

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY**Wed 10b.**

Filed: 9/26/03
49th Day: 11/14/03
180th Day: 3/24/04
Staff: AJP-LB
Staff Report: 11/14/03
Hearing Date: 2/18-20/04
Commission Action:

**STAFF REPORT: REGULAR 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's studio, 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 and coastal access. 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, recording all of the Special Conditions contained in this staff report.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-03-351:

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

MOTION: *I move that the Commission approve Coastal Development Permit #5-03-351 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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 THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the 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 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, 1996 " 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

The applicant proposes to construct a 2,422 square foot manufactured home and artist studio, and detached four-car garage with 748 square foot guesthouse above the garage, with 18 caissons to support foundations for both structures. A low garden wall, constructed with broken concrete slabs, is also proposed. The artist studio, which is part of the single-family structure, will be for personal use by the resident as a workshop.

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 (see Exhibit No. 5). Immediately to the south 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 (see Exhibit No. 10).

According to submitted geologic reports and site plan, the foundation and residential structures will be set back 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 proposed project was before the Commission at the December 2003 hearing on the Consent Calendar; however, due to concerns raised at the hearing by residents of the area regarding public beach access and view obstruction, the Commission voted to remove the item from the Consent Calendar and scheduled it for public hearing.

B. Coastal Access

All projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The major access issue in this permit is whether the development of a vacant lot so that it cannot be used by the public as a shortcut, from the residential alley and street behind the residence, to an oceanfront bluff top park, is consistent with the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 requires that development shall not interfere with the public's right of access:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

As mentioned, the proposed development consists of the construction of a single-family residence on a currently vacant 13,700 square foot property. The property is located adjacent to and north (landward) of Paseo del Mar and Point Fermin Park. Point Fermin Park is a 37-acre bluff top landscaped park that runs between the bluff edge and Paseo del Mar. The park provides passive recreation, and is developed with a historic lighthouse, outdoor stage and seating area, children's play equipment, picnic benches, pergolas, and an asphalt pathway along the concrete fenced bluff. Paseo del Mar, which terminates at the eastern end of the park, at a wrought iron fence installed by the City, serves as an access road to, and provides public parking for Point Fermin Park.

According to residents in the area, the proposed project site has been used for pedestrian access to the beach/tide pools at the base of the bluffs. However, the property is separated from the beach by the public street, Paseo del Mar, and Point Fermin Park, and neither provides public access to the beach or bluff (see Exhibit No. 10). The bluffs along the southern (seaward) edge of Point Fermin park range from 80 to over 100 feet in height, with slopes near vertical. The park provides lateral public access along the bluff edge but does not provide vertical access down the bluffs due to the steepness and instability of the bluffs. The nearest vertical public accessways to the

beach are located approximately 2,800 feet to the west near Roxbury Street, and at Cabrillo Beach Park, 2,400 feet to the east. Both accessways can be reached by public streets and sidewalks.

The area, known as Sunken City, located immediately east of Point Fermin Park and southeast of the project site, does have worn foot trails down the bluff to the rocky beach below. However, in 1988, the City constructed a 1,500 linear foot, eight-foot high, wrought iron fence around the entire 6.5 acre area from along the eastern portion of Point Fermin Park to Pacific Street (CDP No. 5-87-721). The fence borders a portion of the proposed property's southern property line. The purpose of the fence is to keep the public out of the area due to safety hazards and nuisance problems in this area. Although people occasionally breach the fence to gain access into the area from the park property, the City prohibits public access in the area and, according to the City's Parks and Recreation Department, park rangers will remove those that trespass into the area.

Although a few residents in the area may have used the property as a shortcut from the alley and streets directly behind the project site, to gain access to Paseo del Mar and then to Point Fermin Park, the property does not provide access to the beach or bluff. Therefore, because the property does not provide access to the bluff or beach, the proposed project will not have an adverse impact on public beach access. Furthermore, vehicle and pedestrian access to the bluff top park is located approximately 455 feet to the west of the project site, at the corner of Paseo del Mar and Gaffey Street. Since the project site is located on the landward side of Paseo del Mar and Point Fermin Park, and development of the property will not prevent the public from accessing Paseo del Mar or the park, the project will not have an adverse impact on public access to the coastal bluff top park or beach. Development of this site with a single-family structure will not prevent the public from walking from the residential neighborhood 455 feet to the west (up coast) to Paseo del Mar and Gaffey Street to access the park. Because, (1) a public park, providing bluff viewing and recreational area, is located immediately seaward (south) of the property, and access to the park is within close proximity to the proposed site, and (2) the lot does not provide access directly to the beach, permitting the proposed single-family residence would not preclude access to the public park or the beach and will not interfere with the public's ability to access the beach nor significantly diminish coastal recreational opportunities in the area.

In order to deny or significantly modify a development proposal based on the policies listed above, the Commission must find that development of the parcel as proposed would interfere with beach access and coastal recreation and would be inconsistent with the Chapter 3 policies of the Coastal Act. As stated the property is separated from the bluffs and park by a public road, which provides the public access to and along the bluff top park. Furthermore, the City does not provide public vertical access to the beach in the immediate area due to the hazards associated with the bluffs. Therefore, the Commission finds that as proposed the project will be consistent with Sections 30210 and 30211 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states in part that:

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 landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The project property consists of two level lots, measuring approximately 130 feet deep, with approximately 100 feet of frontage along Paseo del Mar and 88 feet of width along the back property line and alley. The residential structures will be sited along the western portion of the property (Lot 12) to maintain geologic setbacks from the landslide scarp, as recommended by their geologic consultants.

The area north of Paseo del Mar is residentially developed, with a mix of single and multi-family residential structures, including a small café on Paseo del Mar (see Exhibit No. 5 and 10). The area consists of a mix of old wooden residential structures to newer stucco residential structures. Existing residential development ranges from one to two stories in height. The certified LUP limits heights of structures to 26 feet, as measured from average natural grade. The proposed residential project will be 22.5 feet high, as measured from average natural grade. As proposed, because of the mix of single and multi-family structures that range from one and two stories, the project will be consistent with the character of the surrounding area. Furthermore, because of the developed nature of the area, coastal views from adjoining streets are limited to the alley and small side street (Carolina Place) located directly behind the project site. There are no scenic Highways or other designated view sites located behind or to the north of the project site that would be blocked by the proposed development. In this area public coastal views are provided from Point Fermin Park, which is located seaward of the project site. As proposed the project will not have a significant impact on public views because of existing residential development and the location of the property in relation to Point Fermin Park. The Commission, therefore, finds that the project will be consistent with the view protection policies of the Coastal Act and the certified LUP, will not adversely impact the visual resources of the surrounding area, and therefore, is consistent with Sections and 30251 of the Coastal Act.

D. Geology

Section 30253 of the Coastal Act states in part:

New development shall:

- (l) 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.

In addition, the certified 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 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 letters, and concurs that the project is feasible from the standpoint of geotechnical and geologic engineering practice.

A large landslide, Point Fermin Landslide, developed along the coastline in 1929, involving approximately 6.5 acres adjacent to and east of the project site. The landslide area is locally known as Sunken City (see Exhibit No. 4). According to reports, the landslide was caused by erosion of the buff by wave action. All residential development that was in the landslide area was removed by the City, between the time of the landslide and approximately the 1960s. According to reports the landslide has been stable since the 1960. The reports state that the site is underlain by bedrock of the Altamira Shale member of the Monterey Formation. The preliminary geotechnical Investigation report (June 15, 1992) states that:

The underlying bedrock strata are predominately composed of dense to hard, crudely stratified fine sandstone. The bedrock strata is characterized by southwest dipping bedding that are roughly neutral to the slide scarp orientation. Therefore, the measured attitude of the bedrock strata appears to be substantially favorable for stability relative to the contiguous landslide.

According to the project geologist, and in consultation with the City's Grading and Geology Department, it was recommended that soldier piles penetrating into bedrock be used for the project to provide a factor of safety of 1.5 for the building location. As recommended, 18 soldier piles will be constructed along the south and east sides of the building location as part of the structures foundations. The piles will be drilled to a minimum depth of 30 feet below grade. No portion of the piles will be visible. All residential development will be located outside of the mapped landslide area.

The City of Los Angeles Department of Building and Safety has issued a geotechnical engineering review letter that indicates that the City has reviewed and approved the project's geologic and soils reports and design. The geologic and soils reports conclude

that the proposed development is considered feasible from an engineering geologic and soil standpoint and will be safe from landslide, settlement or slippage, provided the recommendations with respect to foundations and drainage are incorporated into the plans and implemented. Therefore, to ensure that the recommendations made by the consultants are implemented, in order to ensure consistency with the policies listed above, the Commission's conditions the project, through Special Condition No. 2, so that the applicant shall submit evidence to indicated that the geologic consultants have reviewed the plans and all recommendations have been incorporated into the design.

Furthermore, in previous actions in geologically hazardous areas, the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the property. Therefore, based on the information in the applicant's geologic reports and the City's review, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk (See Special Condition No. 4). The assumption of risk, when recorded against the property as a deed restriction, pursuant to Special Condition No. 5, will show notice to all future owners of the site of the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. To ensure that any future development will be consistent with the policies of the Coastal Act and will not have an adverse impact on the surrounding area, the Commission finds that it is necessary to impose a further condition limiting future development on the property (see Special Condition No. 1).

On or near natural bluff areas, the Commission has generally required that landscaping be done with native species; however, this area is built out and the established plants are mainly non-native and ornamental plant species, including within the park area. There are very few native plants remaining in the surrounding area and the native planting in this area would quickly be taken-over by non-natives. Therefore, the use of non-native, drought tolerant species incorporated into their landscaping plan, is appropriate in this case. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act and the certified LUP.

E. Unpermitted Development

According to the applicant, a garden wall, consisting of broken concrete was constructed on the property last year. No coastal development permit was issued for this work. The purpose of the wall is decorative and to create an area for landscaping. The applicant also constructed a 6 foot high chain link fence around the property. It is possible that at one time a fence was previously on the property, but when the applicant installed the new fence the property did not have a fence, therefore, the fence would be considered new development and would require a permit. Although unpermitted 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. Action on 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. Local Coastal Program

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 public access and visual resources. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the project as conditioned will be consistent with the Chapter 3 policies of the Coastal Act and will not 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).

G. California Environmental Quality Act

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)(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 impact which the activity may have on the environment.

There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity, as conditioned, may have on the environment. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

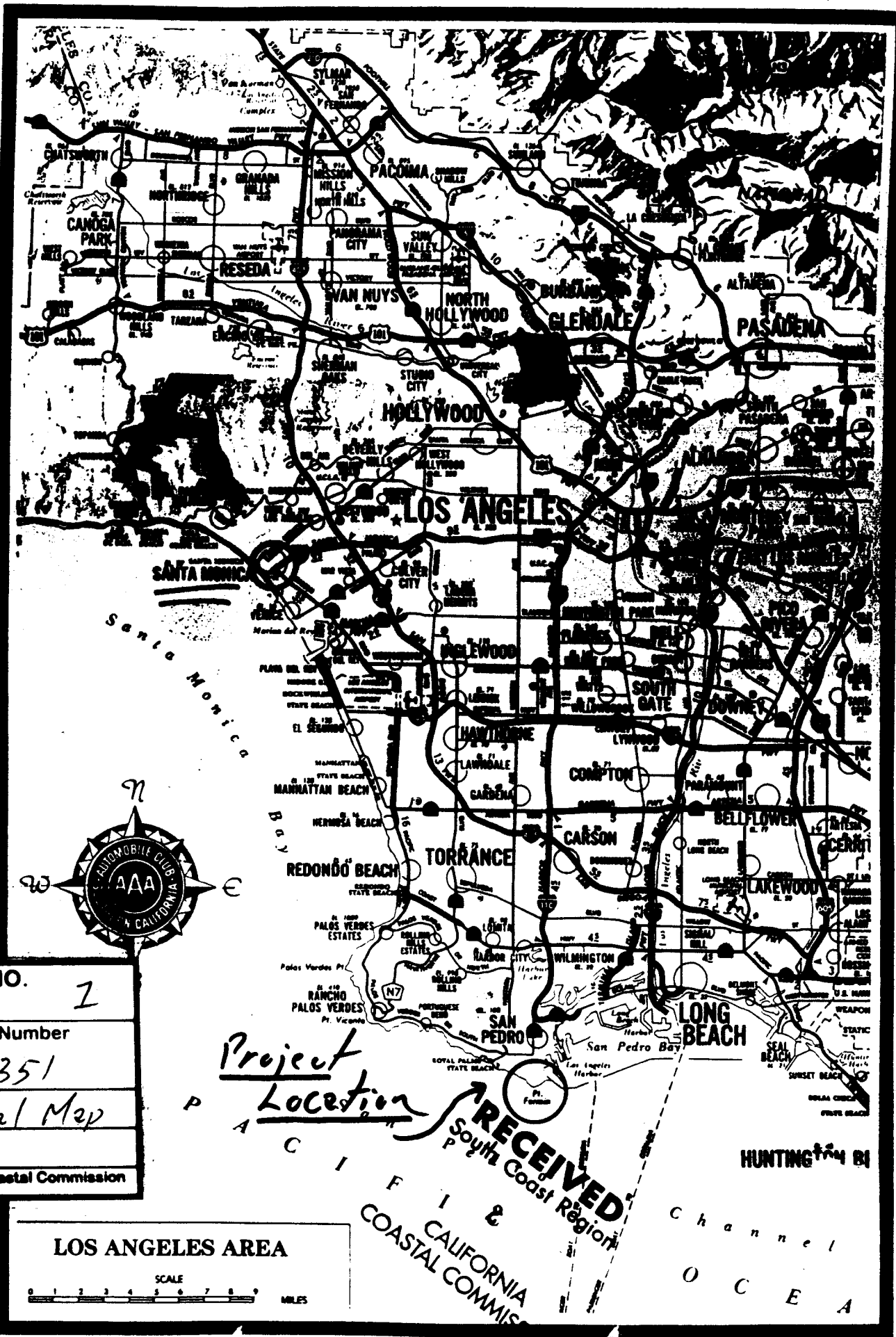


EXHIBIT NO.	1
Application Number	5-03-351
Regional Map	
California Coastal Commission	

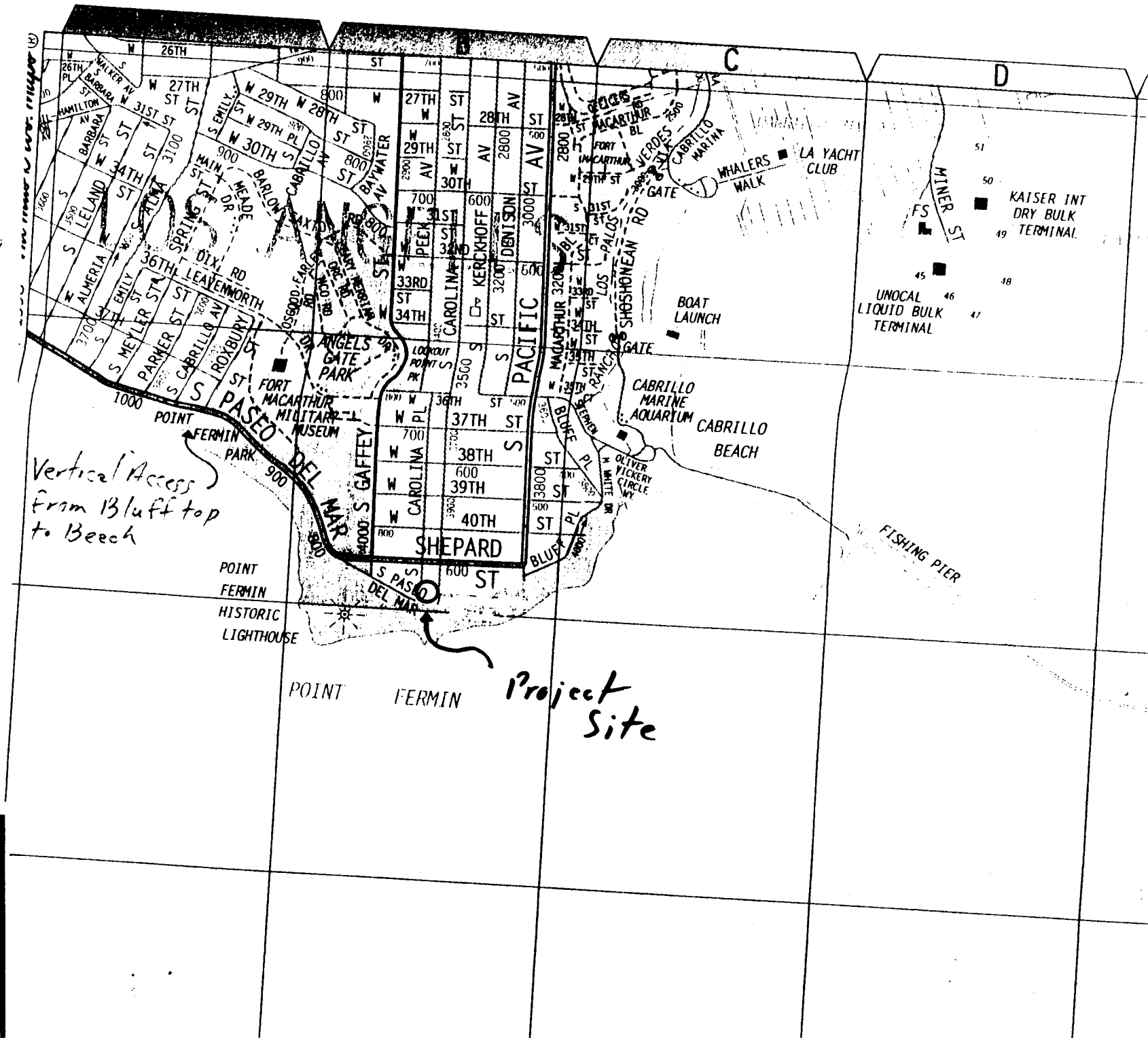
Project Location

RECEIVED
 Pacific & California Coastal Commission
 South Coast Region

LOS ANGELES AREA

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

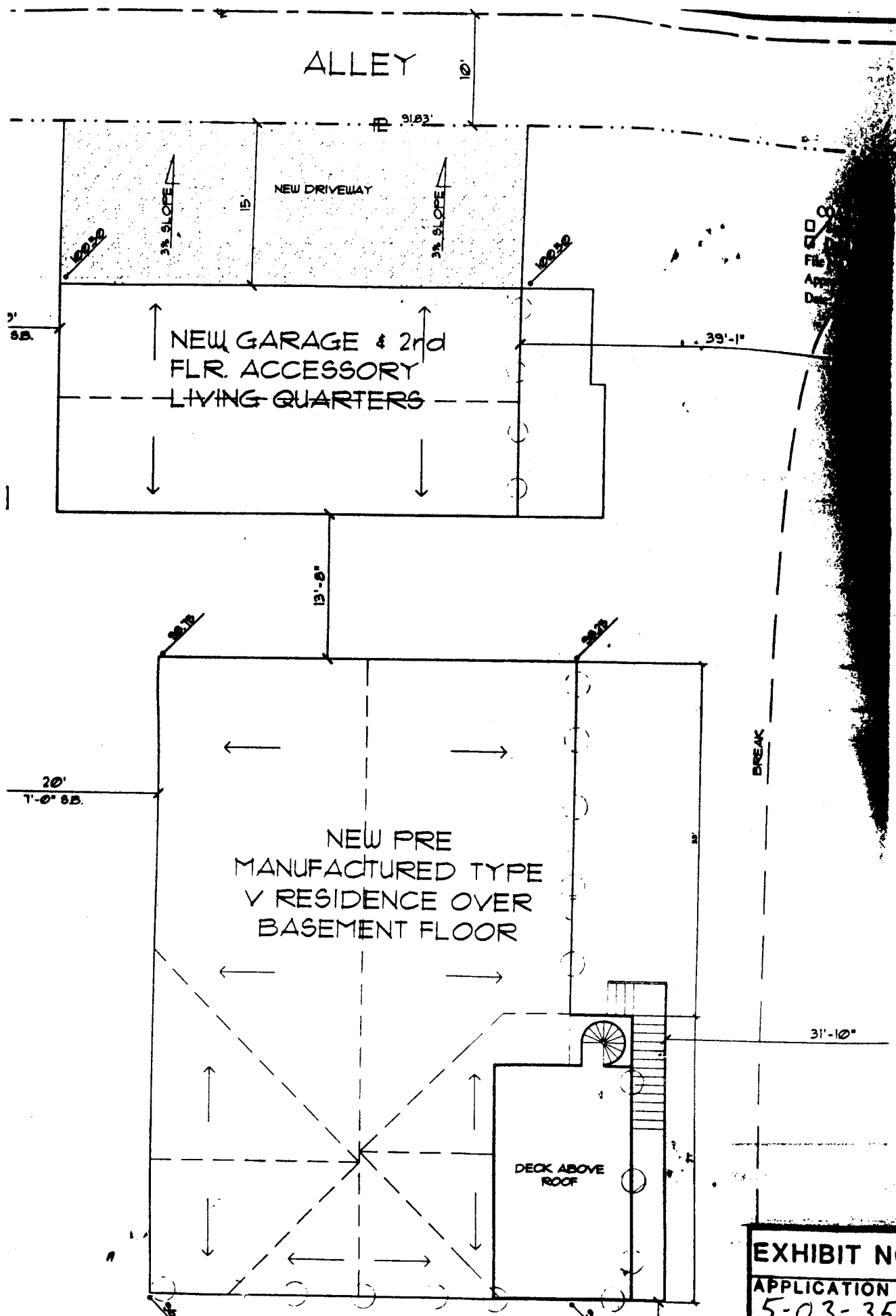
HUNTINGTON BEACH
 Channel
 OCEAN



Vertical Access
from Bluff top
to Beech

Project
Site

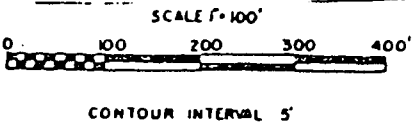
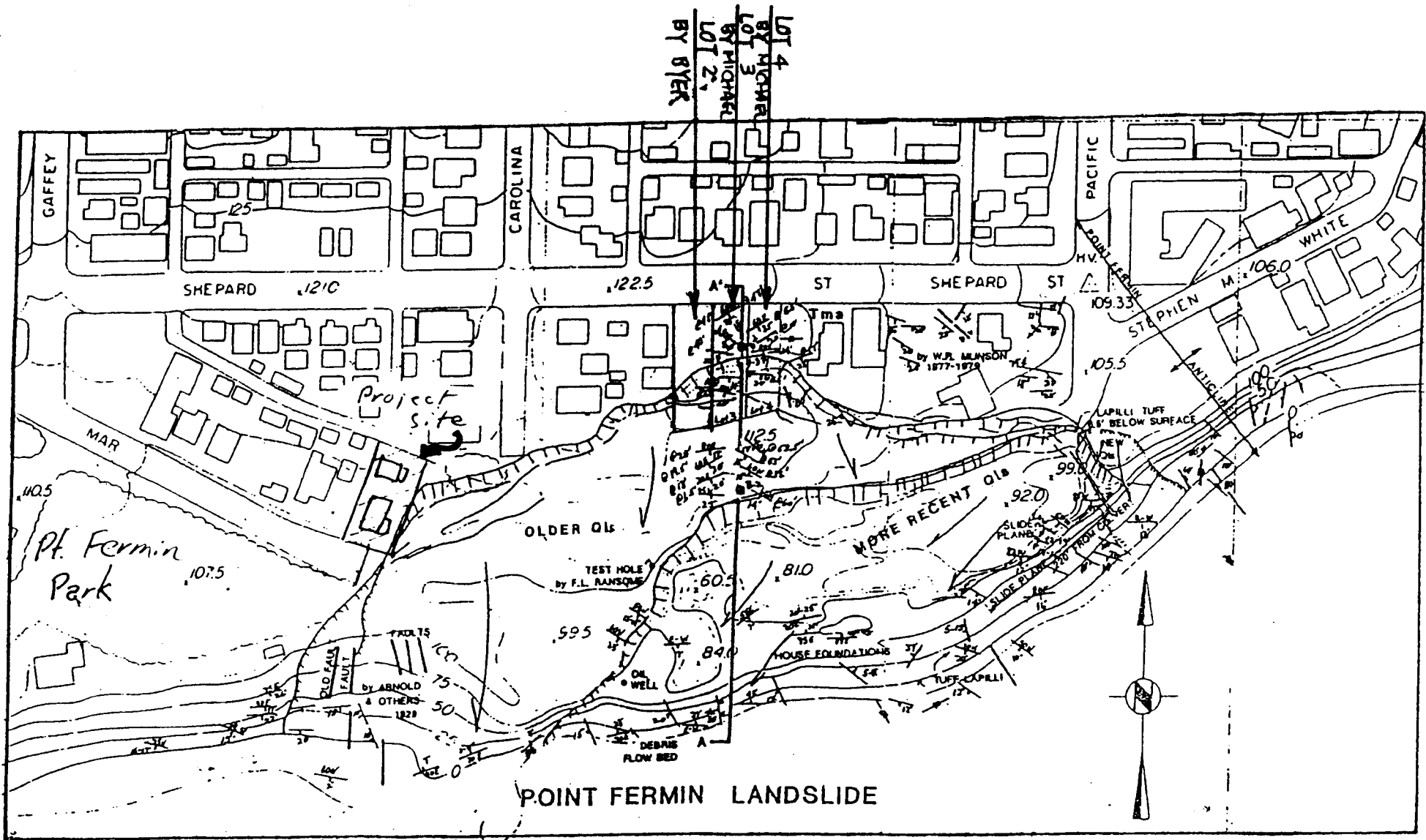
EXHIBIT NO. 2
Application Number 5-03-351
Vicinity Map
California Coastal Commission



OLD
FLOOR
PLAN

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

MOVED SEISMIC SHUT-OFF VALVE WILL BE INSTALLED ON THE FUEL GAS LINE ON
 DOWNSTREAM SIDE OF THE UTILITY METER AND BE RIGIDLY CONNECTED TO THE
 CENTER 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	
DATE: NOVEMBER 8, 2002		SCALE: 1" = 200'	PLATE
JOB NO.: 010701		T.I.N. ENGINEERING COMPANY	
		EXHIBIT NO. 4	
		Application Number	
		5-03-351	
		<i>Landslide location</i>	

[View Enlarged Map](#)

[View Printing Instructions](#)

County of Los Angeles Rick Auerbach, Assessor

RECEIVED

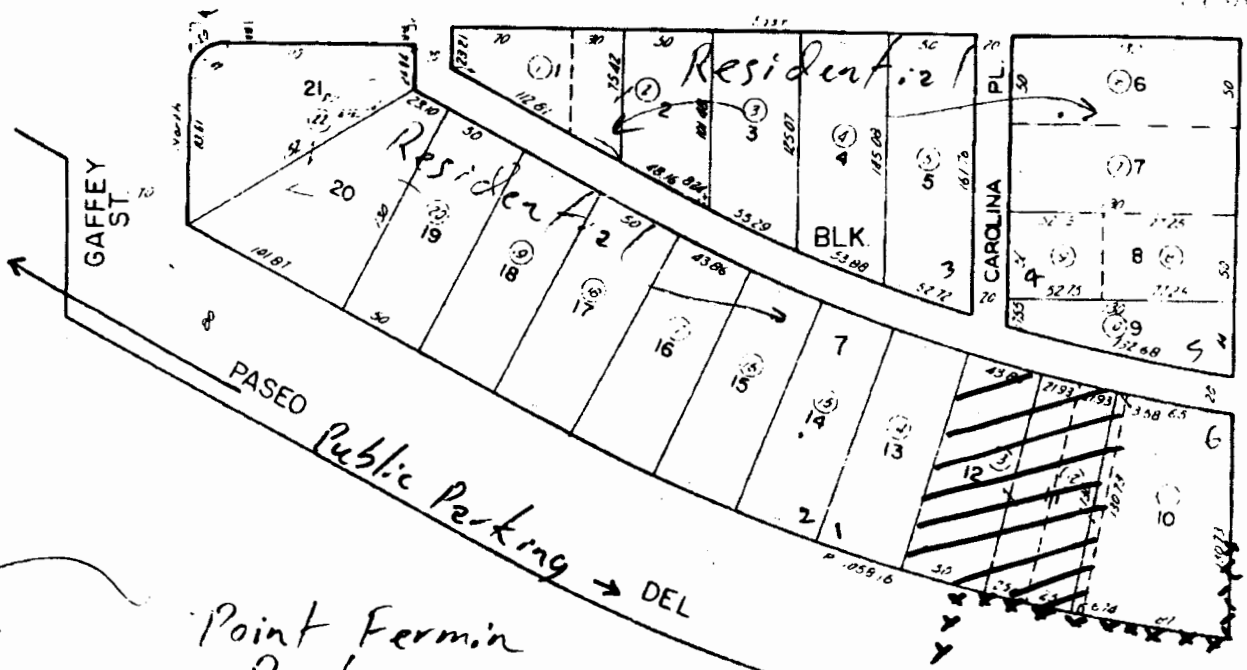
7467 29
SCALE 1" = 60'

1989

Residential

SHEPARD ST.

ST.



Point Fermin Park

PECK'S OCEAN VIEW TRACT
M B 11 162-163

City owned Restricted Area "Sunken City"

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

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

RIGHT ELEVATION

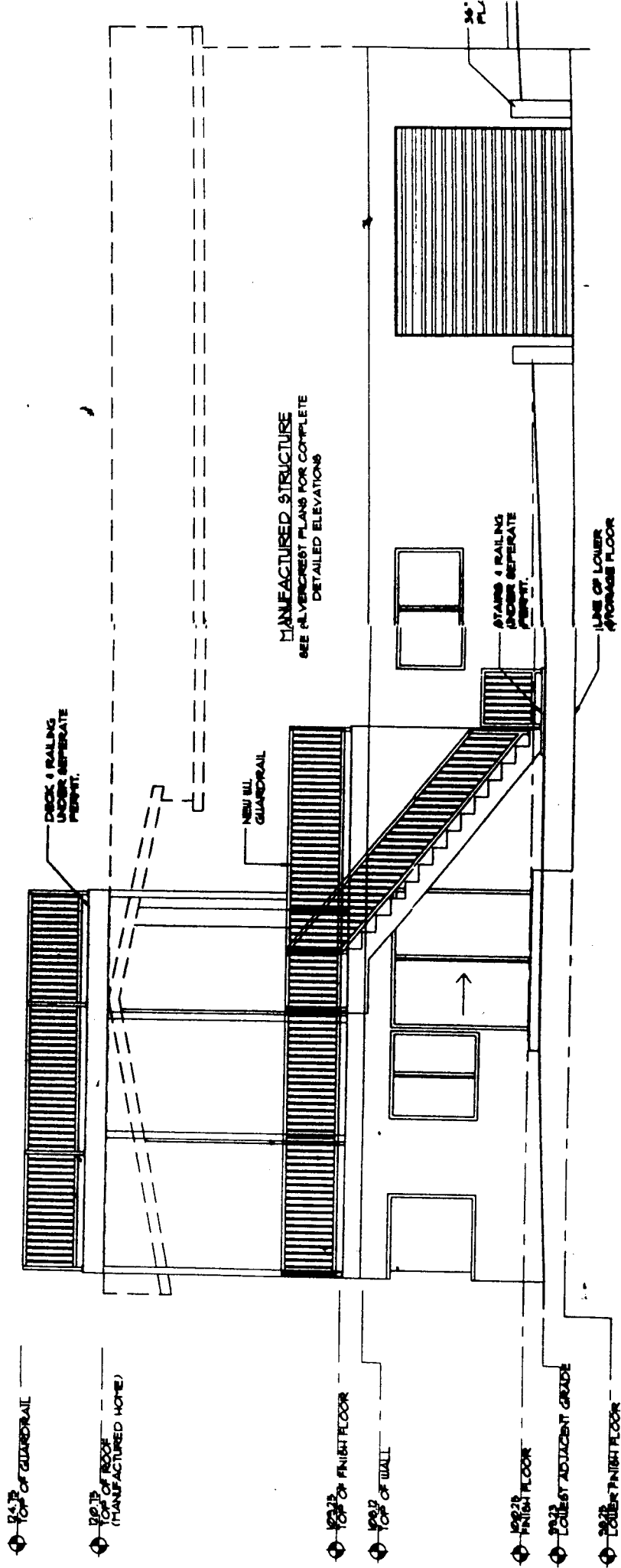


EXHIBIT NO. 6

Application Number

5-03-351

Elevation of

Main Residence
California Coastal Commis.

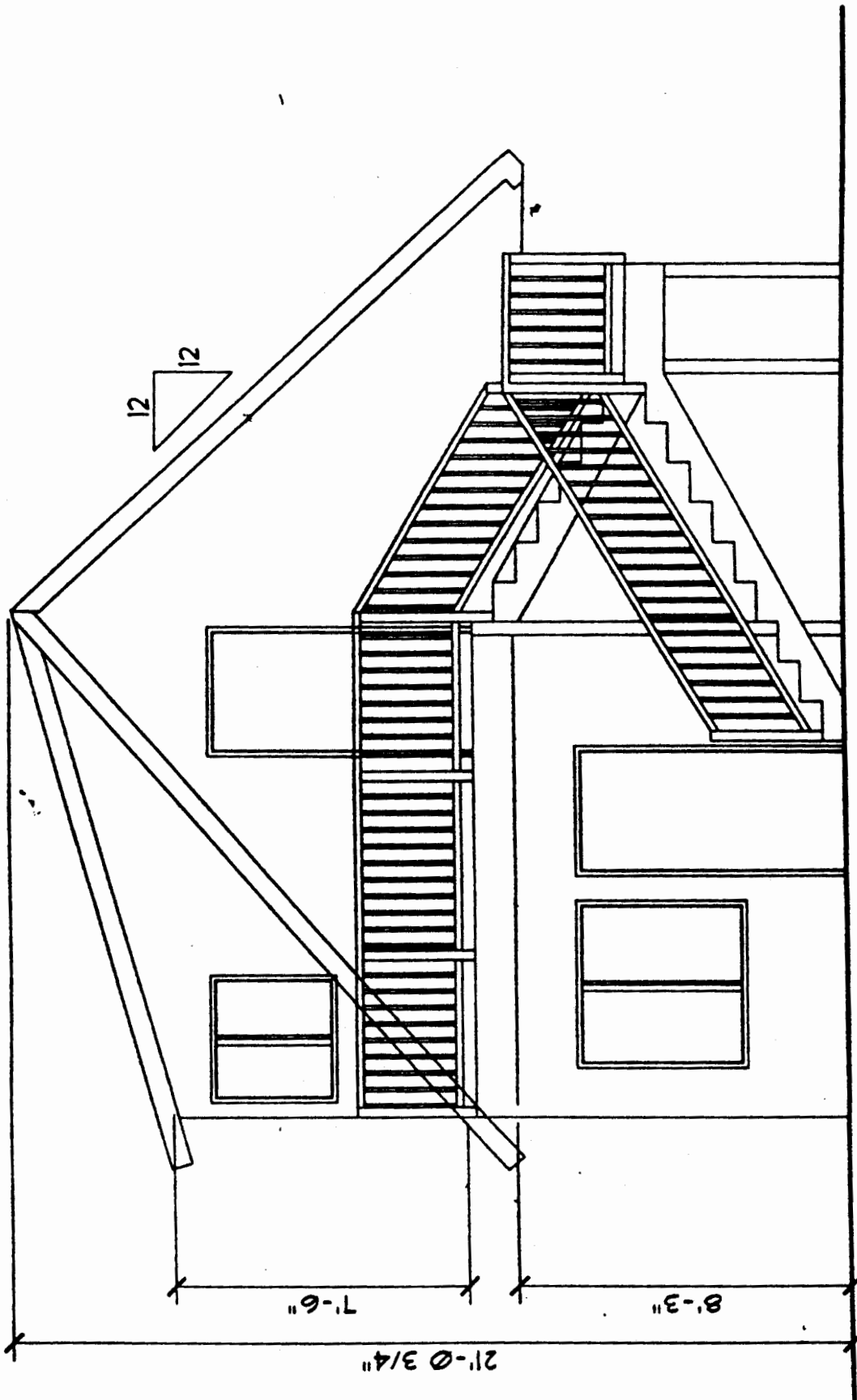


EXHIBIT NO. 7

Application Number

5-03-351

Elevation of

Garage / Guesthouse

California Coastal Commission

California Coastal Commission
South Coast District
P.O. Box 1450
200 Oceangate 10th Floor
Long Beach, CA 90802
Attn: Al Padilla

RECEIVED
South Coast Region

JAN 16 2004

CALIFORNIA
COASTAL COMMISSION

Re: Permit #5-03-351

Dear Mr. Padilla,

It has recently been brought to my attention that Graham Robertson has received permission from the coastal commission to build at 670 Paseo Del Mar, San Pedro, California. This presents grave concern for several reasons.

First and foremost, as a property owner at 676 Shepard Street, Unit 3, San Pedro, CA 90731, the proposed construction would pose a threat to the view we now enjoy. When purchasing our property in 1987, the potential of view obstruction was of great concern. So much so that, following research of the laws of construction for this area, we were assured that regulations against such construction would ensure our view would be preserved. Not only is this of value from a quality of life perspective; any construction blocking the view would be a detriment to our property values, as well.

In a letter dated 12/07/2003, Mr. Robertson states that "no houses north of the alley from Gaffey St. around to Bluff Place have any ocean view". As you can see, from the pictures submitted, this statement is incorrect. We currently enjoy an obstructive view of the ocean on all three levels of our townhouse. From diagrams submitted with the letter of 12/07/2003, it appears that the proposed construction of a two story house would be directly in our line of view.

Secondly, my concern is for the magnitude of the project to include a 4-car garage which would partially be used as an artist's studio. (Is this residential area zoned for business - particularly one of that size?) The inclusion of an apartment along with a two-story single family residence is not only inconsistent with architecture in the area; it appears to be a bit excessive for a family of two.


And, finally, my concern is for construction to take place on what is known to be an unstable piece of land.

Thank you for the opportunity to share my thoughts with you. Feel free to come back and sip a cup of tea from my balcony. ☺ It will provide a unique "perspective" that will facilitate reconsideration on behalf of Mr. Robertson, with your encouragement, to bring his construction project into perspective.

Sincerely,

Jackie Nagel-Carroll

Jackie Nagel-Carroll
Co-owner, 676 Shepard Street, Unit 3
San Pedro, CA 90731
310.519.3490

EXHIBIT NO. 8
APPLICATION NO. 5-03-351
Letter of Opposition
 California Coastal Commission

Copy of letter from Mr. TH42
5-03-05

This letter has to do with the request by Graham Robertson to receive permission from the coastal commission to build at 670 Paseo Del Mar, San Pedro (Los Angeles County) APN(s) 7467-029-013, 7467-029-012.

First let me introduce myself and my sister, my name is Teresa Coen and my sisters name is Audrey Smith, together we own property at 4120 and 4122 Carolina Pl. San Pedro. We have sent you this letter and pictures to give you a better idea of where this construction is to be done and why we feel it shouldn't be granted.

We have owned this property for over 40 years. Many of our neighbors have been here as long and possibly longer. Mr. Robertson's lot has been vacant for 40 years. The public has used it as a thoroughfare to Point Fermin Park for the entire time I have lived here. The street or actually alley that gives access to the back of this property is very narrow and in disrepair. It has not been maintained by the city for years. The lot is situated at the south end of the parking lot for Point Fermin Park. Directly to the south is an area known as Sunken City, if you are not familiar with this area it is an area where the land slid away taking with it houses and the street as well.

The commission knows from previous slides in the near area the ground is fractured and unstable (Ocean Trails Golf Course). It is my understanding that geological surveys have been performed and revealed a fault running diagonally across the lot that Mr. Robertson wants to develop. This is why the lot has remained vacant for so many years. We find it hard to believe now that this same lot that has sat empty for forty years is deemed suitable to build on. This fault is supposed to transverse this proposed building site from front to the rear at an angle that brings it out toward the intersection of Carolina

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COASTAL COMMISSION

St. and Shepard St. and across the area. I have been lead to believe that the lot due south of the proposed building site is not suitable to build on due to it being in the slide zone. Maybe you could clear this up for us.

We are concerned about the size of this proposed construction job. We feel that it will completely change the ambiance and fit and feel of the whole area. We also are concerned with the need for a 4-car garage for a single family home, I would estimate that the average home in the immediate area is approx. 1,000 sq. feet or slightly larger. We feel asking for the right to build a 2500 sq.ft. house which would be twice the size as any near it and also asking for an artist studio (what size?) and a 4-car garage with a guesthouse/apartment on top of it is not only excessive but grossly outrageous, for this specific lot. Mr. Robertson shows no regard for his new neighbors and seems to care less about the area than his own personal gain at the expense of all the owners and other tenants in this area. He has shown this all ready by erecting a wooden fence on the north side his property that has completely eliminated the eastern view of his neighbors to the north. He has also planted numerous trees and shrubs further changing the look of this area. When these new trees and shrubs mature they will effectively hide whatever view is left to us long term owners. Mr. Robertson has only owned the property for a short time, yet he has already altered its look and the look of this area.

We are also concerned with what this pre-fab construction is going to do to our area. Are we going to have a trailer park lot next to us? We feel that any units build on this site should appeal to not only the general publics eyes but also should fit the areas building style and feel. We have included numerous pictures to show the area impacted by this proposed building. We feel that a thorough review of all the

facts involving this request to build one mans Taj Majal at the expense of changing our beautiful scenic coastline that will affect everyone's view from that point on and also the possible adverse environmental effects it could cause such as accelerated erosion to the lot next to this one due to rain run-off. It could be devastating to the houses directly around this proposed building site. We can only hope that the commission will take the time necessary to study this unique situation, and with the proper knowledge and all the facts that the commission will come to a sound and realistic decision we can all live with. We feel we are not asking for the moon, we only can ask for you to do as thorough a job as to look at the visual impact and fiscal impact to the adjacent area.

We will close this with the hope that with the pictures provided and with a little more information from other sources and the proper time spent investigating this proposal that this commission will come to a reasonable resolution to our situation.

Thank You for your consideration

Teresa G. Coen

Audrey Smith

APPLICANT

Permit Number 5-03-351

Item Th. 4a



12/7/2003

From: Graham Robertson and Karena Massengill

To: Teresa Coen, Audrey Smith
California Coastal Commission

Re: Permit Number 5-03-351
Item Th. 4a

RECEIVED
South Coast Region

DEC 10 2003

CALIFORNIA
COASTAL COMMISSION

We are writing this letter to you and the commission to correct some misconceptions and inaccuracies in the opposition letter you sent to the commission on 12-5-03. We have tried to be good neighbors, and cleaned up broken fences and chest high weeds, and allowed public access pending our approvals for building, but realize that we will block the private views of the rental houses along Carolina Place alley. No houses north of the alley from Gaffey St. around to Bluff Place have any ocean view. We built a 6' high wooden fence along 100' of our 130' western boundary because the tenant in the house threatened neighbors, including your tenant Michelle, living in 4120 Carolina Place, and was soon evicted.

EXHIBIT NO. 9

APPLICATION NO.

5-03-351

Letter from

Applicant
California Coastal Commission

Teresa and Audrey own the upper (4122) and lower floors (4120) of a two story house, which blocks the view of houses behind. The lower house has no view, and the upper house will have approximately 30% view restriction by our buildings (see second exhibit). We have not blocked any public view from Point Fermin Park, and have not obstructed any view of the Korean Bell to the northwest.

We have performed a thorough geological investigation, which has satisfied the geologists at both the City of Los Angeles and the California Coastal Commission. The Ocean Trails slide was about 5 miles down the coast, and has no bearing on our property.

Karena and I are both schoolteachers, and want to build our dream home. Karena is also an artist, and works in a variety of media. She has outgrown her present studio in a 2-car garage, and cannot wait to have room to work. There will be no extra traffic associated with her work, as she shows in galleries in Santa Monica and Melrose. Our property is a double lot of 13,700 square feet, and our buildings will cover 3,446 sq. ft., so there is over 10,000 sq. ft. of open space. We have 15' and 20' side yard setbacks from the neighbor to the west, and the 20' maximum required front yard setback to minimize our impacts on our neighbors. We have hired Marlene Breene, (310) 541-8472, to draw up a low water use landscape plan using California native plants as specified by the Coastal Commission in the summary of staff recommendations.

We have also linked the two lots, and recorded this at the Los Angeles County Recorder's office, so that instead of building two residences on our two lots, we have agreed to restrict further development on our property. Our planned house is larger than the small one bedroom rental houses nearby, but our lots are zoned R1 residential, and are far larger lots.

We have posted signs granting permission to cross our property, and carried public liability insurance. When we build, residents from Carolina St. and Carolina place will have easy access to the park either along Shepard St. or the alley.

The prefabricated house is a Silvercrest Manor 18, a luxury model, and will be site stuccoed, and have architectural shingles on the roof. The garage will have a coach house style, with no windows and a steep sloping roof towards the alley, so it will look like an expensive single story structure, with the New England look of a large dormer window on the side facing the ocean. This will be planked and shingled to conform to the neighboring houses, though we love the variety of styles in San Pedro.

We hope that once we have built and landscaped, you will see that we have replaced an eyesore vacant lot with an attractive house that, far from being a Taj Mahal, is in keeping with the neighborhood, and allows us the use and enjoyment of our property without impacting on public access or views of the coastline.

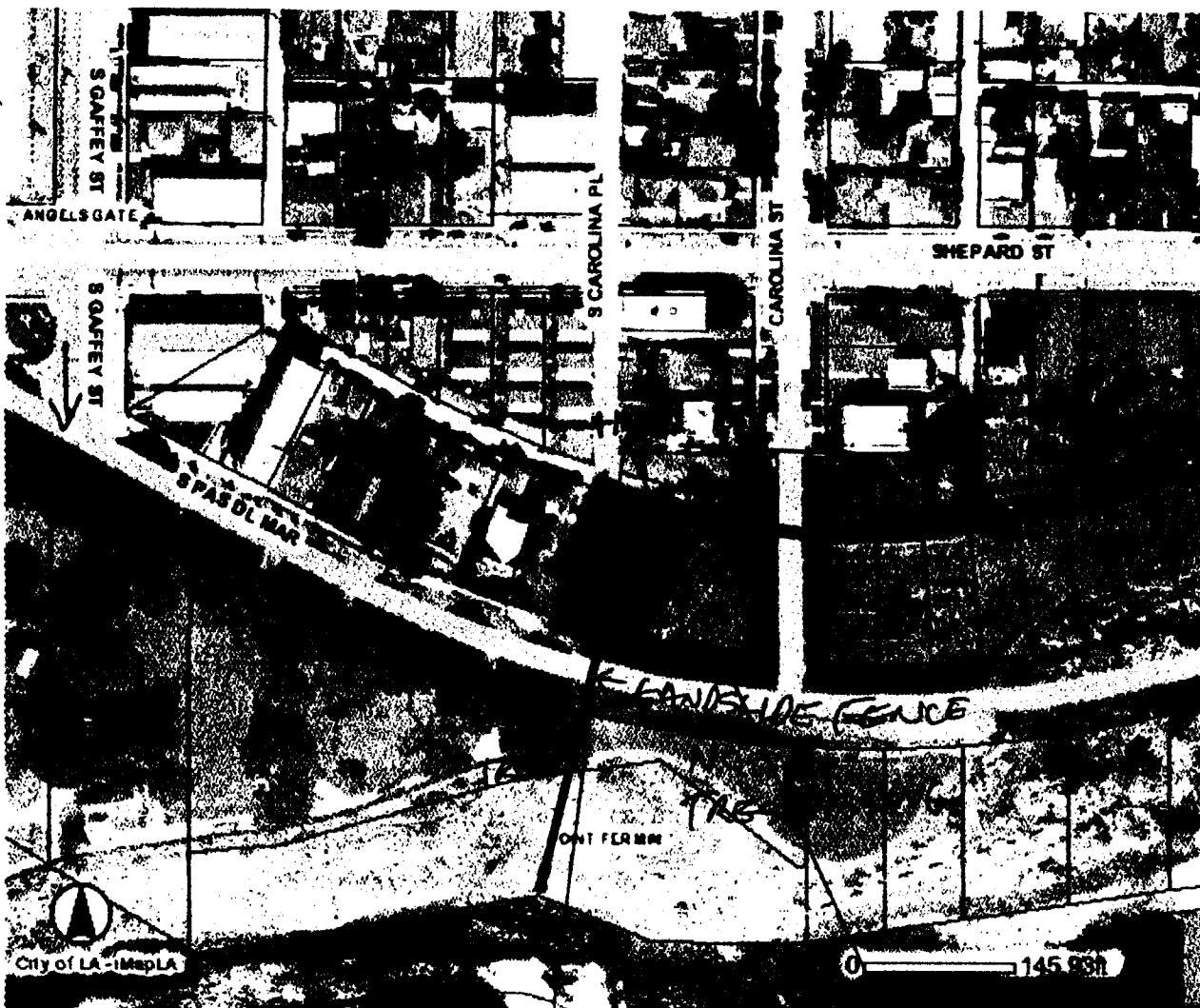
Karna Maxwell
Orlando Robert



670 Paseo Del Mar

PAVED
PARKING
LOT

MAIN
ACCESS
TO
PUBLIC
PARK



LANDSLIDE FENCE

COMPLAINANT
NEW
OCEAN
VIEW



VIEW RESTRICTION
FOR COMPLAINANT.



Parcel Map and Data

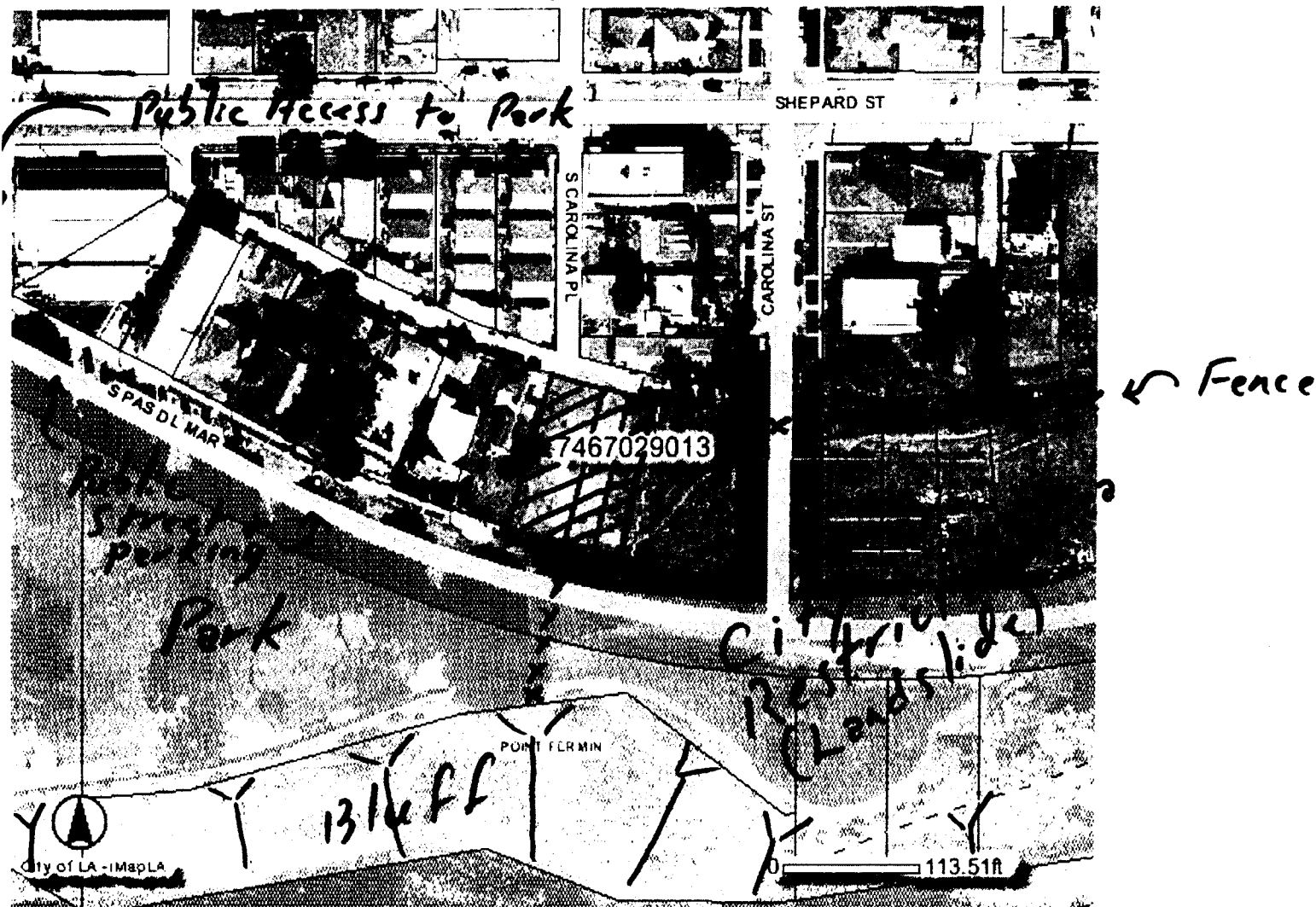


EXHIBIT NO. 10
APPLICATION NO. 5-03-351
Aerial Map

