

**CALIFORNIA COASTAL COMMISSION**

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**Th. 4a**

RECORDING OFFICE

Filed: 9/26/03  
49th Day: 11/14/03  
180th Day: 3/24/04  
Staff: AJP-LB  
Staff Report: 11/14/03  
Hearing Date: 12/10-12/03  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-03-351**APPLICANT:** Graham Robertson & Karena Massengill**PROJECT LOCATION:** 670 Paseo del Mar, San Pedro

**PROJECT DESCRIPTION:** Construction of 2,422 square foot manufactured home and artist studio, and detached four-car garage with 748 square foot questhouse above, and 18 caissons to support foundations.

Lot Area:	13,700 sq. ft.
Building Coverage:	3,446 sq.ft.
Pavement Coverage:	660 sq. ft.
Landscape Coverage:	9,594 sq. ft.
Parking Spaces:	4
Zoning:	R1-1XL—Single-Family Residential
Ht above final grade:	22.5 feet

**LOCAL APPROVALS RECEIVED:** City of Los Angeles Approval in Concept

**SUBSTANTIVE FILE DOCUMENTS:** San Pedro certified LUP, with suggested modifications; Coastal Development Permits 5-91-728(Gaudaur), 5-94-185 (Hantzis).

**SUMMARY OF STAFF RECOMMENDATION:**

The major issues of this staff report include possible geologic impacts. Staff recommends **APPROVAL** of the proposed development with four special conditions including: 1) future development restriction; 2) conformance of design and construction plans to geotechnical report; 3) landscape Plan; 4) execution of an assumption of risk; and 5) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**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 term or 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. Future Development Restriction**

- A. This permit is only for the development described in coastal development permit No. 5-03-351. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the

exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 5-03-351. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-03-351 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

## 2. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by T.I.N. engineering Company and dated November 20, 2001. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- 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 legally required.

## 3. Landscape Plan

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The landscaping plan shall conform with the following requirements: (a) all plants shall be low water use plants as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to estimating irrigation water needs of landscape plantings in California*". (b) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species as identified on the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20, 1992 " and/or by the California Exotic Pest Council. (c) No permanent irrigation system shall be allowed within the property. Temporary, aboveground irrigation to allow the establishment of the plantings is allowed. (d) Use of California native plants indigenous to the San Pedro/Palos Verdes area is encouraged. (e) All required plantings shall be

maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

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

#### **4. Assumption of Risk, Waiver of Liability and Indemnity**

- A.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **5. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

Construction of 2,422 square foot manufactured home and artist studio, and detached four car garage with 748 square foot guesthouse above, with caissons to support foundations for both structures.

The proposed project is located on the northerly, or inland side of Paseo del Mar, in an established residential neighborhood in the San Pedro area of the City of Los Angeles (see Exhibit No. 1 & 2). The project site consists of two vacant undeveloped lots totaling approximately 13,700 square feet in area. Immediately to the south, or seaward of Paseo del Mar, is a coastal bluff top park, Point Fermin Park. In this location the park extends approximately 200 feet from Paseo del Mar to the bluff's edge. The proposed project site is surrounded by developed residential property to the west, a vacant lot to the east, and an alley to the north.

A landslide, referred to as the Point Fermin Landslide, involving approximately 6.5 acres, is located to the east of the project site (see Exhibit No. 4). The landslide developed along the coastline in 1929. Since then, all residential development was removed from the area by the City, and in the early 1990's, the City erected a wrought iron fence along the perimeter of the area due to safety and public nuisance issues. According to reports the landslide has been stable since the 1960.

According to submitted geologic reports and site plan the foundation and residential structures will be setback at least approximately 46 feet from the landslide scarp. The project will include the construction of 14 30-inch diameter caissons along the eastern and southern sides of the main structure, with 4 caissons along the eastern side of the garage with second story guesthouse.

The applicant has submitted extensive geotechnical reports by T.I.N Engineering Company, William R. Munson (June 1992), and A.G. Keene (11/07/01). These reports were reviewed and approved by the City of Los Angeles' Grading Department, which determined that the site can be constructed, as proposed, and provide a factor of safety of 1.5. The Coastal Commission's staff geologist has reviewed the applicant's submitted geologic reports and the City's review, and concurs that the project is feasible from the standpoint of geotechnical and geologic engineering practice.

##### **B. Geology**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public

access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**C. Future Improvements**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**D. Access**

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**E. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for San Pedro was effectively certified on September 12, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**F. California Environmental Quality Act**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



EXHIBIT NO.	1
Application Number	5-03-351
	Regional Map
California Coastal Commission	

**LOS ANGELES AREA**

SCALE  
0 1 2 3 4 5 6 7 8 9 MILES

*Project Location*

**RECEIVED**  
Pacific & California Coastal Commission  
South Coast Region

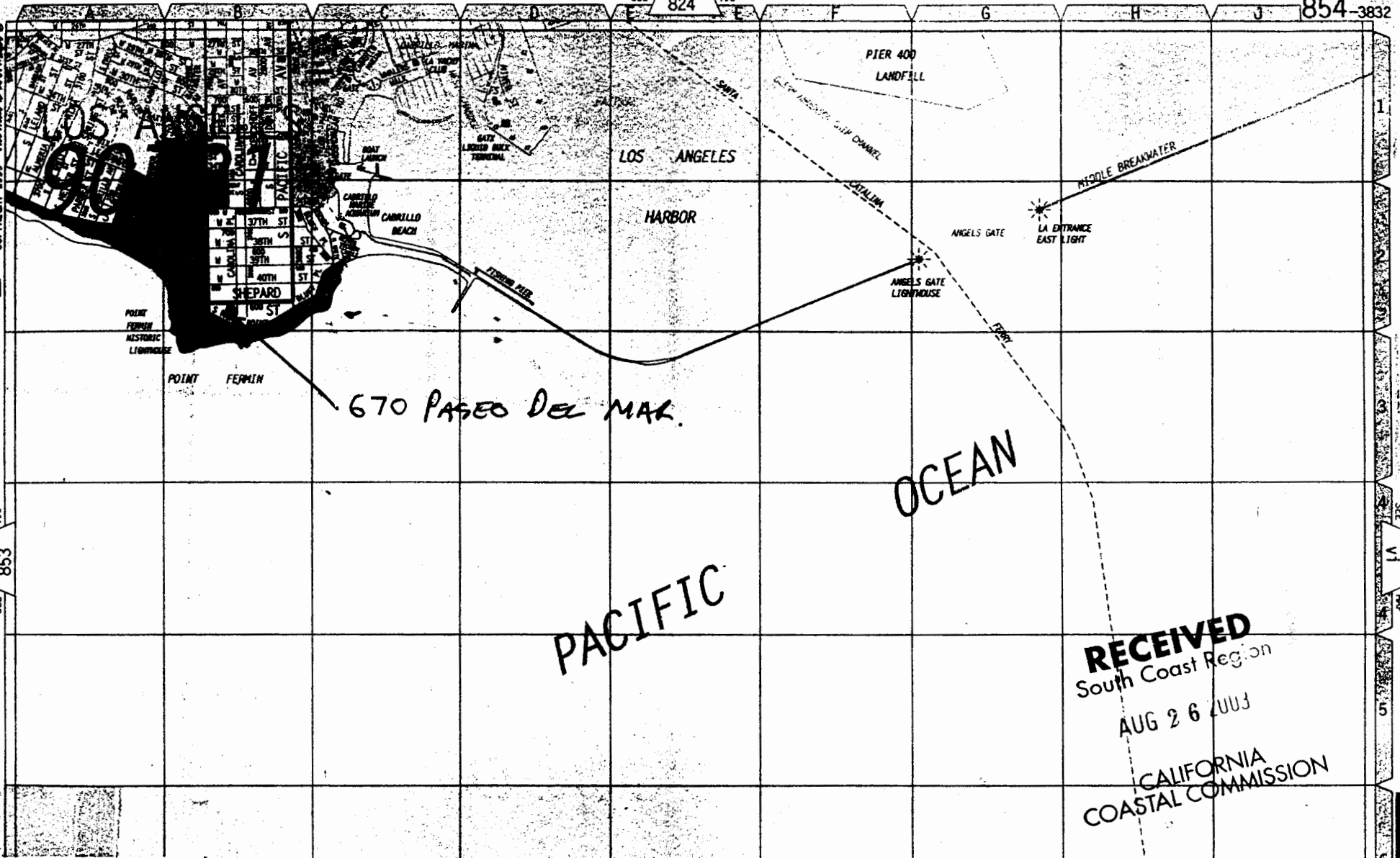
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Channel  
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MAP 853



670 PASEO DEL MAR.

PACIFIC

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 South Coast Region  
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 CALIFORNIA  
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5-03-301

EXHIBIT NO.	2
Application Number	5-03-351
Vicinity Map	
California Coastal Commission	

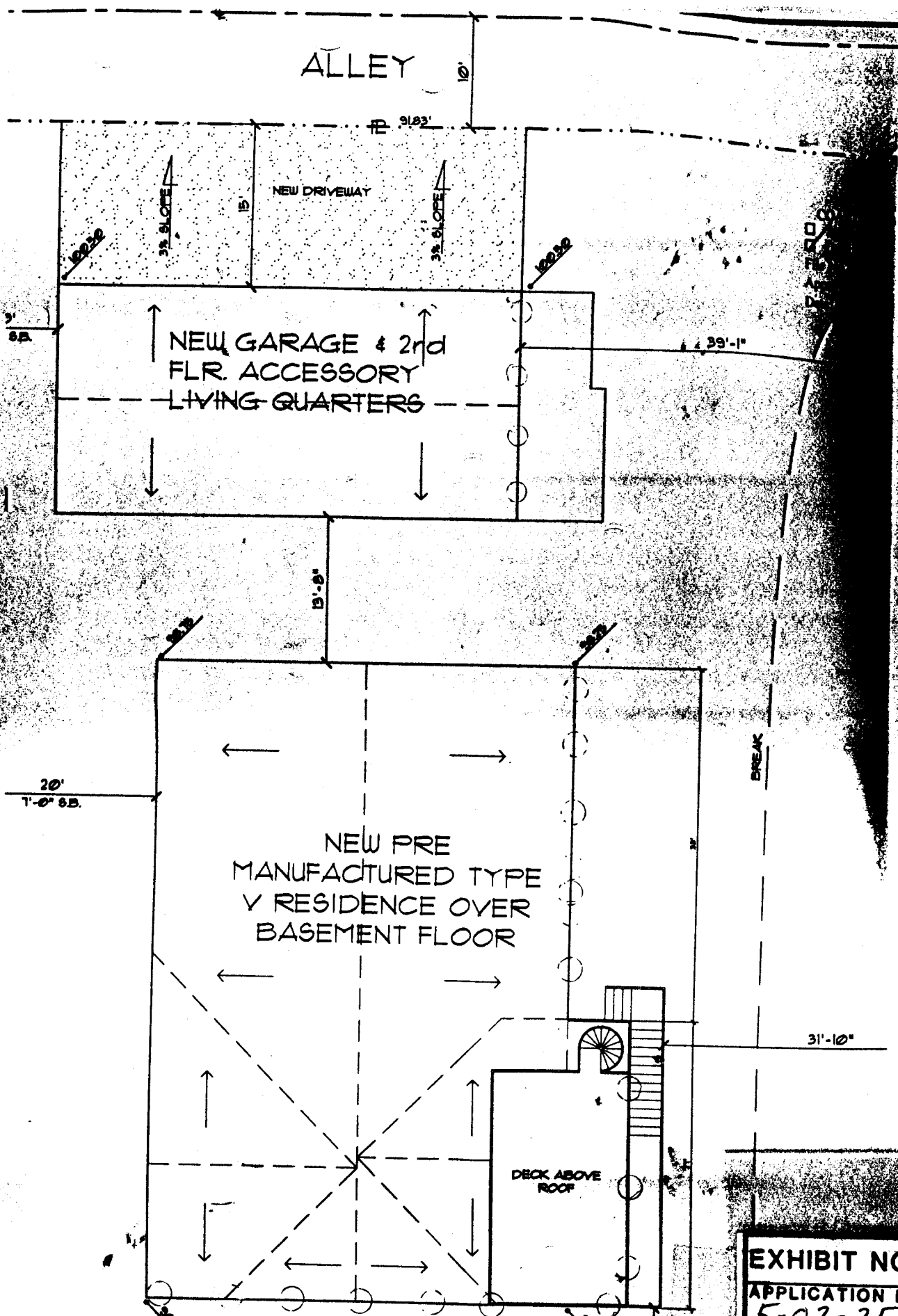
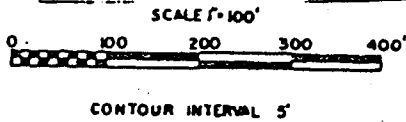
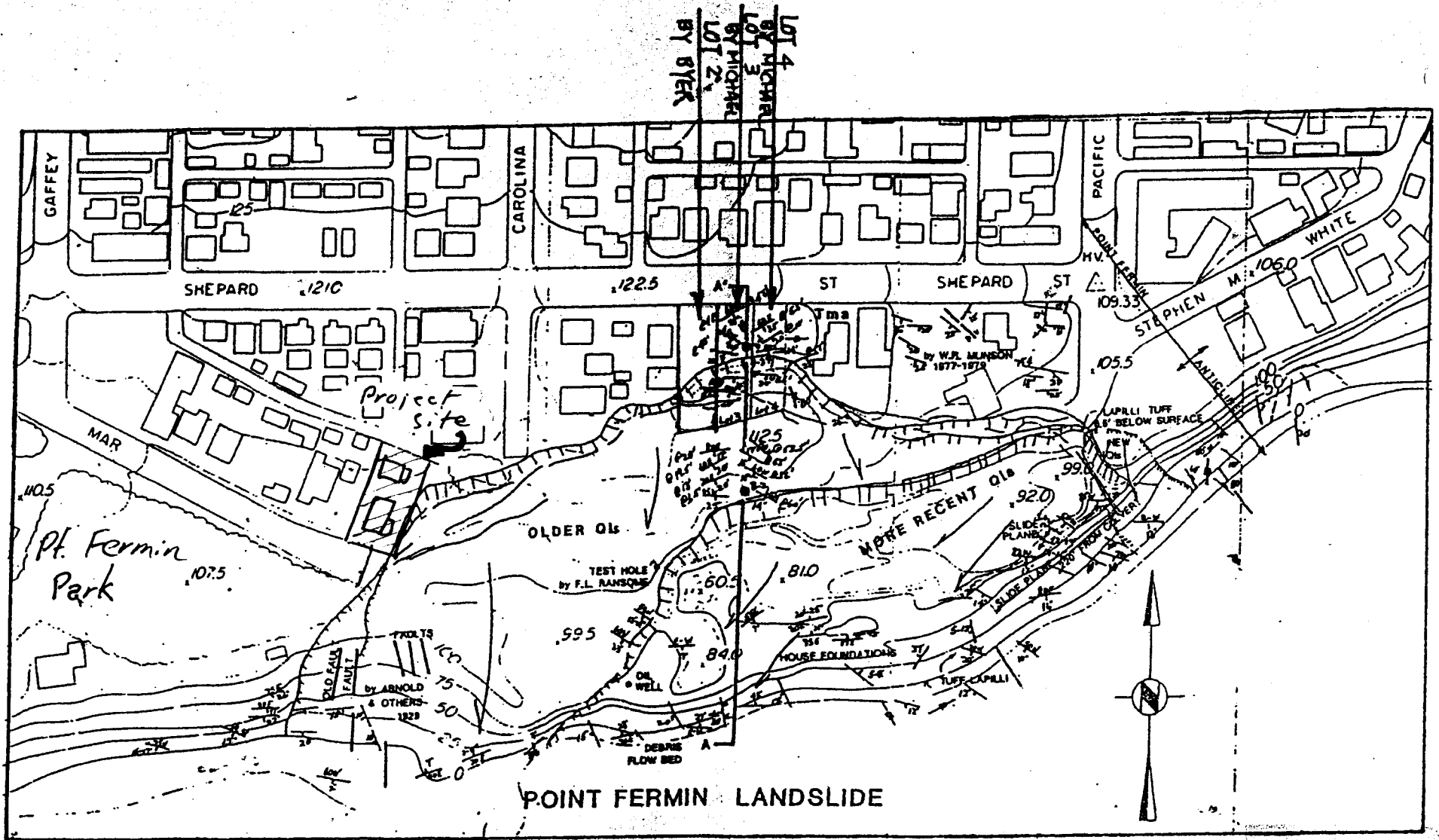


EXHIBIT NO. 3  
 APPLICATION NO.  
 5-03-351  
*s.te Plan*

LOVED SEISMIC SHUT-OFF VALVE WILL BE INSTALLED ON THE FUEL GAS LINE ON  
 NOSTREAM SIDE OF THE UTILITY METER AND BE RIGIDLY CONNECTED TO THE  
 R OF THE BUILDING OR STRUCTURE CONTAINING THE FUEL GAS PIPING.  
 WATER SHALL BE STRAPPED TO WALL



MR. GRAHAM K. ROBERTSON  
 670 PASEO DEL MAR  
 SAN PEDRO, CALIFORNIA

REGIONAL TOPOGRAPHIC MAP

SCALE: 1" = 200'

PLATE

DATE: NOVEMBER 6, 2002

JOB NO.: 010701

T.I.N. ENGINEERING COMPANY

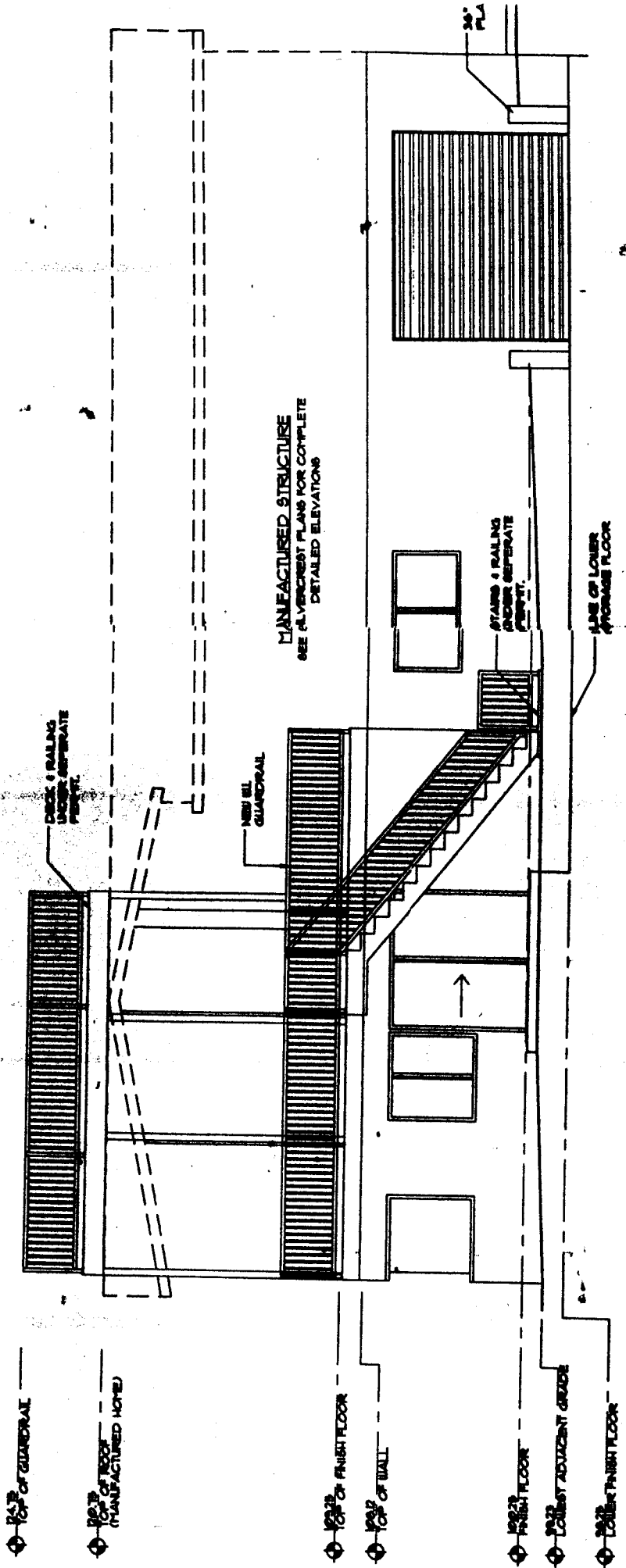
EXHIBIT NO. 4

Application Number

5-03-351

landslide location

**RIGHT ELEVATION**



**EXHIBIT NO. 5**

Application Number  
**5-03-351**

Elevation of  
**Main Residence**  
California Coastal Commission

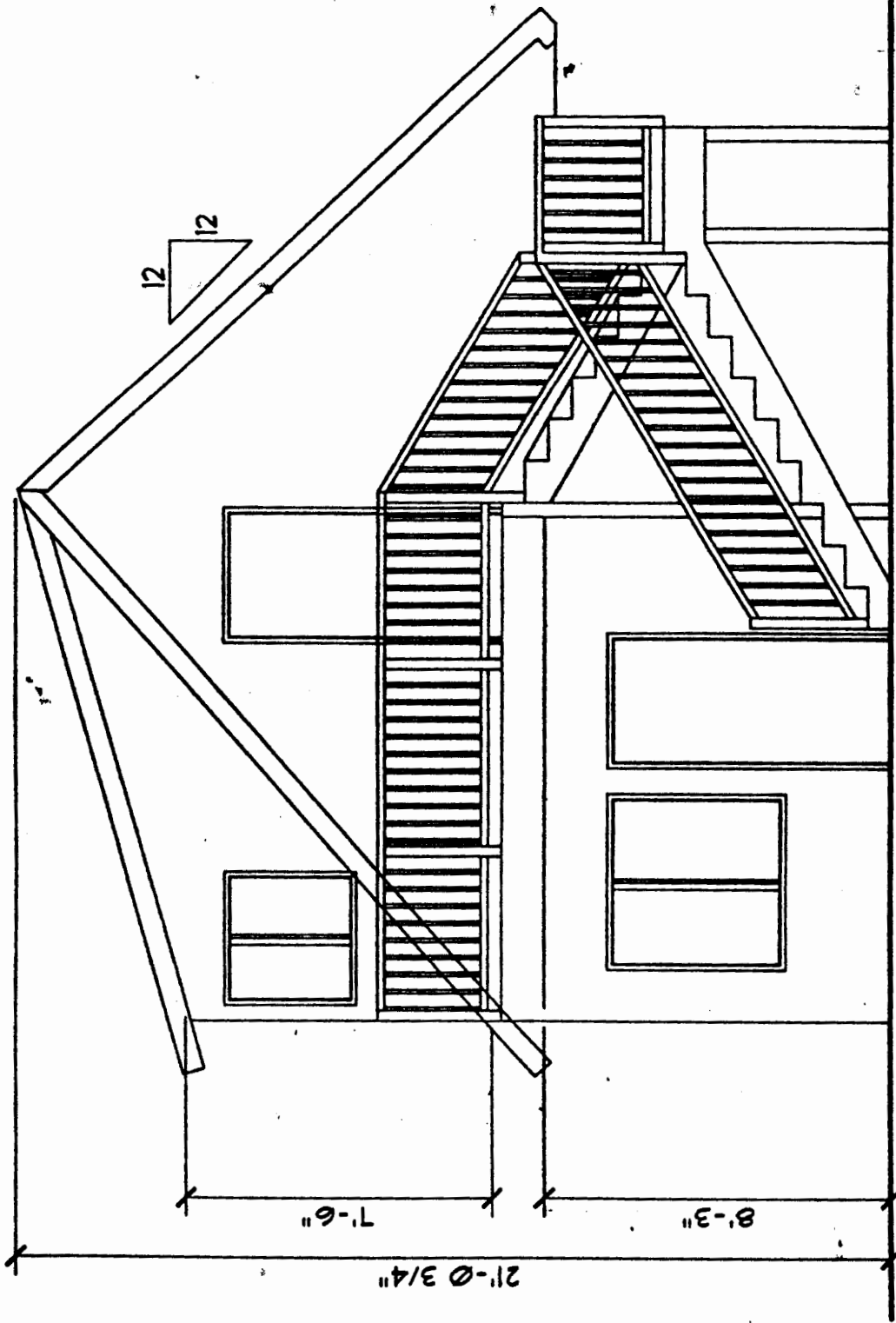


EXHIBIT NO. 6

Application Number

5-03-351

Elevation of

Gorge / Guesthouse  
California Coastal Commission

