

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**STAFF REPORT: DE NOVO**

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 proposed project raises Coastal Act issues regarding geologic hazards and visual impacts. To mitigate the impacts staff recommends approval of the proposed project with special conditions regarding, restricting future development to a structural string line, side yard setback requirements, open space restriction, restriction on exterior color of all future development, future improvements restriction, assumption of risk. The Resolution is found on page 3

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

Staff Note:

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

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a local development permit also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area (known as the Single Permit Jurisdiction area), the local agency's (City of Los Angeles) coastal development permit is the only coastal development permit required.

The development approved by the City is within the single permit area. The City approved a coastal development permit No. 90-052. The City's permit was appealed by Ms. Barbara Schelbert c/o Robert J. Glushon, Esq., Richman, Luna, Kichaven and Glushon. In May 2000, the Commission found substantial issue based on visual impacts and geologic stability. Subsequently, the proposed project was scheduled for De Novo hearing. The De Novo portion of the appeal is the subject of this staff report.

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

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #A-5-PPL-99-225 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

III. **STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS

1. String Line Setback for Future Development

All development defined in section 30106 of the Coastal Act, including decks and accessory structures, shall not encroach further downslope beyond a line drawn from the nearest adjacent downslope corners of the adjacent existing enclosed habitable structures, as depicted in Exhibit No. XX of the staff report.

2. Side Yard Setbacks

All future residential structures shall maintain on each side, a side yard of not less than 7.5 feet, 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. All landscaping or fencing within the fifteen-foot side yard along the southerly and northerly boundaries of the subject property shall not exceed a height of 4 feet.

3. Open Space

- A. No development, as defined in section 30106 of the Coastal Act shall occur in the area below a line drawn from the nearest adjacent downslope corners of the adjacent existing structures, as described and depicted in an Exhibit No. XX, attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, except for:

1. vegetation removal for fire management and removal of non-native vegetation; and
2. the following development, if approved by the Coastal Commission as an amendment to this coastal development permit:

planting of native vegetation.

- B. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal

legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit No. XXX attached to this staff report.

4. **Exterior Colors for Future Structures**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a written agreement agreeing that the color of any future structures will be earth tones that are compatible with the adjacent hillside. The color will be maintained through-out the life of the structures.

5. **Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. **Development Approved by this Permit**

With the acceptance of this permit the applicant acknowledges that this permit is for the division of land as shown in the preliminary parcel Map No. 6810, depicted in Exhibit No. xx of the staff report. Construction of residences, grading, installation of piles, landscaping, or vegetation restoration is not part of this permit and will require a separate coastal development permit.

7. **Future Development Restriction**

This permit is only for the development described in coastal development permit No. **A-5-PPL-99-225**. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. **A-5-PPL-99-225**. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an

amendment to Permit No. **A-5-PPL-99-225** from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-PPL-99-225 shall prevail.

9. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is to subdivide a vacant 41,880 sq. ft. parcel into three lots consisting of 13,559 square feet, 13,939 square feet and 14,385 square feet. The three proposed lots will have street frontage of approximately 73 feet, 78 feet, and 80 feet, with a maximum depth ranging from 175 feet to 182 feet.

Topographically, the site consists of a narrow near level pad, varying from approximately 5'-25' wide, adjacent to the street. The lot then descends westerly at approximately 35 degrees. The overall topographic relief is about 117 feet. Below the lot, a portion of the

hillside continues to slope to Temescal Park with an overall relief of 175 feet below Mt. Holyoke Avenue.

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

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

The proposed project is for the subdivision of land only. A separate coastal development permit or permits will be required for the future construction of the single-family residences.

B. Planning Background

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

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

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

The City's original denial was based on adverse impacts on public views and concerns regarding geologic stability of the lot. The Court rejected the City's denial. The Court found that the City's findings were inadequate to deny the application. The Court found

the findings to be conclusory and not supported by substantial evidence. The Court issued a writ of mandate requiring the City to set its denial decision aside. Subsequently, the City conditionally approved Parcel Map No. 6810 (See **Exhibit No. xx**) 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 floor area, height limits, and setbacks.

The floor area for each residence is limited to 3,500 square feet. The height limit for the future residences is limited to 28 feet within the defined building envelope. Setbacks were required to be fifteen-feet between structures with landscaping and structures within these yard areas limited to a height of 4-feet.

The parcel map also included 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. Visual Resources

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 subject parcel is located on the western side of Mount Holyoke Avenue, on a steep hillside bluff overlooking Temescal Canyon. The bottom of the canyon is developed with Temescal Park, a regional linear park that extends along the four-lane Temescal Canyon Road from Pacific Coast Highway to Sunset Boulevard. The park abuts the project site along the western boundary of the parcel and near the bottom of the slope.

Development along the western side of Mount Holyoke Avenue is generally located atop the mesa on graded pads, with some homes cantilevered or supported on piles on the upper portion of slope. Because of the lack of a flat level building pad on the project site, the future development of homes on the site will require the homes to cascade, or step down, the slope.

Mount Holyoke Avenue is a local neighborhood street that terminates at Via de Las Olas Park, that overlooks Pacific Coast Highway and the beach. From the project site, a person can see a portion of Temescal Park and view the ocean and coastline. According to letters submitted by residences of the area, the public has used this street to access nearby Via de las Olas Park and to view the ocean and coast and that the proposed lot design and layout, with the future construction of three single-family residences will obscure public views of the coast from the street. Also, when houses are constructed on these lots, they will be visible from the park below and from the beach area (Will Rogers State Beach).

Pursuant to Section 30240(b) of the Coastal Act, development in areas adjacent to parks and recreation areas shall be sited and designed so as not to degrade these areas. Temescal Canyon Park is basically an urban park. Although the slopes are heavily vegetated and may support some native vegetation, the lower flat portion of the park contains ornamental grass. The park also provides basketball courts, tennis courts, picnic and barbeque areas. Views from within the park are not of a natural undisturbed setting but a row of houses at the top of the slope with a natural appearing slope below. There are no trails along the bluff within the Canyon, and the only views of the beach and ocean are views from down along Temescal Canyon Road.

The protection of public views as a resource of public importance must be considered as required in Section 30251 of the Coastal Act. The development of three single-family residences that cascade, or step-down, the slope, will be visible from Temescal Canyon. The amount of visibility from the park will depend on how far the homes are allowed down the slope and the massing of the structures. Ocean views from Mount Holyoke Avenue may be obstructed once the homes are constructed, however, Mount Holyoke Avenue is not a scenic highway but a residential street serving mainly the local residents in the area. View blockage from Mount Holyoke Avenue is mainly a neighborhood issue. Available public views are from the local sidewalk.

The project site, as well as the surrounding properties, is zoned R-1 which permits a minimum lot area of 5,000 square feet, with a minimum lot width requirement of 50 feet. The surrounding area is fully subdivided and developed with single-family residences. Adjacent lots to the south and along the west side of Mount Holyoke Avenue typically have lot widths of 55 feet and lot depths of 175 feet. Smaller lots with lot widths of 50 to 60 feet and lot depths of 110 feet, are located along the east side of Mount Holyoke Avenue. The average lot size along Mount Holyoke Avenue is approximately 11,540 square feet. The proposed lots will all be over 13,500 square feet in area, with lot widths over 70 feet along Mount Holyoke Avenue. As proposed, the lots are consistent with City's lot size and zoning standards. Furthermore, in the City's approval, the City found that the proposed density of the project, as revised from 4 lots to 3, with lots between 13,559 square feet and 14,385 square feet, is compatible with the character of the surrounding area.

The proposed property provides approximately 231 feet of frontage along Temescal Canyon's eastern bluff top, which includes Mount Holyoke Avenue and Radcliffe Avenue. This site is one of the last undeveloped parcels along Temescal Canyon's eastern bluff edge. Because of the steepness of the eastern slope a number of homes are visible from Temescal Canyon Park and the beach area to the south. However, the eastern bluff edge is developed with over 50 single-family residences, with a number of these residences visible from Temescal Canyon Road and from the beach area, which is over 1,500 feet from the project site. The existing residences on either side of the proposed project site, and the ones located directly behind the project site, on the eastern side of Mount Holyoke Avenue, are also visible from Temescal Canyon Road and beach area.

In the City's local permit action, the City found that the project raised two visual resource issues. The first one was impacts to public views from down below from Temescal Canyon and the second was impacts to the neighborhood from Mount Holyoke Avenue. The City addressed the view issues by reducing the subdivision from four lots to three, limiting the height of the homes over the slope to a maximum of 28 feet, limiting the extension of the homes down the slope, and limited future homes to a maximum of 3,500 square feet. The City also restricted the siting of the any future residences with increased side yard setbacks from the standard of 5 feet to 7.5 feet and required 15 feet along the north and south property line, to break up the massing of the structures and increase visibility of the coast from the street area. Further, the City limited the distance that any future residences can extend down the slope to minimize the visibility of the structures on the slope from Temescal Canyon and other public areas. The City limited structures to extend no further than 60 feet from the front yard setback (5 feet).

Based on the City's 5-foot front yard setback for this R1 zoned lot, 60 feet would allow development to encroach no further than approximately between the 245 foot and 253 foot contour line, as shown on the City approved Preliminary Parcel Map No. 6810 (see **Exhibit No. x**). According to the applicant's representative, using the City's 60-foot requirement, any future residence will encroach no further down slope than the adjacent development to the south and north. Therefore, the applicant's representative states, that as restricted by the City, any future development will be visually compatible with the surrounding development and character of the area. However, after review of the

for the future homes and siting of the adjoining development, the 60 foot restriction, as conditioned by the City, would allow the structures to extend 5 feet to 20 feet further down slope than the development on the adjoining properties compared to using a string line drawn from the adjacent corners of the structures on the adjoining properties. The enclosed habitable structures on the two adjoining properties extend approximately 48 feet and 65 feet from the front property line, to the 267 and 274 foot contour lines, respectively. Drawing a line from the nearest corners of the adjacent developments, the line would limit development on the proposed lots to approximately between the 248 foot and 264 foot contour line on the project site. Although the City's restriction would limit development to extend out from the street no further than the furthest development, the topography of the adjoining lots is different and the City's restriction would actually allow the future homes to extend further down the slope to a lower elevation than the adjoining residences. This encroachment down the slope, allowed under the City's requirement, would expose more building on the slope which would increase the visibility of the structures from the park area and beach area.

By limiting the down slope encroachment with a string line, the amount of massing on the slope face will be minimized and development will be inline with the adjoining development and will be visually compatible with the surrounding development and character of the area. Therefore, this permit includes a special condition that requires that the siting of all future residential structures, including accessory structures, shall be limited to a string line drawn from the nearest adjacent lower corners of the adjacent structures on the adjoining properties. Furthermore, to ensure that no development will encroach further down the slope beyond a string line, the area shall be restricted as open space, prohibiting any future development in the area, except for landscaping and vegetation removal for fire clearance.

Although the City's side yard restrictions address the neighborhood visual issues from Mount Holyoke, the Commission finds that the side yard requirements create additional spacing between buildings and breaks up the massing of any future structures. This spacing will help reduce the visual impact of the structures on the slopes from Temescal Canyon and beach area. Therefore, consistent with the City's approval, to ensure that the massing of the three future homes is broken up, all residential structures shall maintain on each side, a side yard of not less than 7.5 feet, 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. Furthermore, to maintain the view areas from Mount Holyoke through the 15 foot side yards along the southerly and northerly boundaries of the subject property, all landscaping and fencing shall be limited to a height of no greater than 4 feet, from grade.

To further reduce the visual impact of the future structures on the slope from Temescal Canyon and the beach, the exterior color of any structure shall be restricted to earth tone colors that will help blend the development with the surrounding area. Landscaping would also further minimize the visual impact of any future development. However, since the homes are not proposed at this time and the actual design of the homes are not before the Commission,

landscaping will be addressed and incorporated into the design once the applicant has applied for a coastal development permit for the homes.

As stated, to stabilize the development, a foundation design using piles and grade beams was designed to demonstrate that geologically the site could be developed. Based on the pile design, the City indicated that the piles would be constructed below grade with the grade beams hidden from view within the exterior walls of the future residences. With the use of piles for construction on steep hillsides, over time, due to weathering and erosional processes, the piles may become exposed. In past Commission permit action, the Commission has required that in the event piles become exposed the applicant is required to take measures to reduce the visual exposure by such measures as re-grading or landscaping. Since the proposed project only includes the division of the land and no construction at this time, this issue will be further addressed once permits for the future construction of the residences are applied for.

The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30240 and 30251 of the Coastal Act.

E. Hazards and Landform Alteration

Section 30251 states in part:

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

Section 30253 states:

New development shall:

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

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

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

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

Geologic maps by the City of Los Angeles (1964), the Dibblee Geological Foundation (1991), and the U.S. Geological Survey (1973 to 1989 do not depict landslides in the local area that could adversely affect the subject property from a geologic viewpoint. The closest landslide to the subject site is approximately 500 feet to the south which appears to be controlled by the axis of a syncline.

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

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

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

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

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

The Commission's geologist, Dr. Mark Johnsson, reviewed the geology reports for the project and the City's reports, including the report submitted by the opponent's geologists. Dr. Johnsson, initially had concerns regarding the stability of the site and the applicant's ability to develop the site in a geologic safe manner. Dr. Johnsson was concerned with the reports sufficiently addressing seismicity, surficial stability, and the factor of safety. However, after reviewing additional information and reports submitted by the applicant's geologic consultants, Dr. Johnsson concurred with the conclusion of the consultants, and the City, that the site could be developed in a geologically safe manner without creating or significantly contributing to erosion or geologic instability.

The Commission in past coastal development permit action has required that development be set back as far as is feasible from the bluff edge to minimize any potential erosion risk or geologic hazard. The proposed project lots have approximately 10 to 25 feet of flat area at street level, which makes it infeasible to keep all construction on the flat portion of the lot and away from the bluff face. As conditioned by this permit, to limit development encroachment down the slope no further than a line drawn from the corners of the adjacent existing residences, future down slope encroachment will be minimized and development will be consistent with the surrounding area.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, based on the information in the applicant's geologic reports and the City's review, the Commission finds that the proposed project is subject to risk from erosion and/or slope

failure (topple) and that the applicant should assume the liability of such risk. Although structural development is not being proposed under this permit application, the applicant is creating two additional lots that can be developed in the future. Therefore, the applicant and any future owner of the properties should be aware of such risks. The assumption of risk, when recorded against the property as a deed restriction, will show notice to all future owners of the site of the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. Furthermore, a future improvements special condition is required to place the applicant and any future buyer of the property, that all future development of the site will require a new coastal development permit. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act

F. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

- (a) shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

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

According to the botanical report prepared for the applicant by Anderson Botanical Consulting, vegetation on the site consists of predominantly of exotic vegetation that is non-native to southern California. Native plants include encelia (*Encelia californica*) California sagebrush (*Artemisia californica*), ashy-leaf buckwheat (*Eriogonum cinereum*), lemonadeberry (*Rhus integrifolia*) and giant wild rye (*Leymus condensatus*). See Vegetation Map, Exhibit No. 6. None of the species are classified as rare, threatened, endangered or especially valuable by any public agency or the California Naïve Plant Society.

According to the applicant and botanical report, the site has historically been cleared of vegetation in compliance with Los Angeles City fire codes. Remnant native scrub occurs below the property line on the lower slope of Temescal Canyon.

As shown on the vegetation map, the majority of the native plants are located outside of the planned building area for the three residences. The map shows that giant coreopsis (*Coreopsis gigantea*) and lemonadeberry (*Rhus integrifolia*) in the vicinity of the future building areas. The botanical report recommends that the native species be preserved on

site and any plants that may be disturbed due to future construction or fire clearance requirements, should be relocated. The report also recommends that once the homes are constructed, the slope should be restored and enhanced with low-growing fire-resistant native landscaping that is compatible with the conservation of the native plants.

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

G. Local Coastal Program

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

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

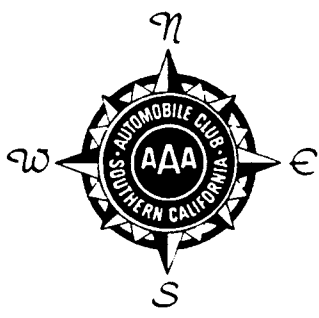
The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development, as conditioned to minimize risks from natural hazards, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

H. California Environmental Quality Act

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Site of
Vicinity



LOS ANGELES AREA

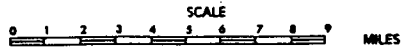
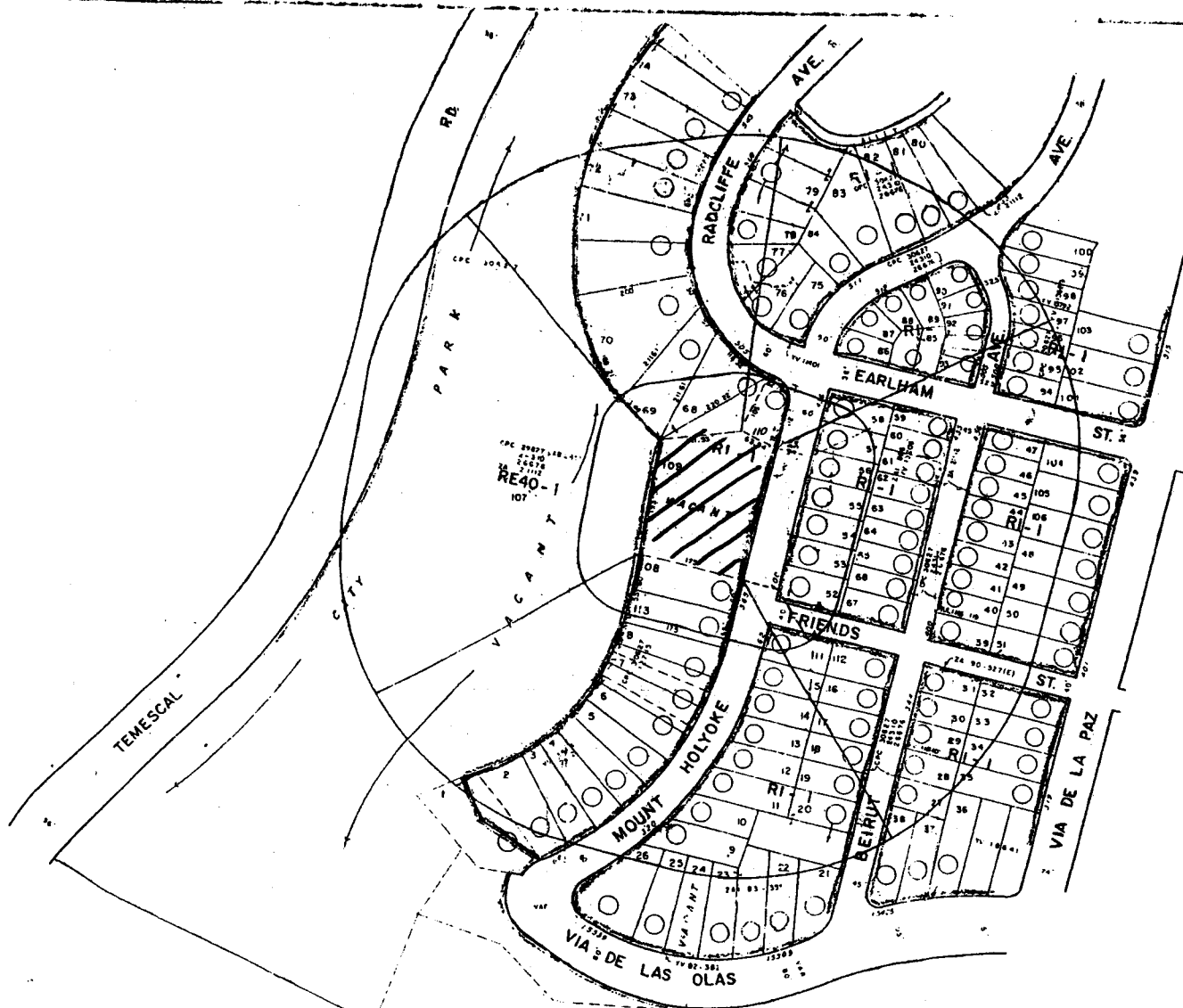


EXHIBIT NO.	1
Application Number	A-5-VPL-99-225
	Vicinity Map
California Coastal Commission	

HUNTINGTON BI

Channel
O C E A



LEGAL: SEE APPLICATION

COASTAL DEVELOPMENT PERMIT & PRELIMINARY PARCEL MAP

AFRIAT / BLACKSTONE CONSULTANTS, INC.
6430 SUNSET BL., SUITE 1501
HOLLYWOOD, CA 90028
(213) 856-7070

C.D. 11
C.T. 2627 C2
P.A. 33

DATE 8-21-11
SCALE 1" = 100'
USES F.I.E.L.
D.M. 7167 126 B 125
T.B. PAGE 40 GRID
ZONING ATLAS

RECEIVED
South Coast Region

MAR 11 2003
CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 2

Application Number

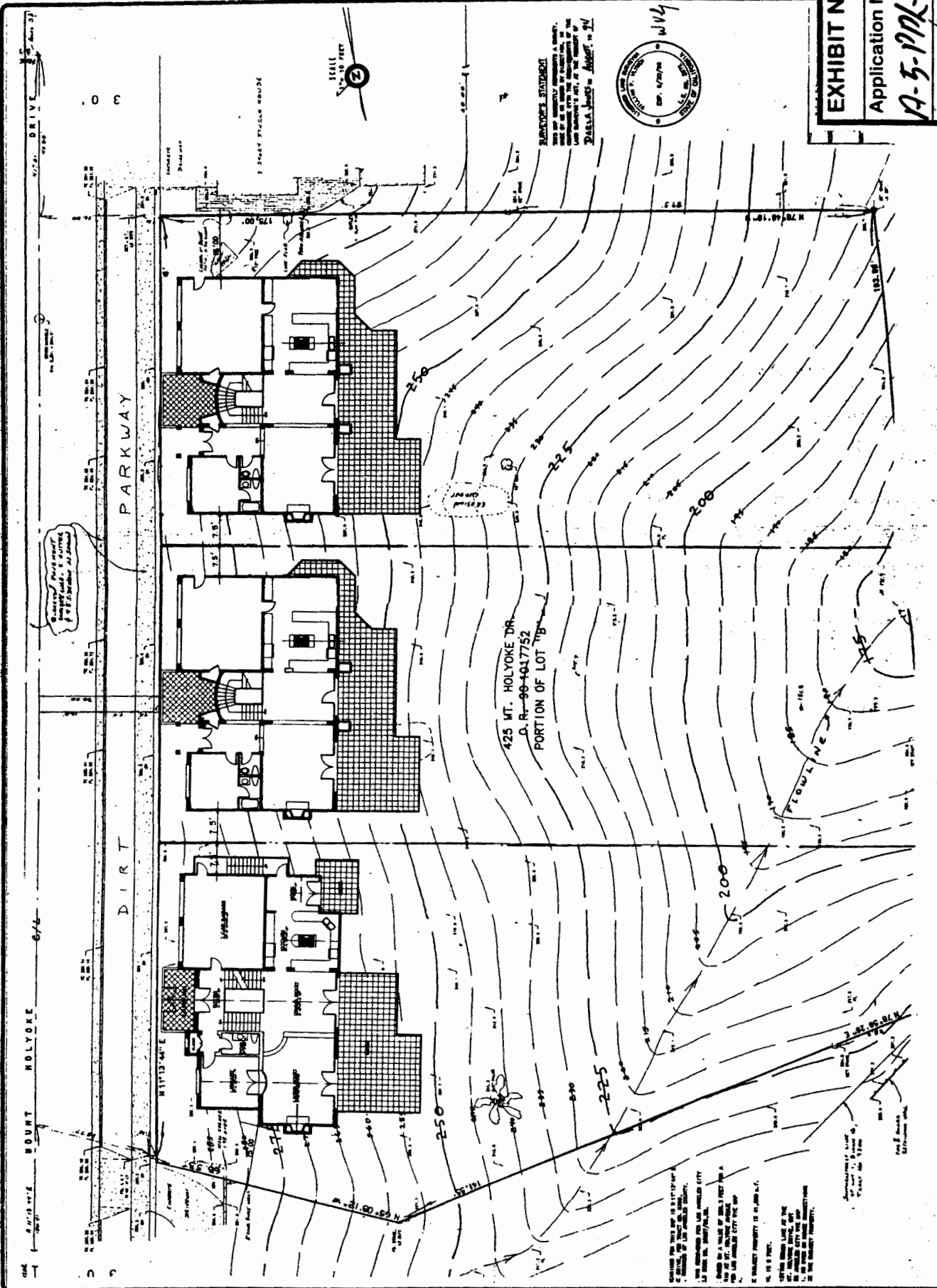
15-PPL-98-223

Parcel Map

EXHIBIT NO. **3**

Application Number
12-5-PMK-99-2233

Conceptual Program
of Terms based on
City Restrictions



CITY OF LOS ANGELES
CALIFORNIARICHARD J. RIORDAN
MAYORDEPARTMENT OF
CITY PLANNING
221 N. FIGUEROA STREET
LOS ANGELES, CA 90012-2601CITY PLANNING
COMMISSIONPETER M. WEIL
PRESIDENT
ROBERT L. SCOTT
VICE-PRESIDENT
JORGE JACKSON
MARNA SCHNABEL
NICHOLAS M. STONNINGTONGABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 580-5234DATE: APR 27 1999Mr. and Mrs. Stan Jones
529 Swarthmore Avenue
Pacific Palisades, CA 90272NOTICE 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 L. 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)Darryl L. Fisher
(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 AgencyDARRYL L. FISHER
Deputy Advisory Agency

DF:GR:tlh

Attachment:

cc: John Bowman

Jeffer, Mangels, Butler and Marmaro

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER

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CP-1926

VAN NUYS • 6251 VAN NUYS BLVD., 1ST FLOOR, VAN NUYS 91401 • (818) 756-8598

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MAY 14 1999

CALIFORNIA
COASTAL COMMISSIONEXECUTIVE OFFICES
16TH FLOOR

CON HOWE

DIRECTOR
(213) 580-1160

FRANKLIN P. EBERHARD

DEPUTY DIRECTOR
(213) 580-1163

GORDON B. HAMILTON

DEPUTY DIRECTOR
(213) 580-1165

ROBERT M. SUTTON

DEPUTY DIRECTOR
(213) 580-1167

FAX: (213) 580-1176

INFORMATION
(213) 580-1172

EXHIBIT NO. 5

APPLICATION NO.

A-5-PM-98-225

City Permit

California Coastal Commission

CITY OF LOS ANGELES
CALIFORNIA

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



RICHARD J. RIORDAN
MAYOR

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MAY 14 1999

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COASTAL COMMISSION

EXECUTIVE OFFICES
16TH FLOOR

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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\TheFrodoes\0010netperm.wpd

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

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

A-5-PP-99-225

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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

~~CONFIDENTIAL~~
A-5-P2-99-225

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.

~~_____~~
~~_____~~
A-5-P2-99-225

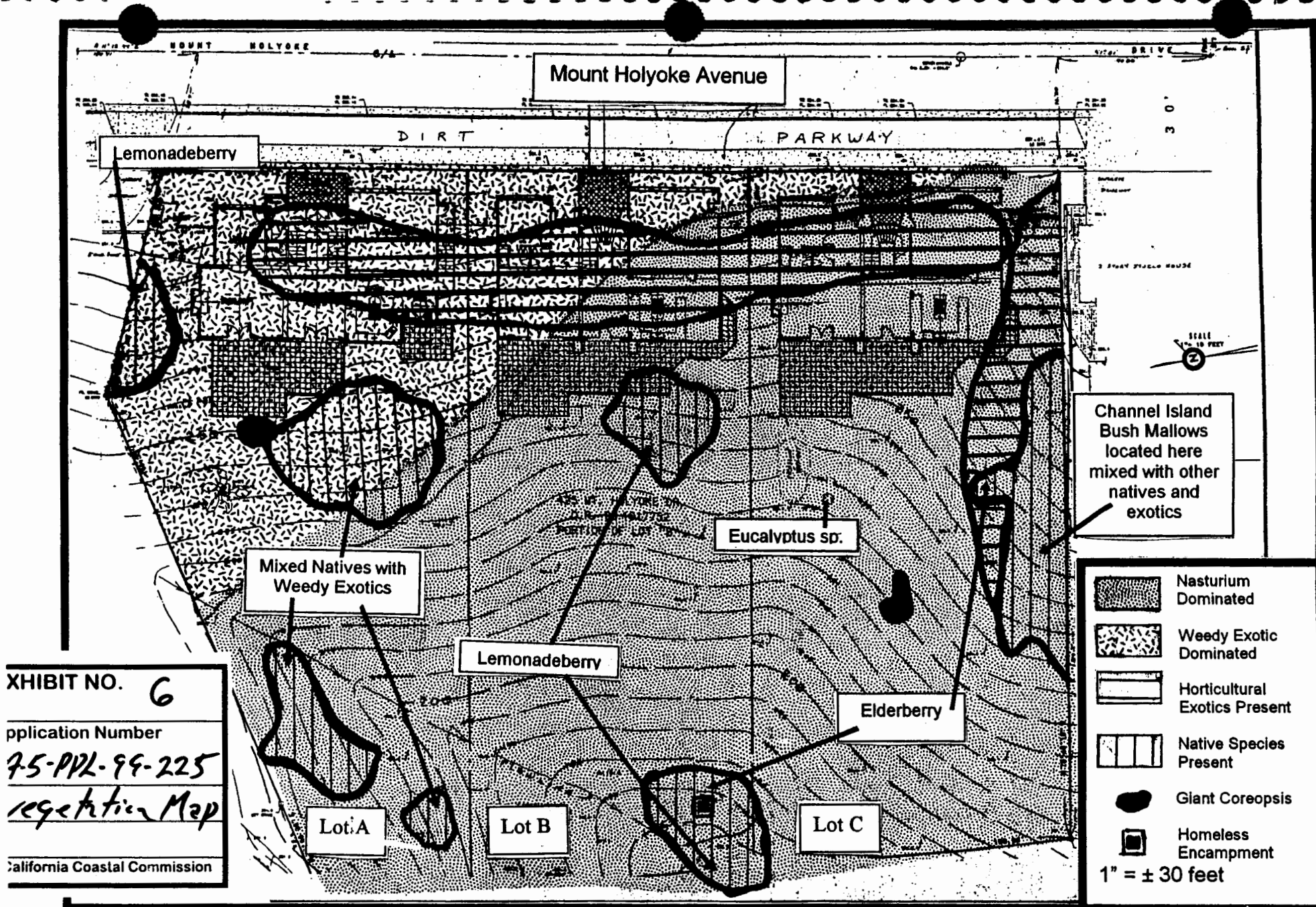


EXHIBIT NO. 6

Application Number

75-PPL-99-225

Vegetation Map

California Coastal Commission

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

