

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****TH 18C**

Filed: 10/31/03
49th Day: 12/19/03
Staff: AJP-LB
Staff Report: 6/22/04
Hearing Date: 7/14-16/04
Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-PPL-03-465

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PPL-03-465

APPLICANT: Y.M.C.A. of Metropolitan Los Angeles

APPELLANTS: No Oil, Inc. (c/o Barbara Kohn); Friends of Temescal Canyon.

PROJECT LOCATION: 15601 Sunset Boulevard, Pacific Palisades City of Angeles
(County of Los Angeles)

PROJECT DESCRIPTION: The local Coastal Development Permit authorized the continued use of the site for the following nonconforming uses: annual retail sale of Christmas trees between December 1st and 25th and annual retail sales of Halloween pumpkins between October 15 and 31st; and operation of a youth day camp in the OS-1XL and OS-1-H Zones in proposed Parcel A of PMLA No. 7245.

The City included, in conjunction with the CDP approval, a Parcel Map approval (PMLA No. 7245) for the following: Subdivision of an existing 56.78 acre parcel into two parcels (Parcel A: 3.95 acres and Parcel B: 52.83 acres) in the RE40-1-H zone. (In a letter submitted to Commission staff, dated May 13, 2004, the City states that the CDP included the parcel map approval and uses).

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 for the following reasons: the project approved by the City raises substantial issues of conformity with regards to the Chapter 3 policies involving impacts on coastal resources and public access.

SUBSTANTIVE FILE DOCUMENTS:

1. Parcel Map No. 7245
2. CDP No. 98-004/ZA 98-0229(NC)

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the conformity of 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-PPL-03-465 raises **NO** substantial issue as to conformity with Chapter 3 of the Coastal Act.

An affirmative vote by 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-03-465 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 of the approved development with Chapter 3 policies of the Coastal Act.

II. 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 13301-13325 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, unless a waiver of the 49 days is received from the applicant or representative.

In this case, on October 31, 2003, the South Coast District office received an appeal of the Local Coastal Development Permit during the 20 working day appeal period. On November 4, 1999, Commission 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 December 2003 meeting, the Commission opened and continued the public hearing pending receipt of the required documents. Those material documents were received on January 7, 2003. On February 4, 2004, Commission staff received a letter from the applicant's representative waiving the 49-Day time limit for hearing the appeal. The time waiver was provided by the applicant's representative to provide staff additional time to analyze the appeal and the City's record.

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 that a substantial issue exists, the Commission holds a new public hearing to act on the Coastal Development Permit as a de novo matter.

The Commission may also decide that the appellants' contentions raise no substantial issue as to conformity with the Coastal Act, in which case the action of the local government stands. Alternatively, if the Commission finds that the proposed project, as approved by the City, 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.

III. APPELLANTS' CONTENTIONS

Appeal by Friends of Temescal Canyon (See Appeal Letter, Exhibit No. 4):

1. City's approval of the Coastal Development Permit does not analyze or give any consideration of imminent future development associated with the Parcel Map.
2. The City did not consider cumulative effects of the development.
3. A Subdivision is "Development" subject to the Coastal Act.
4. The applicant has no legal interest in the property to comply with the conditions of the permit.
5. Does not protect property from damage from oil drilling.

Appeal by No Oil (See Appeal Letter, Exhibit No. 5)

1. Special Condition No. 10, that prohibits oil drilling, is not sufficient to prevent oil drilling on or below the property in perpetuity.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The City approved a Coastal Development Permit (CDP)/ Parcel Map for the subdivision of the existing 56.78 acre parcel into two parcels (Parcel A: 3.95 acres, and Parcel B: 52.83 acres) in the RE40-1-H zone (PMLA NO. 7245. See Exhibit No. 4, Attachment "B") and continued use of Parcel A for the following nonconforming uses: annual retail sale of Christmas trees between December 1st and 25th and annual retail sales of Halloween pumpkins between October 15 and 31st; and operation of a youth day camp in the OS-1XL and OS-1-H Zones in proposed Parcel A of PMLA No. 7245 (CDP No. 98-004. See Exhibit No. 4, Attachment "C").

The proposed property is located within Temescal Canyon, just north of Sunset Boulevard, in the Pacific Palisades area of the City of Los Angeles. The 56.78 acre parcel has approximately 300 feet of frontage along Sunset Boulevard and extends north from Sunset Boulevard approximately 5,000 feet.

The subject 56.78 acre property is currently being leased by the YMCA of Metropolitan Los Angeles from the Santa Monica Mountains Conservancy. The Santa Monica Mountains Conservancy and YMCA entered into an Option Agreement, that was effective November 8, 1994, which granted the YMCA the right to continue use of the 56.78 acre site to conduct the type of activities as have been conducted in the past and which are currently occurring on the site, and provides YMCA the option to purchase the Parcel A once the proposed subdivision is approved.

According to City records, the YMCA has used the property for 35 years. The upper portion of the property (proposed Parcel B) is developed with a swimming pool and other structures operated and maintained by the YMCA and Santa Monica Mountains Conservancy. Proposed Parcel A, the lower 3.95 acre parcel, is currently undeveloped and used by the YMCA for the annual sales of Christmas trees, Halloween pumpkins, and summer day camp. Under the City's zoning, the annual sales were a use allowed by right when the property was zoned R3-1 and has continued through subsequent down-zonings. The site has been used for the annual sales since 1976.

The surrounding property to the north and west is owned by the Santa Monica Mountains Conservancy, as is the subject property. Minimum density single family residential development lies to the east and low/medium multiple family residential uses lie to the south. A high school is located across Sunset Boulevard directly to the southwest and a condominium complex is just to the east.

The City's permit includes authorization for the applicant's continued use of the smaller lot (proposed Parcel A) for annual or seasonal sales that have taken place regularly since 1976. Although the uses have existed on the site since 1976, and no changes are being proposed, the uses were included in the City's permit because, under the current City zoning of OS (Open Space), the uses are non-conforming legal uses and the City code required that a variance be issued for the continuance of the non-conforming uses. Similarly, unless the applicant establishes a vested right in the episodic activity, a CDP is also needed for each new use of the site that constitutes development. The City's permit was a combined Coastal Development Permit and variance for the existing uses, and a Parcel Map approval for the proposed subdivision. Although the City's CDP does not state that it covers the subdivision, there is some evidence in the findings that it may have been intended to do so, and the City has indicated in a letter to Commission staff, dated May 13, 2004, that the City's approval of the CDP did indeed cover both the parcel Map (PMLA No. 7245) and the continuation of the non-conforming uses.

B. Area Planning History

The City of Los Angeles has a work program to complete a Local Coastal Program in the Pacific Palisades planning area. This work program discusses hillside development standards, along with controlling hillside grading, development standards within the Sunset Boulevard corridor, and identification of geologically unsafe areas. There is no draft LCP for this area.

C. Description of Local Approval

On January 15, 2003, the City's Zoning Administrator approved a coastal development permit (98-004), with conditions, for the:

Continued use and maintenance of nonconforming annual retail sale of Christmas trees between December 1st and December 25th and nonconforming annual retail sale of Halloween pumpkins between October 15th and October 31st, and youth day camp in the OZ1XL and OS-1-H zones in proposed Parcel A of PMLA No. 7245.

The City also included a variance [ZA 98-0229(NC)] for the existing non-conforming uses. In conjunction with the City's Coastal Development Permit and variance, the Deputy Advisory Agency approved the preliminary Parcel Map No. 7245 (PMLA No. 7245) for the subdivision of the 53.14 acre property into two parcels consisting of a 3.95 acre parcel (A) and a 49 acre parcel (B). As part of the City's action on the CDP, the Parcel Map approval included Coastal Act findings for the subdivision of the property. According to the City, the City's approval of the CDP included the Parcel Map and its Coastal Act findings.

The Zoning Administrator's decision on the CDP, and the Deputy Advisory Agency's decision on the preliminary Parcel Map, was appealed to the West Los Angeles Area Planning

Commission. On March 19, 2003, the West Los Angeles Area Planning Commission sustained the actions of the Zoning Administrator and the Deputy Advisory Agency.

The City's Coastal Development Permit and combined Parcel Map provides an analysis of the annual retail sales, and youth day camp uses and their consistency with applicable Chapter 3 policies of the Coastal Act, with regards to access. Based on this analysis, the Zoning Administrator found, as part of its CEQA findings, that the project is consistent with the access policies of Chapter 3 of the Coastal Act. However, as stated below, the proposed project raises substantial issues with respect to the Chapter 3 policies of the Coastal Act.

C. 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 Section 30602 (where the local government reviews permit applications prior to LCP certification) 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 below, the Commission exercises its discretion and determines that the development approved by the City raises substantial issue with regard to the appellant's contentions regarding coastal resources and conformity with Chapter 3 of the Coastal Act.

D. Substantial Issue Findings

1. The appellant, Friends of Temescal Canyon, contends:

City's approval of the Coastal Development Permit does not analyze or give any consideration of imminent future development associated with the Parcel Map.

In the City's CDP analysis, the City limited their analysis to the impacts associated with the property's existing uses. Although the applicant states that it is not considering any future development of the site other than to continue the existing uses, by definition, a subdivision creates the potential for additional development, and as a consequence, in order to find a proposed subdivision consistent with the Chapter 3 policies of the Coastal Act, all coastal resources on or surrounding the site that have the potential of being impacted by future development must be considered and evaluated. In addition, the applicant must show that there is an economically viable use that can be made of the proposed new parcel that would not conflict with any Chapter 3 policy.

The City's CDP/Parcel Map included Coastal Act findings and discussed the existing and continued use of the property by the YMCA for seasonal sales and youth day camp. The findings also state that the activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open space land use designation. However, the Coastal Act findings in the parcel map permit and the CDP do not analyze the subdivision and any potential uses and impacts on coastal resources that may be harder—if not impossible—to control on the site and surrounding parklands once the subdivision is completed.

a) Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

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

According to the City's record, the property to the north and west (Temescal Canyon Gateway Park) is owned by the Santa Monica Mountains Conservancy. Temescal Canyon Gateway Park is a 141 acre park within Temescal Canyon that is developed with a parking lot just north of Sunset Boulevard and west of the proposed Parcel A, information Kiosks, restrooms, picnic areas and trails. The park property provides public access and recreational opportunities, such as hiking and biking, and provides access to Topanga State Park further to the north. Temescal Canyon, including the park area, is identified as a Significant Ecological Area by the County of Los Angeles (Los Angeles County Significant Ecological Areas Study, 1976). The canyon contains dry chaparral and coastal sage scrub plant communities, and riparian communities along the bottom of the canyon, which contains a blue-line stream.

The County-wide Significant Ecological Area Study states that medium intensity recreational uses are compatible with the resources of the area. The park area, adjacent to the proposed subdivision property is developed with a trailhead, parking lot, picnic and play areas, restrooms, nature facility/ranger residence, and walking paths (CDP No. 5-91-816). The southwestern portion of parcel A of the proposed subdivision provides ingress into the park from Sunset Boulevard, through a recorded access easement.

The proposed Parcel A contains a number of oak trees (20 oaks in the 12-16 inch diameter range) scattered throughout the site, along with Eucalyptus trees. On the tentative parcel map a surveyor's note indicates that no trees will be removed and one of the City's conditions of approval of the subdivision requires that no non-native vegetation shall be planted, except for grass. However, the City's review did not include a biological assessment of the existing vegetation on the site, so it cannot be determined at this time if the existing oaks and other existing vegetation on the site are a significant part of the riparian corridor of the canyon or significantly contribute to the habitat values of the canyon. Furthermore, although the parcel map contains a note that no trees will be removed, the City's permits do not include any conditions requiring the protection of the trees. Therefore, with the City's permit approval it is unclear if the trees are protected from all future development.

The City's CDP/parcel map did not analyze these resources on or surrounding Parcel A or B, and did not identify potential impacts to these resources from the creation of two separate lots. Without a biological assessment and without knowing any potential building sites for future development, the approval of the subdivision could have unavoidable adverse impacts on the existing vegetation and potential habitat values. The City did not impose any special conditions addressing the location or intensity of future development on the newly created lot to protect resources and public recreation. The Commission typically imposes such conditions on new lots in areas with habitat and recreational resources to assure that future

development will protect these resources and to inform later purchasers or decision makers of the limitations of the site. The Coastal Act requires development to be sited and designed to prevent impacts which would significantly degrade environmentally sensitive areas, and be compatible with the continuance of those habitat and recreation areas. Protection of coastal resources and use of parklands must be considered as required in Section 30240 of the Coastal Act, and absence of such a consideration raises a substantial issue with this section of the Coastal Act.

b) Scenic 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.

As stated above, the property immediately to the west is owned by the Santa Monica Mountains Conservancy and developed as a park (Temescal Canyon Gateway Park). The park property provides public access and recreational opportunities, such as hiking and biking, and provides access to Topanga State Park further to the north.

The City's coastal act findings state that the setting of the site is "park-like and aesthetically pleasing", and the continued annual sales will not disrupt the natural character of the area and are compatible with the surrounding area. However, the City's findings only addressed the existing uses of the site that the YMCA will continue to operate. The City's findings did not address the potential impact the subdivision and future development of the site will have on the visual quality of the area from and along the adjacent park and from Sunset Boulevard. The City's CDP/parcel map did not analyze the scenic resources on or surrounding proposed Parcel A or B, including location of public trails in the area, and visibility of the site from the park, and did not identify potential impacts to these scenic resources due to the creation of two separate buildable lots. Because of the proximity of the park to the proposed subdivision site, the siting and design of future development on either of the two parcels could have an adverse impact on the scenic resources of the area. Without an analysis of where future development could be sited, it can not be determined at this time the potential impact the subdivision could have on scenic resources in the area.

c) Recreational Resources

Section 30223 of the Coastal Act:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Because of the sites proximity to the recreational area of Temescal Canyon Gateway Park, the property may be suited for support of upland coastal recreational uses. Although the surrounding area is developed residentially, the property is adjacent to a popular recreational area, and can support recreational uses that are compatible with the canyon park. The property is currently owned by the Santa Monica Mountains Conservancy and transferring the property from a public agency to the YMCA, who could subsequently sell the property to another entity who may have an expectation of a more profitable use of the property could make it more difficult for the Commission to ensure that the ultimate use of the site would not have greater adverse impacts in the area. Although the site is currently used for private recreational use during the summer, the City's reports did not analyze the potential use of the site to support coastal recreational uses.

d) Conclusion

Although, the City's approval prohibits development of the site for 10 years and the current zoning (Open Space) limits development of the site, since there is no certified LCP, zoning can change without Commission review. Once the zoning has been changed and approved by the City and the 10 years has passed, the property owner will have the ability to develop the property consistent with the City's zoning, once the owner receives all necessary permits from the City, including a coastal development permit. However, the Commission has consistently required when reviewing proposed subdivisions and the creation of new buildable lots, that the potential impacts from creating new buildable lots be analyzed during the review of the CDP for the subdivision, to ensure that developing on the newly created lot can be found consistent with applicable Coastal Act policies. The City's approval of the subdivision did not include an analysis of existing resources on the site and an analysis of the potential adverse impacts future development could have on the existing site and surrounding areas nor did it analyze the potential of the site to support coastal recreational uses. Therefore, the appellant's contentions addressing future development do raise a substantial issue with the Chapter 3 policies of the Coastal Act.

2. The appellant, Friends of Temescal Canyon, contends:

The City did not consider cumulative effects of the development.

The appellant states that:

Even though the stated purpose of the Parcel Map as described in the Project Description included with the City applications is to make the 3.95 acre portion of the

SMMC Property available for sale to the Applicant, for the purposes of the Coastal Act, the City cannot limit its review of the development to conveyance purposes alone when future development of the property is probable.

According to the appellant the development involves construction of new facilities that the City did not analyze. The appellant states that the applicant's goal is:

to compliment [sic] the nonconforming day camp activities and the use of the existing swimming pool on the property with its own aquatic center or similar facility on the parceled area. Although the city was fully aware of the Applicant's development goals, it neglected to analyze the entire development project.

The appellant also refers to "notes" that the City included for "informational purposes" only, in their Parcel Map approval, that informs the applicant that they will need to obtain other discretionary approvals prior to construction of any new facilities. Therefore, according to the appellant, with the inclusion of this "note", the City acknowledges that future development is imminent.

In support of the appellant's contention, the City's file for this Parcel Map/ CDP project includes a site plan for the proposed Parcel A for a Y.M.C.A. center. However, these plans are from 1978 and appear to be preliminary plans associated with a previous submittal to the City. However, there was no action on these plans and they are not part of this project. Furthermore, under the current zoning, such a facility would not be allowed and would require further discretionary approval from the City, including a zone change, and a coastal development permit, which the City's permit notes.

Based on the submitted record, there is no indication by the City or the applicant, that the applicant is proposing to develop or use the property for anything other than what is currently existing—seasonal sales on proposed Parcel A, and swimming and youth camp on proposed Parcel B. However, the applicant, as future owner of Parcel A, will have the ability to develop the property consistent with the City's zoning, once the applicant receives all necessary permits from the City, including a coastal development permit. However, in order to analyze a proposed subdivision's potential impact on coastal resources and its consistency with the Coastal Act, potential future development must be identified and analyzed in terms of its impact on coastal resources.

Under the City's current zoning for the property, there are additional uses that could be developed on the site that were not analyzed for their potential impacts on the resources of the area. Under the City's current zoning, allowable uses include recreational trails, park areas, children's play areas, picnic facilities, athletic fields; and natural resource preserves for the managed production of resources. Furthermore, as a separate parcel and under private ownership, it is possible that the owner of parcel A could obtain a zone change from the City and plan to develop the site with more intensive development. Section 30250 of the Coastal Act states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The City's CDP did not identify and analyze any potential future uses for the site or existing coastal resources on or surrounding the site that could be impacted by cumulative effects of future development. Therefore, the subdivisions cumulative impacts were not addressed under the City's CDP. Therefore, the appellant's contentions addressing cumulative and future development does raise a substantial issue with Section 30250 of the Coastal Act.

3. The appellant, Friends of Temescal Canyon, contends:

A Subdivision is "Development" subject to the Coastal Act.

According to the Coastal Act, pursuant to Section 30106, the term "development" includes:

subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot spits...

As stated, the City took concurrent, but separate actions on the Parcel Map and the CDP. Although the City's CDP does not state that it covers the subdivision, there is some evidence in the findings that it may have been intended to do so, and the City has indicated in a letter to Commission staff, dated May 13, 2004, that the City's approval of the CDP did indeed cover both the parcel Map (PMLA No. 7245) and the continuation of the non-conforming uses. Even though the City's action on the CDP and Parcel Map was ambiguous the City agrees that the approval of the parcel map is development under the Coastal Act and requires a CDP, which has been processed and approved by the City. Therefore, the question of the subdivision being considered development under the Coastal Act does not raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act, since the City issued a CDP to include the subdivision of Coastal Development Permit description.

4. The appellant, Friends of Temescal Canyon, contends:

The applicant has no legal interest in the property to comply with the conditions of the permit.

The appellant states that the applicant has not demonstrated it has the authority to comply with the conditions of approval as required by Section 30601.5

Section 30601.5 states:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as coapplicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as coapplicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

The City's records indicate that the applicant, YMCA, has entered into an option agreement to purchase the 3.95 acre parcel (proposed Parcel A) with the underlying landowner, Santa Monica Mountains Conservancy, and will exercise that option once the subdivision is approved. The record contains a letter from the Santa Monica Mountains Conservancy confirming this agreement. Therefore, the applicant has demonstrated legal interest in the property, which will be finalized after the subdivision approval, and once the applicant has purchased the property and has become the legal owner, the applicant will have the legal ability to carryout the conditions of the City's permit.

Furthermore, the applicant's legal interest in the property is a filing requirement and does not raise issues with the Chapter 3 policies of the Coastal Act. The grounds for appeal are the Chapter 3 policies of the Coastal Act. Section 30601.5 of the Coastal Act is not a Chapter 3 policy of the Coastal Act. Therefore, the question of the applicant's legal interest in the property does not raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act.

5. The appellants, Friends of Temescal Canyon and No Oil, contend:

Special Condition No. 10, that prohibits oil drilling, is not sufficient to prevent oil drilling on or below the property in perpetuity and will not protect the property from damage.

Under the City's current zoning of OS- Open Space, natural resource preserves for the managed production of resources is a permitted use. However, the proposed subdivision and proposed uses do not include oil drilling or other natural resource mining operations. Furthermore, the City conditioned the PMLA No. 7245 to prohibit oil drilling activities on the subject property (see Exhibit No. 6, Attachment B, pg 2, condition no. 10a). Moreover, since the 56.78 acre site is currently zoned as Open Space, where oil production may be permitted, the proposed subdivision of the property into two separate parcels does not change the potential of the site for oil production. Furthermore, oil production or any other resource management production on the site will require a separate coastal development permit.

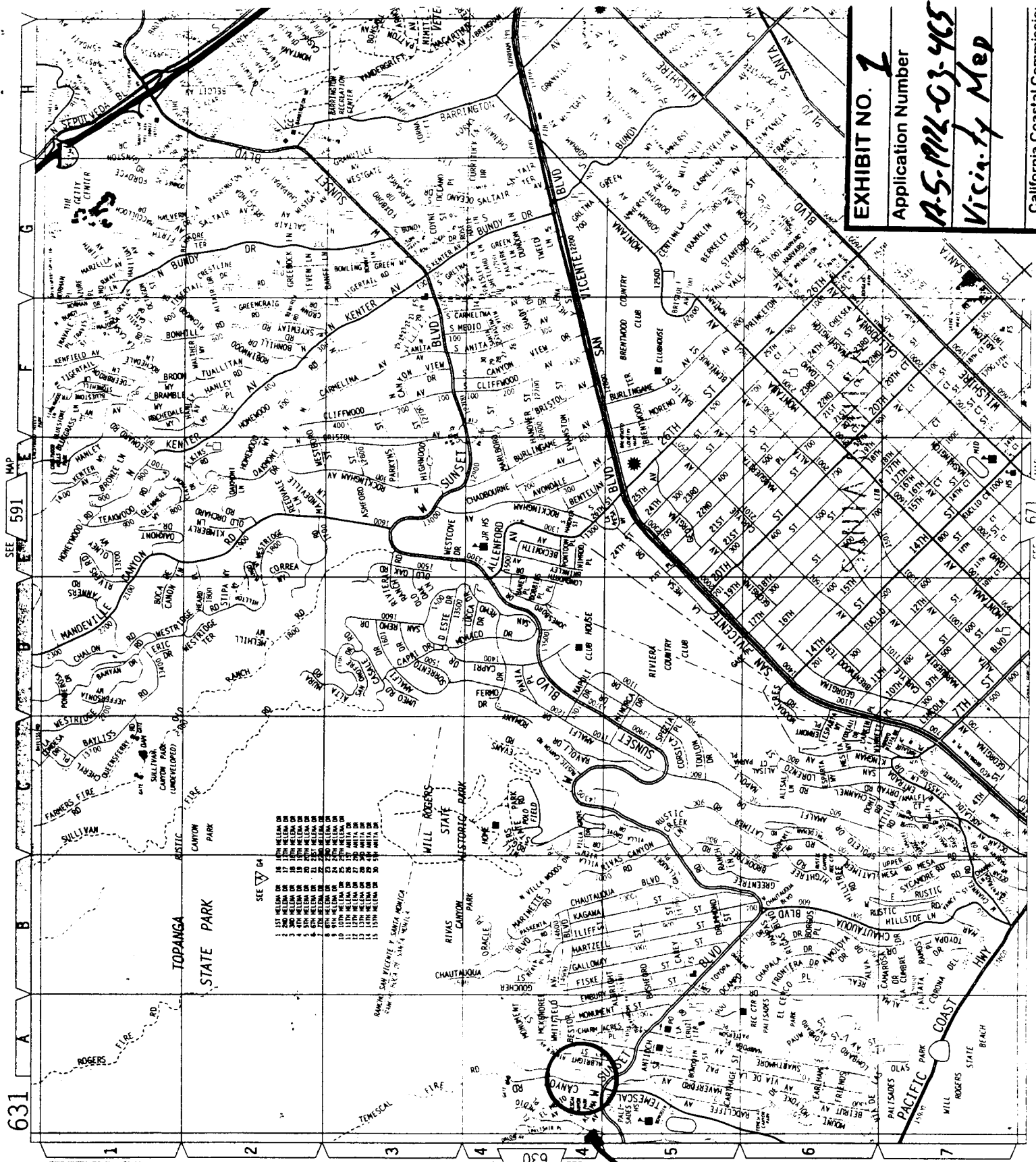
However, since the city did not identify, under the City's Coastal Development Permit, any coastal resources, i.e. native vegetation, access trails, etc., on the site, and did not analyze the potential impacts that future development, such as oil drilling, may have on those resources, the proposed project raises substantial issues with the Chapter 3 policies of the Coastal Act.

Conclusion

The City's lack of coastal resource analysis and analysis of the development potential that would be created by the subdivision, raises a substantial issue. Because of the proximity of Temescal Canyon and the park to the project site, future development of the site could adversely impact natural resources and public access within the park. The Commission finds that Substantial Issues (contentions no. 1, 2, 5 discussed above) exist with respect to the approved project's conformance with the resource protection provisions of Chapter 3 of the Coastal Act. Therefore, appeal No. A-5-PPI-03-465 raises Substantial Issue with respect to the above stated grounds on which the appeal has been filed.

E. Information Needed for De Novo Hearing

As discussed previously in this report, additional resource analysis is necessary to evaluate the project's impacts to existing resources that are located on the site and the area surrounding the site. Information that would be needed is an assessment of the biological resources on the site and surrounding area and a visual analysis of the area. Once this information is provided with a Coastal Development Permit application, staff can prepare a recommendation for the de novo portion of the appeal. A de novo hearing will be scheduled at a future Commission meeting.



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LOS ANGELES

SEE MAP 630

Site

EXHIBIT NO. 1

Application Number

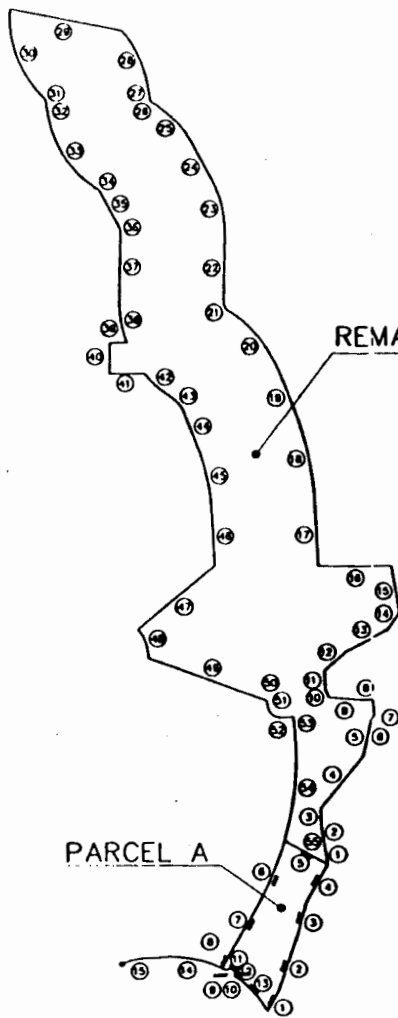
A-5-P12-03-465

Vicinity Map

California Coastal Commission

REMAINDER PARCEL DATA

DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT
09°40'30"W		42.47	
09°40'30"W		152.74	
01°37'20"W		78.85	
58°28'50"E		325.00	
11°56'50"E		165.79	
27°53'50"E		49.15	
06°19'00"W		75.57	
87°49'40"W		55.43	
85°14'20"W		161.07	
21°55'30"W		43.22	
01°28'30"W		91.03	
47°38'00"E		137.48	
62°20'30"E		232.27	
35°38'20"E		105.00	
10°30'50"W		228.88	
89°59'40"W		358.98	
03°12'40"W		307.83	
17°57'40"	1450.00	454.55	229.15
21°10'20"W		194.25	
35°33'59"	658.72	408.90	211.28
57°38'18"	50.00	50.31	27.52
10°55'00"E		329.17	
28°47'30"	550.00	276.38	141.17
27°52'30"W		202.19	
30°03'52"	534.76	280.60	143.81
47°47'32"	25.00	20.85	11.08
10°08'50"W		83.91	
31°14'12"	528.51	287.04	147.19
78°43'18"W		554.23	
50°10'46"	552.04	483.47	258.47
35°49'49"	26.50	18.57	8.57
0°08'50"E		83.91	
47°47'28"	525.00	437.91	232.60
30°03'56"	34.76	18.24	9.34
7°52'30"E		202.19	
28°47'30"	50.00	25.13	12.83
0°55'00"W		329.17	
21°50'45"	550.00	209.70	106.14
9°59'40"W		84.17	
0°00'20"E		149.13	
9°59'40"E		170.00	
17°48'38"	550.00	170.97	86.18
35°34'05"	158.72	98.53	50.91
17°10'20"E		194.25	
17°57'41"	950.00	297.81	150.14
17°2'40"E		279.83	
9°50'00"W		477.79	
40°09'49"	220.00	154.22	80.43
7°48'38"E		605.59	
7°44'29"E		30.72	
85°26'29"	85.00	96.93	80.02
4°49'02"E		52.53	
7°10'58"E		77.58	
70°25'45"	1500.00	534.83	270.29
12°30"E		237.21	

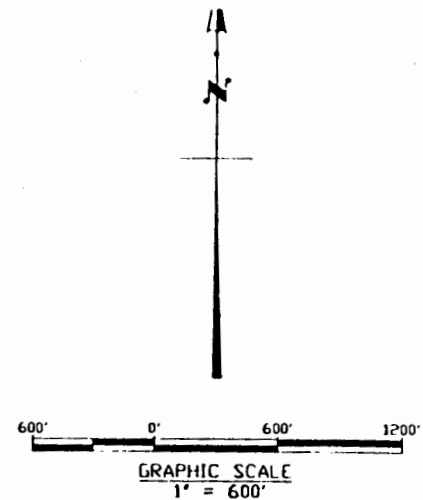


REMAINDER PARCEL
Parcel B

PARCEL A

PARCEL A DATA

DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT
1 N 28°38'31"E		104.79	
2 N 17°49'05"E		302.03	
3 N 14°44'10"E		156.00	
4 N 28°47'30"E		213.48	
5 N 61°12'30"W		237.21	
6 14°44'35"	1500.00	388.12	194.13
7 S 29°58'42"W		220.72	
8 5°30'07"	900.00	86.42	43.25
9 17°0'33"	544.29	11.17	5.59
10 86°25'50"	20.00	30.17	18.78
11 S 58°37'17"E		30.00	
12 88°17'15"	20.00	30.12	18.74
13 25°08'55"	522.48	229.33	118.54
14 35°21'53"	544.29	335.95	173.52
15 27°14'35"	340.00	161.66	82.39



THIS MAP HAS BEEN FOUND TO BE
SUFFICIENT FOR ISSUANCE OF CITY
PLANNING DEPARTMENT RECEIPT.

PM-LA NO. 7245 +C

DATE MAR 31 1996

EXHIBIT NO. 2

Application Number

A-5-PPK-03-465

Parcel Map 7245

part 1

California Coastal Commission.

PARCEL MAP L.A. No.

BEING A DIVISION OF A PORTION OF LOT "A"
OF TRACT NO. 9300, M.B. 125 PAGES 55 TO 78,
INCLUSIVE, OF MAPS, RECORDS OF LOS ANGELES COUNTY.

December 23, 1997

Surveyors Notes

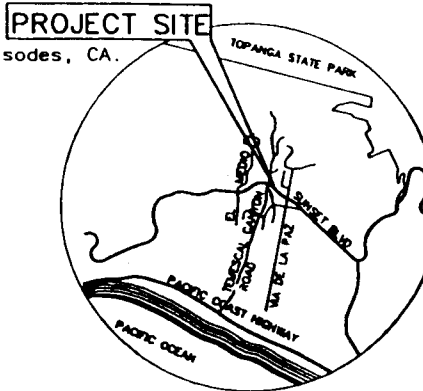
- 1.) Property Zoned RE 40-1
- 2.) Total Area: Parcel A 3.95 Acres
Remainder 52.83 Acres
- 3.) No known hazardous materials on site.
- 4.) All structures to remain.
- 5.) There are 59 Eucalyptus Trees (12" - 30" dia.) under tree canopy, as shown.
There are 20 Oak Trees (12" - 16" dia.), as shown.
All trees to remain.
- 6.) To create a 3.95 acre parcel out of a 56.78 acre State-owned parcel, allowing the YMCA of Metropolitan Los Angeles to purchase the property and continue only those uses already allowed under the existing agreements between the YMCA and the State Conservancy. No construction of new facilities is proposed, and construction is prohibited for 10 years from the effective date of issuance of City approvals. Note: This property could be deeded to the YMCA without any public process because the State of California is exempt from the Subdivision Map Act requirements. However, the above referenced existing agreements stipulate that the parcel to be purchased by the YMCA is to be created through a Parcel Map procedure.
- 7.) Under previous acquisition, the Santa Monica Mountains Conservancy owns the adjacent property fronting Sunset Blvd, north of Temescal Canyon.
- 8.) As a condition of sale, the parcel shall be deed restricted to prohibit surface and subsurface drilling.

Address: 15601 Sunset Boulevard - Pacific Palisades, CA.

Owner: Santa Monica Mountains Conservancy
2600 Franklin Canyon Drive
Beverly Hills, CA 90210
Attn: Joe Edmiston
310.858.7272

Subdivider: YMCA of Metropolitan Los Angeles
625 South New Hampshire Avenue
Los Angeles, CA 90017
Attn: Larry A. Rosen
310.351.2201

Robert C. Olson, PLS 5490



**Engineers
Surveyors
Planners**

EXHIBIT NO.

3

Application Number

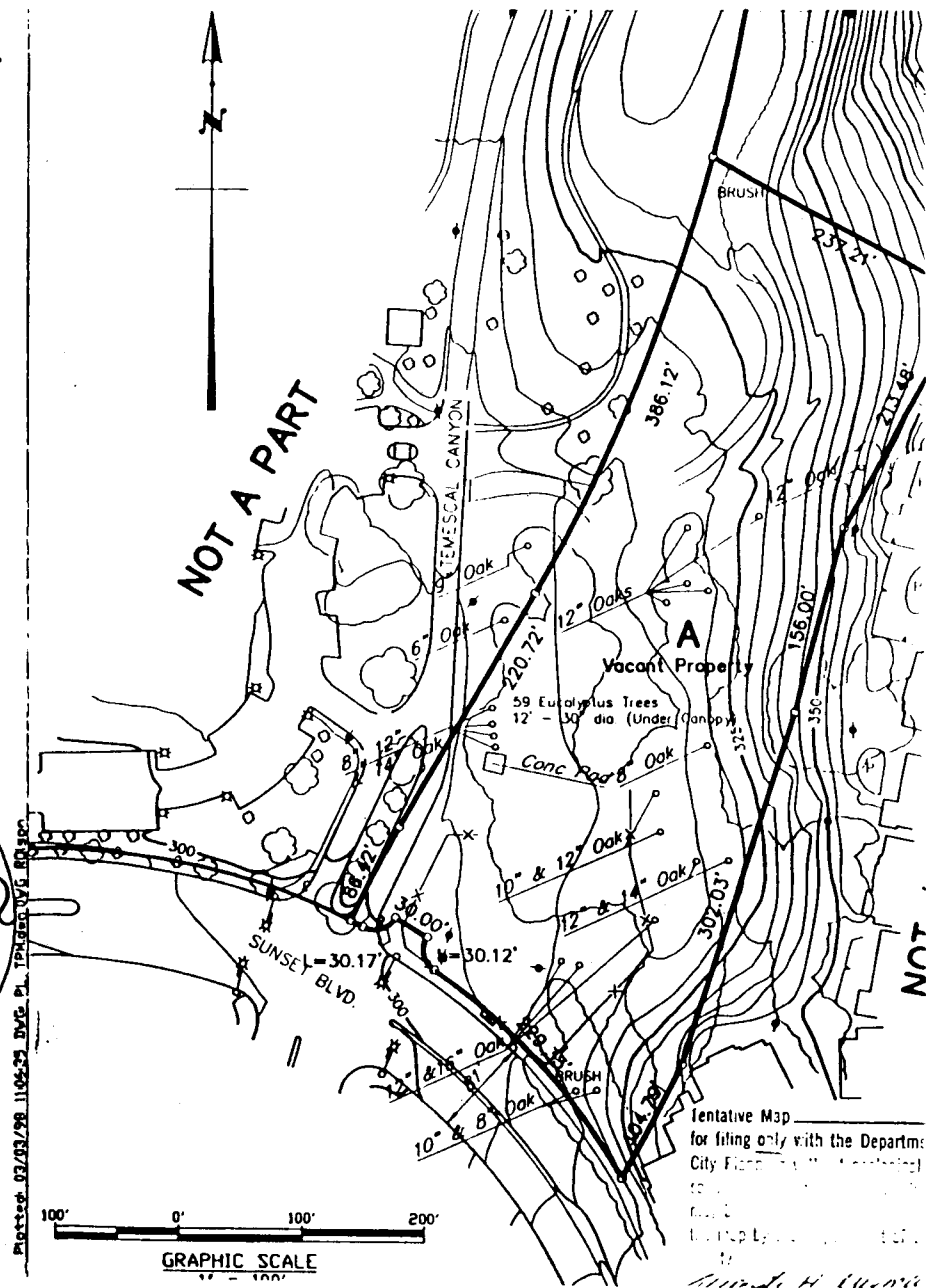
90405

A-5 PPL-C3-465

Word May 7245

12-12

California Coastal Commission



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

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



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

SECTION I. Appellant(s)

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

Friends of Temescal Canyon
15332 Antioch Street, #213
Pacific Palisades, CA 90272 (310) 699-7051
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: Coastal Development Permit, Parcel Map Zoning
Administrator's Determination regarding continuing non-
conforming uses.

3. Development's location (street address, assessor's parcel
no., cross street, etc.): 15601 Sunset Boulevard, Pacific
Palisades, CA 90272. APN: 4422-027-900; Temescal Canyon and
Sunset.

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
b. Approval with special conditions: X _____
c. Denial: _____

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: A5-PPL-03-465

DATE FILED: 11/6/03

DISTRICT: South Coast / Long Beach

H5: 4/88

EXHIBIT NO. <u>4</u>
APPLICATION NO. <u>A5-PPL-03-465</u>
<u>Appellant Letter</u>
<u>rm 1</u>

EXHIBIT "A"

Appeal Of The Determination Of The City Of Los Angeles Approving A Coastal Development Permit For The Property At 15601 Sunset Boulevard

Appellant: Friends of Temescal Canyon

November 6, 2003

Friends of Temescal Canyon presents this appeal of the Coastal Development Permit ("CDP") approved by the City of Los Angeles (the "City"). The City approved a CDP application by the YMCA of Metropolitan Los Angeles (the "Applicant") for approval of a Parcel Map creating as a separate parcel an approximately 3.95 acre portion of property (the "Property") currently owned by the Santa Monica Mountains Conservancy (the "SMMC"). The City's approval of the CDP in this case conflicts with the express purposes and objectives of the California Coastal Act, commencing with Public Resources Code § 30000 (the "Coastal Act").

I. INTRODUCTION.

Friends of Temescal Canyon ("FTC") is a non-profit organization duly formed under the laws of the State of California and consists of property owners and residents residing in the immediate vicinity of the property that is the subject of a Coastal Development Permit. The members of FTC are particularly aggrieved by the West Los Angeles Area Planning Commission (the "APC") approval of a Coastal Development Permit.

Among the stated objectives of the Coastal Act is "[t]hat existing developed uses, and future developments [be] carefully planned and developed consistent with the policies of this division [Public Resources Code § 30000, et seq.]." § 30001 (d).¹ The City's approval of the CDP is fatally flawed because it does not analyze or give any consideration whatsoever of imminent future development associated with the Parcel Map for which the CDP is issued.

A Subdivision Is A "Development" Subject To The Coastal Act.

The Parcel Map application is subject to the Coastal Act and requires a CDP. The Coastal Act defines "development" to include a "subdivision pursuant to the Subdivision Map Act" § 30106. The Parcel Map is a subdivision as defined by the Subdivision Map Act (Government Code §§ 66424 and 66426) and, therefore, is a "development" under the Coastal Act. *La Fe, Inc. v. County of Los Angeles* (1999, 2nd Dist) 73 Cal App 4th 231, 86 Cal Rptr 2d 217. As such, a CDP for a Parcel Map development must be analyzed as thoroughly and completely as any other development and must be found consistent with the stated purposes and objectives of the Coastal Act before a CDP can be approved.

¹ All code section references are to the California Public Resources Code unless otherwise indicated.

II. THE CITY DID NOT CONSIDER CUMULATIVE EFFECTS OF THE DEVELOPMENT.

While considering an application for a CDP, the City can not break up a project without considering the cumulative effects of the entire development. "'Cumulative' or 'cumulative effect' means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." § 30105.5. The development clearly involves construction of new facilities the City did not analyze. Even though the stated purpose of the Parcel Map as described in the Project Description included with the City applications is to make the 3.95 acre portion of the SMMC Property available for sale to the Applicant, for the purposes of the Coastal Act, the City cannot limit its review of the development to conveyance purposes alone when future development of the Property is probable.

The Development Includes Construction Of New Facilities.

The APC decision includes, in addition to the Parcel Map, approval of the continued non-conforming use of the Property for annual pumpkin and Christmas tree sales and the continued nonconforming use of the Property for a youth day camp. The Applicant's goal, as revealed in both public and private discussions, is to compliment the nonconforming day camp activities and the use of the existing swimming pool on the Property with its own aquatic center or similar facility on the parceled area. Although the City was fully aware of the Applicant's development goals, it neglected to analyze the entire development project.

The City's decision includes a set of "Notes"² the presence of which underscores that a known construction project on the Property is imminent. One of the *notes* in particular provides that "[n]o construction of new facilities is allowed without first obtaining a General Plan Amendment, Zone Change, and a Coastal Development Permit." See Exhibit "1" Attachment B at p. 5. Since the *Notes* by their own description are unenforceable, this *note* serves no other purpose other than to put the Applicant on notice that further consideration must be given to other aspects of the development. Merely putting the Applicant on notice does not relieve the City of its obligations under the Coastal Act.

Additionally, this particular *note* highlights two other major aspects of the development that are ignored in the City's analysis, but are clearly recognized as necessarily part of the development. First, the current zoning and General Plan Land Use Designation of the Property is OS (Open Space). The OS Zone is reserved for publicly owned land.

² Preceding the "Notes" included with the West Los Angeles Area Planning Commission decision is the following caveat: "THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP." See Attachment B at p. 5 of the West Los Angeles Area Planning Commission decision, a true and correct copy of which is attached hereto as Exhibit "1."

Therefore, the zone of the Property must be changed before a private entity can obtain an ownership interest. Second, neither the OS Zone nor any zone corresponding to the Open Space General Plan Land Use Designation allows typical building structures. This being the case, the *note* acknowledges that a General Plan Amendment is necessary in order to change the zone to a zone allowing construction of any facilities on the Property. Fully aware of the conflict between the Applicant's plans to develop the Property and the limitations of the current zoning and General Plan, the City decision announces to all the world that a zone change and General Plan Amendment are needed for the Applicant to proceed with the actual development project.

In direct contravention to the Coastal Act, the City's approval applies only to a part of the development project and even acknowledges that an additional CDP is required for probable future construction. The City approved a CDP for continuing non-conforming uses and a Parcel Map. At the same time, the City acknowledged a future project including "construction of new facilities" involving the need of further legislative actions including a Zone Change and General Plan Amendment. In doing so, the City improperly breaks the development into parts neglecting to analyze the cumulative effects of the entire development.

III. THE CITY APPROVAL IS INCONSISTENT WITH THE PROJECT DESCRIPTION.

Despite openly admitting its desire to construct additional facilities on the Property, the Applicant's Project Description included with its application to the City provides that "no development is proposed, merely the creation of a parcel for conveyance purposes only." See City of Los Angeles Master Land Use Application a true and correct copy of which is attached hereto as Exhibit "2." (emphasis in the original). The Project Description notwithstanding, the core of debate during the course of the City's public hearings was the Applicant's contemplated future development of the Property.

Because the Applicant's real development plans are no secret, much debate was devoted to formulating an enforceable condition restricting the development on the Property to be consistent with the Project Description. Among the suggestions was imposing a condition requiring that a Covenant and Agreement be recorded prohibiting development on the Property for 10 years after the Parcel Map approval. Facing vehement objections from the Applicant, the City refused to require a recorded covenant and agreement running with the land naming the City as a party, contrary to its long established practice. Instead, another unenforceable *note* is included with the decision providing that "[t]he YMCA will file a private covenant to run with the land stating that there will be no development on the site for 10 years from approval of this parcel map." See Exhibit "1" Attachment B at p. 5. It is incomprehensible why the City or the Applicant would object to an *enforceable* recorded agreement as a condition of the approval of a Parcel Map reiterating what the Applicant voluntarily included in its Project Description if in fact there is to be no further construction on the Property.

Seemingly as an attempt to appear to honor the *note*, in what can only be regarded as a decoy, the Applicant drafted a unilateral declaration (not a "covenant" or an "agreement") ostensibly restricting construction on the Property without actually saying so.³ The declaration is meaningless because it is unenforceable despite the so-called "Enforcement" clause included on page two of the document. The declaration is unenforceable by the City because it was not included as an actual condition of the City's approval, the City is not named as a party and, thus, no agreement exists between parties. The declaration is not enforceable by any other entity or individual because no beneficial party is named. To be enforceable, covenants and equitable servitudes must be *between parties*.

IV. THE CITY APPROVAL FAILS TO ADVANCE THE BASIC GOALS OF THE COASTAL ACT.

The YMCA is the sole Applicant, but it is not the owner of a fee interest in the Property. For this reason, the Applicant has not demonstrated it has the authority to comply with the conditions of approval as required by § 30601.5. The City's condition #19 appearing on p. 2 of Attachment A (Exhibit "1") provides that an easement for hiking purposes through the Property is to be provided prior to recording the final Parcel Map. Not only does the condition lack sufficient detail to maintain public access in the coastal zone as required by § 30212, compliance with this condition prior to recording the Parcel Map is impossible because the Applicant does not currently have an ownership interest in the Property. As a non-owner it has no authority to dedicate property for public use or set aside an easement over land it does not own. Since the City's condition fails due to impossibility, the CDP approval violates § 30212 and fails to advance the Coastal Act's basic goals including maximizing public access in the coastal zone. § 30001.5.

The City's condition #10 (a), appearing on page 2 of Attachment B (Exhibit "1") does not adequately protect the Property from potential damage from oil drilling. As described by condition 10 (a), the covenant is not necessarily effective against all future owners of the Property. In order to be effective, any Covenant and Agreement designed to protect the Property by prohibiting oil drilling must run with the land and be binding on all future owners in perpetuity. Thus, the City's approval fails to advance another basic goal of the Coastal Act, namely, to "[p]rotect [and] maintain . . . the overall quality of the Coastal Zone. § 30001.5 (a).

^{3/} Friends of Temescal Canyon does not have in its possession a copy of the recorded document. Attached is a copy of the document before recording believed to duplicate the entire content of the recorded document.



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: SEP 23 2003

Case Nos.: PMLA 7245-A10 &
ZA 98-004(CDP)-A10 &
ZA 98-0229(NC)-A10

CEQA: MND 98-0105(PM)(CDP)(NC)

Zone: OS-1-XL, OS-1-H

District Map: 128B125, 132B125

Location: 15601 Sunset Bl.

Legal Description: Portion of Lot A of Tract No. 9300

Council District: 11

Plan Area: Pacific Palisades

Applicant: YMCA of Metropolitan Los Angeles, Mark Elswick (Representative)

Appellants: A1-James & Jill Blumel; A2-Bryan & Mary Conley; A3-Leo & Alita Hernandez; A4-Rolf W.F. Gross & Barbara H. Gross; A5-Douglas & Jean Jamieson; A6-Kathleen & Richard Levin; A-7 Margaret Haaker McIntosh; A8-Leslie Miretti-Faigin; A9-Margery S. Posner; A10-Mary L. Whitaker

At the meeting on March 19, 2003, the following action was taken by the West Los Angeles Area Planning Commission:

Denied the ten (10) Appeals

Sustained the actions of the Deputy Advisory Agency and the Zoning Administrator

Granted the Parcel Map subject to the attached Conditions of Approval as modified in Attachment "A" and as contained in Attachment "B"

Granted the Coastal Development Permit within the single-permit jurisdiction of the California Coastal Zone subject to the attached Conditions of Approval as modified in Attachment "A" and as contained in Attachment "B"

Granted the Non-Conforming Use for the continued annual retail sale of Christmas trees and Halloween pumpkins and continued use of youth day camp subject to the attached Conditions of Approval as modified in Attachment "A" and as contained in Attachment "B"

Modified prior Conditions (See Attachment "A")

Adopted the Findings of the Zoning Administrator

Adopted Mitigated Negative Declaration No. MND 98-0105(PM)(CDP)(NC)

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

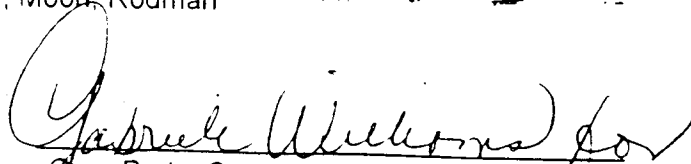
This action was taken by the following vote:

Moved: Krisiloff

Seconded: Ritter-Simon

Ayes: • Belhumeur, Moon, Rodman

Vote: 5-0


Greg Bartz, Commission Executive Assistant
West Los Angeles Area Planning Commission

Effective Date / Appeals: There is a 15-day appeal period for the Parcel Map case to be appealed to the City Council.

The last day to file an appeal is: OCT 08 2003

The Commission Determination will be final on: OCT 09 2003

All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Third Floor, Los Angeles, or at 6255 Van Nuys Boulevard, First Floor, Van Nuys. Forms are also available on-line at www.lacity.org/pln. Any appeal must be filed on the prescribed forms, accompanied by 1.) the required fee, 2.) a copy of the Zoning Administrator's action, 3.) a copy of the Commission's decision letter. The appeal must be received and receipted at a Public Counter office on or before the final day of the appeal period or the appeal will not be accepted

The Coastal Development Permit case is not further appealable at the City level but appealable only to the California Coastal Commission - South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this Determination, will establish the start of the 20-day appeal period

The Non-conforming Use case is not further appealable.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachment(s): Attachment A - List of newly imposed and modified prior Conditions
Attachment B - Deputy Advisory Agency PMLA Determination dated January 15, 2003
Attachment C - Zoning Administrator CDP & NC Determination dated January 15, 2003

c: Notification List

ATTACHMENT "A"

Changes made by the Commission at the March 19, 2003 meeting are delineated below. **RETAIN ALL OTHER CONDITIONS WITHOUT CHANGE.**

PMLA No. 7245 - Deputy Advisory Agency Decision dated January 15, 2003 (Attachment B)

New Conditions Imposed as follows:

13. No sound amplification shall be allowed on the subject property
14. The hours of operation for the daycamp shall be as follows: Monday through Friday from 8:00 A.M. - 7:00 P.M. during the months of June through August. The operation of a day camp shall be inclusive of a maximum of 150 participating children.
15. The hours of operation for the Christmas tree lot shall be from 9:00 A.M. - 9 P.M. Monday through Friday and from 9:00 A.M. to 8:00 P.M. Saturday and Sunday, from December 1st - December 25th. No work, including preparation of trees, delivery of trees, or any other activity on the site may begin or end outside of these hours.
16. No gas powered saws shall be used on the Christmas tree lot, only electric powered machinery is allowed, so that the use is not as intrusive to the nearby homes.
17. Hours of operation for the pumpkin patch shall be from 9:00 A.M. - 9:00 P.M. Monday through Friday, and from 9:00 A.M. - 8:00 P.M., Saturday and Sunday, from the third week of September until October 31st. No work including delivery of pumpkins or any other activities on the site may begin or end outside these hours. Lighting shall be shielded and directed onto the site and only allowed during the hours of operation of the above mentioned activities.
18. A plan for screening and or enclosure of trash dumpsters shall be required and such plan shall be submitted to the Deputy Advisory Agency for review and approval in consultation with the Council Office for the district.
19. Beginning at Sunset Boulevard a 10 foot- wide public easement for hiking purposes be provided through the subject property to the Santa Monica Mountains Conservancy property and the fence setback from this hiking trail. Prior to recordation of the final map the Advisory Agency shall review and approve the above easement to ensure that the location follows the existing trail.
20. Gas generators shall not be used on the subject property.

Modification to Existing Conditions as follows:

- 10c. In the event that the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to any other public resource agency including the City of Los Angeles; and third to any interested non-profit organizations. At least 180 days shall be granted to exercise this transfer.

Case Nos. PMLA 7245-A10; ZA 98-004(CDP)-A10; ZA 98-004
Determination Report: 15601 Sunset Boulevard

Attachment A - Pg. 3

Add the following sentence to the NOTES section of PMLA No. 7245

Notes: The YMCA will file a private covenant to run with the land stating that there will be no development of the site for 10 years from approval of this parcel map.

CDP- 98-004, ZA 98-0229(NC) dated January 15, 2003 (Attachment C)

Delete the following language

Page 8, Finding No.7, second paragraph, third sentence, and after-school.

The sentence shall read as follows: "Providing summer youth activities in a natural park setting is a vital resource in an urban area such as Los Angeles."

ATTACHMENT "B"

DECISION DATE: January 15, 2003

Santa Monica Mountains Conservancy (O)
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

YMCA of Metropolitan Los Angeles (A)
625 S. New Hampshire Avenue
Los Angeles, CA 90005

Re: PMLA No.: 7245
ZONE: OS-1-XL/OS-1-H
PLAN AREA: Pacific Palisades
COUNCIL DISTRICT: 11
CPC: West Los Angeles
FISH AND GAME: EXEMPT

On July 31, 2002, the Deputy Advisory Agency held a public hearing and placed the subject parcel map case under advisement. In accordance with Section 17.53 of the Los Angeles Municipal Code, the Deputy Advisory Agency approves preliminary Parcel Map No. 7245, at 15601 Sunset Boulevard for two parcels. The approval is subject to:

1. That any natural watercourse and the existing 8-foot wide sanitary sewer easement within the subdivision be delineated on the final map satisfactory to the City Engineer. (201 N. Figueroa Street, Suite 200)
2. That prior to recordation of the final map, a Covenant and Agreement be recorded, agreeing that subsequent to the recording of the parcel map, a lot tie agreement be recorded tying the "remainder" portion of Parcel Map No. 7245 in with the southwesterly adjoining Santa Monica Mountains Conservancy ownership, satisfactory to the Advisory Agency and the City Engineer. (201 N. Figueroa Street, Suite 200)
3. That all the proposed parcel map boundary lines be properly established in accordance with Section 17.07.D of the Los Angeles Municipal Code prior to the recordation of the final map satisfactory to the City Engineer. (201 N. Figueroa Street, Suite 200)
4. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed: (West Los Angeles Engineering District)
 - a. Improve Sunset Boulevard adjoining the subdivision by removing an existing concrete driveway approach access to Sunset Boulevard, approximately a 25-foot by 4-foot area, and construct a new integral curb and gutter to close the driveway.
 - b. Construct a 5-foot wide concrete sidewalk along the parcel map boundary line.
5. That any required street tree removal, replacement, new street tree planting and tree well installation together with tree well covers along the property be completed satisfactory to the City Engineer and the Street Tree Division of the Bureau of Street Services.
6. That street lighting facilities to serve the subject property be installed to the satisfaction of the Bureau of Street Lighting. (600 South Spring Street)

Determination Report: 15601 Sunset Boulevard

7. That prior to final map recordation, suitable arrangements be made with the Fire Department with respect to the following: (Room 920, City Hall East) (MM)
 - a. Submit plot plans for Fire Department review and approval.
8. That a clearance be obtained from the Department of Building and Safety, Zoning Engineer regarding the items on a June 1, 1998 report to the Deputy Advisory Agency showing that no violations of the Building or Zoning Codes are created. (Room 300, 201 North Figueroa Street and Room 763, 200 North Spring Street)
9. That two copies of a parking and driveway plan 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 do the same. (Room 300, 201 North Figueroa Street) (MM)
 - a. Vehicular access be limited to private road only within the parcel map boundary.
10. That prior to recordation of the final map, a Covenant and Agreement to the satisfaction of the Deputy Advisory Agency be recorded as follows : (Room 763, 200 North Spring Street)
 - a. No oil drilling activities in any form are allowed on the subject property.
 - b. No non-native vegetation shall be planted on the site other than grass.
 - c. ~~In the event the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to another public resource agency; and third to another non-profit group or groups. At least 180 days shall be granted to exercise this transfer.~~
 - c. In the event that the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to any other public resource agency including the City of Los Angeles; and third to any interested non-profit organizations. At least 180 days shall be granted to exercise this transfer.
 - d. Prior to erection of any permanent fencing on the subject property, plans shall be approved by the Deputy Advisory Agency in consultation with the Council Office of the district to ensure the fence design is open and rustic in nature and conforms to the design of existing Santa Monica Mountains Conservancy facilities on site.
 - e. That all exterior lighting shall be shielded and directed onto the site.
11. That the applicant shall record a Covenant and Agreement identifying a registered civil engineer or licensed land surveyor who will be obligated to provide certification prior to the Certificate of Occupancy, that the foregoing mitigation items required by Condition N

10e have been complied with. This Covenant shall run with the land. Should the applicant choose to change the previously designated professional or should the land be sold, such covenant may be terminated only after a new Covenant and Agreement is recorded guaranteeing that such a professional (to be identified) is available to certify the continuing implementation of the above-mentioned mitigation items. (Room 763, 200 North Spring Street)

12. All terms and conditions of Parcel Map 7245 shall be in substantial compliance with the Zoning Administrators Determination for the subject property under case No. ZA 98-0229(NC)

FINDINGS:

The site is not located in a designated flood hazard area of the Flood Hazard Management Specific Plan.

In connection with the approval of Parcel Map No. 7245, the Advisory Agency, (pursuant to Section 66411.1 of the State of California Government Code the Subdivision Map Act), makes the prescribed findings with regard to the required improvements prior to recordation of the final map as follows:

"The required improvements are necessary for reasons of public health and safety and are a necessary prerequisite to the orderly development of the surrounding area and neighborhood."

The proposed division of land complies with such requirements as may have been established by the Subdivision Map Act (Government Code Sections 664109 et seq.) or Article 7, Section 17.50 of the Municipal Code as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act or said Article.

In adopting Mitigated Negative Declaration No. MND-98-0105-PM(CDP)(NC), the Deputy Advisory Agency finds that the declaration reflects the independent judgment of the lead agency.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for open space density with corresponding zones of OS, A-1. The 53.14 acre property is zoned OS. A Coastal Development Permit and Variance are being processed concurrently with the above parcel map case. The adopted Plan zone allows for the proposed subdivision, Coastal Development Permit and Variance.

The activities conducted by the YMCA on the subject property are all recreational in nature and allowed in the OS land use designation. In addition, the YMCA has been granted a variance (ZA-98-0229) for continuance of the non-conforming use of Christmas tree and Halloween pumpkin sales, as well as youth camp.

THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study and Mitigated Negative Declaration prepared for the project identifies no potential adverse impacts on fish, wildlife resources, or habitats pursuant to California State Code of Regulations Title 14, Section 753.5.

On April 8, 1998, the Environmental Staff Advisory Committee of the Planning Department granted the proposed project Mitigated Negative Declaration No. MND-98-0105-PM(CDP)(NC). The Committee found that potential impacts could result from:

- Major landform disturbance;
- potential seismic activity;
- potential health/fire risk area; and,
- land use (district plan).

The Deputy Advisory Agency, to mitigate the above impacts, required Condition Nos. 7, 9 and 10e, as a condition of approval for the Parcel Map and determined the project would not have a significant impact upon the environment. Other identified potential impacts not mitigated by these conditions are subject to existing City ordinances intended to mitigate such impacts.

Per Section 21081.6 of the Public Resources Code, the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 11.

In light of the above, the project qualifies for the De Minimis Exception for Fish and Game fees (AB 3158).

COASTAL FINDINGS:

- (a) A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. Parking is important to this objective because lack of parking inhibits general public access to the area. As conditioned, this project conforms to the objectives of Chapter 3 by maintaining all the existing parking on the site.
- (b) The adopted Brentwood-Pacific Palisades Community Plan constitutes the current Local Coastal Program for the community. The project conforms with the Plan density of open space and all other provisions of said Plan. The YMCA has operated on the subject property for over 35 years. The YMCA has non-conforming rights to operate on the subject property. The activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open Space land use designation. In addition the YMCA has been granted a variance for the continuance of the non-conforming use of Christmas trees and Halloween pumpkin sales as well as youth day camp as is permitted by existing agreements between the YMCA and the Santa Monica Mountains Conservancy. Therefore, the proposed development does not prejudice the goals and objectives of the said Plan or the ability of the City to prepare a more specific ~~Local~~ Coastal Program.
- (c) The January 1, 1982 Interpretive Guidelines of the Coastal Commission as amended, have been reviewed and considered. All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them.
- (d) The decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

As the permit granting authority, the Deputy Advisory Agency is unaware of any applicable Coastal Commission decisions.

- (e) The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.
- (f) Other than as conditioned by MND 98-0105-PM(CDP)(NC) and the parcel map, the California Environmental Quality Act provides no feasible alternative or feasible mitigation measures to substantially lessen any significant adverse impacts that the development may have on the environment; and therefore will not have a significant impact on the environment.

NOTES:

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

No construction of new facilities is allowed without first obtaining a General Plan Amendment, Zone Change, and a Coastal Development Permit.

On July 31, 2002, the Associate Zoning Administrator granted a Zoning Administrator's determination to permit annual Christmas tree sales, Halloween pumpkin sales, and youth day camp under Case No. ZA-98-0229(NC).

As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau regarding the cable television franchise holder for this area, by calling (213) 847-2775.

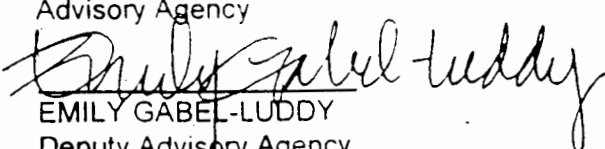
The above action will become effective upon the mailing of this letter, unless an appeal to the Appeal Board has been submitted within 15 calendar days of the mailing of said letter. Such appeal must be submitted and receipted in person on Form CP-7190 before 5:00 p.m. January 30, 2003.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. January 15, 2006.

No requests for time extensions or appeals received by mail will be accepted.

The YMCA will file a private covenant to run with the land stating that there will be no development of the site for 10 years from approval of this parcel map.

Con Howe
Advisory Agency


EMILY GABEL-LUDDY
Deputy Advisory Agency

Case Nos. PMLA 7245-A10; ZA 98-004(CDP)-A10; ZA 98-022

ment B - Pg. 1

Determination Report: 15601 Sunset Boulevard

CH:EGL:ML:tlh

cc: Bureau of Engineering - 4
Central District Planning
Office & 1 Map
D.M. 135B125, 132B125, 129B125
Bureau of Street Lighting
Street Tree Division & 1 Map

Dept. of Building & Safety, Zoning & 2 Maps
Department of Building & Safety, Grading
Department of Fire
Department of Recreation & Parks & 1 Map
Department of Transportation, CPC Section
Room 600, 221 N. Figueroa Street

CP-1809 (03-01-01)

ATTACHMENT "C"

Date: January 15, 2003

YMCA of Metropolitan Los Angeles (A)
625 South New Hampshire Avenue
Los Angeles, CA 90005

Santa Monica Mountains Conservancy (O)
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

Department of Building and Safety

CASE NO. CDP 98-004/ZA 98-0229(NC)
COASTAL DEVELOPMENT PERMIT/
ZONING ADMINISTRATOR'S
DETERMINATION
15601 Sunset Boulevard
Related Case: PMLA No. 7245
Pacific Palisades Planning Area
Zone : OS-1-XL, OS-1-H
D. M. : 129 B 125, 132 B 125
C. D. : 11
CEQA : MND 98-0105(PM)(CDP)(NC)
Fish and Game: Exempt
Legal Description: Portion of Lot A of
Tract No. 9300

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit within the single permit jurisdiction of the California Coastal Zone, and

Pursuant to Los Angeles Municipal Code Sections 12.23-A.6, and 12.24 I hereby APPROVE:

a Zoning Administrator's determination to permit the continued use and maintenance of nonconforming annual retail sale of Christmas trees between December 1st and December 25th and nonconforming annual retail sale of Halloween pumpkins between October 15th and October 31st, and youth day camp in the OS-1XL and OS-1-H Zones in proposed Parcel A of PMLA No. 7245,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. All terms, conditions and provisions of PMLA No. 7245 shall be in compliance.
7. The property owner shall comply with Section 12.22-A,4 for the sale of Christmas trees and also for the sale of Halloween pumpkins.
8. All lighting shall be shielded and directed onto the subject property to minimize negative effects on the surrounding residential neighborhood.
9. In the event the property is sold to a new owner or leased to a new tenant at any time prior to the expiration of the term authorized by this grant, the present owner shall provide the prospective new owner or lessee of the property with a copy of this determination together with a copy of the covenant and agreement hereafter required to be recorded against the deed of the property, so that said new owner or lessee of the property will be fully apprized of the limitations of this authorization prior to completion of any escrow proceedings or lease agreements in connection with the sale of lease of the property.
10. Within 60 days of the effective date of this grant, an acknowledgment and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

Determination Report: 15601 Sunset Boulevard

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"If any portion of a privilege authorized by a variance or conditional use is utilized, the conditions of the variance or conditional use authorization immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Administrator, Board or Commission in connection with the granting of any variance, approval of a conditional use or other action pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after January 30, 2003, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.lacity.org/pln. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 17 J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the ~~permit~~ will be submitted to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission

20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, correspondences received, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on July 31, 2002, and consultation with the Deputy City Attorney, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is a sloping, interior, irregular-shaped parcel of land located on the north side of Sunset Boulevard adjoining easterly of the Temescal Canyon Road entrance to the Topanga State Park. The property is vacant except for vegetation including trees in the OS-1XL / OS-1-H Zones and is composed of 3.95 net acres. The property has an approximate 300-foot frontage and a depth of 800 feet. Currently, the subject property is being leased by the YMCA of Metropolitan Los Angeles and is a proposed Parcel A of Preliminary PMLA No. 7245. The subject property is undeveloped and used by the YMCA for the annual sales of Christmas trees and Halloween pumpkins. This use was allowed by right when the property was zoned R3-1 and has continued through subsequent down-zonings.

The site has been used for the annual sales of Christmas trees since 1976 and Halloween pumpkins since 1983. Later, the Santa Monica Mountains Conservancy and YMCA entered into an Option Agreement, effective November 8, 1994, which granted the YMCA the right to continue use of the subject site to conduct the type of activities as have been conducted in the recent past.

The surrounding property to the north and west is owned by the Santa Monica Mountains Conservancy, as is the subject property. The YMCA also maintains and operates a swimming pool and related facilities directly north of the site. Minimum density single family residential lies to the east and low/medium multiple family residential uses lie to the south. A high school is located across Sunset Boulevard directly to the

southwest and a condominium complex is just to the east. Other properties in the vicinity area also home to neighborhood recreational facilities.

The subject site was previously zoned RE40-1 and designated minimum density. This zoning was placed on the property during the AB283 process in 1986. The front portion of the property, originally zoned R3-1, was the subject of a Council-initiated zone change proposed for R1-1 in 1982. The Planning Commission decided not to act on that proposal until the AB283 process for Brentwood-Pacific Palisades was complete. However, the City Council has recently changed the zone to OS-1XL and OS-1-H and the land use designation to open space.

The R3-1 Zoning was enacted on the front portion (140 feet) of the property in 1975 via Ordinance No. 147, 302, effective July 13, 1975. This zoning was present until the change of RE40-1 noted above. The northern portion of the property was zoned R1-1 for many years prior to the 1975 ordinance.

The Zoning Code prohibition against the sale of Christmas trees in the RE, RS and R1 Zones was effective on November 24, 1978, via Ordinance No. 151,712. Ordinance No. 164,904, effective July 7, 1989, added the RU, RZ, and RMP Zones to the prohibition. (LAMC §12.22 A.4)

The sale of Christmas trees by the YMCA became nonconforming in 1986. However, a nonconforming use that is permitted only in the A or C Zones may be maintained beyond its removal date upon application for a continuation and determination by a Zoning Administration. (LAMC §12.23 A.6)

The applicant's request is for a continuation of a nonconforming use to allow the subject site to be used for youth day camp and the annual sale of Christmas trees and Halloween pumpkins, both currently and in the future and for approval of a coastal development permit in the single permit jurisdiction. The original requests have been held in abeyance pending changes to the zoning and plan's designation of land uses and now the applicant community interests and Council District are urging the appropriate decision affirming the request.

Previous zoning related action on the site/in the area and documentation of retail sales include:

Subject Property:

YMCA Statement of Revenues and Expenses for the sale of Christmas trees and Halloween pumpkins for periods ended February 28, 1998, February 28, 1996, February 28, 1997, and February 28, 1998.

Use of land permits for sale of Christmas trees were issued in 1980, 1982 and 1984 on the subject property.

MELLO FINDINGS:

On January 3, 2001, the City Council entered into a settlement agreement concerning the City's compliance with the Mello Act. The settlement requires the Departments of Building and Safety, City Planning, and Housing to cooperatively implement a detailed set of interim administrative procedures to ensure that all proposed projects to convert, demolish, or develop housing in the coastal zone are subjected to the proper Mello Act review and determination. The procedures are set forth in a document released on May 17, 2000, and signed by the heads of the three implementing City departments.

The subject project to create one parcel in the O2-1XL and O2-1-H Zones for YMCA purposes is exempt from the Mello Findings.

FINDINGS - COASTAL DEVELOPMENT PERMIT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the on-site inspection by staff, the statements made at the public hearing on July 31, 2002, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the six requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2.G-1 of the Municipal Code have been established by the following highlighted facts:

1. A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. Parking is important to this objective because lack of parking inhibits general public access to the area. As conditioned, this project conforms to the objectives of Chapter 3 by maintaining all the existing parking on the site.
2. The adopted Brentwood-Pacific Palisades Community Plan constitutes the current Local Coastal Program for the community. The project conforms with the Plan's density of open space and all other provisions of said Plan. The YMCA has operated on the subject property for over 35 years. The YMCA has non-conforming rights to operate on the subject property. The activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open Space land use designation. In addition the YMCA has been granted a variance for the continuance of the non-conforming use of Christmas trees and Halloween pumpkin sales as well as youth day camp as is permitted by existing agreements between the YMCA and the Santa Monica Mountains Conservancy. Therefore, the proposed development does not prejudice the goals and objectives of the said Plan or the ability of the City to prepare a more specific Local Coastal Program.
3. The January 1, 1982 Interpretive Guidelines of the Coastal Commission as amended, have been reviewed and considered. All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them.

The decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

4. As the permit granting authority, the Deputy Advisory Agency is unaware of any applicable Coastal Commission decisions.
5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.
6. Other than as conditioned by MND 98-0105-PM(CDP)(NC) and the parcel map, the California Environmental Quality Act provides no feasible alternative or feasible mitigation measures to substantially lessen any significant adverse impacts that the development may have on the environment; and therefore will not have a significant impact on the environment.

FINDINGS - COASTAL DEVELOPMENT PERMIT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the on-site inspection by staff, the statements made at the public hearing on July 31, 2002, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

7. **That such a continuation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community.**

The applicant is seeking a continuation of a nonconforming use, pursuant to Section 12.23 A.6. of the Los Angeles Municipal Code, described above, to permit in an OS-1-XL / OS-1-H zone the continued annual sales of Christmas trees and Halloween pumpkins. The site has been used for these purposes since 1976 and 1983, respectively, with no evidence of concern or controversy.

Denial of the request would prevent the applicant from being able to provide needed community services and seasonal recreational activities. Youth day camp provides a needed daycare service and youth enrichment program to the surrounding community and City at large. Providing summer ~~and after-school~~ youth activities in a natural park setting is a vital resource in an urban area such as Los Angeles. The annual retail sales of Christmas trees and Halloween pumpkins constitute the applicant's major community fundraiser. To impose the OS-1-XL/OS-1-H zoning requirements on this property would prohibit the use and thus make the property unusable for its philanthropic purpose.

The annual sales of Christmas trees and Halloween pumpkins are a traditional and essential retail service. The subject property is located close to both single-family and multi-family residential uses, a school, and other neighborhood recreational uses, making the request as proposed, logical, as it would allow for the functional integration with existing improvements and require no additional improvements on the site. The site is centrally located within the Pacific Palisades community and easily accessible from Sunset Boulevard and Temescal Canyon Road, thus making the purchase of Christmas trees and Halloween pumpkins convenient for residents in the immediate neighborhood.

The wide range of community support for the continued annual sales of Christmas trees and Halloween pumpkins also gives evidence to the community's perception that the use is beneficial to them. The sales have been conducted in a fashion to harmoniously blend into the surrounding residential neighborhood and the request is in keeping with existing and expected uses on a major street and would not represent a new intrusive use in the area.

8. **That such a continuation for a prescribed period of additional time will reasonably compatible with and not detrimental to the public welfare injurious to the improvements and use of adjacent properties.**

The use of the subject property for youth day camp and the annual sales of Christmas Halloween pumpkins is an appropriate one. The site is centrally located in the community.

In addition, the frontage along Sunset Boulevard has numerous large trees and the setting of the site is park-like and aesthetically pleasing. The annual sales of Christmas trees and Halloween pumpkins does not disrupt the natural character or topography in any way. In addition the recreational amenities offered in Temescal Canyon and on the subject property are utilized by children of diverse ethnic and socioeconomic backgrounds who may not have the opportunity to experience this environment without the activities of the day camp.

The use will be no less compatible than other uses already in the area. Immediately north of the site are a swimming pool and related facilities, open space lies to the west, four-and five-story condominiums lie immediately to the east, and single-family dwellings lie to the northeast and are separated from the site due to their higher elevation.

The operation of Christmas tree/ Halloween pumpkin sales is well-managed, and maintained. It would be difficult to find that the use of the site for annual Christmas tree/Halloween pumpkin sales would be injurious to any adjacent properties or the public welfare, in general. No detrimental effects vis-a-vis adjoining/neighbors properties are envisioned and the use is desirable to many of the residents of the surrounding community.

The property has had many years of continuous youth day camps and Christmas tree/Halloween pumpkin sales without objections from neighbors or adjacent owners, or from people in the vicinity, and receives strong support from the owner, the Santa Monica Mountains Conservancy (a State agency), and the community. The continuation request seeks only to maintain the annual sales operation as it has existed in the past and, in this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the applicant's desire to provide an essential service to the community can be accommodated in a manner consistent with the intent and purpose of the zoning regulations.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
10. On April 8, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.
11. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

Case Nos. PMLA 7245-A10; ZA 98-004(CDP)-A10; ZA 98-0229(NC)
Determination Report: 15601 Sunset Boulevard

Attachment C - Pg. 10

EGL:ML:th

cc: Councilmember Cindy Miscikowski, Eleventh District
Adjoining Property Owners
County Assessors

LEGAL DESCRIPTION

DESCRIPTIONS OF A PARCEL OF LAND AND EASEMENT, TO BE ACQUIRED BY THE YMCA OF METROPOLITAN LOS ANGELES.

THAT PORTION OF LOT "A" OF TRACT NO. 9300, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 125, PAGES 55 TO 78 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THAT CERTAIN COURSE DESCRIBED AS "NORTH 28 DEGREES 38 MINUTES 30 SECONDS EAST 120.69 FEET" IN THE EASTERLY BOUNDARY OF THE LAND CONVEYED TO THE PRESBYTERY OF LOS ANGELES, A RELIGIOUS CORPORATION, BY DEED RECORDED IN BOOK 20025, PAGE 85 OF OFFICIAL RECORDS IN SAID COUNTY RECORDER'S OFFICE, AT ITS INTERSECTION WITH THE CURVED NORTHEASTERLY SIDELINE OF SUNSET BOULEVARD HAVING A RADIUS OF 522.48 FEET, A RADIAL LINE TO SAID POINT OF BEGINNING BEARS NORTH 60 DEGREES 14 MINUTES 22 SECONDS EAST; THENCE NORTH 28 DEGREES 38 MINUTES 30 SECONDS EAST ALONG SAID CERTAIN COURSE 104.79 FEET, MORE OR LESS, TO AN ANGLE POINT IN SAID EASTERLY BOUNDARY; THENCE FOLLOWING SAID EASTERLY BOUNDARY NORTH 17 DEGREES 49 MINUTES 05 SECONDS EAST 302.03 FEET, NORTH 14 DEGREES 44 MINUTES 10 SECONDS EAST 156.00 FEET AND NORTH 28 DEGREES 47 MINUTES 30 SECONDS EAST 213.48 FEET; THENCE LEAVING SAID EASTERLY BOUNDARY NORTH 61 DEGREES 12 MINUTES 30 SECONDS WEST MEASURED AT RIGHT ANGLES TO SAID LAST DESCRIBED BOUNDARY LINE 237.21 FEET TO THE CURVED EASTERLY BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 1 IN FINAL ORDER OF CONDEMNATION, CASE NO. 819,722 SUPERIOR COURT, IN THE COUNTY OF LOS ANGELES, A CERTIFIED COPY OF WHICH IS RECORDED AS DOCUMENT NO. 4628 IN BOOK D4111, PAGES 458 TO 471 INCLUSIVE OF OFFICIAL RECORDS IN SAID COUNTY RECORDER'S OFFICE, SAID CURVED EASTERLY BOUNDARY LINE BEING CONCAVE WESTERLY WITH A RADIUS OF 1500 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVED EASTERLY BOUNDARY LINE THROUGH A CENTRAL ANGLE OF 14 DEGREES 44 MINUTES 55 SECONDS AND LENGTH OF 386.12 FEET; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY LINE DESCRIBED AS "NORTH 30 DEGREES 36 MINUTES 24 SECONDS EAST 220.72 FEET" IN SAID PARCEL 1 IN SAID LAST DESCRIBED OFFICIAL RECORD, SOUTH 29 DEGREES 59 MINUTES 42 SECONDS WEST ON A DIFFERENT BASIS OF BEARINGS, 220.72 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 900.00 FEET; THENCE CONTINUING SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 5 DEGREES 29 MINUTES 36 SECONDS A LENGTH OF 86.29 FEET TO THE NORTHEASTERLY SIDELINE OF SUNSET BOULEVARD HAVING A RADIUS OF 544.29 FEET; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY SIDELINE OF SUNSET BOULEVARD THROUGH A CENTRAL ANGLE OF 4 DEGREES 43 MINUTES 36 SECONDS A LENGTH OF 44.90 FEET TO A POINT OF THE BEGINNING OF A COMPOUND CURVE IN SAID CURVED NORTHEASTERLY SIDELINE OF SUNSET BOULEVARD, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 522.48 FEET; THENCE SOUTHEASTERLY ALONG SAID COMPOUND CURVE THROUGH A CENTRAL ANGLE OF 28 DEGREES 50 MINUTES 54 SECONDS AND LENGTH OF 263.07 FEET TO THE POINT OF BEGINNING.

RESERVING TO THE GRANTOR, THE NON-EXCLUSIVE "EASEMENT FOR DRAINAGE, GRADING AND INGRESS-EGRESS PURPOSES TO THE SANTA MONICA MOUNTAINS CONSERVANCY ON THE PRESBYTERY OF LOS ANGELES PROPERTY," DESCRIBED IN EXHIBIT "C" ATTACHED TO THAT CERTAIN DOCUMENT ENTITLED "RECIPROCAL GRANT OF EASEMENTS AND DECLARATION OF COVENANTS," RECORDED ON AUGUST 14, 1992, AS DOCUMENT NO. 92-1522907, IN THE OFFICIAL RECORDS OF SAID COUNTY.

A NON-EXCLUSIVE EASEMENT FOR INGRESS-EGRESS PURPOSES OVER AND ALONG THAT CERTAIN PARCEL OF LAND DESCRIBED IN EXHIBIT "D" ENTITLED, "EASEMENT FOR DRAINAGE, GRADING AND INGRESS-EGRESS PURPOSES TO THE PRESBYTERY OF LOS ANGELES ON THE SANTA MONICA MOUNTAINS CONSERVANCY PROPERTY" ATTACHED TO SAID RECIPROCAL GRANT OF EASEMENTS AND DECLARATION OF COVENANTS, RECORDED ON AUGUST 14, 1992, AS DOCUMENT 92-1522907, IN THE OFFICIAL RECORDS OF SAID COUNTY.

*New Parcel Map
legal verified to
location only
J.E. Muzza
11-80, Calle Elnd
Nov. 1, 1995*

LEGAL DESCRIPTION

DESCRIPTIONS OF A PARCEL OF LAND AND EASEMENT, TO BE ACQUIRED BY THE YMCA OF METROPOLITAN LOS ANGELES.

THAT PORTION OF LOT "A" OF TRACT NO. 9300, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 125, PAGES 55 TO 78 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

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*Then-Parcel Map
legal description to
location only
J.E. Murga
11-80, Calle 2nd
Nov. 1, 1995*

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

YMCA of Metropolitan Los Angeles
625 S. New Hampshire Avenue
Los Angeles, California 90005
Attn: Larry Rosen

OPEN SPACE COVENANT

THIS OPEN SPACE COVENANT ("Covenant") is made on 9-18-03,
by YMCA of Metropolitan Los Angeles, a California nonprofit corporation, having an
address at 625 S. New Hampshire Avenue, Los Angeles, California 90005
("Declarant").

Recitals

WHEREAS, Declarant owns property located in the County of Los Angeles, State of
California, legally described as fully set forth in Exhibit 1 attached hereto.

WHEREAS, Declarant, in consideration of the approval of Parcel Map No. 7245 by the
City of Los Angeles (the "City"), and in satisfaction of a agreement therein, desires to
place covenants and restrictions on the Property requiring that it be maintained as open
space for a period of ten years except for specified uses including a Christmas tree
sales lot, a Halloween pumpkin sales lot, and a Youth Day Camp.

NOW THEREFORE, Declarant declares that the Property is held and will be held,
transferred, encumbered, used, sold, conveyed, leased, and occupied subject to the
covenants, restrictions, and limitations set forth in this Covenant, all of which enhance
and protect the value, desirability, and attractiveness of the Property and every part of it.
All of the restrictions, covenants, and limitations will run with the land and will be binding
on all parties having or acquiring any right, title, or interest in the Property. Each
grantee of a conveyance or purchaser under a contract or agreement of sale covering
any right, title, or interest in any part of the Property, by accepting a deed or a contract
of sale or agreement of purchase, accepts the document subject to, and agrees to be
bound by, any and all of the restrictions, covenants, and limitations set forth in this
Covenant. These restrictions, covenants, and limitations will continue in full force and
effect for a period of ten years from the date that this Covenant is recorded in the
Official Records of Los Angeles County, California, after which they will automatically
expire.

Covenants and Restrictions

1. The Property shall be used only for those purposes that will maintain its existing
open-space character. With respect to the Property, the following acts are thus
prohibited:

A. Using or permitting the use of the Property for any purpose except as is consistent with the stated purposes, terms, conditions, restrictions, and covenants of this Covenant.

B. Except as reasonably necessary in connection with the uses listed in Section C below:

- (1) Construction outside that which is allowed by the City on open space land.
- (2) Mining, extracting, severing, or removing any natural resource found or located on, above, or below the Property.
- (3) Hunting, trapping, killing, capturing, or destroying animal life on the Property, except for health and safety purposes.
- (4) Cutting or removing timber or trees found or located on the Property, except as may be required for fire prevention, thinning, elimination of diseased growth, or similar preventive measures in a manner compatible with the purposes of this Covenant.
- (5) Cutting, uprooting, or removing natural growth found or located on the Property, except as may be required for fire prevention, thinning, elimination of diseased growth, or similar preventive measures in a manner compatible with the purposes of this Covenant.
- (6) Operating a motorized bike, trail bike or go-cart.

C. Notwithstanding any other provisions of this Covenant, the Property may be used as a Christmas tree sales lot, a Halloween pumpkin sales lot, and as a Youth Day Camp.

Enforcement

2. The purposes, terms, conditions, restrictions, and covenants in this Covenant may be specifically enforced or enjoined by proceedings in the Superior Court of the State of California. In any such legal proceeding, the losing party or parties must pay the attorneys' fees and costs of the winning party or parties in the amount fixed by the court in the proceeding.


Severability

3. If any provision of this Covenant is found to be invalid, the remainder of the provisions of the Covenant will not be affected and will remain in full force and effect.

Controlling Law

4. This Covenant is to be interpreted, enforced, and performed in accordance with the laws of the State of California.

Dated: 9-18-03

YMCA OF METROPOLITAN LOS ANGELES, DECLARANT
By 

Larry M. Rosen
President & CEO
YMCA of Metropolitan Los Angeles
625 S. New Hampshire Avenue
Los Angeles, CA 90005

(#192907)

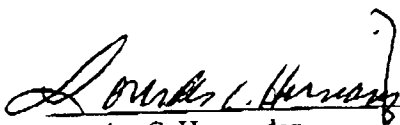
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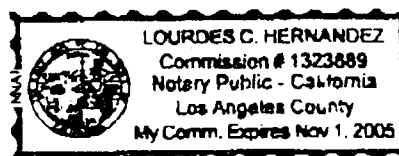
State of California

County of Los Angeles

On September 18, 2003, before me, Lourdes C. Hernandez, Notary Public, personally appeared Larry M. Rosen, President & CEO of the YMCA of Metropolitan Los Angeles, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

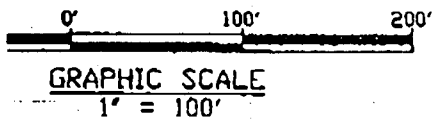

Lourdes C. Hernandez



(SEAL)

[illegible]

9/18/03



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

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



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

SECTION I. Appellant(s)

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

No Oil, Inc.
P.O. Box 991
Pacific Palisades 90272 (310) 454 4254
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

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

2. Brief description of development being appealed: CDP / Parcel Map (see attached)

3. Development's location (street address, assessor's parcel no., cross street, etc.): 15601 Sunset Blvd
Pacific Palisades CA 90272

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: ☒ _____
- c. Denial: _____

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: A5-PPL-03-465

DATE FILED: 10-31-03

DISTRICT: South Coast / Long Beach

H5: 4/88

EXHIBIT NO. <u>5</u>
APPLICATION NO. <u>A5-PPL-03-465</u>
<u>Appellant Letter</u>
<u>2</u> California Coastal Commission

Appeal from Coastal Permit
Decision of Local Government – Los Angeles City

CASE NUMBER

PMLA 7245-A10

ZA 98-004 (CDP) A10

ZA 98-0229 (NC) A10

Location: 15601 Sunset Blvd.

Plan Area: Pacific Palisades, CA 90272

CEQA: MND 98-0105 (PM) (CDP) (NC)

ZONE: OS -1XL, OS-1-H

DISTRICT MAP 128B125, 132B125

LEGAL DESCRIPTION: PORTION OF LOT A OF TRACT NO. 9300

APPELLANT: No Oil, Inc.

Attachment: Reasons for Appeal

No Oil, is appealing the above case based on the inadequacy of Condition 10, specifically 10a of Attachment B, the adopted Conditions of the Deputy Advisory Agency dated January 15, 2003.

No Oil, Inc. opposes oil drilling in the coastal zone of Los Angeles and in Pacific Palisades in particular. Condition 10a is not sufficiently protective of the property to prevent oil drilling on or below the property. Condition 10a does not specify the wording of the Covenant, does not specify the signatories, does not specifically forbid oil drilling activities or mineral extraction on and/or below the property in perpetuity, nor does it state that the Covenant and Agreement shall run with the land. The public has not been allowed the opportunity to read the wording of such a Covenant and Agreement. To be sufficiently protective, Condition 10 must specifically provide that oil-drilling activities are forbidden in perpetuity on and/or below the surface and that the Covenant and Agreement shall run with the land.

EXHIBIT NO.
Application Number
California Coastal Commission

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

CITY PLANNING COMMISSION

MITCHELL B. MENZER
PRESIDENT

JOSEPH KLEIN
VICE-PRESIDENT

RICHARD BROWN
MABEL CHANG

DORENE DOMINGUEZ
JAVIER O. LOPEZ

PASTOR GERARD MCCALLUM II
TOM SCHIFF

GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1247

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

EXECUTIVE OFFICES
5TH FLOOR

CON HOWE
DIRECTOR
(213) 978-1271

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR
(213) 978-1273

GORDON B. HAMILTON
DEPUTY DIRECTOR
(213) 978-1272

ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 978-1274

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

DECISION DATE: January 15, 2003

Santa Monica Mountains Conservancy (O)
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

YMCA of Metropolitan Los Angeles (A)
625 S. New Hampshire Avenue
Los Angeles, CA 90005

Re: PMLA No.: 7245
ZONE: OS-1-XL/OS-1-H
PLAN AREA: Pacific Palisades
COUNCIL DISTRICT: 11
CPC: West Los Angeles
FISH AND GAME: EXEMPT

On July 31, 2002, the Deputy Advisory Agency held a public hearing and placed the subject parcel map case under advisement. In accordance with Section 17.53 of the Los Angeles Municipal Code, the Deputy Advisory Agency approves preliminary Parcel Map No. 7245, at 15601 Sunset Boulevard for two parcels. The approval is subject to:

1. That any natural watercourse and the existing 8-foot wide sanitary sewer easement within the subdivision be delineated on the final map satisfactory to the City Engineer. (201 N. Figueroa Street, Suite 200)
2. That prior to recordation of the final map, a Covenant and Agreement be recorded, agreeing that subsequent to the recording of the parcel map, a lot tie agreement be recorded tying the "remainder" portion of Parcel Map No. 7245 in with the southwesterly adjoining Santa Monica Mountains Conservancy ownership, satisfactory to the Advisory Agency and the City Engineer. (201 N. Figueroa Street, Suite 200)
3. That all the proposed parcel map boundary lines be properly established in accordance with Section 17.07.D of the Los Angeles Municipal Code prior to the recordation of the final map satisfactory to the City Engineer. (201 N. Figueroa Street, Suite 200)

EXHIBIT NO. 6
APPLICATION NO. A5-PPL-03-465
PMLA No. 7245+CDI
Staff Report

4. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed: (West Los Angeles Engineering District)
 - a. Improve Sunset Boulevard adjoining the subdivision by removing an existing concrete driveway approach access to Sunset Boulevard, approximately a 25-foot by 4-foot area, and construct a new integral curb and gutter to close the driveway.
 - b. Construct a 5-foot wide concrete sidewalk along the parcel map boundary line.
5. That any required street tree removal, replacement, new street tree planting and tree well installation together with tree well covers along the property be completed satisfactory to the City Engineer and the Street Tree Division of the Bureau of Street Services.
6. That street lighting facilities to serve the subject property be installed to the satisfaction of the Bureau of Street Lighting. (600 South Spring Street)
7. That prior to final map recordation, suitable arrangements be made with the Fire Department with respect to the following: (Room 920, City Hall East) (MM)
 - a. Submit plot plans for Fire Department review and approval.
8. That a clearance be obtained from the Department of Building and Safety, Zoning Engineer regarding the items on a June 1, 1998 report to the Deputy Advisory Agency showing that no violations of the Building or Zoning Codes are created. (Room 300, 201 North Figueroa Street and Room 763, 200 North Spring Street)
9. That two copies of a parking and driveway plan 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 do the same. (Room 300, 201 North Figueroa Street) (MM)
 - a. Vehicular access be limited to private road only within the parcel map boundary.
10. That prior to recordation of the final map, a Covenant and Agreement to the satisfaction of the Deputy Advisory Agency be recorded as follows: (Room 763, 200 North Spring Street)
 - a. No oil drilling activities in any form are allowed on the subject property.

- b. No non-native vegetation shall be planted on the site other than grass.
 - c. In the event the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to another public resource agency; and third to another non-profit group or groups. At least 180 days shall be granted to exercise this transfer.
 - d. Prior to erection of any permanent fencing on the subject property, plans shall be approved by the Deputy Advisory Agency in consultation with the Council Office of the district to ensure the fence design is open and rustic in nature and conforms to the design of existing Santa Monica Mountains Conservancy facilities on site.
 - e. That all exterior lighting shall be shielded and directed onto the site.
11. That the applicant shall record a Covenant and Agreement identifying a registered civil engineer, architect or licensed land surveyor who will be obligated to provide certification, prior to the issuance of Certificate of Occupancy, that the foregoing mitigation items required by Condition Nos. 7, 9 and 10e have been complied with. This Covenant shall run with the land. Should the applicant choose to change the previously designated professional or should the land be sold, such covenant may be terminated only after a new Covenant and Agreement is recorded guaranteeing that such a professional (to be identified) is available to certify the continuing implementation of the above-mentioned mitigation items. (Room 763, 200 North Spring Street)
12. All terms and conditions of Parcel Map 7245 shall be in substantial compliance with the Zoning Administrators Determination for the subject property under case No. ZA 98-0229(NC)

FINDINGS:

The site is not located in a designated flood hazard area of the Flood Hazard Management Specific Plan.

In connection with the approval of Parcel Map No. 7245, the Advisory Agency, (pursuant to Section 66411.1 of the State of California Government Code the Subdivision Map Act), makes the prescribed findings with regard to the required improvements prior to recordation of the final map as follows:

"The required improvements are necessary for reasons of public health and safety and are a necessary prerequisite to the orderly development of the surrounding area and neighborhood."

The proposed division of land complies with such requirements as may have been established by the Subdivision Map Act (Government Code Sections 664109 et seq.) or Article 7, Section 17.50 of the Municipal Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act or said Article.

In adopting Mitigated Negative Declaration No. MND-98-0105-PM(CDP)(NC), the Deputy Advisory Agency finds that the declaration reflects the independent judgment of the lead agency.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for open space density with corresponding zones of OS, A-1. The 53.14 acre property is zoned OS. A Coastal Development Permit and Variance are being processed concurrently with the above parcel map case. The adopted Plan zone allows for the proposed subdivision, Coastal Development Permit and Variance.

The activities conducted by the YMCA on the subject property are all recreational in nature and allowed in the OS land use designation. In addition, the YMCA has been granted a variance (ZA-98-0229) for continuance of the non-conforming use of Christmas tree and Halloween pumpkin sales, as well as youth day camp.

THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study and Mitigated Negative Declaration prepared for the project identifies no potential adverse impacts on fish, wildlife resources, or habitats pursuant to California State Code of Regulations Title 14, Section 753.5.

On April 8, 1998, the Environmental Staff Advisory Committee of the Planning Department granted the proposed project Mitigated Negative Declaration No. MND-98-0105-PM(CDP)(NC). The Committee found that potential impacts could result from:

- Major landform disturbance;
- potential seismic activity;
- potential health/fire risk area; and,
- landuse (district plan).

The Deputy Advisory Agency, to mitigate the above impacts, required Condition Nos. 7, 9 and 10e, as a condition of approval for the Parcel Map and determined the project would not have a significant impact upon the environment. Other identified potential impacts not

mitigated by these conditions are subject to existing City ordinances intended to mitigate such impacts.

Per Section 21081.6 of the Public Resources Code, the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 11.

In light of the above, the project qualifies for the De Minimis Exception for Fish and Game fees (AB 3158).

COASTAL FINDINGS:

- (a) A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. Parking is important to this objective because lack of parking inhibits general public access to the area. As conditioned, this project conforms to the objectives of Chapter 3 by maintaining all the existing parking on the site.
- (b) The adopted Brentwood-Pacific Palisades Community Plan constitutes the current Local Coastal Program for the community. The project conforms with the Plan density of open space and all other provisions of said Plan. The YMCA has operated on the subject property for over 35 years. The YMCA has non-conforming rights to operate on the subject property. The activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open Space land use designation. In addition the YMCA has been granted a variance for the continuance of the non-conforming use of Christmas trees and Halloween pumpkin sales as well as youth day camp as is permitted by existing agreements between the YMCA and the Santa Monica Mountains Conservancy. Therefore, the proposed development does not prejudice the goals and objectives of the said Plan or the ability of the City to prepare a more specific Local Coastal Program.
- (c) The January 1, 1982 Interpretive Guidelines of the Coastal Commission as amended, have been reviewed and considered. All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them.
- (d) The decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

As the permit granting authority, the Deputy Advisory Agency is unaware of any applicable Coastal Commission decisions.

- (e) The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.
- (f) Other than as conditioned by MND 98-0105-PM(CDP)(NC) and the parcel map, the California Environmental Quality Act provides no feasible alternative or feasible mitigation measures to substantially lessen any significant adverse impacts that the

development may have on the environment; and therefore will not have a significant impact on the environment.

NOTES:

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

No construction of new facilities is allowed without first obtaining a General Plan Amendment, Zone Change, and a Coastal Development Permit.

On July 31, 2002, the Associate Zoning Administrator granted a Zoning Administrators determination to permit annual Christmas tree sales, Halloween pumpkin sales, and youth day camp under Case No. ZA-98-0229(NC).

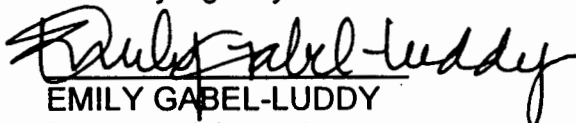
As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau regarding the cable television franchise holder for this area, by calling (213) 847-2775.

The above action will become effective upon the mailing of this letter, unless an appeal to the Appeal Board has been submitted within 15 calendar days of the mailing of said letter. Such appeal must be submitted and receipted in person on Form CP-7190 before 5:00 p.m. January 30, 2003.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. January 15, 2006.

No requests for time extensions or appeals received by mail will be accepted.

Con Howe
Advisory Agency


EMILY GABEL-LUDDY
Deputy Advisory Agency

CH:EGL:ML:tlh

cc: Bureau of Engineering - 4
Central District Planning
Office & 1 Map
D.M. 135B125, 132B125, 129B125
Bureau of Street Lighting
Street Tree Division & 1 Map
CP-1809 (03-01-01)

Dept. of Building & Safety, Zoning & 2 Maps
Department of Building & Safety, Grading
Department of Fire
Department of Recreation & Parks & 1 Map
Department of Transportation, CPC Section
Room 600, 221 N. Figueroa Street

CITY OF LOS ANGELES
CALIFORNIA

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
ANIK CHARRON
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
DAVID KABASHIMA
ALBERT LANDINI
JON PERICA
SARAH RODGERS



JAMES K. HAHN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334

Date: January 15, 2003

YMCA of Metropolitan Los Angeles (A)
625 South New Hampshire Avenue
Los Angeles, CA 90005

Santa Monica Mountains Conservancy (O)
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

Department of Building and Safety

CASE NO. CDP 98-004/ZA 98-0229(NC)
COASTAL DEVELOPMENT PERMIT/
ZONING ADMINISTRATOR'S
DETERMINATION
15601 Sunset Boulevard
Related Case: PMLA No. 7245
Pacific Palisades Planning Area
Zone : OS-1-XL, OS-1-H
D. M. : 129 B 125, 132 B 125
C. D. : 11
CEQA : MND 98-0105(PM)(CDP)(NC)
Fish and Game: Exempt
Legal Description: Portion of Lot A of
Tract No. 9300

- Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit within the single permit jurisdiction of the California Coastal Zone, and

- Pursuant to Los Angeles Municipal Code Sections 12.23-A,6, and 12.24 I hereby APPROVE:

a Zoning Administrator's determination to permit the continued use and maintenance of nonconforming annual retail sale of Christmas trees between December 1st and December 25th and nonconforming annual retail sale of Halloween pumpkins between October 15th and October 31st, and youth day camp in the OS-1XL and OS-1-H Zones in proposed Parcel A of PMLA No. 7245,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.



2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. All terms, conditions and provisions of PMLA No. 7245 shall be in compliance.
7. The property owner shall comply with Section 12.22-A,4 for the sale of Christmas trees and also for the sale of Halloween pumpkins.
8. All lighting shall be shielded and directed onto the subject property to minimize negative effects on the surrounding residential neighborhood.
9. In the event the property is sold to a new owner or leased to a new tenant at any time prior to the expiration of the term authorized by this grant, the present owner shall provide the prospective new owner or lessee of the property with a copy of this determination together with a copy of the covenant and agreement hereafter required to be recorded against the deed of the property, so that said new owner or lessee of the property will be fully apprized of the limitations of this authorization prior to completion of any escrow proceedings or lease agreements in connection with the sale of lease of the property.
10. Within 60 days of the effective date of this grant, an acknowledgment and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"If any portion of a privilege authorized by a variance or conditional use is utilized, the conditions of the variance or conditional use authorization immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Administrator, Board or Commission in connection with the granting of any variance, approval of a conditional use or other action pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after January 30, 2003, unless an appeal therefrom is filed with the City Planning

Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, correspondences received, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on July 31, 2002, and consultation with the Deputy City Attorney, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is a sloping, interior, irregular-shaped parcel of land located on the north side of Sunset Boulevard adjoining easterly of the Temescal Canyon Road entrance to the Topanga State Park. The property is vacant except for vegetation including trees in the OS-1XL / OS-1-H Zones and is composed of 3.95 net acres. The property has an approximate 300-foot frontage and a depth of 800 feet. Currently, the subject property is being leased by the YMCA of Metropolitan Los Angeles and is a proposed Parcel A of Preliminary PMLA No. 7245. The subject property is undeveloped and used by the YMCA for the annual sales of Christmas trees and Halloween pumpkins. This use was allowed by right when the property was zoned R3-1 and has continued through subsequent downzonings.

The site has been used for the annual sales of Christmas trees since 1976 and Halloween pumpkins since 1983. Later, the Santa Monica Mountains Conservancy and YMCA entered into an Option Agreement, effective November 8, 1994, which granted the YMCA the right to continue use of the subject site to conduct the type of activities as have been conducted in the recent past.

The surrounding property to the north and west is owned by the Santa Monica Mountains Conservancy, as is the subject property. The YMCA also maintains and operates a swimming pool and related facilities directly north of the site. Minimum density single family residential lies to the east and low/medium multiple family residential uses lie to the south. A high school is located across Sunset Boulevard directly to the southwest and a condominium complex is just to the east. Other properties in the vicinity area also home to neighborhood recreational facilities.

The subject site was previously zoned RE40-1 and designated minimum density. This zoning was placed on the property during the AB283 process in 1986. The front portion of the property, originally zoned R3-1, was the subject of a Council-initiated zone change proposed for R1-1 in 1982. The Planning Commission decided not to act on that proposal until the AB283 process for Brentwood-Pacific Palisades was complete. However, the City Council has recently changed the zone to OS-1XL and OS-1-H and the land use designation to open space.

The R3-1 Zoning was enacted on the front portion (140 feet) of the property in 1975 via Ordinance No. 147, 302, effective July 13, 1975. This zoning was present until the change of RE40-1 noted above. The northern portion of the property was zoned R1-1 for many years prior to the 1975 ordinance.

The Zoning Code prohibition against the sale of Christmas trees in the RE, RS and R1 Zones was effective on November 24, 1978, via Ordinance No. 151,712. Ordinance No. 164,904, effective July 7, 1989, added the RU, RZ, and RMP Zones to the prohibition. (LAMC §12.22 A.4)

The sale of Christmas trees by the YMCA became nonconforming in 1986. However, a nonconforming use that is permitted only in the A or C Zones may be maintained beyond its removal date upon application for a continuation and determination by a Zoning Administration. (LAMC §12.23 A.6)

The applicant's request is for a continuation of a nonconforming use to allow the subject site to be used for youth day camp and the annual sale of Christmas trees and Halloween pumpkins, both currently and in the future and for approval of a coastal development permit in the single permit jurisdiction. The original requests have been held in abeyance pending changes to the zoning and plan's designation of land uses and now the applicant community interests and Council District are urging the appropriate decision affirming the request.

Previous zoning related action on the site/in the area and documentation of retail sales include:

Subject Property:

YMCA Statement of Revenues and Expenses for the sale of Christmas trees and Halloween pumpkins for periods ended February 28, 1998, February 28, 1996, February 28, 1997, and February 28, 1998.

Use of land permits for sale of Christmas trees were issued in 1980, 1982 and 1984 on the subject property.

MELLO FINDINGS:

On January 3, 2001, the City Council entered into a settlement agreement concerning the City's compliance with the Mello Act. The settlement requires the Departments of Building and Safety, City Planning, and Housing to cooperatively implement a detailed set of interim administrative procedures to ensure that all proposed projects to convert, demolish, or develop housing in the coastal zone are subjected to the proper Mello Act review and determination. The procedures are set forth in a document released on May 17, 2000, and signed by the heads of the three implementing City departments.

The subject project to create one parcel in the O2-1XL and O2-1-H Zones for YMCA purposes is exempt from the Mello Findings.

FINDINGS - COASTAL DEVELOPMENT PERMIT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the on-site inspection by staff, the statements made at the public hearing on July 31, 2002, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the six requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2,G-1 of the Municipal Code have been established by the following highlighted facts:

1. A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. Parking is important to this objective because lack of parking inhibits general public access to the area. As conditioned, this project conforms to the objectives of Chapter 3 by maintaining all the existing parking on the site.
2. The adopted Brentwood-Pacific Palisades Community Plan constitutes the current Local Coastal Program for the community. The project conforms with the Plan density of open space and all other provisions of said Plan. The YMCA has operated on the subject property for over 35 years. The YMCA has non-conforming rights to operate on the subject property. The activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open Space land use designation. In addition the YMCA has been granted a variance for the continuance of the non-conforming use of Christmas trees and Halloween pumpkin sales as well as youth day camp as is permitted by existing agreements between the YMCA and the Santa Monica Mountains Conservancy. Therefore, the proposed development does not prejudice the goals and objectives of the said Plan or the ability of the City to prepare a more specific Local Coastal Program.
3. The January 1, 1982 Interpretive Guidelines of the Coastal Commission as amended, have been reviewed and considered. All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them.

The decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

4. As the permit granting authority, the Deputy Advisory Agency is unaware of any applicable Coastal Commission decisions.
5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.
6. Other than as conditioned by MND 98-0105-PM(CDP)(NC) and the parcel map, the California Environmental Quality Act provides no feasible alternative or feasible mitigation measures to substantially lessen any significant adverse impacts that the development may have on the environment; and therefore will not have a significant impact on the environment.

FINDINGS - COASTAL DEVELOPMENT PERMIT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the on-site inspection by staff, the statements made at the public hearing on July 31, 2002, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

7. **That such a continuation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community.**

The applicant is seeking a continuation of a nonconforming use, pursuant to Section 12.23 A.6. of the Los Angeles Municipal Code, described above, to permit in an OS-1-XL / OS-1-H zone the continued annual sales of Christmas trees and Halloween pumpkins. The site has been used for these purposes since 1976 and 1983, respectively, with no evidence of concern or controversy.

Denial of the request would prevent the applicant for being able to provide needed community services and seasonal recreational activities. Youth day camp provides a needed daycare service and youth enrichment program to the surrounding community and City at large. Providing summer and after-school youth activities in a natural park setting is a vital resource in an urban area such as Los Angeles. The annual retail sales of Christmas trees and Halloween pumpkins constitute the applicant's major community fundraiser. To impose the OS-1-XL/OS-1-H zoning requirements on this property would prohibit the use and thus make the property unusable for its philanthropic purpose.

The annual sales of Christmas trees and Halloween pumpkins are a traditional and essential retail service. The subject property is located close to both single-family and multi-family residential uses, a school, and other neighborhood recreational uses, making the request as proposed, logical, as it would allow for the functional integration with existing improvements and require no additional improvements on the site. The site is centrally located within the Pacific Palisades community and easily accessible from Sunset Boulevard and Temescal Canyon Road, thus making the purchase of Christmas trees and Halloween pumpkins convenient for residents in the immediate neighborhood.

The wide range of community support for the continued annual sales of Christmas trees and Halloween pumpkins also gives evidence to the community's perception that the use is beneficial to them. The sales have been conducted in a fashion to harmoniously blend into the surrounding residential neighborhood and the request is in keeping with existing and expected uses on a major street and would not represent a new intrusive use in the area.

8. **That such a continuation for a prescribed period of additional time will be reasonably compatible with and not detrimental to the public welfare or injurious to the improvements and use of adjacent properties.**

The use of the subject property for youth day camp and the annual sales of Christmas trees and Halloween pumpkins is an appropriate one. The site is centrally located in the community it serves. In addition, the frontage along Sunset Boulevard has numerous large trees and the setting of the site is park-like and

aesthetically pleasing. The annual sales of Christmas trees and Halloween pumpkins does not disrupt the natural character or topography in any way. In addition the recreational amenities offered in Temescal Canyon and on the subject property are utilized by children of diverse ethnic and socioeconomic backgrounds who may not have the opportunity to experience this environment without the activities of the day camp.

The use will be no less compatible than other uses already in the area. Immediately north of the site are a swimming pool and related facilities, open space lies to the west, four-and five-story condominiums lie immediately to the east, and single-family dwellings lie to the northeast and are separated from the site due to their higher elevation.

The operation of Christmas tree/ Halloween pumpkin sales is well-managed, and maintained. It would be difficult to find that the use of the site for annual Christmas tree/Halloween pumpkin sales would be injurious to any adjacent properties or the public welfare, in general. No detrimental effects vis-a-vis adjoining/neighborhood properties are envisioned and the use is desirable to many of the residents of the surrounding community.

The property has had many years of continuous youth day camps and Christmas tree/Halloween pumpkin sales without objections from neighbors or adjacent owners, or from people in the vicinity, and receives strong support from the owner, the Santa Monica Mountains Conservancy (a State agency), and the community. The continuation request seeks only to maintain the annual sales operation as it has existed in the past and, in this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the applicant's desire to provide an essential service to the community can be accommodated in a manner consistent with the intent and purpose of the zoning regulations.

ADDITIONAL MANDATORY FINDINGS

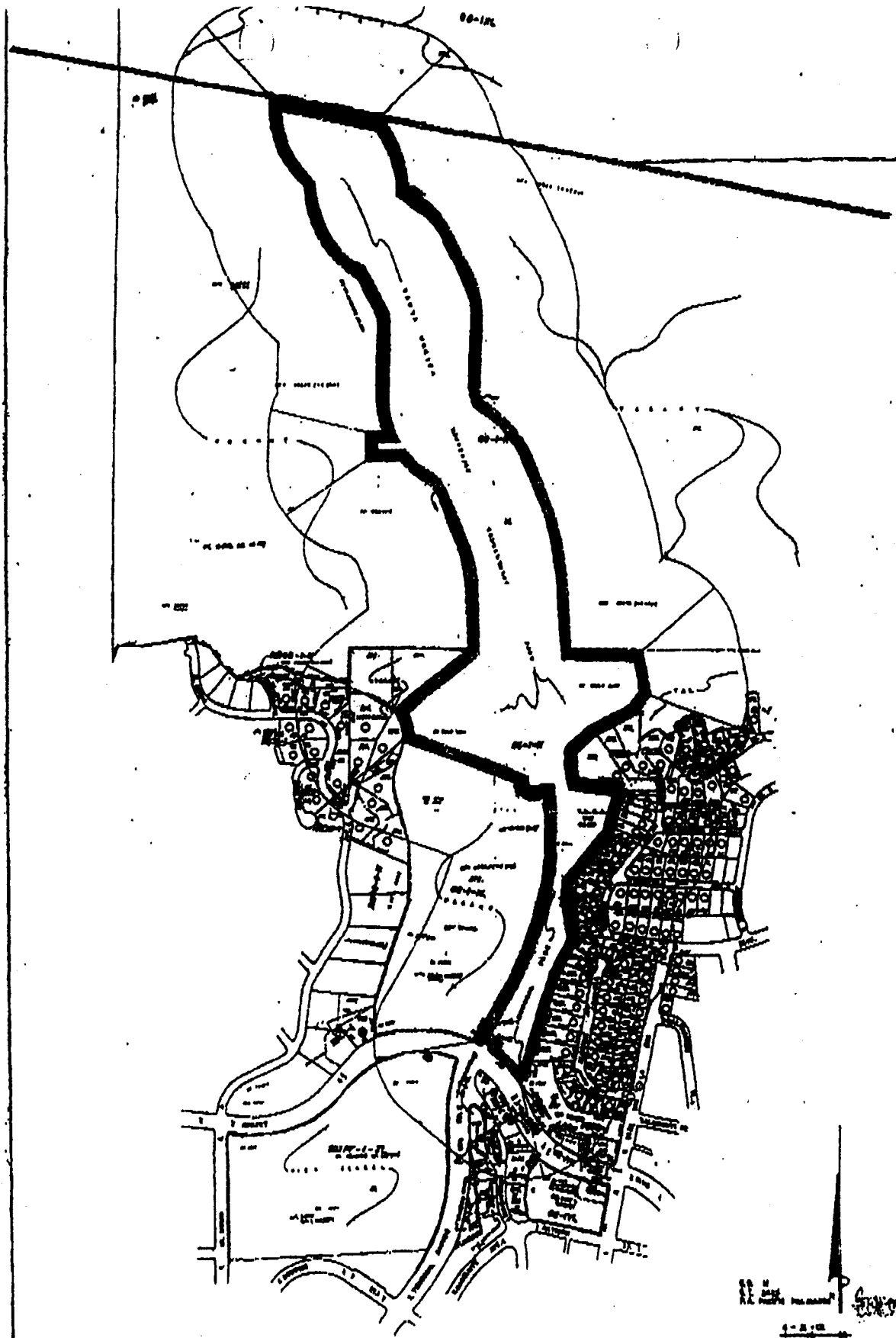
9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
10. On April 8, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.

11. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.


EMILY GABEL-LUDDY
Associate Zoning Administrator

EGL:ML:th

cc: Councilmember Cindy Miscikowski
Eleventh District
Adjoining Property Owners
County Assessors



GC Mapping Service
 711 Mission Street, Suite 2
 South Pasadena, CA 91066
 (818) 441-1000

PRELIMINARY PARCEL MAP NO. 72457
 COSTAL DEVELOPMENT PERMIT
 CONTINUATION OF NONCONFORMING USE

Case No. 72457
 Date: 1/1/78
 Scale: 1" = 100'
 User: [Signature]
 S.S. [Signature]
 L.S. [Signature]
 Page 42 of 42

ATTACHMENT "A"

Changes made by the Commission at the March 19, 2003 meeting are delineated below. **RETAIN ALL OTHER CONDITIONS WITHOUT CHANGE.**

PMLA No. 7245 - Deputy Advisory Agency Decision dated January 15, 2003 (Attachment B)

New Conditions Imposed as follows:

13. No sound amplification shall be allowed on the subject property
14. The hours of operation for the daycamp shall be as follows: Monday through Friday from 8:00 A.M. - 7:00 P.M. during the months of June through August. The operation of a day camp shall be inclusive of a maximum of 150 participating children.
15. The hours of operation for the Christmas tree lot shall be from 9:00 A.M. - 9 P.M. Monday through Friday and from 9:00 A.M. to 8:00 P.M. Saturday and Sunday, from December 1st - December 25th. No work, including preparation of trees, delivery of trees, or any other activity on the site may begin or end outside of these hours.
16. No gas powered saws shall be used on the Christmas tree lot, only electric powered machinery is allowed, so that the use is not as intrusive to the nearby homes.
17. Hours of operation for the pumpkin patch shall be from 9:00 A.M.- 9:00 P.M. Monday through Friday, and from 9:00 A.M - 8:00 P.M., Saturday and Sunday, from the third week of September until October 31st. No work including delivery of pumpkins or any other activities on the site may begin or end outside these hours. Lighting shall be shielded and directed onto the site and only allowed during the hours of operation of the above mentioned activities.
18. A plan for screening and or enclosure of trash dumpsters shall be required and such plan shall be submitted to the Deputy Advisory Agency for review and approval in consultation with the Council Office for the district.
19. Beginning at Sunset Boulevard a 10 foot- wide public easement for hiking purposes be provided through the subject property to the Santa Monica Mountains Conservancy property and the fence setback from this hiking trail. Prior to recordation of the final map the Advisory Agency shall review and approve the above easement to ensure that the location follows the existing trail.
20. Gas generators shall not be used on the subject property.

Modification to Existing Conditions as follows:

- 10c. In the event that the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to any other public resource agency including the City of Los Angeles; and third to any interested non-profit organizations. At least 180 days shall be granted to exercise this transfer.

Add the following sentence to the NOTES section of PMLA No. 7245

Notes: The YMCA will file a private covenant to run with the land stating that there will be no development of the site for 10 years from approval of this parcel map.

CDP- 98-004, ZA 98-0229(NC) dated January 15, 2003 (Attachment C)

Delete the following language

Page 8, Finding No.7, second paragraph, third sentence, and after-school.

The sentence shall read as follows: "Providing summer youth activities in a natural park setting is a vital resource in an urban area such as Los Angeles."

ATTACHMENT "B"

DECISION DATE: January 15, 2003

Santa Monica Mountains Conservancy (O)
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

YMCA of Metropolitan Los Angeles (A)
625 S. New Hampshire Avenue
Los Angeles, CA 90005

Re: PMLA No.: 7245
ZONE: OS-1-XL/OS-1-H
PLAN AREA: Pacific Palisades
COUNCIL DISTRICT: 11
CPC: West Los Angeles
FISH AND GAME: EXEMPT

On July 31, 2002, the Deputy Advisory Agency held a public hearing and placed the subject parcel map case under advisement. In accordance with Section 17.53 of the Los Angeles Municipal Code, the Deputy Advisory Agency approves preliminary Parcel Map No. 7245, at 15601 Sunset Boulevard for two parcels. The approval is subject to:

1. That any natural watercourse and the existing 8-foot wide sanitary sewer easement within the subdivision be delineated on the final map satisfactory to the City Engineer. (201 N. Figueroa Street, Suite 200)
2. That prior to recordation of the final map, a Covenant and Agreement be recorded, agreeing that subsequent to the recording of the parcel map, a lot tie agreement be recorded tying the "remainder" portion of Parcel Map No. 7245 in with the southwesterly adjoining Santa Monica Mountains Conservancy ownership, satisfactory to the Advisory Agency and the City Engineer. (201 N. Figueroa Street, Suite 200)
3. That all the proposed parcel map boundary lines be properly established in accordance with Section 17.07.D of the Los Angeles Municipal Code prior to the recordation of the final map satisfactory to the City Engineer. (201 N. Figueroa Street, Suite 200)
4. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed: (West Los Angeles Engineering District)
 - a. Improve Sunset Boulevard adjoining the subdivision by removing an existing concrete driveway approach access to Sunset Boulevard, approximately a 25-foot by 4-foot area, and construct a new integral curb and gutter to close the driveway.
 - b. Construct a 5-foot wide concrete sidewalk along the parcel map boundary line.
5. That any required street tree removal, replacement, new street tree planting and tree well installation together with tree well covers along the property be completed satisfactory to the City Engineer and the Street Tree Division of the Bureau of Street Services.
6. That street lighting facilities to serve the subject property be installed to the satisfaction of the Bureau of Street Lighting. (600 South Spring Street)

7. That prior to final map recordation, suitable arrangements be made with the Fire Department with respect to the following: (Room 920, City Hall East) (MM)
 - a. Submit plot plans for Fire Department review and approval.
8. That a clearance be obtained from the Department of Building and Safety, Zoning Engineer regarding the items on a June 1, 1998 report to the Deputy Advisory Agency showing that no violations of the Building or Zoning Codes are created. (Room 300, 201 North Figueroa Street and Room 763, 200 North Spring Street)
9. That two copies of a parking and driveway plan 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 do the same. (Room 300, 201 North Figueroa Street) (MM)
 - a. Vehicular access be limited to private road only within the parcel map boundary.
10. That prior to recordation of the final map, a Covenant and Agreement to the satisfaction of the Deputy Advisory Agency be recorded as follows : (Room 763, 200 North Spring Street)
 - a. No oil drilling activities in any form are allowed on the subject property.
 - b. No non-native vegetation shall be planted on the site other than grass.
 - c. ~~In the event the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to another public resource agency; and third to another non-profit group or groups. At least 180 days shall be granted to exercise this transfer.~~
 - c. In the event that the YMCA determines to divest itself of this site and the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority fails to accept it, the property shall be offered first to the Department of State Parks and Recreation; second to any other public resource agency including the City of Los Angeles; and third to any interested non-profit organizations. At least 180 days shall be granted to exercise this transfer.
 - d. Prior to erection of any permanent fencing on the subject property, plans shall be approved by the Deputy Advisory Agency in consultation with the Council Office of the district to ensure the fence design is open and rustic in nature and conforms to the design of existing Santa Monica Mountains Conservancy facilities on site.
 - e. That all exterior lighting shall be shielded and directed onto the site.
11. That the applicant shall record a Covenant and Agreement identifying a registered civil engineer, architect or licensed land surveyor who will be obligated to provide certification, prior to the issuance of Certificate of Occupancy, that the foregoing mitigation items required by Condition Nos. 7, 9 and

10e have been complied with. This Covenant shall run with the land. Should the applicant choose to change the previously designated professional or should the land be sold, such covenant may be terminated only after a new Covenant and Agreement is recorded guaranteeing that such a professional (to be identified) is available to certify the continuing implementation of the above-mentioned mitigation items. (Room 763, 200 North Spring Street)

12. All terms and conditions of Parcel Map 7245 shall be in substantial compliance with the Zoning Administrators Determination for the subject property under case No. ZA 98-0229(NC)

FINDINGS:

The site is not located in a designated flood hazard area of the Flood Hazard Management Specific Plan.

In connection with the approval of Parcel Map No. 7245, the Advisory Agency, (pursuant to Section 66411.1 of the State of California Government Code the Subdivision Map Act), makes the prescribed findings with regard to the required improvements prior to recordation of the final map as follows:

"The required improvements are necessary for reasons of public health and safety and are a necessary prerequisite to the orderly development of the surrounding area and neighborhood."

The proposed division of land complies with such requirements as may have been established by the Subdivision Map Act (Government Code Sections 664109 et seq.) or Article 7, Section 17.50 of the Municipal Code as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act or said Article.

In adopting Mitigated Negative Declaration No. MND-98-0105-PM(CDP)(NC), the Deputy Advisory Agency finds that the declaration reflects the independent judgment of the lead agency.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for open space density with corresponding zones of OS, A-1. The 53.14 acre property is zoned OS. A Coastal Development Permit and Variance are being processed concurrently with the above parcel map case. The adopted Plan zone allows for the proposed subdivision, Coastal Development Permit and Variance.

The activities conducted by the YMCA on the subject property are all recreational in nature and allowed in the OS land use designation. In addition, the YMCA has been granted a variance (ZA-98-0229) for continuance of the non-conforming use of Christmas tree and Halloween pumpkin sales, as well as youth day camp.

THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study and Mitigated Negative Declaration prepared for the project identifies no potential adverse impacts on fish, wildlife resources, or habitats pursuant to California State Code of Regulations Title 14, Section 753.5.

On April 8, 1998, the Environmental Staff Advisory Committee of the Planning Department granted the proposed project Mitigated Negative Declaration No. MND-98-0105-PM(CDP)(NC). The Committee found that potential impacts could result from:

- Major landform disturbance;
- potential seismic activity;
- potential health/fire risk area; and,
- land use (district plan).

The Deputy Advisory Agency, to mitigate the above impacts, required Condition Nos. 7, 9 and 10e, as a condition of approval for the Parcel Map and determined the project would not have a significant impact upon the environment. Other identified potential impacts not mitigated by these conditions are subject to existing City ordinances intended to mitigate such impacts.

Per Section 21081.6 of the Public Resources Code, the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 11.

In light of the above, the project qualifies for the De Minimis Exception for Fish and Game fees (AB 3158).

COASTAL FINDINGS:

- (a) A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. Parking is important to this objective because lack of parking inhibits general public access to the area. As conditioned, this project conforms to the objectives of Chapter 3 by maintaining all the existing parking on the site.
- (b) The adopted Brentwood-Pacific Palisades Community Plan constitutes the current Local Coastal Program for the community. The project conforms with the Plan density of open space and all other provisions of said Plan. The YMCA has operated on the subject property for over 35 years. The YMCA has non-conforming rights to operate on the subject property. The activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open Space land use designation. In addition the YMCA has been granted a variance for the continuance of the non-conforming use of Christmas trees and Halloween pumpkin sales as well as youth day camp as is permitted by existing agreements between the YMCA and the Santa Monica Mountains Conservancy. Therefore, the proposed development does not prejudice the goals and objectives of the said Plan or the ability of the City to prepare a more specific Local Coastal Program.
- (c) The January 1, 1982 Interpretive Guidelines of the Coastal Commission as amended, have been reviewed and considered. All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them.
- (d) The decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

ATTACHMENT "C"

Date: January 15, 2003

YMCA of Metropolitan Los Angeles (A)
625 South New Hampshire Avenue
Los Angeles, CA 90005

Santa Monica Mountains Conservancy (O)
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

Department of Building and Safety

CASE NO. CDP 98-004/ZA 98-0229(NC)
COASTAL DEVELOPMENT PERMIT/
ZONING ADMINISTRATOR'S
DETERMINATION
15601 Sunset Boulevard
Related Case: PMLA No. 7245
Pacific Palisades Planning Area
Zone : OS-1-XL, OS-1-H
D. M. : 129 B 125, 132 B 125
C. D. : 11
CEQA : MND 98-0105(PM)(CDP)(NC)
Fish and Game: Exempt
Legal Description: Portion of Lot A of
Tract No. 9300

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit within the single permit jurisdiction of the California Coastal Zone, and

Pursuant to Los Angeles Municipal Code Sections 12.23-A.6, and 12.24 I hereby APPROVE:

a Zoning Administrator's determination to permit the continued use and maintenance of nonconforming annual retail sale of Christmas trees between December 1st and December 25th and nonconforming annual retail sale of Halloween pumpkins between October 15th and October 31st, and youth day camp in the OS-1XL and OS-1-H Zones in proposed Parcel A of PMLA No. 7245,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. All terms, conditions and provisions of PMLA No. 7245 shall be in compliance.
7. The property owner shall comply with Section 12.22-A,4 for the sale of Christmas trees and also for the sale of Halloween pumpkins.
8. All lighting shall be shielded and directed onto the subject property to minimize negative effects on the surrounding residential neighborhood.
9. In the event the property is sold to a new owner or leased to a new tenant at any time prior to the expiration of the term authorized by this grant, the present owner shall provide the prospective new owner or lessee of the property with a copy of this determination together with a copy of the covenant and agreement hereafter required to be recorded against the deed of the property, so that said new owner or lessee of the property will be fully apprized of the limitations of this authorization prior to completion of any escrow proceedings or lease agreements in connection with the sale or lease of the property.
10. Within 60 days of the effective date of this grant, an acknowledgment and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"If any portion of a privilege authorized by a variance or conditional use is utilized, the conditions of the variance or conditional use authorization immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Administrator, Board or Commission in connection with the granting of any variance, approval of a conditional use or other action pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **January 30, 2003**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit wall be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before

20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, correspondences received, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on July 31, 2002, and consultation with the Deputy City Attorney, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is a sloping, interior, irregular-shaped parcel of land located on the north side of Sunset Boulevard adjoining easterly of the Temescal Canyon Road entrance to the Topanga State Park. The property is vacant except for vegetation including trees in the OS-1XL / OS-1-H Zones and is composed of 3.95 net acres. The property has an approximate 300-foot frontage and a depth of 800 feet. Currently, the subject property is being leased by the YMCA of Metropolitan Los Angeles and is a proposed Parcel A of Preliminary PMLA No. 7245. The subject property is undeveloped and used by the YMCA for the annual sales of Christmas trees and Halloween pumpkins. This use was allowed by right when the property was zoned R3-1 and has continued through subsequent down-zonings.

The site has been used for the annual sales of Christmas trees since 1976 and Halloween pumpkins since 1983. Later, the Santa Monica Mountains Conservancy and YMCA entered into an Option Agreement, effective November 8, 1994, which granted the YMCA the right to continue use of the subject site to conduct the type of activities as have been conducted in the recent past.

The surrounding property to the north and west is owned by the Santa Monica Mountains Conservancy, as is the subject property. The YMCA also maintains and operates a swimming pool and related facilities directly north of the site. Minimum density single family residential lies to the east and low/medium multiple family residential uses lie to the south. A high school is located across Sunset Boulevard directly to the

southwest and a condominium complex is just to the east. Other properties in the vicinity area also home to neighborhood recreational facilities.

The subject site was previously zoned RE40-1 and designated minimum density. This zoning was placed on the property during the AB283 process in 1986. The front portion of the property, originally zoned R3-1, was the subject of a Council-initiated zone change proposed for R1-1 in 1982. The Planning Commission decided not to act on that proposal until the AB283 process for Brentwood-Pacific Palisades was complete. However, the City Council has recently changed the zone to OS-1XL and OS-1-H and the land use designation to open space.

The R3-1 Zoning was enacted on the front portion (140 feet) of the property in 1975 via Ordinance No. 147, 302, effective July 13, 1975. This zoning was present until the change of RE40-1 noted above. The northern portion of the property was zoned R1-1 for many years prior to the 1975 ordinance.

The Zoning Code prohibition against the sale of Christmas trees in the RE, RS and R1 Zones was effective on November 24, 1978, via Ordinance No. 151,712. Ordinance No. 164,904, effective July 7, 1989, added the RU, RZ, and RMP Zones to the prohibition. (LAMC §12.22 A.4)

The sale of Christmas trees by the YMCA became nonconforming in 1986. However, a nonconforming use that is permitted only in the A or C Zones may be maintained beyond its removal date upon application for a continuation and determination by a Zoning Administration. (LAMC §12.23 A.6)

The applicant's request is for a continuation of a nonconforming use to allow the subject site to be used for youth day camp and the annual sale of Christmas trees and Halloween pumpkins, both currently and in the future and for approval of a coastal development permit in the single permit jurisdiction. The original requests have been held in abeyance pending changes to the zoning and plan's designation of land uses and now the applicant community interests and Council District are urging the appropriate decision affirming the request.

Previous zoning related action on the site/in the area and documentation of retail sales include:

Subject Property:

YMCA Statement of Revenues and Expenses for the sale of Christmas trees and Halloween pumpkins for periods ended February 28, 1998, February 28, 1996, February 28, 1997, and February 28, 1998.

Use of land permits for sale of Christmas trees were issued in 1980, 1982 and 1984 on the subject property.

MELLO FINDINGS:

On January 3, 2001, the City Council entered into a settlement agreement concerning the City's compliance with the Mello Act. The settlement requires the Departments of Building and Safety, City Planning, and Housing to cooperatively implement a detailed set of interim administrative procedures to ensure that all proposed projects to convert, demolish, or develop housing in the coastal zone are subjected to the proper Mello Act review and determination. The procedures are set forth in a document released on May 17, 2000, and signed by the heads of the three implementing City departments.

The subject project to create one parcel in the O2-1XL and O2-1-H Zones for YMCA purposes is exempt from the Mello Findings.

FINDINGS - COASTAL DEVELOPMENT PERMIT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the on-site inspection by staff, the statements made at the public hearing on July 31, 2002, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the six requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2,G-1 of the Municipal Code have been established by the following highlighted facts:

1. A primary objective of Chapter 3 of the 1976 California Coastal Act is coastal access. Parking is important to this objective because lack of parking inhibits general public access to the area. As conditioned, this project conforms to the objectives of Chapter 3 by maintaining all the existing parking on the site.
2. The adopted Brentwood-Pacific Palisades Community Plan constitutes the current Local Coastal Program for the community. The project conforms with the Plan density of open space and all other provisions of said Plan. The YMCA has operated on the subject property for over 35 years. The YMCA has non-conforming rights to operate on the subject property. The activities conducted on the subject property by the YMCA are recreational in nature and therefore allowed in the Open Space land use designation. In addition the YMCA has been granted a variance for the continuance of the non-conforming use of Christmas trees and Halloween pumpkin sales as well as youth day camp as is permitted by existing agreements between the YMCA and the Santa Monica Mountains Conservancy. Therefore, the proposed development does not prejudice the goals and objectives of the said Plan or the ability of the City to prepare a more specific Local Coastal Program.
3. The January 1, 1982 Interpretive Guidelines of the Coastal Commission as amended, have been reviewed and considered. All guidelines have been met by the project prima facie, or where appropriate, conditioned to conform to them.

The decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

4. As the permit granting authority, the Deputy Advisory Agency is unaware of any applicable Coastal Commission decisions.
5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.
6. Other than as conditioned by MND 98-0105-PM(CDP)(NC) and the parcel map, the California Environmental Quality Act provides no feasible alternative or feasible mitigation measures to substantially lessen any significant adverse impacts that the development may have on the environment; and therefore will not have a significant impact on the environment.

FINDINGS - COASTAL DEVELOPMENT PERMIT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the on-site inspection by staff, the statements made at the public hearing on July 31, 2002, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

7. **That such a continuation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community.**

The applicant is seeking a continuation of a nonconforming use, pursuant to Section 12.23 A.6. of the Los Angeles Municipal Code, described above, to permit in an OS-1-XL / OS-1-H zone the continued annual sales of Christmas trees and Halloween pumpkins. The site has been used for these purposes since 1976 and 1983, respectively, with no evidence of concern or controversy.

Denial of the request would prevent the applicant from being able to provide needed community services and seasonal recreational activities. Youth day camp provides a needed daycare service and youth enrichment program to the surrounding community and City at large. Providing summer ~~and after-school~~ youth activities in a natural park setting is a vital resource in an urban area such as Los Angeles. The annual retail sales of Christmas trees and Halloween pumpkins constitute the applicant's major community fundraiser. To impose the OS-1-XL/OS-1-H zoning requirements on this property would prohibit the use and thus make the property unusable for its philanthropic purpose.

The annual sales of Christmas trees and Halloween pumpkins are a traditional and essential retail service. The subject property is located close to both single-family and multi-family residential uses, a school, and other neighborhood recreational uses, making the request as proposed, logical, as it would allow for the functional integration with existing improvements and require no additional improvements on the site. The site is centrally located within the Pacific Palisades community and easily accessible from Sunset Boulevard and Temescal Canyon Road, thus making the purchase of Christmas trees and Halloween pumpkins convenient for residents in the immediate neighborhood.

The wide range of community support for the continued annual sales of Christmas trees and Halloween pumpkins also gives evidence to the community's perception that the use is beneficial to them. The sales have been conducted in a fashion to harmoniously blend into the surrounding residential neighborhood and the request is in keeping with existing and expected uses on a major street and would not represent a new intrusive use in the area.

8. **That such a continuation for a prescribed period of additional time will be reasonably compatible with and not detrimental to the public welfare or injurious to the improvements and use of adjacent properties.**

The use of the subject property for youth day camp and the annual sales of Christmas trees and Halloween pumpkins is an appropriate one. The site is centrally located in the community it serves.

In addition, the frontage along Sunset Boulevard has numerous large trees and the setting of the site is park-like and aesthetically pleasing. The annual sales of Christmas trees and Halloween pumpkins does not disrupt the natural character or topography in any way. In addition the recreational amenities offered in Temescal Canyon and on the subject property are utilized by children of diverse ethnic and socioeconomic backgrounds who may not have the opportunity to experience such an environment without the activities of the day camp.

The use will be no less compatible than other uses already in the area. Immediately north of the site are a swimming pool and related facilities, open space lies to the west, four- and five-story condominiums lie immediately to the east, and single-family dwellings lie to the northeast and are separated from the site due to their high elevation.

The operation of Christmas tree/ Halloween pumpkin sales is well-managed, and maintenance would be difficult to find that the use of the site for annual Christmas tree/Halloween pumpkin sales would be injurious to any adjacent properties or the public welfare, in general. No detrimental effects vis-a-vis adjoining/neighborhood properties are envisioned and the use is desirable to many of the residents of the surrounding community.

The property has had many years of continuous youth day camps and Christmas tree/Halloween pumpkin sales without objections from neighbors or adjacent owners, or from people in the vicinity and receives strong support from the owner, the Santa Monica Mountains Conservancy (a State agency), and the community. The continuation request seeks only to maintain the annual sales operation as it has existed in the past and, in this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the applicant's desire to provide an essential service to the community can be accommodated in a manner consistent with the intent and purpose of the zoning regulations.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
10. On April 8, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby approve that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.
11. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

Case Nos. PMLA 7245-A10; ZA 98-004(CDP)-A10; ZA 98-0229(NC)
Determination Report: 15601 Sunset Boulevard

Attachment C - Pg.

EGL:ML:th

cc: Councilmember Cindy Miscikowski, Eleventh District
Adjoining Property Owners
County Assessors

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
CITY PLANNING COMMISSION

JOSEPH KLEIN
PRESIDENT
MABEL CHANG
VICE-PRESIDENT
JOY ATKINSON
DAVID L. BURG
ERNESTO CARDENAS
DORENE DOMINGUEZ
MITCHELL B. MENZER
BRADLEY MINDLIN
THOMAS E. SCHIFF

GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

EXECUTIVE OFFICES

CON HOWE
DIRECTOR
(213) 978-1271

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR
(213) 978-1273

GORDON B. HAMILTON
DEPUTY DIRECTOR
(213) 978-1272

ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 978-1274

FAX: (213) 978-1275

INFORMATION
(213) 978-1270
www.lacity.org/PLN

May 13, 2004

Mr. Al Padilla
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

EXHIBIT NO. 7
Application Number A5-PPL-03-465
Letter from City
Regarding City Approval
California Coastal Commission

Re: Coastal Commission Appeal A-5-PPL-03-465
Young Mens Christian Association of Metropolitan Los Angeles
City of Los Angeles: PMLA 7245; ZA 98-0029; CDP 98-0004

Dear Mr. Padilla:

I understand that some question has arisen regarding the actions taken by the City of Los Angeles in connection with applications filed with the City by the YMCA concerning property located at 15601 Sunset Boulevard in Pacific Palisades.

In March, 1998, the YMCA and the Santa Monica Mountains Conservancy filed three applications; approval of a lot split evidenced by Preliminary Parcel Map 7245 (file PM 7245); issuance of a use permit allowing the continuation of certain non-conforming uses (sale of Christmas trees, sale of Halloween pumpkins and operation of a summer day camp - ZA 98-0029); and issuance of a coastal development permit for both (CDP 98-0004).

Following a public hearing, acting as the City's Deputy Advisory Agency, I approved all three applications and adopted a mitigated negative declaration prepared by City staff (MND 98-0105). This is to advise you that my approval of the coastal development permit covered **both** the parcel map and the non-conforming uses. The YMCA's coastal permit application related to both matters and in my January 15, 2003 notice, I approved issuance of that permit as requested, subject to the conditions set forth therein. There was never any intent on my part to fail to approve the coastal permit for the parcel map and I believe I took all necessary action to approve it.

My actions were appealed to the West Los Angeles Area Planning Commission which, at the completion of its March 19, 2003 public hearing, sustained those actions and, itself, granted the parcel map, the use permit and the coastal development permit, with certain

modifications. Although the parcel map application was further appealed to the City Council, under the City's charter the coastal development permit was not further appealable.

The YMCA applied for issuance of a coastal development permit in connection with the parcel map and the City approved the permit, subject to the conditions stated in the determinations.

Should you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Gabel-Luddy". The signature is fluid and cursive, with the first name "Emily" being more prominent and the last name "Gabel-Luddy" following in a similar style.

EMILY GABEL-LUDDY
Deputy Advisory Agency
(213) 978-1327