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STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
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RECORD PACKET COPY

Filed: 8/30/96
49th Day: 10/18/96
180th Day: Waived
Staff: A. Padilla
Staff Report: 3/12/96
Hearing Date: 4/8-11/97
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-294

APPLICANT: Dr. Mohamed Nasr AGENT: Vahram K. Jebejian

PROJECT LOCATION: 2273 Warmouth Street, San Pedro

PROJECT DESCRIPTION: Construct a 12-foot high, 70-foot long retaining wall on the bluff face; deposition of fill on the bluff; extension of cement patio over the bluff face to the the wall; stepped side walls running perpendicular to the retaining wall. Construction also includes an approximately 720 square foot wood deck with wooden stairway leading from the patio down to the deck; 450 square foot lawn area located at the base of the wall; planter; approximately 3.5 foot high retaining wall on the bluff immediately seaward of the deck and lawn area; and pipe and board retaining structures seaward of the lower retaining wall, on a 10,220 square foot lot currently improved with an existing 2,665 square foot single-family residence with attached 693 square foot garage, patio cover, swimming pool and cement patio that covers the majority of the rear yard area.

Lot area:	10,220 square feet
Building coverage:	3,385 square feet
Zoning:	R1-1
Plan designation:	Low Density

LOCAL APPROVALS RECEIVED: Approval in Concept; Convenant and Agreement Regarding Maintenance of Building; County Beaches and Harbors approval letter, dated December 11, 1996.

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP; Coastal Development Permit: #5-95-140(Nasr), #5-85-460(Dinsmore).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends denial because the development raises a precedential issue of extending flat bluff top development over a natural bluff face by fill and artificial construction and would substantially alter the natural landform and create geologic instability.

STAFF NOTE: While the applicant has submitted information contending the retaining wall is needed for existing development stability, staff concludes it was built so that the backyard could be extended seaward artificially and that other amenities could be built over the bluff face. The applicant's own geologist indicates that the wall supports the fill placed without a permit.

The proposed project was originally scheduled for the January 1997 Commission hearing. The applicant postponed the hearing to prepare a response to the staff report and recommendation. The project was rescheduled for the April 1997 hearing.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act.

IV. Findings and Declarations.

A. Project Description

The applicant proposes to construct a 12-foot high, 70-foot long retaining wall on the bluff face; deposit fill over the bluff face; extend cement patio by 1,050 square feet over the bluff face; extend side retaining walls down the bluff face running perpendicular to the 12-foot high retaining wall. Construction also includes a 720 square foot wood deck with wooden stairway leading from patio down to the deck; 450 level lawn area on the bluff face and seaward of the retaining wall; lower 3.5 foot retaining wall on the bluff face seaward of the wood deck and lawn area; and a pipe and board retaining structure seaward of the lower wall. The proposed project is located on a 10,220 square foot lot currently improved with an existing 2,665 square foot single-family residence with attached 693 square foot garage, patio cover, swimming pool, cement patio and side retaining walls (see Exhibit #1).

The proposed project was constructed in 1994 without the benefit of a Coastal Development Permit nor City permits. Commission staff was notified of the development by one of the applicant's neighbors. After a thorough investigation and search of Coastal Commission and City of Los Angeles' records, staff determined that the development was unpermitted. The Property owner was notified and a Coastal Development Permit was subsequently submitted by the applicant.

The proposed site is a 10,220 square foot lot located on Warmouth Street in the San Pedro area of the City of Los Angeles. The northern half of the lot, where the existing residence and swimming pool are located, is level. Approximately 62 feet south of the residence the lot begins to slope at a 1:1 gradient. The slope descends for approximately 170 feet down to the rocky beach.

The applicant contends that a retaining wall was existing in the same location as the new 12-foot retaining wall and the applicant simply improved the wall by increasing the height by approximately 3 feet. The wood deck and stairway was constructed prior to increasing the height of the wall. After the wall was increased in height the applicant deposited fill behind the wall, extended the cement patio slab, added to the wood deck, added landscaping, and constructed a lower retaining wall (See Exhibit #3).

The applicant states that the reason for extending the height of the wall was to address erosion problems caused by water leakage from the previously existing solar panels. The applicant states that the panels were damaged by the November 18, 1994 Northridge earthquake.

The project is sited within the jurisdiction of the City of Los Angeles and the County of Los Angeles. The cement patio extension, 12-foot high retaining wall and approximately 6 feet of the wood deck and lawn area are under the jurisdiction of the City of Los Angeles. The remaining southern portion of the applicant's property, which includes the southern 5 to 10 feet of the wood deck and lawn area, and the 3.5 foot retaining wall, lies on property owned by and within the jurisdiction of the County of Los Angeles (see Exhibit #2).

The City of Los Angeles has issued an "approval in Concept" for that portion of the project that lies within the City's jurisdiction. As part of the grading approval the City required that the applicant sign and record a "Covenant and agreement Regarding Maintenance of Building". The document was recorded by the Los Angeles County Recorder's office on April 12, 1996.

The County of Los Angeles Department of Beaches and Harbors has submitted a letter to the South Coast district office approving that portion of the project that encroaches onto their property (see Exhibit #8).

As show below, the applicant has not demonstrated that the wall is a 3 foot extension atop a pre-existing wall. For purposes of this permit the entire 12-foot wall, backfill, cement patio and other improvements south of the 12-foot wall are before the Commission as new development.

B. Development History

According to City building records, building permits were issued in 1968 for the single-family residence and swimming pool. The single-family residence and swimming pool were completed in October of 1968 based on the issuance of a Certificate of Occupancy. There are no records of retaining walls or cement patio being approved. However, according to the City, the absence of a retaining wall on the building permit is not uncommon for that period since permits routinely did not include details such as retaining wall location. Furthermore, hardscape, such as patios, do not require permits, therefore, there would be no permits on record for the patio.

In 1979, City building records indicate that solar panels, for heating the swimming pool, were added to the site. The building permit indicated that grading would be involved. The type and amount of grading was not specified. The solar panels were installed along the southern portion of the lot. The panels were sited on the descending slope south of the swimming pool and approximately 5 feet beyond (downslope from) the original edge of the cement

patio area. The panels extended perpendicularly approximately 40 feet from the western propery line. The solar panels were installed by the previous owner of the property. While placement of solar panels would have required a Coastal Development permit, there is no evidence that the owner at that time applied for a permit.

Based on the 1987 and 1993 aerial photographs and building permits the solar panels were placed approximately 5 feet beyond the edge of the original cement patio on the sloping portion of the lot. Aerial photographs clearly show the S-shape edge of the original cement patio. The original patio edge was located approximately 35 to 40 feet from the single-family residence (see Exhibit #4).

Aerial photographs indicate that the wood deck and stairway leading from the level cement pad to the deck were built between 1987 and 1993. The deck was located down slope and adjacent to the solar panels (see Exhibit #5). The stairway was located adjacent to and paralleled the western property line. While placement of the wood deck and stairway would have required a Coastal Development permit, there is no evidence that a permit was applied for. The deck and stairway were constructed by the applicant.

The 12-foot high retaining wall is located a variable distance from 13 to 18 feet seaward (south) of the original cement patio edge or approximately 10 feet seaward from the original bluff edge (see Exhibit #6).

According to the applicant, there was a retaining wall underneath and on the downhill side of the solar panels that supported the panels and cut slope (see drawing submitted by applicant, Exhibit #3). The solar panels were installed on the slope in 1979 by the previous owner. After the panels were removed by the applicant the retaining wall was increased in height to its current height of 12 feet above the slopes grade and the planter and lower 3.5 foot retaining wall was constructed.

Aerial photographs taken in 1986, 1987, and 1993 show the solar panels. However, it is impossible to determine whether or not a retaining wall or some type of supporting wall existed underneath the solar panels. However, based on the aerial photographs it is evident that if a wall did exist and supported the solar panels the wall did not extend across the entire width of the property.

Furthermore, after inspecting the wall there is no evidence to support the applicant's contention that there was a previously existing older wall and new bricks were added onto the existing wall. The entire brick wall appears to be homogenous. The masonary work (bricks and mortor) appears to be identical or uniform from top to bottom. Therefore, the entire wall appears to be new construction. There is no evidence that would support that construction was repair of an existing wall or refacing of an existing wall.

Based on the information gathered by Commission staff, the 12-foot retaining wall, fill, patio extension, side retaining walls, wood deck, stairs, planter, lawn area, and lower retaining wall all appear to be new development and constructed after the enactment of the Coastal Act and therefore requires a Coastal Development Permit.

In past Commission permit action on the site the Commission, in November 1995, approved a second story addition over the existing single-family residence [5-95-140(Nasr)]. As of this date the second story addition has not been constructed. The proposed project is physically separate from the existing residence and approved second story addition.

C. Geology

Section 30253 of the Coastal Act states:

> 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 San Pedro certified LUP designates the bluffs as a Geologically Hazardardous Area (Appendix B of the LUP). The LUP states in part that:

> New development, including additions to and remodels of existing structures, along coastal bluffs shall not be approved unless it minimizes risk to life and property, assures structural stability and integrity for the economic lifetime of the development...

The existing residential structure, which was constructed in 1968, is located on a bluff top within a level area in the northern half of the lot. The southern half of the lot slopes at a 1:1 gradient down to the rocky beach.

A geologic report prepared for the existing single-family residence by Robert Stone and Associates (1968) states that the property is underlain by an ancient landslide. The report further states that the slide-affected bedrock beneath the property showed no significant disruption and concludes that residential construction was feasible and that all permanent construction should be setback at least "10 feet from the top of the bluff".

Based on the Robert Stone and Associates report the City of Los Angeles' Building and Safety Department granted approval of the original residence with a geologic requirement that stated:

> 2. The proposed dwelling and swimming pool shall be locate behind a 42 and 31 foot clearance, respectively, from the top of the slope.

Based on site visits and a review of the site plan it appears that the dwelling and swimming pool where constructed consistent with the above setback requirement.

In November 13, 1995, a geologic report was prepared for the applicant by Solus Geotechnical Corp. The report indicates that the site is situated within the confines of a known ancient, inactive landslide, as indicated in

the Robert Stone and Associates, March 14, 1968 report). The Solus report also indicates that the landslide was inactive and stable and concludes that there are no known active landslides or significant or potentially active faults in the surrounding area.

The proposed development consists of a 12-foot high retaining wall on the bluff face along the entire 70 foot width of the property. The wall has been backfilled and raised to extend the yard area over the bluff face and covered with a concrete slab constructed at grade, level with the pool deck, and extending approximately 12-feet above the bluff face grade. Along the side property lines are stepped walls running perpendicular to the 12-foot high wall. These walls appear to be tied into the main wall. At the base of the 12-high wall, along the western half of the property, is a wood deck. The deck is raised approximately 3 feet above ground level by wood piers. Along the eastern half of the property is an approximately 3 foot high retaining wall that is backfilled and used as a planter. Immediately south of this planter is a level lawn area. An approximately 3.5 foot high block wall, topped with a wrought iron railing, is constructed seaward of the wood deck and lawn area. Pipe and board retaining structures have been constructed downslope of the lower wall.

With regards to the proposed development the Solus report indicates that the:

> ... 12 foot high retaining wall... appears to be in good condition... plumb, and free of cracks or other evidence of deterioration. . . The block cells [of the 3 foot high retaining wall (planter)] are not grouted and the wall exhibits cracking, rotation, and disrepair... The block cells of [the lower 2 foot high block wall] are not grouted... [The] stepped block wall [that] runs perpendicular to the main wall [has experienced a] large separation crack... between this wall and the main wall. The southerly end of this wall appears to be settling and creeping toward the bluff face. The pipe and board structures are constructed with plumbing pipe, rebar, fence stakes, and household lumber. They are in disrepair.

The Solus report concludes that:

> The [larger] wall appears to have been properly constructed and is in good repair. It shows no evidence of cracks, rotation, settlement, slippage or creep. The wall appears to be stable. The wall is considered an important part of the development, and is providing support for the rear yard area.

The Solus report further concludes that:

> Removal of the wall could create a hazard for the structures and could create adverse drainage conditions on the bluff face... The lesser retaining walls, the pipe and board structures, and the wood deck... do not appear to have been properly constructed. These improvements should be removed from the site...

In response to an insurance claim by Mr. Nasr, a geotechnical evaluation was conducted for Allstate Insurance. The report for Allstate was prepared prior to the Solus report. The geotechnical evaluation was conducted by AGRA Earth and Environment. The evaluation produced two reports. The first report was dated August 26, 1994 and the second was December 15, 1994.

AGRA drilled three geotechnical borings on the property. Boring B-1 was drilled behind the large retaining wall. The report indicates that from the boring it was determined that:

> ... the upper 3 feet of backfill materials were found to be compacted to only 69 percent of the maximum dry density, and the consolidation test-pressure curve shows that the material at 2 feet below the surface may continue to consolidate under normal loads; therefore, further distress associated with settlement may be expected. Downslope adjustment may also continue due to the naturally dynamic nature of near surface soils on the shorecliff.

The report further states that:

> The surficial stability of the sea-bluff was observed to be affected by erosional and slope-creep [processes]... In this area, both soils and landslide "float" outcrops were observed to be loose and unstable.
>
> The backyard improvements within the influence of the steep seacliff should be considered to be temporary and subject to ongoing creep and potential downslope failure.

The Solus report did not conduct any subsurface excavations and according to the geologist for Solus, Solus did not review the reports prepared by AGRA.

As part of the City of Los Angeles' geotechnical review of the project the City reviewed the Solus report. The City did not have the opportunity to review the AGRA reports. However, because the wall was already constructed, the City's grading department could not determine if the wall's design pressures were adequate for the area since geologic information of material behind the wall was not provided. Therefore, since the wall was already constructed and necessary geotechnical information was not available to determine if the wall was constructed properly the City decided to waive geotechnical approval upon the applicant's recordation of a "Covenant and agreement Regarding Maintenance of Building". The document, which has been recorded by the applicant, states in part that the applicant is aware that the:

> design pressures may not be appropriate and/or adequate since the geologic information of material behind the wall is not provided by our design consultant. We also recognize that the wall does not conform to code requirement in regard to the setback distance between the wall footing and the descending slope surface... Furthermore, based on field observations... rebar placement in the wall is less than that required by design calculation.

Based on the Solus and AGRA geotechnical reports it is evident that the bluff area is unstable and subject to surficial creep and erosion. Aerial photographs show that the natural slope lies 10 to 15 feet further inland from where the large retaining wall and other structures currently exist. Therefore, the improvements proposed by this permit application are located seaward and downslope of what was once the original or natural bluff edge and in an area designated in the LUP as a geologically hazardous area. Based on the geologic reports and the City's review, this area is considered as a geologically hazard area. Further compounding the potential hazard is the fact that the large retaining wall, lower walls, wood patio are not

constructed properly, as stated in the Solus report and applicant's recorded "Covenant and Agreement" document. Such construction can add additional weight to the unstable slope and exacerbate erosion.

This development raises a precedential issue of extending flat bluff top development seaward over natural bluff faces by fill and artificial construction. Such structures are inherently unstable because the underlying bluff is a structure which over time will erode. This is especially true in instances such as this where the bluff is composed mostly of landslide debris.

In past permit action the Commission has found that development on steep bluffs have been found to have the potential to significantly exacerbate the natural process of erosion in conjunction with erosion caused by wave action on coastal bluffs [5-85-460 (Dinsmore)]. Erosion rates are greater when structures are built on the bluff face. Rain water running off such structures over time tend to undercut and erode the area of the bluff immediately behind the structure. Additionally, the loss of vegetation through the altering of the natural landforms would increase the erosion potential. Moreover, the planting of ornamental landscaping, that may require frequent watering, will also increase the erosion potential.

Furthermore, the placement of structures on the bluff face could necessitate the placement of protective measures, such as gunite or additional retaining structures to protect the encroaching structures if and when they begin to fail. As stated the applicant's geologist recommends that the wood deck and lower retaining structures be removed. However, the geologist recommends that the main 12-foot high wall remain and states that remedial measures may be necessary to protect the main wall from adverse geologic conditions. Such measures would result in further alteration of the natural landform and lead to further instability of the bluff face.

Even though the geologist states that removal of the main wall would create a hazard for the structures there is no evidence provided by the applicant that subsurface exploration was conducted by or reviewed by Solus that would substantiate the statement that the main wall is necessary to protect the house and pool. Moreover, in a telephone conversation with the geologist from AGRA, who was involved with inspecting the site, the geologist stated that it was his opinion that the wall does not support the existing swimming pool and residence.

If the unpermitted fill is removed and slope restored to its predeveloped condition and revegetated with drought tolerant vegetation the removal of the wall should not create a hazard to the development or property. As currently constructed there is evidence that the bluff face is geologically unstable and that the placement of the proposed structures, as currently designed and constructed, will contribute to the existing hazard and will cause further erosion. Furthermore, there is a possibility that the structures will fail and pose a hazard to the public down on the rocky beach.

Therefore, the Commission finds that the proposed project will adversely impact the stability and structural integrity of the bluff, will contribute to erosion, will alter the natural landforms along the bluff and will likely require construction of protective devices that will substantially alter the bluff. The Commission, therefore, finds that the proposed project is inconsistent with Section 30253 of the Coastal Act and denies the proposed

project.

C. Visual Resources

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 surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified LUP states in part that:

> No building or structure shall be erected or enlarged within that portion of the Coastal Zone designated for residential use which exceeds two stories or a height of 26 feet as measured from the average existing natural grade to the highest point of the roof or parapet wall of the building, whichever is higher...

The subject property and surrounding area is designated residential. The surrounding area consists of single-family residences that were constructed in the late 1950's and 1960's. All blufftop lots are developed with single-family residences. Some of the lots have decks and retaining walls built out near or at the edge of the bluff.

At the foot of the 120 foot high bluffs is a rocky beach and Royal Palms Beach Park. From the beach one can see a number of the residential decks, walls, and fences along the bluff. Visibility of the proposed development is limited. However, all existing development along the bluff has existed prior to the Coastal Act and is located atop the bluff and does not extend down the bluff face as in this case. The approval of development on the bluff face may lead to additional homeowners constructing or applying for permits for similarly placed development. Such development will have an individual and cumulative adverse visual impact from the beach below. Although development exists and is currently limited in public visibility, the addition of additional structures on the bluff face would individually and cumulatively degrade the unique scenic and visual quality of the coastal area and furtheralter the natural landform along the bluff. Therefore, the Commission finds that the proposed project is not consistent with Section 30251 of the Coastal Act.

D. Local Coastal Program

> (a) 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.

On September 12, 1990, the Commission certified, with suggested modifications, the Land Use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these polices are those specified in the preceding section regarding geology and visual resources.

As stated in the preceding sections the proposed project is inconsistent with all relevant policies of the LUP. The Commission, therefore, finds that the proposed project is inconsistent with the LUP and with the Chapter 3 policies of the Coastal Act and will prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. Unpermitted Development

Recent site improvements include two bluff face retaining walls, fill, stairs, a wood deck and a cement patio extension, along the upper portions of the descending slope, south of the existing residence. These recent improvements are physically separate from the existing residence and the proposed second story addition. There are no records of permits issued for this recent development. Therefore, the Commission finds that the existing development was placed without a coastal development permit, thus it is unpermitted. and staff is currently investigating this development as unpermitted development. As demonstrated in the preceding sections the CCC has found the proposed project to be inconsistent with Sections 30251 and 30253(b) of Chapter 3 of the Coastal Act. The project is already built and is causing ongoing adverse impact on the coastal resources of the area where it is located. The existing structures are contributing to the hazardous nature of an identified unstable bluff area.

Although unpermitted development has taken place elsewhere on the property 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. Action on of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

There are negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found inconsistent with CEQA and the policies of the Coastal Act.

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EXHIBIT NO. 1

APPLICATION NO. 5-95-294

Vicinity Map

California Coastal Commission

VICINITY MAP

5-95-140

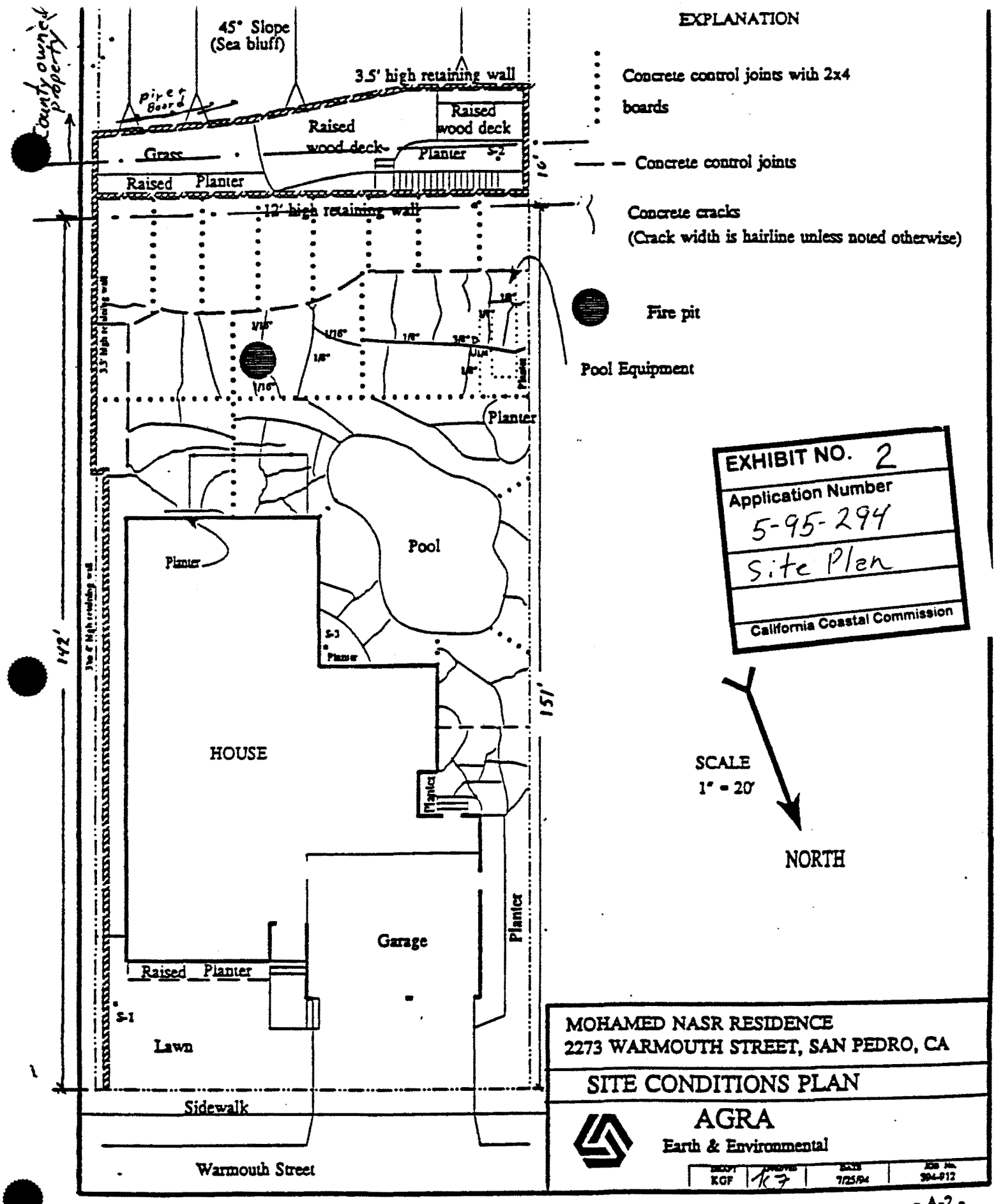


EXHIBIT NO. 2
Application Number
5-95-294
Site Plan
California Coastal Commission

Job No. 394-912 - August 26, 1994

10. AL PADILLA COST. COM. FAX [illegible]

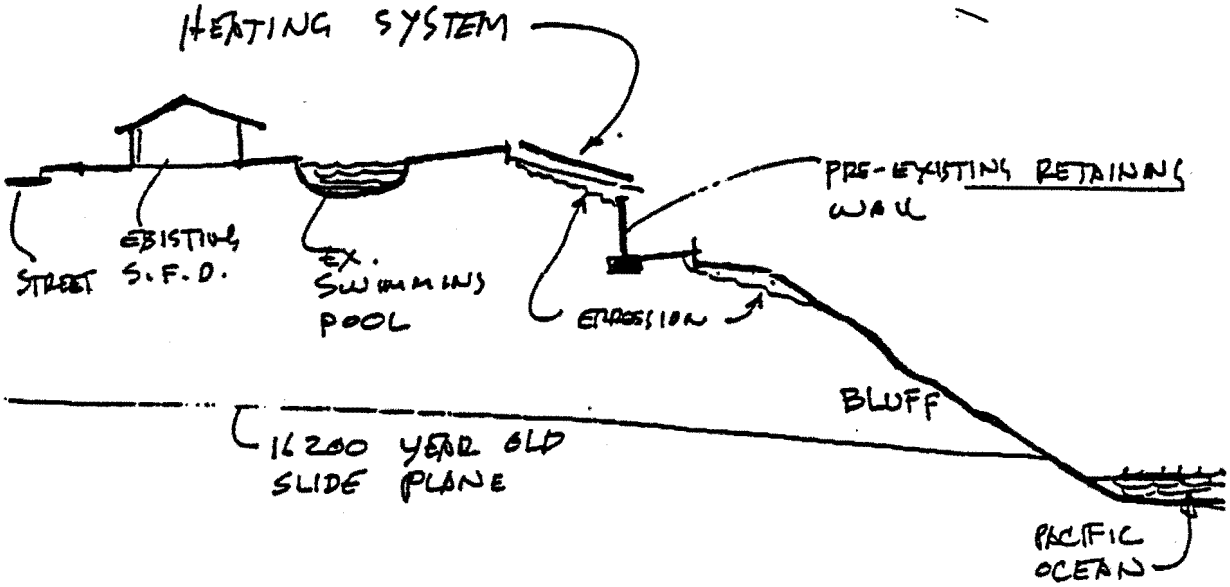
FROM: NOTES : V.K. JIM.

V.K. JEBEJIAN PHONE 818.352 3503
PAGER " 563 0458
FAX " 352 8865

EXHIBIT NO. 3 pg.
Application Number 5-95-294
Applicant's Submittal Diagram
California Coastal Commiss

PRIOR TO 2/10/94 &
SUBSEQUENT TO 1/94 EARTHQUAKE

(1) DR NASR, WHO LIVES FULL TIME @ ILL. & PART TIME IN CALIFORNIA, WAS NOTIFIED BY HIS GARDNER OF EQ DAMAGE TO HIS SWIMMING POOL SOLAR HEATING SYSTEM



(2) HE TOLD GARDNER TO SHUT OFF POOL EQUIPMENT WHICH HAD EMPTIED WATER FROM POOL TO SLOPE & BLUFF : CAUSING EROSION NEAR THE CENTER OF HIS PROPERTY.

(3) SHORTLY THEREAFTER HE RETURNED TO HIS CALIFORNIA HOME (SUBJECT PROPERTY @ 2273 W. KILMOUTH ST. SAN PEDRO CA 90732) &

(4) HE THEN VISITED L.A.S. ANGELES DEPARTMENT OF BUILDING & SAFETY TO REQUEST BLDG PERMITS TO DO REPAIR WORK NECESSARY TO PREVENT FURTHER DAMAGE TO HIS PROPERTY.

NASR PI/2

EXHIBIT NO. 3 P92
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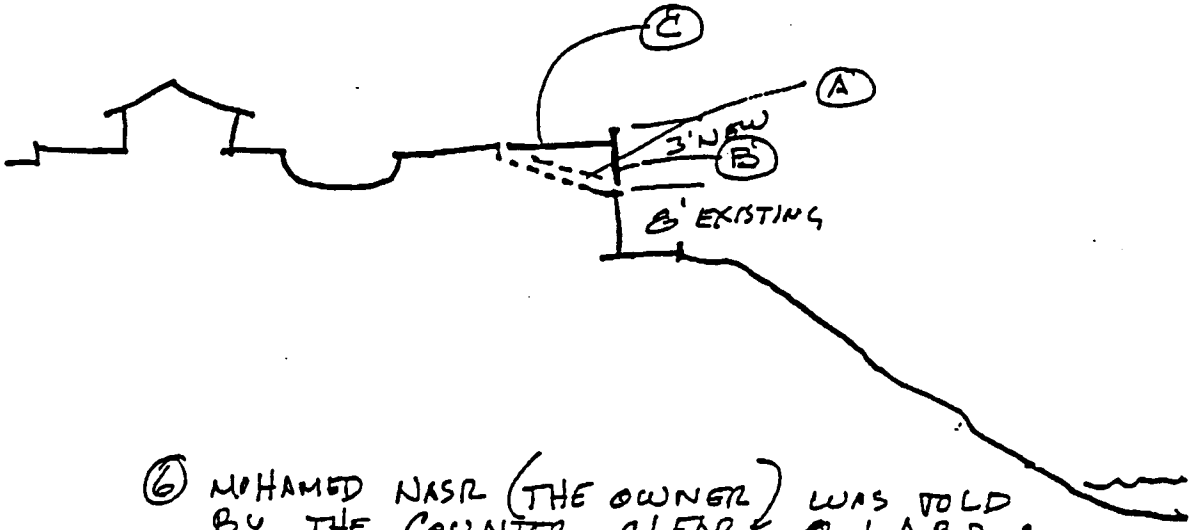
California Coastal Commission

(5) THE REPAIR WORK MOHAMED FELT NECESSARY WAS :

A. REMOVE SOLAR PANELS (DAMAGED BY EQ 94 TO ELIMINATE FURTHER POTENTIAL HAZARD)
B BUILD ~ 3' OF RETAINING WALL
C PAVE AREA ABOVE WALL & DRAIN TO STREET TO REDUCE SURFACE DRAINAGE TO THE BLUFF & NEGATE FUTURE EROSION TO BLUFF.



(6) MOHAMED NASR (THE OWNER) WAS TOLD BY THE COUNTER CLERK @ L.A.B.D. :

A "PERMITS FOR WALLS LESS THAN 3' ARE NOT REQUIRED"

B "PAVING ON GRADE DOES NOT REQUIRE PERMIT"

(7) ∴ MOHAMED RETURNED TO WARMOUTH & COMMENCED CONSTRUCTION W/ WORKERS.

(8) HIS NEIGHBOR TO THE EAST, CALLED ALL PARTIES INVOLVED & COMPLAINED OF HIS ACTIVITIES.

(9) BEGIN NOW THE CHAIN OF DOCUMENTS & ACTIVITIES PERTINANT TO THE COASTAL COMMISSION FILE 5-94-94 & LABD ORDER TO COMPLY # 75174/ ROBERT GARTH (SUBSEQUENTLY REPLACED BY HUANG) NEW ORDER TO COMPLY # 88293

NASR P 2/2

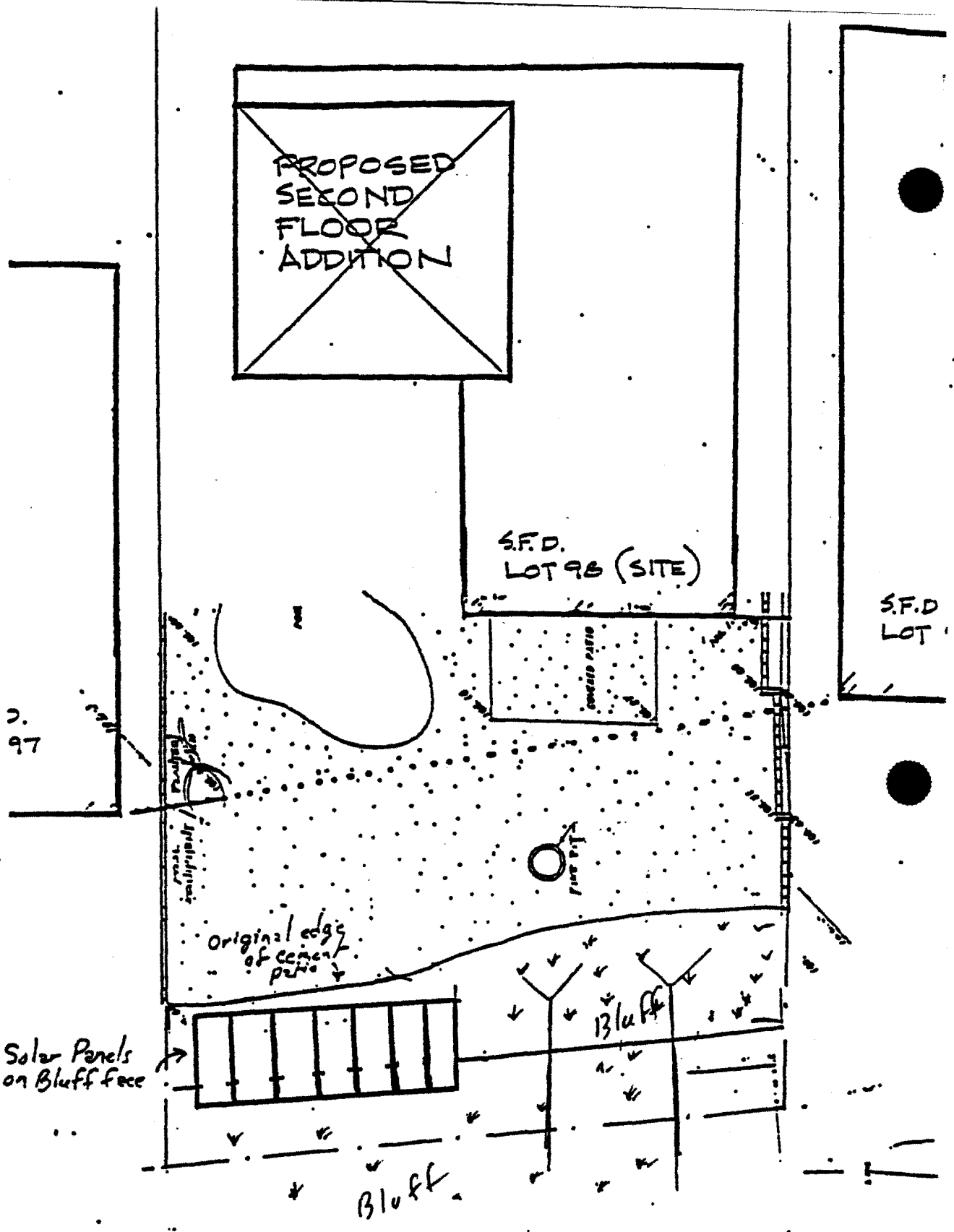


EXHIBIT NO. 4
Application Number
5-95-294
Site Plan for Development in 1979
California Coastal Commission

Site Plan for 1979

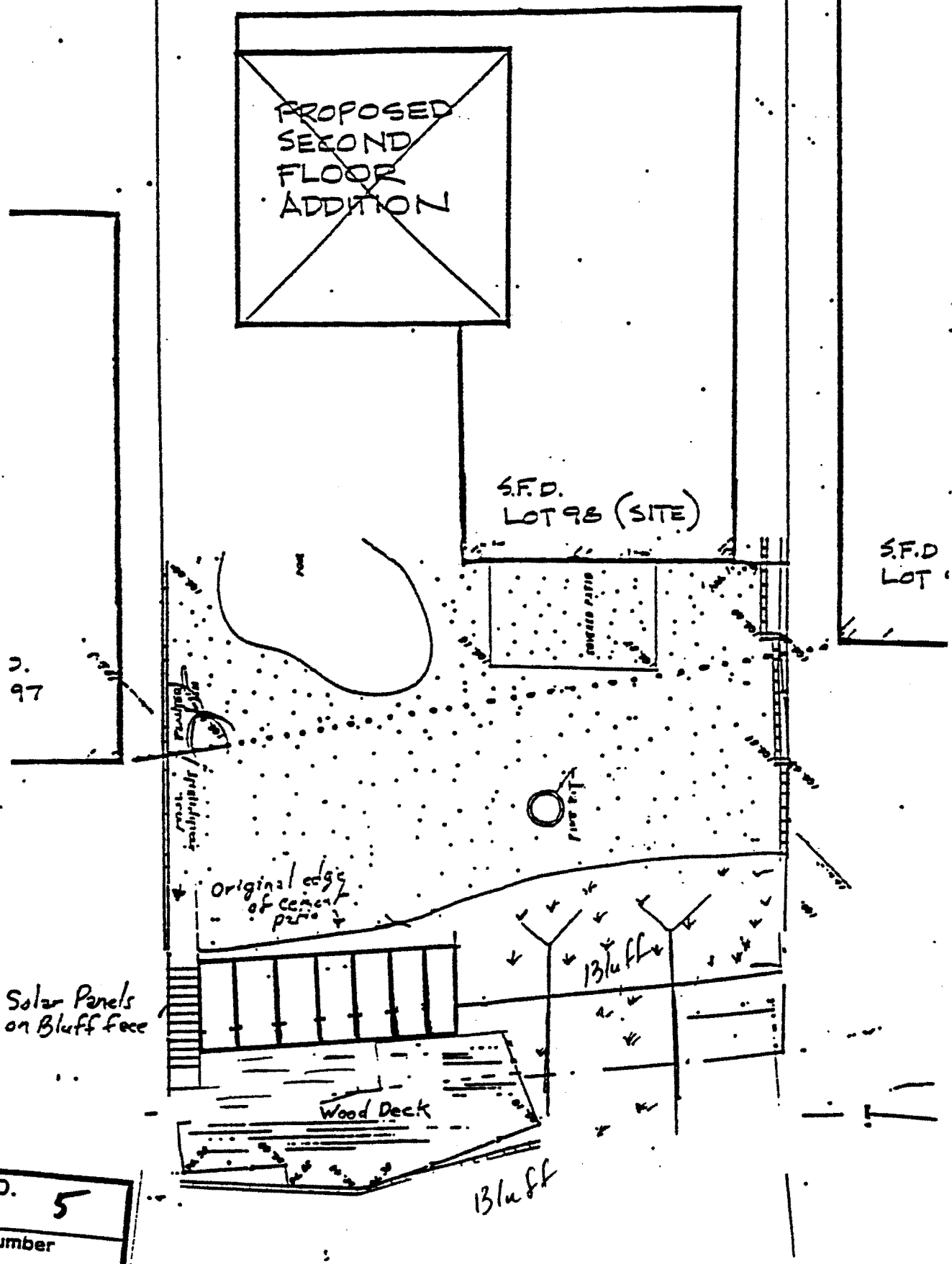


EXHIBIT NO. 5
Application Number
5-95-294
Site Plan for Development in '87-'93
California Coastal Commission

Site Plan for 1987-1993

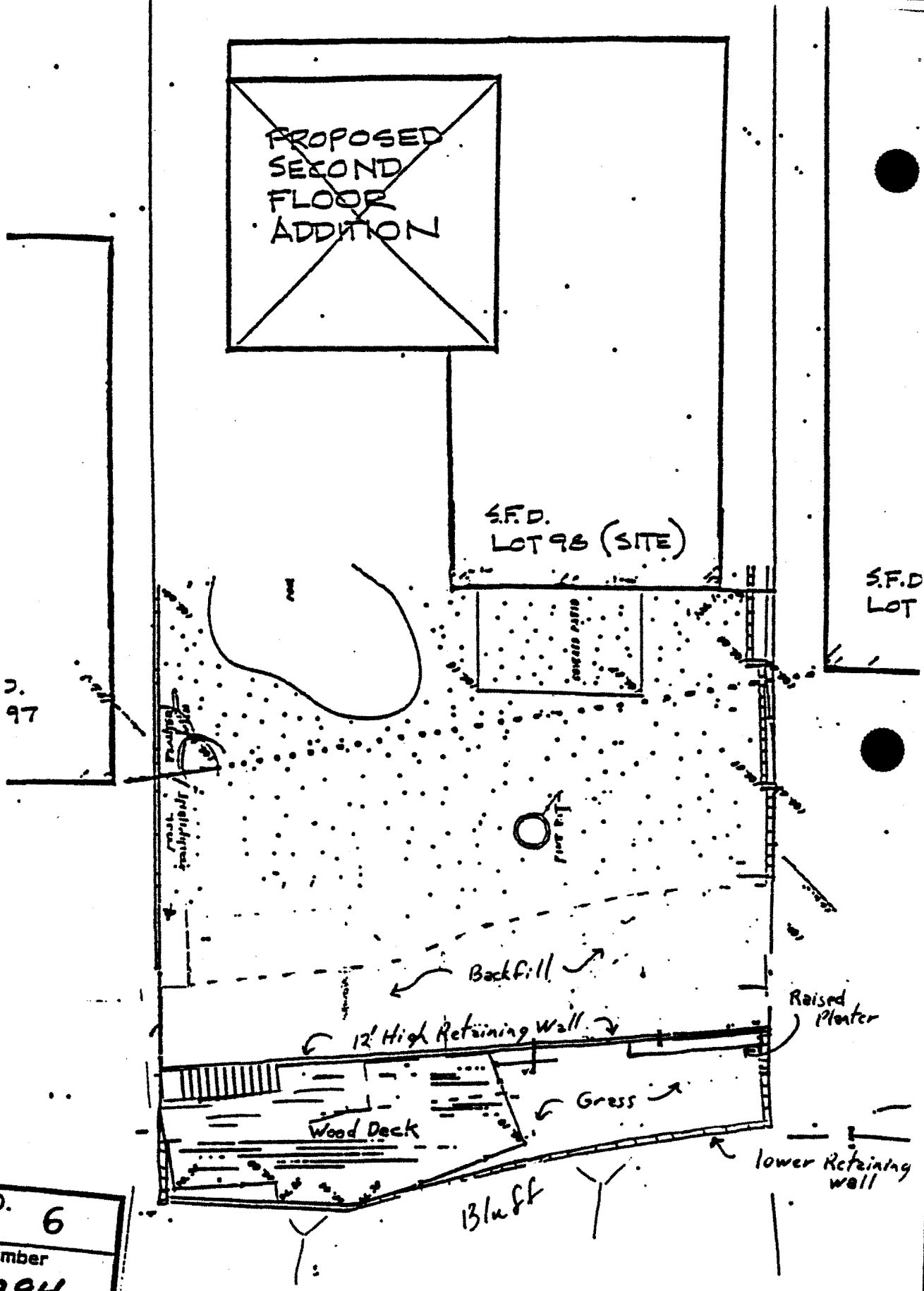


EXHIBIT NO. 6
Application Number
5-95-294
Site Plan for Development in 1996
California Coastal Commission

Site Plan for 1996 - Present

(818)248-3418
Recorded at the request of and mail to:
Lou Prato
(Name)
2900 Oakmont Av
(Address)
La Crescenta CA 91214

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
9:41 AM APR 12 1996

CALIFORNIA
COASTAL COMMISSION S
SOUTH COAST DISTRICT
DAF S2
C-20 2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT NCPF Code 19 $ 6/-
REGARDING MAINTENANCE OF BUILDING

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles, State of California.

LEGAL DESCRIPTION: Lot 98 of Tract No. 22374, in the City of Los Angeles, in the county of Los Angeles, State of California, per map

as recorded in Book 606, Page 1-7, Records of Los Angeles County, which property is located and known as (ADDRESS): 2273 Warmouth St., San Pedro, Ca. 90734

And in consideration of the City of Los Angeles allowing the continual maintenance of a 12' high x 40' long wall built without permit and inspection, at the rear yard of this property.

on said property, we do hereby covenant and agree to and with said City to We hereby acknowledge that the approximately 12ft. high by 40ft. long retaining wall at the rear of the property was constructed in 1994 without permits and City inspections. Furthermore, we concede that though the wall was designed for 30 pcf. equivalent fluid pressure and 1500psf soil bearing pressure in accordance with report prepared by Solus dated December 12, 1995, these design pressures may not be appropriate and/or adequate since the geologic information of material behind the wall is not provided by our design consultant. We also recognize that the wall does not conform to code requirement in regard to the setback distance between the wall footing and the descending slope surface.

CONTINUED ON PAGE #2

This Covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners, encumbrancers, their successors, heirs or assignees and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

Owner's Name (Please type or print) Mohamid Nasr

SIGNATURES MUST BE NOTARIZED

Signature of Owners Mohamid Nasr (Sign)

Two Officer's Signatures Required for Corporations _____ (Sign)

Name of Corporation _____

Dated this 9th day of April 19 96

(STATE OF CALIFORNIA, COUNTY OF Los Angeles)

On April 9, 1996 before me, Barbara J. Kortz, personally appeared Mohamid Nasr, personally known to me (or proved to me the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

BARBARA J. KORTZ
Comm. #1041874
Notary Public - California
Los Angeles County
My Comm. Expires Oct. 9, 1998

Signature Barbara J. Kortz

FOR DEPARTMENT USE ONLY:

MUST BE APPROVED BY Dept. of Building & Safety prior to recording

APPROVED BY _____

District Map 95 185 Branch Ofc SP

AFFIDAVIT NUMBER _____

Entered on Map by _____ DATE _____

EXHIBIT NO. 7
Application Number
5-95-294
Applicant's "Covenant and Agreement"
California Coastal Commission

page 2

RECEIVED

APR 12 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Recorded at the request of and mail to:

(Name)

(Address)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF BUILDING

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And in consideration of the City of Los Angeles allowing

Continue from page 1

We agree to disclose the above information to future buyers of this property and to hold the city harmless from any liability resulted from problems caused by this wall. Furthermore, based on field observations ~~and~~ performed by Smith Emery, rebar placement in the wall is less than that required by design calculation.

on said property, we do hereby covenant and agree to and with said City to

This Covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners, encumbrancers, their successors, heirs or assignees and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

Owner's Name (Please type or print) Mohamid Nasr

SIGNATURES MUST BE NOTARIZED

Signature of Owners (Sign)

Two Officer's Signatures Required for Corporations (Sign)

Name of Corporation

Dated this 9th day of April 1996

(STATE OF CALIFORNIA, COUNTY OF Los Angeles)

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WITNESS my hand and official seal.

BARBARA J. KORTZ
Comm. #1041874
Notary Public - California
Los Angeles County
My Comm. Expires Oct. 8, 1998

Signature Barbara J. Kortz

FOR DEPARTMENT USE ONLY:

MUST BE APPROVED BY Dept. of Building & Safety prior to recording District Map Branch Ofc

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

December 11, 1996

Mr. Al Padilla
Coastal Program Analyst
California Coastal Commission
245 West Broadway, Ste. 380
Long Beach, California 90802-4416

Dear Mr. Padilla:

COASTAL PERMIT APPLICATION #5-95-294 (Nasr)

This letter is in response to your request for a statement regarding the impact of a possible encroachment on County owned property at Royal Palms Beach. This possible encroachment involves a deck and retaining wall built at the rear of a home, owned by Mr. Mohamed Nasr, at 2273 Warmouth Street, San Pedro. It was apparently discovered because Mr. Nasr has applied for a Coastal Permit to add on to his house.

Our investigation of this matter involved a site visit, on November 5, 1996, by Mr. Greg Woodell, Planning Specialist. In addition, I walked the property boundaries of Royal Palms Beach, as they were described by the California Department of Parks and Recreation, which was the previous owner.

Mr. Woodell met with Mr. Nasr and his architect, V. K. Jebejian. Mr. Woodell reviewed the Coastal Permit Application, Mr. Nasr's improvement plans, as well as a survey and topography map supplied by Mr. Nasr. Although the County's property line cannot be easily identified on the site, it appears that Mr. Nasr's retaining wall and deck may encroach on County property. The extent of the encroachment is approximately 8 feet wide and 70 feet long. (See enclosed photograph.)

My inspection of the County's property line revealed that the County owns a near vertical, undeveloped bluff face, which extends approximately one-half mile up coast from the developed portion of Royal Palms Beach. (See enclosed map and narrative description provided by the California Department of Parks and Recreation.) The property that Mr. Nasr may have encroached on is at the top of the bluff, completely isolated from public access. There is no public access from

FAX: (310) 821-6345
(310) 305-9503 13837 FIJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: http://www.co.la.ca.us/beaches

Warmouth Street, nor are there any trails up the bluff from the rocky shoreline at the bottom, or across the bluff from either end. In fact, there is no practical recreational use of the bluff. Also, since there are no level areas at the top of the bluff, and because the State Lands Commission owns the tide and submerged lands at the foot of the bluff (there is no "beach"), the County-owned land is not developable for public recreation.

According to Mr. Nasr, the retaining wall, which may be on County property, was built in 1994 to solve an erosion problem caused by an earthquake. The County did not accept title to the property until September 15, 1995. (See enclosed Grant Deed.) When the transfer of the State beaches was negotiated, the County accepted the property with all existing easements and encumbrances. Since Mr. Nasr's wall and deck were built prior to the County's ownership, and because it was not identified as an encroachment by the State, it is a preexisting condition that the County inadvertently accepted.

Given that the extent of the encroachment, if any, would be time consuming and costly to identify, and since it has absolutely no impact on public access or the recreational use of the County's property, we do not believe it is in the public's best interest to pursue the matter further. Mr. Nasr's request for a Coastal Permit should be evaluated on the basis of its other merits alone. However, the County must reserve its right to require Mr. Nasr to remove any development that encroaches on County owned property if it is ever deemed to infringe on the public's right to access and recreational use of the property.

Thank you for bringing this matter to our attention. By copy of this letter, we wish to thank Mr. Nasr and his architect for their cooperation and courtesy.

If there are any questions regarding this matter, please call me at (310) 305-9573.

Very truly yours,

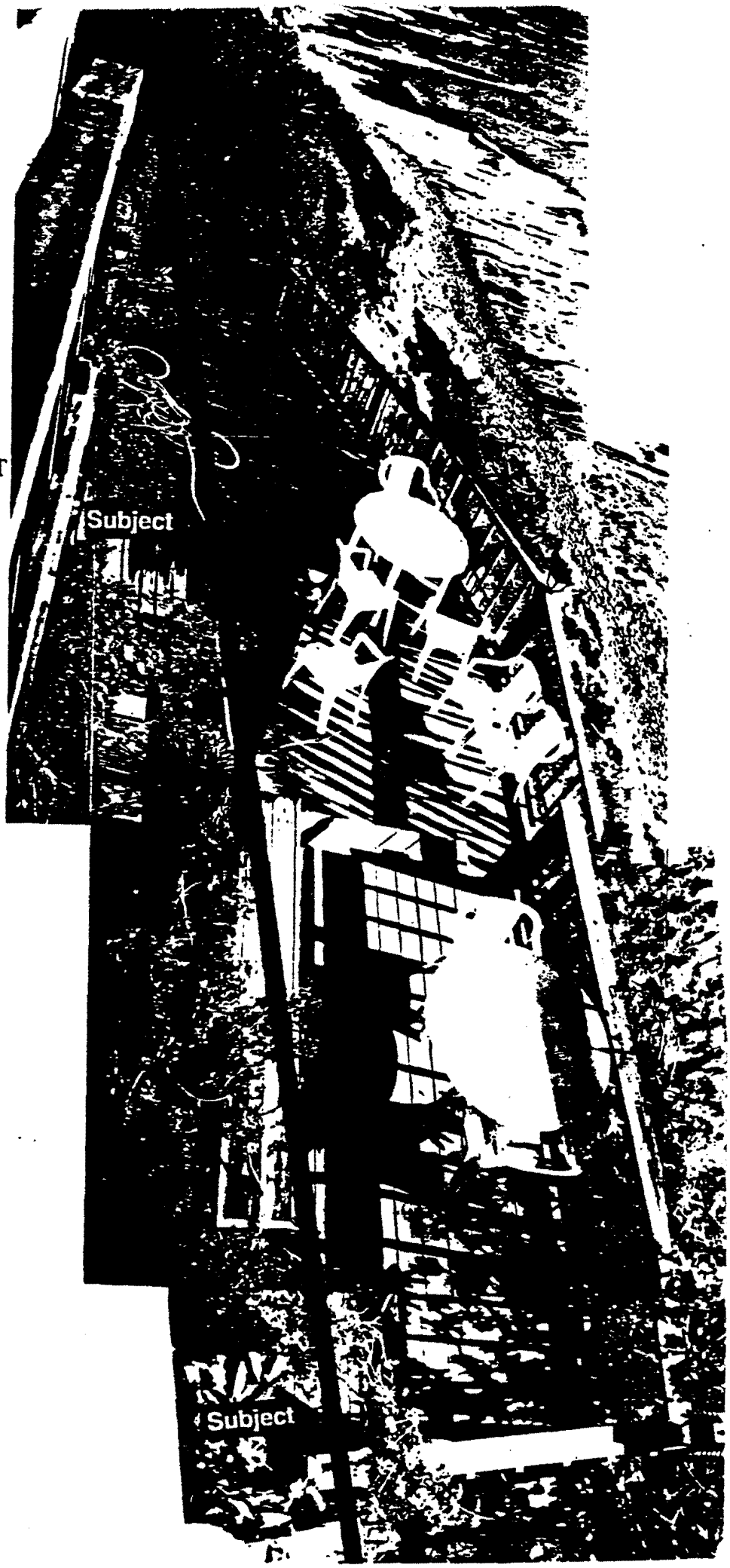
STAN WISNIEWSKI, DIRECTOR

Dean R. Smith

Dean R. Smith
Executive Assistant

SW:DRS:be
Enclosures
C: Mohamed Nasr

BLUE SUBJECT ARROWS POINT TO COUNTY PROPERTY LINE

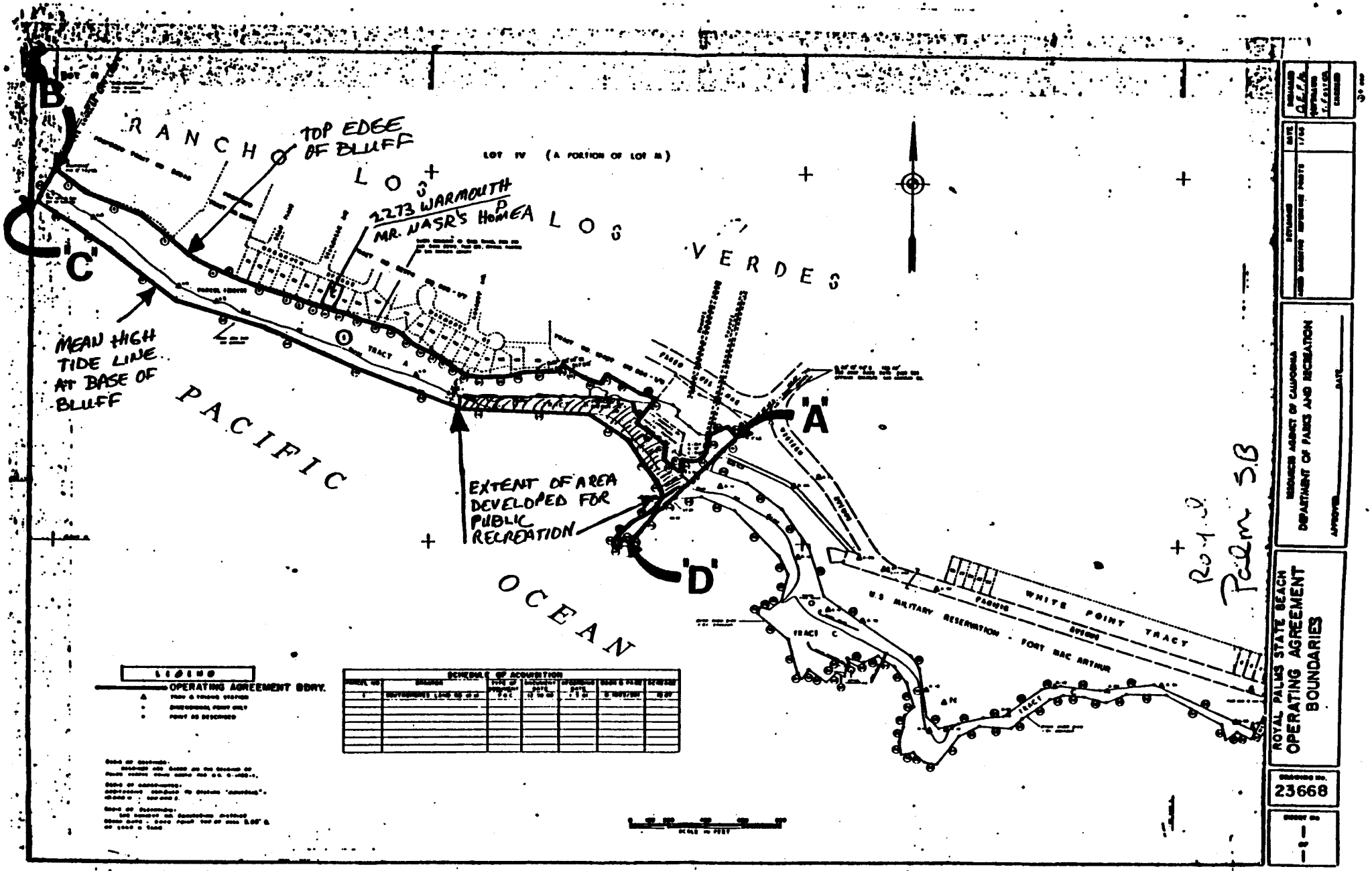


This picture shows the patio of Mohammed & Joan Nasr. 2273 Warmouth St. San Pedro. CA. Mr. Nasr's property abuts Royal Palms County Beach. Mr. Nasr's property is on the left side of the line. with Royal Palms being on the right side.

In the 1994 earthquake. a pool filter ruptured in Mr. Nasr's back yard and thinking that the property line was lower. a retaining wall and a deck were built to stabilize the bluff.

In October. 1996. Mr. Nasr requested a coastal permit to build a second story on his house. It was at that time that he learned his 1994 constructed deck and retaining wall were encroaching on County property an average of 8 feet from one end of his property to the other.

11-6-96/GW:gw


RANCHO LOS VERDES
LOT IV (A PORTION OF LOT 3)
TOP EDGE OF BLUFF
2273 WARMOUTH
MR. NASR'S HOME
MEAN HIGH TIDE LINE AT BASE OF BLUFF
EXTENT OF AREA DEVELOPED FOR PUBLIC RECREATION
PACIFIC OCEAN
WHITE POINT TRACT
U.S. MILITARY RESERVATION FORT MAC ARTHUR
TRACT A
TRACT C
TRACT I
'A'
'B'
'C'
'D'
LEGEND
OPERATING AGREEMENT BDRY.
SCHEDULE OF ACQUISITION
RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
APPROVED
DATE
ROYAL PALMS STATE BEACH
OPERATING AGREEMENT
BOUNDARIES
23668
SCALE IN FEET

NARRATIVE BOUNDARY DESCRIPTION

Royal Palms State Beach

The area involved in the Operating Agreement between the State of California, Department of Parks and Recreation, and the County of Los Angeles as added to the contract by Amendment No. 1, executed by the State of California on March 22, 1983, is graphically referred to on Royal Palms State Beach Operating Agreement Boundaries Map, Drawing No. 23668 (attached), and verbally described as follows:

Beginning at the point of intersection of the top of the bluff with the southwesterly extension of the centerline of "Western Avenue" (Point "A"); thence northwesterly down the bluff and around the Sanitation District property fence and up the rock wall to a point 65' beyond the end of the wall; thence, westerly, to the northeasterly end of the Sanitation District property fence; thence, continuing up the bluff to a point midway up the bluff in-line with the southeasterly corner of the property on lot 124; thence, westerly, along the bluff, to the end of the cyclone fence surrounding the mobile home park located adjacent to and easterly of the Los Angeles city limits boundary (Point "B"); thence, southwesterly, along the Los Angeles city limits boundary, and down the bluff, approximately two hundred fifty (250) feet to the mean high tide line of the Pacific Ocean (Point "C"); thence, southeasterly along the mean high tide line approximately four thousand (4,000) feet back to, and

around and including, the rock jetty to a point where the southwesterly extension of the centerline of "Western Avenue" intersects the mean high tide line (Point "D"); thence, northeasterly along the easterly side of the rock jetty to Point "A".

Excluded from the above-described area are the fenced-in Los Angeles County Sanitation District pump facilities located approximately two hundred (200) feet northerly of Point "A" on attached map, Drawing No. 23668.

NOTE:

The foregoing description has been prepared by visual surveillance to be used as an administrative guide and is not intended as a legal survey description.

S-1458Q

95 1527008

When Recorded Mail To:

County of Los Angeles
Dept. of Public Works
550 South Vermont Avenue, 12th Fl.
Los Angeles, CA 90020
Attn: Crystal Sy, Escrow Unit

A08700 OFFICIAL STATE BUSINESS - EXEMPT FROM RECORDING PURSUANT TO GOV'T CODE SECTION 6103

Royal Palms State Beach

STATE OF CALIFORNIA

GRANT DEED

Pursuant to the provisions of Section 5002.6 of the Public Resources Code, the STATE OF CALIFORNIA, through its duly appointed, qualified and acting Director of the Department of Parks and Recreation, hereby grants to the County of Los Angeles, a body corporate and politic, in trust for the people of the State of California, the following described real property in the County of Los Angeles, State of California:

All that real property in the City of Los Angeles, County of Los Angeles, State of California conveyed to the State of California by the Final Order of Condemnation, recorded January 5, 1961, in Official Records Book D1083, Page 201.

EXCEPTING AND RESERVING to the State of California all mineral deposits, not previously reserved in other documents of record, as defined in Section 6407 of the Public Resources Code below a depth of 500 feet, without surface rights of entry.

THIS DEED IS MADE SUBJECT TO THE FOLLOWING EXPRESS CONDITIONS SUBSEQUENT:

(1) The real property and improvements herein conveyed shall be used, operated and maintained by the County for public recreation and beach purposes in perpetuity.

(2) No new or expanded commercial development shall be allowed on the granted real property.

(3) Any project for new or expanded noncommercial development on the granted real property shall not exceed an estimated cost limitation for each project of two hundred fifty thousand dollars ($250,000), as adjusted annually to reflect the California Construction Index utilized by the State of California, Department of General Services. Any authorization for new and expanded noncommercial development shall be limited to projects that provide for the safety and convenience of the general public in the use and

enjoyment of, and enhancement of, recreational and educational experiences, and shall be consistent with the use, operation, and maintenance of the granted lands and improvements herein granted in trust. The per-project limitation in this paragraph shall apply in the aggregate, so that not more than the amount specified herein may be expended for the project as a whole, regardless of any division of the project into phases or parts. "Project" means the whole of an action that constitutes the entirety of the particular type of new construction, alteration, or extension or betterment of existing structure.

Notwithstanding the above, the county shall be permitted to implement the state-approved local assistance grant (project number SL-19-003) to the county approved in the Capital Budget Act of 1988 for noncommercial development to rehabilitate the existing park infrastructure at Royal Palms State Beach.

(4) The granted lands and improvements may not be subsequently sold, transferred, or encumbered. "Encumber" includes, but is not limited to, mortgaging the property, pledging the property as collateral, or any other transaction under which the property would serve as security for borrowed funds. Any lease of the granted lands or improvements shall only be consistent with the public recreation and beach purposes as herein conveyed.

Upon an intentional material breach of any condition, the State will terminate the County's interest in the real property conveyed hereunder pursuant to Civil Code Section 885.010 et sequitur.

Each of the foregoing express conditions subsequent shall also be covenants by the Grantee for use and development of the granted real property, and equitable servitudes upon the interests granted herein, which may be enforced through injunction for specific performance or preventive relief.

THIS DEED IS ALSO MADE SUBJECT TO all valid existing contracts, leases, encumbrances and claims of title which may affect said parcels.

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed or grant to the County of Los Angeles, a governmental agency, is hereby accepted under authority of a resolution adopted by the Board of Supervisors of said County on March 13, 1979, and the Grantee consents to the recordation thereof by its duly authorized officer.

Dated September 15, 1995

By John E. Anderson

John E. Anderson
Mapping & Property Management
County of Los Angeles Department of Public Works