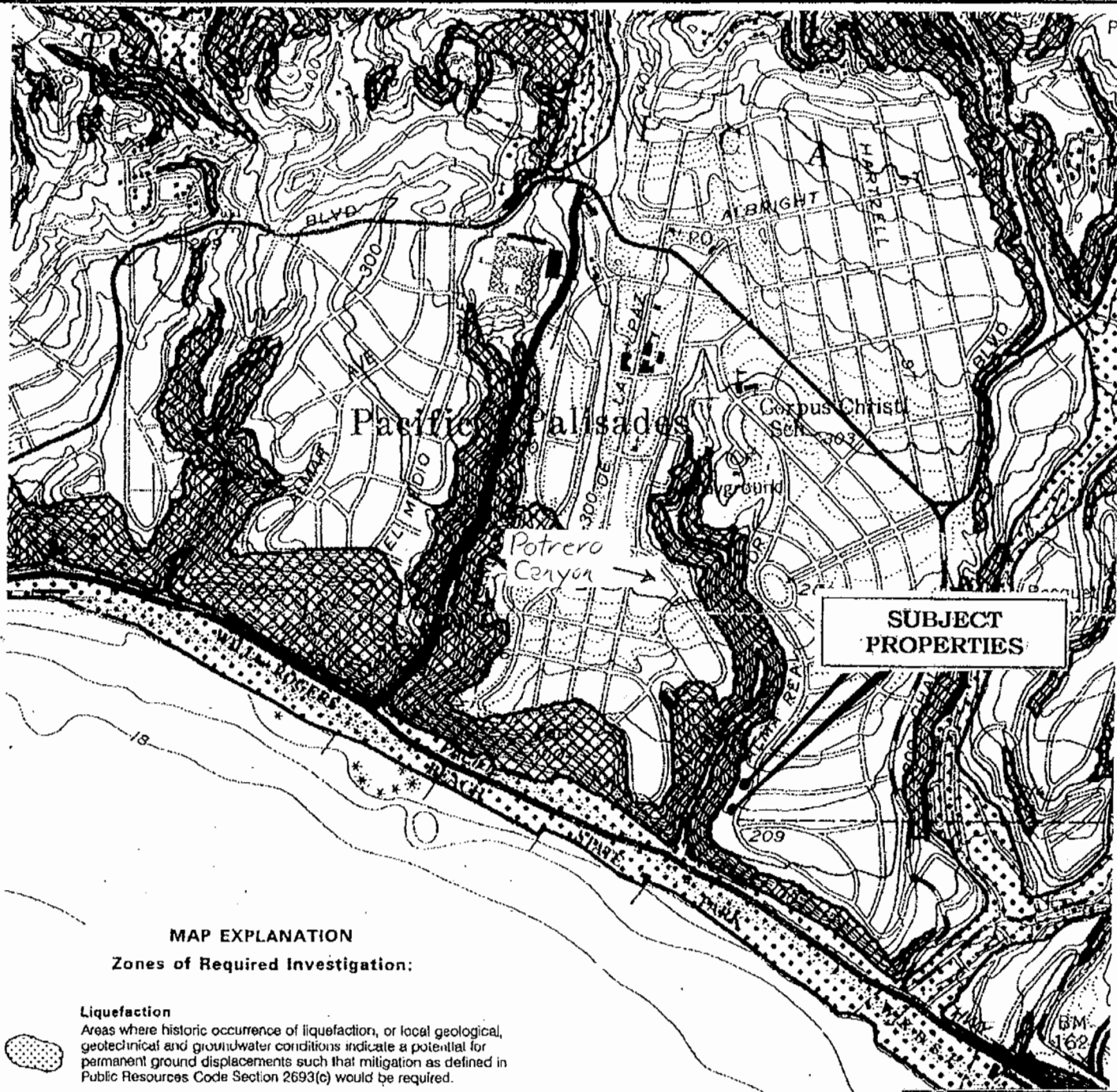
CLIENT

**ELKUS &
PARDEE**

REFERENCE **STATE OF CALIFORNIA
SEISMIC HAZARD ZONES
OFFICIAL MAP
TOPANGA QUAD, 4/7/97**

GH **9892-G &
12069-G**

SUBJECT **SEISMIC HAZARDS
MAP**



MAP EXPLANATION

Zones of Required Investigation:

Liquefaction

Areas where historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Earthquake-Induced Landslides

Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

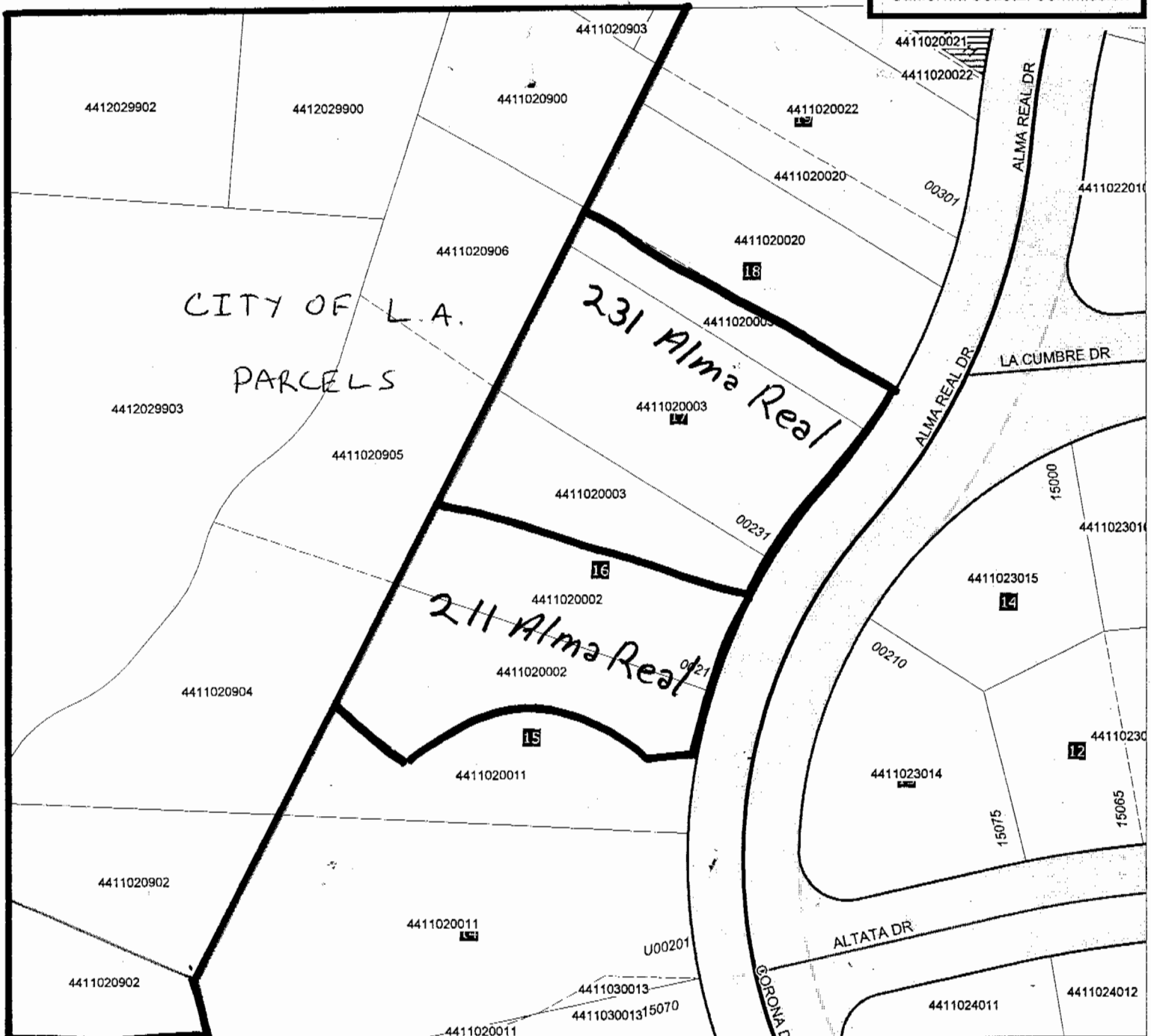
EXHIBIT NO. 2

Application Number

5-91-286-1A7

*Property and
Canyon Location*
California Coastal Commission

California Coastal Commission





LEGEND

- | NUMBER AND APPROXIMATE LOCATION OF BORING BY GROVER-HOLLINGSWORTH | NUMBER AND APPROXIMATE LOCATION OF TEST PIT BY GROVER-HOLLINGSWORTH | NUMBER AND APPROXIMATE LOCATION OF BORING BY SASSAN GEOTECHNICAL | APPROXIMATE GEOLOGICAL CONTACT | OLDER ALLUVIUM | PHO FORMATION BEDROCK |
|---|---|--|--------------------------------|----------------|-----------------------|
| 39B-1 | TP-4 | 39B-1 | | Qoa | TP |

EXHIBIT NO. 4

Application Number

5-91-28C-17

Grading Plan

California Coastal Commission



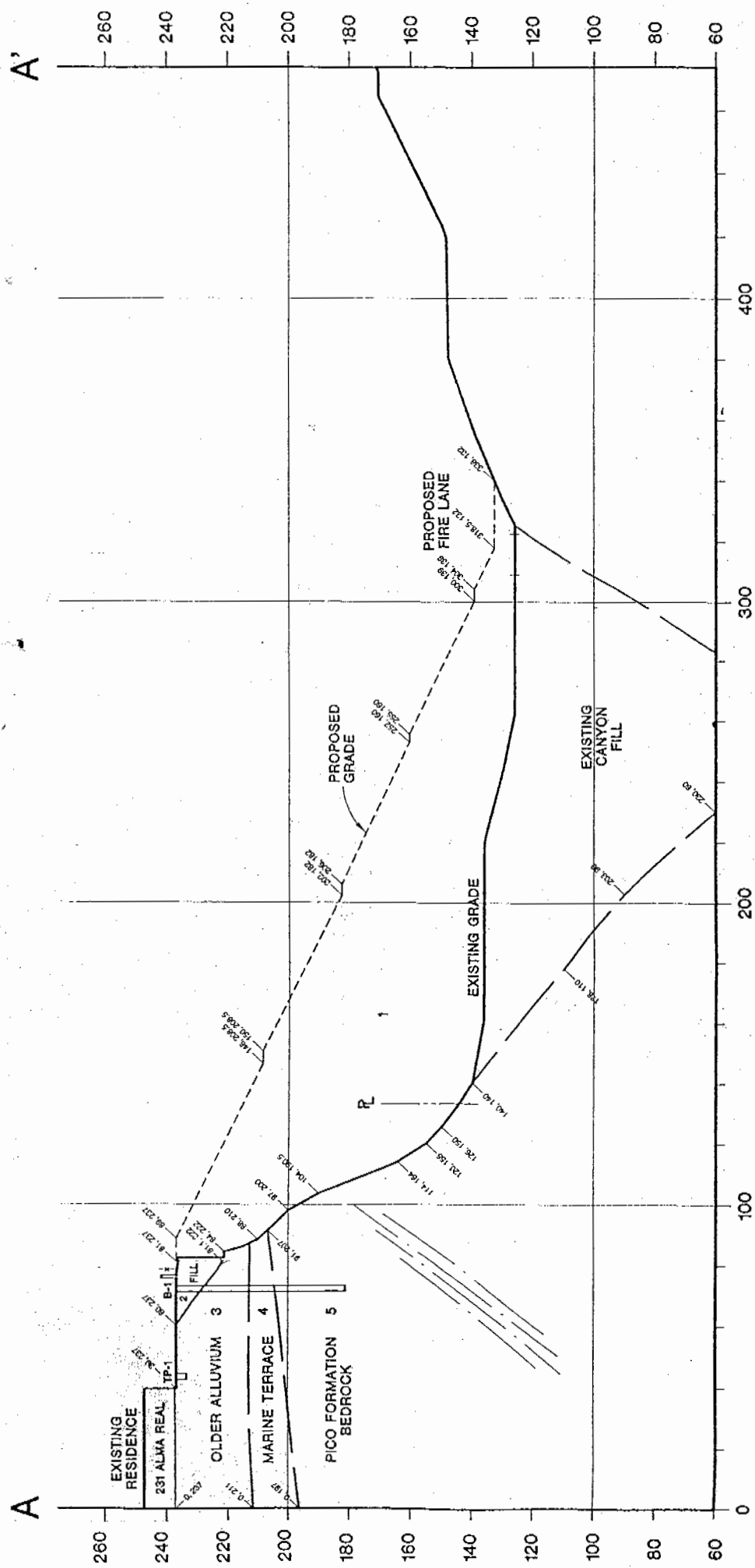
Pacific Palisades, California
GEOLOGIC MAP



Grover-Hollingsworth and Associates, Inc.
Descriptive Consultants

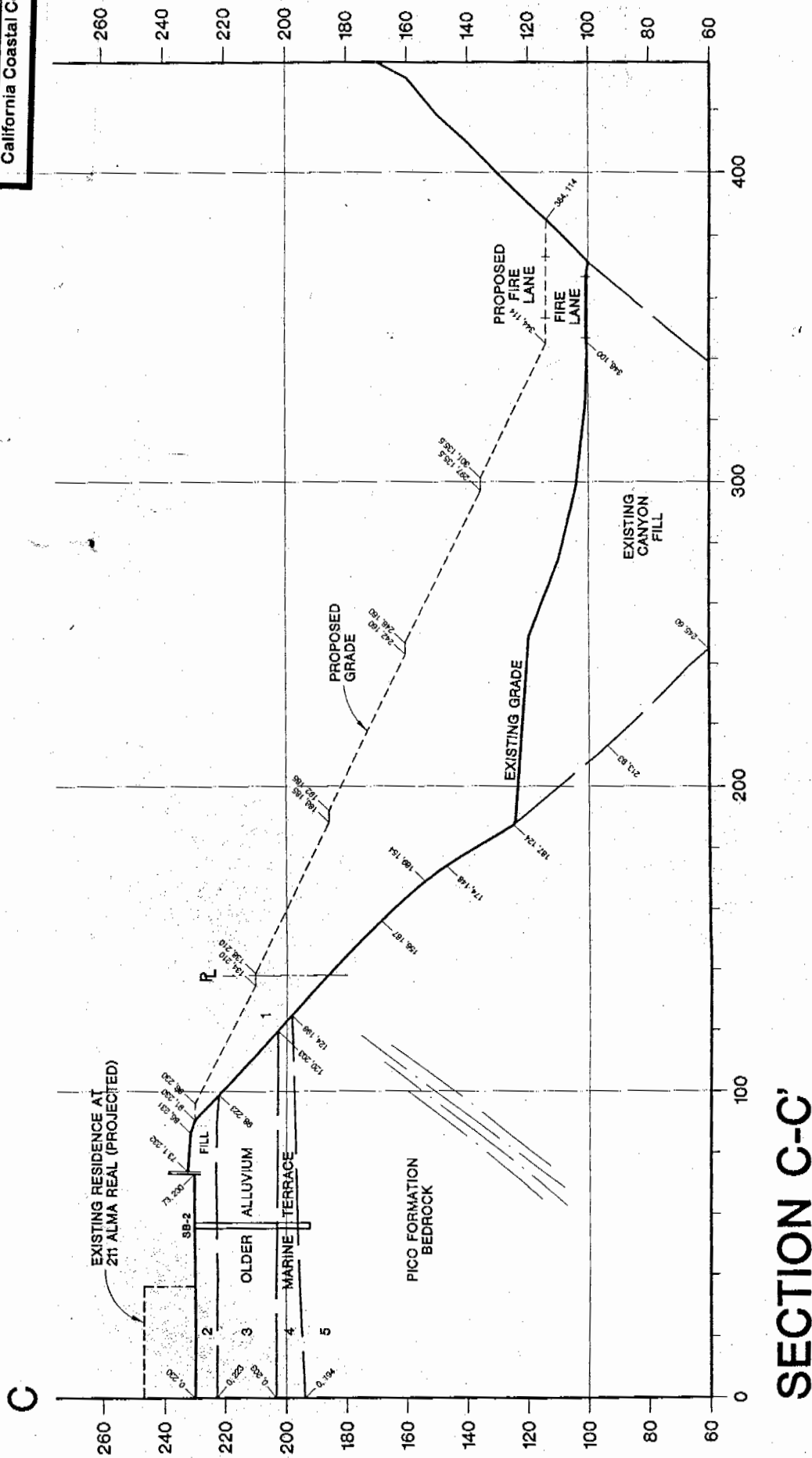
BY DM / RAH DATE 3-2007 QUANTITY PARCEE / ELKUS
10044-G / 0822-G ON DEOLOGIC MAP

EXHIBIT NO.	5
Application Number	5-91-286-A7
Cross Section	231 Alma Real
California Coastal Commission	



SECTION A-A'

EXHIBIT NO.	6
Application Number	5-91-286-A7
Cross-Section	211 Alma Real
California Coastal Commission	



Jun 7 2007 14

BOARD OF
BUILDING AND SAFETY
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ELENORE A. WILLIAMSCITY OF LOS ANGELES
CALIFORNIAANTONIO R. VILLARAIGOSA
MAYOR

EXHIBIT NO.

7

Application Number

5-91286-A7

City Approval
Letter

California Coastal Commission

GEOLOGY AND SOILS REPORT APPROVAL LETTER

June 7, 2007

Log # 57799

SOILS/GEOLOGY FILE - 2

Mr. Hoyt S. Pardee
211 Alma Real Drive
Pacific Palisades, CA 90272**RECEIVED**
South Coast Region

NOV - 6 2007

CALIFORNIA
COASTAL COMMISSIONTRACT: 9377
BLOCK: 1
LOTS: 15, 16, 17 and por. of 18
LOCATION: 211 & 231 N. Alma Real Drive

CURRENT REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Geology/Soil Report	GH9892-G/12069-G	03/19/2007	Grover Hollingsworth
Oversized Documents	"	"	"
Geology/Soil Addendum	"	05/30/2007	"
Oversized Documents	"	"	"

PREVIOUS REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Request for Modification	File No. 14950	06/01/2007	LADBS
Request for Modification	File No. 14949	06/01/2007	"
Department Approval Letter	Log # 49316-01	12/09/2005	"
Geology/Soil Report	5RUD070	09/26/2005	Sassan GeoSciences
Department Correction Letter	Log # 49316	08/16/2005	LADBS
Geology/Soil Report	5RUD070	07/02/2005	Sassan GeoSciences
Department Approval Letter	Log # 36757	12/09/2005	LADBS
Geol./Soil Rpt. (231 Alma Real)	GH-9892-G	05/09/2002	Grover Hollingsworth

The referenced reports concerning the proposed stabilization fill have been reviewed by the Grading Division of the Department of Building and Safety.

The west property boundaries of Lots 15 through 18 abut against off-site property (Potrero Canyon Park Project) and are located on steep slopes (see geologic cross-sections). Previous slope failures (with the most recent failure occurring during the 2004/2005 record winter rains) have occurred on the 211 Alma Real property. The existing slopes at the west portion of the subject lots do not have the minimum required safety factor of 1.5, per the LA City Building Code.

Page 2

211 & 231 N. Alma Real Drive

The report indicates (see page 17) that the "steep nature of the descending slope, the adversely-oriented joint planes, and the presence of a tall backfilled retaining wall along the top of the slope" are primary reasons for the low safety factors.

The stabilization fill is proposed to increase the stability of the steep slopes located along the western portion of the subject lots and, above the east side of Potrero Canyon. The toe of the proposed stabilization fill is to be located on the east side of a 20-foot-wide access road in the adjacent park property. The fill slope is proposed at a final horizontal to vertical slope gradient of 1.75H:1V and, will be greater than 100 feet in height.

Previously (see pages 5 through 8 in the 03/19/2007 report), the entire and/or partial removal of landslides and the filling-in of Potrero Canyon, was performed in phases and is on-going.

The limits of grading are shown on the 1 inch = 30 feet scale geologic map, included in the report. In addition to the grading on the subject lots, a major portion of the proposed grading for the stabilization fill will be on the off-site Potrero Canyon Park area.

The referenced Requests for Modification - File No.'s 14949 and 14950 were filed to request that the following conditions with regard to the proposed fill slope (which do not conform to the Building Code), be allowed:

- fill slope steeper than 2H:1V (section 7011.2)
- paved interceptor terrace width of 4 feet every 25 vertical feet, in lieu of the required 8 feet (7013.1)
- fill slope higher than 100 feet without the required horizontal, 30-foot-wide, bench (7011.1)
- portions of the new fill may or will be placed on the existing canyon fill which was previously placed on landslide debris that was allowed to remain (section 7011.3)

It shall be understood that the proposed grading is not in full conformance with current Code regulations and must, therefore, be classified as remedial and is intended to improve site conditions over that which presently exist.

The reports prepared by Grover Hollingsworth & Associates are acceptable, provided the following conditions are complied with:

1. Prior to the issuance of any permits, secure the written consent from the LA City Department of Recreation & Parks for grading within the off-site Potrero Canyon area. (7006.6)
2. Prior to issuance of any permits, secure the written consent from all owners upon whose property the proposed grading is to extend. (7006.6)
3. Prior to issuance of any permits, the plans shall be revised so that a single run of an interceptor terrace does not exceed 150 feet to a down drain, in compliance with section 7013.1 of the LA City Building Code.
4. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site

Page 3

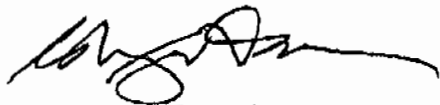
211 & 231 N. Alma Real Drive

- shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation. (3301.2.1)
5. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)
 6. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008.2)
 7. A supplemental report shall be submitted to the Grading Division containing recommendations for shoring, underpinning, and sequence of construction in the event that any excavation would remove lateral support to the public way or adjacent structures. A plot plan and cross-section(s) showing the construction type, number of stories, and location of the structures adjacent to the excavation shall be part of the excavation plans. (7006.2)
 8. Prior to excavation, an initial inspection shall be called at which time protection fences and dust and traffic control will be scheduled.
 9. The proposed stabilization fill shall be no steeper than 1.75H:1V, as recommended.
 10. The keying and benching-in of the proposed stabilization fill, the installation of sub-drains and all grading shall be performed under the direction and observation of the geologist and soil engineer and as recommended (see pages 17 through 21 of the 03/19/2007 report prepared by Grover Hollingsworth & Associates).
 11. All sub-drains shall be adequately day-lighted away from the fill mass in a manner that is acceptable to the Department
 12. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
 13. All recommendations of the reports which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
 14. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)
 15. A grading permit shall be obtained. (106.1.2)
 16. For grading involving import or export of more than 1000 cubic yards of earth materials within the *grading hillside area*, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Grading Division. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.

Page 4

211 & 231 N. Alma Real Drive

17. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Inspection Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cu yd. (7007.1)
201 N. Figueroa Street Room 770, LA(213) 977-6039
18. All roof and pad drainage shall be conducted to the street in an acceptable manner. Water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer. (7013.10)
19. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS. (7013.10)
20. All graded, brushed or bare slopes shall be planted with low-water consumption, native-type plant varieties. (7012)
21. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code.(7011.3)
22. Prior to the placing of compacted fill, a representative of the consulting soils engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the LADBS Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed in the final compaction report filed with the Grading Engineering Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Engineering Division of the Department upon completion of the compaction. The engineer's certificate of compliance shall include the grading permit number and the legal description as described in the permit (7011.3).



STEPHEN DAWSON
Engineering Geologist I



PASCAL CHALLITA
Geotechnical Engineer II

SD/PC:sd/pc
57799
(213) 482-0480

cc: Grover Hollingsworth & Associates
WLA District Office

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development on the grounds that the development as amended will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. SPECIAL CONDITIONS

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

1. Evidence of applicability of assumption of risk

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

2. Timing of revegetation of buttress fill.

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

COASTAL COMMISSION

5-91-286-A 7

EXHIBIT # 82

PAGE OF

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

3. Siltation Control

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

4. Consistency with approved plans and foundation design

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

COASTAL COMMISSION

5-91-286-A7

EXHIBIT # 86

PAGE _____ OF _____

APPENDIX B
PREVIOUSLY IMPOSED TERMS AND CONDITIONS

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

COASTAL COMMISSION
5-91-286-A7

EXHIBIT # 8c
PAGE _____ OF _____

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

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

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

1. Timing of Condition Compliance

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

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

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

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

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

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

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

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

b) The construction shall use materials specified by the Board and in the geology reports by John Byer. ~~Cox~~ ^{COASTAL COMMISSION} approved by the geologist, six inch concrete chunks and windrowed rocks.

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

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

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

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

8. Landscaping and restoration plans

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

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

The program shall include:

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

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

ii) a detailed site plan;

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

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

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

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

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

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

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

4. Recycling Landslide Debris.

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

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

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

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

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

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

2. Assumption of risk

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

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

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

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

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

4. Truck haul hours/interference with access

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

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

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

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

6. Recreational use.

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

7. Open Space Preservation Environmentally Sensitive Habitat/Woodland

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

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

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

8. Landscaping and restoration plans

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

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

The program shall include:

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

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

ii) a detailed site plan

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

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

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

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

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

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

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

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

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

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

9. Park and Habitat Development

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