

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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October 25, 2022

Permit Application Number: **5-91-286-A13****AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Permit Number **5-91-286** was issued to **City of Los Angeles** for:  
**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.**

The development is within the coastal zone at **15101 Pacific Coast Highway, Potrero Canyon, Pacific Palisades, City of Los Angeles, Los Angeles County**

On July 14, 2022, the California Coastal Commission granted changes approved by permit amendment **5-91-286-A13** consisting of:

**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.**

Issued on behalf of the California Coastal Commission by

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

A handwritten signature in black ink, appearing to read "Shahar Amitay".

Shahar Amitay  
Coastal Program Analyst

cc: Commissioners/File

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ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit, as amended, and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT, AS AMENDED, WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: October 27, 2022

Signature \_\_\_\_\_

**NOTE:** Appendix A, attached, provides a list of all standard and special conditions that apply to this development, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number 13. All of the Commission's adopted special conditions, and any changes in the project description proposed by the applicant 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. New conditions and modifications to existing conditions imposed in this action on Amendment 13 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are incorporated, and this will result in 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**

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**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 or their method of execution shall be reported to require an amendment to this permit.

The program shall include:

- A. The following plans to be completed within one year of Commission action:
- i. A statement of habitat objectives, including specific values to be restored and animal species utilization expected;
  - ii. A detailed site plan;
  - iii. Detailed landscape plan, indicating sizes of plants used, planting methods, diversity and location of plant species and associated habitat value to riparian animal species. The plan shall provide willow and riparian vegetation in the riparian corridor, low water use landscaping and access corridor outside the riparian 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

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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;

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- 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>).

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- 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.
- 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**

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**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**

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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



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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

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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.

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**APPENDIX A – Standard and Special Conditions pursuant to  
CDP No. 5-91-286 through CDP Amendment No. 5-91-286-A13**

**NOTE:** This Appendix A 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 CDP Amendment No. 5-91-286-A13. Any changes, pursuant to amendment A13, from the previously approved special conditions are incorporated. Thus, this Appendix A 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.

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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 of 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.

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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.

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- 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 Earlham 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

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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.

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- 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:

- 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;



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- 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;

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- 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

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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,

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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.

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- 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

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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.

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- 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

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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



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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 Gradings 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

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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 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.

**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.

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**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

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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

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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,

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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.