

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**RECORD PACKET COPY**

Filed: 10/19/98
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 Staff: PE/JR/LB
 Staff Report: 3/24/98
 Hearing Date: April 13-16, 1998
 Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-98-333**APPLICANT:** Dr. and Mrs. Koichi Mera**AGENT:** Ronald S. Barak**PROJECT LOCATION:** 1375 Goucher St, Pacific Palisades, City of Los Angeles, Los Angeles County**PROJECT DESCRIPTION:** Construction of 4450 sq. ft. two story single family home over garage, 2200 c.y. grading, installation of pool, access drive, retaining walls, and soldier piles.

Lot Area	91,476 sq. ft.
Building Coverage	4,450
Pavement Coverage	8,500 sq. ft.
Landscape Coverage	78,523 sq. ft.
Parking Spaces	3 spaces
Zoning	RE 40-1-H
Ht above final grade	35

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed house, subject to conditions requiring the applicant to follow the recommendations in its updated geology report, record an assumption of risk deed restriction and come to an agreement concerning fire clearance, in advance of construction with the Santa Monica Mountains Conservancy, the manager of the adjacent park. As conditioned, the proposed house is consistent with the visual quality, habitat, recreation and geologic hazard policies of the Coastal Act.

LOCAL APPROVALS RECEIVED:

- 1) City of Los Angeles Coastal Development Permit 98-005
- 2) Soils and Geology review # 25660-01 City of Los Angeles, October 14, 1998
- 3) 5-97-419(Westside Homes)

SUBSTANTIVE FILE DOCUMENTS:

- 1) J. Byer Group, Inc.: Project No. 17610-I Geologic and soils engineering update...proposed residence pool and access drive, February 25, 1998
 - 2) Los Angeles City Fire Department Code Section 57.21.07
-

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions:

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

- 3) Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4) Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5) Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6) Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 7) Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1) Conformance with Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the sub-drains, retaining walls, soldier piles, and footings. The plans shall also include the signed statement of the Geotechnical consultant, J. Byer Group, certifying that these plans incorporate the recommendations contained in the Geotechnical Investigation Report update dated September 30, 1998 and all recommendations of the Grading Division of the City of Los Angeles Department of Building and Safety. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2) Assumption of Risk/Indemnification

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide; (a) that the applicant

understands that the site may be subject to extraordinary hazards from fire, landslide, and/or slope failure and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

3) Fuel Modification Plan

No clear cutting or clearance to mineral soils on state property is authorized as a result of this permit. Pursuant to this requirement, prior to issuance of the permit, the applicant shall provide for the review and approval of the Executive Director, a fuel modification and fire safety plan for the development. The plan shall minimize impacts to natural vegetation and public views and must have been reviewed and approved by the Los Angeles City Fire Department. The plan shall include no clear cutting or clearance to mineral soils on Santa Monica Mountains Conservancy property.

If the fuel modification plans approved by the Fire Department anticipates any clearance, including thinning, deadwood removal, or debris removal on Santa Monica Mountains Conservancy lands, the applicant shall provide a signed agreement with the Santa Monica Mountains Conservancy, acknowledging that the property is adjacent to the Temescal Canyon Park. The agreement also shall specify the location and methods of fuel modification (if any) on Santa Monica Mountains Conservancy property, and shall specify the amount of any fees required for the use of State Property for such fire buffer. Notwithstanding such agreement, if the fuel modification plan would require clear cutting on Santa Monica Mountains Conservancy lands or thinning in excess of the amount agreed to by the Santa Monica Mountains Conservancy, the applicant shall provide revised plans for the review and approval of the Executive Director that do not require such clear cutting or thinning

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to build a three level (two-level over subterranean garage), 4,450 square foot house on a ridge overlooking Temescal Canyon in the Pacific Palisades District in the City of Los Angeles. The house is split level. At the highest point, it extends 35 feet above finished grade. The Coastal Zone boundary bisects the applicant's property (Exhibit 3.) The Coastal Zone, which follows the ridges over Temescal Canyon, extends downslope to the west. In addition to a house, the applicant is proposing two fifteen foot-high retaining walls, which extend from inside the coastal zone to outside it. The applicant also proposes a driveway and a swimming pool.

Outside the Coastal Zone, the site abuts a landslide, and includes oversteepened slopes and some recently re-compacted fill. It is necessary for the driveway to cross both the landslide and the fill to access the property. To support the driveway, the applicants' engineering geologists are proposing a system of retaining walls, grade beams and soldier piles to isolate the site from these slides, which as noted, are outside the Coastal Zone. To the north, west and south of the applicant's property a dedicated, but unimproved, road encircles the property, connecting to the end of Goucher Street. (Exhibit 2). Part of this road serves as a trail to enter the canyon. A road bulldozed in 1970 to conduct geologic borings crosses the road, extending from the lower level of the canyon up to the applicants' proposed home site. The trail, has in the interim, been used to access the canyon. While the upper trail will be displaced by the house, the applicant proposes to encroach on the dedicated unimproved road in only one location, where the access driveway crosses it. This crossing is outside the Coastal Zone. The unimproved road connects with Goucher Street.

As noted above, only part of the applicant's property is located in the coastal zone, since the coastal zone boundary follows the canyon edge in this location, and the applicant's property is located on a knoll at the edge (Exhibit 2). In this permit request, the applicants have not tried to separate the portion of the project that lies inside the Coastal Zone from the portion of the project that lies outside the Coastal Zone boundary. The City's CDP and conditional use permit also did not distinguish the area in the Coastal Zone and the area outside of it.

B. ACCESS AND RECREATION.

The site is adjacent to Temescal Canyon, a public park. Temescal Canyon, a hiking destination and conference center, is owned and operated by the Santa Monica Mountains Conservancy. Formal public access to the canyon follows an access

road to the canyon bottom from Temescal Canyon and Sunset Boulevards approximately $\frac{3}{4}$ of a mile west of the project site. Within Temescal Canyon Park, a trail on the western slope bypasses the conference center itself and then directs the public up the canyon to a trail leading to Topanga State Park and the Santa Monica Mountains Backbone Trail. This public trail is on the west side of the canyon. The property subject to this present application is on the top of the east ridge of the canyon, removed from the canyon floor and the trails found in it. A bulldozed trail extends from the canyon bottom to the house site. The applicant's geology report asserts that the trail was cut in 1971-72 to conduct geologic tests. While a letter the staff has received states that the trail provides access to the canyon for neighborhood residents, the trail is not visible to or used by the general public (Exhibit 5.) This trail also connects to a dedicated unimproved road, which in its turn connects to Goucher St. As noted above, the proposed house itself will not encroach on the dedicated unimproved road, although its driveway access does cross it. The road is not on the applicant's property and the applicant does not propose fencing the road.

The proposed project would be located on a steep sided knoll, overlooking a publicly owned canyon. The undeveloped hillsides are covered with coastal sage scrub and chaparral. When residential structures are sited next to wild land parks, a conflict arises between the park's responsibility to preserve natural vegetation, and the homeowner's concern about fire. Ridge top structures are particularly vulnerable to fires. In the past, homeowners in the Santa Monica Mountains have approached park managers and requested that park managers clear land to protect adjoining homes from fire. When there is a potential conflict between the park's interest in preservation of landscape for public recreation and habitat, and a future homeowners' safety, the Commission finds that the parties should resolve the conflict in advance of construction.

No development requiring clearance on State property should be allowed without investigation of alternatives. The applicant has investigated other alternatives which are described in detail below on page 7, under hazards, and page 9, under habitat. The conclusion of the review of alternatives and of the incremental impact of this house, is that a residence can be allowed in the proposed location. In this case, the Commission finds that some brush clearance can be allowed on parkland.

However, brush clearance has an impact on the budget and operations of the Conservancy. If the Mountains Conservancy is required to spend funds to protect private property, that would result in a reallocation of public recreation resources for a private use. In this case the applicant has proposed to reimburse the Mountains Conservancy for brush clearance. The Commission is requiring that the applicant submit an agreement with the Mountains Conservancy specifying the amount of any fees required for use of State property. As conditioned, development of this property is consistent with the public access and recreation policies of the Coastal Act.

C. GEOLOGIC AND FIRE HAZARDS.

The Coastal Act provides that development shall be sited and designed to minimize hazards. It states:

Section 30253.

New development shall:

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

The project is located on a knoll. To the south and west of the knoll, there is landslide. The applicant's geology report (J. Byer Group, inc. *Project No. 17610-1 Geologic and soils engineering update ... February 25, 1998*) requires that the applicant separate the access drive and the house from the slide by retaining walls, soldier piles and grade beams. The City of Los Angeles has reiterated this requirement in its Soils and Geology review letter # 25660-01 dated October 14, 1998.

The City has required the applicant to remove and recompact some fill, which was illegally placed on the property by a previous owner. This fill was located outside the coastal zone. (Exhibit 3) According to the applicant's geologist, the unconsolidated fill has been removed and is now properly compacted. The engineering geologic report concludes that the proposed project is considered feasible from a Geotechnical standpoint. This determination of the consulting geologist is contingent, however, upon certain recommendations being incorporated into the construction plans and implemented during construction. These recommendations include deepened foundations, retaining walls supported by grade beams at the edge of the slope, excavation and recompaction of unconsolidated fill, and drainage. The unconsolidated fill which is located outside of the coastal zone has been recompacted. Therefore, as a special condition of approval, the applicant must submit evidence that: 1) all recommendations contained in the soils report have been incorporated into the project's final design and 2) that the final plans have incorporated all requirements of the Grading Division of the City of Los Angeles Department of Building and Safety.

At request of staff, the applicant's geologist evaluated three sites in addition to the proposed site (See Exhibit 12). On the southerly area of the property, both the shoring and retaining walls will be surcharged by higher than normal earth

pressures. According to the geologist, that due to the steep nature of the slopes, it is not economically feasible to build a residence on this area of the property. Similarly, the eastern area of the lot is also steep and narrow and would require significant grading and extensive retaining walls. Finally, the western portion of the property is underlain by landslide debris. The geologist concluded that it would be costly and difficult to construct a residence in a landslide area. Overall, the geologist concluded that although technically a structure could be constructed on those sites, it would not be economically feasible.

The development is surrounded by coastal sage scrub on several sides, some of which is located on public property. Another risk that the applicant assumes in building in such a location is the risk of fire. In building in this location, the applicants are acknowledging that the site may be subject to the risk of fire and the responsibility of constructing in the location is their own.

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Because of the inherent risks to development situated on the lip of a canyon and adjacent to a landslide, the Commission cannot absolutely acknowledge that the foundation design will protect the proposed residence during all future storms and/or slides. The Commission can not assume responsibility for the soundness of construction and the maintenance of the house, its drainage system and its yard. Finally, a wildfire can sweep over a carefully designed, fire resistant structure and destroy it in minutes, depending on the wind, the heat of the fire and the fuel around the structure. The applicants must acknowledge that the decision to build in this location is their own, and the Commission's approval is contingent upon their acknowledgment of that fact.

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicants' decision to develop. Therefore, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned, to submit evidence that 1) the proposed plans conform with the recommendations of the city geologist and the consultant, 2) that there is a pre-construction agreement with the adjacent canyon's owner concerning fuel modification, and 3) that the applicant has recorded a statement that assumes all risks of the development, can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. HABITAT

The Coastal Act provides that development adjacent to parks and sensitive habitat areas shall be reviewed to limit impacts on those areas.

Section 30240.

(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.

Temescal Creek is a blue line stream in the Santa Monica Mountains. Although impacted by development, the canyon land adjacent to the stream supports oaks, willows and sycamores. The canyon sides support coastal sage scrub. The western side of this lot is located adjacent the upper slopes of the canyon. Photographs of the site show a mixture of coastal sage scrub and invasive weeds, such as mustard and broom, on the property. A trail leads around the lot to the canyon below. As discussed above, the principal anticipated impact of this house is its possible need for fire clearance. As required to provide a fire safety and fuel modification plan in advance of construction and with the review of any clearance is required on public property by the Santa Monica Mountains Conservancy, impacts on habitat will be minimized.

The City of Los Angeles Fire Department Code requires that all landowners within 200' of a structure are required to clear brush. The first 50 feet requires clearance to mineral soil (See Exhibit 7). The proposed structure is located adjacent to parkland owned by the Santa Monica Mountains Conservancy. The proposed residence is set back approximately 60 feet from the park land. In order to comply with the 200' brush clearance requirement, an additional 140' of brush would have to be cleared on parkland.

Brush clearance on State Park land will result in the loss of habitat and adversely impact recreational use. Before allowing clearance of State Park property, the Commission must 1) be convinced that there are no feasible alternatives on site or 2) the off-site periphery of the existing fire clearance has been established and the proposed will have no significant incremental effect. The subject parcel is approximately 2 acres in size. Staff requested the applicant to provide an analysis of alternative locations on the site where the house could be located so as to provide a fire clearance area that would be a minimum distance of 200 feet from the adjacent owner, the Santa Monica Mountains Conservancy.

The applicant's analysis also stated that because of geological constraints it was not economically feasible to relocate the house (See Page 7). The applicant has provided a map (See Exhibit 6) that demonstrated that the surrounding area is all built out and that fire clearance requirements attributable to existing development already encroach into the park. The applicant's fire clearance requirement on park land would cover an area of approximately 5,000 sq. ft. That area is minimal in size as compared to the nearby fire clearance encroachments into the park that already exists due to existing houses. That cleared area encroaches approximately five acres into the park.

Fire clearance due to existing surrounding development already encroaches into the park. Approval of the project, as sited, will not significantly result in the loss of habitat and recreational land within the park or significantly enlarge the periphery for fire clearance. In order to mitigate the loss of habitat, the Commission is requiring a special condition that the applicant submit a fuel modification and fire safety plan for the development. The plan shall minimize impacts to natural vegetation and shall be reviewed and approved by the Los Angeles City Fire Department and the Santa Monica Mountains Conservancy.

As conditioned, so that any limitations on fire clearance on parkland are understood in advance, the development is consistent with the habitat policies of the Coastal Act.

E. ALTERATION OF NATURAL LANDFORMS, VISUAL IMPACT, SCALE.

Section 30251 of the Coastal Act requires:

Section 30251.

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

The City rejected earlier proposals on this site which would have been inconsistent with its height policies, and which would have required extensive, visible, landform alteration. The proposed grading on this site is limited to the grading necessary for the driveway, the pool and the basement. The house does not extend more than 35 feet above grade, and from many angles, is lower. It conforms to the hillside.

As proposed, the house will conform to the requirements of the city height and bulk ordinance and is compatible with the character of the surrounding area. As proposed to limit grading and bulk, and as conditioned to control fire clearance, the project is consistent with section 30251 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

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

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

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, grading and geologic stability. The continued use of Temescal Canyon as a recreation area was also an issue, because at that time the Canyon was in private hands.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address the interface between parkland and the developed areas and geologic stability, approval of the proposed development will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

A previous owner proposed to subdivide the site into two lots and construct two houses. Other proposals included extensive grading and a 10,000 square foot house. The owners withdrew these applications after the City, based on geologic hazard and density, was unable to approve the project. The currently proposed house is sited and designed to minimize visual and physical impacts to the site, and is also proposed to minimize geologic hazard from slides. The applicant's geologist also investigated three other locations on site but determined those areas were not feasible. In approving this structure, the City considered geologic stability, neighborhood character, scale, and alteration of natural landforms. As conditioned, the project is the least environmentally damaging alternative with respect to Coastal Act policies. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



S-98 333
 Meia
 exhibit 1
 location

Site

5 98 333

Coastal
Zone

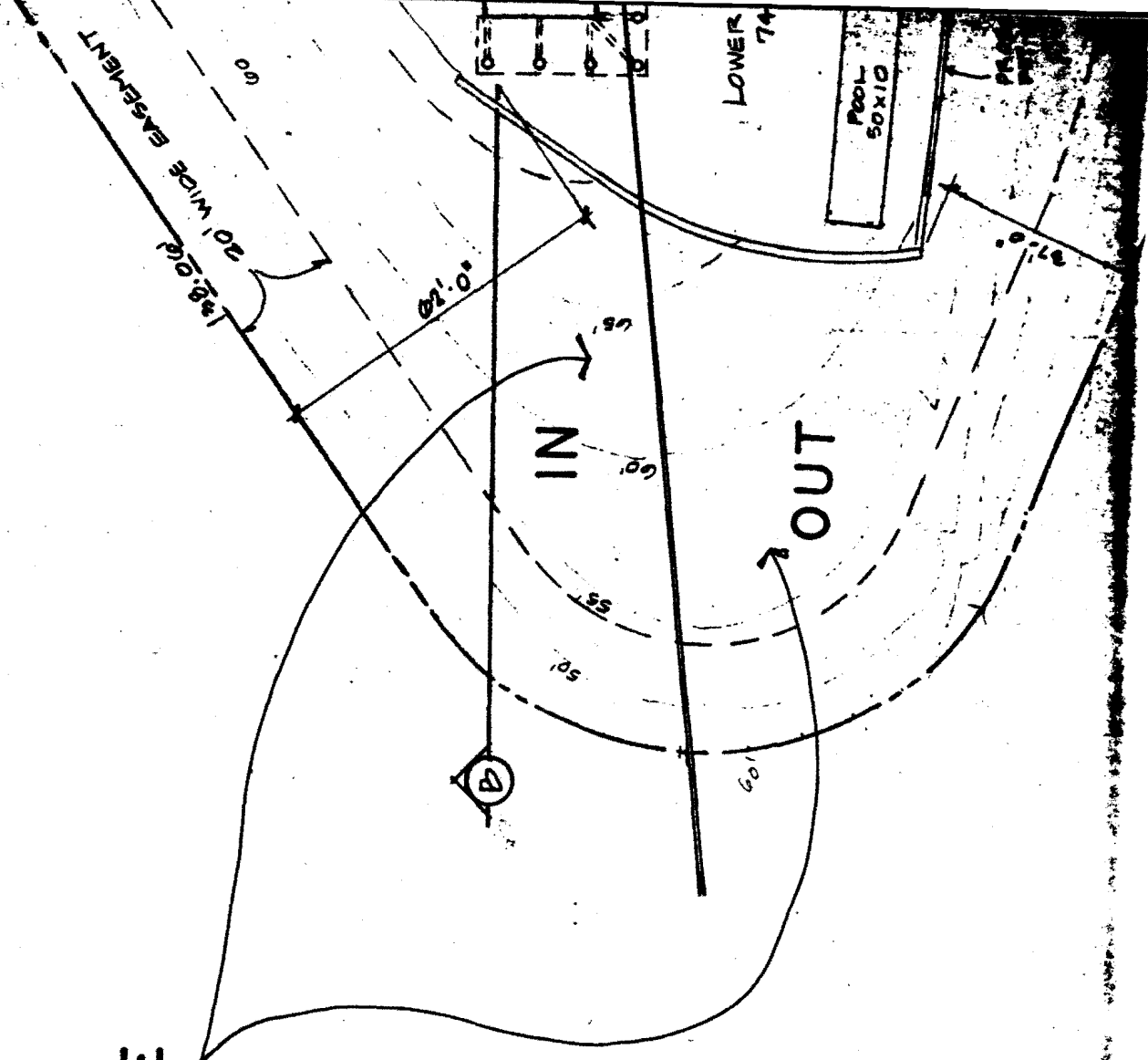
Boundary
Exhibit 2



5-98 333
Exhibit 3p2

COASTAL ZONE BOUNDARY

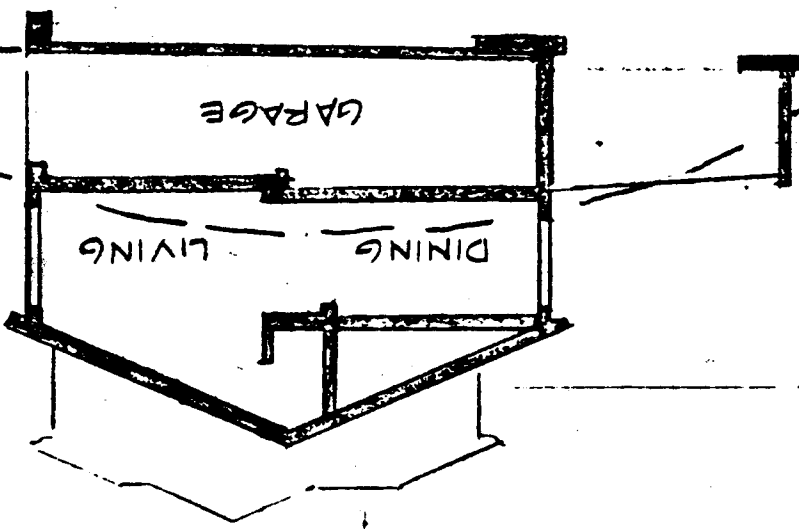
11.9.98



S. 98 333

Exhibit 4
elevation

SECTION



RE
South
NOV
CALIF
COASTAL CO

1320 Monument Street
Pacific Palisades
CA 90272
(310-454-9562)

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NOV 1 1993

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Jim Ryan
Coastal Commission
245 West Broadway Suite 380
Long Beach, CA 90801

25 October 1993

Dear Mr Ryan:

I am writing to express my concern that the Coastal Commission may be considering issuing a permit for a proposed development on the property known as 1375 Goucher Street, Pacific Palisades, California 90272. I believe the permit in question is #5-93-255, filed by Mr. Sergei Epikov and Mr. Michael De Leeuw.

As shown on Map A enclosed, the site is crossed by a trail connecting the end of Goucher Street, at the entrance to the property, to the Presbyterian Conference Grounds. I have lived adjacent to that property for 20 years. The trail was in existence when I moved here, and I know for sure that it has been in use for the past twenty years.

This trail serves the area of Pacific Palisades immediately to the south: some of the winding hillside streets and a large rectangular grid of streets known as the "Alphabet" streets. This area can be seen on Map B.

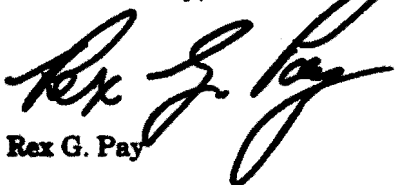
The trail provides the people from the Alphabet and surrounding streets with an easy walk to an area of great natural beauty, with splendid views of the ocean and the mountains. I enclose two colored prints of the views north and south from the top of the trail. Most people walk the trail to look at these views, which are seen from what would be the location of the main house planned for the 1375 Goucher site. Permitting this development to occur would remove the last area of natural beauty in the Coastal Zone that local people can walk to and enjoy. Other trails and viewpoints mean the use of a car for most people, with the consequent environmental impacts.

The trail is also a link to the Conference Grounds, and families use it to walk to the amenities there, most frequently the YMCA swimming pool. My own children used that trail for many summers to go to the pool. That part of the trail is steep, as shown in the other photo enclosed. As a result, it is not so well used as the first part, but it is well marked and has an old bench near its entrance to the area of the Presbyterian buildings. Closing off that trail would mean the trip to the pool would have to be by car. More congestion and pollution.

As far as I can tell, neither of the applicants for the permit have lived in this area of the Palisades or recognize the local amenity they are destroying. They also appear to have little understanding of local geology. Their property is linked to mine and my neighbors by an active landslide: an existing geological study shows that extensive stabilization is needed. The plans for the site showed no remedial action for this unstable area, which is immediately below the location of the proposed 10,000 sq ft residence and above my house.

So, on the basis that the Coastal Zone was not set up to remove the last areas of accessible natural beauty from local use, or to encourage hazardous development on unstable geological areas, I urge that a permit should not be granted, that a hearing should be held in the local area, and that an environmental impact statement be required of the developers.

Yours sincerely,


Rex G. Pay

5-98 333
Exhibit 5
Opposition to previous
larger project.
Note on trail

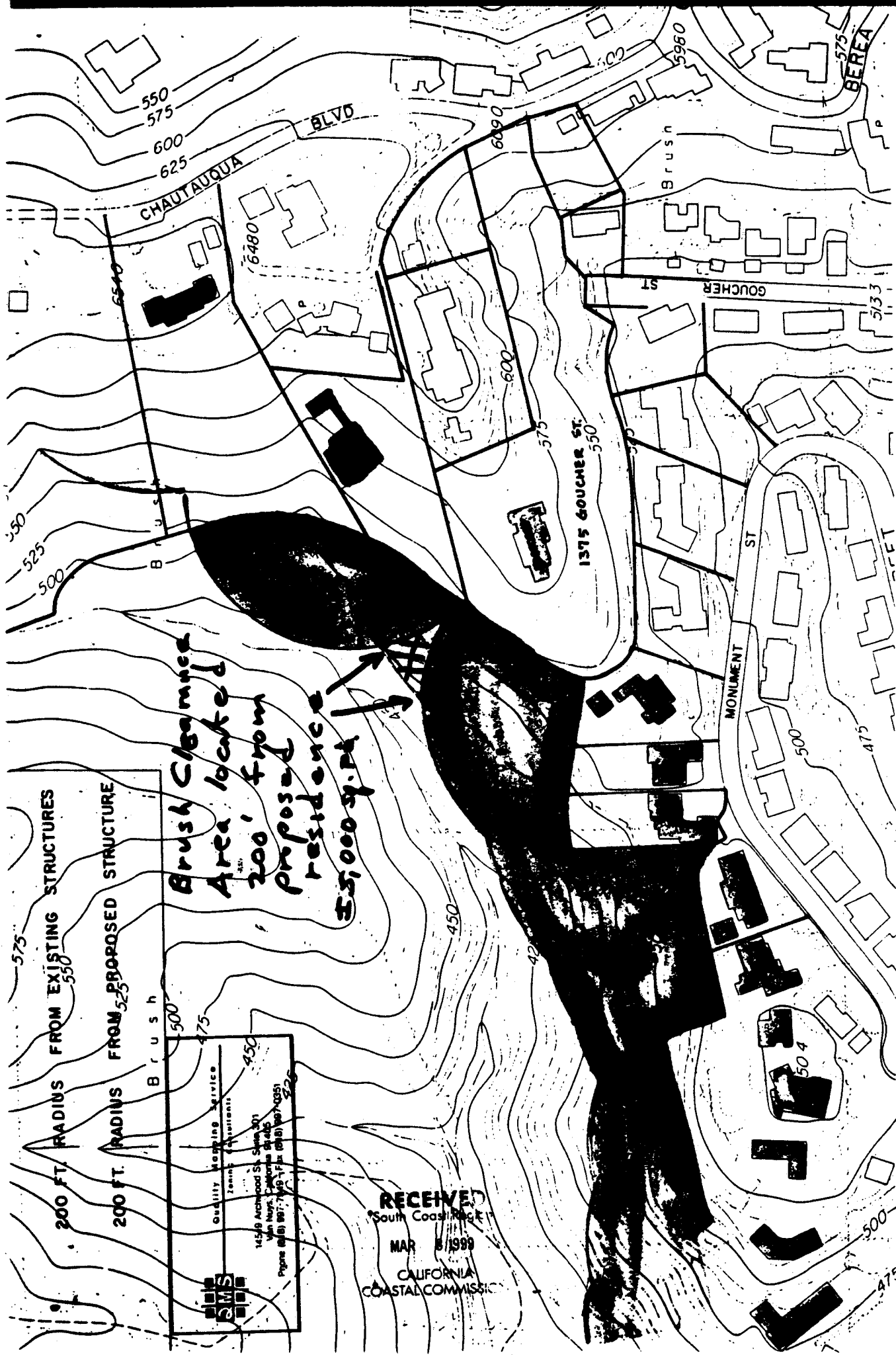
MAP A

5-98 323

Exhibit 5

topo

GOUCHER ST



Brush Cleared
Area located
200' from
proposed
residence
35,000 sq. ft.

200 FT. RADIUS FROM EXISTING STRUCTURES
200 FT. RADIUS FROM PROPOSED STRUCTURE

SMS
Quality Mapping Service
San Francisco, CA
14259 Archwood St., Suite 201
Van Nuys, California 91416
Phone (818) 997-7418 Fax (818) 997-0551

RECEIVED
South Coast Region
MAR 8 1999
CALIFORNIA
COASTAL COMMISSION

Exhibit C
5-98-353

MINIMUM REQUIREMENTS

(for areas within 200 feet of structures and/or 10 feet of road surfaces or combustible fences)

0 - 100 feet from structures:

Grass and weeds shall be cut to 3 inches in height. Native brush shall be reduced in quantity to 3 inches in height. This does not apply to individual native shrubs spaced a minimum of 18 feet apart, provided such shrubs are trimmed up from the ground to 1/3 of their height with all dead material being removed (see diagram below).

For trees taller than 18 feet, trim lower branches so no foliage is within 6 feet of the ground, and remove all dead material. For trees and shrubs less than 18 feet, remove lower branches to one-third of their height, and remove all dead material.

Trees shall be trimmed so the foliage is no closer than 10 feet from the outlet of a chimney (see diagram below).

All roof surfaces shall be maintained free of substantial accumulation of leaves, needles, twigs, and any other combustible matter. Maintain 5 feet of vertical clearance between roof surfaces and portions of overhanging trees.

All cut vegetation and debris shall be removed in a legal manner. Cut vegetation may be machine processed (i.e., chipped) and spread back onto the property at a depth not to exceed 3" within 30' of structures AND 6" beyond 30' of structures. In addition, spread material shall not be placed within 10' of any useable roadside (in accordance with Fire Prevention Bureau Procedure No. 25).

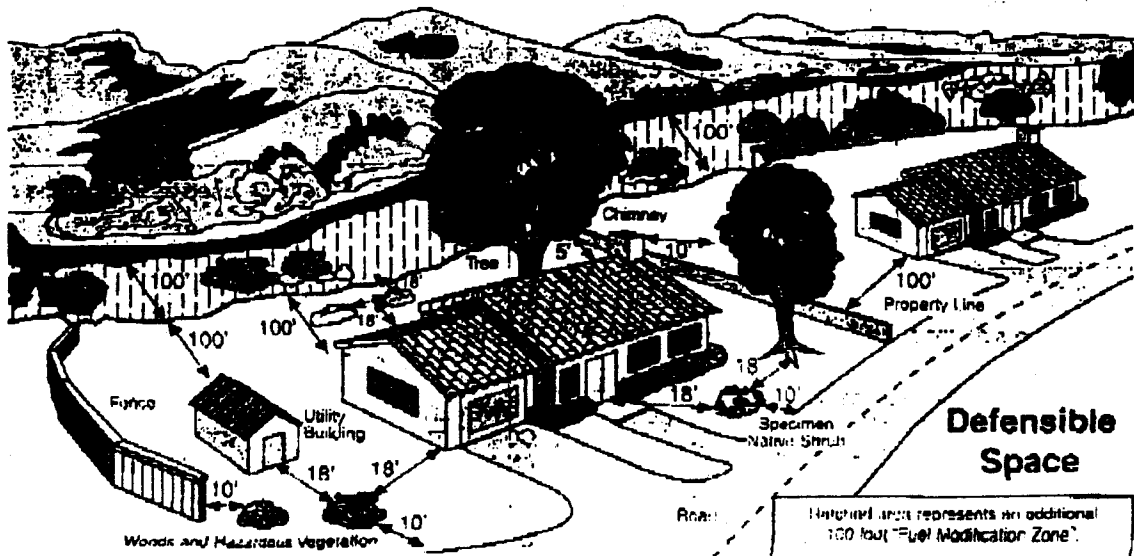
The above general requirements also apply to landscape vegetation.

100 - 200 feet from structures (Fuel Modification Zone):

An additional 100 feet of clearance is also required by the Fire Department for a total clearance of 200 feet. The heavy brush in this zone shall be reduced by 50 percent.

The brush may be cut or chopped to lay flat and may be left on site to a maximum depth of 6".

VEGETATION MANAGEMENT IS A YEAR-ROUND RESPONSIBILITY



TOTAL P.09

Exhibit 7

1 of 2

5-98-333

City of Los Angeles
DEPARTMENT OF FIRE



NOTICE OF NONCOMPLIANCE

File No./SVC#	Property No.	Parcel No.	Location of Hazard
To: [Name]		[Address]	
Address		Date of Inspection	Inspector
City	State	Zip Code	Compliance Signature

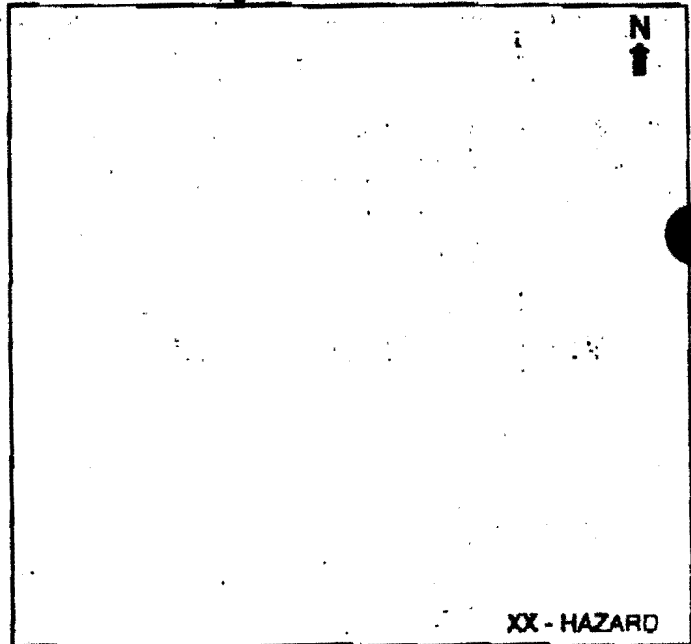
YOU ARE HEREBY DIRECTED TO ELIMINATE THE HAZARDOUS CONDITIONS ON YOUR PROPERTY THAT ARE IN VIOLATION OF L.A.M.C. SECTION 57.21.07. THE CONDITIONS INDICATED BELOW MUST BE CORRECTED ON OR BEFORE [DATE]. WHEN ALL WORK IS COMPLETED YOU MUST CALL THE NUMBER BELOW FOR A PROPERTY INSPECTION AND A WRITTEN INSPECTION RECORD.

MINIMUM CLEARANCE REQUIREMENTS

- All native brush, weeds, grass, and hazardous vegetation on your property within 100 feet of structure/s including but not limited to:
 - _____
 - _____
 shall be maintained in accordance with the requirements on the reverse side of this Notice.
- Reduce the amount and/or modify the arrangement of hazardous vegetation within the area comprising the second 100 feet for a total distance of 200 feet from any structure.
- Maintain all weeds and other vegetation located within 10 feet of any combustible fence or an edge of that portion of any highway, street, alley, or driveway improved or used for vehicular travel.
- Remove and safely dispose of all cut vegetation, native, or otherwise, all **DEAD TREES**, and all debris. Cut vegetation may be machine processed and spread on site.
- Maintain all landscape vegetation in such a condition that it will not contribute to the spread or intensity of a fire.
- Additional requirements: _____

TELEPHONE NUMBER TO CALL FOR INSPECTION

Diagram of Hazard/Location



Note: This diagram is to be used as a guideline only, and is not drawn to scale.

YOU MUST CALL FOR AN INSPECTION WHEN THE WORK IS COMPLETED. IF FOUND IN COMPLIANCE AT THAT TIME, YOU WILL RECEIVE A WRITTEN "CLEANED BY OWNER INSPECTION RECORD" (F-1307) FOR YOUR RECORDS AND NO FURTHER ACTION WILL BE TAKEN.

NOTE: See reverse side for specific details of the above requirements.

ALL THE REQUIREMENTS INDICATED ABOVE MUST BE COMPLETED BEFORE YOU CALL FOR A COMPLIANCE INSPECTION. BY ORDER OF THE CHIEF ENGINEER AND GENERAL MANAGER.

By _____ F.S.# _____
Signature _____

HOWEVER, FAILURE TO DO SO MAY RESULT IN THE CITY COMPLETING THE WORK ON YOUR BEHALF. THE COST, INCLUDING AN ADMINISTRATIVE FEE, WILL BECOME A SPECIAL ASSESSMENT. UPON CITY COUNCIL CONFIRMATION AND RECORDATION OF THAT ORDER, A LIEN MAY BE ATTACHED TO THE ABOVE PARCEL TO BE COLLECTED ON THE NEXT REGULAR PROPERTY TAX BILL. (SEE REVERSE)

Exhibit 7
2 of 2
5-98-333

**MANATT
PHELPS
PHILLIPS**
ATTORNEYS AT LAW

Ronald S. Barak
Direct Dial: (310) 312-4177
Internet: rbarak@manatt.com

January 29, 1999

RECEIVED
FEB 02 1999

VIA FACSIMILE AND U.S. MAIL

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

**CALIFORNIA
COASTAL COMMISSION**

Attn: Mr. Jim Ryan
Coastal Program Analyst

Re: **Permit Application 5-98-333 (Mera, Dr. and Mrs. Koichi)**

Dear Mr. Ryan:

As you know, Dr. and Mrs. Koichi Mera have recently engaged our firm to assist them in connection with the above referenced and pending permit application. When you and I first spoke, about one week ago, you advised me that you were still awaiting a previously requested submission by Dr. and Mrs. Mera outlining alternative site locations of their contemplated improvements and any disadvantages to such alternatives in contrast to what is now proposed. The purpose of this letter is to provide you with such a submission.

Attached to this letter are copies of four (theoretically) possible site plans for the property:

1. "Plan A" represents the now pending proposal of Dr. and Mrs. Mera, and far and away their first choice. Plan A has already been approved by the neighbors and has already been fully permitted by the City of Los Angeles. It maximizes the views from the property and the largest residence "footprint," thereby maximizing the resulting value of the property. Under Plan A, the primary residence structure would encroach (to the north) into the California Coastal Commission zone boundary ("Coastal Boundary"). Imposition of a 200 foot brush clearance under Plan A would extend 140 feet in the property to the north, owned by the Santa Monica Mountains Conservancy ("Conservancy"). Given legal access for such a limited period, Dr. and Mrs. Mera would be willing to assume responsibility for maintaining this amount of Conservancy property brush clearance. Given the slope and configuration of the south end of the Conservancy property, it would appear that the subject clearance would be completed before the start of the upward grade of the mountains and would effectively be invisible to adjacent property owners because of the line of trees along the south border of the Conservancy property. Given that Captain Quadliano, Commander of the City

MANATT, PHELPS & PHILLIPS, LLP

11355 West Olympic Boulevard, Los Angeles, California 90064-1614 • 310-312-4000 • FAX 310-312-4224

Los Angeles • Menlo Park • Nashville • Washington, D.C.

EXHIBIT 8
1043
5-98-333

Mr. Jim Ryan
Coastal Program Analyst
January 29, 1999
Page 2

Fire Department Brush Clearance Unit (1-818-756-8022), has advised Dr. and Mrs. Mera that he has the authority to order the 200 foot brush clearance by all property owners involved, and at their respective expense, Dr. and Mrs. Mera's offer to bear this ongoing expense would seem to be quite a reasonable offer on their part.

2. "Plan B" is the only conceivably viable alternative to Plan A. However, it does not eliminate the above issues and it entails several additional material disadvantages to Dr. and Mrs. Mera:

a. While the distance from the Conservancy property is increased from 60 feet (Plan A) to 80 feet, the primary residence would still encroach into the Coastal Boundary and the question of brush clearance on the Conservancy property would remain in issue.

b. All neighborhood and Los Angeles approvals and permits would have to be done over. At a minimum, considerable dollar cost and time would be required. Further, one or more approvals, now in place as to Plan A, might not be obtainable.

c. This approach would reduce the views from the property and the viable footprint of the primary residence, thereby significantly reducing the value of the property. At the same time, it would require additional grading costs to preserve the view to the north and it would increase the height, and, therefore, the cost of retaining walls.

3. "Plan C" differs from Plan B in that it would come still another 20 feet away from the Conservancy property, but the same issues would remain and the resulting (further) increased cost and the resulting (further) diminution in value would render this choice economically prohibitive. Among other impediments to this approach (and to Plan D as well), the driveway would end at an elevation two plus stories below the elevation of the primary residence. This would be unsightly and would require an elevator to even traverse the "gap."

4. "Plan D" differs from Plan C in that it does not encroach into the Coastal Boundary, other than as to one retaining wall (you were kind enough to say that you would investigate and let me know whether the Coastal Commission would continue to assert jurisdiction if only a retaining wall encroached into the Coastal Boundary), and may eliminate the Coastal Commissions concern about the 200 foot brush clearance requirement (as opposed to the City's concern for that requirement, which, as mentioned above, seems manageable for Dr. and Mrs. Mera). However, this approach would simply be economic suicide in terms of the amount by which the resulting costs would exceed the resulting value.

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5-98-333

MANATT, PHELPS & PHILLIPS, LLP

Mr. Jim Ryan
Coastal Program Analyst
January 29, 1999
Page 3

Dr. Mera and I would appreciate an opportunity to meet with you in person to review the foregoing and to hopefully reach an early resolution of the issues, hopefully in favor of Plan A. Thank you very much.

Sincerely,

Ronald S. Barak / dr

Ronald S. Barak
Manatt, Phelps & Phillips LLP

RSB/nec
Dr. and Mrs. Koichi Mera

Exhibit 8
3 of 3
5-98-333

THE J. BYER GROUP, INC.

A GEOTECHNICAL CONSULTING FIRM

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March 5, 1999

JB 17610-I

RECEIVED
South Coast Region

MAR 8 1999

CALIFORNIA
COASTAL COMMISSION

Ms. Pam Emerson
Supervisor - Regulation and Planning
Los Angeles County Area
State of California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, California 90802-4416

Subject

Alternative Site for
Proposed Residence, Pool and Access Driveway
Portion of Lot A, Tract 9300
1375 Goucher Street
Pacific Palisades, California

Applicant: Dr. and Mrs. Koichi Mera
Application #: 5-98-333

Dear Ms. Emerson:

It is our understanding that Dr. Koichi Mera has been requested by the Coastal Commission to explore alternative building sites on the subject property. Apparently, the most favorable building area encroaches within the State Coastal Zone. Although the lot is relatively large, potential building sites on the subject property are restricted by site geology and topography.

A potential alternative building site is located near the terminus of Goucher Street in the area of the currently proposed access driveway. In this area of the property, slopes ascend from the southern portion of the potential building site more than 70 feet with slope gradients steeper than 1:1 (45 degrees). These slopes are considered non-conforming by the City of Los Angeles Department of Building and Safety, Grading Section. As such, remedial grading and/or retaining walls will be required to bring these slopes into conformance to allow construction of a residence. Due to property line restrictions, the amount of grading which could be employed to reduce the height of retaining walls is limited. Stepped retaining walls on the order of 20 to 30 feet in height

Exhibit 9
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5-98-333

March 5, 1999
JB 17610-I
Page 2

will be required to support excavations into the ascending slope to construct the residence and bring the slopes into conformance. The high excavations required to construct the retaining walls will require shoring. In this area of the property, both the shoring and retaining walls will be surcharged by higher than normal earth pressures. It is the opinion of The J. Byer Group that due to the steep nature of the slopes and site restrictions, it may not be economically feasible to build a residence on this portion of the subject property.

Similarly, the eastern portion of the lot, which extends to Chautauqua Boulevard, is also narrow and relatively steep. Construction of a residence into the slope, northeast of the terminus of Goucher Street or over the slope below Chautauqua Boulevard, will require significant retaining walls and grading. Construction of a residence and yard areas on the eastern portion of the lot would also be very difficult and expensive from a geotechnical engineering standpoint.

The western portion of the property, along the southern property line, is underlain by landslide debris. Soldier piles and remedial grading have been recommended for this area. It would be costly and difficult to integrate a residence into the repair of the landslide area.

Exhibit 9
2 of 3
5-98-333

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Page 3

The portion of the property that contains favorable slope and geologic conditions is the ridge crest and flank, where the building site is currently proposed. I hope this information provided here is useful for the commission. Any questions regarding this or our previous reports should be directed to the undersigned.

Respectfully submitted,
THE J. BYER GROUP, INC.


Jon A. Irvine
E.G. 1691/R.C.E. 55005

ED 120
GE 212

JAI:RIZ:flh
G:\FINAL\MEMOS\17610-11.MEM

xc: (7) Dr. Koichi Mera

Exhibit 9
3 of 3
5-98-333

**MANATT
PHELPS
PHILLIPS**
ATTORNEYS AT LAW

FAX TRANSMISSION
MANATT, PHELPS & PHILLIPS, LLP

11355 West Olympic Boulevard
Los Angeles, CA 90064
TELEPHONE (310) 312-4000
FAX NO. (310) 312-4224

FROM: Ronald S. Barak	TIME IN: '99 MAR 16 PM 3:28
DATE: March 16, 1999	CLIENT/MATTER NO.: 21107-030

Please deliver the following 3 pages (which includes this cover letter) to:

TO:	FAX NUMBER:	CONFIRMATION NUMBER:
Pam Emerson	1 (562) 590-5084	55980 (562) 590-5071
cc: Dr. Koichi Mera	(310) 230-0365	56006 (310) 230-0364
Jon A. Irvine The J. Byers Group, Inc.	(818) 543-3747	56115 (818) 549-9959

IF YOU DO NOT RECEIVE ALL OF THE PAGES PLEASE CALL (310) 312-4203 AS SOON AS POSSIBLE. THANK YOU.

Sender's Comments:

Re: Permit Application 5-98-333 (Mera, Dr. and Mrs. Koichi)

Thanks for calling and speaking with me last Thursday. Attached is a copy of The J. Byers Group, Inc.'s letter of even date to me confirming that it has considered all four possible pads, A, B, C, and D, that only Pad D avoids brush clearance encroachment on State property and, effectively, that Pad D should fairly be considered both physically and economically infeasible. Given all of the circumstances, including that other homeowners have been permitted to encroach, that additional encroachment resulting from Pad A development would be nominal, that Dr. and Mrs. Mera have agreed to be economically responsible for any incremental increase in State brush clearance costs and, reportedly, that the Conservancy has historically been amenable to this form of resolution, we respectfully submit that Pad A should be approved by the California Coastal Commission. Please let me know if you have any further questions or if I can be of any further help to you during your pending deliberations. Thank you.

cc: Dr. and Mrs. Koichi Mera (via facsimile)
The J. Byers Group, Inc., Attn: Mr. Jon A. Irvine (via facsimile)

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****FOR OPERATOR USE ONLY****

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*Exhibit 10
10f3
5-98-333*

THE J. BYER GROUP, INC.

510 E. WILSON AVE #201 GLENDALE CA 91206
818-510-0050 TEL 818-543-3747 FAX

March 16, 1999
JB 17610-I

Ronald S. Barak, Esq.
Manatt, Phelps & Phillips LLP
11355 West Olympic Boulevard
Los Angeles, California 90064-1614

Subject

Additional Comments
Proposed Residence, Pool, and Access Driveway
Portion of Lot A, Tract 9300
1375 Goucher Street
Pacific Palisades, California

For: Dr. and Mrs. Koichi Mera

Dear Mr. Barak:

It is our understanding that Ms. Emerson of the California Coastal Commission is requesting additional information and clarification regarding our letter to her dated March 5, 1999. First Ms. Emerson is inquiring whether we focused on the four alternative possible residential sites A, B, C, and D, identified in your letter to Jim Ryan of the California Coastal Commission dated January 29, 1999. Plan A is the preferred building site located on the ridge crest within 62 feet of the property line. For building site D, the residence abuts against, but does not encroach within the Coastal Commission boundary. Alternative building sites B and C both encroach within the coastal zone and are located 80 and 100 feet from the property line, respectively.

The second item of concern was whether the infeasibility of development was based on physical or economic criteria. The J. Byer Group is a soils engineering and engineering geology company with expertise in the geotechnical aspects of hillside construction. However, The J. Byer Group is not a contractor or construction specialist qualified to testify on the feasibility of hillside development. It is our experience, that if economics are not a consideration, most projects can

Exhibit 10
2 of 3
5-98-333

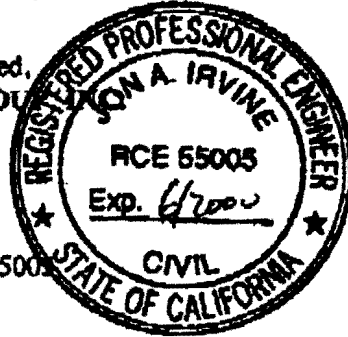
March 16, 1999
JB 17610-1
Page 2

be technically feasible. It is the opinion of The J. Byer Group that building site A is the most favorable from a geotechnical standpoint. Construction of a residence on alternative building site D may require extensive retaining walls, shoring piles, and deepened foundations.

Any questions regarding this or the referenced letter should be directed to the undersigned.

Respectfully submitted,
THE J. BYER GROUP

[Handwritten Signature]
Jon A. Irvine
E.G. 1691/R.C.E. 55005



JAI:flh
G:\FINAL\LETTERS\17610-LLTR

- xc: (1) Addressee (Fax and Mail)
- (1) Dr. and Mrs. Koichi Mera

Exhibit 10
30 + 3
5-98-333

The J. Byer Group, Inc.
512 E. Wilson Avenue • Suite 201 • Glendale, California 91206 • (818) 549-9959 • Fax (818) 543-3747

**MANATT
PHELPS
PHILLIPS**

ATTORNEYS AT LAW

Ronald S. Barak
Direct Dial: (310) 312-4177
Internet: rbarak@manatt.com

March 5, 1999

VIA MESSENGER

Ms. Pam Emerson
Supervisor - Regulation and Planning
Los Angeles County Area
State of California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, California 90802-4416

RECEIVED
South Coast Region

MAR 8 1999

CALIFORNIA
COASTAL COMMISSION

Re: **Dr. and Mrs. Koichi Mera, Application 5-98-333**

Dear Ms. Emerson:

Thank you for meeting with Dr. Mera and me this past Monday, March 1. As you requested, accompanying this letter please find (i) letter from the J. Byer Group, Inc. dated March 5, to the effect that alternative development pads on the property (other than the proposed development pad) are at least economically infeasible, if not physically infeasible as well, (ii) aerial photograph of the Mera property, and surrounding areas, (iii) a schematic demonstrating that there is very little additional brush clearance encroachment into the adjacent State property over and above existing encroachments attributable to other adjacent property improvements, and (iv) photographs of adjacent properties.

As stated, Dr. and Mrs. Mera are prepared, on an ongoing basis, to absorb the incremental increase in the cost of periodic brush clearance activity on State property attributable to the proposed Mera improvements. Under the circumstances, we hope that the California Coastal Commissions will agree that the proposed development pad and improvements should be approved. Please advise the undersigned at your earliest possible convenience. Thank you.

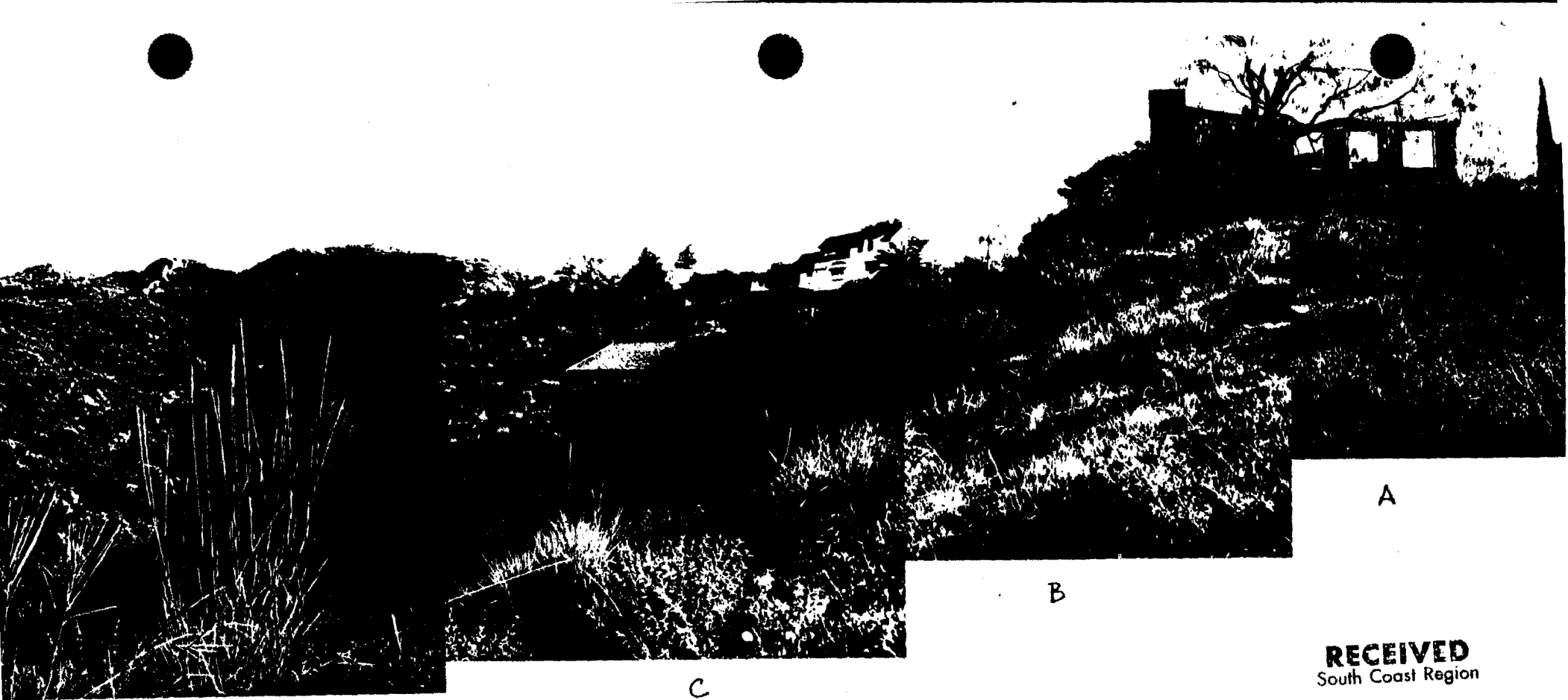
Sincerely,



Ronald S. Barak
Manatt, Phelps & Phillips LLP

RSB/jhm
Enclosures
Dr. and Mrs. Koichi Mera (via facsimile w/o enclosures)

Exhibit 11
5-98-333



A

B

C

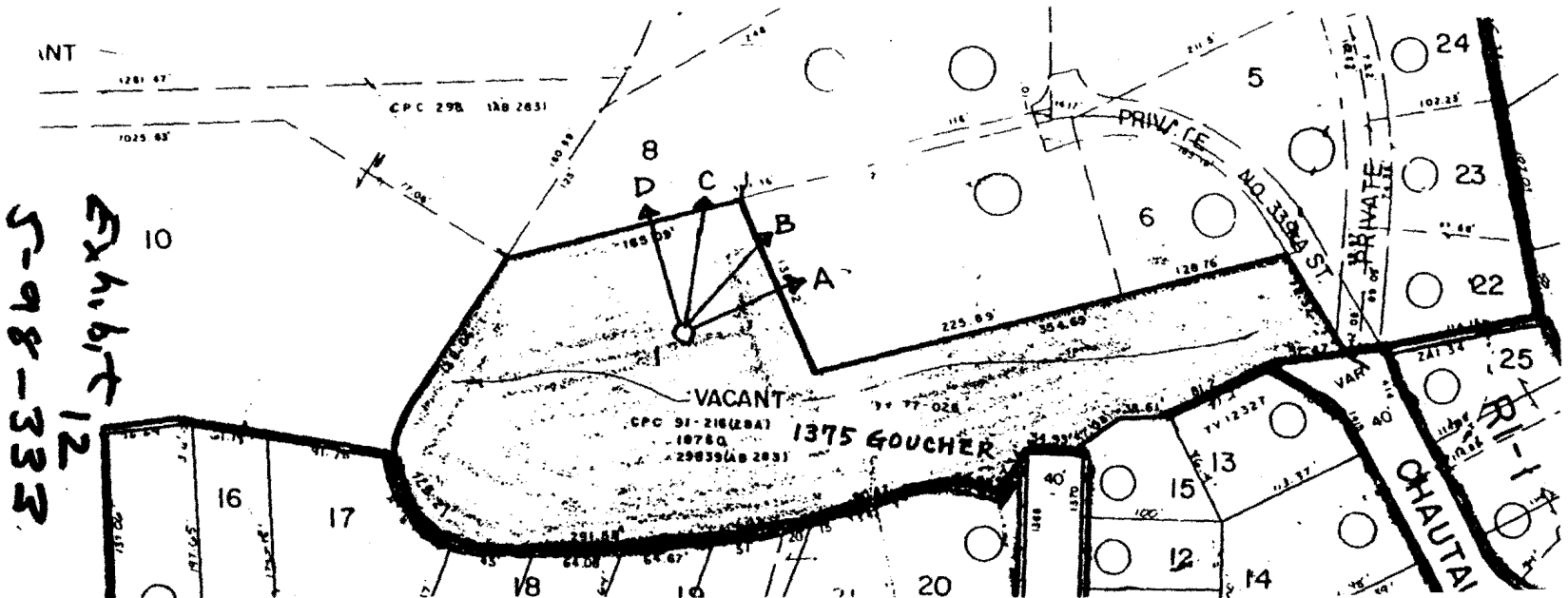
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MAR 8 1999

CALIFORNIA
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15-18-333



1375 Goucher Street
Pacific Palisades
Photo Series 1 of 3
View to the East

Photos Taken on March 2, 1999

