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**CALIFORNIA COASTAL COMMISSION**

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



Filed: April 9, 1999  
 49th Day: May 28, 1999  
 180th Day: Oct. 6, 1999  
 Date of Extension  
 Request: Aug. 31, 1999  
 Final Date For  
 Comm. Action: Nov. 29, 1999  
 Staff: JLR-LB  
 Staff Report: Sept. 16, 1999  
 Hearing Date: Nov. 2-5, 1999

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-99-278-A1****APPLICANT: Mr. & Mrs. Andrew Cha****AGENT: Milton Jeffs****PROJECT LOCATION: 431 Paseo Miramar, Pacific Palisades (Lots 37, 38, 39, 40, 42 and 43 of Tract 10009)****DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:**

Construct a 6,000-sq. ft., 2-story plus loft single-family dwelling with attached 3-car garage on two vacant R-1 lots totaling 25,000 sq. ft. That coastal development permit (P-9-21-77-1903) was conditionally approved by the Commission on December 5, 1977. The project included lots 42 and 43 of Tract 10009.

**DESCRIPTION OF AMENDMENT:**

The applicant proposes to modify a deed restriction that is now recorded over a subdivided lot (lot 42) that is part of his building site, to remove the words "restricted to open space only". The applicant proposes to extend the modified open space condition over four other lots that have been added to the site, lots 37, 38, 39, and 40. Lots 37, 38 and 42 are partially located within the active Paseo Miramar Landslide. Lots 39 and 40 are located entirely within the landslide. The modification would allow an addition to the house to be partially located on lot 42 and would also allow construction of new and previously constructed non-habitable structures, including flat work, steps, ground deck, pool, a garage/driveway on lot 42. The applicant also requests approval of a driveway located on lots 38 and 39 and a tennis court located on lot 37. The applicant has asked that the addition and the appurtenant structures be considered along with the amendment.

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission deny the proposed amendment to modify the language of a deed restriction that restricts Lot 42 to "open space use only". That previously imposed condition would effectively prohibit a house addition or non-habitable structures from being constructed on lot 42 (See Exhibit M). The Commission's approved permit No. P-9-21-77-1903 (See Exhibit J) on December 5, 1977 required a deed restriction for open space on an adjacent lot (Lot 42) in order to assure that the development "will neither activate or accelerate geologic instability" on the site or the surrounding properties including the properties across the street (Paseo Miramar) and the properties at the toe of an existing active landslide on Lot 42. The proposed amendment to modify the deed restriction, along with the proposed development on lot 42, is not consistent with the natural hazard provisions of Chapter 3 of the Coastal Act and would lessen or avoid the intended effect of a partially conditioned permit.

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**STAFF NOTE**

In April, 1999, the applicant submitted a letter (See Exhibit C) requesting an amendment to the previously approved permit P-77-1903. Although the letter requested a permit amendment, the South Coast Commission staff did not recognize the letter as a permit amendment application request because it did not contain a fee, plans or proof of ownership. The amendment request was not reviewed for filing within 30 days of receipt of the application. Had staff reviewed the letter as an amendment request within the required 30-day review period, the request would have been rejected since the proposal would lessen or avoid the intended effect of a previously approved permit. However, because the amendment request was not reviewed or filing within 30 days of receipt of the application, staff is considering the application as filed.

**PROCEDURAL NOTE:**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of

protecting a coastal resource or coastal access.

The proposed amendment is being referred to the Commission because it is a material change and because it would affect conditions required for purposes of protecting coastal resources. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

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**LOCAL APPROVALS RECEIVED:**

Approval in Concept- City of Los Angeles

**SUBSTANTIVE FILE DOCUMENTS:**

- 1) Coastal Development Permits P-9-21-77-1903 and 5-86-094.
- 2) The following Geology/Soils reports:

<u>Current Reference Report/Letter(s)</u>	<u>Report No.</u>	<u>Date(s) of Document</u>	<u>Prepared by</u>
Geology/Soils Report	93-31-262-01	5-21-98	Converse Consultants
	93-31-262-01	4-30-98	
Ovrszd Doc	93-31-262-01	4-30-98	Converse Consultants
<u>Previous Reference Report/Letter(s)</u>	<u>Report No.</u>	<u>Date(s) of Document</u>	<u>Prepared by</u>
Geology/Soils Report	93-31-262-01	10-31-97	Converse Consultants
	93-31-262-01	6-10-97	
	93-31-262-01	12-6-93	
Department Letter	25170	6-25-97	Bldg. & Safety
	22844	12-2-97	

- 3) City Adopted Brentwood-Pacific Palisades Community Plan.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

- I. **DENIAL**

The Commission hereby denies the amendment to the coastal development permit on the grounds that the proposed development with the proposed amendment is not consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, would 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 because there are alternatives available and/or mitigation measures available which would reduce significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

### A. Project Description and Location

Permit No. P-9-21-77-1903 was approved in 1977. The application requested approval to build a house on two vacant lots totaling 25,000 square feet. The Commission's permit approval allowed the house to be built only on Lot 43 and imposed an "open space" deed restriction on Lot 42. The house was constructed on Lot 43 only. The purpose of the deed restriction was to protect the stability of the house on Lot 43 because most of Lot 42 contained an active landslide. Subsequently, the applicant acquired four additional lots (Lots 37, 38, 39, and 40) containing a total of 62,870 square feet. At some time after the house was constructed, the present owner constructed a pool, garage and various walkways, a driveway, a ground deck and a tennis court. In 1986, the Commission approved a coastal development permit for a pool on lot 37 (5-86-094). In that action the Commission imposed a future improvements condition, indicating that all minor improvements that might normally be exempted from permit requirements would require a coastal development permit. This condition was imposed on lots 37, 42 and 43.

The applicant now proposes to: (1) modify the deed restriction that is now recorded over a subdivided lot (Lot 42) that is part of his proposed building site, to remove the words "*restricted to open space only*" in order to allow a single family house that is now located on adjacent lot 43 to extend on to lot 42; and (2) allow the after the fact approval of construction of a garage, a patio, a driveway, walkways and steps on lot 42; and (3) reconstruct and replace some of these amenities. In this same action, the applicant seeks approval of other unpermitted non-habitable structures on the four adjacent lots and to extend the modified open space condition over those lots. See (Exhibit M).

Specifically, the applicant proposes the following:

- 1) Lot 42 and 43. Add a partial first and second floor (total 1,949 sq. ft.) to an existing 6,742 sq. ft. single family residence. The existing house is located

entirely on Lot 43. The addition is proposed to extend about five feet onto 42, covering a footprint of approximately 200 square feet.

2) Lot 42. (Deed Restricted Open Space Lot) In 1986, the applicant constructed a detached 5-car garage, driveway and a concrete ground deck with stairs on Lot 42, the open space lot. The applicant is requesting an "after the fact" permit for these unpermitted improvements. The applicant is also requesting to replace an existing 1,050 square foot slab deck with a concrete garage apron, to add new stairs leading to the house and to add 750 square feet to the existing driveway. All of these structures will be located on a landslide.

3) Lot 37. In 1987, the Commission conditionally approved a permit (5-86-094) for a swimming pool on Lot 37. The pool was subsequently constructed on lot 43 and an unpermitted tennis court was constructed on Lot 37. The applicant is requesting that these unpermitted improvements receive an after the fact permit.

4) Lot 38. A portion of an entrance gate and a portion of the driveway leading to the garage are constructed on Lot 38. The applicant is requesting that these unpermitted improvements receive an after the fact permit.

5) Lot 39. A portion of the entrance gate and a portion of the driveway are also constructed on Lot 39. The applicant is requesting that these unpermitted improvements receive an after the fact permit.

6) Finally, the applicant is proposing to modify the language previously imposed in the open space deed restriction on Lot 42. The applicant is requesting to delete the phrase "open space use only." The applicant is proposing to limit Lot 42 to permit only non-habitable structures. The applicant is further requesting that Lots 37, 38, 39, and 40 be also deed restricted to permit only non-habitable structures. Specifically, the application states the following:

Item 2. This item addresses the Deed Condition of "Open Space" related to the Cha property.

The original "Open Space" on Lot 42 in effect when Mr. Cha purchased Lots 42 and 43 with his dwelling solely on Lot 43 consisted of 11,830 sq. ft.

Since the time of the original purchase, Mr. Cha has acquired four additional parcels, Lots 37,38,39 and 40. The total aggregate area of these four lots is 62,870 sq. ft.

These lots have no habitable structures on them, only one tennis court structure and an artificial stream-bed containing his private fish collection.

The present "Open Space" afforded is 74,700 -200 = 74,500 sq. ft.

Mr. Cha has agreed to include a deed restriction (condition) thereby disallowing any habitable structures on lots 37, 38, 39 and 40, said lots being tied into a single parcel with Lots 42 and 43.

After the staff notified the applicant that the amendment application would be reviewed, the applicant's representative notified the staff in writing that the applicant's intention was to include the latest plan for house extension, the one that extends 200 sq. Ft. on lot 42, and also to seek approval for proposed and existing appurtenant, non-habitable structures. For that reason, these structures have been analyzed in this request.

#### **B. BACKGROUND INFORMATION**

Over the last year and a half, the applicant submitted and withdrew three permit applications for a proposed addition. Each of those applications, which were subsequently withdrawn, requested permission to expand the existing residence (located on lot 43) and each proposed to extend the residence over Lot 42. Each application, as a result of discussions with the City of Los Angeles grading division, reduced the footprint on lot 42, in order to address the landslide. While earlier applications proposed to cantilever the portions of the building located over the over the landslide, the latest application does not propose to extend the house within the footprint of the slide. However, the house is proposed to extend five feet onto lot 42, which had been deed restricted to open space in the Commission's 1977 Commission permit action. The garage and flatwork are located on the slide. Each of those applications involved design changes that resulted either in a reduced change in square footage or a reduction in height that resulted in an increase in the set back from the landslide. The applicant then submitted an amendment request as described above, which he supplemented by indicating that the latest house plans and existing and proposed appurtenant structures should be considered at the same time.

The amendment request would affect a Special Condition that restricts all development on Lot 42. The Regional Commission imposed a condition on Coastal Development Permit No. P-77-1903 that limited construction of a single-family residence to only Lot 43 and restricted the adjacent lot (Lot 42) to be deed restricted to "open space use only".

The Commission's previously imposed Special Condition, which was recorded by the previous owner, stated that:

Prior to issuance of a permit, the applicant shall submit the following:

1. Revised plans showing that the structure will be sited on Lot 43 only and will observe standard Los Angeles City side yard setback except for the side adjacent to Lot 42:
2. A deed restriction for recording:
  - a) Noting that Lot 42 is restricted to open space use only, and
  - b) That records the geology report as part of the chain of title to the property. (Emphasis added.)
3. Specific statements by a consulting geologic and/or soils engineer expressing a professional opinion based on an on-site evaluation:
  - a) That the proposed development can be assured of stability and structural integrity during all foreseeable normal and unusual conditions, including ground saturation and maximum 100 year probable seismic force (using the best available information), throughout the life-span of the project.
  - b) That the proposed development will neither activate nor accelerate geologic instability (landslides, settlement or slippage) on the site or the surrounding properties, including all of those properties across Paseo Miramar and at the toe of the landslide; and
4. Factual evidence prepared by a consulting geologist and/or soils engineer, supporting condition #3-b above, should a claim be made against the applicant, geologist and/or soil engineer after completion of the proposed development.

Thus, the Commission's action on Coastal Development Permit P-77-1903 specifically rejected the previous applicant's proposal to extend development of the proposed residence on to Lot 42. On February 9, 1978, the previous owner, Francis Goplen, recorded a deed restriction running with the land that binds the "permittee and all his successors and assigns". Subsequently, the permit became vested when the previous owner constructed the house relying on the permit.

**C. GEOLOGIC HAZARDS:**

The Commission's previously approved permit on the subject site that required a deed restriction for open space on lot 42 in order to assure that the development "will neither activate or accelerate geologic instability" on the site or the surrounding properties including the properties across the street (Paseo Miramar) and the properties at the toe of an existing active landslide on Lot 42. (See Exhibit J.) The Commission imposed that condition to assure stability of the site and to protect development. The proposed amendment would extend the house onto lot 42 and permit non-habitable structures.

Section 30253 of the Coastal Act provides in part:

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 proposed addition is located on a hillside mesa where steep slopes are subject to natural hazards. Natural hazards common to this area include landslides, erosion, flooding and slumping. The subject site is located within and surrounded by the active Paseo Miramar Landslide (See Exhibit B page 2 of 2). Lots 37, 38 and 42 are partially covered by the landslide. Lots 39 and 40 are located entirely within the landslide. The applicant has submitted a Geotechnical Investigation Report dated December 6, 1993, prepared by Converse Consultants West, an updated letter dated June 10, 1997 and an addendum Geology Report dated April 30, 1998. The applicant's consultant concludes that the December 6, 1993 Geotechnical is considered adequate for the proposed addition along with the previously mentioned addendum.

According to the applicant's geology report, bedrock at the site was indicated to be "creep affected" near the surface. Therefore, the previously constructed residence, on Lot 43, was founded on drilled cast-in place concrete caissons to resist the downslope creep and to derive support from the underlying bedrock.

The existing residence is located entirely on lot 43. The active Paseo Miramar landslide is located approximately 26 feet southeasterly of the residence on the adjacent lot 42 (See Exhibit D). The landslide is also located on lots 38, 39 and 40. The landslide was previously mapped as encompassing more than half of Lot 42. In a



1974 geologic investigation report, a "landslide setback line" was established to extend 10 feet beyond the landslide.

The applicant, in part, proposes to extend a portion of the new addition up to 5 feet over Lot 42 covering a footprint of approximately 200-sq. ft. (See Exhibit D). The applicant has stated that this extension will be cantilevered over lot 42 and that no portion of the structure will touch the ground. However, the applicant has not provided any plans to indicate that the extension will be cantilevered over lot 42.

No portion of the foundation of the house addition will be constructed within the "landslide setback line" or within the landslide. Instead the addition will be supported on caissons located entirely within lot 43. No portion of the addition proposed in lot 42 is located over the mapped slide. The applicant's geology report recommends that if any portion of the structure is constructed over the "landslide setback line", it must be cantilevered. However, the latest plans are set back from the slide. The location for new development was discussed in the applicant's geology report, which stated the following:

All foundations must be constructed outside (to the north and west) of the "landslide setback line" depicted on Drawing 1 (in pocket) of our December 6, 1993 "Geotechnical Investigation" report. No foundation should be constructed inside (to the south or east) of the "landslide setback line". However the structure can be cantilevered out over the landslide setback line to the southeast. If the structure is to be structurally cantilevered out over the landslide setback line there must be at least a one inch clear space between the bottom of the structure and finished grade over the landslide setback zone. There must be absolutely no contact between the soils to the southeast of the setback line and the structure.

According to a City of Los Angeles geotechnical review, the landslide is active and was observed to be moving during the rainy season of 1997/1998. Therefore, for the proposed addition, the applicant's conditional geology approval from the City of Los Angeles Division of the Department of Building and Safety includes specific soils/geology conditions addressing design and construction methods. Following are some of the City's geotechnical conditions:

1. Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard per Code Section 91.7005.9, which will require supplemental reports containing recommendations for stabilizing the entire site.
2. The owner shall record a sworn affidavit with the Office of the County Recorder which attests to his knowledge that the southeast portion of the proposed addition will be cantilevered over ground which is

potentially unstable and ground which is part of an active landslide, and that furthermore, no attachments shall be made between the cantilevered portion of the addition and the adjacent ground surface.

3. The 10-foot setback line from the landslide shall be clearly shown on the plan and staked in the field at the time of construction.
4. No portion of the cantilevered addition, that extends southeast of the 10-foot setback line, shall be in contact with the ground surface.
5. Prior to starting the excavation, it shall be verified that groundwater has lowered to a point below the bottom of the proposed excavation.

The Commission's previous action on Coastal Development Permit P-77-1903 specifically rejected the applicant's proposal to extend the house over Lot 42. The action also rejected the City alternative, which was to allow development on lot 42 but set it back from the active landslide on that lot. The Commission's objective in imposing a previous open space deed restriction on Lot 42 at the time it approved the house on Lot 43 was to prevent development over the unstable property or independent sale of lot 42 to an unwitting third party. The applicant has not provided any newly discovered geological information, which would support revising the Commission's limitation for development over a lot containing an active landslide. There is no evidence that these surface structures have, as yet, been damaged by the slide. However, given that the site is creep affected, and the landslide is active and moving, there is no evidence that these structures would be free from landslide damage in the future. When such improvements are threatened by a slide, owner's, to protect their investment, or more likely to request extensive grading and landform alteration, which Coastal Act Sections 305251 and 30253 encourage the Commission to avoid.

The applicant's current geology report still acknowledges the existence of an active landslide on Lot 42. That landslide is active and was observed by the City to be moving during the rainy season of 1997/1998. The applicant is not proposing to stabilize that landslide. A 200 square feet portion of the addition is proposed to be located on Lot 42, but is set back from the landslide. The building foundations are entirely on lot 43, as approved by the City. The 200-foot encroachment even as designed to avoid instability, is not consistent with the Commission's previous approval and would lessen the intended effect of a conditioned permit to limit development in close proximity to an active landslide.

The applicant is also proposing to modify and expand the driveway on Lot 42 and to allow unpermitted non-habitable structures (pool, tennis court and driveway extension) on adjacent lots. The applicant has not provided a current, comprehensive geology report for the entire site that is proposed to accommodate development (Lots 37, 38, 39, 40, .42 and 43). Lots 37, 38 and 42 are partially covered by the landslide. Lots

39 and 40 are located entirely within the landslide. The Commission cannot approve new development without supplemental geology/soils reports that would contain recommendations for stability of areas proposed for development. That concern was also addressed in the City's Conditional approval and review of the geology report as noted above in the City's condition No. 1.

Therefore, the Commission finds that the proposed development, with the proposed amendment will not minimize risks to property located in areas of high geologic hazard pursuant to Section 30253 of the Coastal Act and must be denied.

**D. ALTERNATIVES:**

In denying the application, the Commission finds that denial of the permit does not preclude the applicant from continuing the use of a residential structure on Lot 43 or add improvements on Lot 43 with a Commission approved permit. The applicant can either: 1) continue the use of the property as a 2-story, 6,746 sq. ft. single family residence; or 2) redesign the proposed partial first and second story addition so as not to encroach over the open space Lot 42. Those alternatives are feasible and will eliminate significant adverse effects on natural hazards, consistent with the relevant provisions of Chapter 3 of the Coastal Act.

**E. 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 Chapter 3 (commencing with Section 30200) 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 Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

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, and grading and geologic stability.

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 other major planning decisions remained in 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 previously discussed the Commission finds that the proposed project is not consistent with the relevant natural hazard provision of the Coastal Act and must be denied.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Section 13096 of the Commission's 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.

Previous sections of these findings contain documentation of the significant adverse impacts of the proposed development. As discussed above, there are feasible alternatives or mitigation measures available, which would substantially lessen any significant adverse impact, which the activity would have on the environment. Therefore, the Commission finds that the proposed project can not be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

#### **G. UNPERMITTED DEVELOPMENT:**

The permit previously approved in 1977 was located on two vacant lots totaling 25,000 sq. ft. The Commission's previous action allowed a house to be built only on Lot 43 and imposed an "open space" deed restriction on Lot 42. The deed restriction was recorded and the house constructed.

The applicant for the proposed amendment was not the owner of the subject parcel when the Commission approved a residence on Lot 43 in 1977 and conditioned Lot 42 to be "open space". The applicant for the proposed amendment acquired the subject property in 1984. Although a deed restriction was recorded against the property, the present applicant states that he was unaware that Lot 42 had been deed restricted for "open space use only". Subsequently, in 1986 the applicant

constructed a 5-car garage (44'x30'), a driveway, a concrete ground deck and stairways on the open space lot 42. In addition the applicant constructed minor non-habitable improvements on other adjacent lots that he had acquired. Those unpermitted, non-habitable improvements located on the adjacent lots and more specifically described within the section of this report entitled "project description" are a part of the subject amendment request. The applicant states that City officials who administer the granting of "exemptions" informed him that such work did not need a coastal development permit. Normally, in making such a determination, the City issues a notice of exemption. The applicant's representative has been unable to obtain copies of such exemptions.

Section 30610(a) of the Coastal Act provides that no coastal development permits shall be required for certain types of improvements to an existing single-family residence "provided, however that the Commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained".

Section 13250(a) exempts other development "'on the lot". The development on the adjacent lots is not on the lot where the Commission approved the house, lot 43. Secondly, Section 13250(b) 6 states that the exemption does not apply if the "development permit issued for the original structure by the Commission or regional commission indicated that any future additions would require a [coastal] development permit."

As discussed in the above findings, the proposed development, with the proposed amendment, is inconsistent with section 30253 of the Coastal Act. The proposed development with the proposed amendment will not minimize the risks to life and property located in and adjacent to a slide area. Each day that the unpermitted structures remain in place causes on-going risk to life and property located in and adjacent to a landslide area inconsistent with section 30253.

Although development has taken prior to Commission action on this coastal development permit application, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Denial of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

JLR:



Exhibit A  
S-99-278-A1

ENTIRE MAP

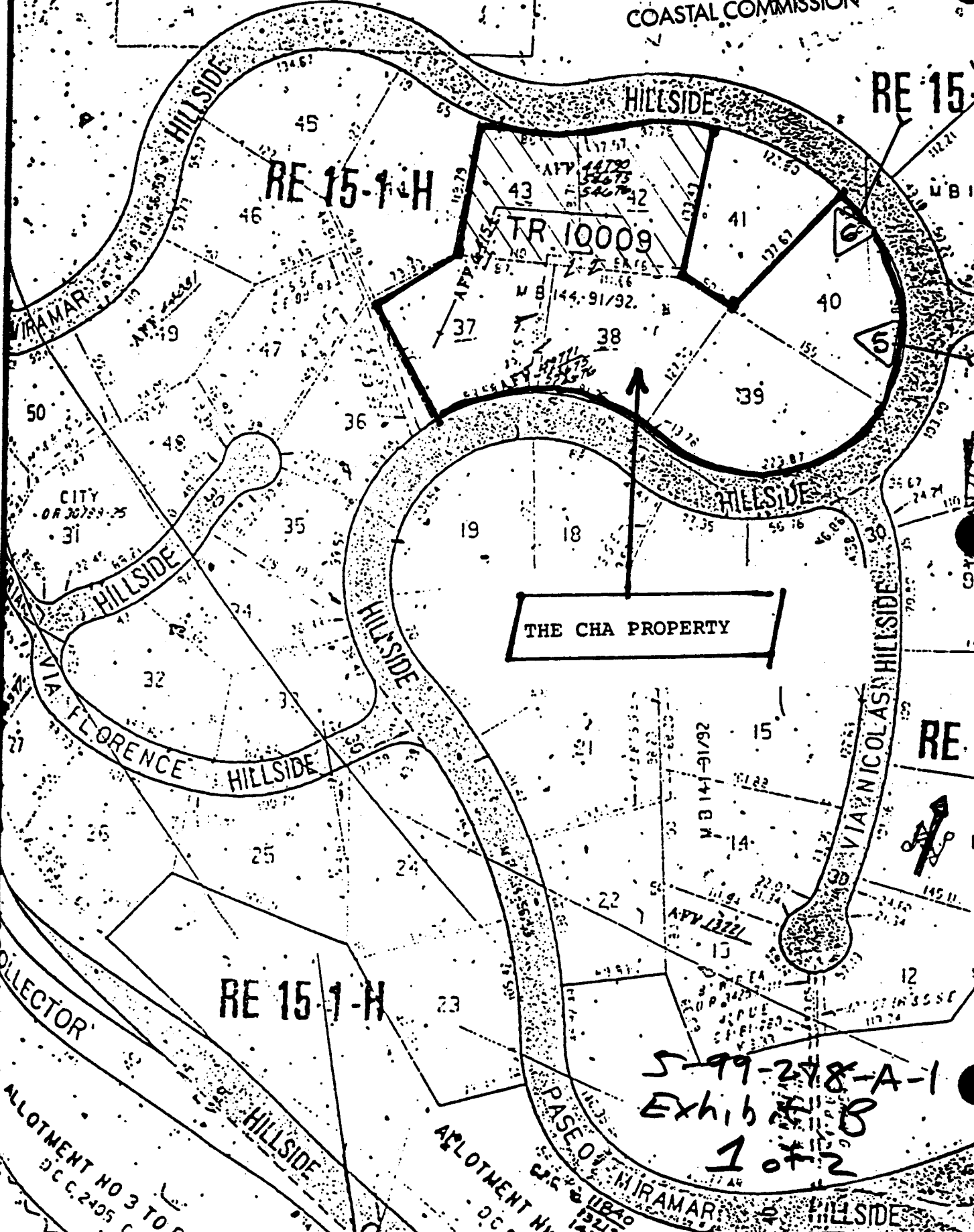
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COASTAL COMMISSION



THE CHA PROPERTY

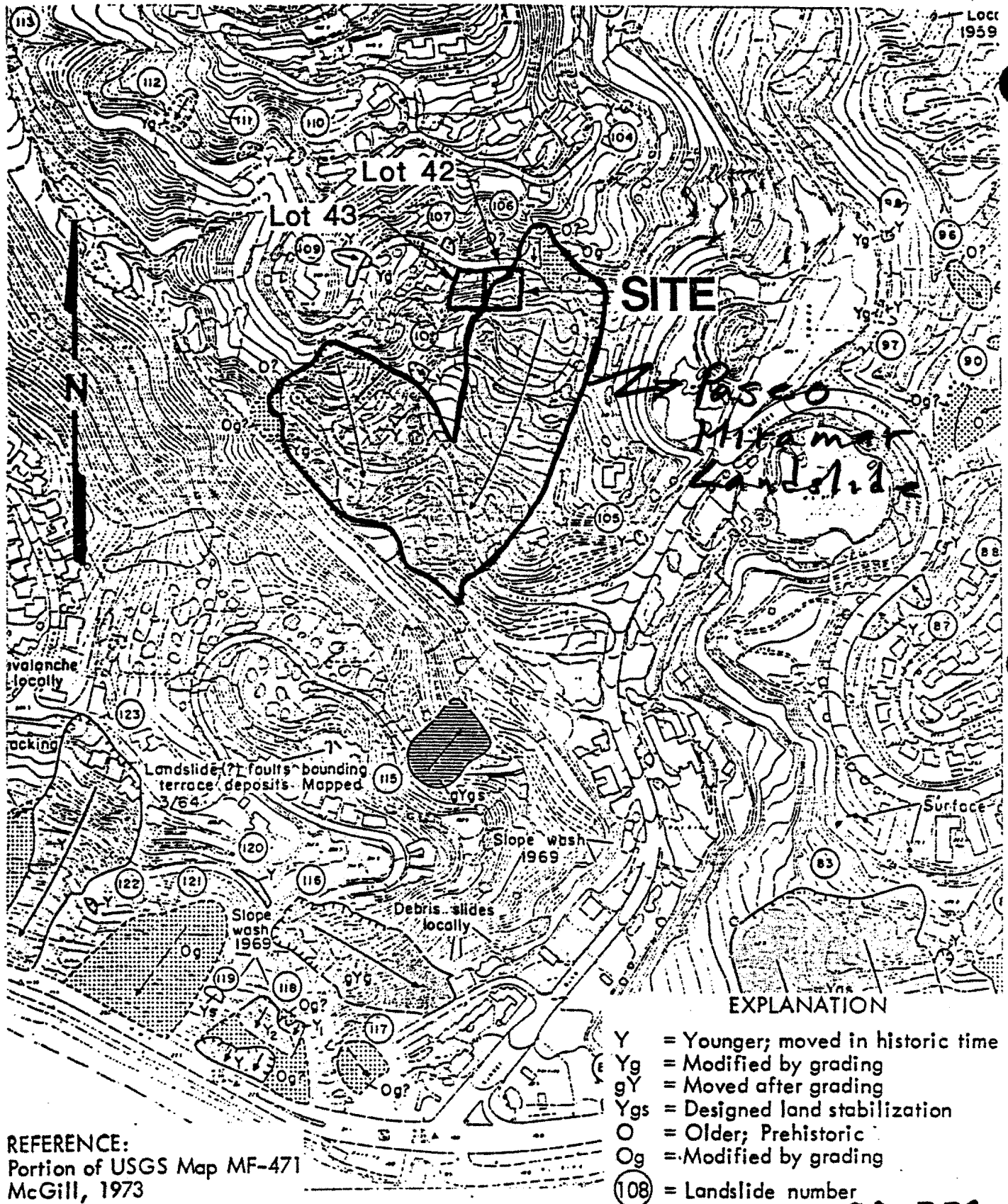
5-99-248-A-1  
Exhibit B  
1 of 2

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5-470-00







599-278-A1  
Exhibit

2 of 2

LANDSLIDE & SITE LOCATION MAP



**MILTON JEFFS & ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
15135 SUNSET BOULEVARD, SUITE 230  
PACIFIC PALISADES, CA 90272  
(310) 459-7887 FAX (310) 459-7257

April 6, 1999

Mr. Jim, Ryan  
CALIFORNIA COASTAL COMMISSION  
200 OCEANGATE, 10<sup>th</sup> Floor, Suite 1000  
Long Beach, CA 90802-4302

APPLICATIONS 5-97-203  
3-98-417

MIA #1626.03

**SUBJECT: REQUEST for AMENDMENT**  
**DEED RESTRICTION**  
**LOT 42, TRACT 10009, Bk 144, Pg 91, Maps, L.A. CO.**

Owners: Mr. & Mrs. A. Cha  
431 Paseo Miramar  
Pacific Palisades, CA 90272

REF: Telephone conversation, April 2, 1999 (Ryan & Jeffs)  
CHA Property.

Dear Mr. Ryan:

Please accept this Request for Amendment to DEED RESTRICTION, Recordation # 78-154533, for the removal of the statement " Lot 42 is restricted to open space use only".

WHEREAS, the current owners, have purchased and hold title to Lots 37,38,39,40,42 and 43.

WHEREAS, a single family dwelling exists on lot 43.

WHEREAS, a detached garage is the only structure on lot 42.

WHEREAS, no other building structures exist on the remaining four lots , 37,38,39 and 40 which are void of any obstruction to the ocean view.

WHEREAS, Individual Grant Deed , Recordation # 80-1023124, conveys title to lots 37,38,42, and 43.

Individual Grant Deed, Recordation # 84-670718, conveys title to lot 39

Individual Grant Deed, Recordation # 96-12190 , conveys title to lot 40

Copies of the above listed submitted to California Coastal Commission.

WHEREAS, Copies of JOINT CONSOLIDATED TAX BILLS (1998) submitted to the California Coastal Commission as follows:

Cha, Andrew and Agatha

431 Paseo Miramar

Pacific Palisades, CA, ..... Lots 37,38,39,42 and 43

.....Tract 10009, Lot 40

5-99-278 A1  
Exhibit C  
2 of 2

**MILTON JEFFS & ASSOCIATES, INC.**  
**CONSULTING ENGINEERS**

**REQUEST FOR AMENDMENT**

April 6, 1999

Page two

WHEREAS, the "open space use" condition, relating to Lot 42 only, has more than five times the amount or area of open space when comparing lot 42 vs lots 37,38,39 and 40.

Lot 42 ..... = 11, 830 sq.ft.

Lots 37,38,39,40 = 62, 870 sq.ft.

WHEREAS, the owners have displayed their original intent of acquiring "open space" by purchasing four available lots adjoining their home.

The current land use is specifically directed toward "open space" and is unquestionably supportive of the spirit of this restrictive DEED RESTRICTION, Condition.

MILTON JEFFS & ASSOCIATES, INC.

*Milton Jeffs*  
Milton Jeffs, P.E.

MI/co

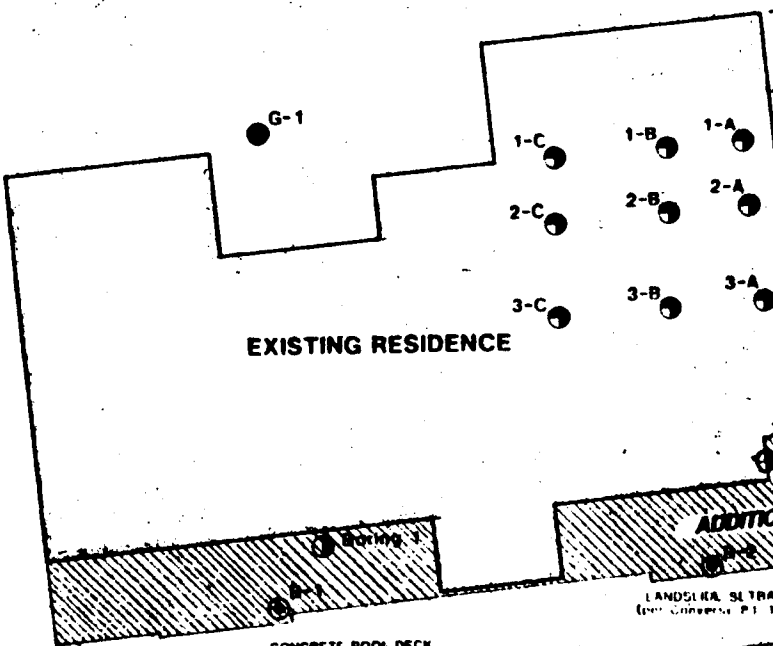
5-99-278-A1  
Exhibit C  
2 of 2

PASEO MIRAMAR

LOT 43 LOT 42

PROPERTY LINE

G-2 BH-2 G-3 BH-3

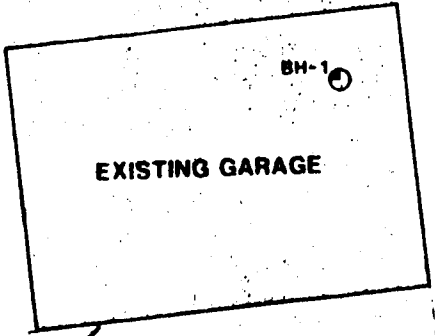


AREA CONSIDERED SUITABLE FOR PROPOSED ADDITION

RETAINING WALL

CONCRETE DECKING

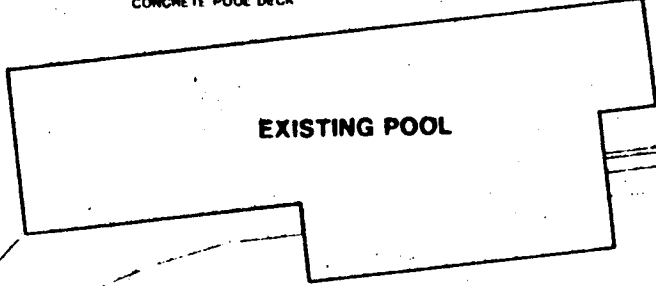
PLANTING SLOPE



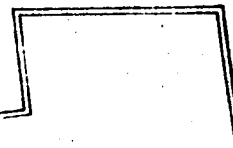
LIMITS OF LANDSLIDE (see Converse B' 1230-01)

LANDSLIDE SE TRACK LINE (see Converse P' 1230-01)

Q1s (fill cover)



PLANTER



LOT 4

LOT 42

PROPERTY LINE LOT 43 LOT 37

LOT 37

LOT 38

Tmz (fill cover)

Q1s (fill cover)

5-99-278A-1 Exhibit D

MILTON JEFFS & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
15135 SUNSET BOULEVARD, SUITE 230  
PACIFIC PALISADES, CA 90272  
(310) 459-7887 FAX (310) 459-7257

**F A X**

**F A X**

**F A X**

DATE: 10 SEP 99

MJA # 1626.05

TRANSMITTED PAGES: 1

FAX NO.: (562) 590-5084

TO: Jim Ryan

SUBJECT: Cha Residence  
431 Paseo Miramar  
Pacific Palisades, CA 90272

(Application- No. 5-99-278-A1)

The intent of this letter is to clarify and define two conditions that are pertinent in acquiring approval from the Coastal Commission for the Application No. 5-99-278-A1.

Two items being addressed herewith, provide new evidence not previously submitted.

ITEM 1. The new building addition which extends into Lot 42, consists of a two story area irregular in shape with approximately 200 sq.ft. at ground level and 2<sup>nd</sup> floor level. for a total of 400 sq.ft. habitable enclosed space. The total building addition is 1947 sq.ft. The difference (1947 - 400 = 1547 sq.ft.) is located entirely on Lot 43. This latter space, 1547 sq.ft., is on the Westerly face of the existing building and consists primarily of open covered walking deck.

The foundations, drilled piles, are located entirely outside and Northerly of the described "10 ft. setback line", which in turn locates the edge of the earth slippage fault line.

The footings are as approved for design and location by the Soils Engineer and the City of Los Angeles.

A portion of addition extends approximately five (5) ft. Southerly and lies within the 10 ft. setback line. This portion of the addition is comprised of an open covered entry vestibule with attached steps from grade level. This entire portion is structurally cantilevered above grade, supported by steel beams and provides clearance and no contact with the soil to the Southeast of the setback line, in compliance with Converse Consultants, Soils Engineers Report dated April 30, 1998.

5-99-278 A1  
Exhibit E  
2 of 2

Letter of Intent  
10 SEP 99  
page two

ITEM 2. This item addresses the Deed Condition of "Open Space" related to the Cha property.

The original "Open Space" on Lot 42 in effect when the Mr. Cha purchased Lots 42 and 43 with his dwelling solely on Lot 43 consisted of 11,830 sq.ft.

Since the time of the original purchas, Mr. Cha has acquired four additional parcels, LOTS 37, 38, 39 AND 40. The total aggregate area of these four lots is 62,870 sq.ft.

These lots have no habitable structures on them, only one tennis court structure and an artificial stream-bed containing his private fish collection.

The present "Open Space" afforded is  $74,700 - 200 = 74,500$  sq.ft.

Mr. Cha has agreed to include a deed restriction (condition) thereby disallowing any future construction of habitable structures on LOTS 37,38,39 AND 40, said lots being tied into a single parcel with LOTS 42 and 43.

Sincerely,

Milton Jeffs, P.E.

5-99-278 A1  
Exhibit E  
2 of 2

MILTON JEFFS & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
15135 SUNSET BOULEVARD, SUITE 230  
PACIFIC PALISADES, CA 90272  
(310) 459-7887 FAX (310) 459-7257

**F A X** **F A X** **F A X**

DATE: 22SEP99

MJA # 1626.05

TRANSMITTED PAGES: 1

FAX NO.: (562) 590-5084

TO: Ms. Pam Emerson

REF: Application No. 5-99-278-A1

SUBJECT: Existing (As-built) improvements located on the Cha property, LOTS, 37,38,39,40,42 and 43, Tract No. 10009, M.B. 144, pp 91 & 92 of Maps, County of Los Angeles, California.

1. Five-car garage
2. Swim pool
3. Tennis Court
3. Concrete driveway and rolling entrance gate
4. Artificial streambed, fish pond and gazebo, Southerly of dwelling
5. Brick steps, retaining walls and concrete flatwork between garage and dwelling
6. Concrete steps and walkway adjacent to streambed
7. Fenced dog-yard, dog-house and pre-fab tool shed, SW of dwelling
8. Entire property surrounded by gated fencing.

  
Milton Jeffs, P.E.

CC: CHA (FAX)

Exhibit R  
5-99-278 A1

MILTON JEFFS & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
15135 SUNSET BOULEVARD, SUITE 230  
PACIFIC PALISADES, CA 90272  
(310) 459-7887 FAX(310) 459-7257

**F A X** **F A X** **F A X**

DATE: 22SEP99

MJA # 1626.05

TRANSMITTED PAGES: 1

FAX NO.: (562) 590-5084

TO: Jim Ryan / Ms Pam EMERSON

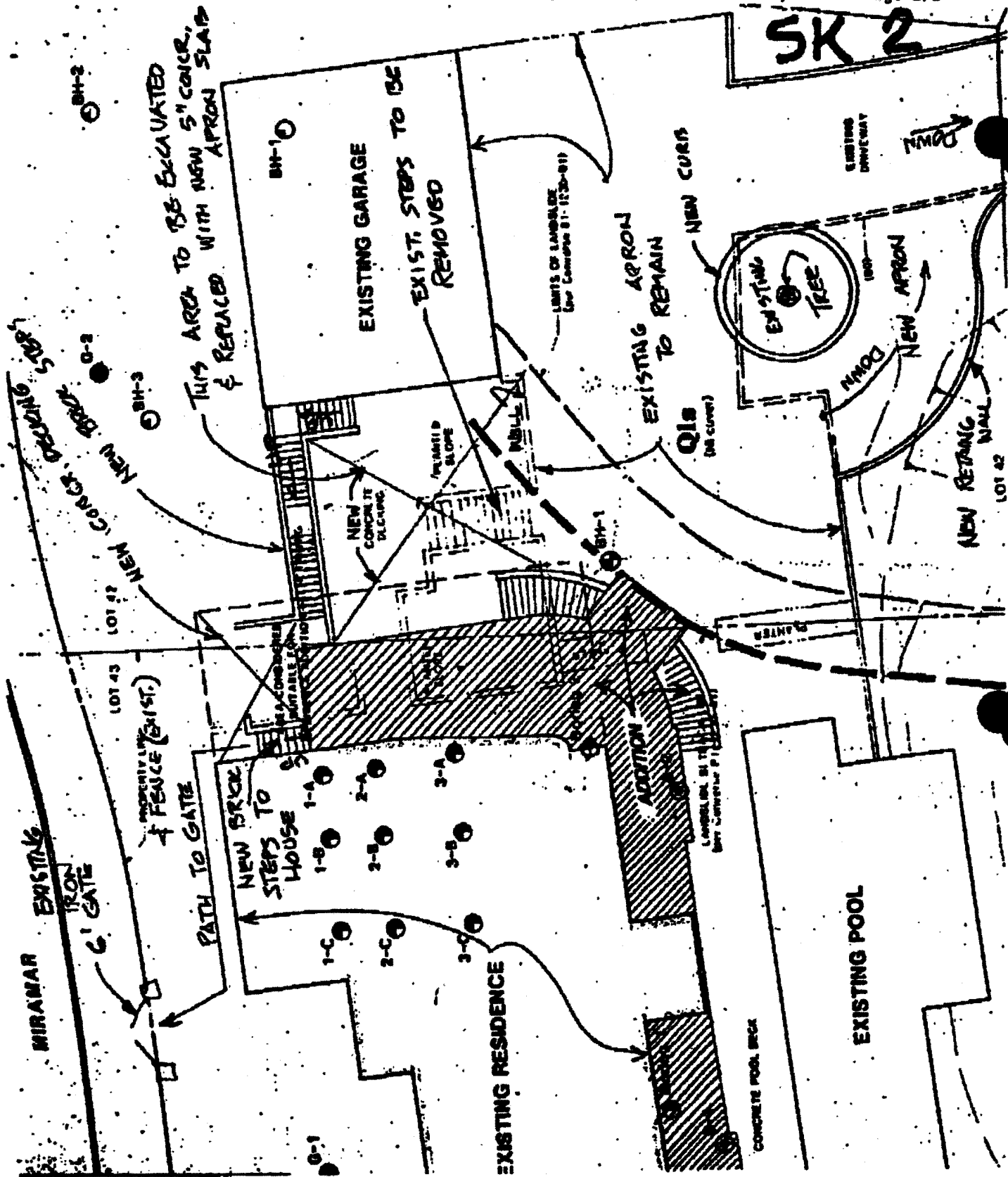
SUBJECT: Proposed additional non-building items      Application 5-99-278-A1  
Cha residence

1. New concrete apron area : 1050 sq.ft , adjacent to existing garage.  
750 sq.ft. connecting driveway ramp with existing
2. New concrete decking slab: 192 sq.ft., @ NE corner of existing bldg.( approx. 65 sq.ft. encroaches on LOT 42.
3. New brick-steps: 4 ft.x 39 ft., within 1050 sq.ft. apron slab, mentioned above.
4. New brick steps: 4 ft x 7 ft., providing entry into Northerly wall of proposed addition.
5. New retaining wall/curb within 750 sq.ft. connecting driveway ramp, mentioned above.

  
Milton Jeffs, P.E.

CC: CHA (FAX)

Exhibit G  
5-99-278 A1



SK 2

Exhibit H  
5-99-278 A1



SK 1

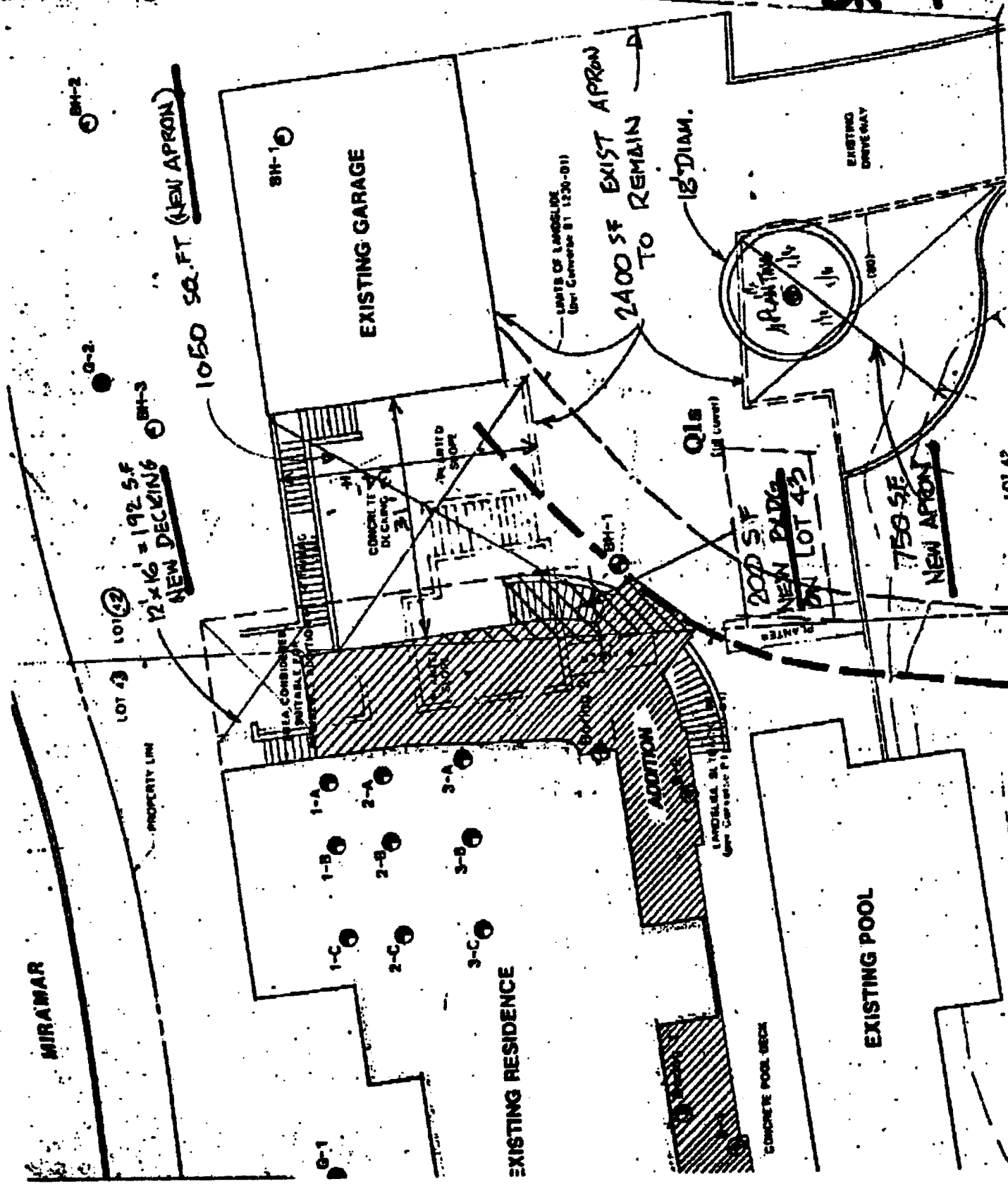


Exhibit I  
S-99-278 A1

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
666 E. OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 590-5071 (714) 846-0648

Octpber 17, 1977



*10-19-77  
cont applicant  
12/5/77  
per staff  
y9-Ø*

To: Commissioners  
From: Executive Director  
Subject: Staff Summary and Recommendations  
Application No.: P-9-21-77-1903

- Attachments:
1. Geologic Site Map
  2. Project Site in Relation to Slides
  3. Partial Site Plan
  - 4.
  - 5.
  - 6.

1. Administrative Action:

The application has been reviewed and is complete. The 42-day hearing period expires 11-2-77. Public Hearing is scheduled for 10-24-77. Continuations, (if any) were granted as follows:

a. 10-19-77 Applicant b. \_\_\_\_\_ c. \_\_\_\_\_

2. Applicant:

Mr. Francis Goplen 213/459-2027  
Applicant's full name Telephone number

P.O. Box 687  
Address

Santa Monica, CA 90406

Or Design Associates 213/450-5005  
Representative's name Telephone number

2665 - 30th Street  
Address

Santa Monica, CA 90405

3. Project Location:

(a) City or District Pacific Palisades

(b) County L.A.

(c) Street Address 431 Paseo Miramar

(d) Area is Zoned R-1

*EXHIBIT ✓  
5-99-278A1  
1 of 7*

PROJECT DESCRIPTION:

Construction of a <sup>4700</sup>~~6000~~ sq. ft., 2-story plus loft single-family dwelling with 3-car attached garage on two R-1 lots totalling 25,000 sq. feet.

LOCATION DESCRIPTION & STREET ADDRESS: 431 Paseo Miramar, east of Los Liones Canyon.

DISTANCE FROM MEAN HIGH TIDE LINE: 600 yds.

PRESENT USE OF PROPERTY: vacant, recently graded

SITE SIZE: irregular = 25,000 sq. ft.

DENSITY: GROSS: NET:

UNIT MIX:

ON-SITE PARKING: Primary = 3 Size = 20' x 29'

Tandem = Size = Total =

PROJECT HEIGHT: Above CFR = 20' Above AFG = 34'

PROJECT COST: \$

EIR:

AGENCY APPROVAL: Approval in Concept - City of Los Angeles

Homeowners Assoc. - Health Dept. -

Building Dept. - RWQCB -

APCD

Exhibit 1  
5-99-278 A1  
2047

Project Geologic Setting:

The project site lies less than six ft. west from the limits of an ancient landslide and less than 60 ft. from the limits of an active landslide. This year the site has already been graded without a permit.

Although it lies immediately east of an older house and across the street from two houses recently permitted by the Commission, the downhill side of Paseo Miramar on which the house is to be sited contains no other structures primarily because it is part of the active slide.

The applicant's property consists of two lots (42 and 43). Over half of lot 42 contains portions of the ancient and historic landslides. The applicant's house would be constructed over the lot lines extending on to lot 42. However, it would be set back a few feet from the landslide areas.

Issues:

The project's conformity with Section 30253(1) and (2) of the Act.

Section 30253(1)(2) states the following:

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.

Staff recommends that the project would conform with the above section of the Act if conditions were applied relative to Section 30253-(1) and (2).

Findings:

1. The applicant proposes to construct a 2-story plus loft, 6000 sq. ft. single-family dwelling with attached 3-car garage on two lots totalling 25,000 square feet.
2. The project is located within 100 ft. from the limits of an active landslide.
3. The applicant proposes to construct a portion of his structure on a lot (42) containing the active and prehistoric slides.
4. As conditioned, the proposed development is in conformity with the provisions of Chapter 3 of the Act and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with said chapter.

5-99-278A  
Exhibit J  
3047

5. There are no feasible alternatives, but there are feasible mitigation measures, as provided in the CEQA, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

STAFF RECOMMENDATION: Approval With Conditions

Conditions: Prior to issuance of permit, applicant shall submit the following:

1. revised plans showing that the structure will be sited on Lot 43 only and will observe standard Los Angeles City side yard setbacks; *except for side adjacent to lot 42 -*
2. a deed restriction for recording:
  - A. noting that Lot 42 is restricted to open space use only, and
  - B. providing that the applicant and all successors in interest waive all claims against the public for future liability or damage resulting from permission to build. Said deed restriction shall note all geologic hazard information applicable to the subject property understandable to a lay person. A summary of all relevant geologic hazard conclusions shall be included as part of the chain of title to the property;
3. specific statements by a consulting geologic and/or soils engineer expressing a professional opinion based on an on-site evaluation:
  - A. that the proposed development can be assured of stability and structural integrity during all foreseeable normal and unusual conditions, including ground saturation and maximum 100-year probable seismic forces (using the best available information), throughout the lifespan of the project, and
  - B. that the proposed development will neither activate nor accelerate geologic instability (landslides, settlement or slippage) on the site or the surrounding properties, including all of those properties across Paseo Miramar and at the toe of the landslide; and
4. factual evidence prepared by a consulting geologist and/or soils engineer supporting condition #3-B above, should a claim be made against the applicant, geologist, and/or soil engineer after completion of the proposed development.

*and geology reports needed as a part of the chain of title.*

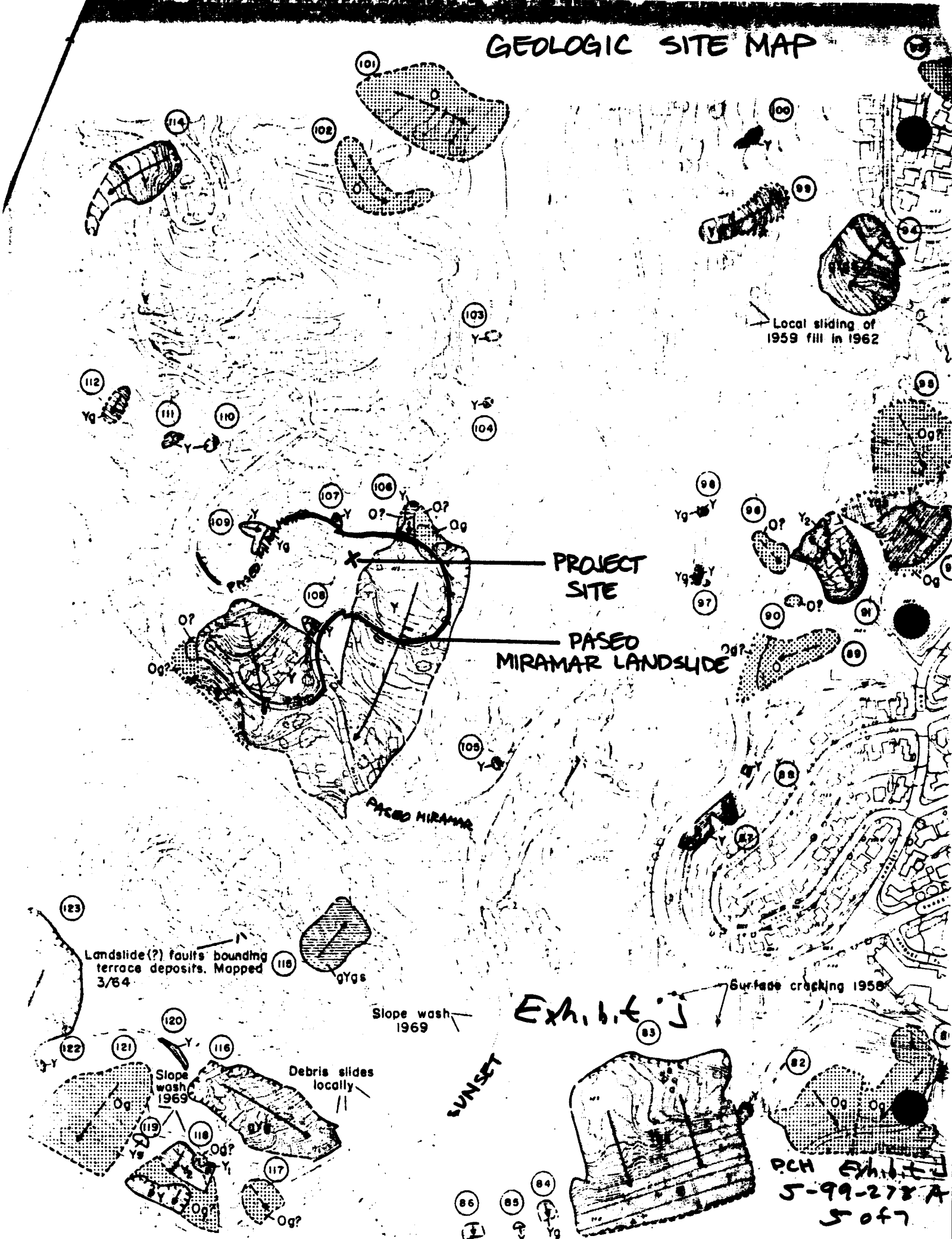
Staff Planner

Rummelsburg

mc

5-99-278A1  
Exhibit J  
4 of 7

# GEOLOGIC SITE MAP



Local sliding of 1959 fill in 1962

PROJECT SITE

PASEO MIRAMAR LANDSLIDE

SLOPE WASH 1969

Surface cracking 1958

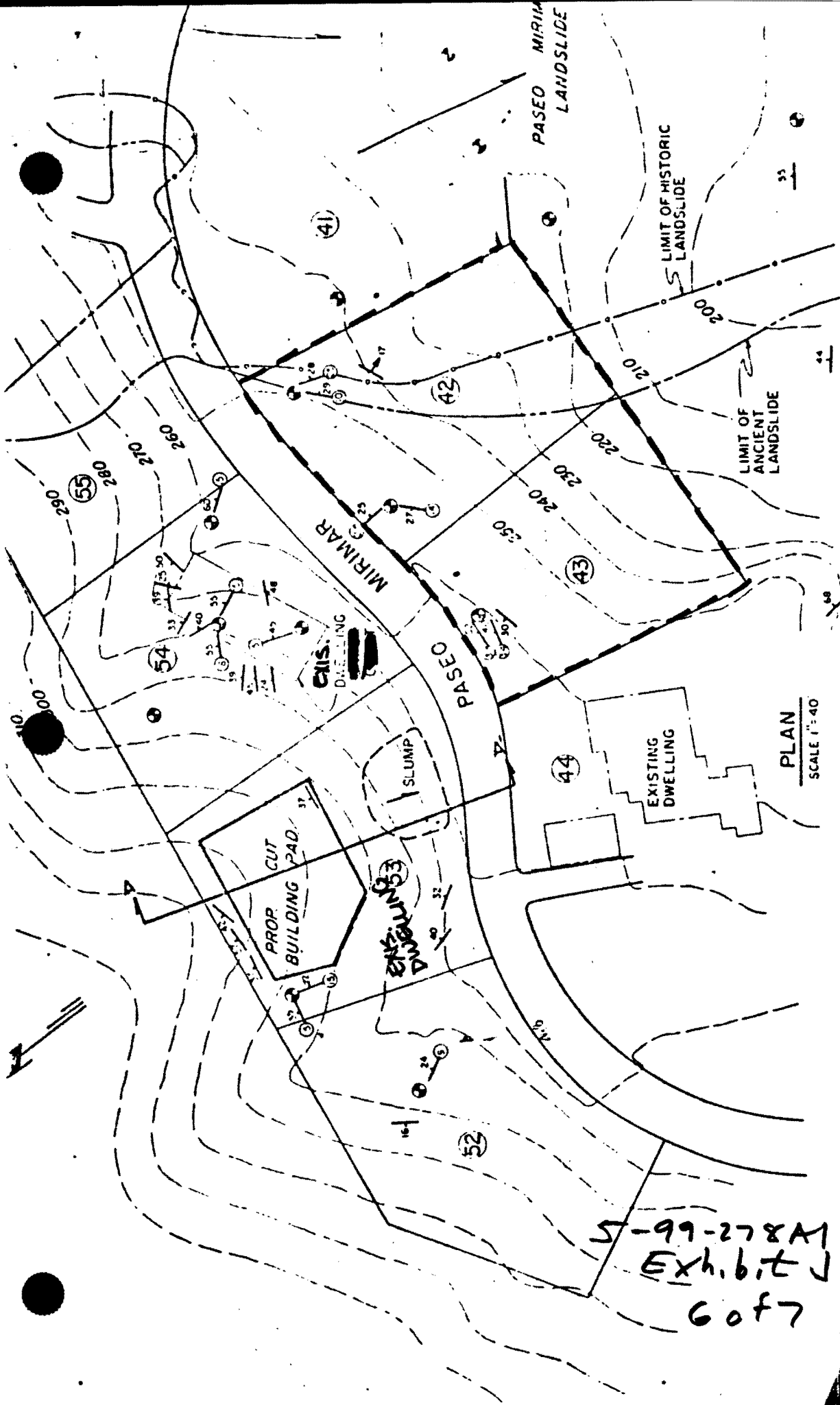
Landslide(?) faults bounding terrace deposits. Mapped 3/64

Debris slides locally

Exhibit J

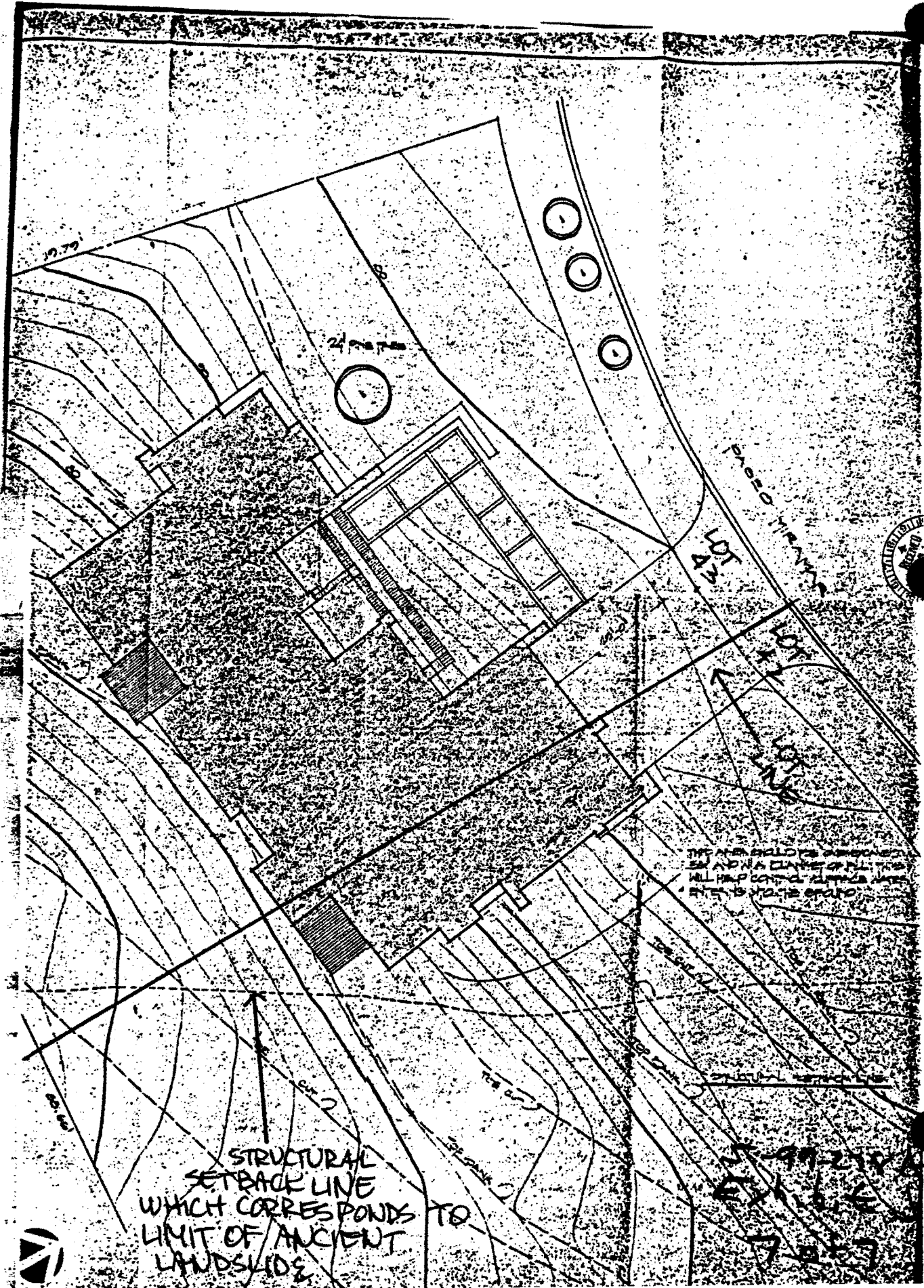
SUNSET

PCH Exhibit  
5-99-278 A  
5 of 7



BUILDING SITE IN RELATION TO ANCIENT & HISTORIC  
 LANDSLIDE BOUNDARIES  
 --- BOUNDARIES OF  
 PROJECT SITE

# PARTIAL SITE PLAN





CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
666 E. OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 590-5071 (714) 846-0648

December 29, 1977



FILE COPY

Francis Goplen  
P.O. Box 687  
Santa Monica, CA 90406

Dear Francis Goplen:

1. Your permit application No. P-9-21-77-1903 was approved by the South Coast Regional Commission on December 5, 1977 with the following conditions:

"Prior to issuance of permit, applicant shall see attached page for conditions.

2. As soon as you submit evidence to show that you have complied, or will comply, with the condition/s set forth in Paragraph (1), your permit No. P-9-21-77-1903 will be issued.

Very truly yours,

SOUTH COAST REGIONAL COMMISSION

*M. J. Carpenter*  
M. J. Carpenter  
Executive Director

MJC:mr

3/29/77

5-99-278A1  
Exhibit K  
1 of 2

Conditions for P-77/1903

Prior to issuance of permit, applicant shall submit the following:

1. revised plans showing that the structure will be sited on Lot 43 only and will observe standard Los Angeles City side yard setbacks except for side adjacent to Lot 42;
2. a deed restriction for recording:
  - a. noting that Lot 42 is restricted to open space use only, and
  - b. that records the geology report as part of the chain of title to the property;
3. specific statements by a consulting geologic and/or soils engineer expressing a professional opinion based on an on-site evaluation:
  - a. that the proposed development can be assured of stability and structural integrity during all foreseeable normal and unusual conditions, including ground saturation and maximum 100-year probable seismic forces (using the best available information), throughout the lifespan of the project, and
  - b. that the proposed development will neither activate nor accelerate geologic instability (landslides, settlement or slippage) on the site or the surrounding properties, including all of those properties across Paseo Miramar and at the toe of the landslide; and
4. factual evidence prepared by a consulting geologist and/or soils engineer supporting condition #3-b above, should a claim be made against the applicant, geologist, and/or soil engineer after completion of the proposed development.

\* \* \*

Exhibit  
20f2  
5-99-278A1

**CITY OF LOS ANGELES**  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

**COMMISSIONERS**

JOYCE L. FOSTER  
PRESIDENT

MABEL CHANG  
VICE-PRESIDENT

LEE ANON. ALPERT

JEANETTE APPLIGATE

NANCY H. ZAMORA

**DEPARTMENT OF  
BUILDING AND SAFETY**

400 CITY HALL  
LOS ANGELES, CA 90013-4800

TIM TAYLOR  
GENERAL MANAGER

RICHARD E. HOLGUIN  
EXECUTIVE OFFICER

May 26, 1998

Log # 24441

C.D. -

SOILS/GEOLOGY FILE - 2

A. Cha  
431 Paseo Miramar  
Pacific Palisades, CA 90272

TRACT: 10009  
LOT: 42&43  
LOCATION: 431 Paseo Miramar

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soil Report	93-31-262-01	05/21/98	Converse Consultants
	93-31-262-01	04/30/98	
Ovrszd Doc	93-31-262-01	04/30/98	Converse Consultants
<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soil Report	93-31-262-01	10/31/97	Converse Consultants
	93-31-262-01	06/10/97	
	93-31-262-01	12/06/93	
Department Letter	21570	06/25/97	Bld.&Safety
	22844	12/02/97	

The referenced reports concerning proposed additions to the north and east sides of an existing single-family residence have been reviewed by the Grading Section of the Department of Building and Safety. An active landslide exists approximately 26 feet to the southeast of the existing dwelling. A landslide setback line was established in previous investigations, to extend 10 feet beyond the landslide. It is currently proposed to cantilever the southeast portion of the new addition up to 17 feet over the setback line and the landslide.

A temporary excavation up to 23 feet high is proposed. Groundwater has been noted to be as shallow as 7 feet from the ground surface. Shoring will be required for the existing building.

*Exhibit L  
5-99-278 A1  
1 of 4*

The landslide is active and was observed to be moving during the rainy season of 1997/1998. It is not unusual for periodically active landslides to expand their boundaries. However, it is the opinion of the consultants that stable bedrock exists at shallower depths in the area of the proposed addition than in the area of the landslide. The consultants have concluded, based on their site observations, laboratory testing and calculations that the proposed addition will have the minimum factor of safety of 1.5 for stability that is required by the Building Code. The reports are acceptable, provided the following conditions are complied with during site development:

1. Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard per Code Section 91.7005.9, which will require supplemental reports containing recommendations for stabilizing the entire site.
2. The owner shall record a sworn affidavit with the Office of the County Recorder which attests to his knowledge that the southeast portion of the proposed addition will be cantilevered over ground which is potentially unstable and ground which is part of an active landslide, and that furthermore, no attachments shall be made between the cantilevered portion of the addition and the adjacent ground surface.
3. The 10-foot setback line from the landslide shall be clearly shown on the plan and staked in the field at the time of construction.
4. No portion of the cantilevered addition, that extends southeast of the 10-foot setback line, shall be in contact with the ground surface.
5. Prior to starting the excavation, it shall be verified that groundwater has lowered to a point below the bottom of the proposed excavation.
6. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind the basement/retaining walls shall be approved by the soils engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the soils engineer and by the City grading inspector.
7. A subdrain system shall be provided beneath slabs, which will be below the existing ground surface.
8. The excavation shall be shored where it will remove lateral support from the existing dwelling; where not shored the excavation shall be no steeper than 1:1, as recommended.
9. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per square foot of shaft to a depth of approximately 16 feet, as recommended.
10. The geologist and soils engineer shall review and approve the detailed plans prior to

5-99-278A1  
EXHIBIT L  
204

issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.

11. All recommendations of the report which are in addition to or more restrictive than the conditions contained herein shall also be incorporated into the plans for the project.
12. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.
13. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department plan checker prior to issuance of the permit.
14. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.
15. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557.
16. All roof and pad drainage shall be conducted to the street in an acceptable manner.
17. The geologist and soils engineer shall inspect the excavations for the footings to determine that they are founded in the recommended strata before calling the Department for footing inspection.
18. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2. Exceptions and modification to this requirement are provided in Rule of General Application 662.
19. Installation of shoring shall be performed under the inspection and approval of the soils engineer.
20. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.
21. Prior to the placing of compacted fill, a representative of the consulting soils engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading inspector and the contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City grading inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the soils engineer. A compaction report shall be

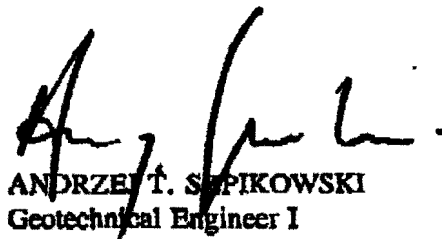
5-99-278A1  
Exhibit L  
3 of 4

submitted to the Department upon completion of the compaction.

22. Prior to the pouring of concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.
23. Retaining walls up to 15 feet in height and with a level backslope shall be designed for a minimum EFP of 70 PCF and 30 PCF for backfill consisting of native soils and nonexpansive granular soils, respectively, as recommended. A supplemental report containing design calculations and recommendations for retaining walls over 15 feet shall be submitted to the Department for review prior to the issuance of the building permit.
24. Prefabricate drainage composites may be only used in addition to traditionally accepted methods of drained retained earth.
25. All friction pile or caisson drilling and installation shall be performed under the continuous inspection and approval of the soils engineer.
26. Basement excavations shall be performed under the continuous inspection and approval of the soils engineer.



DANA PREVOST  
Engineering Geologist I



ANDRZEJ T. SZEPKOWSKI  
Geotechnical Engineer I

DP/ATS:dp/ats  
24441  
(213) 977-6329

cc: Converse Consultants  
Milton Jeffs  
WLA District Office

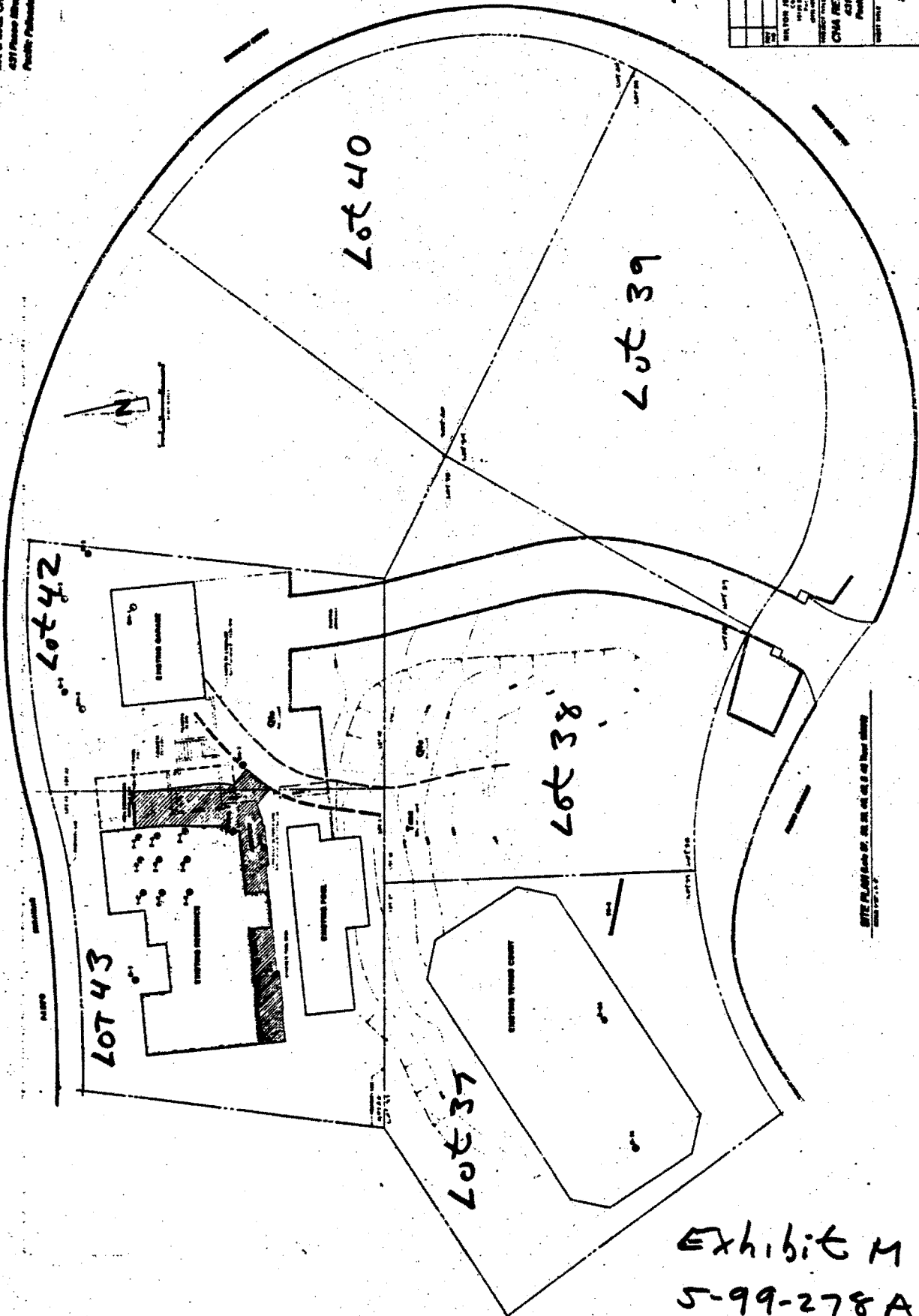
5-99-278A1

Exhibit L

4044

ADDITION TO  
 MAP & SPEC CMA RESIDENCE  
 437 Peace Avenue  
 Pacific Palisades, CA

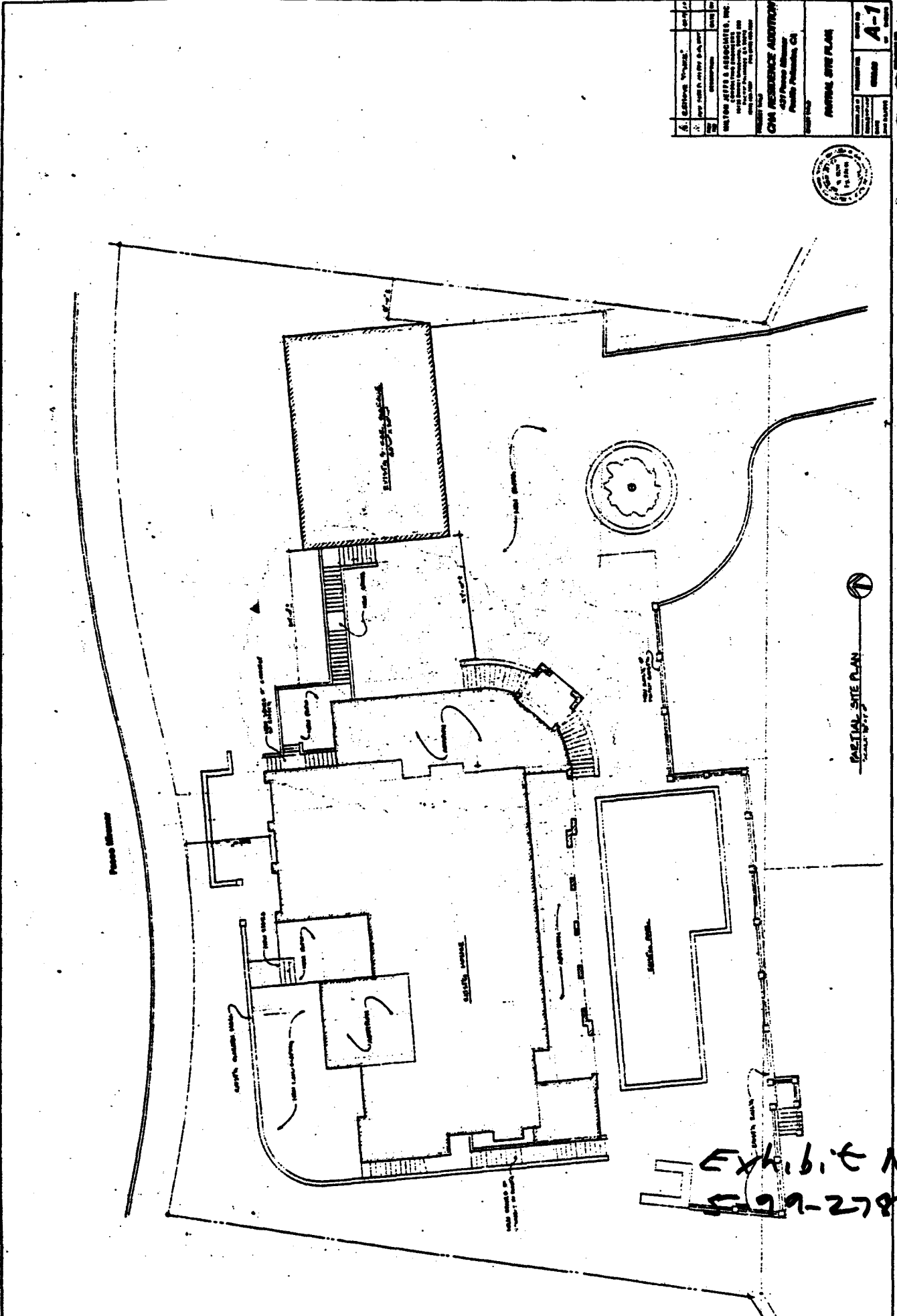
DATE	DESCRIPTION	BY
HILTON JETTS & ASSOCIATES INC 10000 Wilshire Blvd, Suite 1000 Beverly Hills, CA 90210 (310) 274-1111		
CMA RESIDENCE ADDITION 437 Peace Avenue Pacific Palisades, CA		
SHEET NO. 1 TOTAL SHEETS 1		
PROJECT NO.	A-73	
DATE & TIME		



SITE PLAN DRAWN BY: [Name] ON: [Date] AND BY: [Name] DATE: [Date]

Exhibit M  
 5-99-278A1

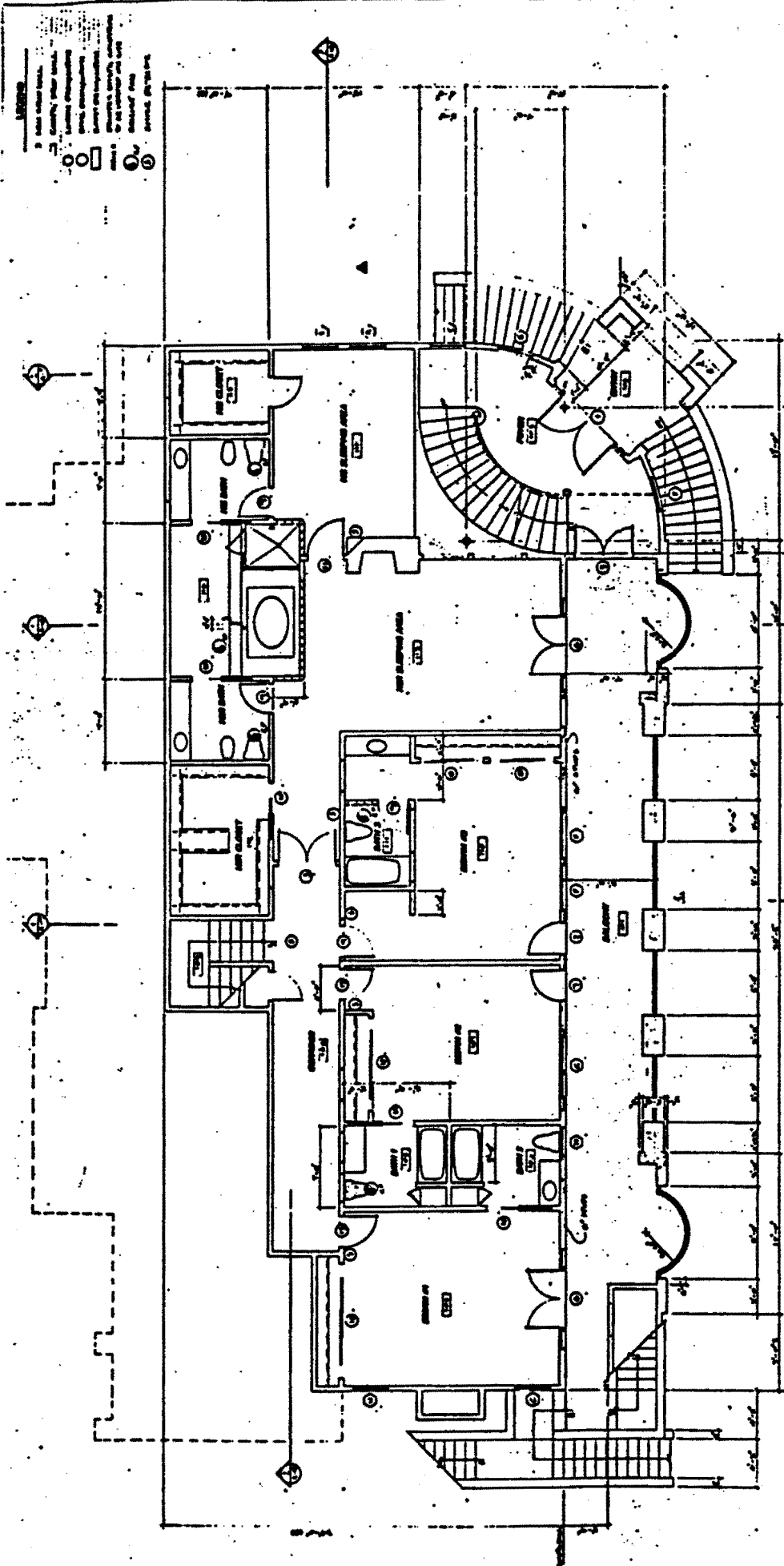
1	DATE	10/1/78
2	PROJECT	CONCRETE WORK
3	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
4	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
5	SCALE	AS SHOWN
6	PROJECT NO.	599-278
7	DATE	10/1/78
8	BY	W. JEFFS
9	CHECKED BY	W. JEFFS
10	APPROVED BY	W. JEFFS
11	DATE	10/1/78
12	PROJECT	CONCRETE WORK
13	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
14	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
15	SCALE	AS SHOWN
16	PROJECT NO.	599-278
17	DATE	10/1/78
18	BY	W. JEFFS
19	CHECKED BY	W. JEFFS
20	APPROVED BY	W. JEFFS
21	DATE	10/1/78
22	PROJECT	CONCRETE WORK
23	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
24	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
25	SCALE	AS SHOWN
26	PROJECT NO.	599-278
27	DATE	10/1/78
28	BY	W. JEFFS
29	CHECKED BY	W. JEFFS
30	APPROVED BY	W. JEFFS
31	DATE	10/1/78
32	PROJECT	CONCRETE WORK
33	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
34	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
35	SCALE	AS SHOWN
36	PROJECT NO.	599-278
37	DATE	10/1/78
38	BY	W. JEFFS
39	CHECKED BY	W. JEFFS
40	APPROVED BY	W. JEFFS
41	DATE	10/1/78
42	PROJECT	CONCRETE WORK
43	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
44	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
45	SCALE	AS SHOWN
46	PROJECT NO.	599-278
47	DATE	10/1/78
48	BY	W. JEFFS
49	CHECKED BY	W. JEFFS
50	APPROVED BY	W. JEFFS
51	DATE	10/1/78
52	PROJECT	CONCRETE WORK
53	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
54	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
55	SCALE	AS SHOWN
56	PROJECT NO.	599-278
57	DATE	10/1/78
58	BY	W. JEFFS
59	CHECKED BY	W. JEFFS
60	APPROVED BY	W. JEFFS
61	DATE	10/1/78
62	PROJECT	CONCRETE WORK
63	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
64	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
65	SCALE	AS SHOWN
66	PROJECT NO.	599-278
67	DATE	10/1/78
68	BY	W. JEFFS
69	CHECKED BY	W. JEFFS
70	APPROVED BY	W. JEFFS
71	DATE	10/1/78
72	PROJECT	CONCRETE WORK
73	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
74	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
75	SCALE	AS SHOWN
76	PROJECT NO.	599-278
77	DATE	10/1/78
78	BY	W. JEFFS
79	CHECKED BY	W. JEFFS
80	APPROVED BY	W. JEFFS
81	DATE	10/1/78
82	PROJECT	CONCRETE WORK
83	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
84	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
85	SCALE	AS SHOWN
86	PROJECT NO.	599-278
87	DATE	10/1/78
88	BY	W. JEFFS
89	CHECKED BY	W. JEFFS
90	APPROVED BY	W. JEFFS
91	DATE	10/1/78
92	PROJECT	CONCRETE WORK
93	CLIENT	WYOMING JEFFS & ASSOCIATES, INC.
94	ADDRESS	437 PLYMOUTH BLVD. PUEBLO, COLORADO 81001
95	SCALE	AS SHOWN
96	PROJECT NO.	599-278
97	DATE	10/1/78
98	BY	W. JEFFS
99	CHECKED BY	W. JEFFS
100	APPROVED BY	W. JEFFS



PARTIAL SITE PLAN

Exhibit M  
599-278





- LEGEND**
- 1. Wall
  - 2. Window
  - 3. Door
  - 4. Stair
  - 5. Ceiling
  - 6. Floor
  - 7. Foundation
  - 8. Foundation
  - 9. Foundation
  - 10. Foundation
  - 11. Foundation
  - 12. Foundation
  - 13. Foundation
  - 14. Foundation
  - 15. Foundation
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  - 49. Foundation
  - 50. Foundation

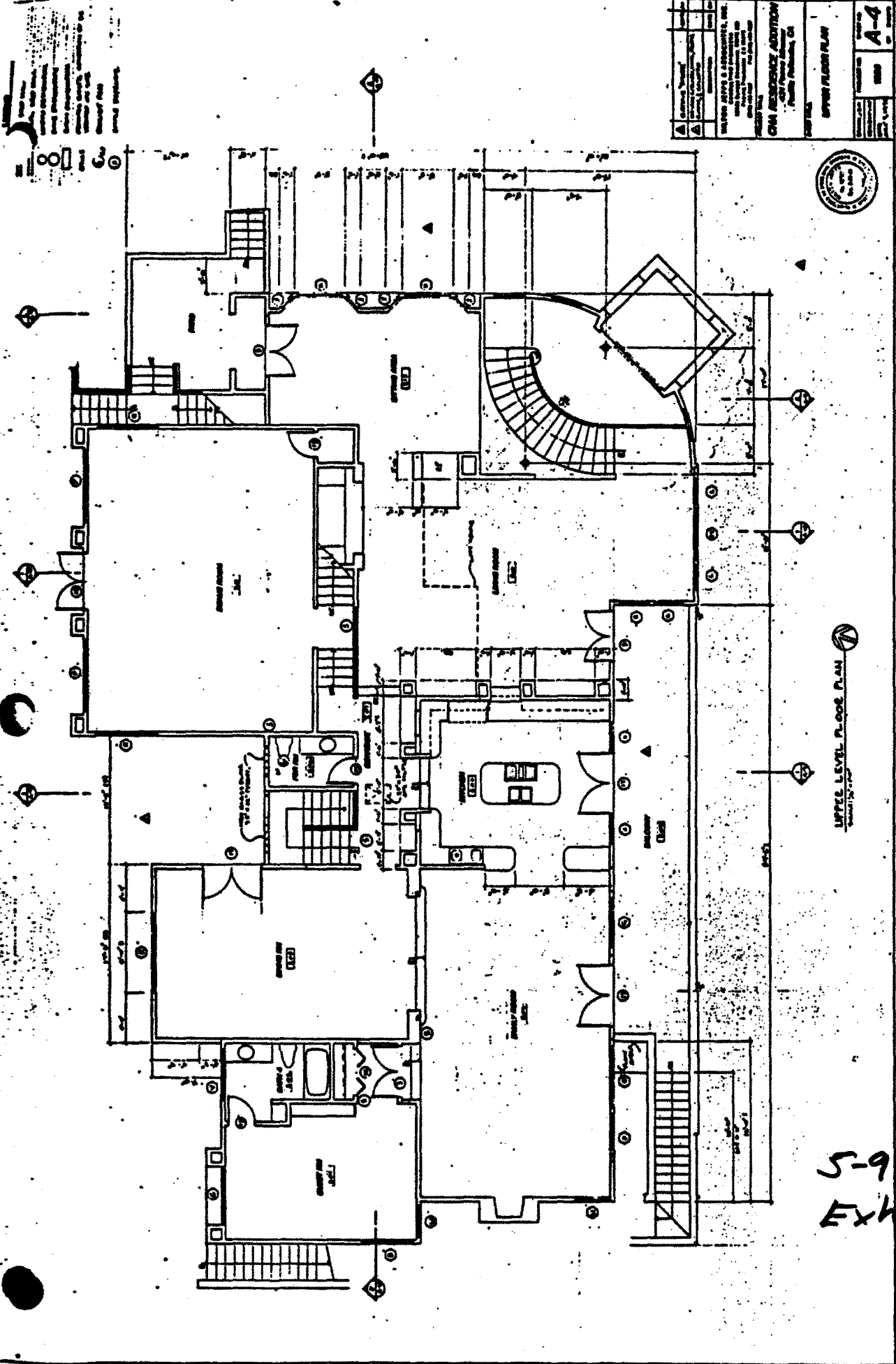
DATE	10/1/78
PROJECT	CHIA RESIDENCE ADDITION
CLIENT	CHIA RESIDENCE ADDITION
ARCHITECT	CHIA RESIDENCE ADDITION
SCALE	AS SHOWN
NO.	A-3

CHIA RESIDENCE ADDITION  
4074 Pioneer Avenue  
Palo Alto, California, CA  
94303

LOWER FLOOR PLAN

LOWER LEVEL FLOOR PLAN

Exhibit 0  
5-99-278A

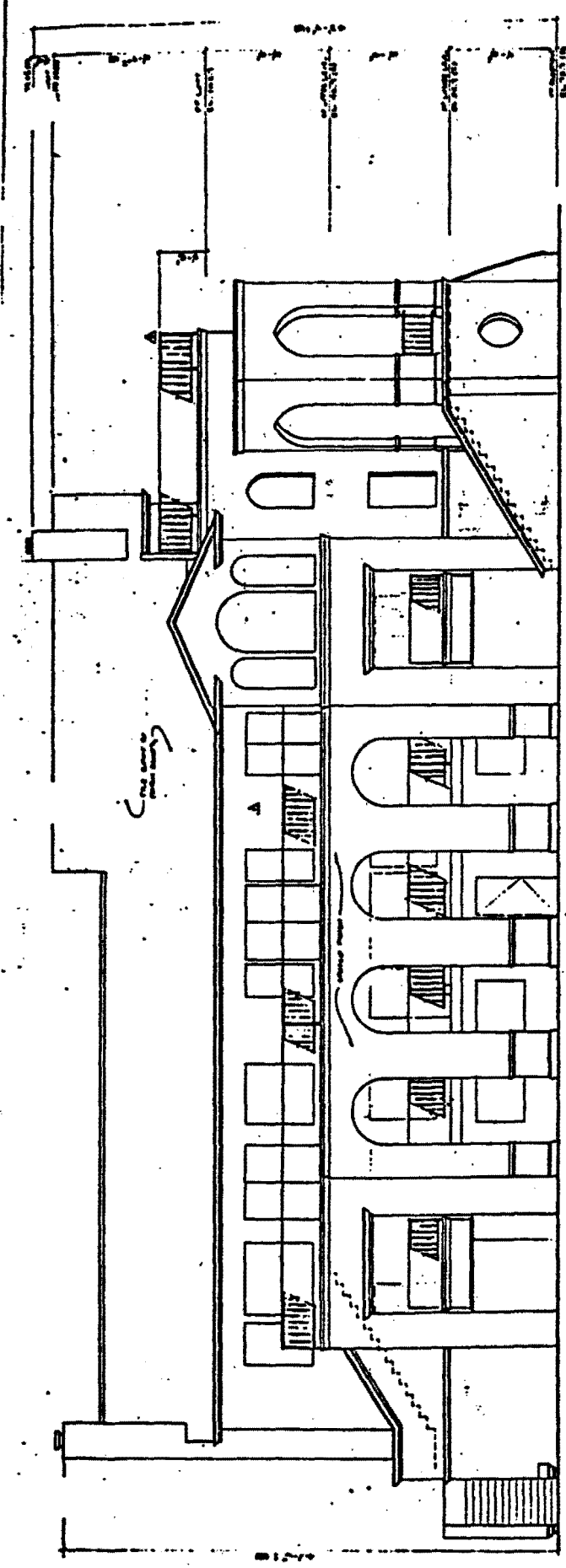


5-99-278A1  
 Exhibit P

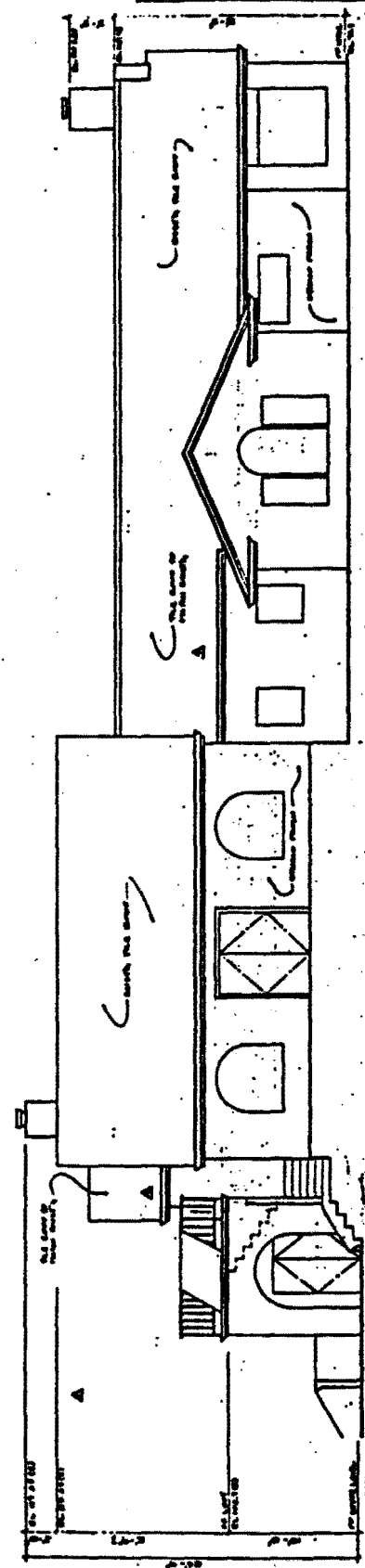
DATE	10/15/99
SCALE	1/4" = 1'-0"
<b>UPPER FLOOR PLAN</b> CHAI RESIDENCE ADDITION 307 Powers Avenue Pacific Palisades, CA	
ARCHITECT: [Faded] PROJECT NO.: [Faded]	
DRAWN BY: [Faded]	
CHECKED BY: [Faded]	
PROJECT NO.: [Faded]	
SHEET NO.: [Faded]	
TOTAL SHEETS: [Faded]	



UPPER LEVEL FLOOR PLAN  
 10/15/99



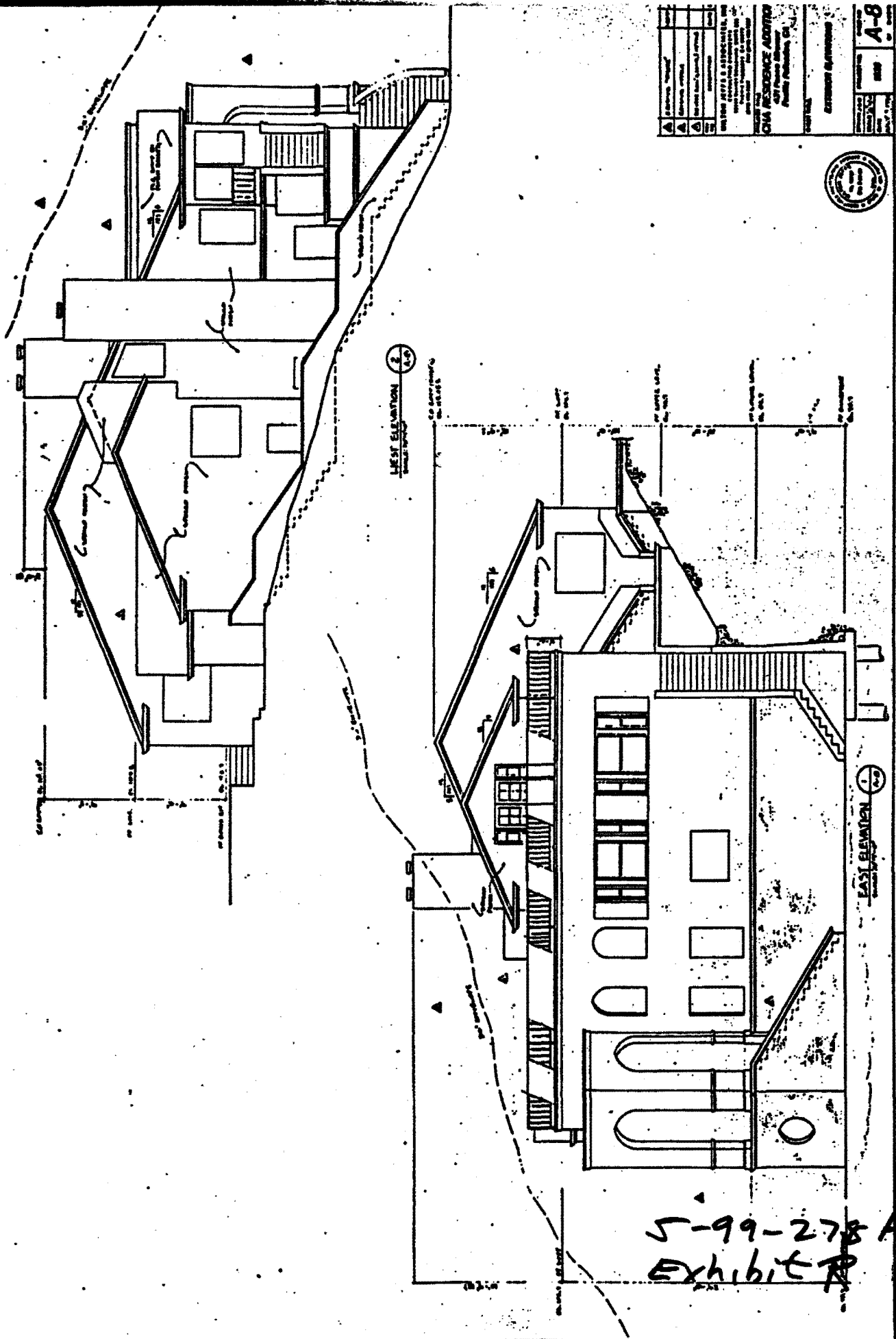
SOUTH ELEVATION



NORTH ELEVATION

Project Name	CHIA RESIDENCE ADDITION
Architect	CHIA RESIDENCE ADDITION
Client	CHIA RESIDENCE ADDITION
Address	CHIA RESIDENCE ADDITION
City	CHIA RESIDENCE ADDITION
State	CHIA RESIDENCE ADDITION
Zip	CHIA RESIDENCE ADDITION
Scale	1/4" = 1'-0"
Date	10/1/78
Sheet No.	A-7
Project No.	5-99-27841

5-99-27841  
 Exhibit Q



1	Foundation	2	Roof
2	Structure	3	Interior
3	Exterior	4	Other

ALL WORK SHALL BE IN ACCORDANCE WITH THE  
 1991 INTERNATIONAL BUILDING CODE, AS AMENDED  
 BY THE CITY OF LOS ANGELES, AND THE  
 1991 CALIFORNIA ELECTRICAL CODE, AS AMENDED  
 BY THE CITY OF LOS ANGELES.

**CHM RESIDENCE ADDITION**  
 Pacific Palisades, CA

EXISTING ELEVATION  
 1/2" = 1'-0"

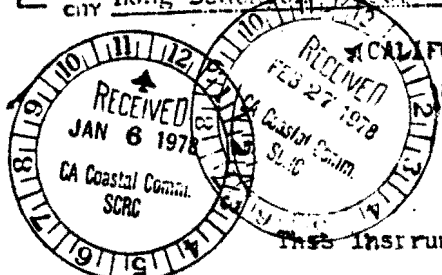
A-8

5-99-278 A1  
 Exhibit A

78- 154533

RECORDING REQUESTED BY AND MAIL TO  
NAME CCC/SCR  
STREET PO Box 1450  
CITY Long Beach, CA 90801

RECORDED IN OFFICIAL RECORDS  
OF LOS ANGELES COUNTY, CA  
47 MIN. PAST 1 P.M. FEB 9 1978  
Recorder's Office



CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGION  
DEED RESTRICTION

FEES \$6 <sup>1</sup>/<sub>2</sub>

This instrument, made this 4<sup>th</sup> day of JANUARY,  
1978, by FRANCIS GOPLEN and \_\_\_\_\_, of the City  
or Cities of LOS ANGELES COUNTY, State of California, hereinafter  
collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976,  
Sections 30900 through 30900 of the California Public Resources Code,  
the Permittee has made Application No. P-1903 to the California Coastal  
Commission, South Coast Region, for the issuance of a permit for the  
construction of 2-STORY SINGLE FAMILY DWELLING

(Describe Proposed Project)  
on certain real property owned/~~leased~~/ by FRANCIS GOPLEN  
(Other - state Permittee's  
interest in subject property)

by the Permittee and more particularly described below; and  
WHEREAS, said Commission has determined to grant said  
application and issue a permit for the construction of \_\_\_\_\_  
2-STORY SINGLE FAMILY DWELLING

(Describe Approved Project)  
on said real property, subject to the following conditions, imposed  
for the benefit of the Public, and without agreement to which by  
Permittee, said Commission could not grant the permit:

Fill in Conditions The Permittee herein records the attached  
geology report as a part of the chain of  
title to the property. Exhibit "A"

Lot 42 is restricted to open space use only.

Exhibit S  
5-99-278-A1  
1 of 4

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: REFER TO PREVIOUS CONDITIONS ON PAGE 1.

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the 2 STORY SINGLE FAMILY DWELLING  
(Project)

to be constructed/~~remodeled~~/(other)

on that certain real property in the City of LOS ANGELES, County of LOS ANGELES, State of California, described as: LOTS 42 and 43 of Tract 10009, in book 144, at page 91 of maps in the office of the County Recorder of said County.  
431 Paseo Miramar, Pacific Palisades, Ca. 90272  
(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth

Executed the date above written.

Exhibit S  
5-99-278-A1  
0044

78- 154533

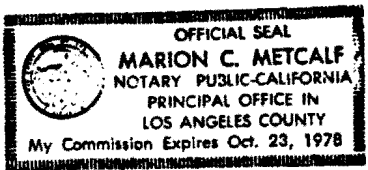
STATE OF CALIFORNIA }  
COUNTY OF Los Angeles } ss.

Francis Goplen  
Francis Goplen  
Permittee

4

On January 4, 1978, before me, the undersigned Notary Public, personally appeared Francis Goplen and \_\_\_\_\_, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.



Marion C. Metcalf  
Notary Public, in and for the  
County of Los Angeles,  
State of California.

TO BE FILLED IN BY COMMISSION \_\_\_\_\_

This is to certify that the deed restriction set forth above, dated January 4, 1978, and signed by Francis Goplen and XXXX Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 6, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 9, 1978

By Louise E. Wilson  
Chairman, California Coastal  
Commission, South Coast Region

STATE OF CALIFORNIA }  
COUNTY OF Los Angeles } ss.

On this 9th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Wilson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.



Marilyn L. Mayer  
Notary Public in and for the  
County of Los Angeles,  
State of California.

Exhibit S  
5-97-278-A1  
3074

EXHIBIT "A"

Covenants for Lots 42 and 43 of Tract 10009, in book 144, page 91 of Maps in the Office of the County Recorder of Los Angeles.

1. Waiver of claims against the public: Grantor hereby waives for himself and his successors and assigns singularly or in combination all claims against the public for future liability or damage resulting from permission to build on the property described as Lot 43.

2. Geologic hazard information: Based upon the soil engineering and geologic investigation of Geolabs-California, Inc. dated March 26, 1974, the following may constitute relevant geological hazard information:

- a) Surface water consists largely of precipitation falling directly upon the property, however small amounts of run off may enter onto the east end of Lot 42 from Paseo Miramar during heavy rains. This can be alleviated by installing a roadside berm.
- b) The Paseo Miramar landslide encroaches into the east edge of Lot 42 but there has been no active movement on this property.

78- 154533

Exhibit 5  
5-99-278-A1  
4 of 4