

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

**RECORD PACKET COPY**

Filed: June 14, 2000
 49th Day: August 2, 1999
 180th Day: N/A
 Staff: JLR/LB *JLR*
 Staff Report: April 6, 2000
 Hearing Date: May 9-12, 2000
 Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-PPL-99-225

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 one lot into three lots

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a Substantial Issue Exists with respect to the grounds on which the appeal has been filed because the project approved by the City raises substantial issues of conformity with regard to the Chapter 3 policies involving impacts on public views, landform alteration, risks to life and property and stability and structural integrity in an area of high geologic hazards.

APPELLANT: Barbara Schelbert c/o Robert J. Glushon, Esq., Richman, Luna, Kichaven and Glushon

SUBSTANTIVE FILE DOCUMENTS:

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

I. APPEAL PROCEDURES

Prior to certification of a local coastal program Section 30602 of the Coastal Act allows any action by local government on a Coastal Development Permit application pursuant to Section 30600(b) to be appealed to the Commission. Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued Coastal Development Permits prior to certification of a LCP.

After a final local action on a Coastal Development Permit issued pursuant to section 30600(b) of the Coastal Act prior to certification of the LCP, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice, which contains all the required information, a twenty working day appeal period begins. During the appeal period, any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602). Section 30621 of the Coastal Act states that a hearing on the appeal must be scheduled for hearing within 49 days of the receipt of a valid appeal. The appeal and local action are analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act (Section

30625(b)(1)). If the Commission finds substantial issue, the Commission holds a new public hearing to act on the Coastal Development Permit as a de novo matter.

In this case, on June 14, 1999, the South Coast District office received an appeal of the Local Coastal Development Permit during the appeal period. On June 17, 1999, staff requested the City to forward all relevant documents and materials regarding the subject permit to the Commission's South Coast District office in Long Beach. Subsequently, at the July 1999 meeting, the Commission opened and continued the public hearing pending receipt of the required documents. Those material documents were received on March 30, 2000.

The Commission may also decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands. Alternatively, if the Commission finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976, it will find that a substantial issue exists with the action of the local government. If the Commission finds substantial issue, then the hearing will be continued open and scheduled to be heard as a de novo permit request at the same or subsequent hearing. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

In this case because the development is located within the City's single coastal development permit area, unless the Commission finds substantial issue, the local government's action is final.

II. APPELLANTS' CONTENTIONS

The City of Los Angeles Local Coastal Development Permit No. 90-052 was approved with conditions, for a subdivision of one parcel into three lots. On June 14, 1999, an appellant, Barbara Schelbert, filed an appeal (See Exhibit B). The appellant contends that the City's approval did not adequately address the natural hazard and public view provisions of Chapter 3 of the Coastal Act.

Regarding natural hazards, the appellant, in part, contends that:

The subject property lacks any flat land whatsoever, which makes it different than the other existing residences on Mount Holyoke that the developer would like to point to as "precedent". Unlike any other existing homes, the subject property would require massive stabilization of an otherwise unstable hillside featuring 4 rows of caisson-style soldier piles.

Although there is debate over whether the project will be geotechnically stable notwithstanding a history of geologic and soil instability, it is undisputed that

the developer will have to resort to the construction of protective devices-4 rows of caisson-style soldier piles-that would alter the natural landform. The use of such protective devices, which would resemble a freeway grade beam, makes the project in conflict with this section of the Coastal Act.

No other homes in the area have this degrading feature. Maps of the area show that except for one residence with a 15 foot front yard setback, existing homes maintain a predominant 25 foot front yard setback consistent with the bluff top requirements of the Coastal Act. In contrast, the development of the subject property would allow a minimum setback of only 5 feet in order to allow 3 building pads.

Given the lack of flatland on the site and the need to utilize substantial protective devices to attempt to achieve stability, the proposed project is not in conformance with the Coastal Act,

Regarding public views, the appellant, in part, contends that:

The proposed project is in conflict with Section 30251 of the Coastal Act (California Public Resources Code) in that the project would totally eliminate any view of the ocean and coastline from a scenic vista on Mount Holyoke and would adversely impact the view from the coastline looking toward the steep cliff and bluffside of the subject property.

When the Advisory Agency of the City of Los Angeles approved a 4-lot subdivision in 1992, he expressly conditioned such approval by reserving one on the lots as "open space" to attempt to mitigate the otherwise total loss of coastal view. On appeal, the Board of Zoning Appeals ("BZA") denied the coastal development permit and subdivision in part because it felt that the project was in conflict with the Coastal Act. The City Council thereafter denied the project and upheld the decision of the BZA.

The proposed development of three homes would block the public view of the ocean and coastline from Mount Holyoke. Contrary to claims of the developer that the view blockage is private as to only a few residents, the entire community is affected as was attested to in the various public hearings. The subject property is a scenic vista which joggers, walkers and other community residents regularly enjoy. It is also located several blocks from Via de Las Osas Park at the end of Mount Holyoke.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a Substantial Issue Exists with respect to the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to Public Resources Code Section 30625(b)(1).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PDR-00-077 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

RESOLUTION:

The California Coastal Commission hereby finds that Appeal number A-5-PPL-00-028 presents a Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Location

The proposed project is to subdivide a vacant 41,880 sq. ft. parcel into three lots that range in size from 13,559 to 14,385 sq. ft.

The site is characterized by a very steep slope of approximately 35 degrees. Topographically, the site consists of a narrow (approximately 10'-40' wide) near level pad adjacent to the street. The lot then descends steeply westerly. 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 slopes are vacant. The park is developed in the canyon bottom and on the slopes. The park is located on both sides of Temescal Canyon Road.

The lot is located in Pacific Palisades, a planning subarea of the City of Los Angeles. The site is located approximately two blocks inland of Pacific Coast Highway.

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 geology concerns regarding the steepness 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 F) and Coastal Development Permit No. 90-052 (See Exhibit C) for a 3-lot subdivision rather than four lots.

C. DESCRIPTION OF LOCAL APPROVAL

On April 7, 1999, City Council approved a coastal development permit, with conditions. At the same time, the City approved a parcel map and a mitigated negative declaration. Those approvals had numerous conditions addressing soils/geology and architectural criteria for the design of future homes to be built after a subdivision approval. The CDP contained conditions addressing architectural design criteria for the homes that included height limits, setbacks and floor area. The parcel map also included the housing conditions as well as soils/geology conditions. According to the applicant's representative, the construction of the homes, along with the caissons, are not proposed now. The City required caissons and development

conditions in response to geologic and view issues raised during the approval process for the subdivision. Those homes are subject to future coastal developments permits. The City's underlying CDP is for a three lot subdivision only.

D. SUBSTANTIAL ISSUE ANALYSIS

Section 30602 of the Coastal Act states:

Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the commission, any person, including the applicant, or any two members of the commission to the commission..

Coastal Act Section 30625(b)(1) states that the Commission shall hear an appeal filed pursuant to subdivision (a) of Section 30602 (the pre-certification permit option) unless it determines:

(1) ... that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal of a locally issued coastal development permit unless it "finds that the appeal raises no substantial issue in accordance with the requirements of public resources code section 30625(b) and section 13115(a) and (c) of these regulations" (Cal. Code Regs., tit. 14, section 13321.) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the policies Chapter 3 of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City raises a substantial issue with regard to the appellant's contentions regarding coastal resources.

E. SUBSTANTIAL ISSUE FINDINGS

1. Landform Alteration and Geologic Hazards

Regarding natural hazards, the appellant, in part, contends that:

- 1) The subject site is very steep and lacks any flat land
- 2 The use of four rows of caisson-style soldier piles with grade beams would alter the natural landform..

The applicant, in part, responds that:

The alleged lack of a "flat pad" along Mt. Holyoke Avenue is a red herring issue, since the proposed method of construction does not require "pads." Indeed, the grading of such pads would involve substantial alteration of the natural landform in violation of Public Resources Code Section 30251. Thus, the fact that some of the other properties along Mount Holyoke Avenue may have somewhat larger 'pads' along the street is a distinction without a difference.

The fact that the property may be relatively steep does not, by itself, mean that the property is unsuitable for development. In fact, this was precisely the holding of the Superior Court when it set aside the City's previous disapproval of the Project in 1993.

The applicants have amply demonstrated that the property can be developed in a safe manner and without any adverse environmental effects. Absent actual evidence that the property is unsuitable for development (e.g., geologic instability), the "steepness" of the site is irrelevant.

The proposed construction of three homes on the site will not alter any natural landform. In fact, because the proposed homes will be constructed on subterranean caissons, no grading, and no retaining walls, will be necessary.

Thus, the natural landform will be preserved in accordance with Public Resources Code Section 30251.

Section 30253 of the Coastal Act states

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which because of their unique characteristics, are popular visitor destination points for recreational uses.

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 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. The City Council denied the project. The denial was remanded by the court on appeal.

In 1994, the applicant proposed a three-lot subdivision and submitted at least 12 geology reports and addendums. Also the Department of Building and Safety has issued 8 letters addressing adverse soil and geology conditions regarding the subject property.

After the court's remand, the Department of Building and Safety approved the most recent soils and geology reports. That 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.

In 1998, the City Council found "that there is a high degree of uncertainty that the subject site is physically suitable for the proposed subdivision as revised" (See Exhibit L). That finding was based on the following criteria:

- 1) The disagreement between experts over the adequacy of the geology and soils reports,
- 2) The admission by the Department of Building and Safety "of its mistake in originally approving the prior geology and soils reports,"
- 3) "Liabilities incurred by the City in the payments of judgements and settlements involving landslides and slope failures in hillside development that were approved by the Department." Nevertheless, the City approved the project in 1999.

The Commission's geologist, Mark Johnsson, reviewed all of the geology reports for the project and concluded the following:

The site is characterized by a very steep slope of approximately 35 degrees. The applicants have been able to design a foundation that marginally meets the required factor of safety of 1.5 for a static condition. They have not, however, demonstrated that the slope would be stable during ground shaking corresponding to the maximum credible earthquake at the site. Given the proximity of the site to the Malibu Coast Fault, the lack of a pseudo-static slope stability analysis, to evaluate slope stability during an earthquake, is troubling. Further, Eugene Michael reports in his letter of 21 Feb 1994 that "as a result of the Northridge earthquake of 17 January 1994, a series of ruptures indicating a surficial failure in the slope developed along the upper edge" of the slope at this site, further indicating that the site may not be stable under the much stronger ground shaking that might be expected during an earthquake centered on a fault closer to the site than was Northridge. The applicant has provided no analysis at all to evaluate the performance of the slope during an earthquake.

The stability analyses that were used to achieve the 1.5 factor of safety relied on a single cross section and a single foundation system. If this site is to be subdivided, then each proposed foundation must have a demonstrated factor of safety for the specific conditions at each site. The applicant has not shown that the conditions present on each proposed lot, together with a suitable foundation system, would meet a 1.5 factor of safety.

There appears to be some debate as to the depth of the artificial fill at this site. Small differences in the location of the fill/terrace contact could have profound effects on the stability analyses performed. Better documentation of the means by which the fill/terrace deposit contact was determined should be required. The

depth and configuration of fill must be determined before a conclusion can be made as to whether the proposed development is geologically stable.

The Commission's geologist raises significant issues regarding the adequacy of the applicant's slope stability analysis, an inadequate seismic analysis and inadequate information regarding the depth and configuration of artificial fill. Therefore, the Commission finds that the appeal raises a substantial issue regarding natural hazards. The Commission further finds that the appellant's contentions addressing natural hazards do raise a substantial issue with Section 30253 of the Coastal Act.

2. Public Views

Regarding public views, the appellant, in part, contends that:

- 1) The proposed project would eliminate public views from Mount Holyoke Avenue
- 2) Impact public views from the coastline looking toward the bluffside

The applicant, in part, responds that:

This contention ignores two important facts. First, conditions of approval have been proposed that will provide for four "view corridors" across the site. Second, there is a better, public viewing area located just two blocks to the south.

Because the subject property is privately owned, the owners have a Constitutionally protected right to use it in an economically viable fashion. Disapproval of the proposed three-lot subdivision for the purpose of protecting views of neighboring property owners or a few residents who walk along this local street would not advance a legitimate governmental interest, and would amount to taking of private property without payment of compensation.

Looking north and east from Pacific Palisades Park (away from the coastline), the only views that people now "enjoy" are the views of the backs of homes which already exist along the ridge line above. As shown in the aerial photograph attached hereto as Exhibit "B," the proposed Project constitutes infill development in a fully built-out portion of the community. Thus, the Project will be visually compatible with the surrounding areas. See Public Resources Code Section 30251. Furthermore, the Project will not involve the alteration of any natural landform, and the proposed foundation for the homes will be entirely below grade (i.e., there will be no "stilt" construction). For

these reasons, there will be no adverse impact whatsoever on views from Pacific Palisades Park.

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.

and 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.

The Commission does not agree with the applicant's contention that denial of the proposed 3-lot subdivision, if it is found to be inconsistent with the view protection policies of the Coastal Act, would be a "taking." If the proposed 3-lot subdivision is not approved, the applicant may seek approval for development on his existing lot. The applicant has not submitted any evidence indicating that disapproval of the proposed subdivision would deny all reasonable use of the property or interfere with his reasonable investment-backed expectations.

The subject parcel is located on a steep hillside bluff overlooking Temescal Park, a regional park, which is located adjacent and at the rear of the parcel. At the bottom of the canyon Temescal Canyon Road bisects the Park. This road is designated as a Scenic Highway in the adopted Scenic Highways Element of the City's General Plan.

The surrounding developed properties are located on the top of a mesa. The property is zoned R-1 which permits a minimum lot area of 5,000 sq. ft. The Brentwood Pacific Palisades Plan, which will be part of the City's LCP, designates the subject property for a low density residential use. The project is consistent with City's lot size and zoning standards.

The City found that the proposed density of the project, as revised from 4 lots to 3, is compatible with the character of the surrounding area. Most of the homes

have not been constructed down the canyon side. Most of the existing homes on the street are constructed on flat, level building pads "whereas the subject site is a steep cliff that requires the construction of protective devices as referred to" in the soils and geology reports

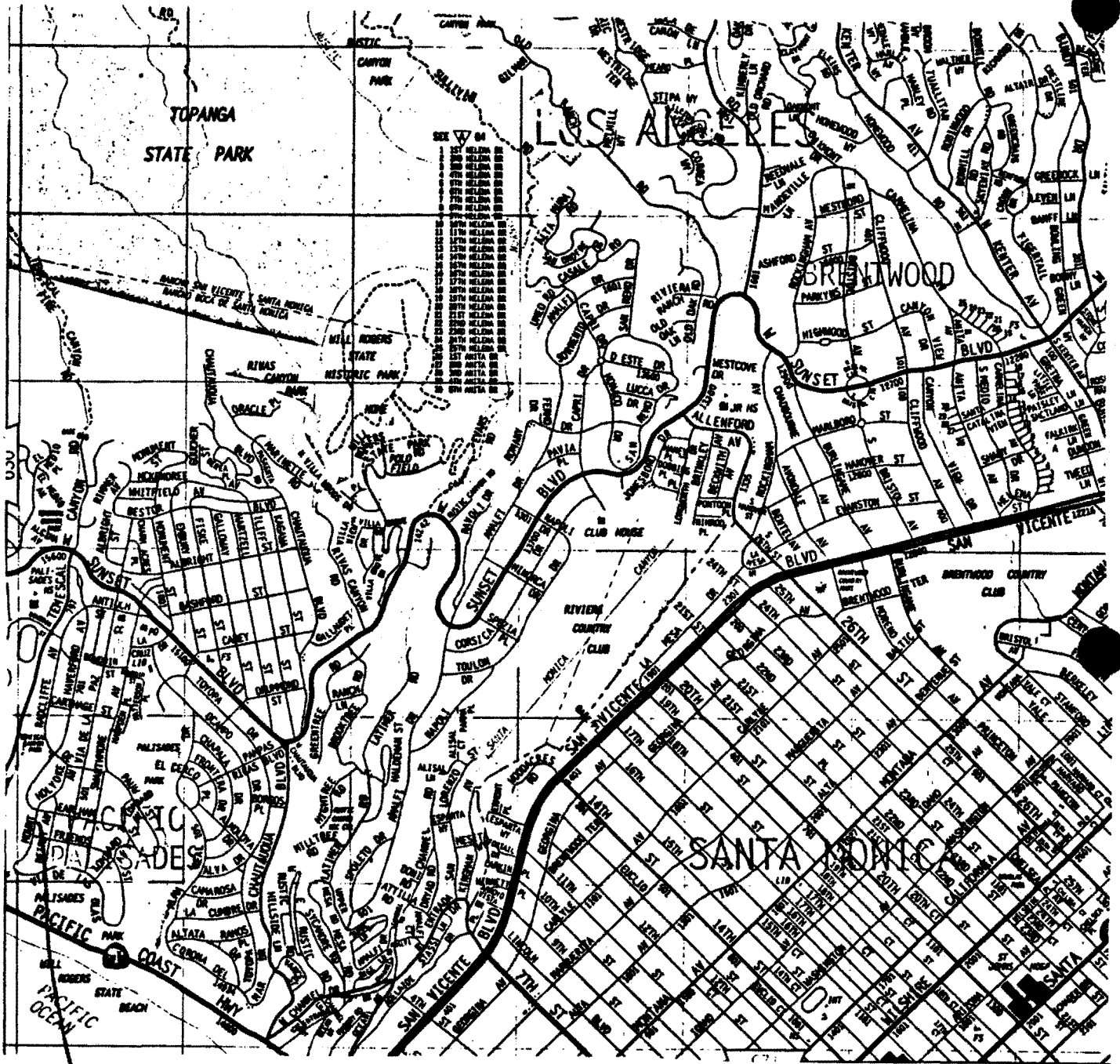
Mount Holyoke Avenue is a local neighborhood street that terminates at Via de Las Olas Park. From the project site a person can see a portion of Temescal Park and view the ocean and coastline. The public has used this street to access nearby Via de las Olas Park and to view the ocean and coast. The proposed lot design and layout will adversely impact public views of the coast. Also, when houses are constructed on these lots, they will be visible from the park, as are other houses.

In this present action, the City addressed view issues by limiting the height of the homes over the slope, preventing a house from extending out over the slope. The CDP appealed is for a subdivision. Even though the City has limited the size of future homes, the applicant is not now proposing construction of the homes. The conditions of approval are recorded.

The applicant has not provided plans which could be used to analyze public views from the park. Development in areas adjacent to parks shall be sited and designed so as not to degrade these areas, as required in Section 30240(b) of the Coastal Act. The protection of public views as a resource of public importance must be considered as required in Section 30251 of the Coastal Act. Therefore, the appellant's contentions addressing public views does raise a substantial issue with Section 30251 of the Coastal Act.

Conclusion

The applicant's lack of a view analysis, along with plans, does raise a substantial issue. The Commission finds that Substantial Issues exist with respect to the approved project's conformance with the public view provisions of Chapter 3 of the Coastal Act. Therefore, appeal No. A-5-PPI-99-225 raises Substantial Issue with respect to the grounds on which the appeal has been filed.



A-5-PPL-99-225

Exhibit A
A-5-PPL-99-225

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

South Coast Region



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

JUN 14 1999

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Barbara Schelbert

c/o Robert L. Glushon, Esq., Richman, Luna, Kichaven & Glushon
1801 Century Park East, Suite 2400, Los Angeles, CA 90067 (310) 556-1444
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City Of Los Angeles

2. Brief description of development being appealed: 3-lot subdivision of single-family homes

3. Development's location (street address, assessor's parcel no., cross street, etc.): 425 Mount Holyoke Avenue, Pacific Palisades, CA

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: City of Los Angeles granting of appeal filed by Mt. Holyoke Homes, L.P. Parcel Map # 68T0;
- c. Denial: Coastal Development Permit # 90-052

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-PPL-99-225

DATE FILED: 6-14-99

DISTRICT: South Coast Dist./Long Beach

H5: 4/88

Exhibit B
10F6
A-5-PPL-99-225

FILED
COUNTY CLERK
STATES

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: 4/7/99

7. Local government's file number (if any): 92-0164

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Mt. Holyoke Home, L.P., a California Limited Partnership
c/o John Bowman
2121 Avenue of the Stars, 10th Floor, Los Angeles, CA 90067

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Heinrich and Barbara Schelbert
412 Mount Holyoke Avenue
Pacific Palisades, CA 90272

(2) Sergio and Hedy Ciani
424 Mount Holyoke Avenue
Pacific Palisades, CA 90272

(3) Mark and Marie Stafford
436 Mount Holyoke Avenue
Pacific Palisades, CA 90272

(4) The Honorable Cindy Miscikowski
Los Angeles City Council
200 North Main Street, Room 407
Los Angeles, CA 90012

PLEASE SEE ATTACHED LIST
SECTION IV. Reasons Supporting This Appeal

Exhibit B
2 of 6
A-J-PPL-99-225

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached Addendum to Appeal From Coastal Permit Decision
of Local Government

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Robert L. Glushon

Signature of Appellant(s) or
Authorized Agent

Date June 14, 1999

NOTE: If signed by agent, appellant(s)
must also sign below.

Section VI. Agent Authorization

I/We hereby authorize ROBERT L. GLUSHON to act as my/our representative and to bind me/us in all matters concerning this appeal.

B Barbara Schelbert X
Signature of Appellant(s)

Date June 11th, 1999

Exhibit B
3 of 6

A-5-PP-99-225

**ADDENDUM TO APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

SECTION IV

1. Background

The subject property is a steep hillside lot overlooking Temescal Canyon and the coastline in Pacific Palisades. The proposal to develop the site has resulted in a decade of intense opposition and controversy in the community.¹

Prior attempts to gain development approvals, including a coastal development permit, were denied by the City of Los Angeles. The most recent denial was in 1992 when the City Council denied the developer's appeal of action by the Board of Zoning Appeals which disapproved a 4-lot subdivision and coastal development permit.²

Thereafter, the developer filed legal action and a writ of mandate was issued by the Los Angeles Superior Court to set aside the City Council's action and required reconsideration and findings. The developer then spent more than four years revising its soils and geology reports to ultimately obtain approval from the Los Angeles City Department of Building and Safety. Earlier this year, in a cloud of secrecy and controversy, the City Council decided to accept a settlement offer in the pending litigation by which the City agreed to approve a 3-lot project in return for which the developer waived its claims of alleged monetary damages.

Simply stated, the City Council chose to "settle" the developer's lawsuit rather than consider the policies and requirements of the Coastal Act as it applies to a coastal development permit.

2. Conflict with Section 30251 of the Coastal Act

The proposed project is in conflict with Section 30251 of the Coastal Act (California Public Resources Code) in that the project would totally eliminate any view of the ocean and coastline from a scenic vista on Mount Holyoke and would adversely impact the view from the coastline looking toward the steep cliff and bluffside of the subject property.

When the Advisory Agency of the City of Los Angeles approved a 4-lot subdivision in 1992, he expressly conditioned such approval by reserving one of the lots as "open space" to attempt to mitigate the otherwise total loss of coastal view. On appeal, the Board of Zoning Appeals ("BZA")

¹ Opponents of the proposed development include local City Councilmember Cindy Miscikowski, former City Councilmember Marvin Braude, the Pacific Palisades Community Council and the Pacific Palisades Residents Association.

² The 1992 application was initially approved by the Advisory Agency, however, one of the conditions of approval was that one lot would be set aside for "public" view protection of the coastline. The Board of Zoning Appeals felt that any development of the site was unsuitable and in conflict with local zoning regulations and based thereon denied the project in its entirety.

Exhibit E
4 of 6
A-5-PPL-99-225

denied the coastal development permit and subdivision in part because it felt that the project was in conflict with the Coastal Act. The City Council thereafter denied the project and upheld the decision of the BZA.

Section 30251 of the Coastal Act requires that the location and design of permitted development protect the scenic and visual quality of coastal areas. In addition, the Coastal Commission's Regional Interpretive Guidelines for Los Angeles County state that proposed development on a canyon bluff top should be set back at least ten feet from the bluff top edge or set back in accordance with a stringline.

The proposed development of three homes would block the public view of the ocean and coastline from Mount Holyoke. Contrary to the claims of the developer that the view blockage is private as to only a few residents, the entire community is affected as was attested to in the various public hearings. The subject property is a scenic vista which joggers, walkers and other community residents regularly enjoy. It is also located several blocks from Via de Las Osas Park at the end of Mount Holyoke.

There is no question that the project will destroy views of the ocean and the coastline. The developer simply states that they have the right to do so, regardless of what the Coastal Act says, simply because they own the property.

3. **The proposed project is in conflict with Section 30240 (b) of the Coastal Act.**

The subject property is located on the top of a steep hillside bluff overlooking Temescal Canyon and the southeast boundary of Palisades Park at the base of the cliff.

The subject property lacks any flat land whatsoever which makes it different than the other existing residences on Mount Holyoke that the developer would like to point to as "precedent". Unlike any other existing homes, the subject property would require massive stabilization of an otherwise unstable hillside featuring 4 rows of caisson-style soldier piles.

The impairment of view of the subject property from the Park makes the proposed project in conflict with the Coastal Act.

4. **The proposed project is in conflict with Section 30253 of the Coastal Act.**

Although there is debate over whether the project will be geotechnically stable notwithstanding a history of geologic and soil instability, it is undisputed that the developer will have to resort to the construction of protective devices - 4 rows of caisson-style soldier piles - that would alter the natural landform. The use of such protective devices, which would resemble a freeway grade beam, makes the project in conflict with this section of the Coastal Act.

No other homes in the area have this degrading feature. Maps of the area show that except for one residence with a 15 foot front yard setback, existing homes maintain a predominant 25 foot front yard setback consistent with the bluff top requirements of the Coastal Act. In contrast, the

Exhibit B
5 of 6
A-5-PPL-99-025

development of the subject property would allow a minimum setback of only 5 feet in order to allow 3 building pads.

Given the lack of flatland on the site and the need to utilize substantial protective devices to attempt to achieve stability, the proposed project is not in conformance with the Coastal Act.

5. California Environmental Quality Act

Section 13096(a) of the Coastal Commission's administrative regulations requires that approval of a coastal development permit must be supported by a finding that the application is consistent with the requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(I) of CEQA prohibits a proposed development if there are feasible alternatives which would lessen significant adverse impacts.

As proposed, the project would destroy public views of the ocean and coastline and allow massive caissons to be tunneled into the ground on this steep cliff lot.

There can be no question that the project is not the least environmentally damaging feasible alternative and the Commission should explore an appropriate balance between the rights of the property owner and the rights of the public which are protected by the Coastal Act.

CITY OF LOS ANGELES
CALIFORNIA

DEPARTMENT OF
CITY PLANNING
221 N FIGUEROA STREET
LOS ANGELES, CA 90012-2601

CITY PLANNING
COMMISSION

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PRESIDENT

ROBERT L. SCOTT
VICE-PRESIDENT

JORGE JACKSON
MARNA SCHNABEL

NICHOLAS H. STONNINGTON

GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 580-5234



RICHARD J. RIORDAN
MAYOR

RECEIVED
South Coast Region

MAY 14 1999

CALIFORNIA
COASTAL COMMISSION

EXECUTIVE OFFICES
16TH FLOOR

CON HOWE
DIRECTOR
(213) 580-1160

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR
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GORDON B. HAMILTON
DEPUTY DIRECTOR
(213) 580-1165

ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 580-1167

FAX: (213) 580-1176

INFORMATION
(213) 580-1172

NOTICE OF PERMIT ISSUANCE

Date: MAY 13 1999

TO: California Coastal Commission

FROM: City of Los Angeles Advisory Agency

SUBJECT: Parcel Map No.6810 and Coastal Development Permit No. 90-052

Pursuant to a Los Angeles City Council Action for 425 Mount Holyoke Avenue, Pacific Palisades, approval of Parcel Map No. 6810 and Coastal Development Permit No. 90-052 became final and in effect on April 7, 1999, and not subject to any further appeals. Unless an appeal has been filed with your office after Commission receipt of the enclosed Letter of Determination, and Notice of Receipt and Acknowledgment and Coastal Permit with conditions signed by the permittee, the action on Coastal Development Permit No. 90-052 should also become final and effective 20 days after receipt of the enclosures.

Note: Project is in the single permit jurisdiction area.

DARRYL L. FISHER
Deputy Advisory Agency

DLF:GR:tlh

cc: Applicant's representative

C:\MyFiles\The\lvobles\6810notperm.wpd

FINAL LOCAL ACTION NOTICE	
RECEIVED	<u>5.14.99</u>
REFERENCE	<u>CDP 90-052</u>
APPEAL PERIOD	<u>6.14.99</u>

Exhibit C
10 F4

A-5-PPL-99-225

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER
201 NORTH FIGUEROA STREET, ROOM 300 - (213) 977-6083
VAN NUYS - 6251 VAN NUYS BLVD., 1ST FLOOR, VAN NUYS 91401 - (818) 756-8596

CITY OF LOS ANGELES CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
CITY PLANNING
221 N FIGUEROA STREET
LOS ANGELES, CA 90012-2601

CITY PLANNING
COMMISSION

PETER M. WEIL
PRESIDENT
ROBERT L. SCOTT
VICE-PRESIDENT
JORGE JACKSON
MARNA SCHNABEL
NICHOLAS H. STONNINGTON

GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 580-5234

DATE: APR 27 1999

Mr. and Mrs. Stan Jones
529 Swarthmore Avenue
Pacific Palisades, CA 90272

RECEIVED
South Coast Region

MAY 14 1999

CALIFORNIA
COASTAL COMMISSION

EXECUTIVE OFFICES
16TH FLOOR
CON HOWE
DIRECTOR
(213) 580-1160
FRANKLIN P. EBERHARD
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ROBERT W. BUTTON
DEPUTY DIRECTOR
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INFORMATION
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NOTICE OF RECEIPT AND ACKNOWLEDGMENT AND ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 90-052

The Deputy Advisory Agency has approved Parcel Map No. 6810 and Coastal Development Permit No. 90-052, both found to be respectively in accordance with Section 17.53, and 12.20.2 of the Los Angeles Municipal Code, as well as the 1976 California Coastal Act.

Please sign below and return no later than 10 working days from MAY 07 1999

Parcel Map No.: 6810

Development Location: 425 Mt. Holyoke Avenue, Pacific Palisades

Development Description: Division of 1 Lot into 3 parcels.

I, DARRYL FISHER, hereby acknowledge receipt of this Permit No. 90-052 and accept the attached conditions herein made a part. I also acknowledge that if either construction starts before recordation of the parcel map or expiration of the coastal permit 2-year limit occurs, then I must file a new coastal permit application.

5-5-99
(Date)

[Signature]
(Signature)

Pursuant to the California Coastal Act of 1976, the proposed development is subject to the attached conditions and conditions of approved Parcel Map No. 6810.

Con Howe
Advisory Agency
[Signature]
DARRYL L. FISHER
Deputy Advisory Agency

DF:GR:tlh

Attachment:

cc: John Bowman

Jeffer, Mangels, Butler and Marmaro
California Coastal Commission

CP-1926

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER
201 NORTH FIGUEROA STREET, ROOM 300 - (213) 977-6063
VAN NUYS - 6251 VAN NUYS BLVD., 17 FLOOR, VAN NUYS 91401 - (818) 756-8596

Exhibit C
2 of 4

~~A-5-PPL-99-22~~
A-5-PPL-99-22

Coastal Development Permit Conditions

1. That prior to obtaining a Coastal Development Permit, a Covenant and Agreement (Form CP-1874) satisfactory to the Advisory Agency be recorded as follows: (Room 1540, 221 North Figueroa Street)
 - a. That per the definition of "floor area" contained in Section 12.03 of the Los Angeles Municipal Code, the total floor area of any dwelling to be constructed or maintain shall not exceed 3,500 square feet.
 - b. That for the purpose of determining the building height envelope and buildable area, each parcel to be developed shall be divided into two segments. The maximum width of each building height segment shall be the distance between the required side yard setbacks. The maximum depth of each building height segment shall be 40 feet. No development may extend beyond a depth of 60 feet measured from the front yard setback. The average existing natural grade of each building height segment shall be the average existing natural grade of the four corners of that building height segment.
 - c. That no building or structure shall exceed a height of 28 feet, measured as the vertical distance between the average existing natural grade (as defined under Condition No. 1-b above) to the highest point of the roof or parapet wall, whichever is higher. No allowance for additional building height, as otherwise provided under Section 12.21.1.-B 2 and 3 or Section 12.21-A 17(c) of the Los Angeles Municipal Code, shall be permitted.
 - d. That any landscaping or fencing to be done within the fifteen-foot side yard along the southerly and northerly boundaries of the subject property (see Condition 1-f below) shall be maintained at, or be of a type that will not exceed a height of 4 feet measured from the midpoint of the front yard setback and continuing at that height on a horizontal plane for the depth of the building or structure.
 - e. That in accordance with the definition of "front yard" contained in Section 12.03 of the Los Angeles Municipal Code and notwithstanding Los Angeles Municipal Code Sections 12.08, 12.26, 12.27 and 12.21-A 17, any structures to be built shall observe and maintain on each side, a side yard of not less than 7 feet 6 inches, except that a side yard of not less than 15 feet shall be observed and maintained along the southerly and northerly boundaries of the subject property.
 - f. That in accordance with the definition of "side yard" contained in Section 12.03 of the Los Angeles Municipal Code and notwithstanding Los Angeles

Exhibit C
3 of 4

A-5-PP2-99-225

Municipal Code Sections 12.08, 12.26, 12.27 and 12.21-A 17, any structures to be built shall observe and maintain on each side, a side yard of not less than 7 feet 6 inches, except that a side yard of not less than 15 feet shall be observed and maintained along the southerly and northerly boundaries of the subject property.

2. That the conditions imposed under the approval of Parcel Map LA No. 6810 be strictly complied with.
3. That a Coastal Development Permit will not be of force or effect unless and until Parcel Map LA No. 6810 is recorded.
4. That any assignment of the Coastal Permit shall be in compliance with Section 13170 of the Coastal Commission Administrative Regulations.
5. That the Coastal Development Permit is valid for an initial 2 years, and effective 20 days after the Coastal Commission receives a signed Notice of Receipt and Acknowledgment and Permit Issuance, unless an appeal is filed with the Coastal Commission. The permit is renewable annually, for 1-year periods, if a request to extend the time is submitted before the 2-year expiration date and before construction begins.
6. That if the Notice of Receipt and Acknowledgment and Issuance of Coastal Development Permit No. 90-052 is not signed and returned within the prescribed 10 day period, MAY 07 1999, an application for a time extension may not be accepted and the permit appeal period will not commence.

Exhibit C
4 of 4

A-5-PR-99-225

J. MICHAEL CAREY
City Clerk

When making inquiries
relative to this matter
refer to File No.

92-0164

CD 11

April 13, 1999

Council Member Miscikowski
Planning Commission
Director of Planning
Advisory Agency
Information Technology Agency
Bureau of Engineering,
Development Services Division
Attn: Glenn Hirano

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Fl., Ste 100
Long Beach, CA 90802-4302

RE: SETTLEMENT IN THE CASE ENTITLED, MT. HOLYOKE HOMES LTD., ET AL. V. CITY OF LOS ANGELES, ET AL., AND APPEAL REGARDING PARCEL MAP 6810 AND COASTAL DEVELOPMENT PERMIT 90-052 FOR PROPERTY LOCATED AT 425 MT. HOLYOKE AVENUE IN PACIFIC PALISADES

At the meeting of the Council held April 7, 1999, the following action was taken:

Attached report adopted, as amended.....	X
Amending motion (Miscikowski - Hernandez) adopted.....	X
Attached motion (Bernson - Hernandez) adopted in open session..	X
FORTHWITH.....	X
Findings adopted.....	X
Mitigated Negative Declaration adopted.....	X
Categorically exempt.....	
Generally exempt.....	

J. Michael Carey

City Clerk
bs

st:eno\920164

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

MAY 14 1999

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CALIFORNIA
COASTAL COMMISSION
CITY OF ANGELES

APR 20 1999

CITY PLANNING
DIVISION OF LAND

John M. Bowman
Jeffer, Mangels, Butler & Marmaro
2121 Avenue of the Stars, 10th Floor
Los Angeles, CA 90067-5010

Department of Transportation,
Traffic/Planning Sections
Department of Building & Safety
c/o Zoning Coordinator
City Attorney
Attn: Jolaine Harkless
Council Member Hernandez
Council Member Bernson

Exhibit D
1 of 2

A-5-PR-99-225

47
MOTION

I MOVE that the Council accept the terms of the Offer of Settlement on the Council file (attached to City Attorney Report No. R98-0197; Council File No. 92-0164) in connection with *Mt. Holyoke Homes, Ltd. et al. v. City of Los Angeles, et al.*, LASC Case No. BC 060183, thereby approving the settlement.

JS

MOVED by

Del Bern

SECONDED by

Michelle

MO.

ADOPTED
IN OPEN SESSION
APR 07 1999
LOS ANGELES CITY COUNCIL

Exhibit D
2092
A-J-PP2-99-225

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>—</u>

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Appeal regarding Parcel Map 6810 and Coastal Development Permit 90-052 for property located at 425 Mt. Holyoke Avenue in Pacific Palisades.

Recommendations for Council action (Bernson and Hernandez voting yes; Miscikowski voting no):

1. FIND that this project will not have a significant effect on the environment for the reasons set forth in the Mitigated Declaration, since the accompanying mitigation measures will reduce any potential significant adverse effects to a level of insignificance.
2. ADOPT the FINDINGS prepared by the Planning Department at the direction of the Planning and Land Use Management Committee as the FINDINGS of the Council.
3. GRANT the appeal filed by Mt. Holyoke Homes, LP, applicant, relative to Parcel Map 6810 and Coastal Development Permit 90-052 for property located at 425 Mt. Holyoke Avenue in Pacific Palisades and APPROVE the parcel map, as modified, for three lots for the development of three single-family dwellings and APPROVE Coastal Development Permit for the three lot project, subject to the accompanying conditions as recommended by the Deputy Advisory Agency, the Department of Building and Safety and the Engineering Geology Advisory Committee.

Fiscal Impact Statement: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Summary:

At their meeting held April 22, 1992, Council denied the appeal of Mt. Holyoke Homes, LP, from the decision of the Board of Zoning Appeals in disapproving Parcel Map No. 6810 and Coastal Development Permit No. 90-052 for a four-lot subdivision on property located at 425 Mt. Holyoke Avenue. At their meeting held January 21, 1994, as a result of a Superior Court decision granting a writ of mandate in connection with the lawsuit Mt. Holyoke Homes, Ltd., et al. v. City of Los Angeles, et al., Council set aside, and referred back to the Planning and Land Use Management Committee for further consideration, their decision to deny this appeal.

Exhibit E
103

A-5-PM2-99-225

* AMENDED AS AMENDED BY CCL. action of 4-7-99

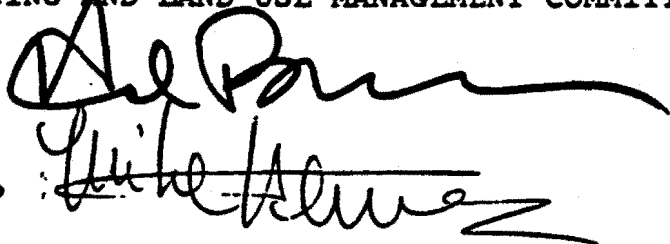
The Planning and Land Use Management Committee scheduled this matter for consideration at several meetings that followed. In a July 17, 1998 report to the Planning and Land Use Management Committee and the Deputy Advisory Agency (attached to Council File No. 92-0164), the Department of Building and Safety states the Department's Grading Division reviewed soils and geology reports on the site's topography and found that the project can be developed safely, subject to compliance with the Department's conditions, including the design and construction of soldier piles for the large lateral loads. In a separate July 17, 1998 report to the Planning and Land Use Management Committee (attached to Council File No. 92-0164), the Planning Department's Deputy Advisory Agency proposed that, based on the Department of Building and Safety report, the Committee consider a three-lot parcel map and recommended the imposition of numerous parcel map and Coastal Development Permit conditions. At their meeting held September 8, 1998, the Committee conducted a public hearing and thereafter referred this matter to the Department of Building and Safety Grading Division for scheduling of a meeting of the Engineering Geology Advisory Committee.

At their meetings held February 23, and March 2, 1999, the Planning and Land Use Management Committee continued this matter to allow for further time to review the January 20, 1999, minutes of the Engineering Geology Advisory Committee (attached to Council File No. 92-0164).

At their meeting held March 16, 1999, the Committee further discussed this matter with representatives of the Department of Building and Safety and the City Attorney. The Department of Building and Safety representative stated that the Engineering Geology Advisory Committee has reviewed the proposed development and determined that the property could be safely developed into three parcels subject to the conditions of approval imposed by the Department of Building and Safety and the additional conditions imposed by the Engineering Geology Advisory Committee. The Planning and Land Use Management Committee (Bernson and Hernandez voting yes, Miscikowski voting no) recommended that Council approve the parcel map for three lots and a Coastal Development permit for the development of three single-family dwellings, subject to the conditions recommended by the Deputy Advisory Agency, the Department of Building and Safety, and the Engineering Geology Advisory Committee. The Committee further directed Planning Department staff to prepare the necessary findings for Council action.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



REPT
ADOPTED
*AS AMENDED
APR 07 1999

LOS ANGELES CITY COM
MIT NEG DEC & FINDINGS ADOPTED
SEE MOTION ATTACHED

JAW
4/5/99

Attachments: Conditions of Approval
#920164

EXHIBIT E
2043
A-5-PPL-99-225

MOTION

40 A

I move to amend Parcel Map 6810 as presented in Council Agenda item #40 by revising condition (16) to read as follows:

Revised Condition (16):

The soils and geology reports approved by the Department of Building and Safety and condition no. (17) through (39) inclusive, below, which are based on those reports, shall govern the construction of single-family dwellings on three lots. If one or more lots are sold prior to the stabilization and site preparation of all three lots, and if such new owner or owners desire to change the stabilization site preparation and other conditions of approval for each lot separately, an application for modification of this parcel map shall be filed and new soils and geology reports will be required for each lot. In this event, new conditions, which may or may not be more stringent, may be imposed by the Department of Building and Safety in order to assure adequate stabilization. Prior to recordation of the parcel map, the subdivider shall either secure all necessary permits for site preparation and stabilization for all three lots or record a Covenant Agreement to the Department of Building and Safety and the Advisory Agency setting forth the substance of this condition. In either event, no grading work may be done and no structure may be built unless all required permits have been obtained (Room 300-1, 201 North Figueroa Street)

April 7, 1999

Presented by: Cindy Miscikowski
Cindy Miscikowski
Councilmember, 11th District

Seconded by: [Signature]

* MOTION EXHIBIT E
ADOPTED 3 of 3
AS-PPL -99-225

APR 07 1999

LOS ANGELES CITY COUNCIL

CITY OF LOS ANGELES
CALIFORNIA

92-0164

DEPARTMENT OF
CITY PLANNING
221 N. FIGUEROA STREET
LOS ANGELES, CA 90012-2601

CITY PLANNING
COMMISSION

PETER M. WEIL
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ROBERT L. SCOTT
VICE-PRESIDENT

MARNA SCHNABEL

NICHOLAS H. STONNINGTON

ANTHONY N.R. ZAMORA

COMMISSION
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RICHARD J. RIORDAN
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ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 580-1167

FAX: (213) 580-1176

INFORMATION
(213) 580-1172

Date: JUL 17 1998

TO: Planning and Land Use Management Committee
(Council File No. 92-0164)

FROM: Darryl L. Fisher *[Signature]*
Deputy Advisory Agency

RE: Parcel Map LA No. 6810 at 425 Mount Holyoke Avenue, Pacific Palisades
Coastal Development Permit No. 90-052

Honorable Members:

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 its recommendations 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.

I understand that the Division's report and related parcel map and coastal development permit will be back before you shortly. Therefore, the Deputy Advisory Agency has reviewed the Division's favorable report, along with the original findings, Mitigated Negative Declaration 90-0843, and the original conditions of approval for a 4-lot subdivision that would have reserved one lot as a view lot.

*Exhibit F
1 of 9*

The original Deputy Advisory Agency approval, which included a set aside fourth lot, was based on grading reports and public comments suggesting that minimizing the area of the site to be graded would help deter grading problems, while providing a public view of the

A-5-PR-99-225

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER
CITY HALL - 200 N. SPRING STREET, RM. 4605 - (213) 485-7826
VAN NUYS - 6251 VAN NUYS BLVD., 1ST FLOOR, VAN NUYS 91401 - (818) 756-8596

coast. However, in light of the current favorable report and proposed location of three dwellings within larger lot areas, the Deputy Advisory Agency proposes consideration of a 3-lot parcel map, finding that a fourth view lot would potentially increase traffic into the neighborhood and reduce the privacy of adjoining owners.

Should the Committee recommend approval of a parcel map and coastal development permit for a 3-lot project, then the Deputy Advisory Agency recommends approval of Parcel Map LA No. 6810 and Coastal Development Permit No. 90-052 subject to Municipal Code Sections 17.53 and 12.20.2, and the following conditions. The Advisory Agency will prepare findings at the direction of the Committee.

Conditions

1. That Mount Holyoke Avenue adjoining the property be improved by constructing additional concrete sidewalk to complete a 6-foot sidewalk adjacent to the property line together with the transitions to join existing improvements satisfactory to the City Engineer. (West Los Angeles Engineering District)
2. That concrete access ramps be constructed at all appropriate locations at the intersections of Mount Holyoke Avenue with Radcliffe Avenue, Earlham Street and Friends Street. (West Los Angeles Engineering District)
3. That street trees be planted and tree wells be installed as necessary along Mount Holyoke Avenue adjoining the property as required by the Street Tree Division of the Bureau of Street Maintenance. (Room 1600, 600 South Spring Street)
4. That one of the following alternatives for sanitary sewer availability for the parcels be completed satisfactory to the City Engineer: (West Los Angeles Engineering District)
 - a. Construct house connection sewers in Mount Holyoke Avenue to serve the parcels and record a Covenant and Agreement to inform future owners and developers that on-site pump systems may be required to provide gravity flow from the property line to the mainline sewer.
 - or
 - b. Construct mainline and house connection sewers within a 10-foot dedicated sanitary sewer easement along the westerly property line and within an acquired variable width easement over the southwesterly corner of the southeasterly half of that property identified as Ownership No. 68 on the radius map.

Exhibit F
2 of 9
AS-PPL-99-225

5. That a clearance be obtained from the Department of Building and Safety, Zoning, and be submitted to the Advisory Agency showing that no violations of the Building or Zoning Codes are created by the proposed division of land and/or development. (Room 300-P, 201 North Figueroa Street)
6. That street lighting facilities to serve the subject property be installed, as required by the Bureau of Street Lighting. (600 South Spring Street)
7. That suitable arrangements be made with the Fire Department with respect to the following: (Room 920, City Hall East)
 - a. Submit plot plans for Fire Department review and approval prior to recordation of the final Parcel Map.
 - b. This project is located in the Mountain Fire District and shall comply with requirements set forth in the City of Los Angeles Municipal Code, Section 57.25.01.

Mitigating measures shall include, but not be limited to the following:

1. Boxed-in eaves.
2. Single pane, double thickness (minimum 1/8" thickness) insulated windows.
3. Nonwood siding.
4. Exposed wooden members shall be two inches nominal thickness.
5. Noncombustible finishes.

All structures shall have noncombustible roofs (nonwood).

8. That a recreation and park fee be paid for three parcels or be guaranteed to be paid in a manner satisfactory to the Department of Recreation and Parks, as provided by Section 17.12-A of the Los Angeles Municipal Code, within one year after Council approves final map. (Room 1290, City Hall East)
9. That prior to the recordation of the final parcel map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with Form CP-6730. (Room 1540, 221 North Figueroa Street)

Exhibit F
P. 3 of 9
AS-PPL-99-225

The landscape plan shall identify particular plants or other approved landscaping material that will effectively screen the proposed improvements to soften any visual impact of the structures from the vantage point of Temescal Canyon Road, and to help visually harmonize development with the hillside terrain and environment. The plan shall reflect plant types or other approved landscaping materials that are fire resistant. Further, any landscape material to be used within fifteen feet of the southerly and northerly boundaries of the subject property shall be maintained at or be of a type that will not exceed a height of 4 feet measured from the midpoint of the front yard setback and continuing at that height on a horizontal plane for the depth of the building or structure. Finally, the plan shall indicate the location, size, type and condition of all existing *Coreopsis gigantea* on the site and, if proposed to remain, how they are to be protected. Any *Coreopsis gigantea* plant removed shall be replaced on the site on a 1:1 basis.

In the event the required landscape plan is not completed prior to the recordation of the final map, the subdivider shall record a covenant and agreement (Form CP-1874), satisfactory to the Advisory Agency for approval *prior to obtaining any building or grading permits* (whichever comes first).

10. That a covenant and agreement (Form CP-1874), satisfactory to the Advisory Agency be recorded prior to final parcel map recordation as follows: That if any archaeological materials are encountered during the course of the project development, the project shall be halted. The subdivider shall employ either: a staff archaeologist of the Center for Public Archaeology, Cal State University Northridge; a qualified member of the Society of Professional Archaeology (SOPA); or a SOPA-qualified archaeologist to assess the resources and evaluate the impact. Copies of any archaeological survey, study or report prepared by said archaeologist shall be submitted to the UCLA Archaeological Information Center.
11. That satisfactory arrangements be made with the Department of Building and Safety, Grading Division, with respect to approval of a grading plan in conformance with the Grading Ordinance of the Los Angeles Building Code prior to the recordation of the final parcel map. (Room 300-I, 201 North Figueroa Street)
12. That prior to final parcel map recordation, two copies of a parking and driveway plan incorporating the provisions of "a" and "b" below, shall be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building plans for plan check by the Department of Building and Safety, or that a Covenant and Agreement be recorded agreeing to submit the parking and driveway plan. (Room 300-J, 201 North Figueroa Street)
 - a. Not more than one driveway shall be permitted for each parcel.

Exhibit F
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- b. A minimum of two covered parking spaces per dwelling unit shall be provided.
13. That a revised preliminary Parcel Map (5 copies) be submitted satisfactory to the Advisory Agency showing three parcels. (Room 1540, 221 North Figueroa Street)
14. That a Covenant and Agreement (Form CP-1874), satisfactory to the Advisory Agency be recorded prior to final parcel map recordation as follows: That a registered civil engineer or architect, a licensed landscape architect, and an archaeologist who meets the qualifications set forth in Condition No. 10, shall provide certification, prior to the issuance of a Certificate of Occupancy, that the foregoing mitigation items required by Condition Nos. 9, 10 and 12 respectively have been complied with. This covenant shall run with the land. (Room 1540, 221 North Figueroa Street)
15. That the owner obtain a Coastal Development Permit, subject to six conditions, to allow the development of three single-family detached dwellings with a minimum of two covered parking spaces per dwelling unit on Parcels A, B, and C respectively, prior to recordation of the final parcel map. (Room 300-N, 201 North Figueroa Street)
16. The soils and geology reports approved by the Department of Building and Safety prior to the recordation of the parcel map, and Condition Nos. (17) through (39), inclusive, below, which are based on those reports, shall govern the construction of single-family dwellings on the three lots only if site preparation and stabilization is to be accomplished jointly for all three lots at the same time. If one or more lots are sold prior to site preparation and stabilization, or if those functions will be performed for each lot separately, then new soil and geology reports will be required for each lot, and new conditions, which may or may not be more stringent, may be imposed by the Department of Building and Safety in order to assure adequate stabilization. Prior to recordation of the parcel map, the subdivider shall either secure all necessary permits for site preparation and stabilization for all three lots, or record a Covenant and Agreement satisfactory to the Department of Building and Safety and the Advisory Agency, setting forth the substance of this condition. In either event, no grading work may be done, and no structure may be built, unless all required permits have been obtained. (Room 300-I, 201 North Figueroa Street)
17. Prior to the issuance of any permits, the consultants shall review the detailed access and site preparation plans (grading plans) and present recommendations to the owner, contractor and Building and Safety concerning equipment access and excavated spoil removal from the site.

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18. Construction of the soldier piles shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Department of Building and Safety and the Department of Public Works.
19. The geologist and soils engineer shall review and approve the detailed plans by the civil/structural engineer prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
20. Graded cut and fill slopes are not proposed, also no retaining walls are planned.
21. All recommendations of the reports, Soils Engineering Reports No. 3121 dated 6/12/96, 5/8/96, 4/19/96, 11/7/95, 9/19/95 by Subsurface Design and Soil Engineering Reports No. M2670, dated 8/7/95, 4/27/95, 12/5/94, 11/2/94, 10/4/94 by G.C. Masterman and Associates signed by Gary Masterman (GE 567) and Geological Reports No. 4-798-12 and 4-798-1 by R.L. Sousa, dated 10/27/94, 9/22/94, signed by Robert Sousa, (CEG 1315) which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
22. The site shall be stabilized by 4 rows of soldier piles designed to resist a total lateral load of 55.3 kips per foot along the slope, as recommended in the June 12, 1996 report.
23. At a minimum, the lateral load shall be considered acting at a point two-thirds of the distance down to the 1.38 factor of safety line, as recommended, with all lateral resistance developed below the 1.5 factor of safety projection.
24. The applicant is advised that the approval of these reports does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.
25. A grading permit shall be obtained as required by Los Angeles Building Code Section 91.106.12.
26. Prior to excavation, an initial inspection shall be called at which time the sequence of shoring, protection fences and dust and traffic control will be scheduled.
27. A copy of the current report dated 6/12/96, 5/8/96 and 4/19/96 and previous referenced reports dated 9/22/94, 10/27/94, 10/4/94, 4/27/95, 8/7/95 and 9/19/95 and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker

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prior to issuance of any permits.

28. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the reports listed in Item 27 above have been encountered and to provide recommendations for the correction of hazards found during construction.
29. Any recommendations prepared by the consulting geologist and/or the soils engineer for correction of geological hazards found during construction shall be submitted to the Department of Building and Safety for approval prior to utilization in the field.
30. All roof and concentrated drainage shall be conducted to the street in an acceptable manner.
31. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind the grade beams shall be approved by the Soil Engineer and accepted by the Department of Building and Safety. Installation of the subdrainage system shall be inspected and approved by the Soil Engineer, and the City Inspector.
32. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored to its original condition.
33. Footings adjacent to a descending slope which is steeper than 3:1 in gradient shall be located a distance away from the face of the slope as required by Section 91.1806.4.3 of the Code.
34. All friction pile or caisson drilling and installation shall be performed under the periodic inspection and approval of the Foundation Engineer.
35. Pile and/or caisson foundation ties are required by Code Section 91.1807.2. Exceptions and modification to this requirement are provided in Rule of General Application 662.
36. All applicable requirements of Rule of General Applications 2-84 (RGA 2-84) shall be incorporated into the construction plans.
37. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the reports, but that no concrete shall be poured

Exhibit F
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AS-PPL-99-225

until the City Building Inspector has also inspected and approved the footing excavations. A written certification that this inspection was done for all foundations shall be filed with the Department of Building and Safety upon completion of the work.

- 38. All dwellings shall be connected to the public sewer system.
- 39. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for any proposed slot cutting, shoring, tie-back, and the drilling and installation of all deep foundations.

Coastal Development Permit Conditions

- 1. That prior to obtaining a Coastal Development Permit, a Covenant and Agreement (Form CP-1874) satisfactory to the Advisory Agency be recorded as follows: (Room 1540, 221 North Figueroa Street)
 - a. That per the definition of "floor area" contained in Section 12.03 of the Los Angeles Municipal Code, the total floor area of any dwelling to be constructed or maintained shall not exceed 3,500 square feet.
 - b. That for the purpose of determining the building height envelope and buildable area, each parcel to be developed shall be divided into two segments. The maximum width of each building height segment shall be the distance between the required side yard setbacks. The maximum depth of each building height segment shall be 40 feet. No development may extend beyond a depth of 60 feet measured from the front yard setback. The average existing natural grade of each building height segment shall be the average existing natural grade of the four corners of that building height segment.
 - c. That no building or structure shall exceed a height of 28 feet, measured as the vertical distance between the average existing natural grade (as defined under Condition No. 1-b above) to the highest point of the roof or parapet wall, whichever is higher. No allowance for additional building height, as otherwise provided under Section 12.21.1-B 2 and 3 or Section 12.21-A 17(c) of the Los Angeles Municipal Code, shall be permitted.
 - d. That any landscaping or fencing to be done within the fifteen-foot side yard along the southerly and northerly boundaries of the subject property (see Condition 1-f below) shall be maintained at, or be of a type that will not exceed a height of 4 feet measured from the midpoint of the front yard

Exhibit F
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setback and continuing at that height on a horizontal plane for the depth of the building or structure.

- e. That in accordance with the definition of "front yard" contained in Section 12.03 of the Los Angeles Municipal Code, a minimum front yard of 5 feet shall be observed and maintained, notwithstanding Municipal Code Sections 12.08, 12.26, 12.27 and 12.21-A 17.
 - f. That in accordance with the definition of "side yard" contained in Section 12.03 of the Los Angeles Municipal Code and notwithstanding Los Angeles Municipal Code Sections 12.08, 12.26, 12.27 and 12.21-A 17, any structures to be built shall observe and maintain on each side, a side yard of not less than 7 feet 6 inches, except that a side yard of not less than 15 feet shall be observed and maintained along the southerly and northerly boundaries of the subject property.
2. That the conditions imposed under the approval of Parcel Map LA No. 6810 be strictly complied with.
 3. That a Coastal Development Permit will not be of force or effect unless and until Parcel Map LA No. 6810 is recorded.
 4. That any assignment of the Coastal Permit shall be in compliance with Section 13170 of the Coastal Commission Administrative Regulations.
 5. That the Coastal Development Permit is valid for an initial 2 years, and effective 20 days after the Coastal Commission receives a signed Notice of Receipt and Acknowledgment and Permit Issuance, unless an appeal is filed with the Coastal Commission. The permit is renewable annually, for 1-year periods, if a request to extend the time is submitted before the 2-year expiration date and before construction begins.
 6. That if the Notice of Receipt and Acknowledgment and Issuance of Coastal Development Permit No. 90-052 is not signed and returned within the prescribed 10 day period, _____(date), an application for a time extension may not be accepted and the permit appeal period will not commence.

DF:GR:shk

C:\6810 revised letter.wpd

Exhibit F
909
A5-M2-99-225

92-0164

City of Los Angeles
INTER-DEPARTMENTAL CORRESPONDENCE

July 17, 1998

Log No. 18044
(Grading Tentative Tract Doc - 51)

To: Planning and Land Use Management Committee
c/o City Clerk's Office
Room 615, City Hall East

RECEIVED
APR 07 2000

Darryl Fisher, Deputy Advisory Agency
Department of City Planning,
221 No. Figueroa St. Room 1540

CALIFORNIA
COASTAL COMMISSION

From: Theodore D. Nickerson, Staff Geologist
David T. Hsu, Staff Geotechnical Engineer *TJH*

Subject: PARCEL MAP 6810
LOTS: A-C
LOCATION: 425 MOUNT HOLYOKE AVENUE

CURRENT REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Soils Reports	3121	06/12/96	Subsurface Design
	3121	05/08/96	
	3121	04/19/96	

PREVIOUS REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Soils Reports	3121	11/07/95	Subsurface Design
	3121	09/19/95	
	M2670	08/07/95	G.C. Masterman
	M2670	04/27/95	
	M2670	12/05/94	
	M2670	11/02/94	
	M2670	10/04/94	
Geology Reports	4-798-12	10/27/94	R.L. Sousa
	4-798-1	09/22/94	Bldg & Safety
Department Letters	16573	12/07/95	
	16073	10/26/95	
	15633	09/15/95	
	39545	06/12/95	
	38362	01/25/95	

Exhibit G
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	37703	12/12/94
	37368	10/24/94
Inter-Dept Letter	20808	04/12/94

The Grading Section of the Department of Building and Safety has made a field inspection and reviewed the preliminary three (3) lot parcel map together with the geological and soil engineering reports. According to the reports, the site has a factor of safety as low as 1.38. To bring the factor of safety up to 1.5, it is now proposed to install 4 rows of soldier piles interconnected with grade beams. The piles along each row will be 20 feet apart and designed for a lateral load of 276.5 kips each.

It is the opinion of the Grading Section that the property which is the subject of this parcel map can be developed as proposed (3 single-family dwellings), provided all of the following conditions can be complied with, including the design and construction of the soldier piles for the large lateral loads:

1. The soils and geology reports approved by the Department of Building and Safety prior to the recordation of the parcel map, and Conditions Nos. (2) through (24), inclusive, below, which are based on those reports, shall govern the construction of single family dwellings on the three lots only if site preparation and stabilization is to be accomplished jointly for all three lots at the same time. If one or more lots are sold prior to site preparation and stabilization, or if those functions will be performed for each lot separately, then new soil and geology reports will be required for each lot, and new conditions, which may or may not be more stringent, may be imposed by the Department of Building and Safety in order to assure adequate stabilization. Prior to recordation of the parcel map, the subdivider shall either secure all necessary permits for site preparation and stabilization for all three lots, or record a covenant and agreement satisfactory to the Department of Building and Safety and the Advisory Agency, setting forth the substance of this condition. In either event, no grading work may be done, and no structure may be built, unless all required permits have been obtained.
2. Prior to the issuance of any permits, the consultants shall review the detailed access and site preparation plans (grading plans) and present recommendations to the owner, contractor and Building and Safety concerning equipment access and excavated spoil removal from the site.
3. Construction of the soldier piles shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Department and the Department of Public Works.
4. The geologist and soils engineer shall review and approve the detailed plans by the civil/structural engineer prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
5. Graded cut and fill slopes are not proposed, also no retaining walls are planned.

Exhibit G

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6. All recommendations of the reports, Soil Engineering Reports No. 3121 dated 6/12/96, 5/8/96, 4/19/96, 11/7/95, 9/19/95 by Subsurface Design and Soil Engineering Reports No. M2670, dated 8/7/95, 4/27/95, 12/5/94, 11/2/94, 10/4/94 by G.C. Masterman and Associates signed by Gary Masterman (GE 567) and Geological Reports No. 4-798-12 and 4-798-1 by R.L. Sousa, dated 10/27/94, 9/22/94, signed by Robert Sousa, (CEG 1315) which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
7. The site shall be stabilized by 4 rows of soldier piles designed to resist a total lateral load of 55.3 kips per foot along the slope, as recommended in the June 12, 1996 report.
8. At a minimum, the lateral load shall be considered acting at a point two-thirds of the distance down to the 1.38 factor of safety line, as recommended, with all lateral resistance developed below the 1.5 factor of safety projection.
9. The applicant is advised that the approval of these reports does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.
10. A grading permit shall be obtained as required by Los Angeles Building Code Section 91.106.1.2.
11. Prior to excavation, an initial inspection shall be called at which time the sequence of shoring, protection fences and dust and traffic control will be scheduled.
12. A copy of the current reports dated 6/12/96, 5/8/96 and 4/19/96 and previous referenced reports dated 9/22/94, 10/27/94, 10/4/94, 4/27/95, 8/7/95 and 9/19/95 and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of any permits.
13. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the reports listed in Item 12 above have been encountered and to provide recommendations for the correction of hazards found during construction.
14. Any recommendations prepared by the consulting geologist and/or the soils engineer for correction of geological hazards found during construction shall be submitted to the Department of Building and Safety for approval prior to utilization in the field.
15. All roof and concentrated drainage shall be conducted to the street in an acceptable manner.
16. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind grade beams shall be approved by the Soil Engineer and accepted by the Department of Building and Safety. Installation of the subdrainage system shall be inspected and approved by the Soil Engineer, and the City Inspector. *Exhibit G*
3 of 4
17. All loose foundation excavation material shall be removed prior to commencement of framing.

Page 4
425 Mt Holyoke Avenue
July 17, 1998

- Slopes disturbed by construction activities shall be restored to its original condition.
18. Footings adjacent to a descending slope which is steeper than 3:1 in gradient shall be located distance away from the face of the slope as required by Section 91.1806.4.3 of the Code.
 19. All friction pile or caisson drilling and installation shall be performed under the period inspection and approval of the Foundation Engineer.
 20. Pile and/or caisson foundation ties are required by Code Section 91.1807.2. Exceptions or modification to this requirement are provided in Rule of General Application 662.
 21. All applicable requirements of Rule of General Application 2-84 (RGA 2-84) shall be incorporated into the construction plans.
 22. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification that this inspection was done on all foundations shall be filed with the Department of Building and Safety upon completion of the work.
 23. All dwellings shall be connected to the public sewer system.
 24. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for any proposed slot cutting, shoring, tie-back, and the drilling and installation of all deep foundations.

TR
TRS/JWC/TDN:rim
A:JUN18044
(213) 977-6329

cc: Subsurface Design (G. C. Masterman)
R.L. Sousa
VN District Office

Exhibit G
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AS-PPL-99-225

Kovacs-Byer and Associates Inc.

CONSULTING ENGINEERS and GEOLOGISTS

BY LP DATE _____

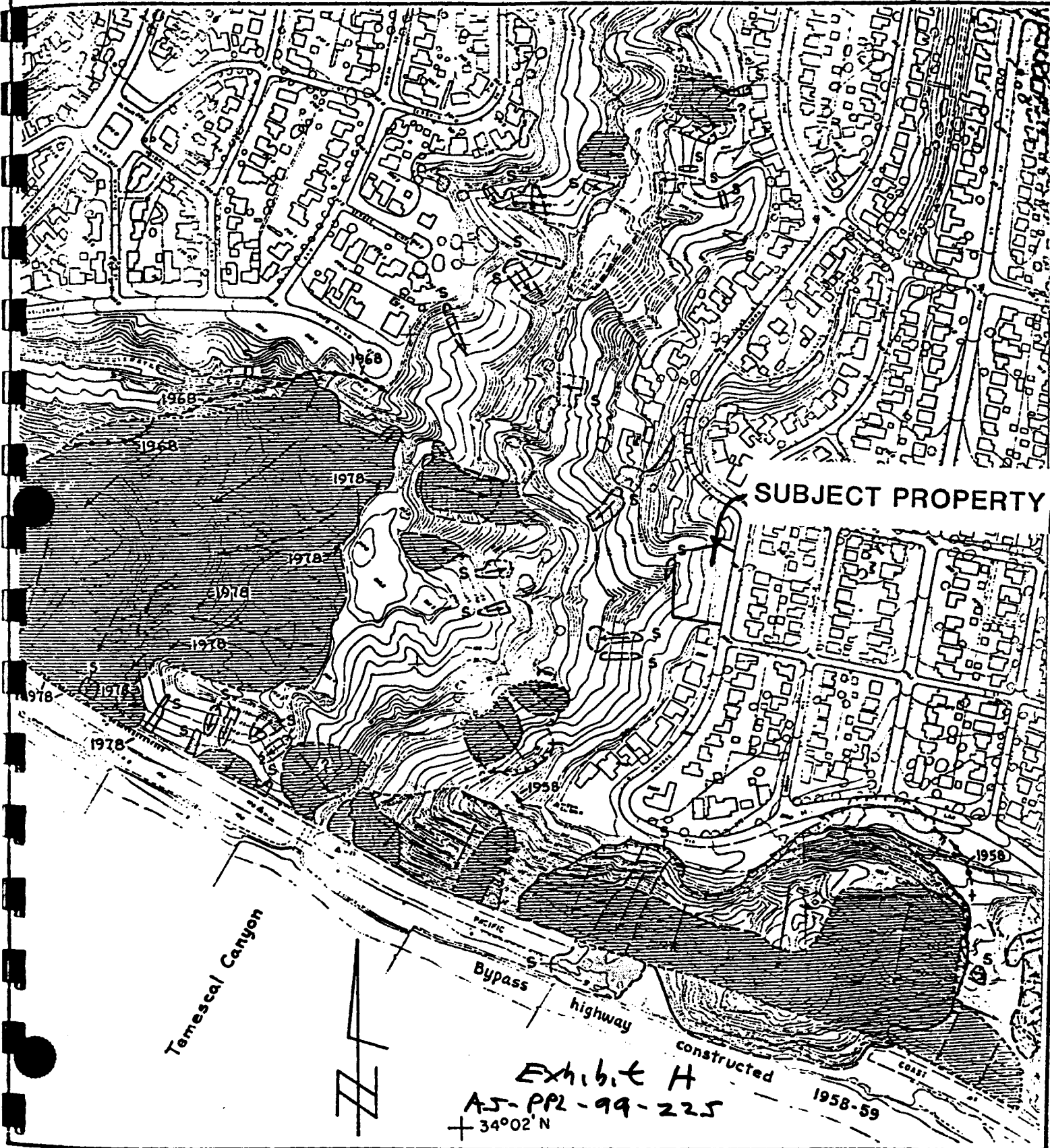
SUBJECT LANDSLIDE MAP

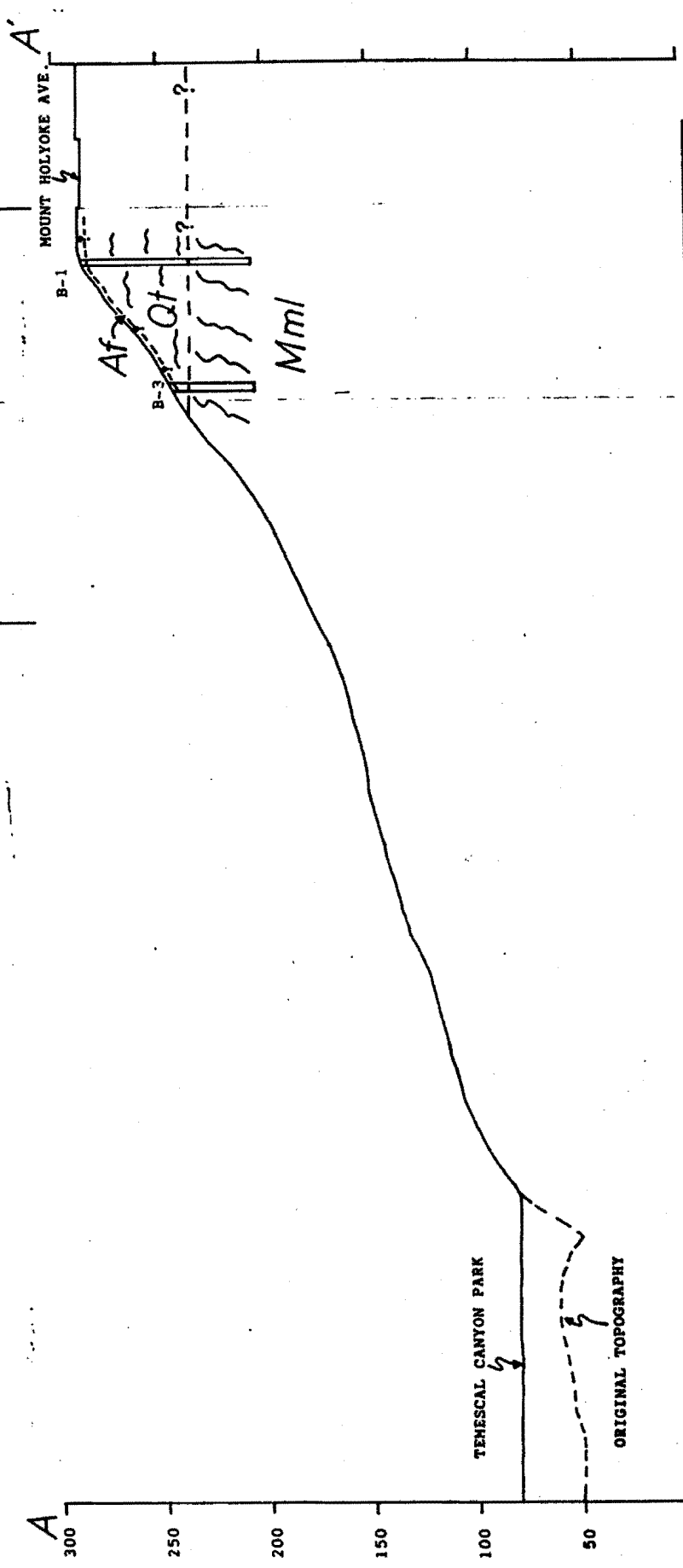
SCALE 1in : 400ft

CHECKED BY _____ DATE _____

REF: MAP OF HISTORIC AND PREHISTORIC
LANDSLIDES, MCGILL, 1982.

KB 2831-G





R. L. SOUSA AND ASSOCIATES	
September 22, 1994	Work Order 4-810-1
Plate 8	Scale 1" = 50'
Project: 425 Mount Holyoke Pacific Palisades, California	

Exhibit I
 AS-PPL-99-225

R. L. SOUSA & ASSOCIATES
 September 22, 1994 Work Order 4-810-1
 Plate 9 Scale 1" = 50'
 Project: 425 Mount Holyoke
 Pacific Palisades, California

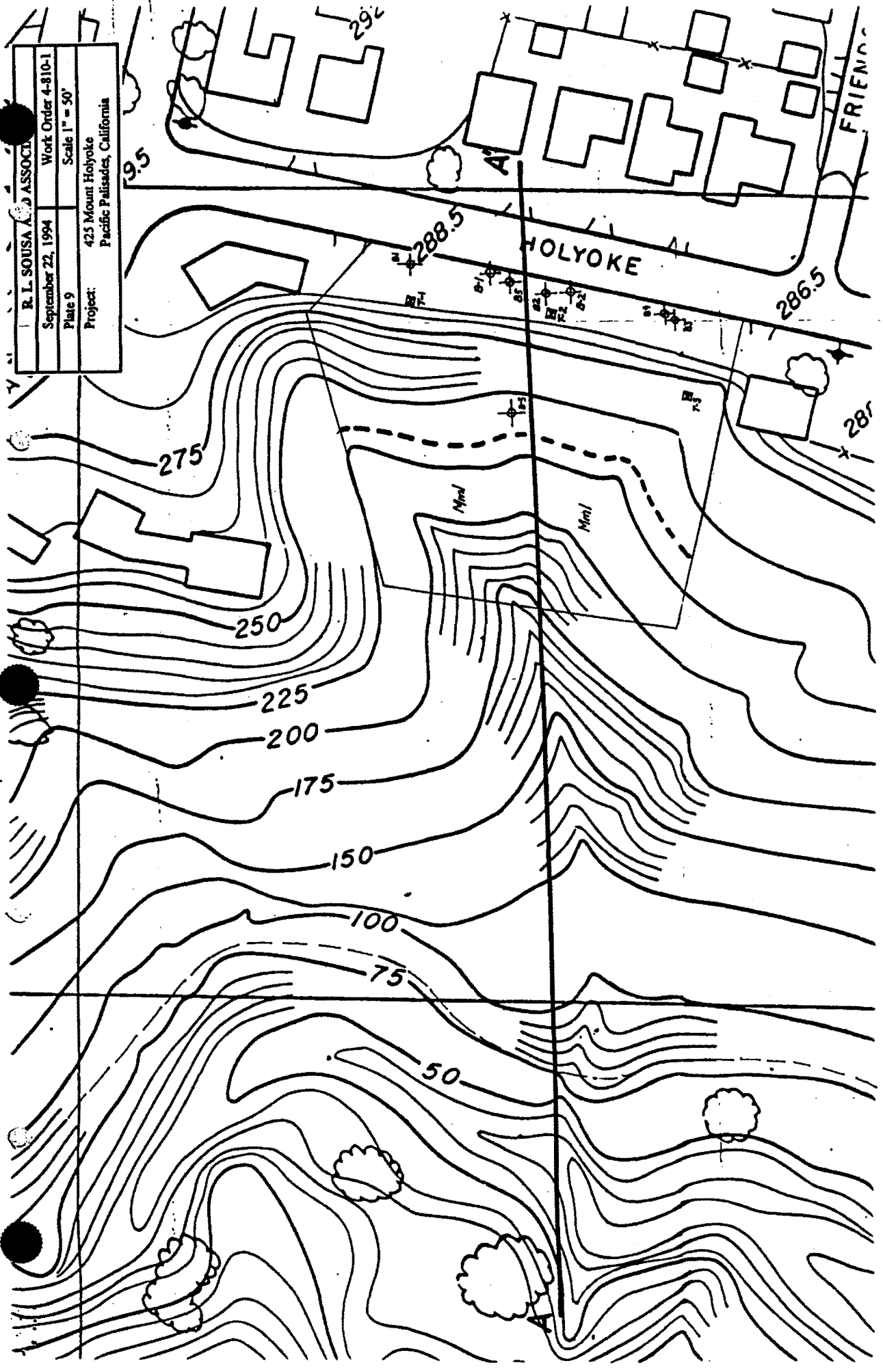


Exhibit J
 A-5-PPL-99-225

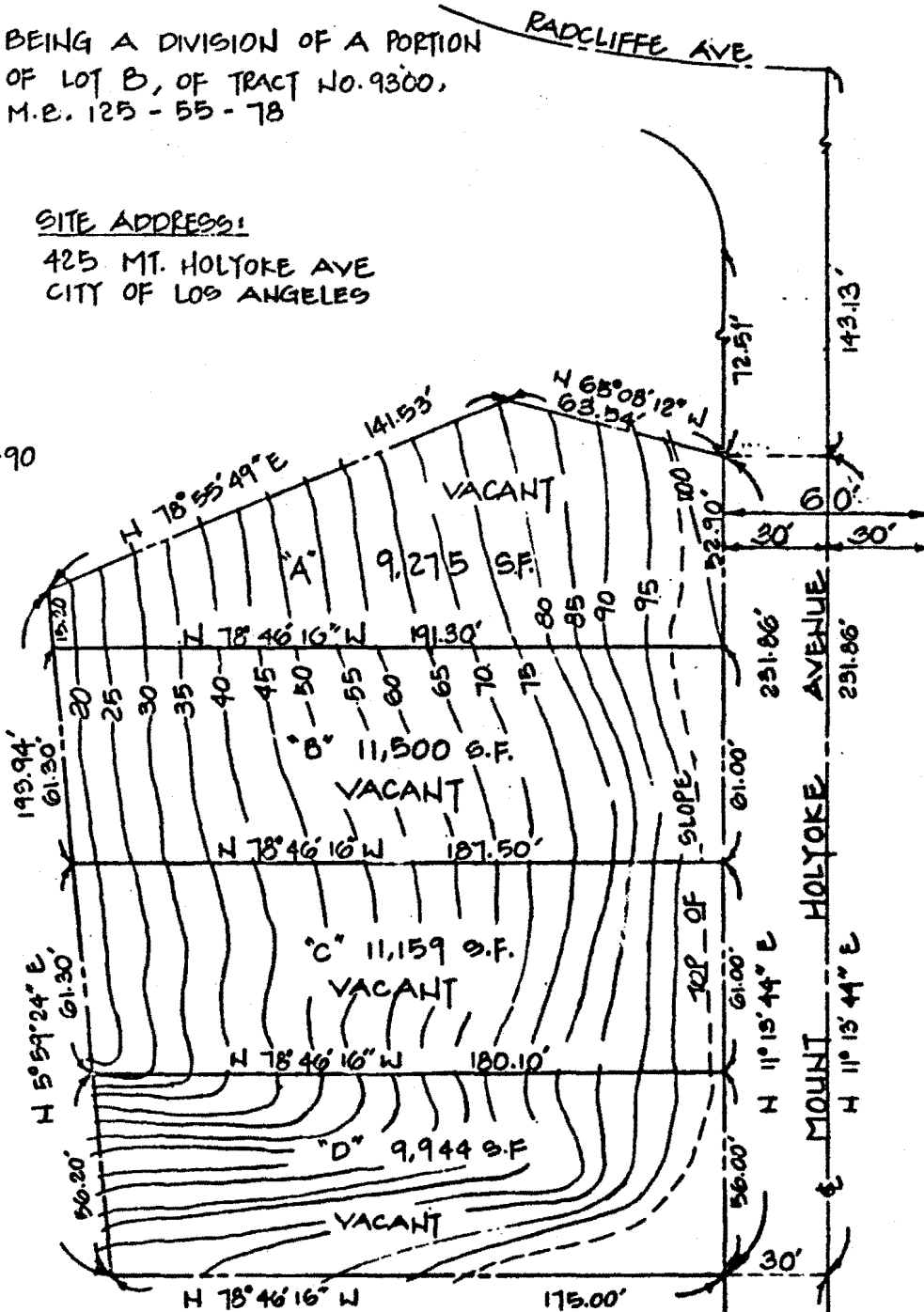
PRELIMINARY PARCEL MAP NO. 3810 COP 90-052

BEING A DIVISION OF A PORTION
OF LOT B, OF TRACT NO. 9300,
M.E. 125 - 55 - 78

SITE ADDRESS:

425 MT. HOLYOKE AVE
CITY OF LOS ANGELES

1" = 40'
DATE: 8-1-90



NOTES:

ZONE - R1-1
NO OAK TREES ON SITE
NO EASEMENTS AFFECT THIS SITE
FOR TITLE POLICY 9010429, DATED 6/1/90
BOUNDARY AND TOPOGRAPHY INFORMATION
SHOWN HEREON IS BASED UPON WORK
BY SITE ENGINEERING AND SURVEYING

OWNER:

MT. HOLYOKE HOMES, LP,
A CALIFORNIA LIMITED PARTNERSHIP
625 MONTANA AVE, STE 'M'
SANTA MONICA, CA 90403
213 - 458 - 1512
ATTN: ERIC FERAGNE

PREPARED BY:

GSW CONSULTING ENGINEERS
13135 BARTON RD, STE 'A-1'
WHITTIER, CA 90605
213 - 944 - 4324
ATTN: EDWIN M. SAIKI

SUBDIVIDER'S AGENT

AFRIAT/BLACKSTONE CONSULTANTS, INC.
6430 SUNSET BLVD, STE 1501
HOLLYWOOD, CA 90028
213 - 856 - 7070
ATTN: HOWARD MALIS

Exhibit K
A-5 PPL-99-22-5

PARCEL MAP NO. 6810
COASTAL DEVELOPMENT PERMIT NO. 90-052
NEW FINDINGS

I. Subdivision Map Act:

A. **THE PROPOSED MAP IS CONSISTENT AS TO DENSITY BUT IS INCONSISTENT WITH THE OBJECTIVES OF APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Brentwood-Pacific Palisades District Plan ("the Plan") which is a part of the General Plan for the City of Los Angeles, designates the subject property for "Low Density" land use corresponding to the existing R-1 zoning. Although the proposed subdivision of the property into three parcels is consistent with the existing zoning and land use designation of the adopted Plan, it is inconsistent and contrary to the objectives of the Plan as follows:

"to protect the natural character and topography of mountainous parts of the District for the enjoyment of both local residents and persons throughout the Los Angeles region; and to preserve views from designated scenic view sites commensurate with other provisions of this Plan."

Temescal Canyon Road is designated a Scenic Highway on the adopted Scenic Highways Element of the General Plan. The applicant's revised soils and geology reports, as approved by the Department of Building and Safety ("the Department") will require the installation of four rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5. Such soldier piles will result in visual impacts from both Temescal Canyon Road and from Mt. Holyoke Avenue.

The proposed subdivision is further inconsistent and contrary to the Plan's Land Use Housing standards and criteria as follows:

"The residential character of the single-family development in the hillside areas of the Brentwood-Pacific Palisades District is characterized by green spaces and openness and is considered a desirable environment worthy of public protection.

The scenic value of natural landforms should be preserved, enhanced and restored. Wherever feasible, development should be integrated with and visually subordinate to existing natural features and terrain. Structures should be located to minimize their intrusion into scenic open spaces by being clustered near other existing natural and man-

Exhibit L
1 of 9
AS-PPL-99-225

Parcel Map No. 6810
CDP No. 90-052

made vertical features such as tree masses, hills, rock outcrops and existing structures.”

[EVIDENCE]: Brentwood-Pacific Palisades District Plan; Soils and Geology Reports; and Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division

B. THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE INCONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

As noted by the Advisory Agency in his findings, the protection of ocean and coastal views as a resource of public importance must be considered and protected as required by the California Coastal Act (Public Resources Code § 30251).

The subject property currently is a scenic vista from which the public has extraordinary views of the ocean and coastline. Mt. Holyoke Avenue is a local street which dead-ends into Via de Las Osas Park and the public utilizes this street for access to the park and for views from the subject property of the ocean and coastline. The proposed subdivision and lot design will significantly impair the views by the public of the ocean and coastline.

Though the Advisory Agency attempted to protect such views by prohibiting the development of one of the four parcels, Parcel A. The City Council hereby finds that such action was and is inadequate in that the subdivision would substantially impact the scenic views of the coastal area in conflict with Public Resources Code § 30251.

The proposed subdivision, as revised by the applicant, would also substantially impact the scenic views of the coastal area in conflict with Public Resources Code § 30251.

The proposed subdivision, as revised by the applicant, requires the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5 which is in conflict with Public Resources Code § 30253.

The design of the proposed subdivision is further inconsistent with the existing single-family development in that virtually all of the existing homes on Mt. Holyoke Avenue are on flat building pads whereas the subject site is a steep cliff that requires the construction of protective devices as referred to hereinabove and applicable soils and geology reports.

[EVIDENCE]: Public Resources Code § 30251; Soils and Geology Reports; Interdepartmental Correspondence dated July 17, 1998 from Building

*Exhibit L
2 of 9
A5-PP-99-225*

Parcel Map No. 6810
CDP No. 90-052

and Safety, Grading Division; Testimony from community group leaders, local residents and Councilmember Miscikowski

C. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

When the Advisory Agency originally approved the proposed subdivision, the Department of Building and Safety, Grading Division, ("the Department") had approved soils and geology reports. That approval was disputed by geotechnical reports from E.D. Michael, Douglas E. Moran and Donald Kowalewsky. Thereafter, the Department rescinded its prior approval and the applicant has submitted at least twelve (12) soils and geology reports including addendums. The Department has issued 8 letters concerning adverse soils and geology conditions on the subject site.

Although the Department has again conditionally approved the most recent soils and geology reports, such approval is based upon the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5. This approval is disputed by E.D. Michael, an Engineering Geologist and Douglas E. Moran, an Engineering Geologist and Geotechnical Engineer. Given the disagreement as between experts over the adequacy of the new soils and geology reports concerning the proposed subdivision, as revised; the admission by the Department of its mistake in originally approving the prior soils and geology reports; and the liabilities incurred by the City in the payments of judgments and settlements involving landslides and slope failures in hillside developments that were approved by the Department, the City Council finds that there is a high degree of uncertainty that the subject site is physically suitable for the proposed subdivision, as revised.

[EVIDENCE]: Soils and Geology Reports; Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division; Testimony of Geologist Moran; Department Letters including letter rescinding approval of project.

Exhibit L
3 of 9
A5-PPL-99-225

D. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Although the proposed density of the proposed subdivision, as revised, appears to be compatible with the surrounding neighborhood, a front yard setback of five (5) feet is inconsistent and incompatible. Virtually all of the existing homes on Mount Holyoke Avenue are constructed on flat, level pads. The subject site is a steep cliff and the proposed subdivision requires the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5.

[EVIDENCE]: Advisory Agency approval letter; Planning Department documents showing surrounding parcels and front-yard setbacks; Pictures of site; Soils and Geology Reports; Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division; Testimony of area residents

E. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLE INJURY TO A RARE OR ENDANGERED SPECIES OF PLANT LIFE.

Testimony has been received that the subject site includes the rare plant species of the "Giant Coreopsis". The Initial Study and Mitigated Negative Declaration for the proposed subdivision did not mention the existence of any rare or endangered plant species nor consider the damage that grading or construction would cause.

[EVIDENCE]: Correspondence from Mark Stafford; Initial Study and Mitigated Negative Declaration

II. Los Angeles Municipal Code § 17.52.A-1:

A. THE PROPOSED MAP IS CONSISTENT AS TO DENSITY BUT IS INCONSISTENT WITH THE OBJECTIVES OF APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Brentwood-Pacific Palisades District Plan ("the Plan") which is a part of the General Plan for the City of Los Angeles, designates the subject property for "Low Density" land use corresponding to the existing R-1 zoning.

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Parcel Map No. 6810
CDP No. 90-052

Although the proposed subdivision of the property into three parcels is consistent with the existing zoning and land use designation of the adopted Plan, it is inconsistent and contrary to the objectives of the Plan as follows:

“to protect the natural character and topography of mountainous parts of the District for the enjoyment of both local residents and persons throughout the Los Angeles region; and to preserve views from designated scenic view sites commensurate with other provisions of this Plan.”

Temescal Canyon Road is designated a Scenic Highway on the adopted Scenic Highways Element of the General Plan. The applicant's revised soils and geology reports, as approved by the Department of Building and Safety will require the installation of four rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5. Such soldier piles will result in visual impacts from both Temescal Canyon Road and from the street adjacent to the proposed subdivision.

The proposed subdivision is further inconsistent and contrary to the Plan's Land Use Housing standards and criteria as follows:

“The residential character of the single-family development in the hillside areas of the Brentwood-Pacific Palisades District is characterized by green spaces and openness and is considered a desirable environment worthy of public protection.

The scenic value of natural landforms should be preserved, enhanced and restored. Wherever feasible, development should be integrated with and visually subordinate to existing natural features and terrain. Structures should be located to minimize their intrusion into scenic open spaces by being clustered near other existing natural and man-made vertical features such as tree masses, hills, rock outcrops and existing structures.”

[EVIDENCE]:

Brentwood-Pacific Palisades District Plan; Soils and Geology Reports; and Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division

Exhibit L

5079

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Parcel Map No. 6810
CDP No. 90-052

B. THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE INCONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

As noted by the Advisory Agency in his findings, the protection of ocean and coastal views as a resource of public importance must be considered and protected as required by the California Coastal Act (Public Resources Code § 30251).

The subject property currently is a scenic vista from which the public has extraordinary views of the ocean and coastline. Mt. Holyoke Avenue is a local street which dead-ends into Via de Las Osas Park and the public utilizes this street for access to the park and for views from the subject property of the ocean and coastline. The proposed subdivision and lot design will significantly impair the views by the public of the ocean and coastline.

Though the Advisory Agency attempted to protect such views by prohibiting the development of one of the four parcels, Parcel A. The City Council hereby finds that such action was and is inadequate in that the subdivision would substantially impact the scenic views of the coastal area in conflict with Public Resources Code § 30251.

The proposed subdivision, as revised by the applicant, would also substantially impact the scenic views of the coastal area in conflict with Public Resources Code § 30251 because it requires the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5 which is in conflict with Public Resources Code § 30253.

The design of the proposed subdivision is further inconsistent with the existing single-family development in that virtually all of the existing homes on Mt. Holyoke Avenue are on flat building pads whereas the subject site is a steep cliff that requires the construction of protective devices as referred to hereinabove and applicable soils and geology reports.

[EVIDENCE]: *Public Resources Code § 30251; Soils and Geology Reports; Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division; Public testimony including from community group leaders, local residents and Councilmember Miscikowski*

Exhibit L

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A5-PPL-99-22

Parcel Map No. 6810
CDP No. 90-052

C. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

When the Advisory Agency originally approved the proposed subdivision, the Department of Building and Safety, Grading Division, ("the Department") had approved soils and geology reports. That approval was disputed by geotechnical reports from E.D. Michael, Douglas E. Moran and Donald Kowalewsky. Thereafter, the Department rescinded its prior approval and the applicant has submitted at least twelve (12) soils and geology reports including addendums. The Department has issued 8 letters concerning adverse soils and geology conditions on the subject site.

Although the Department has again conditionally approved the most recent soils and geology reports, such approval is based upon the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5. This approval is disputed by E.D. Michael, an Engineering Geologist and Douglas E. Moran, an Engineering Geologist and Geotechnical Engineer. Given the disagreement as between experts over the adequacy of the new soils and geology reports concerning the proposed subdivision, as revised; the admission by the Department of its mistake in originally approving the prior soils and geology reports; and the liabilities incurred by the City in the payments of judgments and settlements involving landslides and slope failures in hillside developments that were approved by the Department, the City Council finds that there is a high degree of uncertainty that the subject site is physically suitable for the proposed subdivision, as revised.

Although the proposed density of the proposed subdivision, as revised, appears to be compatible with the surrounding neighborhood, a front yard setback of five (5) feet is inconsistent and incompatible. Virtually all of the existing homes on Mount Holyoke Avenue are constructed on flat, level pads. The subject site is a steep cliff and the proposed subdivision requires the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5.

[EVIDENCE]: Soils and Geology Reports; Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division; Testimony of Geologist Moran; Department Letters including letter rescinding approval of project; Advisory Agency approval letter; Planning Department documents showing surrounding parcels including front-yard setbacks; Public testimony

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Parcel Map No. 6810
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III. California Coastal Act:

Pursuant to Los Angeles Municipal Code § 12.20.2, a coastal permit shall not be approved unless the development conforms to the California Coastal Act (1976), Chapter 3 and the February 11, 1977 California Coastal Commission Guidelines.

A. THE PROPOSED SUBDIVISION WILL SUBSTANTIALLY IMPACT THE VIEW OF THE OCEAN AND COASTLINE IN CONFLICT WITH PUBLIC RESOURCES CODE § 30251.

The subject property currently is a scenic vista from which the public has extraordinary views of the ocean and coastline. Mt. Holyoke Avenue is a local street which dead-ends into Via de Las Osas Park and the public utilizes this street for access to the park and for views from the subject property of the ocean and coastline. The proposed subdivision and lot design will significantly impair the views by the public of the ocean and coastline.

Though the Advisory Agency attempted to protect such views by prohibiting the development of one of the four parcels, Parcel A. The City Council hereby finds that such action was and is inadequate in that the subdivision would substantially impact the scenic views of the coastal area in conflict with Public Resources Code § 30251.

The proposed subdivision, as revised by the applicant, would also substantially impact the scenic views of the coastal area in conflict with Public Resources Code § 30251. The proposed subdivision, as revised by the applicant, requires the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5 which is in conflict with Public Resources Code § 30253.

[EVIDENCE]: Public Resources Code § 30251; Soils and Geology Reports; and Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division; Pictures of site; Public testimony and letters in file

B. THE PROPOSED SUBDIVISION WILL REQUIRE THE CONSTRUCTION OF PROTECTIVE DEVICES THAT WOULD SUBSTANTIALLY ALTER NATURAL LANDFORMS ALONG A BLUFF AND CLIFF IN CONFLICT WITH PUBLIC RESOURCES CODE § 30253

The proposed subdivision, as revised by the applicant, requires the construction of protective

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Parcel Map No. 6810
CDP No. 90-052

devices consisting of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5.

The subject site has a history of geologic instability. When the Advisory Agency originally approved the proposed subdivision, the Department had approved soils and geology reports. That approval was disputed by geotechnical reports from E.D. Michael, Douglas E. Moran and Donald Kowalewsky. Thereafter, the Department rescinded its prior approval and the applicant has submitted at least twelve (12) soils and geology reports including addendums. The Department has issued 8 letters concerning adverse soils and geology conditions on the subject site.

Although the Department has again conditionally approved the most recent soils and geology reports, such approval is based upon the construction of 4 rows of soldier piles interconnected with grade beams in order to bring the safety factor to a level of 1.5. This approval is disputed by E.D. Michael, an Engineering Geologist and Douglas E. Moran, an Engineering Geologist and Geotechnical Engineer. Given the disagreement as between experts over the adequacy of the new soils and geology reports concerning the proposed subdivision, as revised; the admission by the Department of its mistake in originally approving the prior soils and geology reports; and the liabilities incurred by the City in the payments of judgments and settlements involving landslides and slope failures in hillside developments that were approved by the Department, the City Council finds that there is a high degree of uncertainty that the subject site is physically suitable for the proposed subdivision, as revised and further that there is a high degree of uncertainty that the proposed subdivision will minimize risks to life and property or that it will assure stability and not create or contribute to erosion and/or geologic instability.

[EVIDENCE]:

Public Resources Code § 30253; Soils and Geology Reports; Interdepartmental Correspondence dated July 17, 1998 from Building and Safety, Grading Division; Testimony of Moran

EXHIBIT L

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JOHN M. BOWMAN, ESQ. (State Bar No. 137383)
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6 DARLA JONES, and STANLEY JONES
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DEC 22 1993 52
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

11 MT. HOLYOKE HOMES, LTD., A)
California Limited Partnership;)
12 DARLA JONES; and STANLEY JONES,)
13)
Petitioners and)
14 Plaintiffs,)
15)
v.)
16)
CITY OF LOS ANGELES; LOS)
17 ANGELES CITY COUNCIL; LOS)
ANGELES BOARD OF ZONING)
18 APPEALS; and DOES 1 through 50,)
inclusive,)
19)
Respondents and)
20 Defendants.)

CASE NO. BC 060 183
~~PROPOSED~~ JUDGMENT GRANTING
PEREMPTORY WRIT OF MANDATE

21 This cause came on regularly for hearing before this Court on
22 November 23, 1993 in Department 52 of the above-entitled court
23 pursuant to the Verified Petition of MT. HOLYOKE HOMES, LTD.,
24 DARLA JONES, and STANLEY JONES ("Petitioners"). Benjamin M.
25 Reznik and John M. Bowman appeared for Petitioners. Jolaine
26 Harkless and Marjorie Hamano Currier appeared for Respondents CITY
27 OF LOS ANGELES, LOS ANGELES CITY COUNCIL, and LOS ANGELES BOARD OF
28 ZONING APPEALS ("Respondents").

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AJ-PPL-99-225

1 The cause having been argued and submitted for decision, and
2 the Court having considered the Record of Administrative
3 Proceedings and other pleadings and records on file herein, now
4 enters judgment as follows:

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

6 1. Respondents have abused their discretion inasmuch as the
7 Findings adopted in connection with Parcel Map No. 6810 and
8 Coastal Development Permit No. 90-052 (the "Findings") are
9 inadequate and do not support the decision to deny Petitioners'
10 applications in many respects, including the following:

11 a. Many of the Findings assume that the proposed homes
12 will use stilt construction, when in fact there is no
13 evidence in the record to support such an assumption;

14 b. The only evidence in the record of any damage to
15 the environment is a letter from a resident indicating the
16 existence of a plant species called Giant Coreopsis, which is
17 insufficient to support a finding that environmental damage
18 will result or may not be fully mitigated, particularly in
19 light of the Initial Study and Proposed Mitigated Negative
20 Declaration [MND-90-0843-FM(CDP)] prepared by the City's
21 professional planning staff, which did not identify any
22 significant environmental impacts which could not be
23 mitigated, and the finding of the City's Board of Zoning
24 Appeals that "the project will not have a significant impact
25 on the environment";

26 c. The Board of Zoning Appeal's ("BZA's") Finding that
27 the proposed lots are incompatible with adjacent lots due to
28 the site's steepness, and the BZA's Finding that the Advisory

1 Agency should have applied the slope density formula are
2 conclusory and are not supported by substantial evidence in
3 the record, particularly in light of the fact that the
4 Department of Building and Safety reviewed and considered
5 soils and geology reports prepared by licensed engineers and
6 geologists, including reports submitted by two independent
7 geologists, and conditionally approved the subject project;

8 d. The Finding that the Advisory Agency erred in not
9 considering the steepness of the natural topography and
10 accordingly should have limited the maximum lot accommodation
11 to fewer than four parcels is conclusory and is not supported
12 by substantial evidence in the record;

13 e. The Finding that the Advisory Agency erred in
14 finding that the subdivision was compatible and consistent
15 with the City's General Plan, which includes the Brentwood-
16 Pacific Palisades District Plan and the Scenic Highways
17 Element, is conclusory and has no evidentiary support;

18 f. The Finding that the Advisory Agency failed to
19 consider all other components of the General Plan, which is a
20 mere statement of what should have been done, is conclusory
21 and is not supported by substantial evidence in the record;
22 and

23 g. Findings indicating that the project does not
24 conform to the California Coastal Act because it would reduce
25 the view of the ocean, and that the height limitations set
26 forth by the Advisory Agency were "aesthetically displeasing
27 and visually degrading" and would not "adequately reduce the
28 visual blight caused by the project," do not bridge the

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analytical gap between the raw evidence and the ultimate decision as required by Topanga Association for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506 (1974).

2. A Peremptory Writ of Mandate shall issue commanding Respondents to set aside their decision in the matter of Parcel Map No. 6810 and Coastal Development Permit No. 90-052, and to reconsider this matter in light of the Court's opinion and judgment, and to take any further action specially enjoined upon it by law; and

3. Petitioners shall recover costs in this action in the amount of \$ _____ from Respondents.

DATED: December 22, 1993

Harvey A. Schneider
HARVEY A. SCHNEIDER
JUDGE OF THE SUPERIOR COURT

Exhibit M
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