

CALIFORNIA COASTAL COMMISSION

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



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Staff Report: July 18, 2001
Hearing Date: August 7, 2001
Commission Action:

Item Tu-8a**RECORD PACKET COPY****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 (5-97-030-A1):

After the Fact approval of 2,825 cubic yards of grading (cut and fill) and 4 to 18-foot high retaining walls. The project also includes an additional 545 cubic yards of cut material per City of Los Angeles Recorded Map Modification requirements to reconfigure the landscaping area to a more natural state. The project is located on a 38,500 square foot vacant lot (Lot C of Tract 5938).

STAFF NOTE:

A more inclusive version of this application was presented to the Commission at its April 10, 2001 hearing. That application requested after-the-fact approval of the grading and retaining walls, as well as the construction of a single family home, pool, fountains, and an additional approximately 1,000 cubic yards of grading. The Commission continued the item to allow staff geologist Dr. Mark Johnsson to review the geotechnical reports provided by the applicant and to address the Commission's concerns that grew out of the public comments in opposition to the project. The original environmental impact report (FEIR) and the previous permits for the subdivision all proposed the use of caissons for the structural foundation rather than flat building pads. The Commission requested information on whether it was necessary to grade to a flat building pad to ensure site stability. The Commission also required the applicant to separate the permit application

into two parts. In accordance with that requirement, this amendment to the original permit addresses only the grading and retaining walls.

Dr. Johnsson concluded that grading to flat building pads was not required in order to ensure site stability and the use of caissons for the foundation system would have required less grading than what is proposed in this amendment application (See Exhibit #11 "Geologic Review Memorandum" by Dr. Mark Johnsson). However, because neither the prior permit nor the FEIR actually *required* the use of caissons, and because the additional grading did not adversely affect visual qualities, site stability, or any other Coastal Act policies, staff recommends that the Commission approve this amendment application, as modified.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed coastal development permit amendment with five special conditions that require the applicant to comply with geotechnical recommendations, provide an erosion and drainage control plan during and after construction, and remove all invasive plant material prior to any development. Special Condition #1 carries forward the previously imposed special conditions. This is an after-the-fact permit, as the 2,825 cubic yards of grading and construction of retaining walls, were undertaken without benefit of a coastal development permit.

LOCAL APPROVALS:

City of Los Angeles Recorded Parcel Map 5938
City of Los Angeles Coastal Development Permit 86-043
City of Los Angeles 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
City of Los Angeles, Department of Building and Safety, building permit #98010-30000-
00241, 11/24/98; 4/21/99; 11/01/99
City of Los Angeles, Department of Building and Safety, grading permit, 11/24/98

SUBSTANTIVE FILE DOCUMENTS:

Coastal Development Permit #5-89-729 (Runka)
Coastal Development Permit # 5-97-030 (Santa Monica Bank)
Coastal Development Permit # 5-98-083 (Coleman)
Geologic Review Memorandum by Commission staff geologist Dr. Mark Johnsson,
July 12, 2001
Final EIR 86-0789, October 1988
Geology and Soils Report by Geosoils, Inc., 4/1/98
Letter in response to grading on Lot C by Geosoils, Inc., 2/28/00

Letter in response to questions from Mark Johnsson, Commission staff senior geologist,
by Geosoils, Inc., July 9, 2001

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 NOTE:

Dual permit

Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a Local Coastal Program. Under that section, local government must agree to issue all permits within its jurisdiction. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government will be required. Section 30601 states:

Section 30601.

Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

(1) ⁵⁸⁶Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

Section 30602 establishes that all local actions on coastal development permits are appealable by any person, by the executive director or by any two commissioners. In 1978, the City of Los Angeles opted to issue its own coastal development permits. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required. This area is commonly known as the "Dual Permit Area."

This project (5-97-030-A1) is located within the "Dual Permit Area" so permits from both the Commission and the City are required. The original subdivision (5-97-030) required a coastal development permit from both the City and the Commission because at the time the Dual Permit Line crossed a portion of the property (along the southern portion of the lot between what is now Lot C and Lot D). According to the Commission's maps, the line demarcating 300 feet inland of the top or face of the coastal bluff bisects the subject property, Lot C. Since a portion of the subject property (Lot C) is located within the dual permit area, the applicant is required to apply for a coastal development permit from both the City of Los Angeles and the Coastal Commission.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-97-030 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and 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:

The Commission hereby approves the coastal development permit amendment on the ground 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 and grading and drainage 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. 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 and Drainage 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 across the site, adjacent properties, and the 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.
- All drainage from the lot shall be directed toward the street and away from the sloped areas and other properties into suitable collection and discharge facilities.
- Run-off from the project shall not increase the sediment or pollutant load in the storm drain system above pre-development levels.

(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.
- 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.

(c) These erosion and drainage control measures are required to be in place and operational 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.

(d) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, and/or silt fencing; and include temporary drains and swales and sediment basins. The plan shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

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. Invasive Plant Removal

Prior to any grading or construction activity the applicant shall completely remove all invasive plant material, such as castor bean, Russian thistle, tree tobacco, and mustard, located on the previously graded portions of Lot C. The applicant shall

dispose of all plant material in an appropriate disposal site outside of the Coastal Zone. The applicant shall not remove any plant species native to the Santa Monica Mountains without submittal of a written document for the review and approval of the Executive Director.

5. 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 related to the unpermitted grading and construction that has occurred, pursuant to the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

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. No construction of the homes were proposed or approved under this subdivision permit. 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 into CDP 5-97-030. 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 a single lot into four single-family parcels but did not give approval for the construction of any homes. This application is an after-the-fact request to grade beyond the amount approved in the original permit. Specifically, the applicant requests the after-the-fact approval of 2,825 cubic yards of grading (removal and recompaction) on Lot C and construction of 4 to 18-foot high retaining walls. An additional 545 cubic yards of cut material required by City of Los Angeles Recorded Map Modification requirements to reconfigure the landscaping area to a more natural state is proposed (Exhibit #5). The applicant has stated that the graded cut will be placed on site for landscaping purposes. Any remainder of graded cut, as proposed, will be exported to a site permitted to accept fill material. The applicant has proposed the grading and retaining walls to create a flat, buildable pad.

The project is located on a 38,500 square foot vacant lot (Lot C of Tract 5938) in the Castellammare area of Pacific Palisades. This particular lot faces away from the Pacific Ocean and toward Los Liones Canyon. The northwestern portion of the subject property borders a "finger" of Topanga State Park. This area is described as a "finger" because it is a small sloped area of the Park bordered on the east side by Los Liones Drive and the west side by a row of single family home along Quadro Vecchio (Exhibit #1). The homes along Quadro Vecchio overlook the downsloping "finger" of the park. However, the Park is shielded by an upward sloping area on the northern edge of the subject property and Lot B (Exhibit #10).

B. Project History

Prior to the submittal of the coastal development permit application the City of Los Angeles, Environmental Review Section finalized and circulated Environmental Impact Report # 86-0789 for the subdivision of 4.53 acres into four parcels for single family homes, in October 1988. The proposed subdivision involved 300 cubic yards of graded cut required to provide four driveways and approximately 4,000 cubic yards of removal and recompaction to stabilize a slump feature along the northwest property line. The EIR addressed potential impacts from the implementation of the project due to: grading and geologic hazards, water runoff and hydrology, plant and animal life, land use, fire protection, energy conservation, and cultural resources.

In 1989 the Coastal Commission approved Coastal Development Permit 5-89-729 for the subdivision of the 4.53 acre parcel into 4 lots for single family homes, construction of street improvements, utilities, drainage, and slope repair. The slope repair consisted of the removal and recompaction of a shallow surficial slope failure located on Lot A. 950 cubic yards of graded cut and export was proposed in addition to the remedial grading. 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 (Santa Monica 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). CDP #5-97-030, as approved by the Commission, did not include the construction of homes on the four individual lots. Santa Monica Bank has since sold Lots A, C, and D. Commission staff is unaware whether or not Santa Monica Bank has sold Lot B.

Mr. Ronen, the applicant, purchased Lot C for the construction of a single family home. The City issued building and grading permits to the applicant, Mr. Ronen, for the construction of a single family home and grading. The City and the applicant did not believe an additional coastal development permit was necessary from the Coastal Commission because the CDP issued by the City on November 18, 1997 included "the construction, use, and maintenance of four single-family dwellings in the dual permit jurisdiction of the California Coastal Zone" (Exhibit #4). A coastal development permit was however required from the Commission because 1) the lot is partially within the dual permit area, 2) the original Coastal Development Permit #5-97-030 did not include authorization for the construction of single family homes on the four lots, and 3) the applicant was requesting grading in addition to the grading included in permit #5-97-030 for remedial grading of the subdivision. The applicant has proposed additional grading beyond the scope of the original permit #5-97-030 to create a level to gently sloping building pad.

Soon after October 1998 the applicant received building and grading permits from the City of Los Angeles Department of Building and Safety. The applicant graded the site, constructed 4-foot to 18-foot high retaining walls, and began foundation and wall beam work for a single family home in reliance on these permits. The City also issued a Calvo Exemption for the construction of a single family home at 222 Coperto Drive on March 25, 1998. The City erroneously issued this exemption because, among other things, in order for this exemption to apply, the subject lot must be a legal lot as of January 1, 1980. In this case Lot C did not become a legal lot until after the City and Commission issued permits for the subdivision in 1998. The City, after receiving complaints from area residents concerning the grading, issued "stop work" orders on August 20, 1999 based on unpermitted development on the site. After receiving notification from both the City and the Coastal Commission's South Coast District office, which addressed the issue of unpermitted development, the property owner applied to the Coastal Commission to amend coastal development permit 5-97-030 to allow the construction of one single family home and the after the fact approval of grading, retaining walls, and the initial construction of the foundation.

Application 5-97-030-A1 was presented to the Commission at their April 10, 2001 hearing for the after-the-fact approval of the grading and retaining walls on Lot C as well as the construction of a 33-foot high, 7,583 square foot single family home, pool, fountains, and an additional approximately 1,000 cubic yards of grading. The Commission continued the

item to allow time for staff geologist Dr. Mark Johnsson to review the geotechnical reports provided by the applicant and to address concerns the Commission had based upon public comments in opposition to the project. The comments in opposition related to the fact that the original FEIR as well as the previous permits for the subdivision proposed the use of caissons for the structural foundation. Flat building pads were not proposed in the FEIR. The opponent claimed that the applicant's request to grade a flat building pad is inconsistent with the original FEIR.

The Commission also required the applicant to separate the permit application into two parts. The amendment to the original permit would consist of only the grading and retaining walls. A new coastal development permit would then be required for the new single family home, pool, and fountains. The South Coast District office received permit application 5-01-169 for the construction of the single family home, pool, and fountains on May 3, 2001. However, the permit application for the home, pool, and fountains is not before the Commission at this time.

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 to moderately sloping vacant lot facing Los Lions Canyon (Exhibit #10). The subject property does not face Pacific Coast Highway, which has been the site of most of the landslide activity. Rather, the property faces Los Lions Canyon and other subdivided tracts located above Sunset Boulevard (Exhibit #1).

The project site is located on an inland, level portion of a larger, bowl-shaped area that lies on the side of Los Lions Canyon (Exhibit #2). This bowl-shaped feature has been the subject of many debates by geologists, the City, and the Commission. The debate centers 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 said to be 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 Lions 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 Lions 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, separated by Lots B and D, and Tramonto Drive (Exhibit #2).

The proposed project within EIR #86-0789 included 300 cubic yards of earth to be removed and balanced onsite and an additional 4,000 cubic yards of earth to be removed and recompacted. The EIR states:

No building pads are proposed for this project. Structures will be constructed on caissons and grade beams, therefore, grading will be limited to providing driveways and to stabilize existing slides. Provisions of four driveways would require grading of approximately 300 cubic yards of earth which would be balanced on site. In addition, approximately 4,000 cubic yards of earth will be removed and recompacted for remedial grading purposes.

In the 1989 City approval of Parcel Map 5938, as well as the Final EIR 86-0789, October 1988, findings state that caissons would support the four future single-family homes. Within the Findings section 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 97-014 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 a single lot to create four single-family lots and 7,000 cubic yards of remedial grading (Exhibit #3). Although there was no indication of where the 7,000 cubic yards of grading would take place, all prior geotechnical reports dating back to the mid to late 1970's have showed this grading to be for the removal and recompaction of possible landslide debris and slump area on a portion of Lot A.

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. The applicant's geotechnical consultant advised that the grading would control surface drainage and stabilize natural soils and weathered bedrock (Exhibit #6). However, as indicated in Exhibit 11, Commission staff geologist Mark Johnsson does not concur with this statement. The City did not require a revised local CDP, but determined that the general condition within the City's coastal development permit 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 staff did not agree 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 amendment for the additional grading beyond the previously permit 7,000 cubic yards for remedial grading.

1. Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the 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 grading and retaining walls 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 letters in response to grading on Lot C by Geosoils, Inc., 2/28/00 and July 9, 2001. 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.

2. 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 and across the subject property. This has created cuts in the existing slope and could contribute to an increase in erosion across the subject site. The applicant has submitted a drainage plan that demonstrates that runoff water is directed to the street and not across the subject property. However, the Commission requires a complete erosion control plan for both permanent and temporary measures. Such measures will lessen the effects grading, site development, and future water runoff will have on the site and surrounding properties. 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 and drainage control plan that includes a written report describing all temporary and permanent erosion control and runoff 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, "nearly 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 three sides of the property. Lot B of the original four-lot subdivision is currently vacant but is a developable legal lot for a single family home. The subject property does border a portion of Topanga State Park (Exhibit #1, #2, and #10). As mentioned previously, the Park area in this location is a "finger" of the larger Topanga State Park that is bordered by Quadro Vecchio and a row of homes along this ridgeline to the west and Los Liones Drive to the east (Exhibit #1). The portion of the Park adjacent to the subject property is located above and on the downward sloping side of the ridgeline.

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.

While the Commission finds that the project site is not located in or near a sensitive habitat area, the northern corner of the property borders a small section of Topanga State Park. Section 30240 requires that development adjacent to parks and recreational areas be sited and designed to prevent impacts which would degrade such areas. During a site visit on July 5, 2001 Commission staff determined that there is a large quantity of invasive plant (castor bean, Russian Thistle, tree tobacco, and mustard) species growing on the project site where grading had occurred prior to obtaining a coastal development permit. This invasive plant material could supplant vegetation within the State Park if its spreading continues. Therefore, Special Condition #4 requires the applicant to completely remove all invasive plant material on the subject property prior to any grading activity and dispose of such material in an appropriate disposal site outside the coastal zone. The Commission typically requires projects that border the State Park to include a landscaping

plan incorporating native, non-invasive plant species of the Santa Monica Mountains. However, this amendment application is just for the grading and retaining walls. No construction of the single family home is proposed in this application and therefore the Commission does not require a landscaping condition. However, the applicant has submitted a permit application for the single family home which will be before the commission at a later Commission Hearing.

The Commission finds that with the removal of all invasive plant species on the lot prior to any grading activity, the proposed project will not the State Park area and is therefore consistent with Section 30240 of the Coastal Act.

E. Visual Impacts and Landform Alteration

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas.

The Coastal Act protects public views. In this case views are seen to and along the coastline, as well as to the bluffs and ridgelines of the Santa Monica Mountains. The subject property is located on the inland facing side in the Castellammare area of the Pacific Palisades. It is located approximately one half miles from Will Rodgers State Beach, yet the property is not visible from this area. The northwestern portion of the subject property borders a "finger" of the larger Topanga State Park. This portion of the Park slopes steeply to the east, away from the subject property. The "finger" is bordered on the western side by single family homes along a ridgeline and Quadro Vecchio Road (upslope) and on the eastern side (downslope) by Los Lions Drive (Exhibit #1, #2, & #10). The larger portion of Topanga State Park throughout Santa Ynez Canyon is located north of the subject property. The location of the subject property is blocked from view of the larger portion, as well as the "finger" of the State Park by a natural upward sloping area on the northern portion of the subject property and the bordering Lot B .

It has come to Commission staff's attention that one would be able to see a home on this site from a trail located within the State Park, below the subject property. Staff has conducted several site visits to the subject property as well as to the State Park and was unable to see the area where grading is proposed. While a home might be seen from a trail in the Park, the construction of the home is not proposed in this project, and therefore does not pertain to Section 30251 of the Coastal Act. Even if, however, there are points along trails within the Park where the grading of the property could be seen, it would not have a negative impact on the visual quality of the area. The subject property is surrounded by two existing single family homes to the east and west and a vacant lot designed for a future single family home to the north. A ridgeline located above the

subject property is lined with existing one and two-story single-family homes as well. The homes along the ridgeline are accessed by Quadro Vecchio Street. This street is located above the "finger" of Topanga State Park (Exhibit #1 & #2).

An opponent to this permit application has also indicated that there is a public viewpoint on a portion of Sunset Boulevard where one could see the subject property. The contention is that views to the Santa Monica Mountains would be impacted by the proposed project. The location indicated as a public viewpoint is a driveway access above the Self Realization Fellowship Meditation Center. The facility is open to the public and by exiting Sunset Boulevard and driving down the driveway to the Meditation Center one could see the area where the proposed project is located. However, there are also views of the entire inland facing Castellammare community, with roads, single and multi-family homes, and Topanga State Park.

In this particular case the subject property is located in a nearly built-out tract and the grading of this lot would not lead to a further degradation of the surrounding area. The grading of the subject property is not visible from Will Rodgers State Beach and is also not located in an area that could potentially block public views to either of these vantage points. Therefore, the Commission finds the proposed project consistent with Section 30251 of the Coastal Act.

The subject site was previously graded in the original subdivision permit (5-97-030). The applicant is proposing (after-the-fact) to grade an additional 2,825 cubic yards of earth. The grading involved is both cut and fill, which would not require the export or import of any earth material. In addition to the 2,825 cubic yards of after-the-fact grading, the applicant has proposed to grade 545 cubic yards of earth per the requirements of the City of Los Angeles Recorded Map Modification. The additional grading (which is in addition to the grading for which approval is now being requested after-the-fact in this amendment application) was required to recontour the proposed landscaped area, and thus attempt to reestablish the natural slope. The Modification states that the supplemental grading plan 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).*
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 Parcel C from the adjoining Parcel D ("Coleman property").*
3. *Export of less than 1000 CY of dirt.*

So long as the applicant performed the above proposed modifications the City of Los Angeles Deputy Advisory Agency concluded that the subject property would be found in substantial compliance with the intent of FEIR # 86-0789.

As previously stated, the applicant received grading permit 98030-30000-02452 on November 24, 1998 for his single family home. Some time after this permit was received the applicant graded a calculated 2,825 cubic yards of earth (Exhibit #8). No material was exported and all graded cut was used to create the level building pad. Therefore, the total amount of grading proposed for this project is 3,370 cubic yards of cut and fill (2,825 CY previously undertaken and recommended by the applicant's geotechnical consultant and 545 CY per City requirements to recontour the slope).

Both the FEIR and Commission approved subdivision permit anticipated that single family homes on the four lots would be constructed using caissons and grade beams. The FEIR states that the use of caissons would lessen the necessity of grading. Commission staff's geologist Dr. Mark Johnsson has reviewed the applicant's geotechnical reports as well as reports from previous developments in and around the subject property. Dr. Johnsson has stated that houses supported on properly designed caissons can resist the type of soil creep to be expected in the upper soil layers on steep slopes such as at the subject site. He further states that from a geotechnical point of view the grading was not necessary to ensure geologic stability and the additional 3,370 cubic yards of grading would not diminish the geologic stability of the site. Finally, Dr. Johnsson has stated that the grading was intended to create a flat pad for a single family home and landscaping (See Exhibit #11 "Geologic Review Memorandum" by Commission staff geologist, Dr Mark Johnsson, July 12, 2001).

The Commission finds that there is an extremely large quantity of grading involved for one single family home. However, as stated above, the grading of Lot C (one of the four lots approved in the original subdivision coastal development permit 5-97-030) would not impact the visual quality of the surrounding area and the views to and along the coast, and it did not create any geological instability. Furthermore, as discussed in Section D of this staff report, there are no environmentally sensitive habitat features on this property, so the grading did not affect any ESHA. In sum, the Commission finds that the grading involved in the proposed project does not violate Section 30251 or other policies of the Coastal Act.

F. 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 of the single family home without the required coastal development permit. The applicant is proposing to grade 2,825 cubic yards of earth and construct 4-foot to 18-foot high retaining walls. In addition to the after-the-fact request above, the applicant proposes to grade 545 cubic yards of earth per City of Los Angeles, Planning Department requirement to reconfigure the yard, which would reduce the extent of the flat pad to achieve a gentler slope more compatible with the area.

To ensure that the unpermitted development component of this application is resolved in a timely manner, Special Condition #5 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.

G. 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, community character and visual quality, sensitive habitat issues, and after-the-fact construction 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.

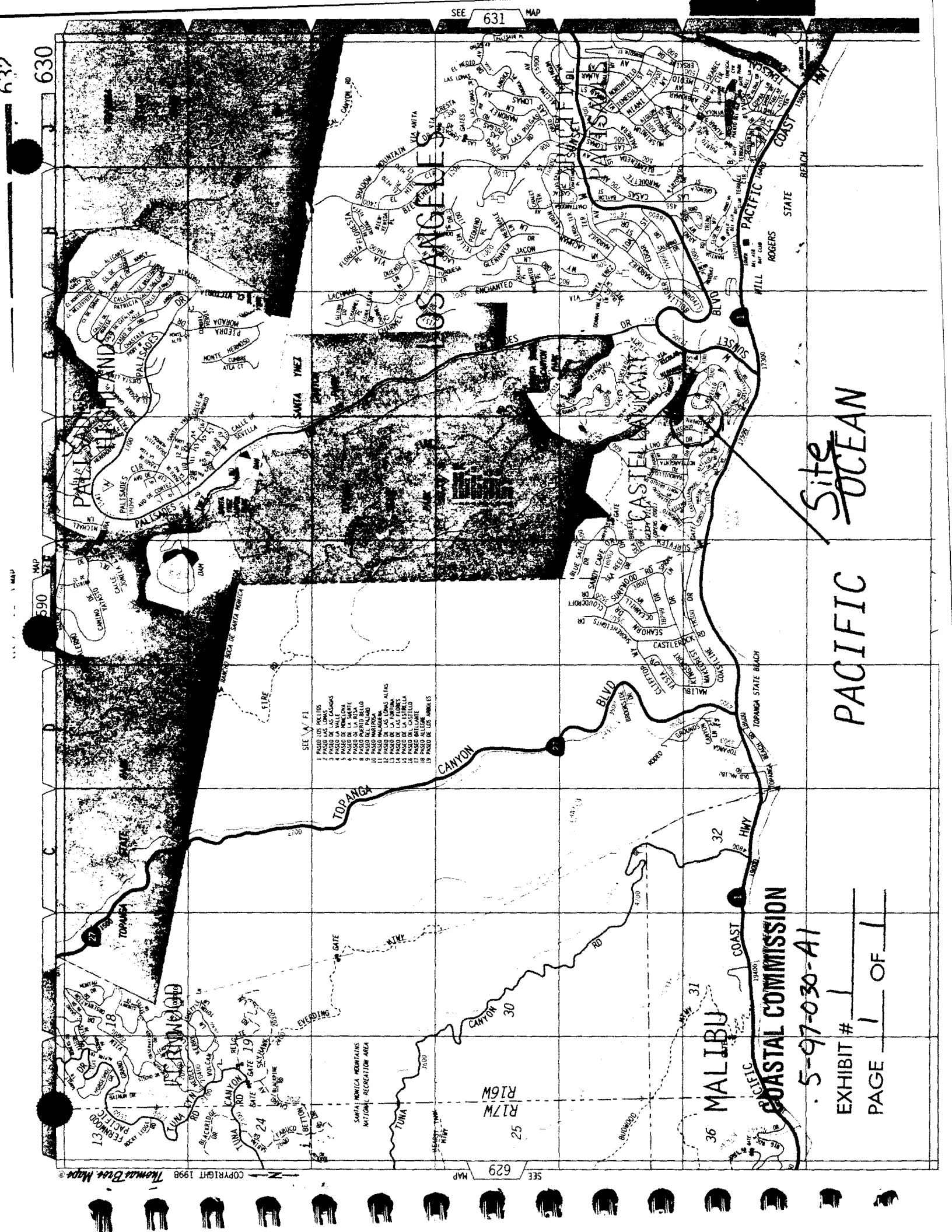
H. California Environmental Quality Act

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 scenic and visual, habitat, and geologic hazards policies of the Coastal Act and all adverse impacts have been minimized. There are possible alternatives to the project as submitted. The FEIR for the subdivision of a 4.53 acre lot into four single-family home lots anticipated that the homes would be constructed on caissons. This was proposed in the project description and never incorporated as a mitigation measure. The applicant has proposed the grading of one of the four lots (Lot C) in addition to the grading proposed for the subdivision. This grading will create a flat building pad for the future single family home and landscaping. Since the project does not incorporate caissons for the foundation, a much larger amount of grading is needed.

Approval of the house with much less grading at this time would require the applicant to import fill material, recompact, and recontour the slope. This alternative should be followed if the project as proposed creates significant negative impacts to the environment that could be substantially lessened via the alternative approach. However, while the amount of grading for this single family home is extensive, it does not create a significant adverse affect on the environment. As stated in the preceding sections of this staff report the proposed project would not have an impact on the visual quality of the surrounding area or any sensitive habitat and would not lead to development in a hazardous area. Therefore, the Commission finds that in this particular project, 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



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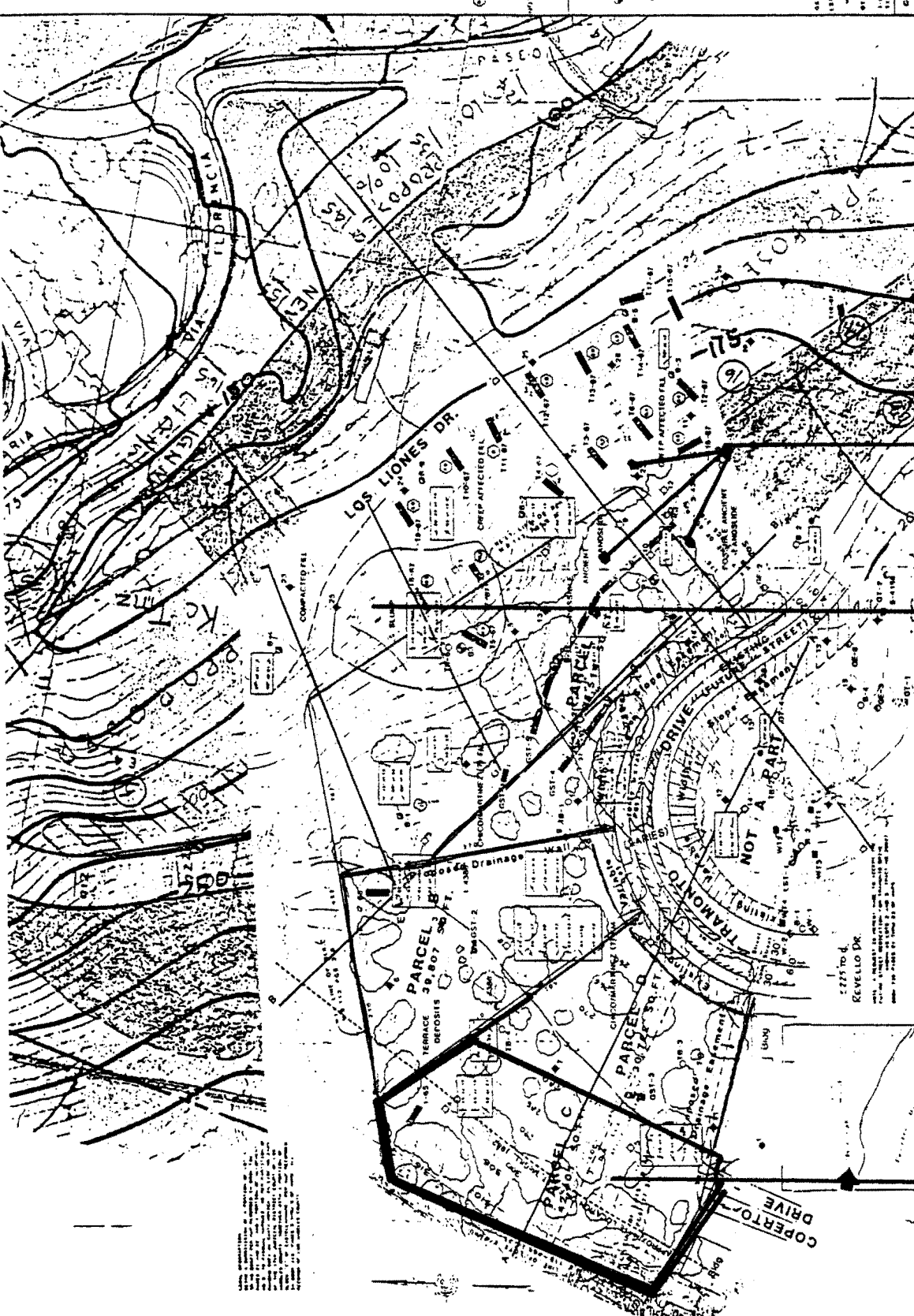
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COASTAL COMMISSION

5-97-030-A1

EXHIBIT # 1

PAGE 1 OF 1



NO SCALE

EXHIBIT 7
32

COASTAL COMMISSION
5-97-030-A1

EXHIBIT # 2
PAGE 1 OF 1

Slump

Site

POSSIBLE ANCIENT LANDSLIDE

CC STAL 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

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COASTAL COMMISSION

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EXHIBIT # 3

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COASTAL COMMISSION

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CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

EXHIBIT # 4
PAGE 1 OF 2

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET
ROOM 1800
LOS ANGELES, CA 90012-2801
(213) 580-5483
FAX (213) 580-5569

213 580 5483

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South Coast Region

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COASTAL COMMISSION

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

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 88-0789(PM)
Fish and Game: Exempt
Legal Description: Parcels A, B, C,
and D, PM 5938

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

CASE NO. CDP 97-014

EXHIBIT # 4
PAGE 2 OF 2

PAGE 2

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
MAYORDEPARTMENT OF
CITY PLANNING
221 N. FIGUEROA STREET
LOS ANGELES, CA 90012-2801CITY PLANNING
COMMISSIONPETER M. WEIL
PRESIDENTJORGE JACKSON
VICE-PRESIDENTRODGER M. LANDAU
MITCHELL B. MENZER
SUSAN OAKLEYROBERT L. SCOTT
DARRELL E. WALKER
CHESTER A. WIDOMGABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 580-8234EXECUTIVE OFFICES
16TH FLOORDON HOWE
DIRECTOR
(213) 580-1160FRANKLIN P. EBERHARD
DEPUTY DIRECTOR
(213) 580-1163GORDON B. HAMILTON
DEPUTY DIRECTOR
(213) 590-1185ROBERT H. SUTTON
DEPUTY DIRECTOR
(213) 580-1167

FAX: (213) 580-1176

INFORMATION
(213) 580-1172DECISION DATE: March 6, 2001APPEAL Period ends: March 21, 2001

Board of Public Works (with file)

David Ronen (O)
202 N. Crescent Drive, #2
Beverly Hills, CA 90212Jeffer, Mangels, Butler, Marmaro, LLP (R)
2121 Avenue of the Stars, Tenth Floor
Los Angeles, CA 90067-5010
attn: Ben M. ReznikRECORDED 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) 977-8063
VAN NUYS - 6251 VAN NUYS BLVD., 1ST FLOOR, VAN NUYS 91401 - (818) 756-8330

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

COASTAL COMMISSION

5-97-030-A1

EXHIBIT # 5
PAGE 1 OF 5

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 recompactd 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,

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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
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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.

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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
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

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COASTAL COMMISSION
5-97-030-A1

EXHIBIT # 5
PAGE 5 OF 5

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
5-97-030-A1

EXHIBIT # 6
PAGE 1 OF 2



GeoSoils Consultants Inc.
GEOTECHNICAL • GEOLOGIC • ENVIRONMENTAL

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

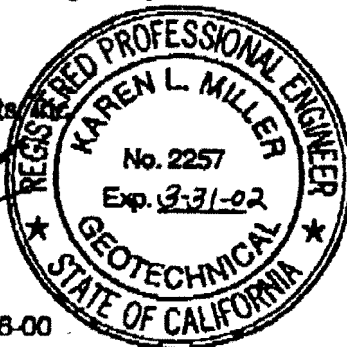
Dear Mr. Ronan:

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, Inc.


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
5-91-030-A1

EXHIBIT # 6
PAGE 2 OF 2

CITY OF LOS ANGELES
CALIFORNIARICHARD J. RIORDAN
MAYOR

COMMISSIONERS

JOYCE L. FOSTER
PRESIDENTMABEL CHANG
VICE-PRESIDENT

LEE KANON ALPERT

JEANETTE APPELGATE

NANCY H. ZAMORA

DEPARTMENT OF
BUILDING AND SAFETY
400 CITY HALL
LOS ANGELES, CA 90012-4000TIM TAYLOR
GENERAL MANAGERRICHARD E. HOLGUIN
EXECUTIVE OFFICER

May 28, 1998

Log # 24419

C.D. -

SOILS/GEOLOGY FILE - 2

Mr. & Mrs. David Ronan c/o
Albert Mikaelian
4181 Sunswapt Dr.
Studio City, CA 91604COASTAL COMMISSION
5-97-030-A1EXHIBIT # 7
PAGE 1 OF 2TRACT: 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. Curry 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

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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.

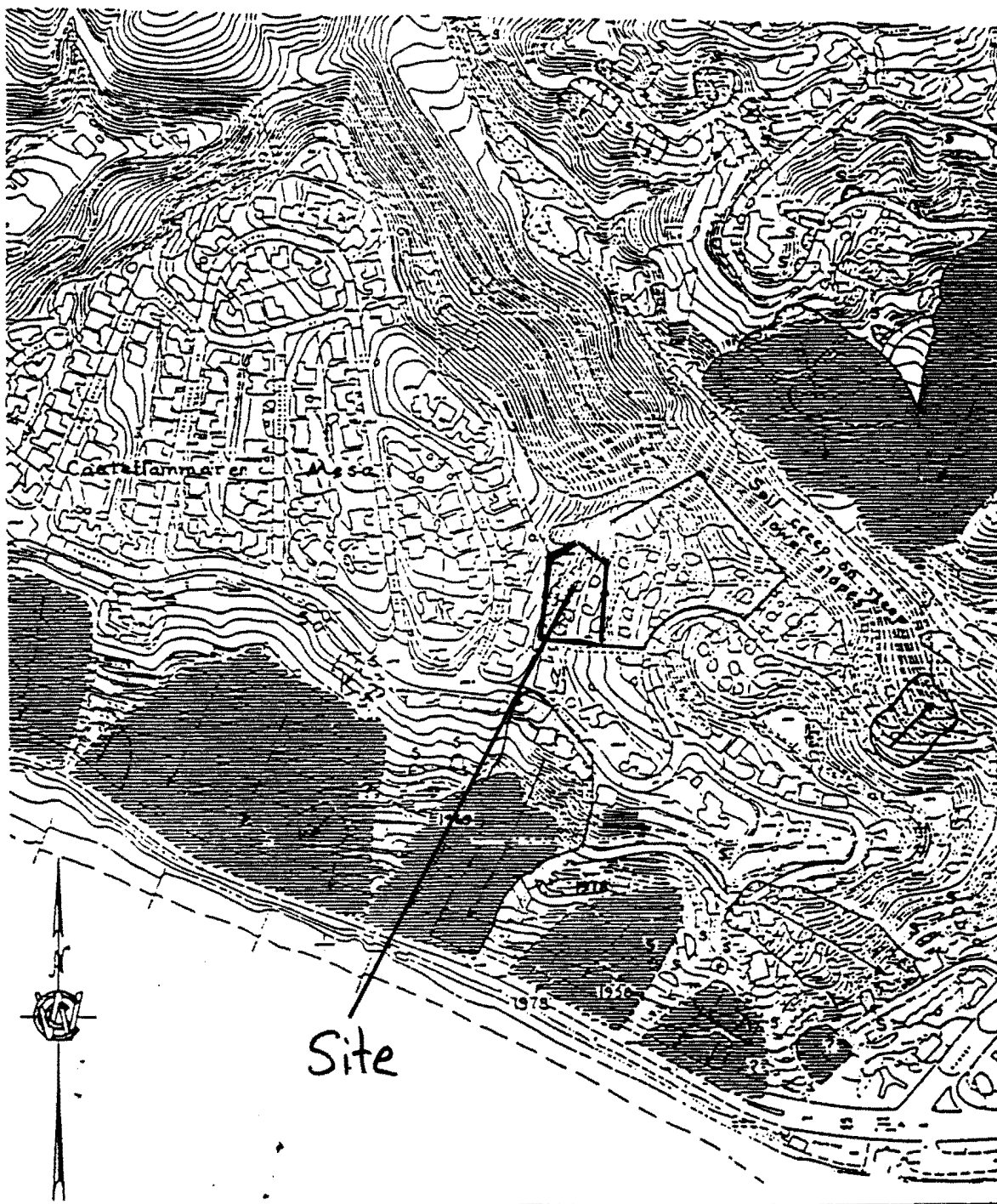
On behalf of Mr. Ronen, we ask that the Council rescind its October 13, 2000 letter opposing the development of his home and in particular the application for a parcel map modification. For your convenience, we are enclosing 25 copies of this letter to distribute to Council Members.

LADOC5266234 1

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EXHIBIT # 8PAGE 2 OF 2



GeoSoils, Inc.

Map of Prehistoric and Historic
Landslides, McGill, 1982

DATE	2/87	W.O. NO. 2275-VN	BY
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Soil Mechanics • Geology • Foundation Engineering

COASTAL COMMISSION
5-97-030-A)

6-11-86

EXHIBIT # 9
PAGE 1 OF 1

NO SCALE

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



12 July 2001

GEOLOGIC REVIEW MEMORANDUM

To: Aaron McLendon, Coastal Program Analyst
From: Mark Johnsson, Senior Geologist
Re: Ronen amendment (5-97-030-A1)

At the request of the Commission, I have reviewed numerous materials related to the CDP amendment cited above. The most pertinent documents, and the ones on which this review is based, are the following:

- 1) GeoSoils 1987, "Supplemental geologic and soil engineering study, Parcel Map 5938, Tramonto Drive Parcel, Pacific Palisades, California", 45 p. geotechnical report dated 5 August 1987 and signed by W. A. La Chapelle (CEG 1311), W. A. Ciridon (RCE 30313) and G. R. Larson (CEG 161).
- 2) Los Angeles City Planning Department 1988, "Final Environmental Impact Report: Preliminary parcel map and coastal development permit for the division of one lot into four legal parcels on 4.53 net acres zones RE15-1-H at 17455 Tramonto Drive in the Pacific Palisades area", p. Final Environmental Impact Report dated October 1988 and signed by Los Angeles City Planning Department Environmental Review Section.
- 3) GeoSoils 1996, "Geotechnical update letter, Lots B, C, and D, Parcel Map 5938, 17455 and 17463 Tramonto Drive, Pacific Palisades, California", 3 p. geotechnical letter report dated 26 September 1996 (revised 23 October, 1996) and signed by J. L. Van Meter (CEG 2031) and W. A. Ciridon (GE 217).
- 4) GeoSoils 1997, "Geotechnical remediation, Lots A, B, C and D, parcel map 5938, 17455 Tramanto Drive, Pacific Palisades, California", 2 p. geologic letter report dated 26 November 1997 (revised 22 December 1997) and signed by G. R. Larson (CEG 161).
- 5) GeoSoils 1998, "Dewatering system, P.M. 5938, 17455 Tramanto Drive, Pacific Palisades, California", 2 p. geologic letter report dated 17 April 1998 and signed by G. R. Larson (CEG 161).
- 6) GeoSoils 1998, "Update geologic and geotechnical engineering study, Lot C, Parcel Map 5938, 222 Coperto Drive, Pacific Palisades, California", 16 p. geotechnical report dated 1 April 1998 and signed by J. L. Van Meter (CEG 2031) and W. A. Ciridon (GE 217).
- 7) Harvey A. Goosman 1999, "Grading and drainage plan, 222 Coperto Drive, Pacific Palisades, California", 1 p. grading and drainage plan dated 20 November 1999 and signed by H. A. Goodman (CE).
- 8) GeoSoils 2000, "Grading, Lot C, Parcel Map 5398, 222 Coperto Drive, Pacific Palisades, California", 1 p. geologic review letter dated 28 February 2000 and signed by K. L. Miller (GE 2257).

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9) Michael, E.D. 2001, "Preliminary review of ground-water data, 222 Coperto Drive, Lower Tramonto Drive area, Pacific Palisades, City of Los Angeles, California", 4 p. Geotechnical review dated 24 May 2001 and signed by E. D. Michael (CEG 157-HG 574).

10) GeoSoils 2001, "222 Coperto Drive, Pacific Palisades (Ronen), Parcel D, Parcel Map 5938, California", 4 p. geologic letter report dated 9 July 2001 and signed by G. R. Larson (CEG 161).

In addition, I have spoken several times with Mr. Jack Allen, who has raised concerns regarding both the stability of the parcel and the amount of grading that has taken place on the parcel, and with Mr. George Larson, geotechnical consultant for the applicant. I have had the opportunity to visit the site, where I met with Mr. Allen, Mr. Larson, and the applicant. In addition, I have reviewed a series of historic aerial photographs provided by Mr. Allen. This memo is to address three principal questions. First, did grading in excess of that stipulated in the EIR (reference 2) occur? Second, if the grading occurred, was it necessary to develop the site for the construction of one single-family residence? Finally, will the site be stable and safe from sliding as developed.

The final EIR (reference 2), the basis of CDP 5-97-030 permitting the subdivision of the original 4.53 acre lot, called for a total of 300 cubic yards of grading on all four subdivided lots. This grading, 75 cubic yards per lot, was to allow for the construction of driveways. The houses themselves were to be built on caissons and would require little if any grading. This was clearly stipulated in the reference (1) and in the EIR. Nevertheless, the grading and drainage plan developed for Lot C, the subject lot (reference 7), clearly indicates that approximately 3200 cubic yards of grading was to be carried out in order to create a substantial flat pad. The update geologic report (reference 6) calls for three retaining walls to retain the slopes created by this grading. The cross section presented in reference (6) shows both the pre-existing topography and a proposed final grade, and the grading plan adopted (reference 7) conforms to this cross section. On my site visit, it was clear that grading had been carried out in substantial conformance with references 6 and 7. Thus, the answer to the first question is that yes, grading far exceeding that stipulated in the EIR did occur. It is my understanding that the applicant does not deny this fact.

Reference (1) clearly indicates that development could occur on lot C (as it could on lots B and D) without substantial grading. I concur with this assessment; houses supported on properly designed caissons can resist the type of soil creep to be expected in the upper soil layers on steep slopes such as at the subject site. Reference (8), however, indicates that

"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."

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I cannot concur that 3200 cubic yards of grading was necessary to direct drainage away from the structure and convey it away toward sumps and, ultimately, to the public storm sewer system. Further, while I do agree that some distress from soil creep might occur to flat-work and driveways, such distress and the ensuing necessary maintenance is generally acknowledged for any hillside development. Retaining walls must be implicitly designed to resist these downslope forces, as is common practice—a properly designed retaining wall will not be placed at risk by soil creep. Accordingly, I cannot concur that the grading was necessary to protect development from geotechnical hazard as suggested in reference (8). As indicated in reference (1) and the EIR, the house could have been built on caissons on the subject lot with minimal grading.

The stability of the lot has been questioned by Mr. Jack Allen. He refers to the long history of geologic studies undertaken on the 4.53 acre parcel prior to subdivision, and the concern expressed that a large ancient landslide may lie adjacent to and on the site. Mr. Allen presented Commission staff with a set of historic oblique aerial photographs, dated 1924 and 1947 showing an arcuate scarp-like feature that exhibited some minor rilling. This feature is roughly coincident with the curve in Tramanto Drive. It and a similar bowl-shaped feature on the subject site was the subject of much discussion through several geologic reports summarized in reference (1). Mr. John McGill identified this feature as a "possibly prehistoric landslide" containing a smaller prehistoric landslide within it, when he compiled a "preliminary map of landslides in the Pacific Palisades area," published by the U.S. Geological Survey in 1959. In 1973, a revised version of this map was published and these slides were deleted. They similarly are not shown on the final 1982 version of the map. As discussed in the appendix to reference (1), Mr. McGill was contacted to discuss the reason first for his identification of the features as possible landslides on the 1959 map, and for the deletion of the features from subsequent maps. According to reference (1), Mr. McGill discussed the reason for the original designation in a June 18, 1982 letter to Mr. Charles A. Yelverton:

"...the lower bowl-shaped part of the Ocean Woods area was labeled with the symbol for a prehistoric landslide, "based on geologic evidence and(or) on topographic expression..." In this case it was based on topographic expression. An additional symbol indicated that the feature was modified by grading operations. The upper part of the Ocean Woods area was shown as a "questionable area," which was defined in the map explanation as a "possible prehistoric landslide based mainly on inconclusive topographic evidence."

As a result of geotechnical studies undertaken between 1959 and 1968, new information became available to Mr. McGill. As he states in his June 18, 1982 letter:

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"Between 1959 and 1968 extensive subsurface investigations were conducted in the Ocean Woods area by Pacific Soils Engineering, Inc...and they reported that they found no evidence of past landsliding. Mainly for that reason I showed no landslide in the area on an updated (to June 30, 1969) and revised map of the landslides in the Pacific Palisades (Map MF-471, 1973)..."

Subsequently, a potential slide plane was, in fact identified by GeoSoils (reference 1). According to Mr. George Larson, the applicant's geotechnical expert who also was responsible, in part, for the 1987 report, this slide plane was highly equivocal. Nevertheless, he identified it as a potential hazard, mapped it through extensive borings (many of them off site), and modeled the stability of the slope above the slide plane. A minimum factor of safety of 1.8 static, and 1.2 pseudostatic, was calculated for this slide plane. In addition, a smaller surficial landslide was encountered on what is now Lot A. Reference (1) recommended its removal and recompaction, and the establishment of a "no structure" setback zone around it. In addition, the report called for a dewatering system consisting of either horizontal drains or pumping wells. These recommendations are reiterated in reference (3). This remedial work would be required for the development of lot A, but as is clearly indicated in references (4) and (5), development of the other lots could proceed regardless of the installation of a dewatering system on lot A. These lots are set back far enough from the steep slopes on lot A that, according to Mr. Larson, they would not be affected by instability of lot A. In fact, three of the recommended four horizontal drains were installed; the fourth one would have been installed beneath the remediated shallow landslide. Neither this remedial grading nor the horizontal drain were ever carried out or installed.

E.D. Michael, consultant geologist to Mr. Allen, prepared a report (reference 9), in which he questioned the stability analysis presented in reference (1), primarily due to perceived inadequacies in the location of the ground water table and to an unusual configuration for the hypothetical slide plane. In response to my questions on these issues, Mr. Larson prepared a summary letter (reference 10) explaining what borings were used to constrain the slope stability analysis in reference (1). Although I agree with Mr. Michael that better delineation of the ground water table would provide a more accurate analysis, the slide plane appears to be fairly well constrained by borings taken out of the plane of the section. Further, given the distance of Lot C from the steep slopes on Lot A, I concur with Mr. Larson that development on Lot C (the subject lot) will not be at risk from movement on this feature. Accordingly, it is my opinion that the development on Lot C is not subject to geologic instability, and is consistent with section 30253 of the Coastal Act.

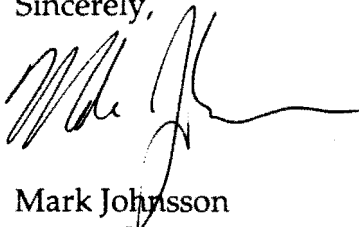
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To summarize; it is my opinion that the answers to the three questions posed by the Commission are as follows: 1) Grading far in excess of that stipulated in the final EIR was, in fact, carried out at the site; 2) This grading was not necessary to ensure stability of the development but rather was carried out to produce a large flat building pad; and 3) Nevertheless, the development as proposed would be safe from geologic instability.

I hope that this review is helpful. Please do not hesitate to contact me with any additional questions.

Sincerely,



Mark Johnsson
Senior Geologist

COASTAL COMMISSION
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