

**CALIFORNIA COASTAL COMMISSION**

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



Filed: 3/5/01  
49th Day: 4/23/01  
180th Day: 9/1/01  
Staff: AM-LB  
Staff Report: 3/22/01  
Hearing Date: April 10-13, 2001  
Commission Action:

**Item Tu 11b****STAFF REPORT: PERMIT AMENDMENT****AMENDMENT****APPLICATION NUMBER: 5-97-030-A1****APPLICANT: David Ronen****AGENT: Jeffer, Mangels, Butler, and Marmaro LLP****PROJECT LOCATION: 222 Coperto Drive (Lot C, Tract 5938), Pacific Palisades,  
City of Los Angeles****DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-97-030):**

Subdivision of a 4.53 acre lot into 4 single family parcels and approximately 7,000 cubic yards of remedial grading (removal and recompaction of soil).

**DESCRIPTION OF AMENDMENT (5-99-227-A1):**

Construction of a two-level, 33-foot high, 7,583 square foot single family home with an attached three-car garage, retaining walls, pool, and fountains, on a 38,500 square foot, vacant lot. The project includes the After the Fact approval of 2,825 cubic yards of remedial grading (removal and recompaction), partial construction of the home, and less than 1,000 cubic yards of export material per City of Los Angeles Recorded Map Modification requirements to reconfigure the landscaping area to a more natural state.

---

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed coastal development permit amendment with four special conditions that require the applicant to comply with geotechnical recommendations and provide an erosion and drainage control plan during and after construction. Special Condition #1 carries forward the previously imposed special conditions. The applicant agrees with the recommendations.

**LOCAL APPROVALS:**

City of Los Angeles Recorded Parcel Map 5938  
Local Coastal Development Permit 86-043  
Local Coastal Development Permit 97-014  
Recorded Map Modification No. 5938, February  
24, 1997 and March 6, 2001  
City of Los Angeles, Department of Building and  
Safety, Geology and Soils Review, Log #24419

**SUBSTANTIVE FILE DOCUMENTS:**

Coastal Development Permit # 5-97-030  
Coastal Development Permit # 5-98-083  
Final EIR 86-0789  
Geology and Soils Report by Geosoils, Inc., 4/1/98  
Letter in response to grading on Lot C by Geosoils,  
Inc., 2/28/00

---

**PROCEDURAL NOTE**

A. Coastal Development Permit Amendments

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.

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.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

---

**STAFF RECOMMENDATION:**

Staff recommends that the Commission APPROVE the permit amendment with special conditions.

**MOTION**

*I move that the Commission approve the proposed amendment to Coastal Development Permit #5-97-030 pursuant to the staff recommendation.*

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

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

**I. Approval with Conditions**

The Commission hereby **APPROVES** the amendment to Coastal Development Permit 5-97-030 on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Prior Conditions

Unless specifically altered by this amendment, all Regular and Special Conditions attached to coastal development permit 5-97-030 remain in effect (Exhibit #3).

#### 2. Conformance of Design and Construction Plans to Geotechnical Reports and Recorded Map Modification #5938

A. All final design and construction plans, grading and drainage plans, and foundation plans shall be consistent with all recommendations contained in Geology and Soils Report by Geosoils, Inc., 4/1/98, Letter in response to grading on Lot C by Geosoils, Inc., 2/28/00, the requirements of the City of Los Angeles Department of Building and Safety, Soils/Geologic review letter Log #24419, May 28, 1998 and all conditions within the City of Los Angeles Recorded Map Modification #5938, March 6, 2001. Such recommendations shall be incorporated into all final design and construction plans.

B. Prior to Issuance of the Coastal Development Permit, the applicant shall submit evidence to the Executive Director of the consultants' review and approval of all final design and construction plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal development permit.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur

without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**3. Erosion and Drainage Control**

**A. Prior to Issuance of the Coastal Development Permit**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control.

**1) Erosion Control Plan**

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- All drainage from the lot shall be directed toward the street and away from the canyon slope into suitable collection and discharge facilities.

(b) The plan shall include, at a minimum, the following components:

- A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.
- A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

- (c) These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

## 2) Drainage Control Plan

(a) The drainage control plan shall demonstrate that:

- Run-off from the project shall not increase the sediment or pollutant load in the storm drain system.
- Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected, filtered and discharged to avoid ponding or erosion either on or off the site.

(b) The plan shall include, at a minimum, the following components:

- The location, types and capacity of pipes drains and/or filters proposed.
- A schedule for installation and maintenance of the devices.
- A site plan showing finished grades at two foot contour intervals) and drainage improvements.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## 4. Condition Compliance

Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

## IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

**A. Project Description**

On March 10, 1998, the California Coastal Commission approved Coastal Development Permit 5-97-030 for the Subdivision of a 4.53 acre lot into 4 single-family parcels and approximately 7,000 cubic yards of remedial grading (removal and recompaction of soil). The permit was issued on September 11, 1998. The original permit contained two Special Conditions (Exhibit #3). Special Condition #1 required the applicant to incorporate all conditions of the City of Los Angeles Planning Department approval of Parcel Map 5938 (local CDP #97-014) and the recommendations by the applicant's geotechnical consultant, GeoSoils, Inc. The City's approval required the applicant to remove and repair a possible ancient landslide on portions of Lot A. Special Condition #2 required the applicant to record a deed restriction assuming the risk of development on Lot 'A' because of the possible ancient landslide on this lot.

Coastal Development Permit 5-97-030 approved the subdivision of four single-family parcels but did not give approval for the construction of the homes. This application is the second to seek approval for the construction of a single family home on one of the four lots. The development that is proposed by this amendment to Coastal Development Permit 5-97-030 is the Construction of a two-level, 33-foot high, 7,583 square foot single family home with an attached three-car garage, retaining walls, pool, and fountains, on a 38,500 square foot, vacant lot. The project includes the After the Fact approval of 2,825 cubic yards of remedial grading (removal and recompaction) and less than 1,000 cubic yards of export material to recontour the landscaped area of the lot. This additional grading was required in the City of Los Angeles approval of a Recorded Map Modification (Exhibit #5).

**B. Project History**

In 1989 the Commission approved the subdivision of a 4.53 acre parcel into 4 lots for single family homes, construction of street improvements, utilities, drainage, and slope repair. The slope repair entailed the removal and recompaction of soil. One of the conditions required for the project was the recordation of an assumption of risk deed restriction on the property because of a possible ancient landslide that existed on one of the lots (lot A) (Exhibit #2 & #10).

Subsequent to the Commission's approval, the applicant recorded the Parcel Map and the City permitted the applicant to do street and infrastructure improvements, install dewatering wells, and three horizontal drains, as required remedial measures for the possible on-site ancient landslide. However, the Commission permit was never issued because the applicant failed to record the assumption of risk deed restriction, per Special Condition #2 of the 1989 permit.

Sometime after the Commission approval in 1989 the property changed ownership (a bank acquired the property). When the new owner became aware that the CDP was never issued, the permit had already expired. Since the permit was never issued, the work performed on the site and undertaken in reliance of a permit did not vest the permit. Therefore, the permit expired and the applicant was required to apply for a new coastal development permit from both the City and the Coastal Commission. On November 18, 1997, the City of Los Angeles approved local CDP #97-014 to allow "the construction, use, and maintenance of four single-family dwellings in the dual permit jurisdiction of the California Coastal Zone (Exhibit #4). The City permit included 11 conditions and incorporated the conditions of Modified Recorded Parcel Map No. 5938. Following the City approval, the Commission approved, on March 10, 1998, Coastal Development Permit #5-97-030 with two additional conditions (Exhibit #3). The Commission approved CDP #5-97-030 did not include the construction of homes on the lots.

The City issued building permits to the applicant, Mr. Ronen, for the construction of a single family home on one of the four lots (Lot C). The City and the applicant did not believe an additional coastal development permit was necessary. A coastal development permit was required from the Commission because 1) the original permit #5-97-030 did not include the construction of single family homes on the lot and 2) the 7,000 cubic yards of grading included in permit #5-97-030 was for the remedial grading of the possible ancient landslide on a portion of Lot A. The applicant has proposed the construction of a single family home and additional grading beyond the scope of the original permit #5-97-030.

Development consisting of grading, the construction of retaining walls, and portions of the foundation and wall beams occurred. The City issued "stop work" orders based on unpermitted development on the site. The property owner then applied for a coastal development permit to allow the construction of a single family home and the after the fact approval of grading, retaining walls, and initial construction of the foundation.

### **C. Geologic Stability**

Section 30253 states 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 project is located in the Castellammare area of Pacific Palisades. This area has a long history of natural disasters, some of which have caused catastrophic damages. Such hazards common to this area include landslides, erosion, flooding, and wildfires. The subject property is located on a gently sloping vacant lot facing Los Liones Canyon (Exhibit #10). The subject property does not face Pacific Coast Highway, which has been the site of most of the landslide activity.

The project site is located on an inland, level portion of a larger, bowl-shaped area that lies on the side of Los Liones Canyon (Exhibit #2). This bowl-shaped feature has been the subject of many debates by geologists, the City, and the Commission. The debate centered on the geologic origin of this feature. Conflicting reports have indicated that an ancient landslide created the bowl-shaped landform, approximately 5,000 years. The possible ancient landslide was the result of either a landslide scarp or the actual head scarp of a landslide. Another conclusion is the feature is the result of an uplifted stream meander.

In the original permit approved in 1989, the applicant submitted seven geologic investigations that were conducted for the subdivision. These reports discussed, in detail, the bowl-shaped feature, located in the southern portion of lot A (Exhibit #2). GeoSoils, Inc. reviewed studies that had been conducted over the past several years for the area, including 30 test borings and numerous trenches that were excavated on Parcel #5938.

The Geotechnical consultant's exploration revealed a sheared contact between two different formations, which GeoSoils found to be indicative of either landsliding or fault displacement. They concluded that based on the information they could not disprove that a large landslide may exist under a portion of Lot A and offsite. However, they stated that no evidence exists of historic or recent movement. The GeoSoils report cited an earlier report by Geolabs which states:

*...the landslide has attained a high degree of stabilization. At the time of principal movement the slide was probably the result of undercutting by the stream of ancient Los Liones Canyon, groundwater, and possibly, a strong earthquake.*

The Geolabs report found that the Factor of Safety of the slope between Parcel Map #5938 and Los Liones Canyon is in excess of 1.5. GeoSoils recommended that the area of lot A, over which the bowl-shaped feature exists, not be utilized for residential structures. The City concurred and required a sworn affidavit by the applicant that no habitable structures be constructed within the area of the possible landslide (on Lot A). The Commission's approval of the subdivision (CDP #5-97-030) also required the

applicant to record an assumption of risk deed restriction on Lot A of Parcel Map #5938. The subject property for Coastal Development Permit amendment 5-97-030-A1 is physically removed from the possible ancient landslide (Exhibit #2).

1. Grading

In the original 1989 City approval of Parcel Map 5938, it was believed that caissons would support the four future single family homes. Within the Findings of the City staff report the grading amount was established at 300 cubic yards. There was no requirement in the permit conditions limiting the amount of grading for the subdivision. The 1997 City CDP did, however, include a condition that anticipated grading. The condition states that "grading and site preparation shall be to the satisfaction of the Department of Building and Safety consistent with applicable provisions of the municipal code including any necessary geologic and soils reports" (Exhibit #4). The Coastal Commission approved the project (5-97-030) for the subdivision of four single family lots and 7,000 cubic yards of grading (Exhibit #3). This grading was for the removal and recompaction of possible landslide debris on a portion of Lot A and to recontour existing grades.

The applicant submitted a grading plan that indicates the subject property requires the removal of 2,825 cubic yards of removal and recompaction on Lot C (Exhibit #8). No soil would be physically removed from the project site. This grading was approved by his geotechnical consultant (Exhibit #6). The City did not require a revised local CDP, but determined that the general condition anticipated grading. However, the City required the applicant to incorporate the additional grading into the original parcel map approval. The City approved a Recorded Map Modification on March 6, 2001 which incorporated the 2,825 cubic yards of recompaction and required the additional removal of no more than 1,000 cubic yards of soil to recontour the landscaped area on Lot C (Exhibit #5). This was required by the City to grade along contours rather than create the appearance of a flat building pad. By doing so, the City determined that the project is consistent with the requirements found in the applicable provisions of the City's Municipal Code. The City felt that the references to comply with the Department of Building and Safety review covered the local CDP requirements for grading. The Coastal Commission did not, however, find that additional grading on Lot C, beyond that which was required to remove the possible ancient landslide from Lot A, was incorporated into the original permit #5-97-030. Therefore, the property owner was required to submit an application for a coastal development permit for the additional grading beyond the previously permit 7,000 cubic yards for remedial grading.

2. Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the single family home, foundation system, retaining walls, and grading have been provided in several reports

and letters submitted by the applicant, as referenced in the above noted final reports. Adherence to the recommendations contained in these reports is necessary to ensure that the proposed single family home, foundation, and grading assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms.

Therefore, Special Condition #2 requires the applicant to conform to the geotechnical recommendations in the Geology and Soils Report by Geosoils, Inc., 4/1/98 and Letter in response to grading on Lot C by Geosoils, Inc., 2/28/00. The applicant shall also comply with the recommendations by the City of Los Angeles Department of Building and Safety, Geologic/Soils Review Letter, Log #24419, May 28, 1998 and all conditions within the City of Los Angeles Recorded Map Modification #5938, March 6, 2001.

### 3. Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of slope erosion and landslide activity. Special Condition #3 requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The applicant shall follow both temporary and permanent erosion control measures to ensure that the project area is not susceptible to excessive erosion.

Currently, runoff flows uncontrolled over the and across the subject property. This has created cuts in the existing slope and has contributed to an increase in erosion across the subject site. The applicant has not submitted a drainage plan that demonstrates that runoff water is directed to the street and not across the subject property.

Therefore, the Commission requires a complete erosion control plan for both permanent and temporary measures. Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a temporary and permanent erosion control plan that includes a written report describing all temporary and permanent erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary and permanent erosion control measures (more specifically defined in special condition #3).

Only as conditioned to incorporate and comply with the recommendation of the applicant's geotechnical consultant, the City of Los Angeles, Department of Building

and Safety, and the Recorded Map Modification and to submit a temporary and permanent erosion and drainage control plan, is the amendment to CDP #5-00-030 consistent with Section 30253 of the Coastal Act.

**D Sensitive Habitat**

Section 30240 of the Coastal Act states:

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

The Commission has found that certain coastal bluffs and canyons in the Pacific Palisades area and Santa Monica Mountains are classified as Environmentally Sensitive Habitat Areas. Typically these areas are undeveloped and include extensive, connected habitat areas that are relatively undisturbed. The subject property is located on the southwestern edge of the Santa Monica Mountains in a subdivided, "built-out" tract (Exhibit #1). The subject area is located in a developed, subdivided location where homes, urban landscaping, and landslides have impacted habitat. Single family homes exist on all four sides of the property.

In the original permit for the subdivision, the applicant submitted both a tree study and biological assessment, as well as an Environmental Impact Report. The site vegetation is comprised of ground cover, common shrubs, weeds, and a variety of trees. The study identified 87 trees on the subdivided parcel, ranging from 8 to 60 feet in height and 6 to 32 inches in diameter. One oak tree was identified on the parcel. The City of Los Angeles conditioned the subdivision and Parcel Map that required the applicant to replace any non-oak trees removed at a 1:1 basis and require City approval to remove any oak tree more than 8 inches in diameter. If any oak trees are removed they must be replaced at a 2:1 basis with 24-inch box trees at least 10 feet tall. The biological survey of the site revealed no sensitive wildlife species.

The Commission approved 4-lot subdivision (5-97-030) incorporated all conditions imposed by the City's Local coastal Development Permit and Recorded Parcel Map approval. Therefore, the tree replacement condition still applies to the subject property. The subject property is also not located within a habitat corridor. For this reason, the Commission finds that the proposed project will not affect a sensitive habitat area and is therefore consistent with Section 30240 of the Coastal Act.

### G. Unpermitted Development

Development has occurred on the subject site including 2,825 cubic yards of grading and recompaction, placement of retaining walls, and partial construction of the foundation and walls without the required coastal development permit. The applicant is proposing to construct a single family home on the subject property and less than 1000 cubic yards of grading per City of Los Angeles, Planning Department requirement to reconfigure the landscaping area.

To ensure that the unpermitted development component of this application is resolved in a timely manner, Special Condition #8 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action. The Executive Director may grant additional time for good cause.

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

### H. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

*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, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). 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 and

300-acre tract of land) 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 geologic stability, landscaping, community character, and sensitive habitat issues related to the project, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

**F. California Environmental Quality Act**

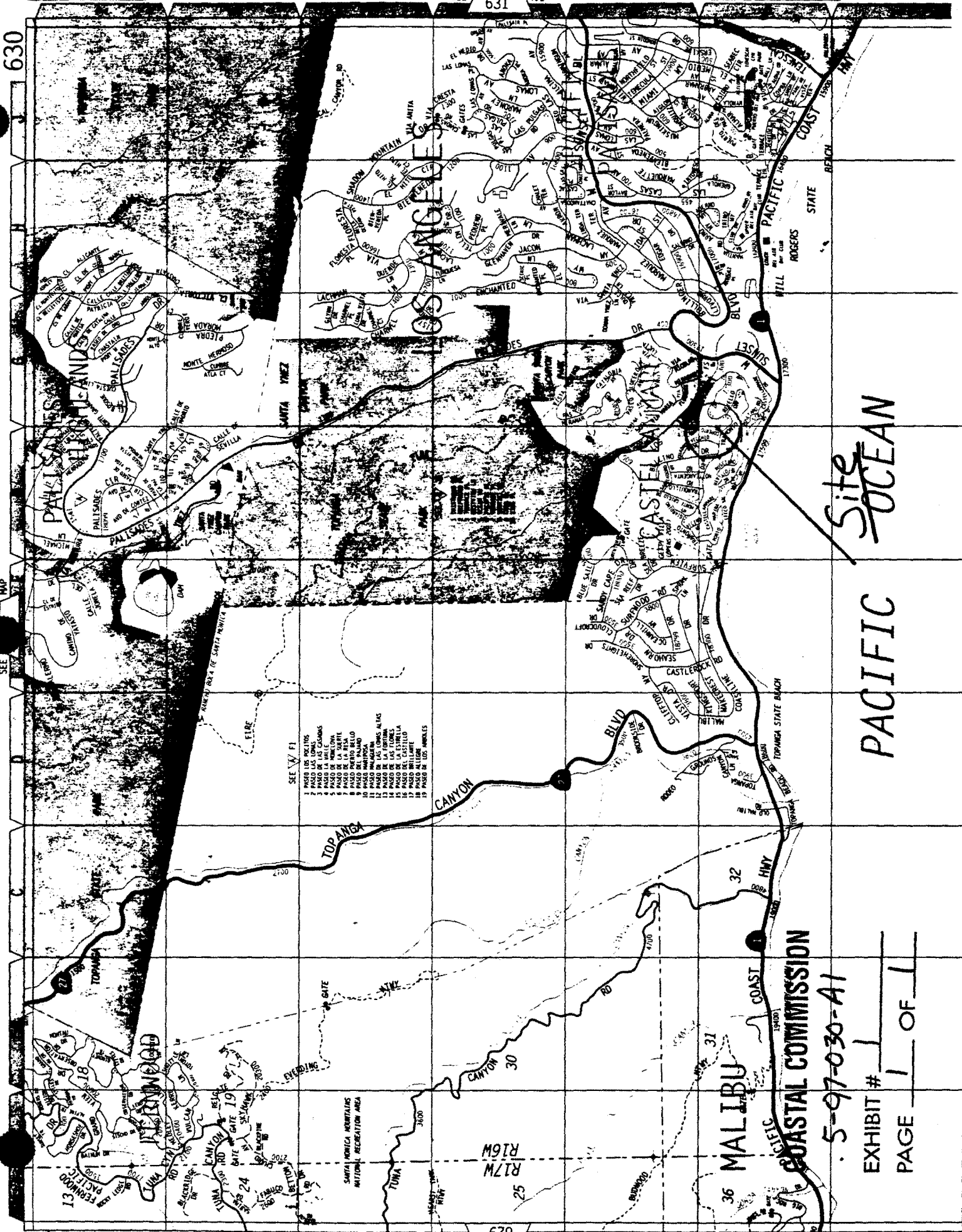
Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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.

The proposed project, as conditioned, has been found consistent with the habitat and geologic hazards policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/am

632  
630

SEE MAP



Site  
~~OCEAN~~

PACIFIC

COASTAL COMMISSION

5-97-030-A1

EXHIBIT # 1 OF 1  
PAGE 1 OF 1





**COASTAL DEVELOPMENT PERMIT**

**No. 5-97-030**

**Page 2 of 3**

**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 on which the Commission voted on the application. 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 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.

**SPECIAL CONDITIONS:**

1. **Geologic Recommendations**

A. The applicant shall incorporate all conditions of the City of Los Angeles Planning Department approval of Parcel Map 5938 (local CDP #97-014), as well as the recommendations of the reports by the consulting geologists, GeoSoils, dated November 21, 1986; August 5, 1987; February 2, 1987; September 15, 1987;

**COASTAL COMMISSION**

**5-97-030-A1**

EXHIBIT # 3

PAGE 1 OF 2

**COASTAL DEVELOPMENT PERMIT**

**No. 5-97-030**

**Page 3 of 3**

December 30, 1987; February 17, 1988; and April 7, 1988. Any revisions in the project which are not in keeping with these recommendations shall be submitted to the Executive Director for his determination on whether the changes necessitate an amendment to this permit

B. Any grading conducted during the rainy season, November 15 to March 15, shall be conducted according to methods specified by the City of Los Angeles for grading and siltation control during the rainy season. No fewer than ten days before the beginning of any such grading, the applicant shall submit to the Executive Director, for his review and approval, a copy of the grading schedule, the methods proposed to avoid mudflow and siltation during grading operations and other precautionary methods suggested by the applicant's engineer or required by the City of Los Angeles.

2. Assumption of Risk for Lot "A" of Parcel Map 5938

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 (Lot "A" of Parcel Map No. 5938) may be subject to extraordinary hazards from landslides 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, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document 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. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

Ap/lm  
5-97-030cdp

c:\msoffice\winword\template\permit.lot Printed on October 22, 1998

**COASTAL COMMISSION**

**5-97-030-A1**

EXHIBIT # 3

PAGE 2 OF 2

Admin.

COASTAL COMMISSION  
5-97-030-A1

CITY OF LOS ANGELES  
CALIFORNIA

EXHIBIT # 4  
PAGE 1 OF 2

ROBERT JANOVICI  
CHIEF ZONING ADMINISTRATOR  
ASSOCIATE ZONING ADMINISTRATORS  
EMILY J. GABEL-LUDDY  
DANIEL GREEN  
LOURDES GREEN  
ALBERT LANDINI  
LEONARD S. LEVINE  
JON PERICA  
SARAH A. RODGERS  
HORACE E. TRAMEL, JR.



RICHARD J. RIORDAN  
MAYOR

FRANKLIN P. EBERHARD  
DEPUTY DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET  
ROOM 1800  
LOS ANGELES, CA 90012-2001  
(213) 500-5485  
FAX (213) 500-5569

RECEIVED  
MAR 13 1998  
CALIFORNIA  
COASTAL COMMISSION

213 580 5485

November 18, 1997

Lee Feinstein (A)  
Santa Monica Bank  
1324 5th Street  
Santa Monica, CA 90401

Harvey A. Goodman (R)  
834 17th Street  
Santa Monica, CA 90403

Department of Building and Safety

CASE NO. CDP 97-014  
COASTAL DEVELOPMENT PERMIT

17455 Tramonto Drive  
Brentwood-Pacific Palisades  
Planning Area

Zone : RE15-1-H  
D. M. : 126B117  
C. D. : 11

CEQA : EIR 86-0789(PM)  
Fish and Game: Exempt

Legal Description: Parcels A, B, C,  
and D, PM 5938

RECEIVED  
South Coast Region

FEB 2 2001

CALIFORNIA  
COASTAL COMMISSION

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

a coastal development permit to allow the construction, use and maintenance of four single-family dwellings in the dual-permit area of the California Coastal Zone,

upon the following additional terms and conditions:

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



COASTAL COMMISSION-

5-97-030-A1

EXHIBIT # 4  
PAGE 2 OF 2

PAGE 2

CASE NO. CDP 97-014

4. Any graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. The grant clause and the conditions of approval shall be included in the "Notes" section of the plans submitted to the Zoning Administrator and other public agencies for sign-off and approval.
6. The applicant shall obtain the approval of the Fire Department prior to the issuance of building permits.
7. Grading and site preparation shall be to the satisfaction of the Department of Building and Safety consistent with applicable provisions of the Municipal Code including any necessary geologic and soils reports.
8. Except as herein specifically varied or required, all conditions of Modified Recorded Parcel Map No. 5938 shall be strictly complied with.
9. Prior to the issuance of any Certificates of Occupancy for the herein authorized use, a 5-foot walk adjacent to the curb along Tramonto Drive be improved to the satisfaction of the Bureau of Engineering.
10. The height of the proposed structures shall be limited to 33 feet above the building pad finished grade level, except for chimneys. The 33-foot height limit shall apply to a unit of building mass, defined as a portion of a structure from the finished grade adjacent to the structure to the highest point of the roof mass directly above it, but in no event shall the structures exceed the maximum height limit for hillside development as provided in Section 12.21-A,17 of the Los Angeles Municipal Code.
11. Three covered parking spaces per dwelling unit shall be provided.

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

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

CITY OF LOS ANGELES CALIFORNIA



RICHARD J. RIORDAN MAYOR

DEPARTMENT OF CITY PLANNING 221 N. FIGUEROA STREET LOS ANGELES, CA 90012-2601

CITY PLANNING COMMISSION

PETER M. WEIL PRESIDENT

JORGE JACKSON VICE-PRESIDENT

RODGER M. LANDAU MITCHELL B. MENZER SUSAN OAKLEY

ROBERT L. SCOTT DARRELL E. WALKER CHESTER A. WIDOM

GABRIELE WILLIAMS COMMISSION EXECUTIVE ASSISTANT (213) 390-8214

EXECUTIVE OFFICES 16TH FLOOR DON HOWE DIRECTOR (213) 580-1160 FRANKLIN F. EBERHARD DEPUTY DIRECTOR (213) 580-1163 GORDON B. HAMILTON DEPUTY DIRECTOR (213) 590-1185 ROBERT H. SUTTON DEPUTY DIRECTOR (213) 580-1167 FAX: (213) 580-1176 INFORMATION (213) 580-1172

DECISION DATE: March 6, 2001

APPEAL Period ends: March 21, 2001

Board of Public Works (with file)

Davld Ronen (O) 202 N. Crescent Drive, #2 Beverly Hills, CA 90212

Jeffer, Mangels, Butler, Marmaro, LLP (R) 2121 Avenue of the Stars, Tenth Floor Los Angeles, CA 90067-5010 attn: Ben M. Reznik

RECORDED MAP MODIFICATION Parcel Map No. 5938 Council District No. 11

In accordance with the provisions of sections 17.59 of the Los Angeles Municipal Code, the Advisory Agency considered a modification request to grading conditions of Recorded Parcel Map No. 5938, for 1-lot (of a 4-lot subdivision) located at 222 Coperto Drive in the Brentwood-Pacific Palisades Community.

At issue was consideration of grading performed at the subject site in light of grading conditions imposed pursuant to the Letter of Determination issued on April 6, 1989.

After a thorough review of the request and several field visits to the subject property, discussions with Building and Safety staff, the adjoining property owner, an August 10, 2000 public hearing, and a further review of written information submitted to the file, it is the determination of the Advisory Agency to approve a supplemental grading plan, as volunteered by the applicant and attached as new Exhibit GR-1, dated March 2, 2001 which shows the following:

- 1. Demonstrates contour grading of landscape areas between the existing residential dwelling and driveway and the existing retaining wall adjoining the "Coleman property, Parcel D to the east;" and the concurrent removal of all rectilinear hard paving and landing areas (except for the swimming pool and its decking).

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER 201 NORTH FIGUEROA STREET, ROOM 300 - (213) 977-6063 VAN NUYS - 6251 VAN NUYS BLVD., 1st FLOOR, VAN NUYS 91401 - (818) 756-8236

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

COASTAL COMMISSION 5-97-030-A1

EXHIBIT # 5 PAGE 1 OF 5

PARCEL MAP NO. 5938 (Modification)

PAGE 2

2. A sloping reconfiguration of the landscape area in a manner which results in a final grade of no more than 3 feet below the top of the existing retaining wall which separates the subject Parcel C from the adjoining Parcel D ("Coleman property").
3. Export of less than 1000 CY of dirt.

### BACKGROUND

On April 6, 1989, Parcel Map No. 5938 was approved by the Deputy Advisory Agency for a new 4-lot subdivision on 4.53 net acres, zoned R15-1-H. An Environmental Impact report ( EIR No. 86-0789-PM) was also prepared and certified by the Advisory Agency at the time of his determination. The Letter of Determination contained mitigation measures for grading as follows:

#### Major Landforms (Grading)

No building pads are proposed for this project. The structures will be constructed on caissons and grade beams. Grading will be limited to approximate 300 cubic yards of earth to be removed and recompacted for remedial grading purposes.. The conditions of approval require that grading will be in compliance with the recommendation by the soils and geologic consultants, the conditions of the Department of Building and Safety and the Bureau of Engineering. All graded slopes should be no steeper than 2:1 and subdrains should be installed in all natural drainage courses within which compacted fill is to be placed.

The Parcel Map recorded in April 24, 1991. On February 24, 1997, the Deputy Advisory Agency approved a modification to the Recorded Map deleting seven conditions and modifying four other conditions to enable property development on a lot-by-lot basis. The new owner, Santa Monica Bank had acquired three of the four approved lots through foreclosure proceedings and requested, along with the owner of the fourth lot, these condition modifications. The DAA found that the original conditions presumed one ownership of the subdivision, and stated that the presumption was no longer valid. Subsequent to this Modification, the Coastal Commission issued a Coastal Development permit to Santa Monica bank and identified approximately 7,000 cubic yards of remedial grading on that permit (CDP5-87-030). The Coastal Permit was issued over the four lots.

The property owner of Parcel C, secured a grading permit (Permit No. 98030-30000-02452) on November 24, 1998 for a new single family residence. As grading and construction commenced, questions were raised about compliance with the Letter of Determination, with respect to the grading condition cited above.

This condition and FEIR-related impact identification/mitigation clearly indicate that grading was to be kept to a minimum, work with contours and avoid creating the appearance of large level pads. Complicating the grading condition, however, is an inconsistent written record regarding to the total amount of dirt to be moved. For example,

COASTAL COMMISSION  
5-97-030-A1

EXHIBIT # 5  
PAGE 2 OF 5

PARCEL MAP NO. 5938 (Modification of Recorded Map)

PAGE 3

300 cubic yards are identified in the 1989 Letter of Determination, but 7,000 cubic yards are identified in the 1998 Coastal Development Permit. The grading issue is made more complex by the presence of an ancient landslide over Parcel "A" about which there are extensive written discussions in the record. The record provides no clear guidance on the exact amount grading to take place at 222 Coperto Drive and contains caveats about any grading ("...grading will be in compliance with the recommendation of the soils and geologic consultants...."). The grading discussion as reflected in the record varies from addressing the subject parcel map as a whole, to addressing individual lots as they are developed.

Therefore, the Deputy Advisory Agency has concluded that to resolve the matter of compliance with the grading condition, the intent of the mitigation measure will be considered and the total amount of grading will not be considered.

### DISCUSSION

Under the facts, the Deputy Advisory Agency considered whether or not the owner of Parcel C proceeded with grading in substantial compliance with the intent of the FEIR; and further considered, if not, then what possible remedy would be reasonable and feasible.

Because of a disagreement over compliance with the FEIR conditions, the Deputy Advisory Agency instructed the subject property owner to file a recorded map modification request to enable formal consideration of the grading issues for his parcel. As a related action, the owner also requested clarification of retaining wall height.

Following several site visits, a comparative analysis of the submitted grading plans for Parcels C and D, the public hearings, the DAA concluded that a remedial grading plan, as volunteered by the property owner, would bring the subject property into substantial compliance with the intent of the condition contained in the Letter of Determination. The DAA did not conclude that the residence should be demolished and that the site be restored to a natural condition as requested by some members of the community who appeared at the public hearing.

### FINDINGS

Section 17.14 of the Los Angeles Municipal Code provides for findings for modifications of Recorded Parcel Maps, which must be made in the affirmative as follows:

1. There are changes in circumstances which make any or all of the conditions of the final parcel map no longer appropriate or necessary.

The Deputy Advisory Agency has approved a grading Exhibit No. GR-1, dated March 2, 2001 to complete remedial grading and bring the subject lot into substantial compliance with a grading condition imposed by the Deputy Advisory Agency's Letter of Determination, April 6, 1989.

**COASTAL COMMISSION**  
5-97-030-A1

EXHIBIT # 5  
PAGE 3 OF 5

PARCEL MAP NO. 5938 (Modification of Recorded Map)

PAGE 4

The attached Exhibit is also located in the case file. There are no changes to the conditions.

2. The modifications do not impose any additional burden on the present fee owner of the property.

No additional burden on the present fee owner of the property will be imposed by modification of the condition inasmuch as the property owner himself has initiated remedial grading through his engineer.

3. The modifications do not alter any right, title or interest in the real property reflected on the recorded Map.

The proposed added Exhibit will not alter any right, title or interest in the real property reflected on the Recorded Map.

4. The map and conditions as modified conform to the provisions of Government Code Section 66474 and of the Municipal Code.

Under the current request, only portions of the site grading will be modified, reflecting a voluntary effort on the part of the owner. Under the circumstances, the map remains consistent with applicable general and specific plans as specified in Section 65451. No conditions are modified. The Parcel Map is not modified.

5. That the decision-maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.

A discussion of grading was conducted at the public hearing. The most directly affected adjacent property owner requested that any remedial grading also take into account the existing retaining wall. As a result, the proposed grading will not result in a requirement for added height to an existing retaining wall. On the contrary, the applicant's proposal will reduce the total amount of earth to be located behind the retaining wall. Further, contouring the landscaped areas (except for the pool and immediate pool decking) will bring the project into substantial compliance with the grading condition.

In addition, because of competing information in the case file, the Deputy Advisory Agency considered the effects of the existing retaining wall between Parcel Nos. C and D and finds that no further variance action is required because the new remedial grading plan will reduce the height of dirt behind the retaining wall to an elevation 3-feet below the top of the retaining wall. Hence, no further increase in wall height will occur.

COASTAL COMMISSION  
5-97-030-A1

EXHIBIT # 5  
PAGE 4 OF 5



PARCEL MAP NO. 5938 (Modification of Recorded Map)

PAGE 5

**ADDITIONAL FINDING for Environmental Impact reports (17.59-E)**

6. No condition may be modified if it was imposed as a mitigation measure identified in a mitigated or conditional Negative Declaration or and Environmental Impact Report.

No mitigation measure has been modified as a result of this action.

7. No modifications shall be permitted which violate the intent of any of the conditions of the parcel map approval as that intent is expressed in the findings or otherwise by the decision-maker.

The purpose of the proposed revised grading plan for 222 Coperto Drive is to bring the project into compliance with the intent of the conditions of approval, therefore no modifications are permitted which violate the intent of any of the conditions of the parcel map approval.

Retain all of the conditions currently in effect without any change. No Coastal Permit is therefore required.

Con Howe  
Advisory Agency

  
EMILY GABEL-LUDDY  
Deputy Advisory Agency

EGL:th

**NOTE:** If you wish to file an appeal, it must be filed within 15 calendar days from the decision date as noted in this letter. For an appeal to be valid to the West Los Angeles Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid in Room 300, Counter 17 & 18, 201 North Figueroa Street prior to expiration of the above 15-day time limit. Such appeal must be submitted in triplicate on Form CP-7769.

If you have any questions, please call Parcel Map staff at (213) 580-5530

**ATTACHMENT:** Exhibit GR-1, dated March 2, 2001

rc:\2a\SUBDIV\emilys938 remodel

**COASTAL COMMISSION**  
5-97-030-A1

EXHIBIT # 5  
PAGE 5 OF 5

Page 4  
April 1, 1998  
W.O. 2275C-VN

### CONCLUSIONS

The proposed construction of a single-family residential structure and swimming pool on this lot is feasible from a geologic and geotechnical engineering standpoint providing the following recommendations are incorporated into the design and subsequent construction of the project. Also, the development must be performed in an acceptable manner conforming to building Code requirements of the controlling governing agency (City of Los Angeles). Final plans should be reviewed by this office.

### RECOMMENDATIONS

#### Treatment of Existing Ground

1. All brush and deleterious materials in areas of proposed grading should be removed and disposed of off-site.
2. Prior to placing fill, surficial soils of topsoil and slopewash should be removed to competent Terrace Deposits and/or bedrock to a minimum of five feet outside of proposed structures and paved areas.
3. The proposed single-family structure is situated on a cut/fill lot. The cut portion should be overexcavated to a minimum of three feet below bottom of proposed footings and five feet beyond the foundation footprint. The overexcavated portion should be replaced by compacted fill as described in the grading guidelines in this report.
4. "Grading Guidelines" presented on Page 13 are pertinent and are considered part of these recommendations.
5. All removals, fill placement, footing excavations and backdrains/subdrains should be observed and tested by authorized representatives of this firm and the City of Los Angeles.

**GeoSoils, Inc.**

**COASTAL COMMISSION**  
S-97-030-A1

EXHIBIT # 6  
PAGE 1 OF 2



February 28, 2000  
W.O. 2275C-VN

Mr. and Mrs. David Ronan  
202 North Crescent Drive, Unit 2  
Beverly Hills, California 90213

Subject: Grading, Lot C, Parcel Map 5938  
222 Coperto Drive  
Pacific Palisades, California

Dear Mr. Ronan:

This note is in response to your inquiry concerning grading on Lot C of Parcel Map 5938. The primary reason this grading was performed was to control surface drainage and to stabilize natural soils and weathered bedrock that were subject to consolidation and downslope creep action. If the house were built upon caissons, the on-site soils would still have been subject to these geotechnical hazards posing risk to flat-work, driveway and retaining walls. By performing the remedial grading, all improvements are protected and surface drainage is properly conducted, via non-erosive drains, to the street. These corrections to site geologic and geotechnical concerns were required by GeoSoils Consultants, Inc. and the grading ordinance of the City of Los Angeles.

Very truly yours,

GeoSoils Consultants

*Karen L. Miller*  
KAREN L MILLER  
GE 2257



KLM/pl.B1:1038/2-28-00

cc: (3) Addressee  
(1) Fax Copy

6634 Valjean Avenue, Van Nuys, California 91406 Phone: (818) 785-2158 Fax: (818) 785-1548

COASTAL COMMISSION  
5-97-030-A1

EXHIBIT # 6  
PAGE 2 OF 2

# CITY OF LOS ANGELES

## CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

COMMISSIONERS  
 JOYCE L. FOSTER  
PRESIDENT  
 MABEL CHANG  
VICE-PRESIDENT  
 LEE KANON ALPERT  
 JEANETTE APPLIGATE  
 NANCY H. ZAMORA

DEPARTMENT OF  
BUILDING AND SAFETY  
 400 CITY HALL  
LOS ANGELES, CA 90013-4000  
 TIM TAYLOR  
GENERAL MANAGER  
 RICHARD E. HOLGUIN  
EXECUTIVE OFFICER

May 28, 1998

Log # 24419  
C.D. -

SOILS/GEOLOGY FILE - 2

Mr. & Mrs. David Ronan c/o  
Albert Mikaelian  
4181 Sunswep Dr.  
Studio City, CA 91604

COASTAL COMMISSION  
5-97-030-A1

EXHIBIT # 7  
PAGE 1 OF 2

TRACT: PM 5938(BK 242-36/38)  
LOT: C  
LOCATION: 222 Coperto Dr

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soil Report	2275C-VN	04/01/98	Geosoils, Inc
Ovrszd Doc	2275C-VN	04/01/98	Geosoils, Inc
<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Inter-Departmental Letter	3600	05/04/88	Bldg&Safety
Department Letter	23280	01/13/98	

The referenced report concerning a proposed single-family residence has been reviewed by the Grading Section of the Department of Building and Safety. The report is acceptable, provided the following conditions are complied with during site development:

1. All conditions pertaining to parcel C of the above referenced Inter-Departmental letter shall apply; Conditions 24 and 25 have been satisfied.
2. 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



Page 2

.222 Coperto Dr

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 submitted to the Department upon completion of the compaction.

3. Prior to the pouring of concrete, a representative of the consulting Soil 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.
4. The dwelling shall be connected to the public sewer system.
5. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind and under the pool shell 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.
6. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences and dust control will be scheduled.

*Negate H. Curran for.*  
DANA PREVOST  
Engineering Geologist I

*Theo R. Seeley*  
THEO SEELEY  
Geotechnical Engineer I

DP/TRS:dp/trs  
24419  
(213) 977-6329

cc: Geosoils, Inc  
Albert Mikaelian  
WLA District Office

COASTAL COMMISSION  
5-97-030-A1

EXHIBIT # 7  
PAGE 2 OF 2

**JEFFER, MANGELS, BUTLER & MARMARO LLP**

Harry Sondheim  
February 13, 2001  
Page 2

In fact, the City did impose a condition on grading. Specifically, condition number 17 of the Parcel Map requires that "satisfactory arrangements shall be made with the Department of Building and Safety with respect to grading in conformance with the Grading Ordinance of the Los Angeles Building Code".

Mr. Ronen has clearly met this condition.

**GRADING SUMMARY**

I also told you I would summarize what I have learned about the grading that has occurred on the property.

The 1998 permit shows a permit valuation amount of 1760 cubic yards. Because a separate grading plan was not required or submitted for this project, the amount chosen, 1760 cubic yards, was estimated from a review of the site plan which shows finished grades.

The grading on Mr. Ronen's property was done in strict compliance with the recommendations (and under the supervision) of GeoSoils, a geotechnical firm. In order to ensure that the site was stable, GeoSoils required that soil be removed to a level of three feet below the proposed footings and five feet beyond the foundation footprint, and then replaced as compacted fill. The amount of this additional grading (approximately 790 cubic yards) required by GeoSoils, and thus by the City, would not be reflected by the site plan that showed finished grades only. (While I don't want to inundate you with the voluminous geotechnical and grading reports about this property, I am enclosing an excerpt of the April 1, 1998 GeoSoils report containing this recommendation, the City's May 28, 1998 approval of that report, and the City's February 22, 2000 approval of the use of compacted fill on the property. Please note that the last approval came from David Hsu after the City had issued the stop work order.)

And, as I discussed at the January 11, 2001 meeting, as a result of the lowering of the neighbor's grade by four feet, Mr. Ronen needed to undertake more grading than shown on the site plan to install his retaining wall. I have since learned that this grading amounted to an additional 245 cubic yards. Finally, Harvey Goodman, the civil engineer, estimates that an additional 35 cubic yards of grading was done for fine grading and for the swale. Thus, the amount of earth removed (cut) done on this property can be summarized as follows:

LADOC5266234 1

**COASTAL COMMISSION**

5-97-030-A1

EXHIBIT # 8PAGE 1 OF 2

**JEFFER, MANGELS, BUTLER & MARMARO LLP**

Harry Sondheim  
 February 13, 2001  
 Page 3

Initial Permit Valuation:	1760 cubic yards
Additional Amount needed to Comply with GeoSoils Site Stability Recommendations:	790 cubic yards
Additional Amount Needed because of lowering of grade of adjacent property:	240 cubic yards
Swale/Finish Grading:	35 cubic yards
<u>Total:</u>	<u>2825 cubic yards</u>

This is a balanced grading site, i.e. there was neither import nor export of dirt. Thus, the cut material was either compacted and placed underneath the home or accessory structures as compacted fill or spread evenly around the property.

Finally, as I explained at the January 11, 2001 meeting, the intent of the parcel map modification was simply to amend the mitigation measure to comport with what had already occurred on the site. Whether or not the modification was necessary, it should not be construed as a request to further grade the property.

**CONCLUSION**

Despite the fact that all of Mr. Ronen's work was permitted, and that the grading was done in strict compliance with City requirements and those of the geotechnical professionals, Mr. Ronen's construction has been stalled for over a year now. His loan is due shortly and the lender has told him that there will be no further extensions.

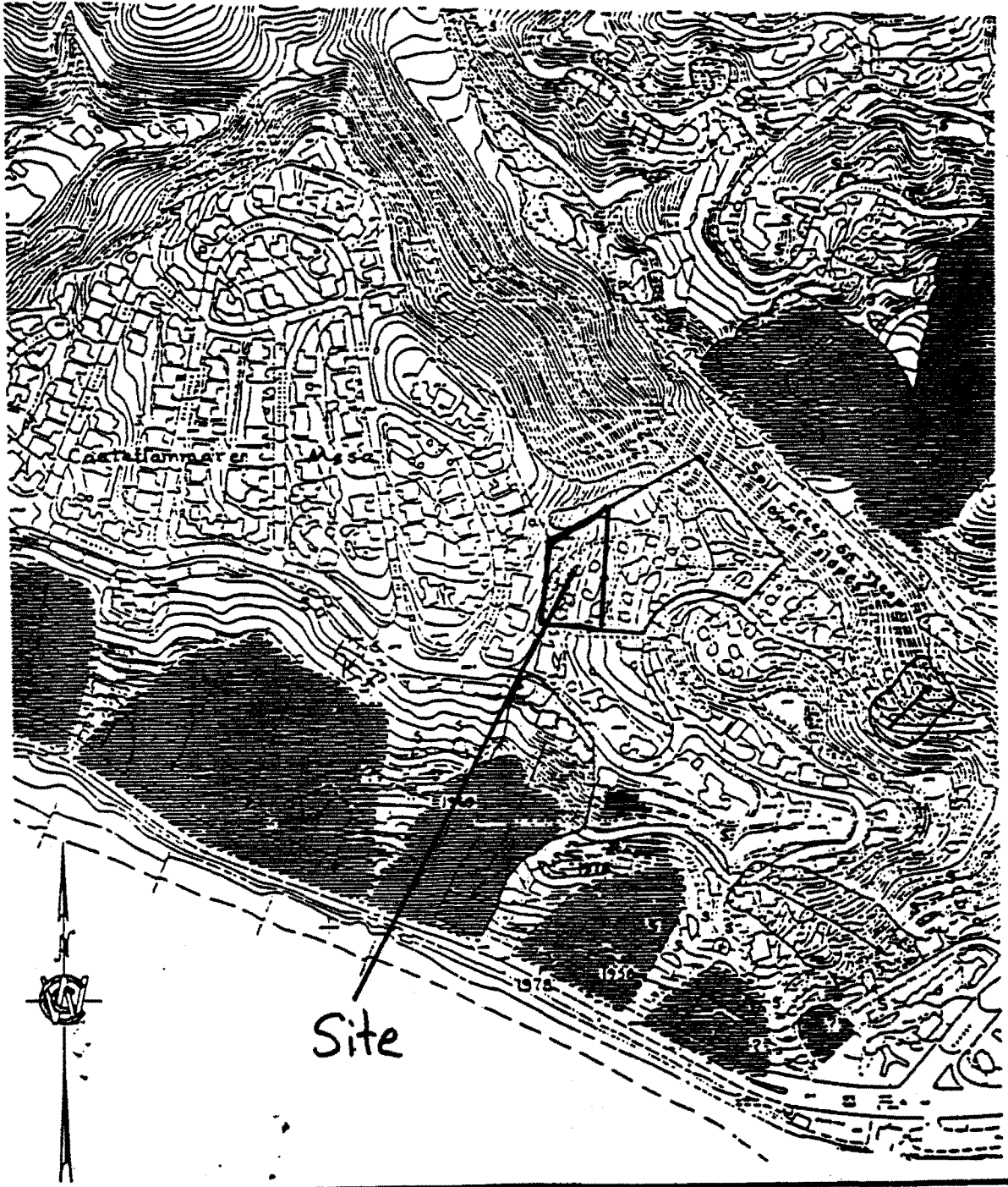
On behalf of Mr. Ronen, we ask that the Council rescind its October 13, 2000 letter opposing the development of his home and in particular the application for a parcel map modification. For your convenience, we are enclosing 25 copies of this letter to distribute to Council Members.

LADOC5262334 1

**COASTAL COMMISSION**

5-97-030-A1

EXHIBIT # 8PAGE 2 OF 2



Map of Prehistoric and Historic  
Landslides, McGill, 1982



DATE	2/87	W.O. NO	2275-VN	BY	
------	------	---------	---------	----	--

Soil Mechanics • Geology • Foundation Engineering

COASTAL COMMISSION  
5-97-030-A1

EXHIBIT # 9

PAGE 1 OF 1

~~CONFIDENTIAL~~

NO SCALE





