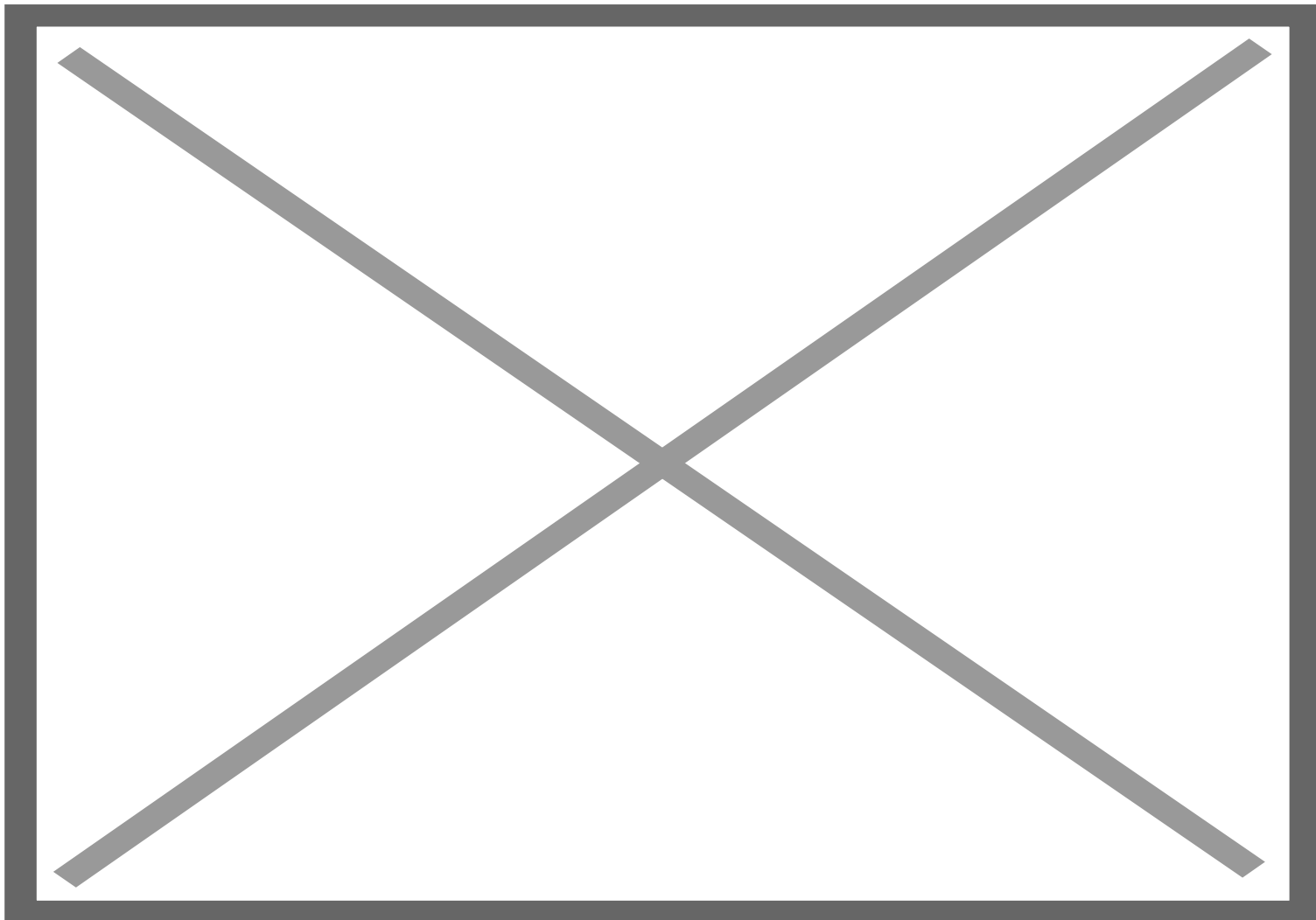


## Findings supporting an agency's administrative decision may mirror statutory language ?

Findings in a city council resolution that recite language in the city's municipal code may be sufficient to demonstrate the reasoning supporting the council's decision. *Young v. City of Coronado*, No. D070210 (4th Dist. April 4, 2017). The owners of a small dwelling in the City of Coronado applied for a permit to demolish the structure. Because the structure was more than 75 years old (built in 1924), the city's historic resource commission reviewed it for potential historical significance before the city issued the permit. Under the city's municipal code, a resource is historically significant if it is more than 75 years old and meets at least two of five criteria listed in the code.



The city's historic resource commission determined that the cottage was a historic resource because it met two of the listed criteria, identified in the municipal code as Criteria C and D. A resource is historically significant under Criterion C if "[i]t possesses distinctive characteristics of an architectural style, and is valuable for the study of a type, period, or method of construction and has not been substantially altered." A resource is historically significant under Criterion D if "[i]t is representative of the notable work of a builder, designer,

architect, artisan or landscape professional." The landowners appealed the commission's decision to the city council, which adopted a resolution affirming the commission's historic resource designation. The landowners then sought a writ of mandate setting aside the city council's decision. The court of appeal rejected the landowners' argument that the city council's findings in its resolution were legally insufficient. The California Supreme Court held in *Topanga Association for a Scenic Community v. County of Los Angeles*, 11 Cal. 3d 506 (1974), that an agency must support its administrative decisions with findings that bridge the analytic gap between the raw evidence and agency's decision. The court of appeal explained that when an agency must make specified factual findings before making a decision, "a resolution that incorporates findings that reflect the ordinance's language could sufficiently inform the parties of the analytical path adopted by the administrative agency in reaching its ultimate conclusion." The court held that the city council's findings sufficiently supported its conclusion that the property was a historic resource, even though the findings recited parts of the ordinance's language. First, the court explained that certain required findings could *only* be made by mirroring the ordinance's language (for example, finding that the resource had "not been substantially altered" since it was built). Second, the court noted that the city council's findings did not merely copy the ordinance's language in its entirety, but also included findings that were specific to the property at issue, by referring to the dwelling's architectural style and its builder. The court also rejected the landowners' argument that the city council's findings were not based on the "Historic Resource Designation Guidelines" that the city council had previously adopted. Although the guidelines were not expressly referred to by name in the findings, the court concluded that it was clear from the city staff report that the staff had used the guidelines to evaluate the property's historic significance. Finally, the court concluded that the city council's findings were supported by substantial evidence. The court cited evidence in the administrative record, including the city staff report, that supported each of the city council's findings. The court noted that the mere presence of contradictory evidence in the administrative record was not sufficient to overturn the city council's decision, since it was for the agency, not the court, to weigh the preponderance of conflicting evidence. As long as the findings were supported by substantial evidence, as they were here, the court's inquiry was at an end.

Blog series

## California Land Use & Development Law Report

California Land Use & Development Law Report offers insights into legal issues relating to development and use of land and federal, state and local permitting and approval processes.

[View the blog](#)