

**CALIFORNIA COASTAL COMMISSION**

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**TH 17a**

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**RECORD PACKET COPY****STAFF REPORT: REVISED FINDINGS**

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-PPL-99-225

**APPLICANT:** Mount Holyoke Homes, Ltd. et. al

**PROJECT LOCATION:** 425 Mount Holyoke Avenue, Pacific Palisades

**PROJECT DESCRIPTION:** Subdivision of a vacant 41,880 sq. ft. parcel into three residential lots consisting of approximately 17,794 square feet, 12,515 square feet and 11,571 square feet.

**COMMISSION ACTION:** October 13, 2004 -- Denial

**COMMISSIONERS ON PREVAILING SIDE:** Burke, Caldwell, Iseman, Orr, Rose, Wan,

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**Summary of Staff Recommendation**

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on October 13, 2004, DENYING the permit for the subdivision of a vacant 41,880 sq. ft. parcel into three lots consisting of 13,559 square feet, 13,939 square feet and 14,385 square feet because of the adverse impact to coastal views to and from the site.

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**SUBSTANTIVE FILE DOCUMENTS:**

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1. Parcel Map No 6810
2. CDP No. 90-052
3. Mitigated Negative Declaration No. 90-0843-PM(CDP)
4. Geologic Report No. 4-798-1 by Sousa and Associates, dated 22 Sept 1994
5. Geologic Addendum Report No. 1 to Geologic Report No. 4-798-1 by Sousa and Associates, dated 27 Oct 1994
6. Soils Engineering Report no. 2670 by G.C. Masterman & Associates, dated 4 Oct 1994
7. Addendum I to Soils Engineering Report no. 2670 by G.C. Masterman & Associates, dated 2 Nov 1994
8. Additional Stability Analysis for Soils Engineering Report no. 2670 by G.C. Masterman & Associates, dated 5 Dec 1994
9. Amended Foundation recommendations and Slope Stability, for Soils Engineering Report no. 2670 by G.C. Masterman & Associates, dated 27 April 1995
10. Addendum II to Soils Engineering Report no. 2670 by G.C. Masterman & Associates, dated 7 Aug 1995
11. Addendum III to Soils Engineering Report no. 2670, by Subsurface Designs, Inc, dated 19 Sept 1995
12. Addendum IV to Soils Engineering Report no. 2670, by Subsurface Designs, Inc, dated 7 Nov 1995
13. Addendum V to Soils Engineering Report no. 2670, by Subsurface Designs, Inc, dated 19 Apr 1996
14. Amendment for Addendum V to Soils Engineering Report no. 2670, by Subsurface Designs, Inc, dated 8 May 1996
15. Revised Amendment for Addendum V to Soils Engineering Report no. 2670, by Subsurface Designs, Inc, dated 8 May 1996

**Staff Note:**

The proposed development is within the coastal zone area of the City of Los Angeles. Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own coastal development permits.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a local development permit also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream,

or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area (known as the Single Permit Jurisdiction area), the local agency's (City of Los Angeles) coastal development permit is the only coastal development permit required.

The development approved by the City is within the single permit area. The City approved a coastal development permit No. 90-052. The City's permit was appealed to the Coastal Commission by Ms. Barbara Schelbert c/o Robert J. Glushon, Esq., Richman, Luna, Kichaven and Glushon. In May 2000, the Commission found the appeal to raise a substantial issue with respect to the project's conformance with the policies in Chapter 3 of the Coastal Act based on visual impacts and geologic stability. Subsequently, the proposed project was scheduled for De Novo hearing on June 11, 2003. At the De Novo hearing the Commission denied the proposed project. The applicant filed a lawsuit against the Commission seeking a writ of mandate, declaratory relief, and damages for inverse condemnation. The two parties entered into a settlement agreement to remand the revised project back to the Commission for a new public hearing on the Coastal Development Permit application.

That new hearing occurred in October 2004. The proposed subdivision had been modified from the initial submittal that was denied by the Commission in 2003. The new proposal incorporated a wider view corridor, restricted building heights within the view corridor to protect the views, limited development down the bluff, prohibited future development downslope of a stringline and within the view corridor, and limited the height of landscaping and fencing within the view corridor. However, the Commission found that the project would have visual impacts inconsistent with Chapter 3 of the Coastal Act, and as a result, the Commission denied the project.

**STAFF RECOMMENDATION:**

Staff recommends that the commission adopt the Revised Findings proposed in this report.

**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR A-5-PPL-99-225:**

**MOTION:** I move that the Commission adopt the revised findings in support of the Commission's action on October 13, 2004 concerning Coastal Development Permit application No. A-5-PPL-99-225.

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the October 13,

2004, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

**RESOLUTION TO ADOPT REVISED FINDINGS:**

The Commission hereby adopts the findings set forth below for denial of Coastal Development Permit No. A-5-PPL-99-225 on the ground that the findings support the Commission's decision made on October 13, 2004, and accurately reflect the reasons for it.

Commissioners eligible to Vote on Revised Findings for Coastal Development Permit No. A5-PPL-99-225: **Burke, Caldwell, Iseman, Orr, Rose, Wan**

**II. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. Project Description and Location**

The applicant proposed to subdivide a vacant 41,880 sq. ft. parcel into three residential lots consisting of approximately 17,794 square feet, 12,515 square feet, and 11,571 square feet (see Exhibit No. 5). The three proposed lots would have street frontage of approximately 97 feet, 68 feet, and 65 feet, with a maximum depth ranging from 175 feet to 182 feet.

The original proposal that was previously denied by the Commission included lot sizes of approximately 14,385 square feet, 13,939 square feet and 13,559 square feet with street frontage of approximately 78 feet, 73 feet, and 80 feet (see Exhibit No. 4). The current proposal reduced the size of two of the lots by reducing the lot widths by 11 and 12 feet, and increased the lot width of the third lot from 78 feet to 95 feet to allow the incorporation of a continuous 30 foot wide view corridor along the frontage street in the northeast corner of the parcel (see Exhibit No. 6).

The proposed view corridor would extend west from the northeast corner of the parcel and widen to 159 feet along the lower portion of the parcel. Within this view corridor views of the western slope of Temescal Canyon would be available along with views of the beach and ocean horizon. Development within the proposed view corridor would be limited to extend no higher than 5 feet below the existing sidewalk elevation (285') and future landscaping and fencing would also be limited in height to protect the views through the corridor. The height restrictions within the view corridor were to protect existing coastal views from Mt. Holyoke Avenue. The original proposal did not include a view corridor but

incorporated a minimum sideyard setback of 15 feet (7.5 feet from property line) between structures, as compared to the standard 5 foot setback.

Topographically, the site consists of a narrow near level pad, varying from approximately 5'-25' wide, adjacent to the street. The lot then descends westerly at approximately 35 degrees. The overall topographic relief is about 117 feet. Below the lot, a portion of the hillside continues to slope to Temescal Park with an overall relief of 175 feet below Mt. Holyoke Avenue.

The site is located on the western side of Mount Holyoke Avenue, along the eastern rim of Temescal Canyon, in the Pacific Palisades area, a planning subarea of the City of Los Angeles. The site is approximately 1,500 feet, or just over a quarter mile, inland of the intersection of Temescal Canyon Road and Pacific Coast Highway. The site is vacant and is vegetated with predominantly exotic vegetation with some native vegetation located in isolated areas.

The surrounding area is developed with one and two story single-family residences, with bluff top development to the north and south along Mount Holyoke Avenue and Radcliffe Avenue, and on the eastside of Mount Holyoke Avenue and nearby streets. To the south, approximately ¼ mile from the project site is Via de Las Olas Park, a bluff top park, overlooking Pacific Coast Highway and the ocean.

Temescal Canyon is a narrow canyon with a four-lane road running along the bottom of the canyon from Pacific Coast Highway to Sunset Boulevard. A linear landscaped park is improved along the east and west side of the road.

The proposed project was for the subdivision of land only. A separate coastal development permit or permits would have been required for the future construction of the single-family residences.

## **B. Planning Background**

In 1992, the City Council denied a 4-lot subdivision on the subject parcel. Following is a more detailed description as submitted by the City:

*After the Council's original denial of Parcel Map LA No. 6810 and Coastal Development Permit No. 90-052 for a 4-lot subdivision on the subject property, the owner filed a lawsuit in the Superior Court challenging that disapproval (Mt. Holyoke Homes Ltd., et. Al. V. City of Los Angeles, et.al., LASC NO. BC 060 183). The Superior Court issued a writ of mandate requiring the Council to set aside its decision denying the parcel map and coastal development permit and to reconsider the owner's application. On January 21, 1994, the Council adopted a motion setting aside its previous disapproval and referred*

*the matter back to the Planning and Land Use Management Committee (Committee) for further consideration of the applications. The Committee was then to report back to the Council for its further action.*

*Subsequently, the Department of Building and Safety, Grading Division (Division) reviewed additional soils and geology reports on the site's topography relative to a 3-lot subdivision. The Division has now released a favorable report on the 3-lot subdivision.*

The City's original denial was based on adverse impacts on public views and concerns regarding geologic stability of the lot. The Court rejected the City's denial. The Court found that the City's findings were inadequate to deny the application. The Court found the findings to be conclusory and not supported by substantial evidence. The Court issued a writ of mandate requiring the City to set its denial decision aside. Subsequently, the City conditionally approved Parcel Map No. 6810 (See Exhibit No. 4) and Coastal Development Permit No. 90-052 for a 3-lot subdivision rather than four lots as originally proposed by the applicant.

#### **C. Description of Local Approval**

On April 7, 1999, the City Council approved a coastal development permit ("CDP"), with conditions, and a parcel map with a mitigated negative declaration for a three-lot subdivision. The approvals contained numerous conditions addressing soils/geology and architectural criteria for the design of future homes to be built after the subdivision approval.

The CDP contained conditions addressing architectural design criteria for the homes that included floor area, height limits, and setbacks. The floor area for each residence is limited to 3,500 square feet. The height limit for the future residences is limited to 28 feet within the defined building envelope. Setbacks were required to be fifteen-feet between structures with landscaping and structures within these yard areas limited to a height of 4-feet.

The parcel map also included construction conditions for the three houses as well as soils/geology conditions. The City required caissons and development conditions for future residential development in response to geologic safety and public view issues raised during the approval process for the subdivision. The City's underlying CDP is for a three-lot subdivision only and any proposed residential development would require a separate Coastal Development Permit. The CDP application denied by the Commission on October 13, 2004, was a request to create a three-lot subdivision only and not an application to construct homes.

**D. Visual Resources**

Section 30240 (b), in part states:

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

Section 30251 of the Coastal Act states:

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

The proposed project site is a vacant 41,880 sq. ft. parcel that provides 231 feet of street frontage along Mount Holyoke Avenue. Because the parcel slopes down and away from Mount Holyoke Avenue, the site provides uninterrupted coastal views of the beach, ocean, ocean horizon, and coastal mountains. The proposed subdivision, which will create three residential lots for future residential development, would increase the visibility of development on the slope from Temescal Canyon Park and the beach by enabling the increase in massing created by three single-family residences, as compared to a single residence, and loss of undeveloped open space. Furthermore, the development of three residences along Mount Holyoke Avenue will also significantly reduce the existing views of the beach, ocean and mountains from the public sidewalk and street (Mount Holyoke Avenue).

The protection of public views as a resource of public importance must be considered as required in Section 30240 (b) and 30251 of the Coastal Act. At its hearing, the Coastal Commission considered testimony that the public has used Mount Holyoke Avenue as a vantage point from which to view the ocean and coast across the project site, and the proposed subdivision, with the future construction of three single-family residences, will obscure public views of the coast from the public sidewalk and street. Also, when houses are eventually constructed on these lots, they will be visible from the park below, within Temescal Canyon, and from the beach area (Will Rogers State Beach).

The subject vacant parcel is located on the western side of Mount Holyoke Avenue, on a steep hillside bluff overlooking Temescal Canyon. The bottom of the canyon is developed with Temescal Park, a regional linear park that extends along the four-lane Temescal

Canyon Road from Pacific Coast Highway to Sunset Boulevard. The park abuts the project site along the western boundary of the parcel and near the bottom of the slope. Temescal Park is an urban park. Although the slopes are heavily vegetated and may support some native vegetation, the lower flat portion of the park contains ornamental grasses and other non-native plants. The park also provides basketball courts, tennis courts, picnic and barbeque areas. Views from within the park consist of the canyon slopes and houses along the top of the canyon. There are no trails along the bluff within the canyon, and the only views of the beach and ocean are views from down along Temescal Canyon Road or from the canyon ridge at the project site up along Mount Holyoke Avenue.

The proposed subdivision will create three residential lots. The lots will be between 11,571 square feet and 17,794 square feet in area, with lot widths from 64 feet to 97 feet along Mount Holyoke Avenue. As proposed, the lots will be compatible with lots in the general surrounding area and consistent with the City's lot size and zoning standards.

The project site, as well as the surrounding properties, is zoned R-1 which permits a minimum lot area of 5,000 square feet, with a minimum lot width requirement of 50 feet. The surrounding area along Mount Holyoke is fully subdivided and developed with single-family residences. The average lot size along Mount Holyoke Avenue is approximately 11,540 square feet. Adjacent lots to the south and along the west side of Mount Holyoke Avenue typically have lot widths of 55 feet and lot depths of 175 feet. Smaller lots with lot widths of 50 to 60 feet and lot depths of 110 feet, are located along the east side of Mount Holyoke Avenue.

The eastern bluff edge of Temescal Canyon is developed with over 50 single-family residences. Because of the steepness of the eastern slope of Temescal Canyon a number of homes are visible from Temescal Canyon Park and the beach area to the southwest. The existing residences on either side of the proposed project site, and the ones located directly behind the project site, on the eastern side of Mount Holyoke Avenue, are also visible from Temescal Canyon Road and beach area.

Development along the western side of Mount Holyoke Avenue is generally located atop the mesa on graded pads, with some homes cantilevered or supported on piles on the upper portion of slope. Because of the lack of a flat level building pad and the steep slope on which future homes will need to be built, the future development of homes on the site will require the homes to cascade, or step down the slope. Because of the physical nature of the site, development on this site will be visible from surrounding public areas and will impact coastal views from Mount Holyoke Avenue. Exhibits No. 8 and 9 shows the project site from Temescal Canyon Park and Temescal Canyon Road and the approximate locations of future development on the proposed subdivision property. The photographs show the high visibility of the site from the public areas and the significant visual impact this development will have from these public locations.



Mount Holyoke Avenue is a local neighborhood street that terminates at Via de Las Olas Park located approximately ¼ mile to the south. The park overlooks Pacific Coast Highway and the beach. The proposed property provides approximately 231 feet of frontage along Temescal Canyon's eastern bluff top, which includes Mount Holyoke Avenue and Radcliffe Avenue. This site is one of the last undeveloped parcels along Temescal Canyon's eastern bluff edge. From the project site, along the public sidewalk that traverses the top of the site along Mt. Holyoke Avenue, available views are portions of Temescal Park to the west, views of the ocean and coastline to the southwest, and the Santa Monica Mountains to the west and northwest. Views are offered along the entire 231 feet of property that fronts Mount Holyoke Avenue. Exhibit No. 11 shows the existing panoramic view of the ocean, beach and coastal mountains from the Mount Holyoke Avenue public sidewalk.

Because of the steepness of the slope and lack of a flat area to build, homes built on this site will be visible from the park and beach (see Exhibits No. 8 and 10). Under the existing zoning, a single family residence can be constructed on the 41,880 square foot parcel, but because of the size of the parcel, the applicant would be permitted under the City's zoning to subdivide the property into at least three separate lots. The Commission finds that although development of a single home will be visible from the beach and park, the development of three homes increases the amount of development along this site and significantly increases the visual impact along the slope and ridge from the beach and park. Furthermore, coastal views from Mount Holyoke Avenue will also be obstructed once the homes are constructed. Although Mount Holyoke Avenue is not a scenic highway, but a residential street serving mainly the local residents in the area, the site provides public views of the coast and serves as a public view corridor for the neighborhood and visitors to the area. Because this area provides significant scenic coastal views the protection of these views is important.

In the City's local permit action, the City addressed the view issues by reducing the subdivision from four lots to three, limiting the height of the homes over the slope to a maximum of 28 feet, limiting the extension of the homes down the slope, and limiting future homes to a maximum of 3,500 square feet. The City also restricted the siting of any future residences by requiring increased side yard setbacks, modified from the standard of 5 feet to 7.5 feet and required 15 feet along the north and south property line, to break up the massing of the structures and increase public views from Mount Holyoke Avenue. Further, the City limited the distance that any future residences can extend down the slope to minimize the visibility of the structures on the slope from Temescal Park and other public areas. The City limited any future structures to extend no further than 60 feet from the front yard setback of 5 feet from the western edge of the public sidewalk.

Based on the City's 5-foot front yard setback, the 60 foot slope encroachment restriction would allow development to encroach no further than approximately between the 245 foot and 253 foot contour line, as shown on the City approved Preliminary Parcel Map No. 6810 (see Exhibit No. 4). At the October 2004 Commission hearing, the applicant proposed to limit future development to a structure and deck stringline drawn from the nearest adjacent

lower corners of the adjacent structures on the adjoining properties, as depicted in Exhibit No. 5. Using a stringline to limit down slope encroachment would limit development on the proposed lots to approximately between the 248 foot and 264 foot contour line on the project site. As proposed, by limiting future residential development to a stringline drawn from adjoining structures, the amount of massing on the slope face, as compared to the City's setback requirements, would be reduced by reducing the amount of structure encroaching down slope that would be visible from the park and recreation areas.

The applicant also proposed to limit all future dwelling units to 3,500 square feet, as originally required in the City's approval, restrict the area downslope of the stringline as open space, prohibit any future development in the open space area, and restrict the exterior color of any structure to earth tone colors that will help blend the development with the surrounding natural area.

Landscaping would also reduce the visual impact of any future development. However, since the homes are not proposed with the subdivision and the actual designs of the homes are not before the Commission, landscaping would be addressed and incorporated into the design of the homes once the applicant has applied for a coastal development permit for the homes after the Commission acts on the permit for the subdivision. Another issue that would be addressed once permits for the construction of dwelling units are applied for is potential impacts of the foundation piles. As stated, to stabilize the development, a foundation design using piles and grade beams was designed to demonstrate that geologically the site could be developed. Based on the pile design, the piles would be constructed below grade with the grade beams hidden from view within the exterior walls of the future residences. With the use of piles for construction on steep hillsides, over time, due to weathering and erosional processes, the piles may become exposed. In past Commission permit action, the Commission has required that in the event piles become exposed the applicant is required to take measures to reduce the visual exposure by such measures as re-grading or landscaping.

With regards to public view issues from Mount Holyoke Avenue, as originally approved by the City, to address the coastal view impacts from Mount Holyoke Avenue, the City approved subdivision required side yard restrictions wider than the residential minimum standard of 5 feet. The City required sideyard setbacks of 7.5 feet between the three lots, creating a 15 foot spacing between any future buildings. In addition, the City required a sideyard of not less than 15 feet along the southerly and northerly boundaries of the subject property. The sideyard requirements imposed by the City were to address the neighborhood visual issues from Mount Holyoke by requiring wider spacing between the three future dwellings and between the future dwelling and existing single-family developments to the north and south of the project site. Although the side yard requirements create additional spacing between buildings, the spacing does not afford views of the coast since the views preserved by the setbacks would be directly perpendicular, or west, from Mt Holyoke Avenue and the only available views from this

direction would be views of the hillside. Views of the coastline and ocean horizon are generally to the southwest and would be blocked by any future buildings.

During the Commission's DeNovo hearing in June 2003, when this project was initially before the Commission, the Commission was concerned with the potential public view blockage from Mount Holyoke Avenue from the future development of three dwellings on this site. To address the public view issue from Mount Holyoke Avenue, the applicant then redesigned the three lots and proposed a view corridor in the northeast portion of the site, extending out over the property in a west and southwest direction (see Exhibit No. 6). To create the view corridor the applicant reduced the width of the two southern most lots (Lots B and C) from approximately 73 feet and 80 feet, to 68 and 65 feet, and enlarged the width of the northern lot (Lot A), from approximately 78 feet to 97 feet, to provide adequate area for a 30 foot wide view corridor in the northeast corner, beginning adjacent to the public sidewalk along Mount Holyoke Avenue and extending out over the northern and western portion of the property to a maximum width of 158 feet along the western property line. The applicant conducted and submitted a view corridor study, dated March 26, 2004. As part of the study, the applicant erected story poles and lines to depict the location and height of the tentative buildings to determine the views within the corridor. Photographs taken from various locations along the sidewalk within the proposed view corridor were also submitted. During the placement of the poles, Commission staff was at the site to observe the potential view impacts that would be associated with residential development of the site. Based on the view study and staff's observations, views offered from this proposed view corridor include the sandy beach area, ocean horizon, and Santa Monica Mountains. The views extend from the beach area at the terminus of Temescal Canyon Road and extend up along the coast. The Commission considered that views of the entire beach area and ocean horizon within the view corridor would decrease as one moved from north to south along Mount Holyoke Avenue and closer to the tentative future residential building that would be adjacent to the 30 foot wide view corridor. The Commission also considered that views within this corridor would be more significant than any views that would be provided by increased side yard setbacks (7.5 feet) between future structures, as required by the City.

Furthermore, based on the view study, to protect views through the proposed view corridor, height limits within the view corridor were developed. As proposed, any portion of the residential structure within the view corridor, as depicted in Exhibit No. 6, would extend no higher than a point measured 5 feet below the elevation of the existing sidewalk. This height restriction would keep all portions of any future residential structure within the proposed view corridor below the sightline from the public sidewalk to the sandy beach to protect the existing views from future development of the site. Furthermore, as proposed, and to further protect views within the proposed view corridor, all fencing along the frontage area, within the view corridor, would be limited to 42 inches in height to allow views over any planned fencing, and any planned fencing would be of an open design to allow views through the fence. Landscaping would also be limited in height within the proposed view corridor to ensure that all plants will not block views from along the public sidewalk. All

landscaping within the first 20 feet from the sidewalk within the view corridor would be limited to a maximum height of 2 feet. Beyond the first 20 feet, as the property slopes down, landscaping would not exceed 5 feet in height. Because of the distance from the sidewalk and sloping nature of the property, the landscaping restriction would maintain the line of sight and protect coastal views through the view corridor.

Although the applicant's proposed design, including structural setbacks, height limits, structural square foot limits, and color restrictions, would help reduce the visual impacts from the adjacent park and recreation areas, and the design would provide a limited public view corridor from Mount Holyoke Avenue, the proposed project would still have a significant adverse impact on coastal views between Temescal Canyon Park, the beach, and Mount Holyoke Avenue (see Exhibits No. 8-10). The Coastal Commission found that these development restrictions and proposed view corridor would not adequately mitigate the loss to existing views, and that the proposed view corridor only provided a portion of the views currently available to the public. As previously stated, the property provides 231 feet of frontage along Mount Holyoke Avenue, offering panoramic views of the ocean and coastline. As proposed the development will only provide 30 feet along the frontage road for a view corridor (see Exhibit No. 6). The development along 200 feet of the 231 feet of property frontage will have a significant impact on the existing views from along Mount Holyoke Avenue.

Currently, with one legal lot, the applicant is permitted the development of a single-family residence. The proposed subdivision would allow the construction of two additional residences. This increase of two additional residences would increase the visibility of development on the slope from Temescal Canyon Park and the beach through the increase in massing created by three single-family residences, as compared to a single residence, and loss of undeveloped open space. The proposed subdivision would increase residential development on a canyon slope and increase visibility of development along the slope from Temescal Canyon Park and the beach area. The visibility of the development from the park will replace vegetated open space which is visible from the park with development. This development would degrade the public's visual experience from within the park and surrounding area.

Furthermore, the development of three future residences along Mount Holyoke Avenue will also significantly reduce the existing views of the beach, ocean and mountains from the public street (Mount Holyoke Avenue). The project will have a significant adverse impact on existing views from Mount Holyoke Avenue. The project site provides uninterrupted coastal views of the beach, ocean horizon and coastal mountains. These coastal views are an important public coastal resource in this area where existing development blocks all coastal views except along this portion of Mount Holyoke Avenue. Allowing the subdivision to create two additional lots that will increase development and structural massing along this vacant portion of Mount Holyoke Avenue, will significantly impact the scenic and visual qualities of the area. As designed, the proposed development does not protect views to and along the ocean and scenic coastal areas as required under Section 30240(b) and

30251 of the Coastal Act. Therefore, the Commission finds the proposed development inconsistent with Section 30240 and 30251 of the Coastal Act and denies the development.

**E. Hazards and Landform Alteration**

Section 30251 states in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Section 30253 states:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. . .*

The project site consists of a very narrow near-level pad adjacent to Mount Holyoke Avenue with slopes descending to the west. Slope gradients vary from approximately 30 degrees below the street to 40 degrees on the western portion of the site.

The geologic reports prepared for the site state that the site is underlain by bedrock consisting of thin siltstone, shale and sandstone beds. Natural alluvial terrace overlies the bedrock. The reports also indicate that a minor amount of approximately 1.5 to 2.5 feet of fill material was encountered along the eastern portion of the site. It is assumed that the fill was placed during street construction.

According to the reports, the bedrock at the site is dense, continuous, steeply dipping. No pattern of adversely orientated fractures or joints was observed. Furthermore, according to the reports, no ancient or recent bedrock landslides were observed on the property. The Sousa & Associates report (September 22, 1994) states:

*Geologic maps by the City of Los Angeles (1964), the Dibblee Geological Foundation (1991), and the U.S. Geological Survey (1973 to 1989 do not depict landslides in the local area that could adversely affect the subject property from*

*a geologic viewpoint. The closest landslide to the subject site is approximately 500 feet to the south which appears to be controlled by the axis of a syncline.*

There are no known active faults on the property or the immediate area. The geologic reports conclude that the site is suitable for the proposed project provided the geologic recommendations are incorporated into the design and subsequent construction of the project.

In 1992, when the City originally approved a proposed four-lot subdivision on the subject parcel, the Department of Building and Safety (Grading Division) approved the soils and geology reports. The City's approval was disputed by geotechnical reports from E. D. Michael, an Engineering Geologist, and Douglas E. Moran, an Engineering Geologist and Geotechnical Engineer. Subsequently, the Department of Building and Safety rescinded its prior approval and the City Council denied the project.

Subsequently, in 1992, the applicant filed a lawsuit, challenging the City's decision. In 1993, the Court issued a writ of mandate requiring the City to set aside its denial of the project and reconsider the owner's application. In 1994, the applicant agreed with the City to reduce the proposed number of lots from four to three, and retained a new soils engineer and geologist. New soils and geology reports for the proposed three-lot subdivision were submitted and reviewed by the City. In 1998, the Department of Building and Safety approved the reports. The Department found that a factor of safety of 1.5 could be achieved by installing four rows of soldier piles interconnected with grade beams.

Subsequently, on April 7, 1999, after the report had been reviewed by the City's Engineering Geology Advisory Committee, comprised of three independent professionals in the fields of soils engineering, engineering geology, and geology, the City Council approved the coastal development permit and parcel map for the proposed three-lot subdivision. The approval was based upon the construction of 4 rows of soldier piles (20' apart) interconnected with grade beams in order to bring the safety factor from 1.38 to 1.5 for the site. As designed, graded cut and fill slopes were not proposed, and no retaining walls were planned for the future construction of the residences.

The City of Los Angeles Department of Building and Safety has issued a geotechnical engineering review letter that indicates that the City has reviewed and approved the project's geologic and soils reports and design. The geologic and soils reports conclude that the proposed development is considered feasible from an engineering geologic and soil standpoint and will be safe from landslide, settlement or slippage, provided the recommendations with respect to foundations, drainage and sewage disposal are incorporated into the plans and implemented. Since this permit does not include the construction of residences or foundations these recommended conditions will be incorporated into the design of the single-family homes, or made a condition of the permits for such homes, once the residences are designed and submitted for a coastal development permit.

The Commission's geologist, Dr. Mark Johnsson, reviewed the geology reports for the project and the City's reports, including the report submitted by the opponent's geologists. Dr. Johnsson initially had concerns regarding the stability of the site and the applicant's ability to develop the site in a geologic safe manner. Dr. Johnsson was concerned that the City-approved reports did not demonstrate the stability of the slopes during seismic loading. Accordingly, the applicant was asked to produce additional analyses, and after review of the pseudostatic slope stability analyses by Dr. Johnsson, and review of the structural calculations by the Commission's coastal engineer Lesley Ewing, staff has concluded that the site can be developed in a geologically safe manner without creating or significantly contributing to erosion or geologic instability.

The project's engineering geologist, Robert Sousa, recently (August 18, 2004) inspected the site and determined that no significant geologic changes were observed and continues to support the recommendations made in the previous geologic reports. This geology update is attached as Exhibit No. 12.

The Commission in past coastal development permit actions has required that development be set back as far as is feasible from the bluff edge to minimize any potential erosion risk or geologic hazard. The proposed project lots have approximately 10 to 25 feet of flat area at street level, which makes it infeasible to keep all construction on the flat portion of the lot and away from the bluff face. However, the amount of downslope encroachment can be limited by, among other means, limiting development to a stringline drawn from adjacent structures.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated, but that all risk need not be eliminated in order to approve a proposal. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, based on the information in the applicant's geologic reports and the City's review, the Commission finds that the proposed project is subject to some risk from erosion and/or slope failure (topple), but that the amount of risk is minimal and could be addressed by requiring the applicant to assume the liability of such risk. Although structural development is not being proposed under this permit application, the applicant would be creating two additional lots that can be developed in the future. The Commission, therefore, finds that the proposed development, if adequately conditioned, would be consistent with Section 30253 of the Coastal Act and the requirement to minimize alteration of natural landforms in Section 30251.

#### **F. Environmentally Sensitive Habitat Areas**

Section 30240 of the Coastal Act states:

- (a) 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.*

As stated, the subject parcel is located on the western side of Mount Holyoke Avenue, on a steep hillside bluff overlooking Temescal Canyon. The undeveloped parcel consists of a strip, approximately 5-25 feet wide, of relatively flat land, and a west-facing slope.

According to the botanical report prepared for the applicant by Anderson Botanical Consulting, vegetation on the site consists of predominantly of exotic vegetation that is non-native to southern California. Native plants include encelia (*Encelia californica*) California sagebrush (*Artemisia californica*), ashy-leaf buckwheat (*Eriogonum cinereum*), lemonadeberry (*Rhus integrifolia*) and giant wild rye (*Leymus condensatus*). See Vegetation Map, Exhibit No. 13. None of the species are classified as rare, threatened, endangered or especially valuable by any public agency or the California Naïve Plant Society.

According to the applicant and botanical report the site has historically been cleared of vegetation in compliance with Los Angeles City fire codes. According to a recent survey conducted by the consultant on September 20, 2004, the most significant change noted in vegetation on site was due to annual fire code clearance and seasonal die off (see Exhibit No. 14).

As shown on the vegetation map, the majority of the native plants are located outside of the planned building area for the three residences. The map shows that giant coreopsis (*Coreopsis gigantea*) and lemonadeberry (*Rhus integrifolia*) in the vicinity of the future building areas. The botanical report recommends that the native species be preserved on site and any plants that may be disturbed due to future construction or fire clearance requirements should be relocated. The report also recommends that once the homes are constructed, the slope should be restored and enhanced with low-growing fire-resistant native landscaping that is compatible with the conservation of the native plants.

The division of the parcel into three lots and the proposed future construction on the created lots would not impact any sensitive habitat areas. Once coastal development permit applications were submitted, potential impacts to the few native plants on the site caused by future construction could be minimized through the incorporation of the recommendations made by the applicant's botanist into the design of the three future individual residences. Therefore, if adequately conditioned, the proposed division of land into three separate residential lots would be consistent with Section 30240 of the Coastal Act.

### **G. Summary of Chapter 3 Consistency Analysis**

Although both the subdivision and the planned future development of the three proposed lots if adequately conditioned could be made consistent with the hazard avoidance policies of the



Coastal Act (Section 30253) and the Habitat protection policies of the Coastal Act (Section 30240 a), the revised project is inconsistent with the Visual Resource protection policies of the Coastal Act (Sections 30240(b) and 30251). As a result, the project is inconsistent with Chapter 3 of the Coastal Act and must be denied.

#### **H. Alternatives**

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property nor unreasonably limit the owner's reasonable investment backed expectations of the subject property. There is no automatic entitlement to subdivide property. In addition, several alternatives to the proposed development exist that would provide significant economic value. Among those alternative developments are the following (though this list is not intended to be, nor is it, comprehensive of the possible alternatives):

##### **1. No Subdivision**

The applicant currently has a single legal lot that could be developed with a single-family residence. If designed and sited consistent with the applicable policies of the Coastal Act, the Commission could approved a single-family residence. The applicant could design a single-family residence consistent with surrounding development. The development of a single-family residence, in this location and given the significant coastal views available, is a viable economic alternative.

##### **2. Subdivision into Two Lots Instead of Three**

Another alternative available to the applicant is a two lot subdivision. This alternative will reduce the number of lots, reduce the visibility of the massing of future structures along the slope, and provide a greater view corridor from Mount Holyoke. This alternative would reduce the visual impacts from the park, beach and along Mount Holyoke, and further reduce impacts to vegetation along the slope and further minimize the geologic hazards associated with constructing on steep slopes. The development of two lots if found consistent with the Coastal Act, is a viable economic alternative.

#### **I. Local Coastal Program**

Section 30604 (a) of the Coastal Act states that:

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

*the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development would prejudice the City's ability to prepare a certifiable Local Coastal Program that is consistent with Chapter 3, as it would be an example of an approval that is inconsistent with the Visual protection policies of the Coastal Act. The Commission, therefore, finds that the proposed project must not be approved, because the development will cause adverse impacts on coastal resources and due to the provisions of Section 30604 (a) of the Coastal Act.

**J. California Environmental Quality Act**

There are feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. See, for example, the Alternatives section, above. Impacts include coastal view impacts from Mount Holyoke Avenue to the ocean and public park and from the ocean and public park to the site, which is currently undeveloped and consists of one parcel. Feasible alternatives, that would reduce the adverse visual impacts include developing a single-family residence on the existing single parcel, reducing the number of subdivided lots, limiting the amount of development along the frontage road to decrease the amount of view blockage and massing, and increasing the size of the view corridor to protect existing coastal views. Therefore, the Commission finds that the proposed project is not the least environmentally damaging feasible alternative and is not consistent with the requirements of CEQA and the Coastal Act.



SEE 30 MAP

40

LOS ANGELES CO.

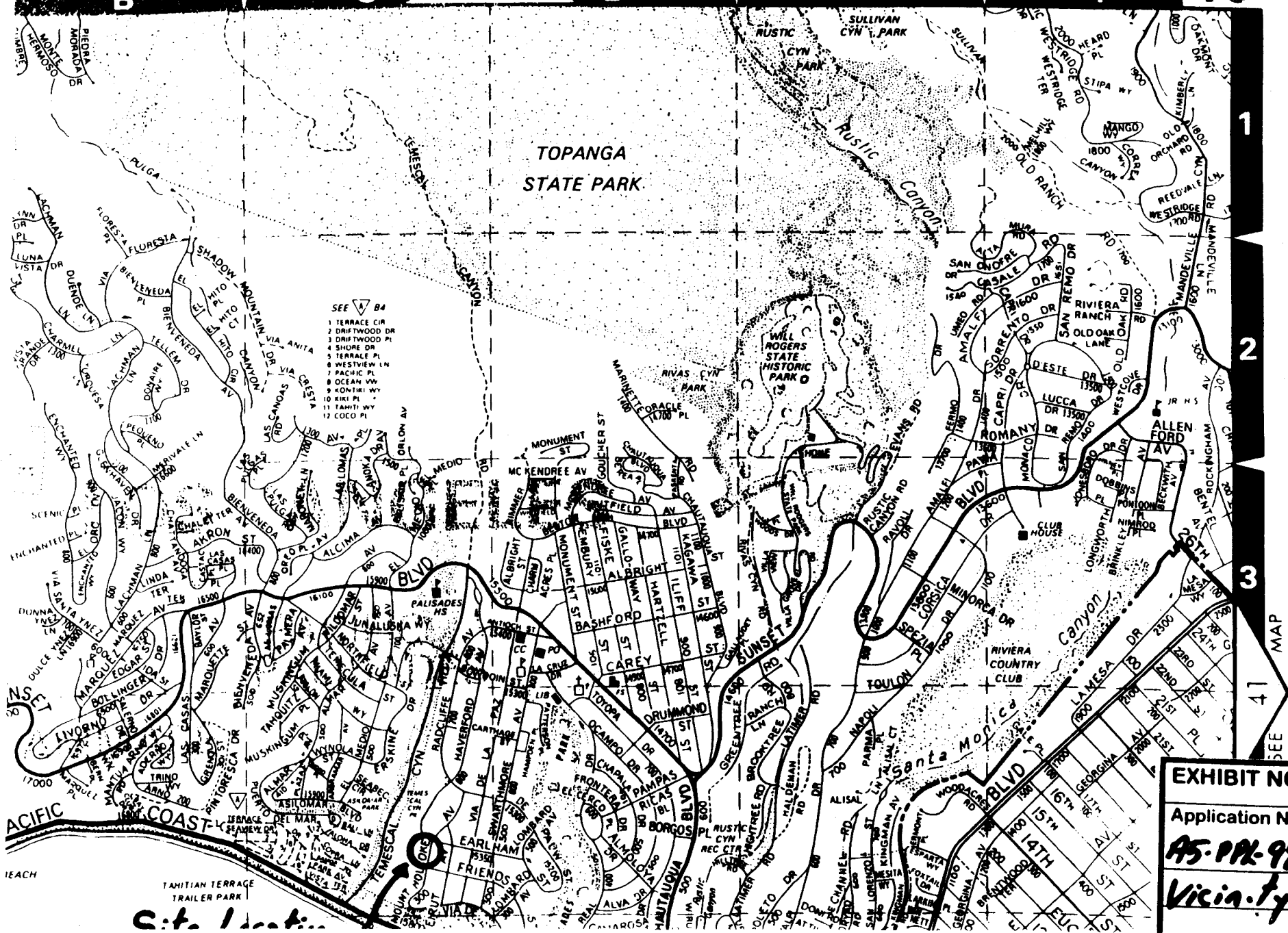


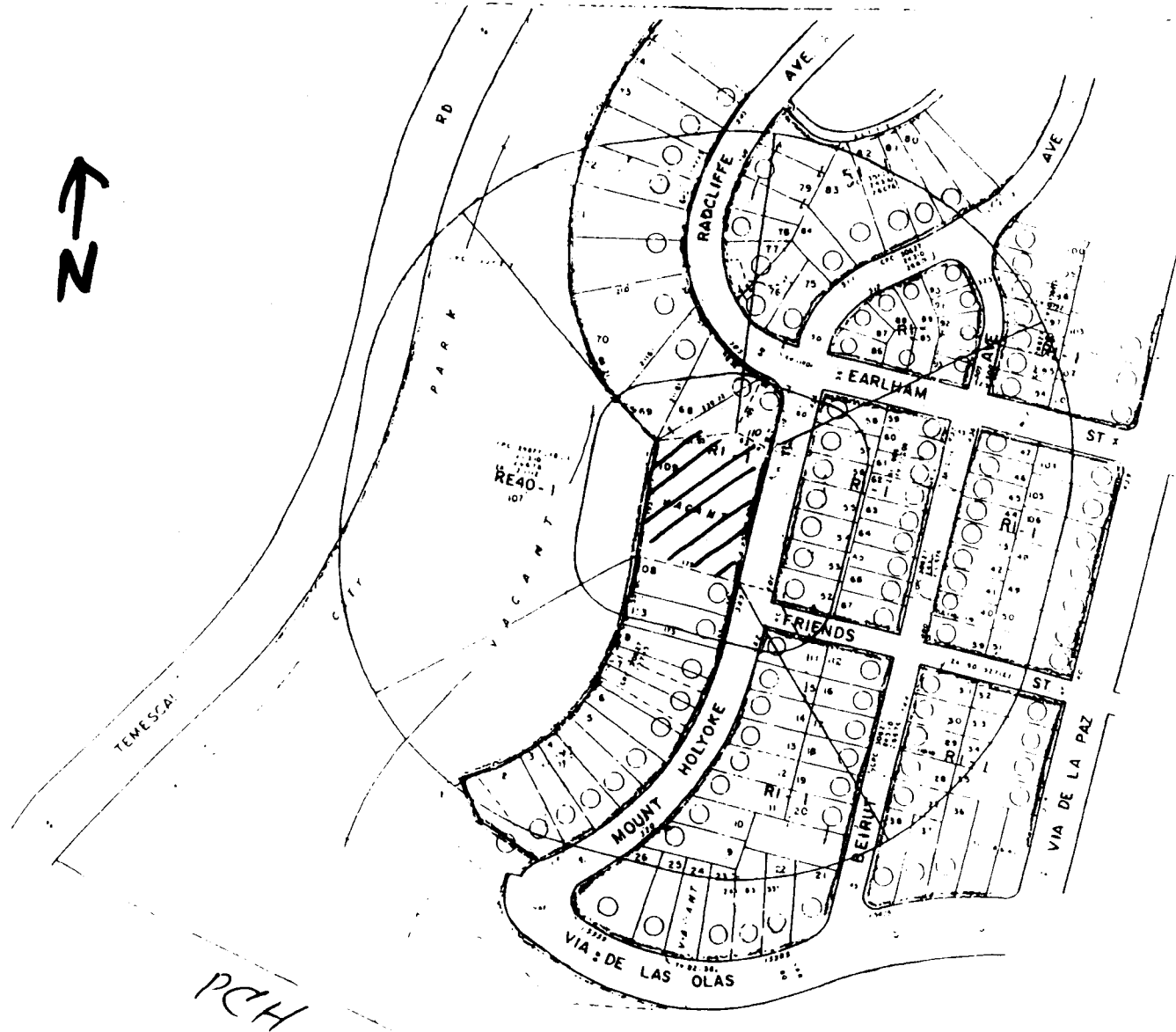
EXHIBIT NO. 2

Application Number

A5-PAL-97-225

Vicinity Map

→  
N



LEGAL SEE APPLICATION

# COASTAL DEVELOPMENT PERMIT & PRELIMINARY PARCEL MAP

AFRIAT / BLACKSTONE CONSULTANTS, INC.

6450 SUNSET BL., SUITE 1501  
HOLLYWOOD, CA 90028  
(213) 856 7070

C.D. 11  
C.T. 26  
P.A. 11

DATE 8/21/99  
SCALE 1" = 100'  
USES 1.1 E L  
D.M. 7167 126 B 125  
T.B. PAGE 40 GR11

**RECEIVED**  
South Coast Region

MAR 11 1999

CALIFORNIA  
DEPARTMENT OF  
PUBLICATIONS

**EXHIBIT NO. 3**

Application Number

45-PPL-98-22

Parcel Map

**EXHIBIT NO. 4**

**Application Number**

17-5-177K-99-2

Originaly Proves  
it and Tentative

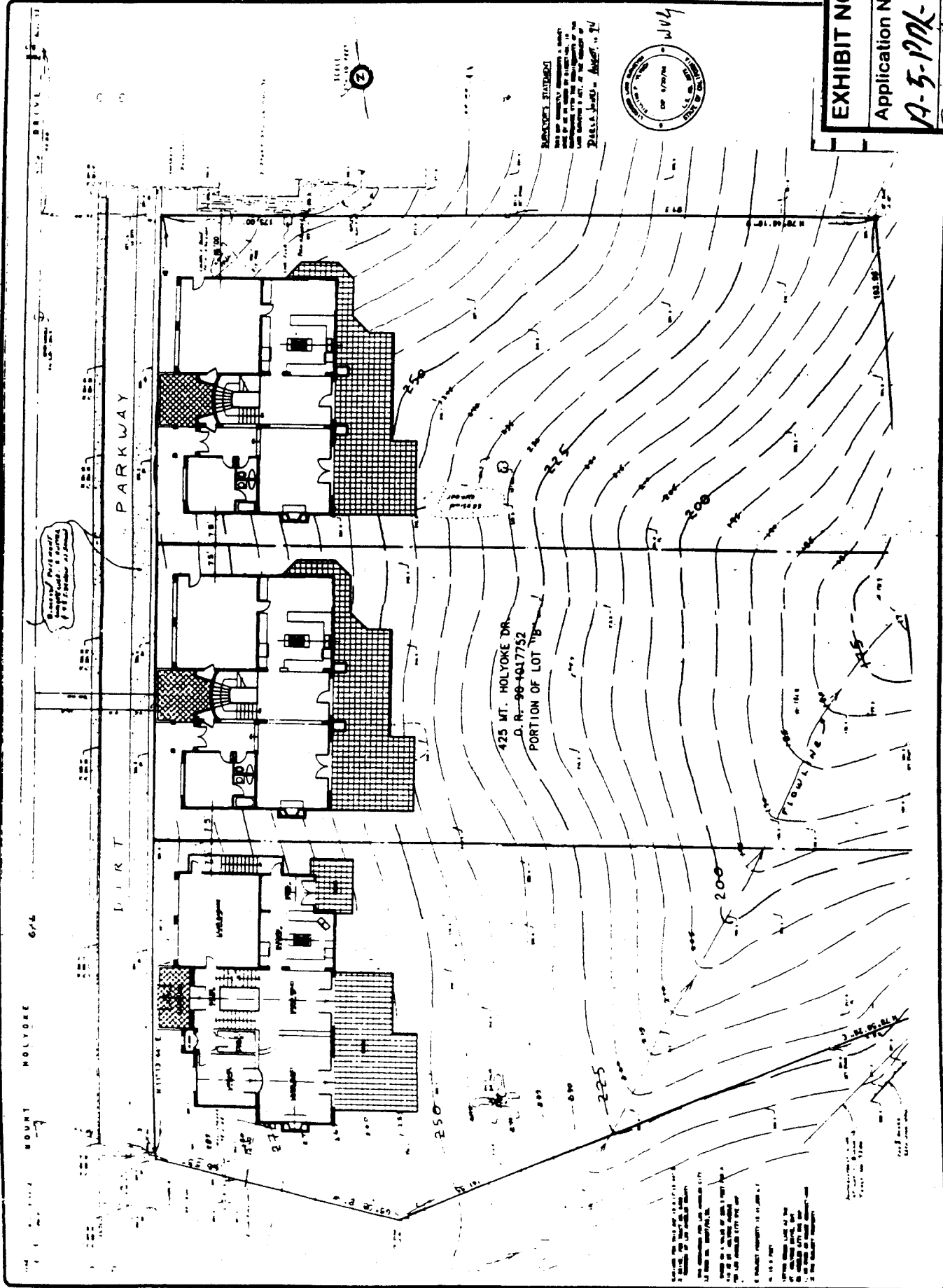


EXHIBIT NO. 5

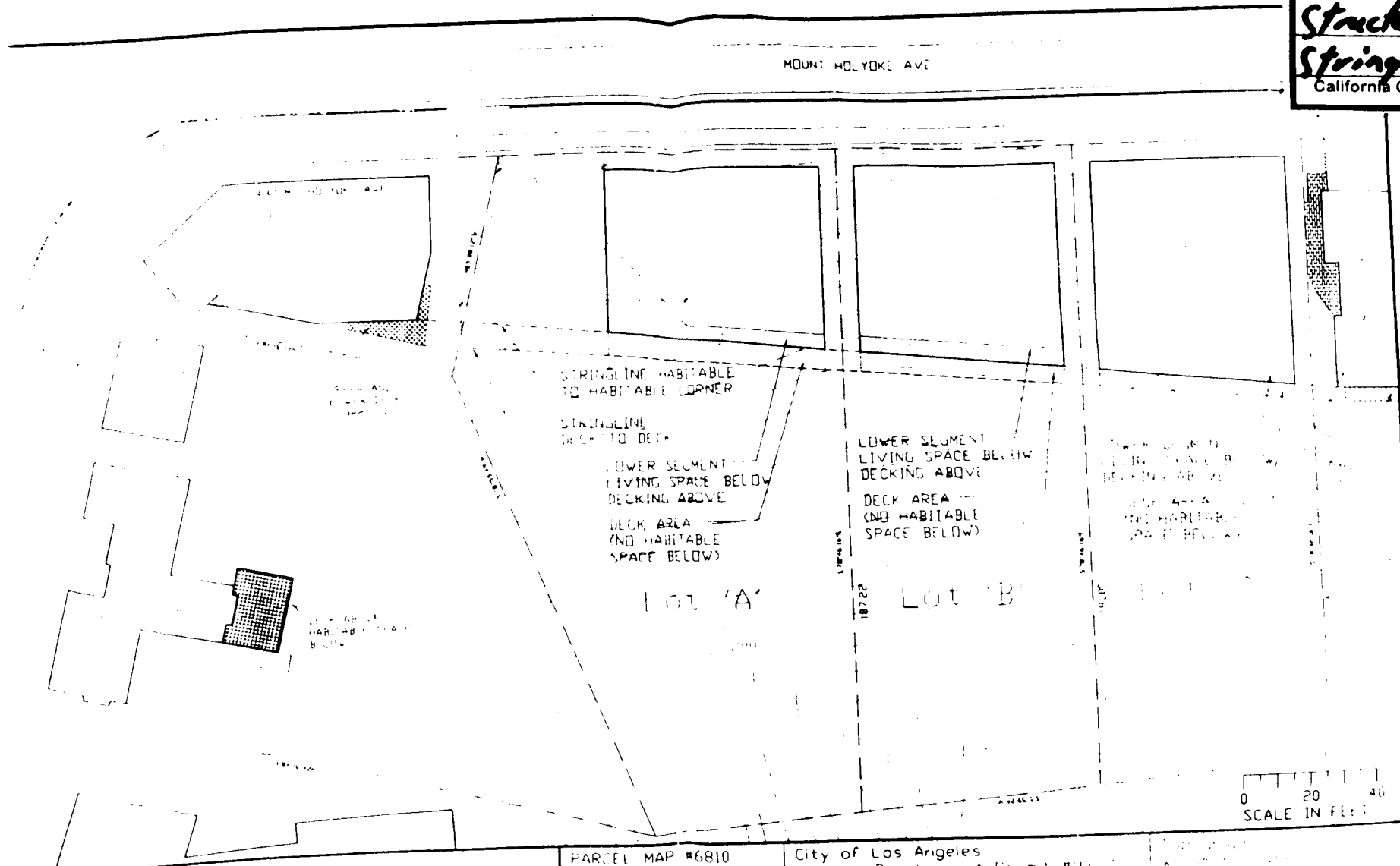
Application Number

A5-PPL-99-225

Structure / a / a

Stringline M

California Coastal Commis



ILLUSTRATIVE SITE PLAN  
425 MT HOLYOKE AVE

PARCEL MAP #6810  
approved April 7 1999

DATE DECEMBER 2003

City of Los Angeles  
Coastal Development Permit #6810  
approved April 7 1999

CDP A-5-PPL-99-225

EXHIBIT B

CARIBBI NO. 6

Application Number

A5-PPL-99-225

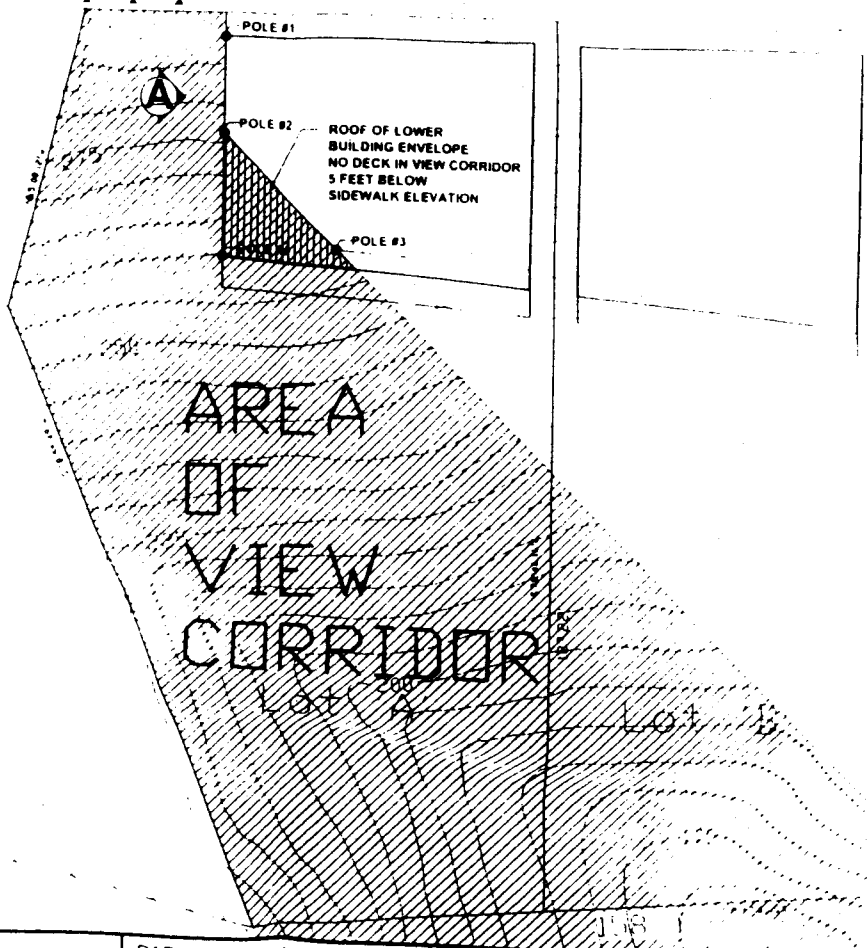
View Corridor

California Coastal Commission

NORTH

①  
②  
③  
④  
⑤

MEASURED DISTANCE



PLAN PHOTO SURVEY  
5 ft. BELOW SIDEWALK ELEVATION  
MT. HOLYOKE AVE. SUBDIVISION

PARCEL MAP #6810  
approved April 7, 1999

DATE MARCH 2004

City of Los Angeles  
Coastal Development Permit #90 052  
approved April 7, 1999

CDP A-5-PPL-99-225

Topographic survey  
William P. Vlymen  
L.S. #3572 August 1994

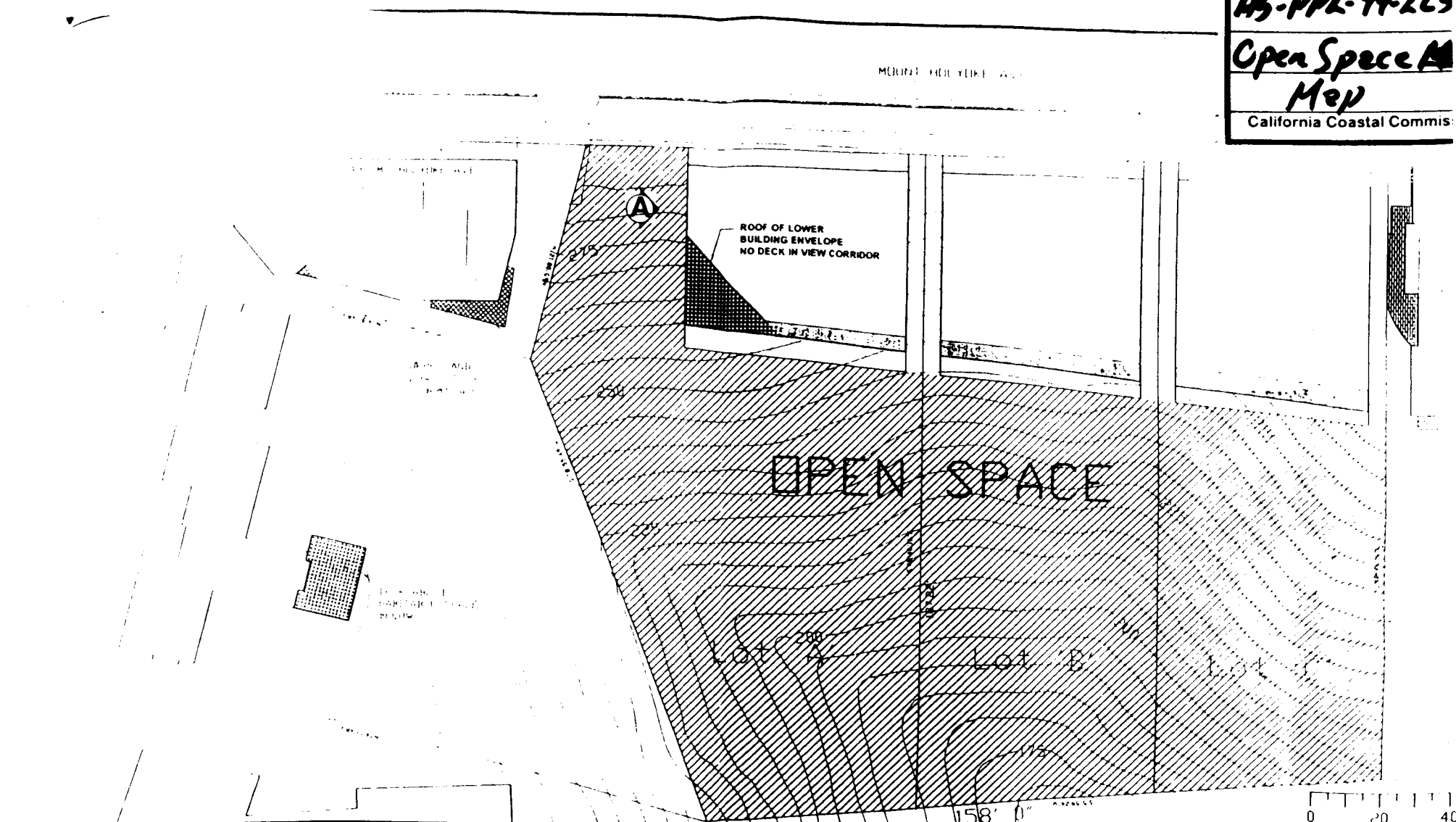
PREPARED BY S. JONES



EXHIBIT NO. 7

Application Number  
A5-PPL-99-223

Open Space Map  
California Coastal Commission



AREA OF OPEN SPACE  
TO BE REMOVED  
FROM THE OPEN SPACE SUBDIVISION

PARCEL MAP #6810  
approved April 7, 1999

DATE: FEBRUARY 2004

City of Los Angeles  
Coastal Development Permit #90-050  
approved April 7, 1999

CDP A-5-PPL-99-223

Topographic Survey  
William F. Flynn  
U.S. # 0502 August 1994

PREPARED BY: S. JONES

EXHIBIT C

View from Temescal Canyon West

Approximate location of  
future SFR development



EXHIBIT NO. 8
Application Number
California Coastal Commission

view from 1 emeser / Canyon Rd.

Approximate location of  
future SFR development



EXHIBIT NO. 9
Application Number
California Coastal Commission

View from Beach

Approximate Location  
of future SFR development



EXHIBIT NO.

16

Application Number

California Coastal Commission

EXHIBIT NO.

11

Application Number

California Coastal Commission

**SOUSA & ASSOCIATES**

14401 GILMORE STREET, #200

VAN NUYS, CALIFORNIA 91401

PHONE (818) 994-8895 FAX (818) 994-8599

August 20, 2004

Work Order 798

Mount Holyoke Homes, Ltd.  
C/o Feffer, Mengels, Butler & Marmaro LLP  
1900 Avenue of the Stars, Seven Floor  
Los Angeles, California 90067-5010

Mr. John Bowman:

Subject:

**GEOLOGIC UPDATE REPORT**

Parcel Map 6810

425 Mount Holyoke Avenue  
Pacific Palisades, California

Gentlemen:

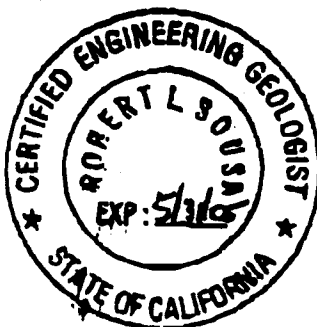
Pursuant to your request, presented herein is a geologic update of the site conditions. The site was field reviewed on August 18, 2004 and no significant geologic changes were observed. The recommendations in our previous reports should be followed. Final plans should be reviewed and manually signed by R. L. Sousa & Associates.

We appreciate the opportunity of serving you on this project. Should you have any questions regarding this update, please do not hesitate to contact the undersigned at your convenience.


Respectfully submitted,  
R. L. SOUSA & ASSOCIATES

  
Robert L. Sousa  
Certified Engineering Geologist 1315

RLS: 798-5



Distribution: (5) Addressee  
(1) Subsurface Design, Inc.

EXHIBIT NO. 12
APPLICATION NO. AS-PPL-98-225
Geologic Update Letter
 California Coastal Commission

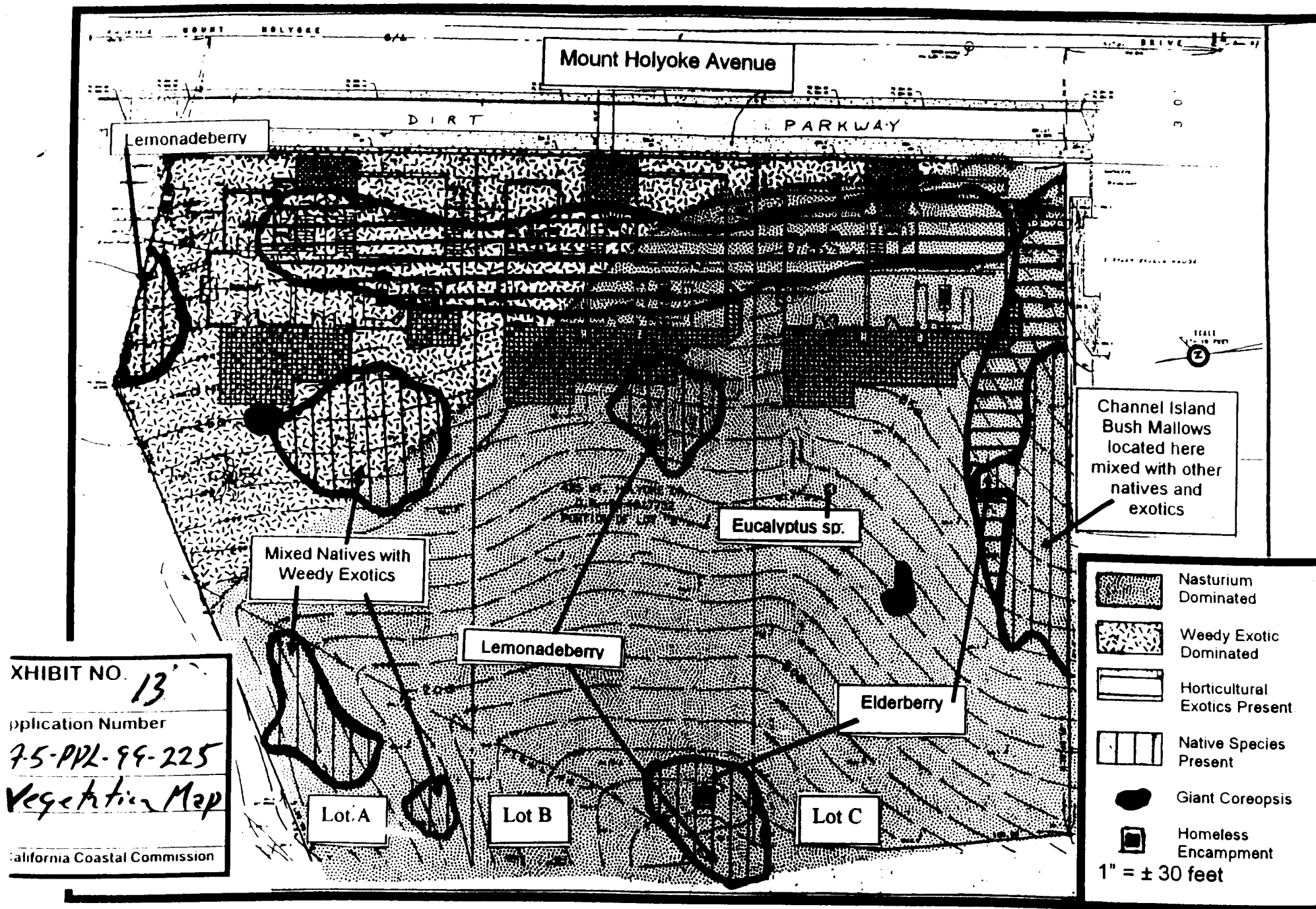


EXHIBIT NO. 13

Application Number

7-5-PPL-99-225

Vegetation Map

California Coastal Commission

Figure 1. Vegetation Map for 425 Mount Holyoke Avenue, Pacific Palisades, California (3/9/03)  
(Base map reproduced from William P. Vlymen, Land Surveyor, 9/5/94)



From the desk of

Ileene Anderson  
Botanical Consultant

EXHIBIT NO.	14
Application Number	A5-PP2-99-225
Vegetation	Update
California Coastal Commission	

September 20, 2004

John M. Bowman  
Jeffer, Mangels, Butler & Marmaro LLP  
1900 Avenue of the Stars, 7th Floor  
Los Angeles, California 90067

RE: Vegetation Update: 425 Mount Holyoke Avenue, Pacific Palisades, California

Dear Mr. Bowman,

I re-visited the site at 425 Mount Holyoke Avenue, Pacific Palisades, California, today (9/20/03) to evaluate any changes in the vegetation and vegetation communities since I performed the original surveys on March 9, 2003. I used the same type of surveys methods – site walkover – as the original report. The following paragraphs describe the changes that I observed while on site.

- 1) The most significant change in vegetation on site is due to the clearance of annual non-native vegetation as required by fire code. The nasturtium-dominated and weedy exotic-dominated areas (Figure 1 of the original report) have died back because their annual growing cycle is finished, and much of the dead biomass of nasturtium and other weedy exotics has been removed from the site in compliance with fire clearance requirements. A mulch of 2"-6" of dead annual species remains in these areas.
- 2) Two additional species were identified to occur on site. One individual of passion vine plant (*Passiflora* sp.) was noted in the elderberry at the very west edge of site. This species was not detected during the spring survey a year ago – either it seeded in this year, or had not yet regrown to a size to be detectable during that survey period. The second species is Bermuda grass (*Cynodon dactylon*), a typically sod forming grass, was likely overlooked during the original survey due to the density of non-native grasses that occurred in the area where this perennial grass is located, and seen this time due to the reduction of biomass from fire clearance activities. Both of these species are non-native species.
- 3) The "unknown exotic lily species" (Table 1 of original report) was identified to species this time, and it is the horticultural lily – Naked Lady (*Amaryllis belladonna*).
- 4) The areas with native plant species remain extant, and little biomass was removed at the base of the larger trees and shrubs for fire clearance compliance. The smaller shrubs while trimmed low for compliance with fire regulations are extant, and the Ashy-gray Buckwheat is in flower.
- 5) The areas with horticultural exotics remains in place. Along the top of the site, fire-resistant type species including Indian-fig cactus and red hot poker still dominate, and along the south of the site, a variety of exotic trees and shrubs. The Eucalyptus tree remains also.
- 6) The Channel Island Bush Mallow and the Giant Coreopsis remain at the same locations. The eight Giant Coreopsis plants located on the northeast section of the parcel below the 250-foot contour have been reduced in stature by the fire




clearance activities. However, they remain alive, and in their normal summer dormancy. The twelve Giant Coreopsis on the southwest portion of the parcel are also in summer dormancy. The Channel Island Bush Mallows are in flower, and have not sustained much trimming from fire clearance activities.

- 7) The actual soil surface was much easier to see on this site visit due to the reduction of plant biomass. I did not see any sign of surface moisture from any seeps or springs on the site. No mesic types of vegetation were ever detected on the site, which would have been anticipated if perennial water occurred.

I have provided as an attachment to this letter, the photographs taken on 3/9/2003 and similar views taken 9/20/04 that show the changes on site to date.

If you have any further questions, please don't hesitate to contact me at (323) 654-5943.

Sincerely,



Ilene Anderson  
Botanical Consultant  
2733 Cardwell Place  
Los Angeles, CA 90046-1201

March 9, 2003



Figure 2. Dense nasturtium (weedy exotic) dominates the southwest corner of the parcel. Photo looking from the northwest corner of the property to the southwest corner.

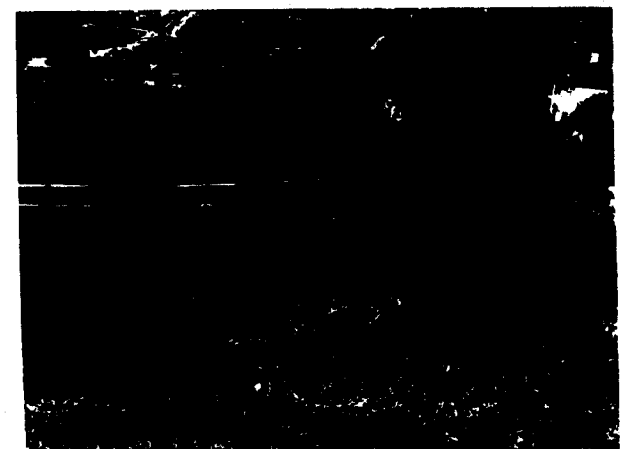
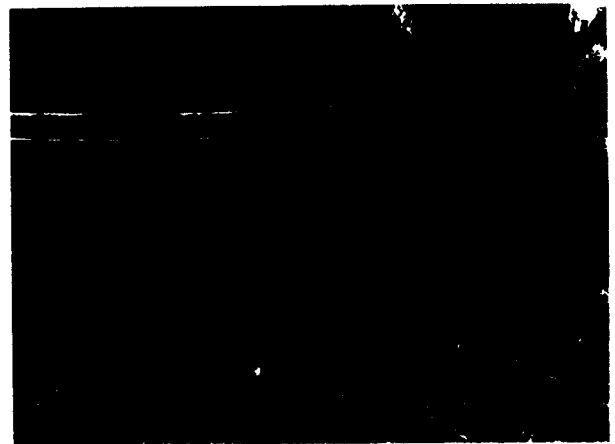
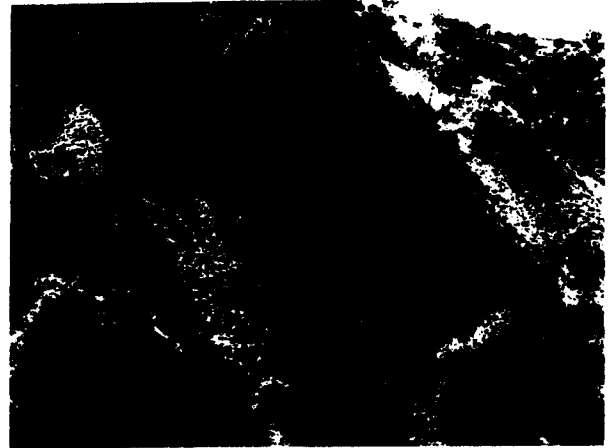


Figure 3. From top of slope looking west, down slope towards northwest corner. Exotic grasses, with exotic nopales cactus (a landscaped species). Temescal Canyon Road and Linear Park are seen in the background.



Figure 4. From northeast corner of site looking west. Temescal Canyon Road and adjacent linear park in distance.

September 20, 2004



March 9, 2003

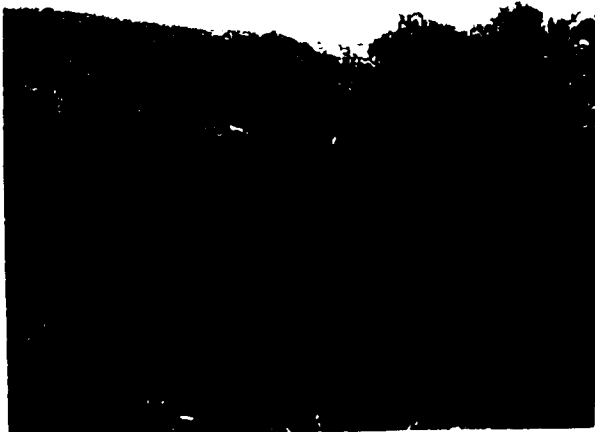


Figure 5 Southeast Section of Site (looking from northwest corner) The elderberry, giant coreopsis and lemonadeberry are all natives that occur on the site

September 20, 2004

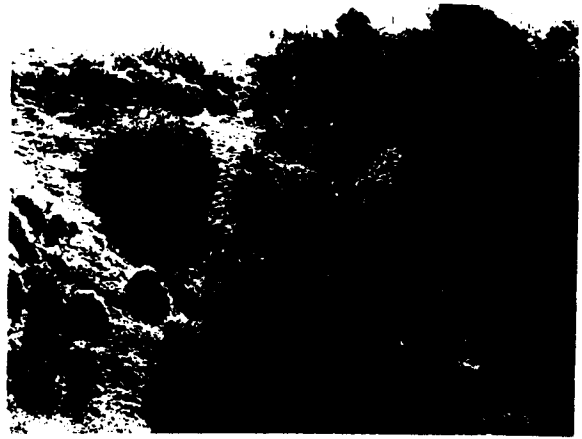


Figure 6. Northeast Section of Site (looking from northwest).



