

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071



Th17a

Filed: 6/23/22
180th Day: 12/20/22
Staff: S. Amitay – LB
Staff Report: 6/30/22
Hearing Date: 7/14/22

STAFF REPORT: PERMIT AMENDMENT

Application No.: 5-91-286-A13

Applicant: City of Los Angeles

Agent: Norman Mundy, Department of Public Works, Bureau of Engineering

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

Description of Amendment: After-the-fact request to construct a 5-ft.-wide, 1500-foot-long ADA-compliant public access path from Friends Street into Potrero Canyon Park to connect with interior park trails, including appurtenant drainage substructures. Installation of new steel post and wire fence along the pathway, informational kiosk and sign panel at trailhead, and minor spot grading and compaction of soils (600 cy. of cut and 150 cy. of fill). Temporary installation of new and replacement irrigation systems.

Original Project Description: 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 (Now Completed) included 75 additional feet of fill, some deep excavations of landslides, and reconstruction of buttress fills along canyon sides; Phase Three is the construction of additional buttress fills, park improvements, and restored riparian habitat area. Coastal development permit approved with conditions on September 11, 1991.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles requests an amendment to the original coastal development permit for the Potrero Canyon Park Restoration Project that authorizes after-the-fact construction of an ADA-compliant public access path from a gate at Friends Street downslope to connect with the interior park trails ([Exhibit 2](#)). The Friends Street Trail has already been completely graded from the entrance to where it intersects with the main park access trail. A small amount of excavation (600 cy. of cut and 150 cy. of fill) has taken place to grade the footprint of the trail on the west wall of the canyon, curbs and footings have been poured, drainage elements have been incorporated and covered, and a steel post and wire fence has been installed along the upper portion of the trail. Cable railing in the lower portion of the trail has not yet been finished. The City requests authorization to also build a proposed informational kiosk and interpretive sign panel at the trailhead on Friends Street, conduct corrective minor spot grading to fully level the trail, and compact 4 inches of decomposed granite along the trail surface. Upon completion, the path will be five feet wide, 1500 linear feet long, traverse 60 feet in elevation, and the adjacent areas will be planted with native landscaping. The current proposal is for the path to be for pedestrian use only, although the City has indicated interest in a potential future multi-modal design that includes bicycle accessibility.

The City of Los Angeles has neither a certified Local Coastal Program nor a certified Land Use Plan for the planning subarea of Pacific Palisades. The Commission's standard of review for the subject development is the Chapter 3 policies of the Coastal Act. Of particular concern are potential adverse impacts to coastal resources such as biological resources, water quality, geologic stability, visual resources, and public access and recreation. Protecting these sensitive coastal resources within the context of a large canyon/park restoration project and unpermitted development is of significant importance, and it ensures that public access to the coast is maintained and enhanced. Staff recommends the Commission change **Special Condition 6** (Recreation), **Special Conditions 8 and 21** (Landscaping Plans), and **Special Condition 25** (Progress Report), in addition to imposing **five (5)** other Special Conditions concerning: the new Friends Street Trail (including revised final plans and as-built plans), use and maintenance protocols for park trails, liability for costs and attorneys' fees, and a deed restriction to be recorded in the event Potrero Canyon trails are conveyed to another entity. Staff recommends that the Commission find that the CDP as amended and conditioned, is consistent with the Coastal Act.

Violations of the Coastal Act exist on the subject site including, but not necessarily limited to, the delay in construction of the lateral trail in violation of Special Condition 25 of the coastal development permit (CDP), unpermitted construction of a new trail to Friends Street, installation of permanent irrigation below-ground, and deviations from the approved final grading and landscaping plans, without benefit of a necessary CDP and inconsistent with the terms and conditions of the underlying CDP for this site. The applicant also failed to furnish the Commission with the required biannual progress reports, denoting the expenditure of funds, required by this permit for all years since 2016, inconsistent with the conditions of the underlying CDP. Any non-exempt development activity conducted in the

coastal zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

The applicant is requesting after-the-fact authorization to construct a 5-ft.-wide, 1500-foot-long ADA-compliant public access path from Friends Street into Potrero Canyon Park to connect with interior park trails, including appurtenant drainage substructures. The applicant is also proposing new and replacement irrigation lines. Staff is recommending additional conditions to compel the submittal of monitoring reports and to revise landscaping and grading plans, among other conditions. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in resolution of the violations going forward.

Thus, staff recommends **APPROVAL** of the amendment request, as conditioned, to ensure that the applicant pursues construction of new trails at Potrero Canyon in a diligent manner that complies with all previously approved conditions of the permit, as amended. The motion and resolution can be found on Page 5.

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.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	5
II. STANDARD AND SPECIAL CONDITIONS	5
III. FINDINGS AND DECLARATIONS.....	13
A. PROJECT LOCATION AND DESCRIPTION	13
B. PUBLIC ACCESS AND RECREATION	16
C. HAZARDS AND VISUAL RESOURCES	23
D. BIOLOGICAL RESOURCES AND WATER QUALITY	28
E. UNPERMITTED DEVELOPMENT.....	31
F. REIMBURSEMENT OF COSTS AND FEES.....	33
G. DEED RESTRICTION	33
H. LOCAL COASTAL PROGRAM.....	34
I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	34
APPENDIX A – PREVIOUS PERMIT AMENDMENTS AND SUBSTANTIVE FILE DOCUMENTS.....	36
APPENDIX B – ALL STANDARD AND SPECIAL CONDITIONS THAT APPLY TO THIS CDP	39

EXHIBITS

[Exhibit 1](#) – Vicinity Map

[Exhibit 2](#) – Site Plans

[Exhibit 3](#) – Kiosk and Interpretive Sign Panel Plans

[Exhibit 4](#) – Progress Report (dated May 22, 2022)

[Exhibit 5](#) – Landscaping Plans (2016 and 2020)

[Exhibit 6](#) – Letter from City of Los Angeles (dated April 1, 2022) re: Status of Potrero Canyon Park Project

[Exhibit 7](#) – Amendment Request Form and Supplement

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit 5-91-286 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves a coastal development permit amendment on grounds 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

NOTE: Appendix B, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number 5-91-286-A13. All of the Commission's adopted special conditions, and any changes in the project description proposed by the permittee and approved by the Commission in this or previous actions, continue to apply in their most recently approved form unless explicitly changed in this action. Modifications to existing conditions imposed in this action on Amendment 5-91-286-A13 are shown in the following section. Appendix B includes one set of adopted special conditions.

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit 5-91-286, as amended, remain in effect. Language to be deleted is shown in ~~bold-strikeout~~ and new language is shown in **bold, underlined**.

SPECIAL CONDITIONS

6. **Recreational Use.** *[Imposed under 5-91-286, **amended by A13**]* Within 90 days of the Commission's action on this permit, the City of Los Angeles shall agree by resolution that ~~the all~~ 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. **Signage shall be posted in conspicuous locations showing hours of recreational use of the park, and parking lots shall be open at least from dawn to dusk.**

8. **Landscaping and Restoration Plans.** *[Imposed under 5-91-286, amended by A2 **and A13**]* Within one year of the Commission's action on this permit amendment [No. 2], 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 of 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 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 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, and 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 plant species 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. The City shall work with Caltrans to prepare revised park plans that shall provide for public parking of not 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 concessions 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 their identifying signs shall remain visible from Pacific Coast Highway and the park. If access for parking and 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; and

- vi. Detailed final irrigation/runoff plan including final plans for use of nuisance water, pumps, **irrigation lines**, water quality standards, and a water balance plan for the entire park, **in accordance with requirements in Special Conditions 21 and 30**. The plans shall maximize low flow collection to provide water for the riparian area. If necessary to supply water to the riparian area, the applicant may substitute paved terraces of low water use, non-invasive plants for the turf areas shown. **Park trails shall be paved with pervious material where feasible, and runoff from trails shall be directed towards debris basins. Nets for floating debris, hidden from public view, shall be installed along down drains, outflows, sewage grates, drainage canals, or other drainage elements within or abutting all trails.**

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 end of construction. This 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 six month 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% 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 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.

21. Landscaping Plan. [Imposed under A7, amended by A13]

- A. Prior to 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> <http://ucanr.edu/sites/WUCOLS/files/183514.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- B. **Modification of Irrigation System. Prior to issuance of Amendment No. 13, the applicant shall submit a revised final irrigation plan for the review and written approval of the Executive Director. The plan shall be consistent with the Irrigation Plan prepared by MARRS and the City of Los Angeles, Department of Public Works, Bureau of Engineering, dated October 16, 2020, except that ~~No~~ permanent in ground irrigation systems shall be installed on site, including for new or replacement irrigation pipes and equipment. Where feasible, ~~T~~temporary, non-plastic, above ground irrigation equipment is allowed to establish plantings, and repair and maintenance of existing below-ground irrigation lines shall minimize disturbance to established plantings. The plan shall include abandonment-in-place protocols for in ground irrigation (and hand removal for above ground irrigation fixtures) throughout the entire irrigation network, once criteria set forth in Section C below are met.**
- C. At the intervals of 6, 12, 24, 48 and 60 months from the date of issuance of Coastal Development Permit Amendment 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% 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.

25. Progress Report. *[Imposed under A8, amended by A11 and A13]* The applicant shall agree in writing, prior to issuance of Amendment No. 11, for the review and approval by the Executive Director, to submit a biannual report detailing the progress of the Potrero Canyon Restoration Project and (1) an accounting of the expenditures to date, (2) projected expenditures of funds from the Potrero Canyon Trust Fund during the next six month period, (3) the remaining balance of the account, and (4) tasks yet to be undertaken and the projected costs of those tasks. **The report shall analyze the feasibility of a project alternative that includes construction of a public access path vertically across Pacific Coast Highway, and a parking lot and restroom facility at the south (PCH) end of the canyon pursuant to Special Condition 8.** The applicant shall submit the first report no later than ~~December 26~~ **November 22, 2022**.

Consistent with the conditions of the permit, as amended, the report shall include separate line items for each of the following components of the riparian habitat and park, including but not limited to: establishment of riparian habitat area, establishment of park open space, landscaping materials, trails materials, benches, signs, the fire/maintenance road, **Friends Street Trail**, and the lateral access trail to Pacific Coast Highway.

Funding for the **Friends Street Trail and the** lateral access trail between the mouth of Potrero Canyon and the intersection of Pacific Coast Highway and Temescal Canyon Road shall not be diverted from funds currently allocated to the riparian habitat and the park within Potrero Canyon. The lateral access trail shall be funded using the surplus funds currently detailed in the project budget, and may also receive funds currently budgeted for unanticipated conditions, contingency funds, and other funds which are unspent upon completion of sale of the seven residential lots, final grading of Potrero Canyon, and completion of the riparian habitat and park.

If, upon review of any biannual progress report, the Executive Director determines that the remaining balance of the fund is insufficient as to complete the development consistent with the conditions of the permit, as amended, the applicant shall apply for an amendment to the permit within 60 days of Executive Director's notification unless the Executive Director determines that no amendment is legally necessary.

Additionally, the applicant shall immediately report any change to the project schedule to the Executive Director and the applicant shall apply for an amendment to the permit within 60 days of Executive Director's notification unless the Executive Director determines that no amendment is legally necessary.

29. Friends Street Trail. [Imposed under A13] Prior to the issuance of the amended coastal development permit, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of revised final plans for the Friends Street Trail. The revised final plans shall be prepared by a licensed professional, shall be based on current certified topographic elevations and surveys for the project site, and shall include a graphic scale. The revised final plans shall be in substantial conformance with the proposed plans for the Friends Street Trail submitted to the Coastal Commission (prepared by MARRS and the City of Los Angeles, Department of Public Works, Bureau of Engineering, dated October 16, 2020), except that they shall be revised and supplemented to comply with the following requirements:

- A. Public Access Areas and Amenities. The final revised plans shall clearly identify (and depict on a site plan) all existing and required public access areas and amenities, including the trail, overlooks, signage, benches, stairways, and bicycle parking described herein and shall clearly identify how the trail will seamlessly connect to and transition with other existing and planned public access improvements at both termini of the trail's alignment.**
- B. Trail Structure. The revised final plans shall identify all structural and substructural elements to be installed and/or used in association with the new Friends Street Trail. All substructure materials, preservatives, and coatings shall be clearly described on the plans, and shall be consistent with the best management practices (BMPs) for such development in conformance with the construction requirements in Special Condition 8.**
- C. Noise Abatement. Measures proposed to minimize the acoustic noise impacts of construction shall be described on the Plans.**
- D. Signage. The applicant shall identify all public access, interpretive, and wayfinding signs and any other project elements that will be used to provide wayfinding assistance to the public or to otherwise identify public access areas within the park. Sign details showing the location, materials, design, and text of all public wayfinding and interpretive signs shall be provided. Signage at the Friends Street trailhead shall also indicate hours of operation of the park, park rules and regulations, and public amenities available. The signs shall be in both English and Spanish and designed so as to provide clear information without impacting public views and site character. All directional signs shall include the Commission's access program "feet" logo. Where the Friends Street Trail connects to the lateral trail and vertical trails spurs pursuant to Special Conditions 25 and 28, the proposed "No Coastal Access" signs shall be replaced with "Future Coastal Access" signs.**
- E. Bicycle Parking. At least two bicycle parking racks that accommodate at least six bicycles each shall be placed in the project vicinity in locations designed**

to maximize their public utility but where their use by cyclists does not physically or visually obstruct the trail or other public access, or degrade public views otherwise. Signage shall be provided at convenient locations near the trailhead(s) to show that bicycle parking is provided.

- F. Drainage. All drainage and related elements within the trail envelope and in its vicinity (including, but not limited to, drainage pipes, irrigation pipes, sleeves, valves, stormwater drain grates, and ditches) shall be camouflaged (e.g., randomly spaced, hidden with overhanging or protruding sculpted concrete, interspersed among vegetation, etc.) so as to be hidden from public view and/or inconspicuous as seen from the trail and strategic nearby vantage points. All drainage elements shall be sited and designed to reduce the potential for drainage-caused erosion, leaching of pollutants or debris, and to be as inconspicuous as possible.
- G. Fencing. All fencing shall be the minimum necessary to ensure public safety and protect public views.
- H. Marine Debris Reduction. The applicant shall install and maintain precautionary signage to prohibit litter and debris. As part of the revised final plans, the applicant shall also provide a service plan for recycling, trash bins, and compost along the trail and other portions of the park. The plan shall specify the amount of trash, recycling, and compost bins in the project area and weekend maximum usage statistics to ensure that an adequate number of bins are being deployed and that the trash and recycling management program is robust and avoids over-filled bins or debris basins or blocked drainage channels that might result in adverse impacts to nearby natural resources.

30. As-Built Plans. [Imposed under A13] Within 90 days of completion of construction of the Friends Street Trail, or within such additional time as the Executive Director may grant for good cause, the applicant shall submit two copies of as-built plans, for the review and written approval of the Executive Director, in substantial conformance with the approved revised final plans required in Special Condition 29. The as-built plans shall also indicate the final buildout of drainage and irrigation systems required in the final plans of Special Conditions 8 and 21, including all system components and types of material used, the location of floating debris nets within the drainage system, and protocols for abandonment (capping/cut-off) of irrigation lines and devices once criteria set forth in Special Condition 21(C) are met. All as-built plans shall include color photographs that clearly show the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from a sufficient number of upcoast, downcoast, inland and seaward viewpoints as to provide complete photographic coverage of the permitted project at this location. Finally, as an additional exhibit, the applicant shall submit a Final Trails Map for all existing and anticipated future park trails.

31. Use, Maintenance, Modification, and Abandonment of Trails. [Imposed under A13] By acceptance of this permit, the permittee acknowledges and agrees that all trails shall be available for daily public use during daylight hours free of charge. The permittee may temporarily restrict public trail access when required to address an unforeseeable emergency (i.e., extreme weather, threats to public health or safety, or other such seriously disruptive events) and for required maintenance activities. When such circumstances arise, the trail shall be reopened at the soonest opportunity. The permittee shall be responsible for continuous maintenance of all trail improvements in good order and shall not allow for disrepair or nuisances to exist. Proposed activities that add to, enlarge, extend, heighten, or otherwise expand the authorized trail structures (including pavement, fencing, overlooks, drainage features, etc.) in any way shall not be considered maintenance and shall require an amendment to this permit or a new CDP depending on the nature and extent of the proposed activities. In addition, any changes to the Final Trails Map submitted per Special Condition 30 above shall require an amendment to this permit or a new CDP unless the Executive Director determines that no amendment is legally required. No portion of the trails owned by the City of Los Angeles in fee or by grant of easement may be abandoned by the City until a deed restriction is recorded and grant of easement is transferred to another entity, approved by the Executive Director, who can operate that portion of trail in conformance with all terms and conditions of this coastal development permit.

32. Liability for Costs and Attorneys' Fees. [Imposed under A13] The permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees (including but not limited to any such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

33. Agreement to Record a Deed Restriction if Potrero Canyon Trail Property Owned by the City is to be Conveyed. [Imposed under A13] Prior to conveyance of any Potrero Canyon trail properties owned by the City, the City of Los Angeles shall submit to the Executive Director for review and approval, documentation demonstrating that the City as landowner has executed and recorded against the property to be conveyed a deed restriction, in a form and content acceptable to the Executive Director, which authorizes the trail in the scope and manner set forth in Special Condition 31 above. The deed restriction shall run with the land binding all successors and assigns and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

This deed restriction shall not be removed or changed without an amendment to this coastal development permit.

III. FINDINGS AND DECLARATIONS

A. Project Location and Description

Project Location and Description

The City of Los Angeles Department of Recreation and Parks proposes to amend a previously issued Coastal Development Permit (CDP) that allowed the City to fill a coastal canyon (Potrero Canyon) with approximately 3 million cubic yards of fill to protect the homes on the canyon rim from landslides. Potrero Canyon is located approximately 0.5 miles north of Chautauqua Boulevard and 0.5 miles south of Temescal Canyon Road in the Pacific Palisades area of the City of Los Angeles ([Exhibit 1](#)).

As part of the subject CDP amendment, the City requests after-the-fact construction of an ADA-compliant public access path from a gate at Friends Street downslope to connect with the interior park trails ([Exhibit 2](#)). The Friends Street Trail has already been completely graded from the entrance to where it intersects with the main park access trail.¹ Along the Friends Street Trail, 10-inch retaining concrete curbs with 12-inch-wide footings have been poured, and where required, additional cast-in-place concrete curbs and crossing caps have been placed where the trail crosses existing terrace drains and benches. A steel post and wire fence measuring 4'8" tall has been installed along the upper portion of the trail, but cable railing in the lower portion has not yet been finished. Upon completion, the path will be five feet wide, 1500 linear feet long, and traverse 60 feet in elevation. The current proposal is for the path to be for pedestrian use only, although the City has indicated interest in a potential future multi-modal design that includes bicycle accessibility.

The scope of work covered by the amendment request also includes the installation of an informational kiosk and interpretive sign panel near the trailhead on Friends Street ([Exhibit 3](#)). The kiosk and sign panel will contain historical information about development of the park (George Wolfberg Park), a tentative park map, and educational resources regarding the park's wildlife.

A small amount of grading work, including 600 cubic yards of cut and 150 cubic yards of fill, has already taken place on the west wall of the canyon abutting Friends Street in order to construct the trail. Additional minor spot grading may be needed to ensure that the pathway is a level walking surface. Once all trail grading is complete, the applicant will compress 4 inches of decomposed granite along the trail using mechanized equipment to ensure proper surfacing and soil compaction ([Exhibit 7](#)). Excess cut material has already been stockpiled onsite for future use and was not exported off-site. A drainage system, consisting of sub-drains, terrace drains and down drains, was partially incorporated into

¹ The "subject site" or "project site" of this amendment roughly encompasses APNs 4412-026-900, 4412-026-902, and 4412-029-901, as opposed to the entirety of Potrero Canyon Park.

the slope undergirding the trail and is slated to be finalized in conjunction with completion of the trail. Installation of permanent irrigation below-ground and drainage devices are being requested after-the-fact. Existing vegetation within the trail area has been removed and will be later replanted with native vegetation consistent with the landscaping for the final park plan.

The original approved construction plans for the Potrero Canyon Park Restoration Project have not been completed. According to the Progress Report submitted on May 22, 2022 ([Exhibit 4](#)), the City would strongly prefer to pursue the remainder of the landscaping phase and Friends Street Trail buildout before undertaking the Lateral Pedestrian Trail connecting the mouth of Potrero Canyon with the intersection of Pacific Coast Highway and Temescal Canyon Road, and if funds allow, the construction of a pedestrian bridge across PCH connecting the canyon park with Will Rogers State Beach. The planned construction of a pedestrian crossing over PCH to the beach will require Commission approval through a permit amendment. The City is currently working with Commission staff on condition compliance to ensure that the final design of the habitat and the park satisfy the conditions of the original permit and subsequent amendments. Where inconsistencies remain between plans approved under this permit and as-built plans submitted after-the-fact (such as in the case where landscaping, drainage, or grading that do not substantially conform with the Final Potrero Canyon Riparian Mitigation Proposal approved by the Commission in September 2016), inconsistencies are to be fully resolved through this permit amendment.

Project History

Coastal Development Permit 5-91-286, as currently 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 blueline stream and 3.69 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 20 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 No. 5-86-958 was granted in 1988 and reissued as 5-91-286 in 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 (slightly greater than a 2:1 ratio) to be constructed as an artificial riparian habitat area on top of the fill at the completion of the grading portion of the project (Phase Three).

In 1991, the City proposed the first amendment to the permit (5-91-286-A1), consisting of 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), approved in 1993, proposed restoration of 7.9 acres of riparian habitat (an increase in 0.5 acres from the previously approved permit to account for additional grading), located in a basin protected by a plastic liner such as is used in landfill

projects. That amendment to the permit also included the final design of the upper buttress fills, and a 12-foot-wide fire road/trail access through the canyon, and a final conceptual design of the riparian area. The third amendment (5-91-286-A3) was approved with conditions by the Commission in 1996 and allowed a design change in the road at the canyon entrance. The fourth amendment (5-91-286-A4), approved with conditions by the Commission, amended Phase Two of the slope stabilization and canyon fill portion of the project to repair landslide failures between Alma Real Drive and Friends Street. Amendment No. 4 was never issued due to more recent slides in the proposed project vicinity that warranted a more significant stabilization plan than what was approved previously. Amendment No. 5 was incomplete and returned to the applicant due to inactivity.

In 2008, the Commission approved Amendment No. 6, for the sale of two of the 22 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 was 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 City owned canyon rim lots (15229/15233, 15237, 15241, 15253, 15261 and 15265 De Pauw Street). Because one of the lots was sold as a double lot, the inventory of City-owned lots available for sale was reduced to 13. The money was deposited into the PCTF and is being used towards the completion of the canyon grading. An additional six lots (15221, 15225, 15273, 15277, 15281, and 15285 De Pauw Street) were approved for sale under Amendment No. 9 in 2012. Seven of the original 22 lots that remained under the title of the City were finally sold under Amendment No. 11. In 2017, the Commission received Amendment No. 12 in which the City proposed to relocate Department of Water and Power (LADWP) power poles from the mouth of the canyon closer to Pacific Coast Highway; the amendment application was withdrawn after it was determined that no CDP amendment was required.

The initial grading for the 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 Two was completed in 2013 under Amendment No. 10 when the City finalized additional grading within Potrero Canyon to repair the pre-existing landslide along the western slope of the canyon. That grading stabilized the canyon below two City-owned lots (15329 and 15333 De Pauw Street), which were sold under Amendment No. 11.

Phase Three is planned to involve the creation of additional stabilization fills, the installation of the required habitat and mitigation areas, and the establishment of a public park including open space and a trail system and other passive park amenities. Final Grading and Landscaping Plans were submitted in 2016 in conformance with all applicable Special Conditions of this permit ([Exhibit 5](#)); however, the Commission has become aware that a different set of plans were approved by the City of Los Angeles Board of Recreation and Parks Commissioners in 2021 and pursued by the City instead ([Exhibit 6](#)). After discussion with Commission staff, the City has submitted the subject request for Amendment No. 13 to incorporate after-the-fact construction of the Friends Street Trail and associated drainage elements, future installation of signage, minor spot grading, and slight alterations to landscaping near the trail. Final construction of the entire Potrero Canyon Park Restoration Project is currently projected to be completed in June 2026 ([Exhibits 4,6](#)).

B. Public Access and 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 Department of Recreation and Parks provide a picnic area and trail link from the Palisades Recreation Center to Pacific Coast Highway so that in its final form, the park would provide coastal access. Due to the 200-foot-high bluffs that exist throughout much of the adjacent areas in the Pacific Palisades, scant pedestrian access is available from inland portions of the Palisades to the coastline. The park improvements, as designed and approved heretofore, as well as the Friends Street Trail that is the subject of this permit amendment, have the potential to substantially improve public access and recreation.

Early Establishment of Potrero Canyon Park

The canyon lot is owned by the Department of Recreation and Parks, and was acquired in exchange for a bluff face property nearby. Under CDP 5-86-958, as amended, the Commission required that the final development include park amenities, including trails, signs, and bike racks. The requirement stemmed from adjacent property owners benefitting considerably from the filling of Potrero Canyon, a coastal resource, to protect their private land. As such, in order to assure that some public benefit emerged from this project, which involved considerable compromise of habitat and visual scenic qualities of the area, public access and recreation was required to be provided in the park. The initial permit expired, and under CDP 5-91-286 and subsequent amendments, the Commission has found that maximum access required the provision of 1) a sign at the PCH end and a trail leading up the canyon, 2) a sign near Palisades Recreation Center, 3) picnic areas, and 4) separation of the trail and the habitat area. The plans provided by the city had all these elements. Because the canyon connects the Pacific Palisades Village area to Pacific Coast Highway, the Commission additionally specified that entrances be established both at the Pacific Coast Highway end and near Palisades Recreation Center so that, in its final form, the park would provide full coastal access. Special Conditions 6 and 8 of the underlying permit required the park to operate during daylight hours, include public amenities for picnicking, bicycling, hiking, and other passive recreational activities free of charge, trail connections throughout the park connecting PCH and Palisades Recreation Center, signage, and automobile and bicycle parking.

Potrero Canyon Trust Fund and Sale of Lots

The entire grading and slope stabilization project was approved because the City supplied the Commission convincing evidence that there was no other feasible way to stop ongoing collapse of the canyon walls and destruction of privately owned houses located on the canyon rim. According to the City, completion of the original approved Potrero Canyon Park Restoration Project required sale of the 22 City owned lots to help finance the final planning and construction of the project, including the public recreational amenities, since, thus far, the only source of funding for the completion of the project has been from the sale of the City-owned lots located along the Canyon's rim.

Special Condition 3 of the Coastal Development Permit No. 5-91-286, as originally approved by the Commission in 1991, required the City Council to adopt and submit an ordinance specifying that the City would not offer for sale any of the city-owned residential lots adjacent to the canyon until the riparian habitat and park construction was completed, the park was open for public use, and a source of funds for its inspection and continued maintenance was identified. The Commission allowed a change to the Special Condition in Amendment No. 2 when the City argued that in the future it would need to sell some lots in order to raise money to complete the work in the approved project. The Commission approved Amendment No. 6 in order to allow the City to sell the first two lots to raise money for the initial riparian habitat and park designs and plans, to be deposited into the Potrero Canyon Trust Fund for the sole purpose of project-related expenditures. In approving Amendment No. 8 to generate funds to begin construction of the riparian habitat and recreational park, the Commission imposed Special Condition 25, requiring the City to submit an annual progress report on the status of construction and the budget of the entire

project. Under Amendment No. 9, the City was permitted to sell six additional lots, provided it demonstrated significant progress towards the completion of the Potrero Canyon Park Restoration Project, consistent with the permit, as amended. Amendment No. 11 allowed for the sale of the remaining seven City-owned residential lots, required the City to include a lateral access trail (from the mouth of the canyon to the intersection of PCH and Temescal Canyon Road) as a separate line item in the project budget, and prompted the study of a pedestrian beach access crossing at PCH linked to the approved trail system at the mouth of Potrero Canyon. The City proposes to continue to utilize funds generated from the sale of the residential lots to fund the grading for the main canyon and the riparian habitat and park development.

The City provided its most recent status report dated April 1, 2022, detailing its progress undertaking project-related tasks ([Exhibit 6](#)), as well as a progress report dated May 22, 2022 with the most recently updated projected expenditures and budget for the riparian habitat and park ([Exhibit 4](#)). Progress since the last amendment authorizing sale of lots to generate funds (5-91-286-A11; October 2014) includes approximately 60 percent completion of the following: reconstruction of the Palisades Recreation Center parking lot and construction of restroom at the top of the canyon, minor grading and buttressing, installation of irrigation systems throughout the canyon, establishment of drainage controls, installation of landscaping (plants, hardscape, and signage), construction of perimeter fencing around the entire canyon, construction of public amenities (overlooks, benches, trash cans, and spur trails), and the construction of the Friends Street Trail.

The City has spent \$35,284,296 on the design and construction of the Potrero Canyon Park Restoration Project as of May 22, 2022. The City's cost estimate for completion of the entire project, including grading, restoration of the riparian habitat, and park, is \$40,661,614 ([Exhibit 4](#)). The City's cost estimate has increased since the Commission approved Amendment No. 11; the cost estimate for the entire project was previously \$30,544,276. The City's revenue projection has also increased. Projected revenue cited in Amendment No. 11 was approximately \$31,114,423 after the sale of all residential lots, but the most recently submitted progress report states that \$41,488,258 has been raised in total revenue to date, with a remaining positive balance of \$826,644. The City has included nearly all required work in its budget calculations, except for funding for the lateral access trail to PCH, which was excluded. If the City is to pursue construction of the lateral trail, which it is required and poised to do per Special Condition 25, then it is expected to expend \$1,258,000 and outspend the allotted budget. Nonetheless, the City asserts that \$11 million in State funding has been earmarked in 2021 expressly for the lateral trail and the Potrero Canyon Pedestrian Bridge across PCH, which is currently in the pre-design phase.

The City's projected date for completion of the Potrero Canyon Park Restoration Project has also changed since the previous permit amendment authorizing sales of residential lots. According to information submitted with Amendment No. 11, the riparian habitat and recreational park were to be completed in April 2018; final construction of the park is now projected to occur from January 2025 to June 2026 ([Exhibit 6](#)).

In conclusion, the original coastal development permit was conditioned so that none of the previously described City-owned residential lots could be sold until the park and trail access were completed and open to the public. Money from the sale of the residential lots and funding from other source have been used to create a final park and trail plan that would be compatible with the final grading plans for the stabilization of the canyon, final landscaping plans for riparian habitat restoration, and would provide maximum public access to the coast. Special Condition 3 ensures that money from the sale of the residential lots will be directed to the Potrero Canyon Park Trust Fund, an account established to hold and distribute money solely for the completion of all remaining phases of development of the Potrero Canyon Park Restoration Project. The condition will remain in effect with this amendment, and will ensure that the final grading will include the park and trail access.

Friends Street Trail

As stated previously, the City has already partially constructed a trail connecting the main park access trail with an existing gate at Friends Street, located along the west wall of the canyon ([Exhibit 2](#)). The Friends Street Trail is proposed to meet ADA-compliant design standards, and the proposed trail will expand canyon and park access for a variety of users including walkers, hikers, runners, bicyclists/skaters, wildlife viewers, nature educators, persons in wheelchairs, and other non-motorized outdoor users. Upon completion, the path will be five feet wide, 1500 linear feet long, traverse 60 feet in elevation, and serve as a focal entrance point into the southern portion of the canyon and park. The trail will provide a key connection in the Potrero Canyon Park Restoration Project (and may be a segment of the California Coastal Trail in the future as the entire project is built out), will promote coastal access, and will contribute to a larger overall network of pedestrian and bicycle trails through the region and the State. The current proposal is for the path to be for pedestrian use only, although the City has indicated interest in a future multi-modal design that includes bicycle accessibility. The scope of work covered by the amendment request also includes the installation of an informational kiosk and interpretive sign panel near the trailhead on Friends Street ([Exhibit 3](#)). The kiosk and sign panel will contain historical information about development of the park (George Wolfberg Park), a tentative park map, and educational resources regarding the park's wildlife. Other public access and recreational amenities (i.e., benches, scenic overlooks, and bike racks) are also required to be provided in tandem with the development of the trail itself.

The nearest public restrooms and dedicated parking lot are located at least ½-mile from the proposed site of the Friends Street Trail. Under Amendment No.11, the City proposed to construct a restroom and parking at the Palisades Recreation Center and increase the existing parking supply of the Recreation Center by 23 spaces. In order to provide maximum public access to the coast, the original permit required a parking lot and public restroom along Pacific Coast Highway and a trail connection to Pacific Coast Highway (Special Condition 8(A)(iv)-(v)). However, sub-condition (v) requiring the parking lot to support 10-30 spaces was conditioned to allow for the parking to be relocated to an alternate location subject to Commission review and approval. Since ample street parking is available along the stretch of curb nearest the Friends Street Trailhead, the City has not proposed dedicated parking to specifically serve this portion of Potrero Canyon Park.

However, the trail provides direct access to these public facilities further upcanyon, and it is anticipated that additional parking and restrooms will be provided at the southern portion of the canyon near PCH once the lateral trail is constructed, in accordance with the original intent of Special Condition 8. Such plans shall be reported to the Executive Director as required by Special Condition 25.

Special Condition 6 of the underlying permit is changed by this amendment to require posting of additional signage throughout the park showing hours of recreational use of the park, and operation of dedicated free public parking lots during daylight hours. Twelve bicycle parking spaces at the entrance to the Friends Street Trail will also be required by **Special Condition 29** imposed by this amendment, consistent with Special Condition 6 of this permit. This will ensure that, in the meantime, non-automobile circulation within the park is encouraged, vehicle miles traveled are minimized, and adequate automobile and bicycle parking availability is provided within the vicinity of the trail to meet the total parking demand.

Special Condition 29 imposed by this amendment also requires the City to submit revised final plans of the Friends Street Trail that identifies all associated public access areas and amenities, has informational and publicly accessible signage in both English and Spanish, protects coastal views to the ocean, and has a service plan for refuse disposal and litter prevention. These requirements, in concert, should make for a more pleasant visitor experience when recreating at the trail, and the park in general. As conditioned, the trail will also function as a coordinated and integrated continuous public access route. **Special Condition 30** additionally requires the City to submit as-built plans in substantial conformance with **Special Condition 29**. The as-built plans will demonstrate how the trail and associated structures were constructed, ensuring that all drainage devices and irrigation systems are hidden from public view and are disconnected/removed in due time per specified criteria. The condition also requires that the City submit a Final Trails Map for all existing and anticipated future park trails, which will commit the City to pursuing the remaining anticipated trails described in Special Conditions 25 and 28 (and further described below).

Finally, with respect to construction impacts, this project will require the movement of large equipment, workers, materials, and supplies in and around the trail; include large equipment operations in these areas; result in the temporary loss of public access use areas to a construction zone; and generally have temporary impacts to the aesthetics, ambiance, serenity, and safety of the recreational experience at these locations. These public recreational use impacts are mitigated through prior terms and conditions of the permit and a new **Special Condition 31**, which requires general limits for the area of construction, specifies the times when trail construction and maintenance work can occur, and identifies permissible frequency of trail closures for construction or maintenance purposes. The City is required to be responsible for continuous maintenance of all trail improvements in good order and shall not allow for disrepair or nuisances to exist, so that they may be fully available for the recreational enjoyment of the public.

The subject amendment request concerns construction of certain trails throughout the park to maximize public access and recreation. The final buildout of all anticipated trails may also eventually connect to the California Coastal Trail system, at which point the City may

wish to convey the trail parcels to the State or another agency. Thus, **Special Condition 33** requires that, prior to any conveyance of all Potrero Canyon trail properties owned by the City, the applicant will execute a deed restriction that assures protection of the scope and manner of public use along the trail and assures that future purchasers or grantees of the property are notified of the scope and manner of public use along the trail. Such notification of future property owners will eliminate expectations on the part of the purchasers that they may be able to exclude the public from the trail property or fail to maintain the trail to the applicable terms and conditions of this permit, as amended. The deed restriction will be required to reference all of the special conditions of this permit, as amended, and impose them as covenants, conditions and restrictions on the use and enjoyment of the property.

Therefore, the Commission finds that the proposed project as conditioned, which includes substantial new public access via the Friends Street Trail, is consistent with the public access and recreation policies of the Coastal Act.

Future Anticipated Trails

In the future, the Friends Street Trail will be integrated into existing available public access trails in the canyon and expedite the City's construction of two remaining anticipated trails: a lateral trail connecting the mouth of the canyon with the intersection of Pacific Coast Highway and Temescal Canyon Road ("lateral trail") and pedestrian access crossing over PCH ("vertical trail"). In the case that the entire anticipated trail network is fully built out, the canyon trail system may become a part of the larger California Coastal Trail system throughout the State. To ensure that the trails function as a coordinated and integrated continuous public access route in perpetuity, **Special Condition 29** requires the City to seamlessly integrate the Friends Street Trail at its junction with the existing main park access trail and the lateral and vertical trails. **Special Condition 31** tasks the applicant with maintaining the trails in good working order and repair; however, if the trails system is ceded to another entity in the future, such as the Mountains Recreation and Conservation Authority (MRCA) or State Coastal Conservancy (SCC), then **Special Condition 33** does not allow the City to abandon the trail until a deed restriction is recorded and a grant of easement is fully transferred. Finally, **Special Condition 30** requires the City to commit to a Final Trails Map for all existing and anticipated future park trails as part of its submittal of as-built plans, which the City will need to diligently pursue in accordance with the plan for the lateral and vertical trails required by Special Conditions 25 and 28, unless approval of a permit amendment allows otherwise.

As noted in Amendment No. 11, the 70% Final Grading and Park Plans completed by the City in 2014 did not include pedestrian access (or bicycle access or public vehicle access) to Pacific Coast Highway via the trail system at the mouth of Potrero Canyon. The City's most recent plan has been to provide a vertical trail through Potrero Canyon Park from Palisades Recreation Center to the mouth of the canyon at a point just landward of Pacific Coast Highway. From that point, a lateral trail, separated from Pacific Coast Highway by a berm, would lead to the intersection of Temescal Canyon Road and Pacific Coast Highway, approximately 0.5 miles northwest from the bottom of Potrero Canyon. From that point, the public could cross the highway at a signalized intersection to access the coast at Will Rodgers Beach ([Exhibits 4-6](#)).

The City indicated in its application supporting Amendment No. 8 that Unit 4, PCH Slope (including a pedestrian bridge) was a high priority and that it would work to fund the project in future budgets. In its application supporting this amendment, the City indicated that the pedestrian bridge project is in the pre-design phase and secured \$11 million in State funding in 2021. It is assumed that Planning Unit 4 (see below) will also be written into the budget at a future date. In a March 17, 2022 discussion with Commission staff, the City stated that constructing the pedestrian bridge was its first priority following completion of all approved phases of the project. However, the City stated that the lateral trail required in Special Condition 25 was encumbered by a Caltrans parcel and/or easement that does not allow for the completion of the trail.

Special Condition 8, Section A, sub-condition iv required the City to submit park working drawings showing “trail connections to PCH and to Palisades Recreation Center”, but did not specify a specific mile marker or cross street on Pacific Coast Highway where the trails should connect; therefore the applicant’s plan to connect the trail system at the intersection of PCH and Temescal Canyon Road ([Exhibits 2,5](#)) is consistent with the terms of the original permit. In order to require the City to provide maximum public access, the Commission revises **Special Condition 25** to require the City to include the Friends Street Trail, in addition to the lateral access trail, as separate line items in the project budget and submit biannual progress and budget reports on their status. In order to ensure that funding the Friends Street Trail does not come at the expense of the lateral access trail nor prevents the riparian habitat or the park from being constructed, the condition requires the City to allocate funds separately to the Friends Street Trail – rather than removing money from other components of the budget to pay for the Friends Street Trail.

Additionally, the Commission imposed Special Condition 28 in Amendment No. 11, which required the City and its contractors and engineers to work with Caltrans and submit, subject to the review and approval of the Executive Director, a detailed analysis of the feasibility of a pedestrian beach access crossing at Pacific Coast Highway adjacent to the approved trail system at the mouth of Potrero Canyon. The analysis shall consider alternative designs, including but not limited to a pedestrian bridge (similar to that envisioned by the applicant), a pedestrian tunnel, and a signalized at-grade pedestrian crossing over the highway. The latest status report indicates that the vertical trail is currently in the pre-design phase, is scheduled in January 2023 to commence the design phase, and is anticipated to begin construction in January 2025 and completed in June 2026. Should the City pursue the lateral trail in earnest, a new CDP or CDP amendment would be required to ensure that public access and recreational opportunities are maximized at the site.

Thus, as conditioned, the project is consistent with Sections 30210, 30211, and 30223 of the Coastal Act.

C. Hazards and Visual Resources

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Coastal Act Section 30251, 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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality to visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

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

Geologic Stability

On February 2, 1987, the Commission approved a permit request by the City of Los Angeles to fill a coastal canyon in the Pacific Palisades district. The Commission approved the fill, after much debate, because landslides on the canyon walls had destroyed 21 houses and were threatening additional houses. Construction commenced in 1988, and over the years, has cumulated in more than 3 million cubic yards of total fill.

Development in Potrero Canyon is inherently hazardous. Natural hazards common to this area include landslides, flooding, and erosion. In 1986, the City identified nine landslides

along the sides of the canyon and numerous smaller blowouts. Evidence showed that the headscarps of the slides were moving inland, potentially threatening existing residential development along the rim of the canyon. The landslides were caused by the undercutting of the material at the sides of the canyon by the stream at the bottom, and urbanization had increased streamflow and water runoff. The Commission found that there was no less environmentally damaging alternative method to protect existing development, and the fill project was undertaken to cover the blueline stream and place additional buttress fill and wedges of earth extending up the canyon walls.

In 2007, the Geotechnical Engineering Division (GED) of the City of Los Angeles 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 conditions within the canyon, and to the scope of work completed prior to 5-91-286-A6. Per Special Condition 19 imposed by Amendment No. 6, GED 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, which generated a revised grading scheme designed to complete the park development. Final geotechnical recommendations are contained in Geotechnical Investigation Report, prepared by URS, dated February, 2010, and Special Condition 16 changed by Amendment No. 10 requires conforming to them. Special Condition 23 requires the applicant submit final grading plans for review and written approval of the Executive Director.

Despite having undertaken 600 cy. of cut and 150 cy. of fill, as well as spot grading, for the surfacing and leveling of the Friends Street Trail, the applicant has not provided a grading 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. Additionally, stockpiling and placement of fill is proposed in a location subject to erosion and dispersion via rain or wind, which could result in silt being transported to the ocean. Therefore, the Commission requires the applicant to submit a final grading plan (required by Special Conditions 5 and 23) and erosion/siltation control plan (required by Special Conditions 5, 13, and 17) to the Executive Director prior to issuance of the permit amendment to assure that adequate measures, both temporary and permanent, are being taken to reduce/prevent erosion. **Special Condition 29** is imposed to require the City to minimize and control erosion during construction and follow best management practices required in Special Condition 8. Only as conditioned is the project consistent with the hazard policies of the Coastal Act.

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 the property. Within the Pacific Palisades area, the Commission, in previous permit actions on the development within Potrero Canyon, has found that there are certain types of risks

associated with hillside development that can never be eliminated. The proposed project includes grading, construction of a trail along a canyon slope, the installation of permanent structures atop the canyon rim and inside the canyon, and the completion of a runoff/irrigation system using drainage devices. The proposed project includes measures to assure geologic stability and minimize risks from natural hazards. The City has decided that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, because of the uncertainty of future natural hazards that may occur on the private properties, the Commission is retaining imposition of Special Conditions 2 and 15, assumption of risk, 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 fact that the existing and proposed development at the site is the responsibility of the City. Only as conditioned to have the City indemnify the Commission, assume the liability for the development, and waive any potential claim of liability against the Commission for any damage or economic harm suffered from development, can the Commission find that the project is consistent with Section 30253 of the Coastal Act.

Grading

According to the City's Geotechnical Engineering Division, most of the upper reaches of the canyon have been filled to an elevation within a few feet of the finished rough grade. Grading for the project (Phase Three), some of which is part of the Commission approved canyon fill project, has been divided by the City into four Planning Units. The four Planning Units and City's progress towards completing them are as follows:

Unit 1, Elkus – Pardee *[Completed in 2012]* Unit 1 included a portion of the east side of canyon wall in the southerly portion of the project. During the 2005 winter storms, the upper portion of the slope at the rear of 211 and 231 North Alma Real Drive, owned by the Elkus and Pardee families, had failed. This was a relatively shallow but steep failure that occurred within the upper portion of the canyon wall. Approximately 173,000 cubic yards of fill was required to complete Unit 1.

Unit 2, Main Canyon Grading and Park Development *[Completed in 2020]* Unit 2 includes most of the northerly portion of the canyon. A geotechnical study has been prepared by URS (geotechnical consultants) under the direction of GEO (Geotechnical Engineering Group) which provides data, analyses, and recommendations for the grading of the canyon walls.

Unit 3, Friends Street Slope *[Ongoing, Subject to Progress Reporting Condition]* Unit 3 includes the area along the west wall of the canyon opposite Unit 1. A detailed geotechnical investigation by GEO was prepared for a sewer and storm drain project that extends from Friends Street beneath the slope into the canyon. This geotechnical data will be submitted to the DBS (Department of Building and Safety) in a separate report. This unit of the project also includes the riparian habitat and park development, as required by Special Condition 24. The Friends Street Trail, subject of this amendment, was constructed towards completion of Unit 3,

including approximately 600 cubic yards of cut and 150 cubic yards of fill to grade the slope for the trail.

Unit 4, PCH Slope [*Potential Project, not approved by the Commission*] Unit 4 includes the slope that extends from Pacific Coast Highway to Friends Street. This slope was graded during the earlier phases of grading, under the consultant's oversight. More recently obtained geotechnical data indicates that this slope is potentially unstable. Additional geotechnical studies are recommended to address this area. The work within this unit may include the construction of a pedestrian bridge over Pacific Coast Highway to provide a more direct connection between the beach and the park. There are no structures for human habitation at the top and bottom of the slope. Reducing the acceptable calculated factor of safety may reduce the cost of mitigating the stability of the slope. However, a reduced stability may have consequences affecting the overall safety of park users utilizing any future bridge over PCH. The work is not included in the project budget and would require an amendment to the original permit or a new coastal development permit, subject to Commission approval. The City has previously stated that it will consider applying for a permit to construct a pedestrian bridge after completion of the rest of the project, subject to available funding.

To ensure that the park and habitat plans would be constructed in conjunction with the final grading, and included in the funding generated by the sale of the remaining lots, Special Condition 24 imposed under Amendment No. 8 requires that the City agree that park and riparian improvements approved by the coastal development permit, as amended, shall be completed as part of the final grading of the main canyon. The City continues to support this requirement and continues to work with Commission staff to complete the park and habitat area during the same phase of the project (Phase Three). The City has stated that all grading work has been finalized in 2020, including stabilization work of the underlying slope (at a gradient of 2:1) and the grading of the Friends Street Trail footprint. This would be consistent with Special Condition 9 of the original permit and with Special Condition 24.

To monitor the progress of the construction and expenditure of funds for the canyon project, as conditioned in the previous amendment, the City will continue to be required to submit progress reports. **Special Condition 25**, which requires the applicant to submit biannual progress report, is modified to require the next report submittal no later than November 22, 2022, and the City will create a separate line item for each component of the project which was conditionally approved by the Commission, most essentially the Friends Street Trail, lateral trail, and pedestrian access crossing over PCH. The reports will provide the Commission data on the construction and use of the funds and will enable staff to work with the City more effectively on condition compliance. If, based on information in the progress reports, the Executive Director determines that the funds budgeted to the riparian habitat, the park, or any other essential project component are insufficient as to complete the development required to satisfy the conditions of the coastal development permit, as amended, the applicant shall apply for an amendment to the permit within 60 days of Executive Director's notification unless the Executive Director determines that no amendment is legally necessary. All work undertaken to construct the

Friends Street Trail and lateral trail will continue to be consistent with the originally approved permit and subsequent amendments thereto, and any future proposed grading not previously approved will require an amendment to the original permit, as required by Special Conditions 5 and 23. As conditioned the development is consistent with Section 30253 of the Coastal Act.

Visual Resources

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 network of canyon trails, such as the currently proposed Friends Street Trail and the anticipated walking trails that will connect 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 coastal canyon views that are not readily available in this area of the City Los Angeles.

The Friends Street Trail, proposed by this permit amendment, is located near the lower southern reaches of the canyon, near the mouth of the canyon, where the canyon widens and sweeping vistas of the park's riparian habitat, canyon rim and palisades, Pacific Coast Highway, and the Will Rogers State Beach. Between 15215 and 15265 Friends Street, there is a distance of approximately 500 feet of uninterrupted views into and across the canyon, due to no private development. The proposed trail, climbing approximately 60 feet down the canyon's graded slope and connecting to the main park access trail, will be largely visible from the street, and from other vantage points inside the canyon and along its rim. However, the proposed trail and appurtenant amenities will not adversely interfere with the proposed riparian habitat or existing development located within the filled canyon bottom. As with the previously approved fill work, the visual impacts caused by the development subject to this amendment can be mitigated through appropriate landscaping and siting. Along the 5-foot-wide Friends Street Trail, 10-inch retaining concrete curbs with 12-inch-wide footings have been poured, and where required, additional cast-in-place concrete curbs and crossing caps have been placed where the trail crosses existing terrace drains and benches. A steel post and wire fence measuring 4'8" tall has been installed along the upper portion of the trail, but cable railing in the lower portion has not yet been finished. As currently constructed and proposed, the trail is not in full conformance with requirements set forth in Coastal Act Sections 30235 and 30251 to be visually compatible or enhance views, minimize the alteration of natural landforms, and design canyon retention elements of the development to primarily serve coastal-dependent uses. Therefore, **Special Condition 29** is imposed to seamlessly integrate the Friends Street Trail with other existing and proposed trails, appropriately site and scale the informational kiosk and interpretive/directional signage, minimize fencing as much as possible, inconspicuously incorporate drainage elements into the design of the trail, and

establish a service plan for refuse and debris pickup to reduce unsightly littering. **Special Condition 8** is further changed to clarify that all drainage devices and irrigation fixtures must be designed and sited to be as inconspicuous from public view as possible, and that floating debris catchment from runoff occur prior to reaching the designated basins.

In Amendment No. 10, the Commission recognized that in the past, property owners, to maximize their building area, have continuously encroached further down the slope, with grave implications for the area's visual resources. These encroachments reduce the landscaped areas, fuel modification areas, and the buffers between private uses and public recreational areas, causing conflicts between private property owners and the general public. Generally, these conflicts oftentimes results in additional unpermitted 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 encroaching development is much more visible from the proposed public trail, therefore, it is important to ensure that development will not encroach down on the regraded fill slope and cause visual clutter and adverse impacts to the canyon. Special Condition 27 will continue to place the applicant and future owners on notice that all future residential development along the rim of the canyon 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. It should be duly noted that the City has recently processed several local CDPs for residential development along the canyon rim with a 10-foot easement area, in an effort to ensure that there is an adequate buffer between the private residences and public space.² With these conditions encumbering private development in buffer areas adjacent to the public park, there will be no conflict with the proposed Friends Street Trail, and potential private encroachments or connections to private residential development through ad hoc paths, stairways, or otherwise will not be permitted. Therefore, only as conditioned will the proposed amendment be consistent with Sections 30235, 30251, and 30253 of the Coastal Act.

D. Biological Resources and Water Quality

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine

² CDP 5-PPL-21-0034 ([City of LA DIR-2020-470-CDP-MEL](#), 15313 W. De Pauw Street); CDP 5-PPL-22-0010 ([City of LA DIR-2021-3488-CDP-MEL-HCA](#), 15305 W. De Pauw Street); CDP 5-PPL-22-0035 ([City of LA DIR-2019-6956-CDP-MEL](#), 15206 W. Earham Street).

organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states, in relevant part:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

The primary impact on environmentally sensitive habitat generated by the original filling of the canyon approved under the permit was the elimination of a blueline stream and concomitant destruction of 3.69 acres of riparian habitat, including willows, sycamores, and associated understory. This impact was identified in the original EIR and required to be replaced at a 2:1 ratio, on site, as an EIR mitigation measure, by the Army Corps of Engineers, California Department of Fish and Game, and the Commission. After further amendments to the original permit, the required on-site replacement of riparian habitat restoration has increased to 7.9 acres. The Commission also required that the disturbed fill areas of the canyon sides be revegetated with coastal sage scrub, with the final plant palette, accounting for necessary modifications to reduce fuel loads. In compliance with Special Conditions 8 and 21 of the amended permit, the Final Potrero Canyon Riparian Mitigation Proposal was reviewed and approved by the Commission's Executive Director consistent with the approved CDP in September 2016 ([Exhibit 5](#)).

Before the landslides occurred, the canyon sides supported coastal sage scrub, a habitat type and plant community that is increasingly uncommon. 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. Due to slope gradient, soil type, historical landslides, substantial past regrading, and ornamental or non-native planting, the property encompassing the Friends Street Trail, the subject site of this permit amendment, does not support coastal sage scrub or provide significant amounts of native vegetation. While the City did not prepare a biological report specifically for the Friends Street Trail property, a broad inventory of the existing vegetation mainly reveals a mix of non-native, invasive plants, such as, wild mustard, fennel, riggut grass, tall fescue, ivy, and Brazilian pepper, although coastal sage scrub has been known to exist in the vicinity, such as, toyon, giant wild rye, and southern California grape. Other native plants in this general area of Potrero Canyon include coastal

live-oak and arroyo willows. Coastal live-oaks, which are protected by local ordinance, have not been and will not be removed for the construction of the Friends Street Trail, but in such a case that future grading will require removal of mature trees, the City will implement replacement at a 2:1 ratio at the time that the City relandscapes the entire canyon. Other vegetation removal will comply with the requirements set forth in Special Conditions 8 and 21 of the amended permit.

In order to assure compliance with the proposal to replant the vicinity of the Friends Street Trail with coastal sage scrub, the Commission has required that subsequent amendments be consistent with Special Condition 8 of the underlying permit. Special Condition 8, as amended by 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, a detailed final irrigation/runoff plan, construction best management practices (BMPs), and prohibition of use of invasive, introduced plants. The current amendment modifies **Special Condition 8** to include language requiring the City to redirect any nuisance water and runoff from trails towards the established debris basins at the bottom of the canyon, wherefore all drainage elements inherent to construction of the trails (e.g., canals, outflows, sewage grates, channelized streams, etc.) must contain debris nets, hidden from public view, to catch floating debris. This will ensure that nuisance water is partially filtered as it enters the cobblestone creek and blueline stream at the canyon floor, thereby reducing potential adverse impacts to canyon habitat and minimizing release of marine debris and pollutants to open coastal waters further downstream.

In addition, Special Condition 21, as amended by A-91-286-A7, requires the applicant to select a final plant palette, submit a runoff/irrigation plan, and meet specific criteria for the establishment of plantings. However, the Commission has become aware that the City has begun implementation of an Irrigation Plan prepared by MARRS and the City of Los Angeles, Department of Public Works, Bureau of Engineering, dated October 16, 2020, and adopted by the Board of Recreation and Parks Commissioners in 2021. The Commission finds that there are inconsistencies between the approved 2016 landscaping plans and the unpermitted 2020 plans, such as the allowance for permanent in ground irrigation pipes. Therefore, the current amendment modifies **Special Condition 21** to require submittal of a final plan for all new and replacement irrigation that avoids permanent placement of pipes underground and the use of plastic materials (e.g., PVC, HDPE, etc.), which may leach into the surrounding environment. The City has proposed that pipes which have already been installed underground will be shut off using a main valve after the five years of irrigation authorized by the permit, and new pipes to be installed or replaced in the future will be above ground and temporary. To reduce the risk of excessive runoff and watering of the slope, the City shall follow protocols, subject to review and written approval by the Executive Director, to fully cut off all irrigation lines and devices once plantings are established pursuant to the criteria set forth in Section C of the condition. The modified Special Condition further clarifies that for in ground irrigation systems, they must be abandoned in place (or severed/capped), since their excavation may adversely disturb established plantings; in the case of above ground irrigation lines and devices, hand removal will accomplish similar results.

As a subset of the 2020 plans, the City has submitted site plans specific to the Friends Street Trail ([Exhibit 2](#)). The plans, which encompass after-the-fact development (see Section E of this report), do not adequately protect environmentally sensitive habitat area, marine resources, or water quality. **Special Condition 29**, as imposed by this amendment and requiring final revised plans for the Friends Street Trail, ensures that the trail structure does not leach harmful preservatives and coatings, drainage elements are inconspicuously sited to control runoff, noise abatement measures are implemented during construction to reduce adverse impacts on nearby nesting birds, abundant and clear educational signage is installed to encourage conservation and sensitive species, and trash, recycling, and compost bins are adequately placed and emptied. **Special Condition 30** requires the applicant to submit as-built plans of the trail and drainage/irrigation systems to assure permit compliance, and **Special Condition 31** requires the City to maintain the trails in good condition in-perpetuity, unless conveyed to another party subject to the terms and conditions of this amended permit. Even though no significant vegetation removal is proposed for the construction of the Friends Street Trail, the project area is part of the Potrero Canyon ecosystem, has the potential to provide fauna habitat within the mix of vegetation currently located onsite, and loss of vegetation or grading activity could impact existing fauna. Since it is possible that prior to construction activity birds may establish in the project area, the City must ensure that preconstruction bird nesting surveys are conducted in accordance with Special Condition 26 of the amended permit, in order to avoid any potential impacts to nesting birds. If nesting birds are found, construction activities will be delayed until the nests are no longer active.

The City is currently working with Commission staff on condition compliance to ensure that the final design of the habitat and the park satisfy the conditions of the original permit and subsequent amendments. As part of ongoing efforts to control erosion and siltation, the City had previously proposed to hydromulch graded slopes within Potrero Canyon once the grading has been completed. It is anticipated that the City will do the same within the subject area of this amendment. Special Condition 21 will continue to ensure that the City is on notice that previously approved conditions, including final landscaping, apply to this amendment. Special Condition 24 (imposed by Amendment No. 8) ensures that the park and riparian area shall be constructed along with the finished grading of the canyon, and **Special Condition 30** is imposed by the current amendment to require the City to demonstrate as-built plans for all drainage and irrigation components in accordance with terms and conditions of the permit, as amended. Thus, as conditioned, the project is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. Unpermitted Development

Violations of the Coastal Act exist on the subject site, including but not necessarily limited to, the delay in construction of the lateral trail required by Special Condition 25 of the underlying CDP, unpermitted construction of a new trail to Friends Street, installation of permanent irrigation below-ground, and deviations from the approved final grading and landscaping plans, without benefit of a necessary coastal development permit (CDP) and inconsistent with the terms and conditions of the underlying CDP. The applicant also failed to furnish the Commission with the required biannual progress reports, denoting the expenditure of funds, required by the underlying CDP for all years since 2016. Any non-

exempt development activity conducted in the coastal zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

In early 2022, members of the public alerted Commission staff that development was occurring at the site without a CDP. Enforcement staff investigated the matter further and determined that development was occurring without a CDP. During the investigation, Enforcement staff also discovered that the applicant had not complied with conditions of the original CDP, as amended, as listed above. In March and April 2022, Commission Enforcement and Planning staff discussed with City staff ways in which the City could address the matter going forward. In response to conversations with City staff, Enforcement staff sent the applicant a letter on April 22, 2022 detailing the items of unpermitted development and development inconsistent with the underlying CDP. This application is meant to address those issues raised in the April 22 letter going forward.

The applicant is proposing after-the-fact approval for the grading of a new five-foot-wide, 1500-foot-long public trail connecting the main park access trail with the approved gate at Friends Street, pouring and curing of 10-inch retaining concrete curbs with 12-inch-wide footings, placement of additional cast-in-place concrete curbs and crossing caps where the trail crosses existing terrace drains and benches, installation of drainage elements along the trail, and construction of a 4'8"-tall steel post and wire fence along the upper portion of the trail. As described herein, the applicant has failed to comply with special conditions of the previous coastal development permit at this site, including, but not necessarily limited to Special Conditions 8 and 21 (Landscaping Plans), Special Condition 23 (Grading Plans), and Special Condition 25 (Progress Reports and Lateral Pedestrian Trail) of the CDP. In order to help ensure compliance with the conditions of CDP 5-91-286, as amended, going forward, **Special Conditions 8 and 21** have been modified to address issues related to the nonconforming/unpermitted drainage and irrigation systems, and **Special Conditions 29 and 31** have been added to specify requirements related to the construction, use, maintenance, and future modifications of the Friends Street Trail. **Special Condition 30** has been imposed requiring the applicant to submit as-built plans of the Friends Street Trail and underlying drainage/irrigation systems that include photographic evidence from certain locations that will assist the Commission in evaluating the project's consistency with all permit terms and conditions. Upon issuance of the permit amendment, the subsequent performance of the work authorized by the permit amendment in compliance with all of the terms and conditions of the permit amendment, as amended, will result in resolution of the violations described above, going forward.

Although the development has taken place prior to, and after, submission of this amendment application, consideration of this permit amendment request by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit amendment does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a CDP, or of any other development, other than the development approved herein, or as otherwise expressed herein. In fact, approval of this permit amendment is possible only because of the conditions included herein, and the applicant's presumed subsequent compliance with said conditions, and

failure to comply with these conditions in conjunction with the exercise of this permit amendment would also constitute a violation of this permit and of the Coastal Act.

F. Reimbursement of Costs and Fees

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See also 14 C.C.R. § 13055(g). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application. Therefore, consistent with section 30620(c), the Commission imposes **Special Condition 32** requiring reimbursement of any costs and attorneys' fees the Commission incurs in connection with the defense of any action brought by a party other than the Applicants/Permittees challenging the approval or issuance of this permit.

G. Deed Restriction

In the past, the Commission attached Special Condition 2 (imposed under original permit) and Special Condition 15 (imposed under Amendment No. 4 and subsequently amended) that required a deed restriction concerning assumption of risk for undertaking development at this inherently hazardous site. In case an unexpected event occurs on the subject property, a deed restriction is required upon conveyance of the property and will 1) provide notice of potential hazards of the property; 2) clarify that the property owner shall solely assume the risk and responsibility for removal of any damaged structures or debris resulting from landslides, slope failures, erosion, and other extraordinary geologic or coastal hazards; and 3) help temper false expectations on the part of potential grantees of the property, lending or funding institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future. Where deed restrictions are recorded in such cases, recordation shall be free of prior liens that the Executive Director determines may affected the enforceability of the restriction, and the deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

The subject amendment request concerns construction of certain trails throughout the park, subject to the same coastal hazards enumerated above. The final buildout of all anticipated trails may also eventually connect to the California Coastal Trail system, at which point the City may wish to convey the trail parcels to the State or another public entity. Thus, **Special Condition 33** requires that, prior to any conveyance of Potrero Canyon trail properties owned by the City, the applicant will execute a deed restriction that assures protection of the scope and manner of public use along the trail and assures that future purchasers or grantees of the property are notified of the scope and manner of public use along the trail. Such notification of future property owners will eliminate expectations on the part of the purchasers that they may be able to exclude the public from the trail property or fail to maintain the trail up to applicable terms and conditions of this permit, as amended. The deed restriction will be required to reference all of the special conditions of this permit, as amended, and impose them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions

and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, existing and expanded use of coastal public access and recreation onsite, and the Commission's immunity from liability.

H. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Los Angeles has neither a certified LCP nor a certified Land Use Plan for the Pacific Palisades planning subarea where the development subject to this permit is proposed. However, the City's work program to develop a Local Coastal Program considers natural hazards, public access and recreation, and habitat preservation issues for this area of the City. Approval of the proposed development, as conditioned to ensure that the riparian habitat restoration and passive park are completed, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Therefore, the Commission finds that the proposed project is consistent with the provisions of Section 30604(a) of the Coastal Act.

I. California Environmental Quality Act (CEQA)

Section 13096(a) of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. In this case, the City of Los Angeles is the lead agency, and the Commission is the responsible agency for the purposes of CEQA. The City of Los Angeles, Department of Recreation and Parks issued a Final Environmental Impact Report (FEIR) for the Potrero Canyon Park Development Project in June 1985.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and 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.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. The Commission incorporates these findings as if set forth here in full. The proposed project, as revised by this permit amendment, has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, and the permit amendment, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

APPENDIX A – PREVIOUS PERMIT AMENDMENTS AND SUBSTANTIVE FILE DOCUMENTS

Description of Coastal Development Permit 5-91-286: Installation of approximately three million cubic yards of clean fill dirt in Potrero Canyon: First Phase (now completed) entailed installation of subdrain system, storm drain, and 25 feet of fill; Second Phase 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. 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, 1993.

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. Approved June 11, 2008.

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.
Approved October 8, 2009.

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. Approved January 7, 2011.

Description of Amendment #9: Amend Special Condition 3 to allow for the sale of six of the remaining fourteen City owned canyon rim lots (15221, 15225, 15273, 15277, 15281, and 15285 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. Approved July 12, 2012.

Description of Amendment #10: 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. Approved August 14, 2013.

Description of Amendment #11: Amend Special Condition 3 to allow sale of last seven City-owned canyon rim lots (15205, 15209, 15213, 15217, 15329, and 15333 De Pauw Street and 15206 Earlham Street). Direct funds to an established trust fund to be used solely for completion of remaining phases of development of Potrero Canyon Park Restoration Project. Approved October 8, 2014.

Description of Amendment #12: Withdrawn.

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.

5-91-286-A13 (City of Los Angeles)

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.
4. 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.
5. 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.

APPENDIX B – ALL STANDARD AND SPECIAL CONDITIONS THAT APPLY TO THIS CDP

NOTE: This Appendix B provides a list of all standard and special conditions imposed pursuant to Coastal Development Permit 5-91-286, as approved by the Commission in its original action and modified and/or supplemented by all subsequent CDP amendments through Amendment No. 5-91-286-A13. Typographical and formatting errors have been corrected for consistency and references to specific amendments are noted in [brackets]. All special conditions have been assigned numbers sequentially based on the permit amendments they were imposed under. Thus, this Appendix B provides an aggregate list of all currently applicable adopted special conditions.

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 applicant 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 (April 15, 1993). 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 specific conditions as 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Timing of Condition Compliance. *[Imposed under 5-91-286, amended by A2]*

- 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. The applicant shall complete all corrections to plans and programs required below within 90 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 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. *[Imposed under 5-91-286]* 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. *[Imposed under 5-91-286, amended by A2, A6, A8, A9, and A11]*

- A.

- i. Within 90 days of the Commission's action on this permit, the City Council of the City of Los Angeles shall adopt an ordinance, resolution or other action deemed appropriate by the Executive Director accepting the terms and conditions of this permit. The ordinance shall further specify that the City shall not offer for sale any of the city-owned residential lots adjacent to the canyon until the riparian habitat and park construction outlined in these conditions has been completed, the park open for public use, and a source of funds for its inspection and continued maintenance has been identified.
 - ii. Notwithstanding section A(i) of this condition, the City may sell any lots adjacent to the canyon prior to completion of the park and riparian habitat only if the funds acquired from the sale are deposited into the City's Potrero Canyon Trust Fund for exclusive use for the completion of the Potrero Canyon Park Restoration Project. Any future sale of lots beyond those approved in this permit shall require Commission approval through a permit amendment. When the city-owned residential lots adjacent to the park property are sold, each deed shall include a restriction that gives notice to the buyer that the park created by this restoration program has been deeded for public purposes in perpetuity.
- B. Permit the sale of two of the city-owned residential lots restricted in **Special Condition 3(A)**, specifically located at 615 and 623 Alma Real Drive. Monies from the sale of the specified lots will be directed to the Potrero Canyon Trust Fund and be used to fund additional geologic investigation within Potrero Canyon, and for the design of final grading plans and park plans for the Potrero Canyon Park Restoration Project.
- C. Permit the sale of six of the city-owned residential lots restricted in **Special Condition 3(A)**, specifically located at 15229/15233, 15237, 15241, 15253, 15261 and 15265 De Pauw Street, as generally depicted in [Exhibit 2](#) attached to this staff report [of Amendment No. 5-91-286-A8]. Monies from the sale of the specified lots will be directed to the Potrero Canyon Trust Fund and be used to fund construction of the approved Potrero Canyon Restoration Project.
- D. Permit the sale of six of the city-owned residential lots restricted in **Special Condition 3(A)**, specifically located at 15221, 15225, 15273, 15277, 15281, and 15285 De Pauw Street, as generally depicted in [Exhibit 2](#) attached to this staff report [of Amendment No. 5-91-286-A9]. Monies from the sale of the specified lots shall be directed to the Potrero Canyon Trust Fund and be used to fund construction of the approved Potrero Canyon Restoration Project.
- E. Permit the sale of seven of the city-owned residential lots restricted in **Special Condition 3(A)**, specifically located at 15205, 15209, 15213, 15217, 15329, and 15333 De Pauw Street and 15206 Earham Street, as generally depicted in [Exhibit 3](#) attached to this staff report [of Amendment No. 5-91-286-A11]. Monies from the sale of the specified lots shall be directed to the Potrero Canyon Trust Fund and be used to fund construction of the approved Potrero Canyon Restoration Project.

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

4. Truck Haul Hours/Interference with Access. *[Imposed under 5-91-286]* 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. *[Imposed under 5-91-286, amended by A2]* Within one year of the Commission's approval of this Amendment [No. 5-91-286-A2], the applicant shall provide revised final engineering plans, for the review and approval of the Commission. Prior to submittal the revised plans should 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 geology reports by John Byer, except that if approved by the geologist, six inch concrete chunks and windrowed rocks may be incorporated in the fill. Any expansion of the area of disturbance described in this Amendment [No. 5-91-286-A2] 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 (October 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.

6. Recreational Use. *[Imposed under 5-91-286, amended by A13]* Within 90 days of the Commission's action on this permit, the City of Los Angeles shall agree by resolution that all 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. Signage shall be posted in conspicuous locations showing hours of recreational use of the park, and parking lots shall be open at least from dawn to dusk.

- 7. Open Space Preservation Environmentally Sensitive Habitat/Woodland.** *[Imposed under 5-91-286]* Within 90 days of the Commission's action on this permit, the applicant as landowner shall agree, by resolution or other official action by 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 [original permit], 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.** *[Imposed under 5-91-286, amended by A2 and A13]* Within one year of the Commission's action on this permit amendment [No. 2], 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:

C. 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 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 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, and 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 plant species 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. The City shall work with Caltrans to prepare revised park plans that shall provide for public parking of not 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 concessions 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 their identifying signs shall remain visible from Pacific Coast Highway and the park. If access for parking and 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; and
 - vi. Detailed final irrigation/runoff plan including final plans for use of nuisance water, pumps, irrigation lines, water quality standards, and a water balance plan for the entire park, in accordance with requirements in **Special Conditions 21** and **30**. The plans shall maximize low flow collection to provide water for the riparian area. If necessary to supply water to the riparian area, the applicant may substitute paved terraces of low water use, non-invasive plants for the turf areas shown. Park trails shall be paved with pervious material where feasible, and runoff from trails shall be directed towards debris basins. Nets for floating debris, hidden from public view, shall be installed along down drains, outflows, sewage grates, drainage canals, or other drainage elements within or abutting all trails.
- D. 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 end of construction. This 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 six month 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% 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 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.
- 9. Park and Riparian Habitat.** *[Imposed under 5-91-286]* Within one year from the completion of grading work, construction of the park in conformance with the Riparian Habitat Mitigation Plan required in **Special 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.
- 10. Recycling Landslide Debris.** *[Imposed under A2]* 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 to accept structural fill from Caltrans road maintenance projects at competitive rates.
- 11. Evidence of Applicability of Assumption of Risk.** *[Imposed under A3]* Prior to issuance of the amendment to the permit, the applicant shall provide evidence for the 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 **Special 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 **Special Condition 2** of permit 5-91-286, as required by the Executive Director.

12. Timing of Buttress Fill. *[Imposed under A3]* 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 type of seed and methods proposed to ensure germination. The revegetation program shall be carried out and maintained consistent with the terms of **Special Condition 8** of the permit 5-91-286. The applicant shall further agree to monitor the installation of coastal sage scrub for no fewer than 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 shall have annual reports prepared by a qualified biologist or revegetation expert and/or submit to the California Department of Fish and Game, and shall agree to replant if necessary and to carry out other remediation measures recommended in the reports, of by the Executive Director upon review of evidence of failure of the project.

13. Siltation Control. *[Imposed under A3]* 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 Core of Engineers. The approved plan shall be implemented during construction of the proposed project.

14. Consistency with Approved Plans and Foundation Design. *[Imposed under A3]* 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, 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 this 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.

15. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. *[Imposed under A4, amended by A7 and A10]*

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from specific hazards, such as landslide, erosion, and earth movement, (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development, (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards, and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director 1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"), and 2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.
- C. Prior to the issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

16. Conformance of Design and Construction Plans to Geotechnical Report – Geologic Hazard. *[Imposed under A4, amended by A7 and A10]*

- 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.

17. Erosion and Drainage Control. *[Imposed under A4, amended by A7 and A10]*

- 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 5** of the original permit 5-91-286. This condition does not replace the previously approved erosion control Special Condition.
 - i. The erosion and drainage control plan shall demonstrate that:
 - (1) 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;
 - (2) 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;
 - (3) Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets; and
 - (4) All sediment shall be retained on site.
 - ii. The plan shall include, at a minimum, the following components:
 - (1) 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;
 - (2) A site plan showing the location of all temporary erosion control measures;

- (3) A schedule for installation and removal of the temporary erosion control measures; and
 - (4) A written review and approval of all erosion and drainage control measures by the applicant's engineer.
- iii. The drainage control plan shall demonstrate that:
 - (1) Spill from trucks shall be controlled; spills of fuel shall be immediately cleaned up;
 - (2) Stockpiles shall be covered;
 - (3) Measures shall be taken to prevent tracking of sediment from the site; and
 - (4) Filters shall be installed in debris basins.
- iv. The drainage control plan shall include, at a minimum, the following components:
 - (1) The location, types and capacity of pipe drains and/or filters proposed;
 - (2) A schedule for installation and maintenance of the devices; and
 - (3) A site plan showing finished grades (at ten-foot contour intervals) and drainage improvements.
- v. 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.
- vi. 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.

18. Proof of Legal Ability to Conduct Work on All Properties and to Comply with Conditions. *[Imposed under A4, amended by A7 and A10]* 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.

19. Submittal of Geotechnical Reports. *[Imposed under A6]* After completion of the proposed geologic investigation and review of Potrero Canyon, the City shall submit the geotechnical reports generated by the Geotechnical Engineering Division for the review and approval of the Executive Director.

20. Submittal of Revised Project Plans. *[Imposed under A6]* Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, two sets of revised conceptual grading plans that show the proposed grading for the Via de Las Olas canyon/landslide area removed from the project.

21. Landscaping Plan. *[Imposed under A7, amended by A13]*

- A. Prior to 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://ucanr.edu/sites/WUCOLS/files/183514.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- B. Modification of Irrigation System. Prior to issuance of Amendment No. 13, the applicant shall submit a revised final irrigation plan for the review and written approval of the Executive Director. The plan shall be consistent with the Irrigation Plan prepared by MARRS and the City of Los Angeles, Department of Public Works, Bureau of Engineering, dated October 16, 2020, except that no permanent in ground irrigation systems shall be installed on site, including for new or replacement irrigation pipes and equipment. Where feasible, temporary, non-plastic, above ground irrigation equipment is allowed to establish plantings, and repair and maintenance of existing below-ground irrigation lines shall minimize disturbance to established plantings. The plan shall include abandonment-in-place protocols for in ground irrigation (and hand removal for above ground irrigation fixtures) throughout the entire irrigation network, once criteria set forth in Section C below are met.
- C. At the intervals of 6, 12, 24, 48 and 60 months from the date of issuance of Coastal Development Permit Amendment 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% 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.

22. Future Development. *[Imposed under A7, amended by A10, A11]* This permit is only for the development described in coastal development permit 5-91-286-A11 . 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 coastal development permit 5-91-286-A11. 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..

23. Final Grading Plan. *[Imposed under A7, amended by A10]*

- A. Prior to issuance of the amended 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.

24. Scheduled Park and Riparian Improvements. *[Imposed under A8]* The City shall submit a written agreement, prior to issuance of this amendment for the review and approval by the Executive Director, stating that park and riparian improvements approved in the original permit and subsequent amendments shall be completed as part of the City's completion of the main canyon grading and park development. If an amendment is required for revised grading and park plans, the amendment shall be submitted by the applicant and approved by the Commission prior to any future lot sales.

25. Progress Report. *[Imposed under A8, amended by A11 and A13]* The applicant shall agree in writing, prior to issuance of Amendment No. 11, for the review and approval by the Executive Director, to submit a biannual report detailing the progress of the Potrero

Canyon Restoration Project and (1) an accounting of the expenditures to date, (2) projected expenditures of funds from the Potrero Canyon Trust Fund during the next six month period, (3) the remaining balance of the account, and (4) tasks yet to be undertaken and the projected costs of those tasks. The report shall analyze the feasibility of a project alternative that includes construction of a public access path vertically across Pacific Coast Highway, and a parking lot and restroom facility at the south (PCH) end of the canyon pursuant to **Special Condition 8**. The applicant shall submit the first report no later than November 22, 2022.

Consistent with the conditions of the permit, as amended, the report shall include separate line items for each of the following components of the riparian habit and park, including but not limited to: establishment of riparian habitat area, establishment of park open space, landscaping materials, trails materials, benches, signs, the fire/maintenance road, Friends Street Trail, and the lateral access trail to Pacific Coast Highway.

Funding for the Friends Street Trail and the lateral access trail between the mouth of Potrero Canyon and the intersection of Pacific Coast Highway and Temescal Canyon Road shall not be diverted from funds currently allocated to the riparian habitat and the park within Potrero Canyon. The lateral access trail shall be funded using the surplus funds currently detailed in the project budget, and may also receive funds currently budgeted for unanticipated conditions, contingency funds, and other funds which are unspent upon completion of sale of the seven residential lots, final grading of Potrero Canyon, and completion of the riparian habitat and park.

If, upon review of any biannual progress report, the Executive Director determines that the remaining balance of the fund is insufficient as to complete the development consistent with the conditions of the permit, as amended, the applicant shall apply for an amendment to the permit within 60 days of Executive Director's notification unless the Executive Director determines that no amendment is legally necessary.

Additionally, the applicant shall immediately report any change to the project schedule to the Executive Director and the applicant shall apply for an amendment to the permit within 60 days of Executive Director's notification unless the Executive Director determines that no amendment is legally necessary.

26. Nesting Bird Survey. *[Imposed under A10]* 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.

27. Future Residential Slope Development. *[Imposed under A10]* 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.

28. Study of Pedestrian Access Crossing at Pacific Coast Highway. *[Imposed under A11]* The City and its contractors and engineers shall work with Caltrans and submit, subject to the review and approval of the Executive Director, a detailed analysis of the feasibility of a pedestrian beach access crossing at Pacific Coast Highway adjacent to the approved trail system at the mouth of Potrero Canyon. The analysis shall consider alternative beach access designs, including but not limited to, a pedestrian bridge crossing, a pedestrian tunnel, and a signalized at-grade pedestrian crossing over the highway. The analysis shall include a report detailing the projected costs of all alternatives. This permit amendment does not approve the construction of any pedestrian beach access crossing and an amendment to Coastal Development Permit No. 5-91-286 or a new coastal development permit shall be required prior to construction of any pedestrian access crossing.

29. Friends Street Trail. *[Imposed under A13]* Prior to the issuance of the amended coastal development permit, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of revised final plans for the Friends Street Trail. The revised final plans shall be prepared by a licensed professional, shall be based on current certified topographic elevations and surveys for the project site, and shall include a graphic scale. The revised final plans shall be in substantial conformance with the proposed plans for the Friends Street Trail submitted to the Coastal Commission (prepared by MARRS and the City of Los Angeles, Department of Public Works, Bureau of Engineering, dated October 16, 2020), except that they shall be revised and supplemented to comply with the following requirements:

- A. **Public Access Areas and Amenities.** The final revised plans shall clearly identify (and depict on a site plan) all existing and required public access areas and amenities, including the trail, overlooks, signage, benches, stairways, and bicycle parking described herein and shall clearly identify how the trail will seamlessly connect to and transition with other existing and planned public access improvements at both termini of the trail's alignment.
- B. **Trail Structure.** The revised final plans shall identify all structural and substructural elements to be installed and/or used in association with the new Friends Street Trail. All substructure materials, preservatives, and coatings shall be clearly described on the plans, and shall be consistent with the best management practices (BMPs) for such development in conformance with the construction requirements in **Special Condition 8.**
- C. **Noise Abatement.** Measures proposed to minimize the acoustic noise impacts of construction shall be described on the Plans.
- D. **Signage.** The applicant shall identify all public access, interpretive, and wayfinding signs and any other project elements that will be used to provide wayfinding

assistance to the public or to otherwise identify public access areas within the park. Sign details showing the location, materials, design, and text of all public wayfinding and interpretive signs shall be provided. Signage at the Friends Street trailhead shall also indicate hours of operation of the park, park rules and regulations, and public amenities available. The signs shall be in both English and Spanish and designed so as to provide clear information without impacting public views and site character. All directional signs shall include the Commission's access program "feet" logo. Where the Friends Street Trail connects to the lateral trail and vertical trails spurs pursuant to **Special Conditions 25** and **28**, the proposed "No Coastal Access" signs shall be replaced with "Future Coastal Access" signs.

- E. **Bicycle Parking.** At least two bicycle parking racks that accommodate at least six bicycles each shall be placed in the project vicinity in locations designed to maximize their public utility but where their use by cyclists does not physically or visually obstruct the trail or other public access, or degrade public views otherwise. Signage shall be provided at convenient locations near the trailhead(s) to show that bicycle parking is provided.
- F. **Drainage.** All drainage and related elements within the trail envelope and in its vicinity (including, but not limited to, drainage pipes, irrigation pipes, sleeves, valves, stormwater drain grates, and ditches) shall be camouflaged (e.g., randomly spaced, hidden with overhanging or protruding sculpted concrete, interspersed among vegetation, etc.) so as to be hidden from public view and/or inconspicuous as seen from the trail and strategic nearby vantage points. All drainage elements shall be sited and designed to reduce the potential for drainage-caused erosion, leaching of pollutants or debris, and to be as inconspicuous as possible.
- G. **Fencing.** All fencing shall be the minimum necessary to ensure public safety and protect public views.
- H. **Marine Debris Reduction.** The applicant shall install and maintain precautionary signage to prohibit litter and debris. As part of the revised final plans, the applicant shall also provide a service plan for recycling, trash bins, and compost along the trail and other portions of the park. The plan shall specify the amount of trash, recycling, and compost bins in the project area and weekend maximum usage statistics to ensure that an adequate number of bins are being deployed and that the trash and recycling management program is robust and avoids over-filled bins or debris basins or blocked drainage channels that might result in adverse impacts to nearby natural resources.

30. As-Built Plans. *[Imposed under A13]* Within 90 days of completion of construction of the Friends Street Trail, or within such additional time as the Executive Director may grant for good cause, the applicant shall submit two copies of as-built plans, for the review and written approval of the Executive Director, in substantial conformance with the approved revised final plans required in **Special Condition 29**. The as-built plans shall also indicate the final buildout of drainage and irrigation systems required in the final plans of **Special Conditions 8** and **21**, including all system components and types of material used, the location of floating debris nets within the drainage system, and protocols for abandonment (capping/cut-off) of irrigation lines and devices once criteria set forth in **Special Condition 21(C)** are met. All as-built plans shall include color

photographs that clearly show the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from a sufficient number of upcoast, downcoast, inland and seaward viewpoints as to provide complete photographic coverage of the permitted project at this location. Finally, as an additional exhibit, the applicant shall submit a Final Trails Map for all existing and anticipated future park trails.

31. Use, Maintenance, Modification, and Abandonment of Trails. [Imposed under A13]

By acceptance of this permit, the permittee acknowledges and agrees that all trails shall be available for daily public use during daylight hours free of charge. The permittee may temporarily restrict public trail access when required to address an unforeseeable emergency (i.e., extreme weather, threats to public health or safety, or other such seriously disruptive events) and for required maintenance activities. When such circumstances arise, the trail shall be reopened at the soonest opportunity. The permittee shall be responsible for continuous maintenance of all trail improvements in good order and shall not allow for disrepair or nuisances to exist. Proposed activities that add to, enlarge, extend, heighten, or otherwise expand the authorized trail structures (including pavement, fencing, overlooks, drainage features, etc.) in any way shall not be considered maintenance and shall require an amendment to this permit or a new CDP depending on the nature and extent of the proposed activities. In addition, any changes to the Final Trails Map submitted per **Special Condition 30** above shall require an amendment to this permit or a new CDP unless the Executive Director determines that no amendment is legally required. No portion of the trails owned by the City of Los Angeles in fee or by grant of easement may be abandoned by the City until a deed restriction is recorded and grant of easement is transferred to another entity, approved by the Executive Director, who can operate that portion of trail in conformance with all terms and conditions of this coastal development permit.

32. Liability for Costs and Attorneys' Fees. [Imposed under A13] The permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees (including but not limited to any such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

33. Agreement to Record a Deed Restriction if Potrero Canyon Trail Property Owned by the City is to be Conveyed. [Imposed under A13] Prior to conveyance of any Potrero Canyon trail properties owned by the City, the City of Los Angeles shall submit to the Executive Director for review and approval, documentation demonstrating that the City as landowner has executed and recorded against the property to be conveyed a deed restriction, in a form and content acceptable to the Executive Director, which

authorizes the trail in the scope and manner set forth in **Special Condition 31** above. The deed restriction shall run with the land binding all successors and assigns and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without an amendment to this coastal development permit.