

CALIFORNIA COASTAL COMMISSION

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W10a

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STAFF REPORT: MATERIAL AMENDMENT

Amendment

Application Number: 5-91-286-A10

Applicant: City of Los Angeles, Department of Public Works,
Bureau of Engineering

Location: 15329 and 15333 De Pauw Street, Pacific Palisades (Potrero
Canyon: 15101 Pacific Coast Highway)

Description: Allow additional grading within Potrero Canyon to repair a pre-existing landslide along the western slope of the canyon. Grading will include removal of slide material, recompaction, adding 7,600 cubic yards of fill at a 2:1 slope, installation of drainage system, and relandscaping.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

City is still conducting remedial grading work within Potrero Canyon to ensure that the properties along the canyon rim are safe and the riparian corridor and public trail, as required under the original permit, can be completed. The proposed project is a slope repair to a pre-existing isolated landslide requiring 7,600 cubic yards of fill to provide geologic stability to two City owned lots that will later be sold, with the money going towards the completion of the canyon fill and creation of the riparian corridor and public trail. Staff is recommending approval of the proposed coastal development permit amendment with nine (9) 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) conformance with final plans and

geotechnical report recommendations; 3) submittal of final grading plans; 4) require use of adequate erosion control during construction consistent with Special Condition No. 5 of the permit amendment 5-91-286-A2, which updated Special Condition No. 5 in the original permit; 5) require that the applicant assume the risk of development; 6) require a nesting bird survey during nesting season prior to construction; 7) restrict future residential development on slope; 8) future development restriction; and 9) 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, biological resources, and water quality protection policies of the Coastal Act.

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I. MOTION AND RESOLUTION:

Motion:

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

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

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Conditions Imposed Under Original Permit.** Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-91-286 and/or amendments thereto shall remain in effect (see **Exhibit No. 9**). 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-A10.
2. **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 Geotechnical Investigation, Final Report, prepared by URS, dated February 17, 2010.
 - 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.
3. **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.

4. Erosion and Drainage Control

A. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control during and after construction that is consistent with Special Condition 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

- Measures shall be taken to prevent tracking of sediment from the site
- Filters shall be installed in debris basins

(d) The drainage control plan shall include, at a minimum, the following components:

- The location, types and capacity of pipe drains and/or filters proposed.
- A schedule for installation and maintenance of the devices.
- A site plan showing finished grades (at ten-foot contour intervals) and drainage improvements.

(e) Each year, the applicant shall install appropriate erosion control plans by October 1, consistent with Special Condition 5 of the original permit 5-91-286 as amended in 5-91-286-A2.

(f) The applicant shall provide the Executive Director with copies of all letters and reports from the Department of Building and Safety, all updated geologic reports, and shall report at least every six months on the status of the project.

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

5. 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.

6. Nesting Bird Survey. If construction activities are scheduled to begin during bird nesting season (March 1 to August 31), the applicant shall have a qualified ornithologist visit the site and conduct a survey for nesting sensitive bird species. If nesting birds are found,

construction activities will be delayed until the nests of any protected birds are no longer active. Construction activities will not occur during nesting season unless a preconstruction nesting survey, taken no more than two weeks prior to construction, finds no active nests in the construction area. Results of surveys will be documented and submitted to the Executive Director of the California Coastal Commission. If construction activities do not begin until after the end of nesting season (August 31), no nesting survey will be required.

- 7. Future Residential Slope Development.** All future residential development shall be prohibited from the graded slope, including but not limited to, retaining walls, garden walls, pools, equipment or storage sheds, and stairways. Chain-link perimeter fencing or similar security fencing, consistent with City requirements, is allowed with appropriate permits.
- 8. Future Development.** This permit amendment is only for the development described in coastal development permit amendment 5-91-286-A10. Pursuant to Title 14 California Code of Regulations section 13253(b), 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-A10. Accordingly, any future improvements beyond that 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.
- 9. 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

A. PROJECT DESCRIPTION

The City of Los Angeles Department of Public Works 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 development is located at 15329 and 15333 De Pauw Street on a east facing hillside in the northwestern portion of Potrero Canyon, in the Pacific Palisades planning area of the City of Los Angeles (see **Exhibit No. 1, 2 and 3**). The two properties are part of the City's twenty-two owned lots that are being sold in phases to generate revenue to fund the future Potrero Canyon Park development project.

The proposed amendment from the City requests to modify Coastal Development Permit No. 5-91-286 for additional remedial grading to remove landslide material and stabilize the slope at the two subject properties to ensure that the two residential lots are geologically stable. Once the landslide material has been removed, the slope will be recompact, benched, and approximately 7,600 cubic yards of fill will be used to create a 55 foot high, 2:1 slope along the two private properties and on the City owned canyon property (see **Exhibit No. 4**). A small amount of grading work will take place on the neighboring private property to the south (15325 De Pauw Street). Fill will be obtained from existing stockpiles in the canyon. A drainage system, consisting of sub-drains, terrace drains and down drains, will be incorporated into the fill slope. Existing vegetation will be removed and the repaired slope will be hydromulched immediately after grading and later replanted with native vegetation consistent with the landscaping for the final park plan or the park has been completed.

Once the remedial grading has been completed, the City will then be able to offer the two lots for sale to the general public as part of the original twenty-two City owned lots. The Commission, through past permit amendments has approved the sale of fourteen of the twenty-two lots. The future sale of the remaining eight lots, including the two subject lots, will require Commission approval.

B. PROJECT HISTORY

Coastal Development Permit 5-91-286, as presently amended, allows the City to place 3 million cubic yards of fill in Potrero Canyon, a coastal canyon inland of Pacific Coast Highway. Before the fill occurred there was a blue line stream and 3.64 acres of riparian vegetation, primarily willow woodland at the bottom of the canyon. The sides of the canyon were covered with coastal sage scrub. The fill in the canyon was necessary because landslides had resulted in the loss of twenty homes and endangerment of other homes. The original permit included fill 100 feet above the flow line of the stream, plus additional buttress fills, wedges of earth, extending up to the level of existing lots on the canyon rims. After denial of the initial permit application, Coastal Development Permit 5-86-958 was granted in 1988 and reissued as 5-91-286 in September 1991, after the initial permit expired. The Commission found that the development as proposed was not consistent with Section 30231 and 30240 of the Coastal Act and could only be approved if the applicant agreed to restore the riparian habitat area that had existed in the canyon bottom at a 2:1 ratio. The City proposed 7.4 acres of mitigation to be constructed as an artificial riparian area on top of the fill at the completion of the project (Phase Three). The City proposed a first amendment (5-91-286-A1), the first draft of the Phase Three plans, but withdrew the amendment in order to conduct community meetings on the design of the riparian mitigation. The City's second amendment, 5-91-286-A2, proposed restoring 7.9 acres of riparian habitat, located in a basin protected by a plastic liner such as is used in landfill projects. In 1993, the Commission approved the final design of the upper buttress fills, and a 12-foot wide fire road/trail access through the canyon. The City also provided a final conceptual design of the riparian area that was ultimately approved in concept by the Commission (5-91-286-A2). The third amendment (5-91-286-A3) that was approved with conditions by the Commission allowed a design change in the road at the canyon entrance. The fourth amendment (5-91-286-A4) that was approved with conditions by the Commission proposed to amend Phase Two of the

slope stabilization and canyon fill project to repair landslide failures between Alma Real Drive and Friends Street. Amendment No.4 was never issued due to more recent slides that have occurred in the proposed project vicinity that have warranted a more significant stabilization plan than what was approved previously.

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

In 2010, the Commission approved amendment No. 8, for the sale of six of the remaining twenty City owned canyon rim lots (15229/15233, 15237, 15241, 15253, 15261 and 15265 De Pauw Street). The money was deposited into the PCTF and is being used towards the completion of the canyon grading. An additional six lots (15205, 15209, 15213, 15217, 15221 and 15225 De Pauw Street) were approved for sale in amendment No. 9, that was approved by the Commission in 2012.

The initial grading for the canyon project consisted of three phases. Phase One included clean out of the canyon and installation of a storm drain. Phase One was completed in 1990. Phase Two was to consist of the importation of 2.5 million cubic yards of fill to raise the canyon grade considerably. During construction it was found that the required removal of existing landslide debris was not practicable without the deep removals to expose undisturbed bedrock, necessitating the creation of several stabilization fills in addition to the level fill. Approximately sixty-five percent of the proposed grading was completed prior to 2004 when a lack of funding caused work to cease. Phase Three is planned to involve the creation of additional stabilization fills and the creation of open space and installation of the required habitat and mitigation areas.

C. 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 original canyon fill project was approved because the City provided 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 7,600 cubic yards of additional fill to stabilize an isolated landslide on two City owned lots located along the western portion of Potrero Canyon. The toe of the proposed stabilization fill slope will extend along the western portion of the canyon bottom.

According to the Geotechnical Investigation, Final Report, prepared by URS, dated February 17, 2010:

landslides within Potrero Canyon are generally restricted to those areas in which prehistoric slope failures occurred. These prehistoric slides occurred due to several factors directly attributable to higher rates of precipitation... In Potrero Canyon, high volumes of water within the marine terrace produced seepage forces and saturated the weak earth materials. Over-steepening of the canyon walls due to high runoff was a final factor in causing sliding...

The report states that for the isolated landslide that covers these two residential properties, 1940 stereo-pair air photos show the landslide as a subdued topographic expression, with evidence of considerable erosion, and with the head scarp approximately in the same position as today (see **Exhibit No. 5** for landslide locations). Failure appears to be restricted to surficial materials and within the upper 10 to 20 feet of bedrock. The current slope does not provide a factor of safety of 1.5 for the subject properties, however, with the proposed buttress fill at 2(horizontal): 1(Vertical) gradient constructed per the plan, the safety factor of the existing slope, will be 1.5 or greater. The report concludes that based on the geotechnical investigation the slope mitigation/repair work within the project site would not be subject to geotechnical and geologic hazards from landslides, slippage, or excessive settlement.

The City states that the proposed project 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 this or 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 project 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 report. 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. 2** requires the applicant to conform to the geotechnical recommendations contained in Geotechnical Investigation Final Report, by URS, dated February 17, 2010. **Special Condition No. 3** requires that the applicant submit for review and approval by the Executive Director final grading plans.

2. Erosion Control Measures

The canyon fill project involves 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.

3. 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 **Special Condition No. 5**, 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 (**Special Condition No. 5**) 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.

D. Biological Resources

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 the riparian area 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 (see **Exhibit No. 6** for preliminary restoration plan).

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 due to 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. However, not all areas along the canyon support coastal sage scrub. Some properties, due to slope gradient, soil type, past landslides, and

historical ornamental or non-native planting by property owners, some properties do not support coastal sage scrub or provide significant amounts of native vegetation. According to a biological report prepared by the City for these two properties, the existing vegetation consists of a mix of non-native, invasive plants, such as, acacia, wild oats, ripgut grass, tall fescue, ivy, and Brazilian pepper, and some coastal sage scrub, such as, toyon, giant wild rye, and southern California grape. Other native plants include a coastal live-oak and arroyo willow (see **Exhibit No. 7** for plant list).

The single Coast Live Oak, measuring 4.5 inches in diameter at base height, and is found along the lower portion of one of the properties. The single oak is not considered a sensitive or an endangered species, but is protected by local ordinance. The oak will be removed due to the proposed grading and will be replaced on site at a 2:1 ratio pursuant to the City's Oak Tree ordinance that requires replacement of any removed native oak tree at a 2:1 ratio at the time when the City relandscapes the entire canyon, as required under the original permit.

The five arroyo willows, are located in the lower portion of the proposed grading area within the area previously approved for riparian restoration, and in an area that was previously approved for grading under the overall canyon grading plan. The grading proposed under this amendment extends the overall canyon grading further up the slope in an area previously not approved for grading and ties the grading along the upper slope with the previously approved grading along the lower portion of the slope (see **Exhibit No. 8**). Therefore, this area with the willows was previously accounted for in the approved canyon restoration and no additional mitigation is necessary. With regards to the remaining vegetation, the applicant states that the slopes of this proposed additional fill will be revegetated with coastal sage scrub consistent with the restoration plan for the overall canyon restoration and in the interim will be hydromulched to minimize erosion.

In order to assure compliance with the proposal to replant with coastal sage scrub, the Commission has required that subsequent amendments be consistent with Special Condition No. 8 of the underlying permit. 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. 9** for conditions of previous permit and amendments). This current amendment does not propose any changes to the previously approved restoration plan and once the City begins construction of the park, the slopes of these two subject lots, which are part of the original canyon permit will be included in the canyon landscaping. At this time, as part of their efforts to control erosion, once the grading on the subject lots has been completed the City will hydromulch the slope similar to other City graded slopes within Potrero Canyon. **Special Condition No. 1** ensures that the City is on notice that previously approved conditions, including final landscaping apply to this amendment. As conditioned the project is consistent with Section 30240 of the Coastal Act.

The project area is part of the Potrero Canyon ecosystem and has the potential to provide fauna habitat within the mix of vegetation currently located on-site. The loss of vegetation or grading activity could impact existing fauna. The City conducted a biological survey of the area and

found no significant animals, or bird nests, in the area. However, it is possible that just prior to construction activity birds could establish in the area. To avoid any potential impacts to nesting birds, the City is proposing to conduct surveys of the area, with a qualified ornithologist, prior to construction if construction activity is scheduled to be during the nesting season (March 1 to August 31). If nesting birds are found, construction activities will be delayed until the nests are no longer active. To ensure that preconstruction bird nesting surveys are conducted, **Special Condition No. 6** requiring nesting surveys for sensitive bird species is required as a special condition of this amendment.

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 adjacent canyon slopes. 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.

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 mitigating 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 upper northern reaches of the canyon, across from the Pacific Palisades Recreation Center, where the canyon branches and becomes narrower. In this location the canyon is less than 300 feet across. Because of the close proximity of the residential lots to the canyon bottom and narrowness of the canyon, the proposed graded slope will be visible from the future park and access trail. However, the proposed fill project will not interfere with the proposed riparian habitat or public trail that will be located within the filled canyon bottom. As with the previously approved stabilization work, the visual impacts caused by the fill can be mitigated through appropriate landscaping. However, in previous developments, property owners, to maximize their building area, have continuously encroached further down the slope which reduces the landscaped areas, fuel modification areas, and reduces the buffer between private uses and public recreational areas which can create conflicts between private property owners and the general public. Generally, these conflicts often times results in additional development, such as privacy walls, adjacent to

public spaces which reduces the scenic value of the public space or results in public restrictions which negatively impacts public access. Because the canyon is much narrower in this area than the areas further down the canyon towards Pacific Coast Highway, development will be much closer and more visible from the proposed public trail, therefore, it is important to ensure that development will not encroach down on the regraded fill slope to ensure that there is an adequate buffer between the private residences and public space. **Special Condition No. 7** places the applicant and future owners on notice that all future residential development will be limited to the bluff top and no future development, including retaining walls, garden walls, pools or stairways, will be allowed on the graded slope as approved by this amendment. **Special Condition No. 8**, also requires that this permit amendment is only for the development described in coastal development permit amendment 5-91-286-A10. Pursuant to Title 14 California Code of Regulations section 13253(b), 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-A10. Accordingly, any future improvements beyond that 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. Therefore, only as condition will the proposed amendment 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 mainly on City properties (15329 and 15333 De Pauw Street) and a minor portion of the fill will encroach onto an adjacent private property to the south [15325 De Pauw Street (APN: 4412-001-007)]. 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. According to the City, for this particular development, a right-of-entry to allow the work on the private property will be obtained from the property owner prior to the start of work. To ensure the City has legal authority to perform work on the private property **Special Condition No. 9** is necessary to require the City 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.

APPENDIX

APPENDIX A-- PRIOR PERMIT ACTION:

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

Description of Amendment #1: Withdrawn.

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

Description of Amendment #3: Realign an approximately 560 foot long segment of a one-mile long fire/access road to be incorporated into landslide repair plans. Landslide repair includes demolition of Sunspot Motel, excavation of debris and importation of fill and construction of approximately 180 foot high, 87,000 cubic yard buttress fill. Amendment approved October 10, 1996.

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

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

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

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

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

Description of Amendment #9: Amend Special Condition No. 3 to allow for the sale of six of the remaining fourteen City owned canyon rim lots (15205, 15209, 15213, 15217, 15221 and 15225 De Pauw Street). The money would be directed to an established Trust Fund and used solely for the completion of remaining phases of development of the Potrero Canyon Park Restoration Project. Specifically, monies generated from the sale of these six lots would fund construction of final grading within the canyon and park development for the Potrero Canyon Park Restoration Project. Permission to sell additional lots will require application for a subsequent amendment.(APN: 4412-027-900, 901; 4412-028-900, 902, 903, 904)

APPENDIX B—SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits 5-86-958, 5-91-286 and approved amendments (City of Los Angeles, Department of Recreation and Parks).
2. City of Los Angeles Geotechnical Engineering Division, “Interim Design Report, Potrero Canyon Park Development Study,” Updated October 5, 2010.
3. City of Los Angeles Geotechnical Engineering Division, “Pre-Design Report, Potrero Canyon Park Development Study,” dated March 18, 2008.
4. City of Los Angeles Geotechnical Engineering Division, “Geotechnical Report, Potrero Canyon Park, Pacific Palisades, City of Los Angeles,” dated March 11, 2008.
5. City of Los Angeles Geotechnical Engineering Division, “Geotechnical Real Estate Disclosure, Lot #38 of Tract 9377, 615 Alma Real Drive, Pacific Palisades, CA 90272,” dated March 19, 2008.
6. City of Los Angeles Geotechnical Engineering Division, “Geotechnical Real Estate Disclosure, Lot #39, 623 Alma Real Drive, Pacific Palisades, CA 90272,” dated March 19, 2008.
7. City of Los Angeles, Ordinance #179472 – Added Chapter 147 of Division of the Los Angeles Administrative Code – Potrero Canyon Trust Fund, adopted December 11, 2007.

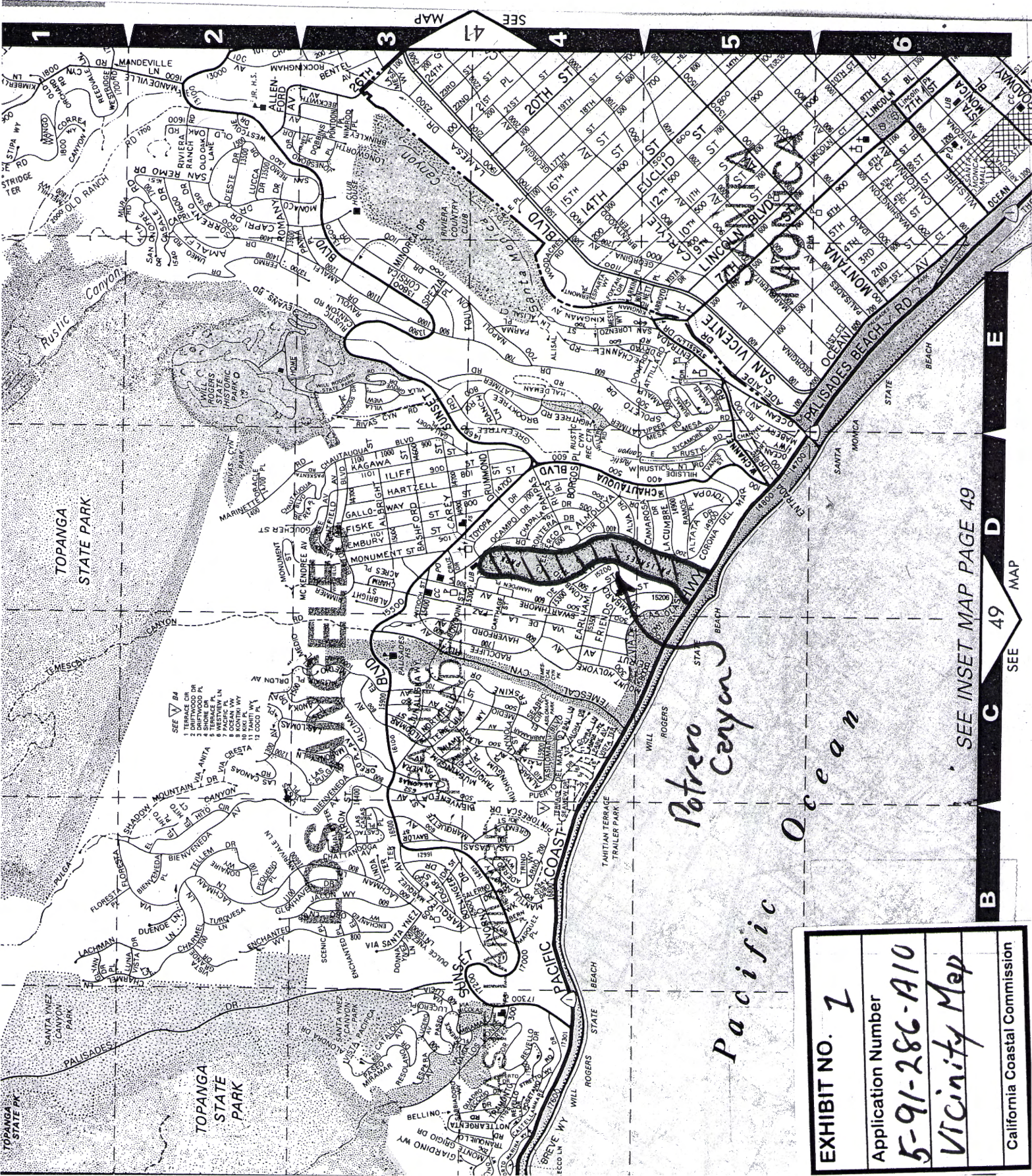


EXHIBIT NO. 1
Application Number 5-91-286-A10
Vicinity Map
California Coastal Commission

SEE INSET MAP PAGE 49

B C D E
MAP 49

8703/2009-87

**ASSESSOR'S MAP
15329 AND 15333 DE PAUW ST.**

CALIFORNIA
COASTAL COMMISSION

MAR 18 2013

RECEIVED
South Coast Region

67
CODE

FOR PREV. ASSM'T SEE:
423-7.

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

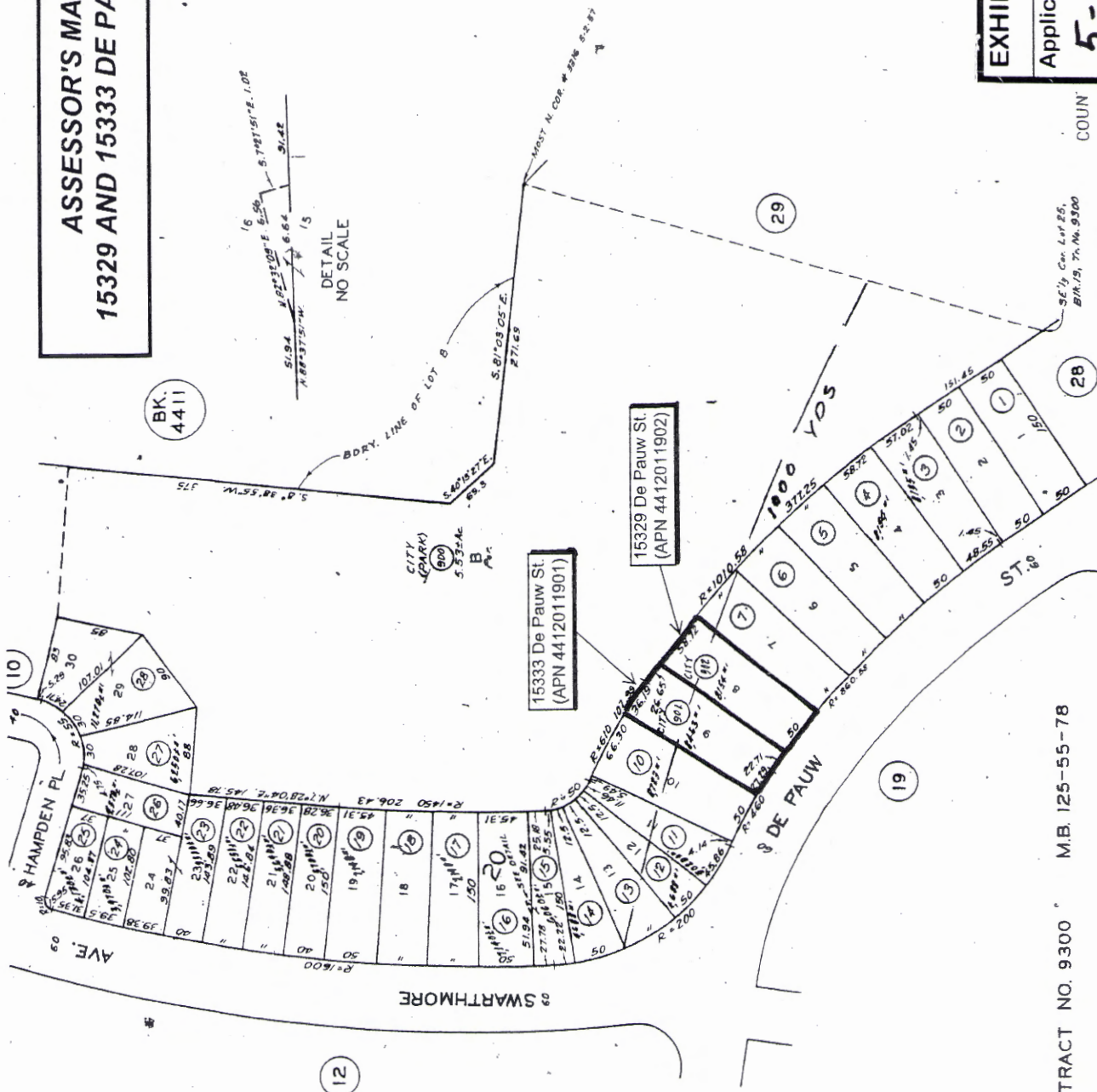
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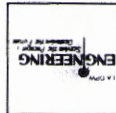
Application Number

5-91-286-A10

Parcel Map

California Coastal Commission





STRUCTURE NO.	
INDEX NO.	
DATE	
BY	

APPROVED BY	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	

PROJECT NO.	
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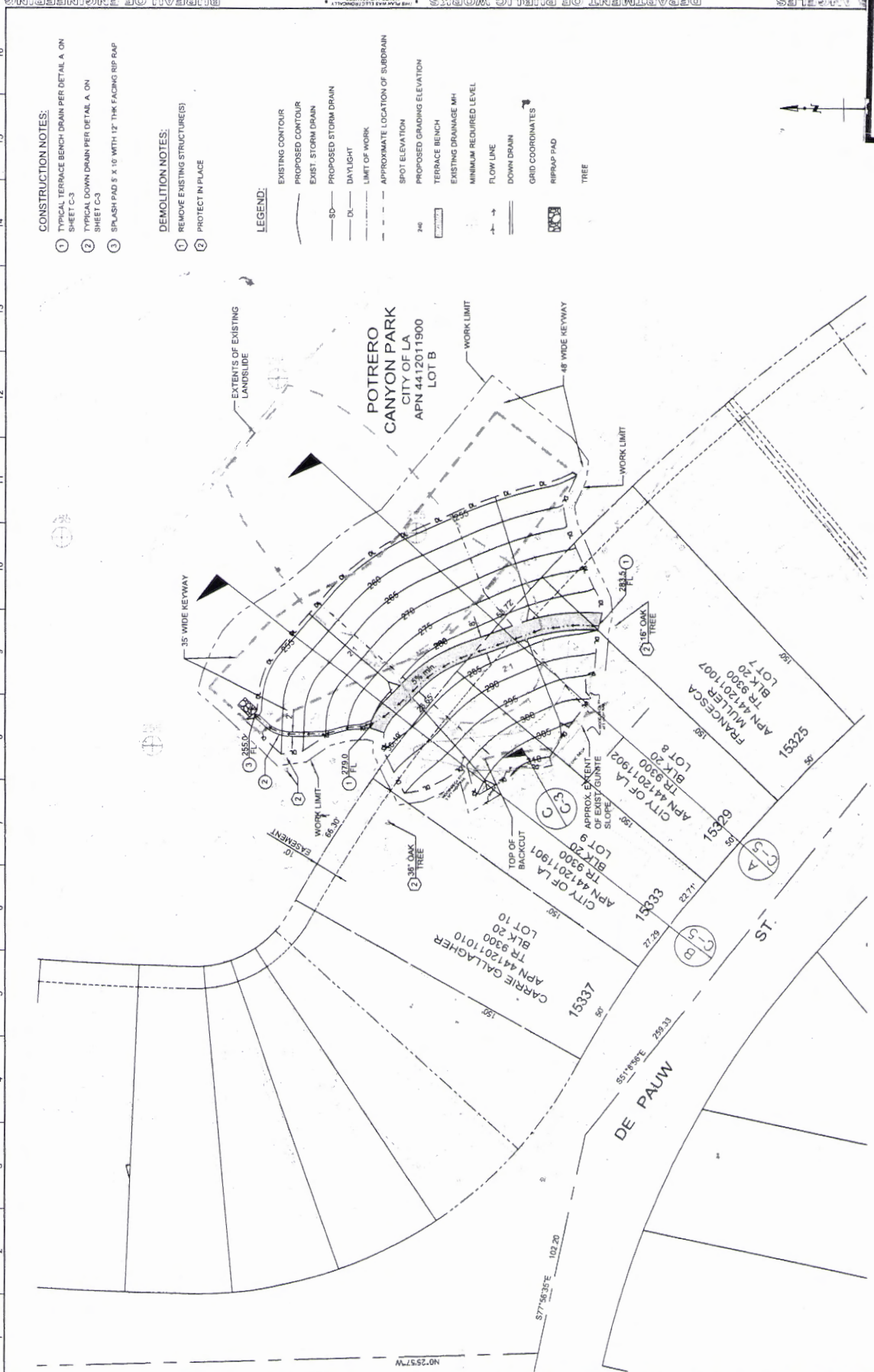
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- CONSTRUCTION NOTES:
- 1 TYPICAL TERRACE BENCH DRAIN PER DETAIL A ON SHEET C-3
 - 2 TYPICAL DOWN DRAIN PER DETAIL A ON SHEET C-3
 - 3 SPLASH PAD 5' X 10' WITH 12" THK FACING RIP RAP

- DEMOLITION NOTES:
- 1 REMOVE EXISTING STRUCTURE(S)
 - 2 PROTECT IN PLACE

- LEGEND:
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - EXIST. STORM DRAIN
 - SD - PROPOSED STORM DRAIN
 - DL - DAYLIGHT
 - LIMIT OF WORK
 - APPROXIMATE LOCATION OF SUBDRAIN
 - SPOT ELEVATION
 - PROPOSED GRADING ELEVATION
 - TERRACE BENCH
 - EXISTING DRAINAGE MH
 - MINIMUM REQUIRED LEVEL
 - FLOW LINE
 - DOWN DRAIN
 - GRID COORDINATES
 - RIPPRAP PAD
 - TREE

- EXTENTS OF EXISTING LANDSLIDE

- 35' WIDE KEYWAY

- 48' WIDE KEYWAY

- 15' OAK TREE

- WORK LIMIT

- APPROX. EXTENT OF EXISTING SLOPE

- TOP OF BACKCUT

- DE PAUW

- ST

- 15337

- 15333

- 15325

- 15321

- 15317

- 15313

- 15309

- 15305

- 15301

- 15297

- 15293

NOT SCALE 1/2"=10' DATE 1/27/2011 - 10am

EXHIBIT NO. 4

Application Number

5-91-286-A10

Grading Plan

California Coastal Commission



CONTACT NO.
C-109511

GEO FILE NO.
05-159



DATE
11/09

REVISIONS
11/09

DESIGNED BY
JOSEPH W. MOORE, P.E.

CHECKED BY
GARY LEE MOORE, P.E.

PROJECT NO.
05-159

PROJECT NAME
HISTORIC LANDSLIDE MAP

PROJECT LOCATION
POTRERO CANYON PARK

PROJECT CITY
LOS ANGELES, CA

PROJECT SHEET
E1702.13A



EXHIBIT NO. 5

Application Number

5-91-286-110

Landslide Map

California Coastal Commission

TABLE 1 POTRERO CANYON PROJECT De Pauw Street Grading Area W.O. E1907343 SAMPLING DATE: 4/26/2013 LIST OF PLANT SPECIES RECORDED IN AREA NE OF 15325-33 DEPAUW STREET: CHAPARRAL, COASTAL SAGE SCRUB, SOUTHERN OAK WOODLAND AND WETLAND/RIPARIAN COMMUNITIES																
# Tr	dbh	FAMILY	GENUS	SPECIES	HABIT	Authority	COMMON NAME	Notes	CA Native	FTH/So.	Oak	Woodland	CSS	CHAP	Wetland/ Riparian	Disturb
		FABACEAE	Acacia	saligna	Tr	Wendl.	willow acacia									
		ASPARAGACEAE	Asparagus	setaceus	pr.	(Kunth) Jessop	common asparagus fern									
		POACEAE	Avena	falua	gr	L.	wild oats									
		POACEAE	Bromus	diandrus	gr	Roth	ripgut grass									
		MYRTACEAE	Eucalyptus	ficifolia	tr	Gill And Wats	red-flowering gum	=[Corymbia ficifolia]								
		EUPHORBIACEAE	Euphorbia	terraccina	pr.	L.	Geraldton carnation weed	arrow lvs, milky sap, tubercous roots								
		POACEAE	Festuca	arundinacea	gr	Schreb.	tall fescue	=(Schedonorus phoenix (Scop.) Dumont)								
		MORACEAE	Ficus	carica	tr.	L.	edible fig									
		APIACEAE	Foeniculum	vulgare	pr	Miller	fennel									
		OLEACEAE	Fraxinus	undulata	tr.	Wenzl Lingel.	shamel ash									
		GERANIACEAE	Geranium	molle	an	L.	woodland geranium									
		PROTEACEAE	Grevillea	robusta	tr.	Cunningham ex R. Br	silkoak									
		ARALIACEAE	Hedera	helix	pr	L.	English Ivy									
		ROSACEAE	Heteromeles	arbutifolia	sh	(Lindley) Roemer	toyon		Y					X		
		POACEAE	Leymus	condensatus	gr	(C. Presl) A. Love	giant wild rye		Y		X		X	X		
		CAPRIFOLIACEAE	Lonicera	japonica	sh	Thunb.	Japanese honeysuckle		Y		X					
		CUCURBITACEAE	Marah	macrocarpus	pr	(E. Greene) E. Greene	manroot		Y		X			X		
		APOCYNACEAE	Nerium	oleander	tr	L.	oleander									
		OXALIDACEAE	Oxalis	pes-caprae	pr.	L.	Bermuda buttercup									
		ASTERACEAE	Picris	echinoides	an	L.	bristly ox-tongue									
		PITTOSPORACEAE	Pittosporum	undulatum	tree	Vent.	Victorian box									
	7.5" - 8"	PLANTAGINACEAE	Plantago	lanceolata	pr	L.	English plantain									
1	4.5"	FAGACEAE	Quercus	agrifolia	Tr.	Nee.	Coast Live-Oak		Y		X					
		POLYGONACEAE	Rumex	crispus	pr.	L.	curly dock									
5	1" - 8.5"	SALICACEAE	Salix	lasiolepis	tr	Benth.	arroyo willow		Y		X				X	
		ANACARDIACEAE	Schinus	terebinthifolius	tr	Rafja	Brazilian pepper									
		SOLANACEAE	Solanum	nigrum	sh	L.	black nightshade									
		ASTERACEAE	Sonchus	asper	an	(L.) Hill	sowthistle									
		ANACARDIACEAE	Toxicodendron	diversilobum	sh	(Torrey & A. Gray) E. Greene	poison oak		Y		X		X			
		TROPAEOLACEAE	Tropaeolum	magus	an	L.	Nasturtium									
		APOCYNACEAE	Vinca	major	pr	L.	big-leaf periwinkle		Y		X		X		X	
		VITACEAE	Vitis	girdiana	vine	Munson	southern California grape									
		ARACEAE	Zantedeschia	aethiopica	pr	(L.) Sprengel	calla lily									
Total																
CA Native																
TOTAL SP. = 33																
CA. NATIVE SP. = 7																
21.21%																
Habit abbreviation: an = annual gr = grass pr = perennial sh = shrub/subshrub tr = tree																
TOTAL NO. SP. PER COMMUNITY																
5 3 4 2																

EXHIBIT NO. 7

Application Number

5-91-286-A10

Existing Plant List

California Coastal Commission

NOTES:
 (1) Habitat is in degraded condition due to low proportion of native species.
 (2) Elev 77 to 93 m (255 to 305 ft) above MSL

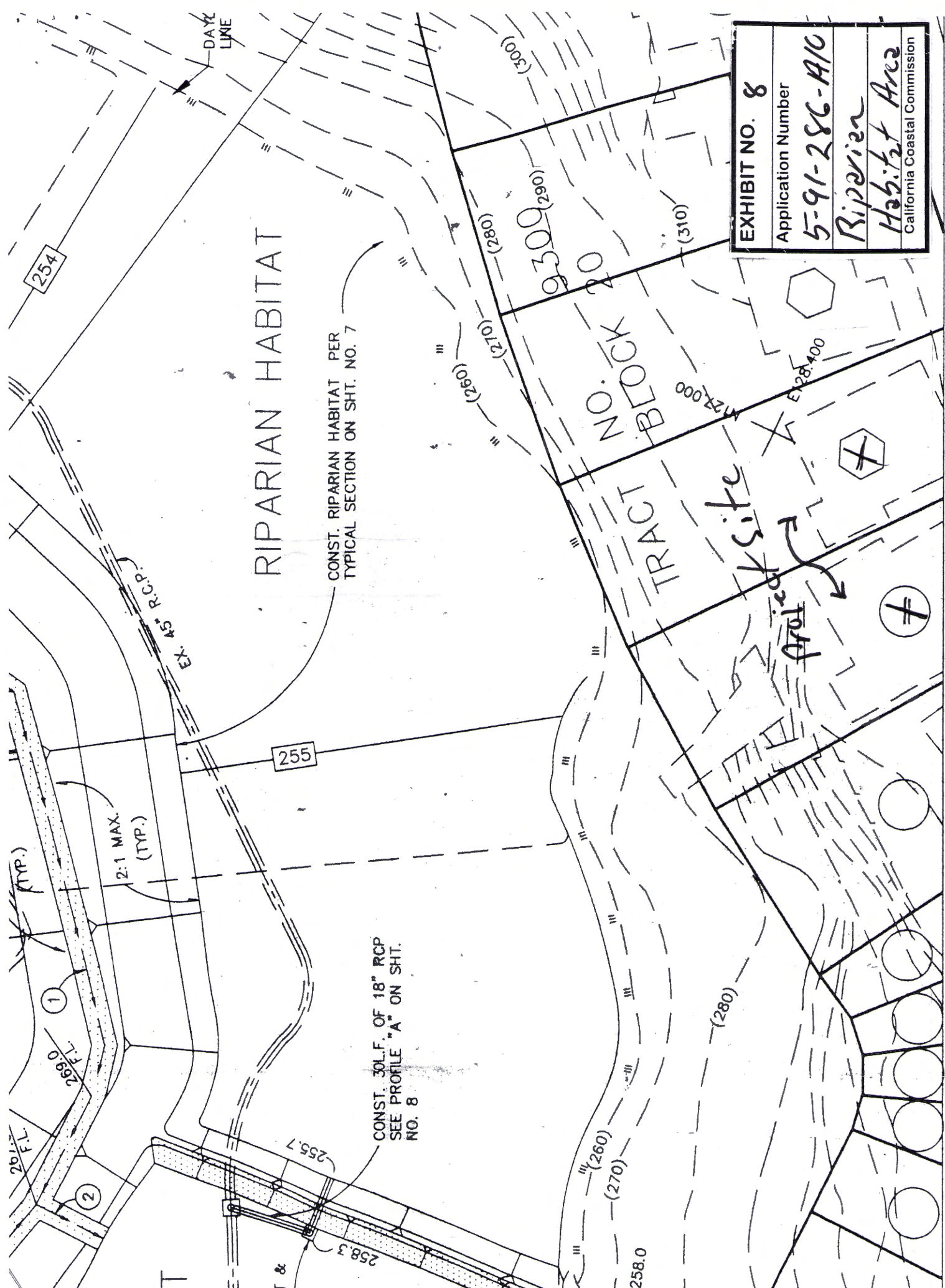


EXHIBIT NO. 8
Application Number
5-91-286-A10
Riparian
Habitat Area
California Coastal Commission

From "Grading Plan - North End - Phase 3"

5-91-286 A2 Conditions of Approval

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

Page 15

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

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

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

1. Timing of Condition Compliance

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

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

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

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

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

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

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

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

b) The construction shall use materials specified by the Board and in the geology reports by John Byer, ~~except that not approved~~ by the geologist, six inch concrete chunks and windrowed rocks.

EXHIBIT # 9a

PAGE 10 OF 10

5-91-286-A2 Conditions

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

Page 16

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.

COASTAL COMMISSION
5-91-286-A70

EXHIBIT # 9.6

PAGE OF

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

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

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

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

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

EXHIBIT # 902

PAGE _____ OF _____

COASTAL COMMISSION
5-91-286-A70

- 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 is open 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 on the Council of the City of Los Angeles, to maintain no less than 7.38 acres on

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

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

8. Landscaping and restoration plans

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

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

The program shall include:

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

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

ii) a detailed site plan

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

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

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.