

## Hill's Slippage Began Eons Ago; Now Begins the Finger Pointing

Tony Saavedra and Iris Yokoi, The Orange County Register

***Slide: The toppled homes sat upon an ancient landslide and 275,000 tons of fill dirt.***

The steep slope that collapsed in Laguna Niguel early Thursday started sliding more than a decade ago, before the crumbled hilltop homes were even built.

County officials in the late 1980s stalled construction of the Niguel Summit project for months, until developers proposed a plan to brace the hillside with underground caissons or concrete pillars.

The caissons, approved by county engineers, were no match for a slope that lawyers say was weakened by an ancient landslide and 275,000 tons of fill dirt.

"They felt the caissons were adequate to hold the slope based on... their analysis. Their analysis was wrong," said Wesley Davis, an attorney representing five homeowners along Via Estoril.

Court records, interviews and planning documents reveal that the 125 foot-high slope has long bedeviled Niguel Summit developers. Hon Development Co. and the now-defunct J.M. Peters Co. were major political and development forces in the '70s and '80s. Soils consultant Leighton & Associates and others also worked on the 1986 project.

The development in recent years has generated more than a half-dozen lawsuits by residents of the damaged condominiums at the foot of the hill and owners of the \$500,000 homes atop the slope.

Some of the companies, in turn, have filed cross-complaints attempting to pass the liability to each other.

"We had the best soils engineers and geologists that money can buy," said Barry G. Hon, founder of Hon Development. "The county signed off on it. We did everything we could do. But once in a while, bad things happen."

Capital Pacific Holding in Newport Beach, which took over J.M. Peters in 1992, said in a brief statement that insurance companies for Hon and Peters would pay relocation costs for residents moved since December because of fears that the hill wouldn't survive the El Nino-fueled storms.

Davis said the county should have done more to review the geotechnical plans submitted by developers after the hill first gave way during construction.

Thomas Mathews, director of the county Planning and Development Services Department,

said he and his staff are researching the project to try to provide some answers.

"I don't know what happened at Niguel Summit," he said. "We'll be working with city of Laguna Niguel engineers. Anything we can do to provide clarity here."

Lawyers for the homeowners allege the project was constructed atop the clay and sandstone remnants of an ancient landslide, three to five times larger than Thursday's slippage.

Moreover, developers made the hill 15 times steeper than its original slope by adding 275,000 tons of soil, said Thomas E. Miller, who represents residents in the 41-unit Crown Cove condominium complex.

"It was both to increase the view and to build more homes so they could make more money," Miller alleged.

Court records indicate that Hon Development and LNP Partners Ltd. were responsible for the main grading on the project. J.M. Peters built the individual homes.

Lumsdaine Construction was hired to do the grading, under supervision of Frank H. Clark, court documents said. Leighton & Associates, one of the county's most prominent geotechnical firms, did the soils engineering.

During construction, cracks and damage appeared in the condominiums along Crown Valley Parkway, indicating the hill was failing, Miller said.

County officials "red-tagged" the construction until Leighton came up with a plan to shore up the slope.

Miller said that was the first mistake.

"When you bring back the soils engineer who created the problem in the first place, you're not going to fix the situation," Miller said.

Yet even attorneys for the various homeowners can't agree on what caused Thursday's slide.

Miller blamed the disaster on the tons of fill dirt, saying developers did not pack it firm enough to keep it from sliding.

He also alleged that the caissons were not placed deep enough. Miller's soils expert, Atwood Singh, concluded Thursday that the slide occurred 30 feet below the caissons.

The pillars, meant to keep back the hill, actually increased the force of the slide into the condominiums by allowing pressure to build, Singh reported.

Attorney Davis said the slippage had more to do with the ancient landslide than the fill dirt.

"At this point, it's Monday Night quarterbacking and trying to guess," he said.

Mathews said that the general, "landslides are a part of the normal geological reality in south county," just as Huntington Beach as problems with flooding.

To address these concerns, grading and other procedures are thoroughly reviewed and approved by engineers and planners well-trained in those areas, he said.

"We try to ensure these developments are safe and consistent with the codes," Mathews said. "And these codes were written with the best knowledge we have about the geology."