

CALIFORNIA COASTAL COMMISSION

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

**F8a****ADDENDUM**

Date: August 10, 2010

To: Commissioners & Interested Persons

From: JOHN AINSWORTH, DEPUTY DIRECTOR
SOUTH COAST DISTRICT STAFF

Subject: Commission Hearing of August 13, 2010, **item F8a** of agenda, Local Coastal Program Amendment RPV-MAJ-1-10, Rancho Palos Verdes, Los Angeles County

Attached is one letter of opposition to the project received on August 10th.

Edit the suggested modifications to Subregion 2 Policy 8 by adding the sentence below, marked by double-underline

Subregion 2 Policy 8:

Change the primary land use on the ~~Designate as agricultural use~~ 1.42-acre site, which was subdivided from the former *Abalone Cove School Site* **located on the west side of Nantasket Drive adjacent to the Terranea Hotel Resort site** in the event that the property is not required for construction of a school and if sufficient non-city funds are made available to the City through the Coastal Conservancy (Or other funding) for purchase of the site. A secondary use designation shall be commercial recreation and encouragement of a retirement/senior citizen/ fixed income facility on a portion of the site. from Agriculture to Residential.

Parcels adjacent to natural habitat areas created as mitigation for development of the Terranea Resort Hotel including the residential parcels along Nantasket Drive to the east shall be required to use only non-invasive plant species, as identified by the California Invasive Pest Council (Cal-IPC) or the Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains. In addition, all landscaping shall be required to consist of primarily native, drought resistant species and all landscaping within 15 feet of the rear property line adjacent to the natural habitat area shall consist of non-invasive, native plant species only. Fuel modification for parcels adjacent to the Terranea Resort Hotel shall not be carried out in native habitat zones created as a part of the Terranea Resort.

To the **Findings for Denial of Land Use Plan Amendment as Submitted** add the following passage:

New residential development on the subject parcel may be subject to fuel modification requirements from the City of Rancho Palos Verdes Fire department or from requirements from private insurers. Clearing of native plants would reduce the habitat value of the natural habitat area for native species. As submitted, the LCP amendment does not contain policies which would protect the native habitat zones on the Terranea Resort from brush clearing associated with fuel modification zones. As a result, the proposed LCP change, as submitted, is not consistent with Coastal Act Section 30240

To the **Findings for Approval of Land Use Plan Amendment RPV-MAJ-1-10 if Modified as Recommended, in Part, and as Submitted, in Part** add the following passage:

New residential development on the subject parcel may be subject to fuel modification requirements from the City of Rancho Palos Verdes Fire department or from requirements from private insurers. As submitted, the LCP amendment does not contain policies which would protect the native habitat zones on the Terranea Resort from brush clearing associated with fuel modification zones. Only if modified as suggested will the sensitive habitat present in the native habitat zones be protected from brush clearing associated with fuel modification requirements, and only if modified as suggested will the LCP amendment be compatible with Coastal Act Section 30240.

EZStevens

To: EZStevens (EZStevens)
Subject: Letter RE: Nantasket - Coastal Commission Agenda item 8/13

August 9, 2010

TO CALIFORNIA COASTAL COMMISSIONERS and STAFF
RE: Friday Agenda item F8a August 13, 2010
FROM: RPV resident Opposed to this request

Subject: Major Amendment Request No. 01-10 to the Rancho Palos Verdes certified Local Coastal Program. (Nantasket RPV-NAJ-1-10)

Dear Coastal Commissioners and Staff.

I agree with the Staff Recommendation to DENY the Land Use Plan Amendment as proposed. No modifications should be considered. The proposed Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives. Amending the LUP for the economic gain of the developer is questionable. Mr. Ireland knew what the land use and zoning was when he purchased the land.

Although the staff-suggested modifications (only native, non-invasive plants allowed) may lessen any significant adverse effects of the plan on the environment, there are other feasible alternatives. Cultivated flowers and vegetables on the property would not be invasive and will respect the Goals of the city of RPV for the Coastal Zone. Agricultural use would also be more compatible with the surrounding neighborhood. The proposed houses would not be compatible. Although the city's Director explained that the proposed residential use would require a neighborhood compatibility review and finding, that finding could not be made. (RPV Planning Commission Minutes of 11/16/2006)

With all due respect, I propose a feasible Alternative to the staff's recommendation: Keep the primary use of this parcel Agricultural as designated in the LCP. Do not change the primary use to residential.

RPV Coastal Specific Plan Subregion 2, Agriculture Section:

The coastal specific plan makes a primary effort to maintain agricultural activity on this site. (LCP pg. S2-7) This use was not explored by the developer. Although this parcel is substantially smaller than the original lot, commercial agricultural activity is still a viable use of this land, and would comply with the LCP without amendment. Also, the property is within a view corridor. Agricultural use would not create any view obstruction from the adjoining public trail, the Flower Field Trail. The proposed houses would block the outstanding views that tourists and residents currently enjoy. (LCP pg. C-12))

For those who say that the lot is too small for viable agricultural use, may I remind you that First Lady Michelle Obama has planted a vegetable garden on only 1,100 square feet of the

White House Lawn. *"While the organic garden provides food for the first family's meals and formal dinners, 'its most important role', Mrs. Obama said, 'will be to educate children about healthful, locally grown fruit and vegetables at a time when obesity and diabetes have become a national concern' . . . the Obamas [were] lobbied for months by advocates who believe that growing more food locally, and organically, can lead to more healthful eating and reduce reliance on huge industrial farms that use more oil for transportation and chemicals for fertilizer."*
 (source: http://www.nvtimes.com/2009/03/20/dining/20garden.html_r=1)

Likewise, last year First Lady of California Maria Shriver planted parsley when the first edible garden at a State Capitol went into the ground in Sacramento. Garden guru-chef Alice Waters was also on hand to shovel some dirt. That 800-square-foot garden, which replaced a flower bed in Capitol Park on the east side of the Capitol building, includes chives, thyme and basil along with beets, radishes, peppers, tomatoes, eggplant, zucchini and garbanzo beans.

Only 800 square feet and 1,100 square feet of productive agricultural activity !

Wow! This site is 61,855 square feet (1.42 acres). That's plenty of space to provide neighboring Terranea Resort and local eateries with fresh produce and flowers.

Isn't agricultural activity a better use of the land than increasing density in the coastal zone with 4 large mansions on 4 small lots? Although the city did not submit pictures revealing the dense appearance of the site plan, a neighboring resident sent you photos of silhouettes of the proposed houses. (pg. 35 of item F8a staff report)

The Flower Field trail, originally planned to pass between the eastern edge of the Terranea resort and the western edge of this 1.42 acre parcel (the subject property), adjacent to the resort's golf course, was moved to the public sidewalk located along Nantasket Drive due to concerns about pedestrian safety next to the golf course. (Exhibit 2) If this location on the western edge of the golf course is a safety concern for a pedestrian trail, is it an appropriate location for single family houses? Terranea Resort posed this question in their letter to the city which is attached.

Please consider that amending the LCP for one developer may set a precedent which may have a domino effect on other properties and developments in the RPV Coastal Zone.
 This could open up a gigantic can of worms!

If someone makes a motion for approval with suggested Modifications / Conditions, please vote NO.

Please make a MOTION IN FAVOR of the Staff Recommendation to DENY the LCP amendment as submitted, and please vote YES.

Thank you for all you do for California!

Sincerely,


 Edward Z Stevens
 RPV resident for 40 years
 310-377-6606

CALIFORNIA COASTAL COMMISSION

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



F8a

ADDENDUM

Date: August 9, 2010

To: Commissioners & Interested Persons

From: JOHN AINSWORTH, DEPUTY DIRECTOR
SOUTH COAST DISTRICT STAFF

Subject: Commission Hearing of August 13, 2010, **item F8a** of agenda, Local Coastal Program Amendment RPV-MAJ-1-10, Rancho Palos Verdes, Los Angeles County

One letter from Mr. Bob Nelson stating that he is withdrawing his opposition to the project was received at the South Coast District Office on August 2, 2010 and two letters opposing the project were received at the South Coast District Office on August 9, 2010.

Coastal Commission case RPV-MAJ-1-10

Robert A. Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

Faxed to: 562-590-5084
California Coastal Commission
Long Beach, CA

John Del Arroz, Coastal Program Analyst
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

August 2, 2010

Coastal Commission Agenda
August 2010 Agenda: Friday, August 13, 2010: item F 8a
"City of Rancho Palos Verdes LCP Amendment No. RPV-MAJ-1-10
Nantasket Drive" (Mr. Dana Ireland, applicant)

Further to my July 17th and August 1st Letters

John Del Arroz,

Thank you for your call this morning and stating my August 1st request to delete my correspondence and attachments on this item from the Coastal Staff Report.

As I indicated to you, due to a recent conversation with the applicant, I can no longer be involved or have my opinion considered.

I would appreciate your distribution of this letter to our Coastal Commissioners so that they will know to ignore my input and proceed with Staff recommendations.

This residential addition to our costal environment has no personal impact on me and, again, it is best for me to be no longer involved.

Thanking you in advance for your time and advice,

Sincerely,


Bob Nelson

cc: Joel Rojas, Director, RPV Planning

2

FAX to 562-590-5084 ATTN: John DelArroz.

Sunshine
6 Limetree Lane
Rancho Palos Verdes, CA 90275-5909
310-377-8761
SunshineRPV@aol.com

RECEIVED
South Coast Region

August 7, 2010

AUG 8 - 2010

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10th FLOOR
LONG BEACH, CA 908

CALIFORNIA
COASTAL COMMISSION

RE: "Nantasket" RPV-NAJ-1-10,

Dear California Coastal Commissioners:

I strongly urge any one of you to step up and move Staff's recommendation to deny this proposal.

And I strongly urge all of you to then vote "YES".

Please do not even discuss the "amendments", "modifications", conditions etc. Any action you take which might lead to four big houses on substandard lots in the California Coastal Zone would simply be missing the point of your existence as an oversight body.

For the local residents, local businesses and the people of the State of California... agriculture, as in low growing specialty crops and flowers, is the best use of this land here in our Coastal Zone. The current property owner did his own risk management and paid way too much for this land and then has paid way too much to Architects and the RPV planning process. That is nobody's fault but his own. It is not a good thing that the RPV Staff is trying to save him from his folly.

There is a reason why the trail in the easement issue is called The Flower Field Trail. Sing along with Peter, Paul and Mary... *Where have all the flowers gone?* The time is right to bring the flowers back to the Palos Verdes terraces.

Now more than ever, we need to avoid importing fruits, vegetables and flowers which arrive with nasty bugs. We need to be able to teach our children where food comes from (4-H, Project Good Sense). We need to employ our mentally disabled (Seed to Plate).

This little bit of the California Coastal Zone is the perfect place to expand these good works. I am completely confident that this particular developer is wise enough to use some government bailout program and make lemonade out of his lemon.

Thank you for serving on behalf of the Citizens of California,



COVER SHEET

TO:

John Del Arroz, Project Analyst
Gary Timm, District Manager
John Ainsworth, Deputy Director
Peter Douglas, Executive Director
Coastal Commissioners
CALIFORNIA COASTAL COMMISSION
HEADQUARTERS AND
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10th FLOOR
LONG BEACH, CA

FAX 562-590-5084, 415-904-5400

From: Lenée Bilski
Rancho Palos Verdes
FAX: 310-377-2645

RE: F8a Aug. 13, 2010 "Nantasket" (RPV-NAJ-1-10)

Staff: Kindly forward to all Commissioners prior
to Aug. 11th opening meeting.

PAGES: 6 plus cover

RECEIVED
South Coast Region

AUG 9 - 2010

CALIFORNIA
COASTAL COMMISSION

Aug. 6, 2010

Please Forward to All Commissioners via email, fax, or hand delivery

TO CALIFORNIA COASTAL COMMISSIONERS and STAFF
RE: Friday Agenda item F8a August 13, 2010
FROM: RPV resident Opposed to this request

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1 of 2

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Thank you for all you do for California!

Sincerely,

Lenée Bilski
RPV resident
310-377-2645
email: tdb910@juno.com

2 of 2



LONG POINT DEVELOPMENT

78a

RECEIVED
JAN 25 2010
PLANNING, BUILDING AND
CODE ENFORCEMENT

January 25, 2010

Eduardo Schonborn
Senior Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Nantasket Drive Proposed Single Family Homes Adjacent to Terranea

Dear Eduardo,

This letter is written regarding the proposed single family residential project to be located on Nantasket drive, adjacent to Terranea Resort. Upon review of the information contained in the Rancho Palos Verdes (RPV) Planning Commission Staff report dated November 10, 2009, Long Point Development (LPD) has the following comments and concerns.

First, the Staff report indicates that the applicant is requesting a variance to permit a development with shallower lot depths than are required by City Code for RS-3 zoned properties. According to the Staff Report, the existing parcel has a lot depth of 93' which does not comply with the required minimum lot depth of 110'. While we understand that applicant still adheres to the minimum setback requirements specified for an RS-3 zoned lot, we are concerned that proposed plan has not considered the potential implications the shallower depth will have on the lots, houses on the lots, and the persons residing in those houses, related to golf safety. Shallower lots will cause the houses to be closer to the Links at Terranea, and leave the applicant with no room to provide potential golf safety mitigation.

We respectfully request that the City require the applicant to undertake the appropriate golf safety review and to include any necessary mitigation in his development.

In addition, we ask the City to require that a declaration be recorded against the Ireland property which sets forth as to all future owners the following:

1. A perpetual, nonexclusive easement for golf ball overflight.
2. An acknowledgement and agreement which includes the following: "that the Ireland property is located adjacent to the Links at Terranea Golf Course and is subject to risk of damage or injury due to person or property, including, without limitation, damage to the improvements constructed on the property and damages for personal injury or death due to errant golf balls. Each owner, for itself and for future owners, hereby assumes the risk of any and all damage or injury to persons or property, including, without limitation, damage to improvements on each lot or other property thereon, and damages for personal injury or death due to errant golf balls, and hereby releases Long Point Development, LLC and its successors and assigns as owner of the

100 Terranea Way - Rancho Palos Verdes California, 90275 - P 310 8002 7400 - F 310 802 7450

(ATTACHMENT 1-205)

1 of 2

1 Da
Terranea Resort and/or the Links at Terranea Golf Course and any operator of the Resort or Links Golf Course and each of their officers, directors, employees and agents from any and all liability for damage or injury caused by errant golf balls."

3. A similar acknowledgement and agreement regarding the resort itself, the conditions of approval for the Resort, and the fact that the Resort is a 24/7 operation, with cars coming and going all night and outdoor as well as indoor lighting and usage of facilities.
4. An acknowledgement and agreement that there is and can be no access from the Ireland property to the Resort and no entry into the resort property and the Habitat area.

Second, pursuant to Section 16.04.040.E of the RPV Subdivision Ordinance, as well as California Environmental Quality Act requirements, the findings contained in the Staff Report indicate that the applicants' project will not have a detrimental effect on "wildlife or its habitat". While we cannot provide comment on the merits of this analysis, we are concerned that the applicant has not adequately studied the impacts of the proposed development on the Terranea Habitat Zone that directly abuts the proposed development. This Habitat Area, referred to by the California Coastal Commission (CCC) as Zone C, is a requirement of Terranea's Coastal Development Permit. Please see attached Exhibit A (LP-1 Nantasket Habitat). As Staff is aware, LPD has invested significant resources in assuring the integrity of its habitat areas and the non invasive ornamental zones that abut them. We respectfully request that the City consider the impacts of the proposed development on adjacent native habitat areas, that the City require that no nonnative or invasive species be permitted within fifteen feet of the Habitat Zone and that nonnative and invasive species be required to be removed by the property owners as needed from such area, and appropriate additional mitigation measures to preserve the integrity of the restored Habitat. We ask that Staff revise its finding accordingly.

Third, regarding the applicant's conformance with the Coastal Specific Plan, we are concerned that the applicant's proposed development is not being held to offsite improvement or coastal access precedents imposed on other developers (including Long Point Development) within Rancho Palos Verdes. For example, while the Staff report notes that "the...residences are confined to property limits and will not interfere with the public's right to access the sea," other developers, including Long Point Development, were required to improve off-site trails, including the Flowerfield Trail which directly abuts the applicant's property. We respectfully request that the City require the applicant to improve and maintain the portion of the Flowerfield Trail adjacent to his property.

We appreciate your attention to our comments and concerns regarding this development application. Should you have any questions or require any additional materials or explanation, please contact me at your earliest convenience so that we may respond as needed.

Regards,



Todd Majcher
Vice President
Long Point Development

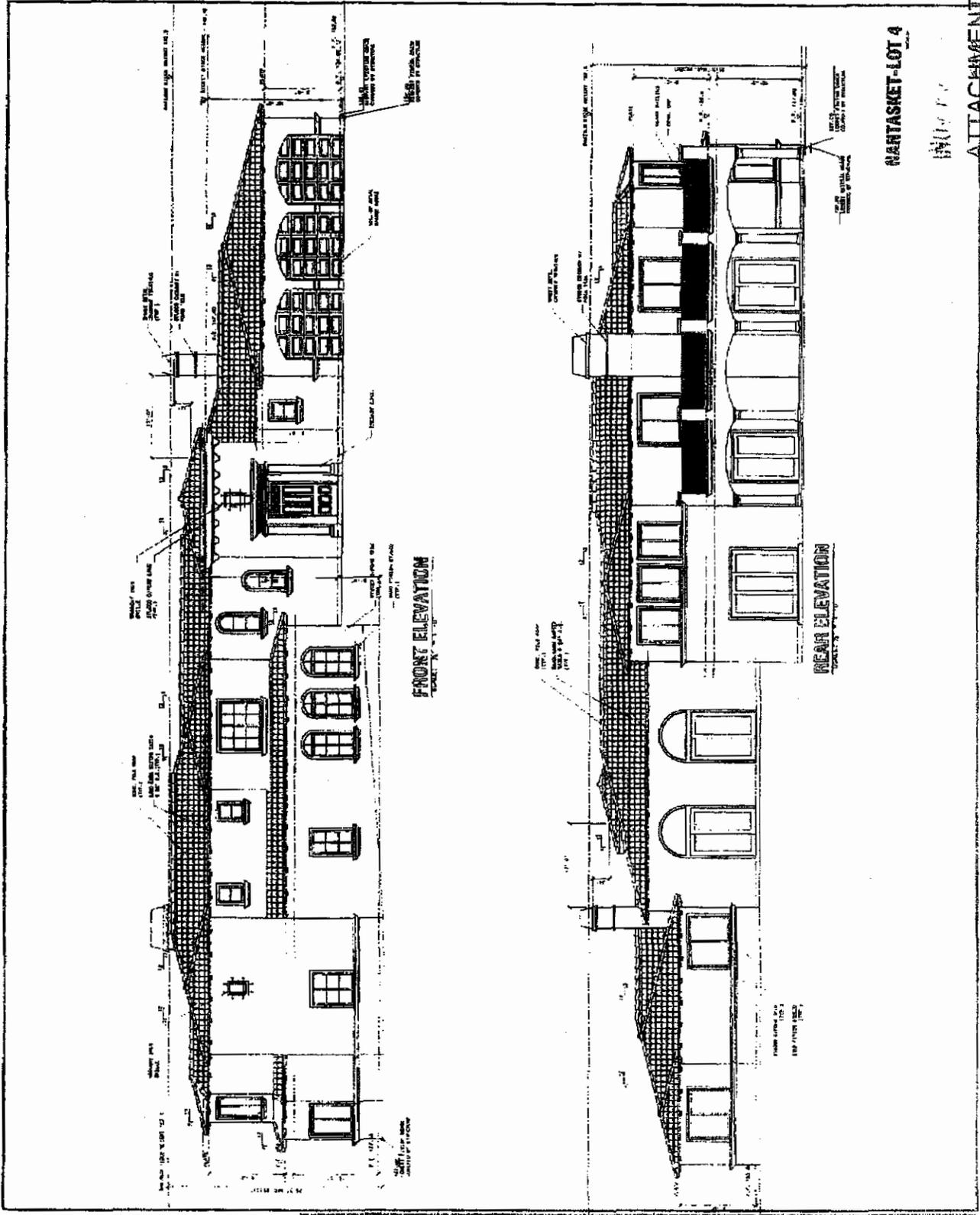


MR. & MRS. IRELAND
18000 PALMS DRIVE
PALMDALE, CALIFORNIA 93550

NANTASKET VILLAS
NANTASKET DRIVE
PALMDALE, CALIFORNIA

EXTERIOR ELEVATIONS
REVISED DESIGN 08-10-07

5
NANTASKET-LOT 4
ATTACHMENT 1-230

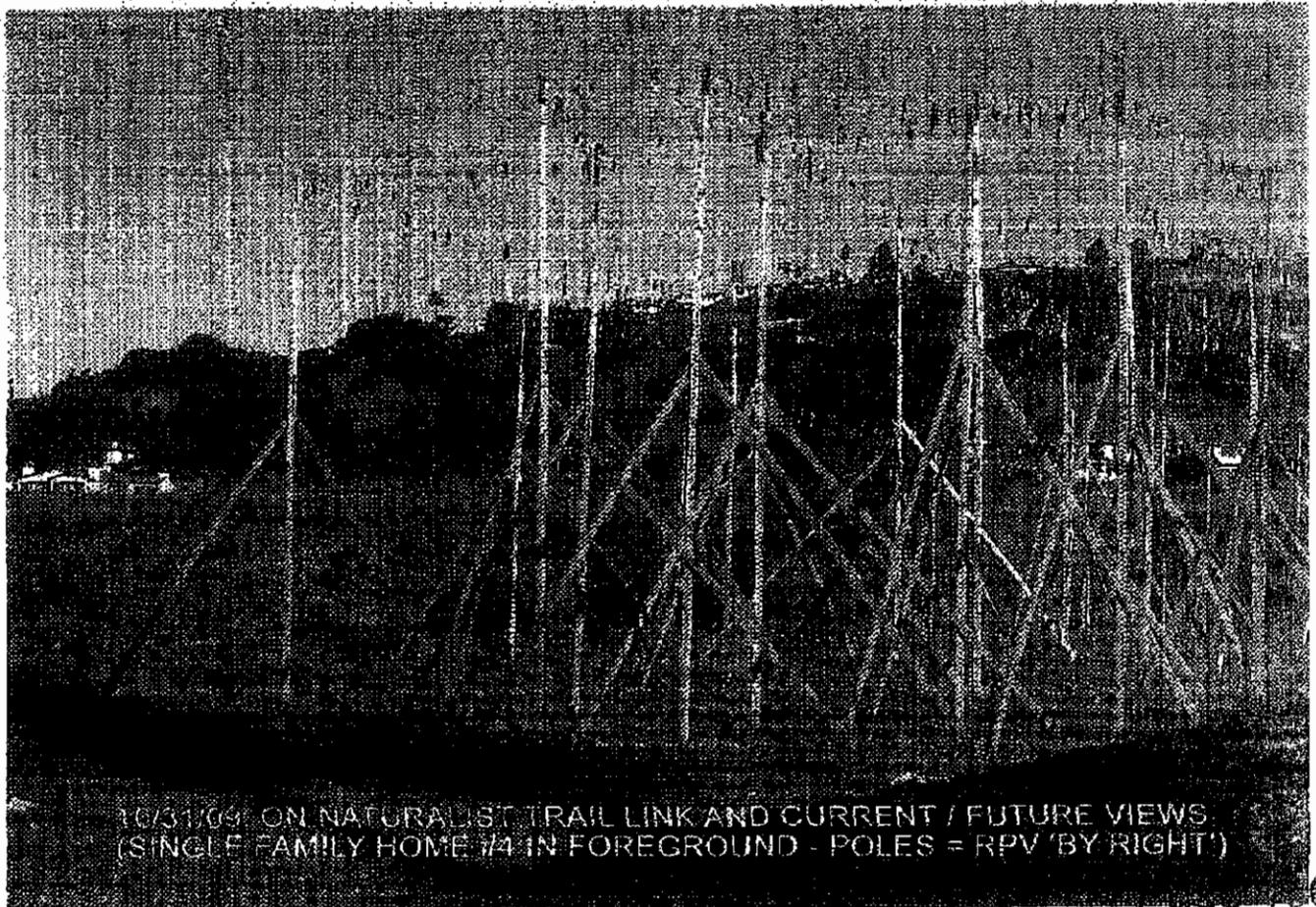
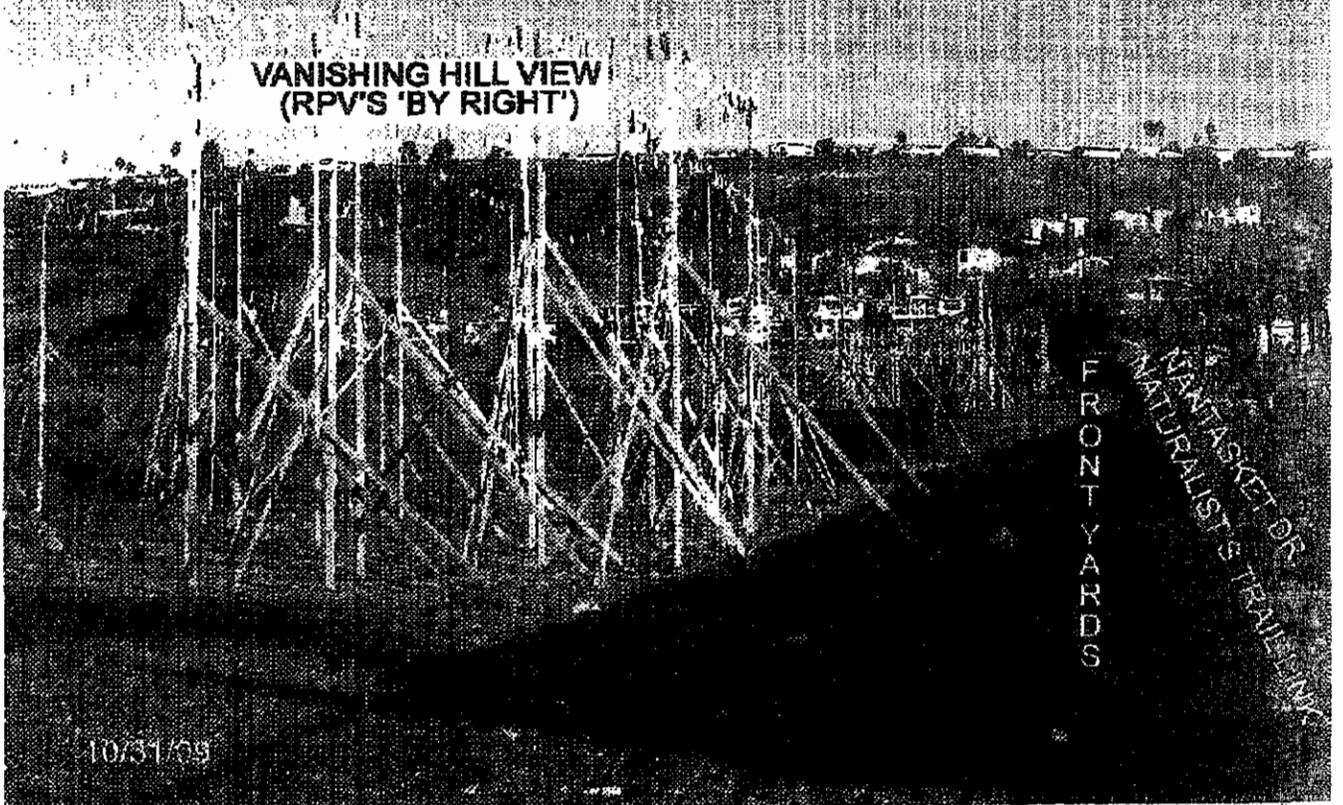


F 8a

F&A

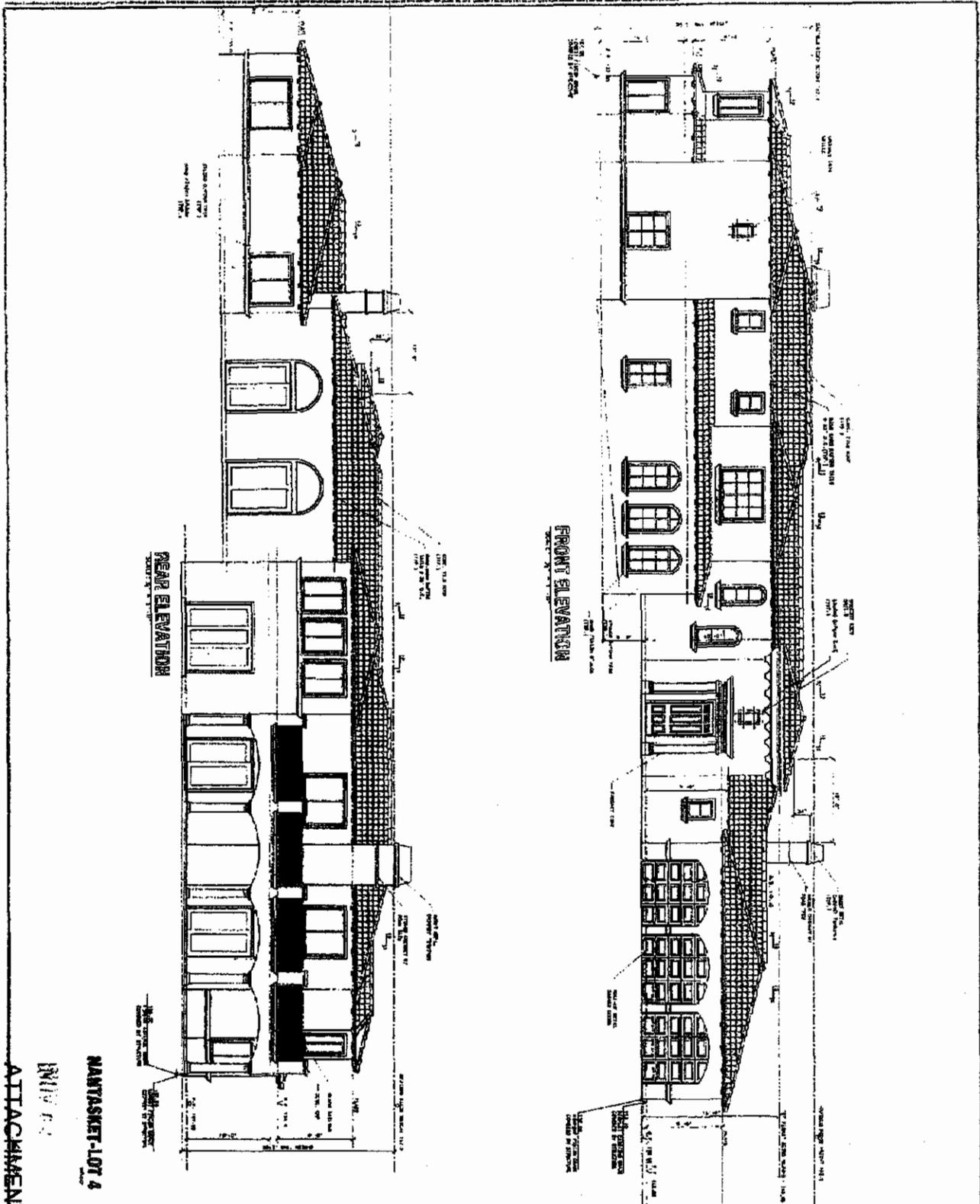
11/10/2009: RPV PC - Nantasket 2nd Plan

VIEW: UPHILL FROM NANTASKET & SEA COVE CORNER



10/31/09

F 8a



ATTACHMENT 1-230

DATE: 08/10/07

NANTASKET LOT 4

| | | |
|-----|----------|-------------|
| NO. | DATE | DESCRIPTION |
| 1 | 08/10/07 | REVISION |

EXTERIOR ELEVATIONS

REVISED DESIGN 06-10-07

KANTASKET VILLAS
 NANTASKET DRIVE
 RANCHO PALOS VERDES, CALIFORNIA

MR. & MRS. IRELAND
 1 BRADDOCK DRIVE
 RANCHO PALOS VERDES, CALIFORNIA 92270

ENVIRTECHNO
 10000 WILSON AVENUE
 SUITE 100
 WESTLAKE, CALIFORNIA 91361
 TEL: (818) 708-1111
 FAX: (818) 708-1112
 WWW.ENVIRTECHNO.COM

CALIFORNIA COASTAL COMMISSION

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



July 21, 2010

F 8a**MEMORANDUM:**

TO: Commissioners and Interested Parties

FROM: Jack Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager, South Coast District
John Del Arroz, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 01-10 to the Rancho Palos Verdes certified Local Coastal Program (for public hearing and Commission action at the August 11-13, 2010 meeting in San Luis Obispo)

SUMMARY OF LCP AMENDMENT REQUEST

On March 22, 2010, the city of Rancho Palos Verdes submitted a request to amend the Rancho Palos Verdes certified Local Coastal Program (LCP). The proposed amendment would change the Coastal Specific Plan Land Use from Agriculture to Residential, and the zoning designation from Commercial Recreational to Single-Family Residential for a vacant 1.42 acre property located at 32639 Nantasket Drive. The subject site is located to the south of Palos Verdes Drive and on the north south and east sides adjacent to the Terranea Resort habitat restoration areas. Residential development is located to the east and south of the subject site. If the amendment is approved, the site could potentially be divided into four parcels and developed with 4 single-family residences (SFRs) on individual lots. On April 30, 2010, Commission staff determined that the City's submittal was complete. On June 11, the City and the Commission agreed to extend the 90-day time limit for consideration of the amendment to the total LCP for one additional year pursuant to Public Resources Code section 30517.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

1. Deny the LUP amendment as submitted, and approve it if modified as recommended below.
2. Approve the amendment request to the Implementation Plan as submitted.

The City's proposed LCP amendment, as submitted, is inconsistent with Section 30240 of the Coastal Act relative to the requirement that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade those areas and be compatible with the continuance of those habitat areas. The proposed LCP amendment, which will allow residential use on the subject site, could adversely impact the habitat restoration areas on the adjacent Terranea Resort by the introduction on non-native and/or invasive plant species unless

policy requirements are established that prohibit the planting of such species and require the use of native, non-invasive plant species as a component of permitted residential development of the site. Therefore, staff is recommending suggested modifications to the LCP amendment request to add protective policies regarding future landscaping on the site.

The motions to accomplish this recommendation are found on pages **3 & 4**. As proposed, the LUP amendment does not meet the requirements of and is not in conformity with the Chapter 3 policies of the Coastal Act. Only if modified as recommended will the LUP Amendment meet the requirements of and be in conformity with the Chapter 3 policies of the Coastal Act. The Implementation Plan amendment is in conformity with and adequate to carry out the policies of the certified Land Use Plan, as they are proposed to be amended as modified in accordance with the staff recommendation.

STANDARD OF REVIEW:

The standard of review for the proposed Land Use Plan amendment, pursuant to Coastal Act sections 30512(c) and 30514(b), is its consistency with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Rancho Palos Verdes Implementation Plan, pursuant to Coastal Act Sections 30513 and 30514(b), is its conformance with and adequacy to carry out the provisions of the certified Rancho Palos Verdes Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION:

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

On Oct. 2, 2009, the city of Rancho Palos Verdes notice of the Nov. 10th Planning Commission hearing was mailed to property owners within a 500 ft radius. On Oct. 8, 2009 notice was also provided in the *Peninsula News*. On November 10, 2009, the Rancho Palos Verdes Planning Commission held a public hearing and voted 6-1 to approve Resolution 2010-09, recommending City Council approval of the Coastal Plan amendment and Zone change. Notice was mailed to property owners within a 500 foot radius, informing them of the proposed project and City Council Hearing. After public hearing, on Feb. 2, 2010 the City Council adopted Resolution 2010-08, accepting the mitigated negative declaration, and Resolution 2010-09 approving the proposed amendment.

The South Coast District office has received a total of 5 letters from the public. All letters express opposition to the proposed amendment.

LIST OF EXHIBITS

1. Aerial view
2. Plan of trails from Permit for Terranea Resort
3. Map of habitat zones from Todd Machjer
4. Maps of Coastal Resource Management Districts from the City's Natural Environment Element portion of the LCP.
5. LCP map of visual corridors
6. Public Comment Letters

ADDITIONAL INFORMATION

The matter is scheduled for Public Hearing and Commission Action at the meeting of August 11-13, 2010, in San Luis Obispo, California. For further information, please contact John Del Arroz at the South Coast District Office of the Coastal Commission, at (562) 590-5071. Copies of the proposed amended Land Use Plan and Implementation Ordinances are available for review at the Commission South Coast District office or from the RPV Planning department at 310-544-5228.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following resolutions:

A. Denial of the Land Use Plan Amendment as Submitted

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-10 for the City of Rancho Palos Verdes Local Coastal Program as submitted.*

STAFF RECOMMENDATION TO CERTIFY AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment 1-10 as submitted by the City of Rancho Palos Verdes and adopts the findings set forth below on the grounds that the amendment does not meet the requirements of or conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any

significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Approval of the LUP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-10 for the City of Rancho Palos Verdes if it is modified as suggested by staff.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the Land Use Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS

The Commission hereby certifies the Land Use Plan Amendment No. 1-10 for the City of Rancho Palos Verdes if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment if modified as suggested 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Approval of the Implementation Plan Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Program Amendment 1-10 for the City of Rancho Palos Verdes as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies Implementation Program Amendment 1-10 for the City of Rancho Palos Verdes as submitted and adopts the findings set forth below on grounds that the Implementation Program amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program amendment will meet the requirements of 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 Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program amendment.

II. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the Local Coastal Program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. If the LCP Amendment is approved as submitted, the City's resolution of adoption (Resolution No. 2010-09) will take effect upon Commission certification. If the LCP Amendment is approved with suggested modifications, the LCP Amendment will take effect after the City formally accepts the suggested modifications, and the Executive Director determines that the City's action is legally adequate to satisfy the requirements of the suggested modifications and the Commission concurs with the Executive Director's determination at a regularly scheduled public meeting.

III. SUGGESTED MODIFICATIONS

Certification of City of Rancho Palos Verdes LCP Amendment Request No. 1-10 is subject to the following modifications to the City's certified Land Use Plan.

The City's proposed additions are shown as underlined text.

The City's proposed deletions are shown as ~~strike-out text~~.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

The Commission's suggested deletions are shown in ***~~bold, italic, strike-out text~~***

Subregion 2, Transportation Systems Section:

~~With respect to the future potential development of the school site as a commercial recreation facility (secondary use), this plan does not identify specific recommended uses; however the following are guidelines which should be considered in any such development plans~~

- ~~1) Access should not be taken from Nantasket drive (in subregion 3) since it is designed as a residential street and commercial traffic would in all likelihood cause significant problems~~
- ~~2) The Project proponents should investigate the possibility of sharing access with Marineland through the use of appropriate legal methods.~~
- ~~3) Parking and access should be designed so that it is sufficiently buffered from existing and future residential development.~~

Subregion 2, Agriculture Section:

~~The coastal specific plan makes a primary effort to maintain agricultural activity on the 17 acre school site. This action is warranted because of the site's high crop yield, irrigation and substantial site size. In order to maintain the activity, the City needs to add an agricultural district to its development code and apply it to this site. Maintaining agriculture on this site is contingent on the site not being needed for a school, and sufficient funding from other agencies being available for purchase of the site. Should these conditions not be met, then the plan recommends a secondary use of commercial recreation as proposed by the General Plan.~~

Subregion 2, Potential Activities Section:

~~Should the primary aim of maintaining agriculture on this site prove unworkable, then a secondary proposal of commercial recreation should be implemented. Development under a commercial recreational use would raise two concerns. One, the point of primary access which is discussed under vehicular networks and should be referred to therein; and two, possible adverse impacts onto adjoining residential areas located in subregion 3. Site planning efforts need to be cognizant of adjoining residential areas. Buffer areas should be supplied along the site's common property line along with the shielding of any outdoor lighting. Noise should be retarded at the generating sources. A critical view corridor traverses the site (see corridor section) requiring structural improvements to be carefully~~

~~**reviewed in the affected area. Also, consideration should be given to a development's appearance from residential areas.**~~

Subregion 2, Induced Activity Section:

The General Plan Designates a commercial recreational use for the 17 acre surplus school site. The Coastal Specific Plan changes this proposal. It designates a **land use of Residential for the 1.4 acre parcel on the eastern boundary near Nantasket Drive on the site and a Commercial Recreation use on the remainder.** ~~**primary use of agriculture on the site, a secondary use of commercial recreation, and encouragement of a retirement/senior citizen/ fixed income facility on a portion of the site.**~~ Aside from this, the coastal specific plan concurs with land uses established in the general plan.

Subregion 2 Policy 8:

~~Change the primary land use on the Designate as agricultural use 1.42-acre site, which was subdivided from the former Abalone Cove School Site located on the west side of Nantasket Drive adjacent to the Terranea Hotel Resort site in the event that the property is not required for construction of a school and if sufficient non-city funds are made available to the City through the Coastal Conservancy (Or other funding) for purchase of the site. A secondary use designation shall be commercial recreation and encouragement of a retirement/senior citizen/ fixed income facility on a portion of the site. from Agriculture to Residential.~~

Parcels adjacent to natural habitat areas created as mitigation for development of the Terranea Resort Hotel including the residential parcels along Nantasket Drive to the east shall be required to use only non-invasive plant species, as identified by the California Invasive Pest Council (Cal-IPC) or the Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains. In addition, all landscaping shall be required to consist of primarily native, drought resistant species and all landscaping within 15 feet of the rear property line adjacent to the natural habitat area shall consist of non-invasive, native plant species only.

Add the following policy to the Policies Section of Subregion 2 of the Land Use Plan:

10. The sidewalk along Nantasket Drive, which connects to the Flowerfield trail on the Terranea Resort site shall remain open to the public and no physical obstructions such as gates or guardhouses or signs that restrict public access to the trail shall be allowed on or fronting Nantasket Drive.

IV. FINDINGS

The following findings support the Commission's denial of the proposed LCP Amendment as submitted and approval if modified as recommended by staff. The Commission hereby finds and declares as follows:

A. Amendment Description

The proposed Local Coastal Program Amendment (LCPA) No. 1-10 consists of a change in the Coastal Specific Plan Land Use designation from Agriculture to Residential and a change in the Implementation Plan Zoning designation from Commercial Recreation (CR) to Single-Family Residential (RS-3) for a vacant 1.42 acre parcel located at 32639 Nantasket Drive (APN 7573-014-013) to allow for potential subdivision and the construction of four single family residences. The subject site is within the area appealable to the Coastal Commission. This amendment would modify Policy 8 of the Coastal Specific Plan, Subregion 2 as follows (language to be added is underlined and language to be deleted is in ~~strike-out~~):

Change the primary land use on the ~~Designate as agricultural use~~ 1.42-acre site, ~~which was subdivided from the former 17 acre Abalone Cove School Site in the event that the property is not required for construction of a school and if sufficient non-city funds are made available to the City through the Coastal Conservancy (Or other funding) for purchase of the site. A secondary use designation shall be commercial recreation and encouragement of a retirement/senior citizen/ fixed income facility on a portion of the site.~~ from Agriculture to Residential.

The subject site is bordered to the north and west by the Terranea Resort, to the north, west and south by native habitat plant zones on the Terranea Resort site, and to the east by the Villa Apartments. The single family residential street, Channelview Drive lies a short distance to the north.

The subject parcel was once a part of a 17 acre parcel of surplus Palos Verdes Peninsula Unified School District property. Between 1975 and 1980, a portion of the site was used for agriculture. In recognition of the "site's high crop yield, irrigation and substantial site size"(page S2-7 of the LUP), the Coastal Specific Plan recommended an Agricultural Land Use designation for the site in 1978, contingent on the availability of non-city funding for purchase of the site. A secondary, alternate designation of Commercial Recreation was proposed if funding was not obtained. In 1979 the operators of Marineland acquired the property. In 1980 the Rancho Palos Verdes Planning Commission approved Tentative Parcel Map No. 12715, creating the subject 1.42 acre parcel for use as a parking lot for the nearby Villa Apartments, which was never developed. In 1983, the Local Coastal Program for Ranchos Palos Verdes was certified with the above described LUP and Zoning designations for the subject parcel.

The remaining portion of the 17 acre parcel was approved for development as part of the Terranea Resort Hotel. The conditions for approval of the Terranea Resort included requirements for the construction of public trails throughout the development and for the creation of natural habitat areas. The Flowerfield trail was originally planned to pass between the eastern edge of the Terranea resort and the western edge of the 1.42 acre parcel (the subject property), adjacent to the resort's golf course. Due to concerns about pedestrian safety next to the golf course, the trail was moved to the public sidewalk located along Nantasket Drive on the eastern edge of the subject property(Exhibit 2).

Sensitive habitat, including coastal sage scrub and coastal bluff scrub, was identified on the site of the Terranea Resort as part of city review of the Terranea development. In order to mitigate for the loss of sensitive habitat, the Terranea development was required to restore and enhance a number of habitat areas throughout the site. The Nantasket Habitat Area is located directly adjacent to the site, to the north, west and south (Exhibit 3).

Although the city's general plan, Land Use Plan and zoning ordinance designate the subject site as Agriculture and Commercial Recreation, the Coastal Specific plan has not been updated since its adoption, and therefore still designates the primary land use for the site as Agriculture.

B. Findings for Denial of Land Use Plan Amendment as Submitted

The standard of review for Amendments to a certified Land Use Plan is consistency with the policies of Chapter 3 of the Coastal Act. The Commission may require conformity with Chapter 3 only to the extent necessary to achieve the basic stated goals specified in Section 30001.5.

1. Sensitive Habitat

Section 30240(a) & (b) states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30107.5 defines environmentally sensitive habitat area (ESHA) to include

[A]ny area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development.

The natural environment element of the LUP states:

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“CRM 9 – Wildlife Habitat

Existing wildlife habitats can be retained with vegetation and natural drainage patterns maintained to provide water and foraging material in the habitat. It is important to review any proposed development within or adjacent to wildlife habitat districts for the nature of the impact upon the wildlife habitat and possible mitigation measures to fully offset any impacts.”

“Require developments within or adjacent to wildlife habitats to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact.”

Directly adjacent to the subject parcel is an Enhanced Native Planting Zone of the Terranea Development. This area is designated as habitat enhancement for endangered species and native animals of concern, including the Federally Endangered California Gnatcatcher. As a result, the area qualifies as ESHA, and the adjacent development must be compatible with the continuance of the habitat area.

Condition 7 of the Special Conditions for the Terranea Development states in part:

Zone C Roadside Enhanced Native Planting Zone. Applicant shall install plants adjacent to Palos Verdes Drive South that provide food and cover for wildlife, including gnatcatchers, migration between the nearby habitat areas to the northeast and northwest under consideration for inclusion in the City’s Natural Communities Conservation Plan (NCCP) Program as depicted in Exhibit 24”

The findings from the staff report for the Terranea Development states:

Staff in researching restoration and landscaping special conditions interviewed Dr. Barry Prigge, a California Native plant specialist. He indicated to staff that in his opinion, a very significant problem for the persistence of native plant communities in southern California habitat areas is the use of invasive non-native plants in nearby developed areas. This is because invasive plants can and do invade disturbed areas and habitat areas and supplant native plants. The non-native plants often do not provide the necessary food for native butterflies and other insects. For this reason Dr. Prigge advised against allowing use of invasive plants near habitat restoration areas.

And

The Commission finds that the objective of the plans for the enhancement and restoration areas should be to enhance habitat for the endangered butterflies. Other landscaping on the site should (1) protect the enhancement areas (2) provide additional food and cover for native animals of concern including the gnatcatcher and the cactus wren. The objectives of this planting in enhancement areas should be, within the constraints of fire protection to provide food and cover for the endangered species and other CSS(Coastal Sage Scrub) species found on the site and nearby. Most importantly the landscaping elsewhere on the site should not have impacts on habitat areas.

The LUP includes a map which designates specific areas for each Coastal Resource Management zone. The Habitat Area adjacent to the subject site is not included on the LCP’s map of Wildlife Habitat (Exhibit 4). Therefore the existing LUP could be construed as only protecting those areas that are specifically designated as Wildlife Habitat within the LCP. Without adequate protection, the natural habitat areas created as mitigation for the Terranea development could be at risk from development on the adjacent parcel.

The Nantasket Habitat Area lies directly adjacent to the subject development on the Terranea Resort site. As submitted, the amendments to Land Use Plan and Implementation Plan do not address negative effects of residential development and landscaping on the adjacent habitat area. The Terranea Development specifically prohibited the use of potentially harmful plant species anywhere on the Resort. If there are no restrictions placed on development of the subject site, non-native, invasive species planted within the residential parcel directly adjacent to a habitat area have the potential to outcompete native species, resulting in loss of biodiversity and habitat and food sources for native species, resulting in significant degradation of the natural habitat area. As proposed, the amendment to the LUP is not “compatible with the continuance of those habitat and recreation areas,” as required by Coastal Act Section 30240(b).

2. Inconsistencies in the Land Use Plan

As submitted, the amendments to the Land Use Plan would change the Policies section of Subregion 2, but would not change other sections of Subregion 2 of the Land Use Plan which state that the permitted uses on the subject site are Agriculture and Commercial Recreation. As submitted, the findings in the LUP which support the stated policies would be inconsistent with the amended Policies section. This would leave ambiguity as to the permitted uses on the subject site.

3. Public Access

Coastal Act Section 30210 states:

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.

Coastal Act Section 30211 states:

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 submitted, the amendment to the land use plan would not provide specific protections to ensure that the residential development of the subject site will not impact public access to and along the Coast through the Flowerfield trail. Due to the proximity of the Flowerfield trail to the subject site, residential development could lead to pressures to restrict public utilization of the Flowerfield Trail. Without adequate protections in place, this could lead to a reduction in public access to the shoreline and along the bluff. Therefore, as submitted, the proposed change in Land Use designation of the subject site is not compatible with Sections 30210 and 30211

C. Findings for Approval of Land Use Plan Amendment RPV-MAJ-1-10 if Modified as Recommended, in Part, and as Submitted, in Part

1. Environmentally Sensitive Habitat

The habitat area adjacent to the subject parcel on the eastern edge of the Terranea Resort site contains habitat which is important to native species, including the federally endangered California Gnatcatcher. The certified LUP contains policies to protect and enhance native plants and natural habitat; however, as discussed in the preceding section, there are some existing deficiencies in these policies that require modifications to ensure that the native habitat areas adjacent to the subject parcel are protected. The proposed LCP Amendment to change the zoning and land use of the subject parcel to Residential would introduce urban landscaping to the parcel as a part of residential development. Without adequate protections, landscaping on the subject parcel may contain invasive, non-native species. Non-native, invasive species may outcompete and replace native plants within the natural habitat area with non-native plants. This would reduce the habitat value of the natural habitat area for native species. As a result, the proposed LCP change, as submitted, is not consistent with Coastal Act Section 30240. Therefore, it is necessary to add a policy to the Land use Plan as a suggested modification which restricts the use of non-native and invasive plant species on newly developed sites adjacent to the established natural habitat on the Terranea Resort site.

Only if modified as suggested would invasive and non-native plant species associated with residential development be prohibited from use within the subject parcel, and degradation of the adjacent habitat area avoided. Only with the suggested modification can the development be found in conformance with Section 30240 of the Coastal Act.

2. Agriculture

Coastal Act Section 30241 states in part:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

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(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Coastal Act Section 30250 states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The City's Certified Land Use Plan, Subregion 2 states:

The coastal specific plan makes a primary effort to maintain agricultural activity on the 17 acre school site. This action is warranted because of the site's high crop yield, irrigation and substantial site size... Maintaining agriculture on this site is contingent on the site not being needed for a school, and sufficient funding from other agencies being available for purchase of the site.... Should the primary aim of maintaining agriculture on this site prove unworkable, then a secondary proposal of commercial recreation should be implemented. Development under a commercial recreational use would raise two concerns. One, the point of primary access.... and two, possible adverse impacts onto adjoining residential areas located in subregion 3. Site planning efforts need to be cognizant of adjoining residential areas. Buffer areas should be supplied along the site's common property line along with the shielding of any outdoor lighting. Noise should be retarded at the generating sources.

The primary land use currently specified by the Rancho Palos Verdes Local Land Use Plan is Agriculture. The City's Land Use Plan states that the site had "high crop yield, irrigation, and substantial site size." According to this description, the 17 acre parcel may qualify as prime agricultural land. According to Sections 30241 and 30250, conversion of prime agricultural land may only be permitted where: the site is surrounded by urban uses, and the new development is "located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it." The proposed change in land use meets this requirement. The subject site is surrounded by urban uses, including apartments and single family residences to the North and East, and the golf course for the Terranea Resort to the West. The site is located within existing developed areas, the proposed residential use at the subject site will fit with the surrounding residential uses, and the residential street Nantasket Drive and existing utilities will be adequate to accommodate the new development.

Conversion of other agricultural land may only be permitted where continued agricultural production is not feasible, or where doing so would “concentrate development consistent with Section 30250”. While the LCP states that the site was suitable for continued agricultural use, that designation was contingent on the availability of funding for purchase of the subject site. That funding was not obtained, and the size of the parcel has since been greatly reduced due to the lot split approved by the city in 1980. The Commission then approved a permit for the Terranea Resort Hotel, which resulted in the development of most of the former 17 acre parcel once used for agriculture, leaving behind the 1.42 acre remnant parcel. The subject property is not currently in agricultural production, and has not been used for agriculture since the 1.42 acre parcel was created in 1980. Although the city did not submit an agricultural viability report, the small site size, lack of agriculture for the past 30 years, lack of funding for public acquisition, and the Commission’s prior approval of a Commercial Recreation land use on the Terranea site indicate that agriculture is not viable on the subject site. The subject site is currently bordered on four sides by urban uses and therefore the proposed conversion to Residential can be considered located “*within, contiguous with, or in close proximity to, existing developed areas able to accommodate it,*” in conformance with Coastal Act Section 30250. Allowing use of the site for residential development is therefore consistent with Coastal Act Sections 30241, 30242 and 30250. The suggested modification to Subregion 2 of the City’s Certified Land Use Plan removes language designating the subject site as an Agricultural land use designation, and therefore brings the Land Use Plan into conformity with the proposed change in land use designation to Residential.

3. Commercial Recreation

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The City’s Certified Land Use Plan, Subregion 2 states:

With respect to the future potential development of the school site as a commercial recreation facility (secondary use), this plan does not identify specific recommended uses; however the following are guidelines which should be considered in any such development plans.... Access should not be taken from Nantasket drive (in subregion 3) since it is designed as a residential street and commercial traffic would in all likelihood cause significant problems.... Parking and access should be designed so that it is sufficiently buffered from existing and future residential development.

The secondary land use suggested by the City’s LUP is Commercial Recreation. Commercial Recreation is a higher priority coastal land use than Residential. However, Coastal Act Section 30222 states that Commercial Recreational uses should be given priority on “suitable” private lands. Most of the pre-1980 17 acre site is now devoted to visitor serving uses. The remaining 1.42 acre parcel, however, is not suitable or no longer preferable for development of a commercial recreational use due to conflicts with

the surrounding residential uses; therefore Commercial Recreation is not a priority use at the site. The subject site is a thin rectangular parcel, with little room available to buffer impacts between conflicting land uses. Development of a Commercial Recreational facility would create additional light and noise impacts which are incompatible with the surrounding residences and the adjacent habitat areas on the Terranea Resort site. The City's certified LUP states that access to a commercial recreational use should not be taken through Nantasket Drive due to additional vehicle trips and increased demand for parking on residential streets. However, due to development of the Terranea Resort to the west, access to a commercial recreational use or any use at the subject site must be taken through Nantasket Drive, a residential street, in contradiction of the City's certified LCP. No other suitable access for a Commercial Recreational land use exists at the subject site. Conversion of the site to residential is also warranted because significant commercial recreational resources already exist in the immediate area due to the development of the Terranea Resort to the west of the subject property, including public trails, restaurants, and other visitor serving commercial facilities. The suggested modification to Subregion 2 of the City's Certified Land Use Plan removes language designating the subject site as a Commercial Recreation land use designation, and therefore brings the Land Use Plan into conformity with the proposed change in land use designation to Residential.

4. Visual Resources

Coastal Act Section 30251 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.

The Visual Corridor Section of the Corridors Element in the LCP states in part:

The Visual Corridors which have been identified in the general plan and are discussed here are those which are considered to have the greatest degree of visual value and interest to the greatest number of viewers, and are thus a function of Palos Verdes Drive as the primary visual corridor accessible to the greatest number of viewers, with views of irreplaceable natural character and recognized regional significance.

The Corridors Element of the certified LCP states:

It is the policy of the City to: Require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines.

The City of Rancho Palos Verdes Local Coastal Program protects coastal visual resources through the designation of view corridors which protect specific coastal views. The subject site is within a partial/indirect view from a vista to the northwest along Palos Verdes Drive, and partially within a direct full view corridor towards Point Fermin to the southwest(Exhibit 5).

The City's certified LCP requires all development proposals to "mitigate impacts and obtain feasible implementation of all corridor guidelines." Current land use policies allow for a land use of agricultural or commercial, and current zoning allows for a commercial use at the site. The proposed change to residential land use and residential zoning (RS-3) would not impact the indirect or direct view corridors to any greater degree than the existing land use and zoning designations as long as permitted development is sited and designed to comply with the LCP's view protection policies.

Residential development at the site would not be expected to be visible from the indirect view corridor to the northwest along Palos Verdes Drive. The residences located along Channelview Drive located north of the subject site currently partially obstruct views from Palos Verdes Drive, allowing views of the ocean but not of the coastline. If future development of the site would pose additional view impacts to the indirect view corridor, current LCP policies require the City to do a view analysis to mitigate the impacts to views. Thirty to fifty feet of the 650 ft long subject site infringes on the direct view corridor towards Point Fermin. However, policies in the City's certified LCP protect impacts to direct view corridors from development, and require that any future development on the site would be required to follow the view corridor guidelines of the LCP and avoid or mitigate visual impacts.

Public comments received during the City's public hearing process commented on the potential for view obstruction from nearby private residences. However, the Commission has not interpreted the Coastal Act as protecting private views. The Commission has previously found this to be the case under permits A-5-RDB-04-261(Doyle), and LCP Amendment LGB-MAJ-2-06 for the City of Laguna Beach. The Visual Corridor policy of the LUP identifies specific public views which "are considered to have the greatest degree of visual value and interest to the greatest number of viewers..." Likewise, Section 30251 states: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance". By referring to the protection of views of interest to the greatest number of viewers, and the public importance of scenic and visual qualities of coastal areas, the policies indicate that public views are to be protected. Nowhere do these provisions of the LCP or the other LUP policies refer specifically to the importance of protecting private views.

One letter was also received by the City which objected to potential obstruction of views from the Flowerfield trail to the north of the parcel. New residential construction on the site will undoubtedly obstruct public views from the section of the Flowerfield trail that traverses the sidewalk fronting Nantasket Drive. However, similar views are available from the Flowerfield trail adjacent to the subject parcel on the East and at other locations northwest and south of the subject parcel. Additionally, a similar obstruction of views

would still occur with the development of a commercial development, which is currently allowed under the City's certified Land Use Plan and zoning code.

Therefore, for the reasons discussed above, the Commission finds that the proposed LUP change to a residential land use is consistent with Coastal Act Section 30251, and the change in zoning is consistent with the Visual Corridors section of the LCP.

5. Public Access

Section 30210 of the Coastal Act states:

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 of the Coastal Act states:

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.

Section 30212 of the Coastal Act states in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The permit for the Long Point Resort (now Terranea Resort Hotel) includes a deed restriction detailing an easement for a number of trails around the property. The Flowerfield Trail, which runs along the sidewalk adjacent the subject site, is described in the permit as:

“Flowerfield Trail: A 4-foot wide trail in a 10-foot wide corridor, extending from the northern end of the Resort Entry Trail, running east to the eastern edge of the property and continuing south and terminating on the southeast corner bluff top and connecting to the offsite Vanderlip Trail that continues down coast. This trail also connects to the Long Point Trail.”

The Flowerfield trail, as previously described, is located on a public sidewalk along Nantasket Drive for a portion of its length to avoid potential hazards (errant golf balls) associated with the adjacent golf course on the Terranea Resort. Future development of residences on the subject property will not block or impede access to the trail. The trail adjacent to the subject site is located on public land, and a change from Agriculture/Commercial to Residential would not be expected to have impacts on Public Access. However, occasional conflicts arise when new residential development is constructed adjacent to public trails which result in attempts to block or restrict usage of the trail. All of the trails on the Terranea Resort are protected by recorded easements required by special condition to the Coastal Development Permit for the resort. The protective easement for the Flowerfield trail does not extend to the portion of the trail that traverses the public sidewalk along Nantasket Drive, however. Therefore the Commission finds that it is necessary to add a policy by suggested modification to the Land Use Plan that prohibits the future construction of gates or guardhouses or placement of signs along or fronting Nantasket Drive that could restrict public access to the Flowerfield trail. Future residential development on the site would be expected to comply with front yard setbacks specified in the city's zoning requirements, further separating the sidewalk and trail from potential conflicts with residential development. Currently, there are two parking lots open for public use when accessing the beach or the public trails on the Terranea site: the 50 space lot adjacent to the Point Vicente Fishing Access, and the 50 space eastern parking lot on the eastern part of the Terranea site. The permit for the Terranea Resort did not incorporate Nantasket Drive into the conditions for availability of parking, or the findings for approval of the coastal development permit. Additionally, current city policy requires adequate on-site parking supplies for new single family residences. Therefore, the proposed land use change will have no impacts on the parking supply for the public trails and amenities on the Terranea site. For the reasons discussed above, the Commission finds that together with the location of the trail on a public sidewalk, along with the suggested modification described above, the public trail will be protected from any physical obstructions or perceptions of privatization.

D. Findings for Approval of Amendment of Implementation Plan as Modified and as Submitted

The standard for review of Amendments to the City's Implementation Plan is the City's Certified Land Use Plan, as amended. As certified, the Rancho Palos Verdes LCP does not make a clear distinction between the Land Use Plan policies and the Implementation Plan policies. Each geographic segment contains goals, objectives, and policies which address future or potential development within that segment. In a sense the LCP is a hybrid combination of both the LUP and IP and a finding of LCP consistency relates to both components (LUP and IP) that typically comprise a total LCP. Because the LCP has been constructed and certified in this manner the suggested modifications contained in this staff report serve both the LUP and the IP relative to future development of the subject parcel.

The Zoning Ordinance, which designates specific uses, densities, height and setback requirements etc. should be viewed as a stand alone Implementation Plan document, however. The proposed RS-3 zoning would form a transition between the higher density land use of the Villa Apartments toward the East, to the lower density RS-1 single family residences to the North on Channelview drive. The proposed zoning change would create a logical barrier between residential uses to the east and commercial recreational uses to the west of the project site, and would preserve the residential character of Nantasket Drive.

The proposed zoning change is compatible with the proposed land use change. The proposed amendment will change both the Land use and Zoning to residential, resulting in agreement between the two currently conflicting policies. Therefore, the Commission finds that if modified as suggested, the Implementation Plan is adequate to carry out the policies of the Certified Land Use Plan, as amended.

4. Conclusion

Therefore, the Commission finds that for the reasons stated above, with the suggested modification, the LUP amendment is consistent with the Coastal Act. The Commission further finds that, as submitted, the Amendment to the Implementation Plan is adequate to carry out the City of Rancho Palos Verdes policies of the certified Land Use Plan.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Public Resources Code – the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's review of this LCP amendment must be based in part on its consistency with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As described above, the proposed LUP Amendment, as submitted, is inconsistent with the Chapter 3 policies of the Coastal Act. However, if modified as suggested, the LUP Amendment will be consistent with the Chapter 3 policies of the Coastal Act. Thus, the Commission finds that the LUP Amendment, if modified as suggested, is consistent with the Chapter 3 policies of the Coastal Act. In addition, as is also outlined above, the IP portion of the LCP amendment is consistent with and adequate to carry out the policies of the Land Use Plan. Therefore, the Commission finds that approval of the LCP Amendment as modified will not result in significant adverse environmental impacts under

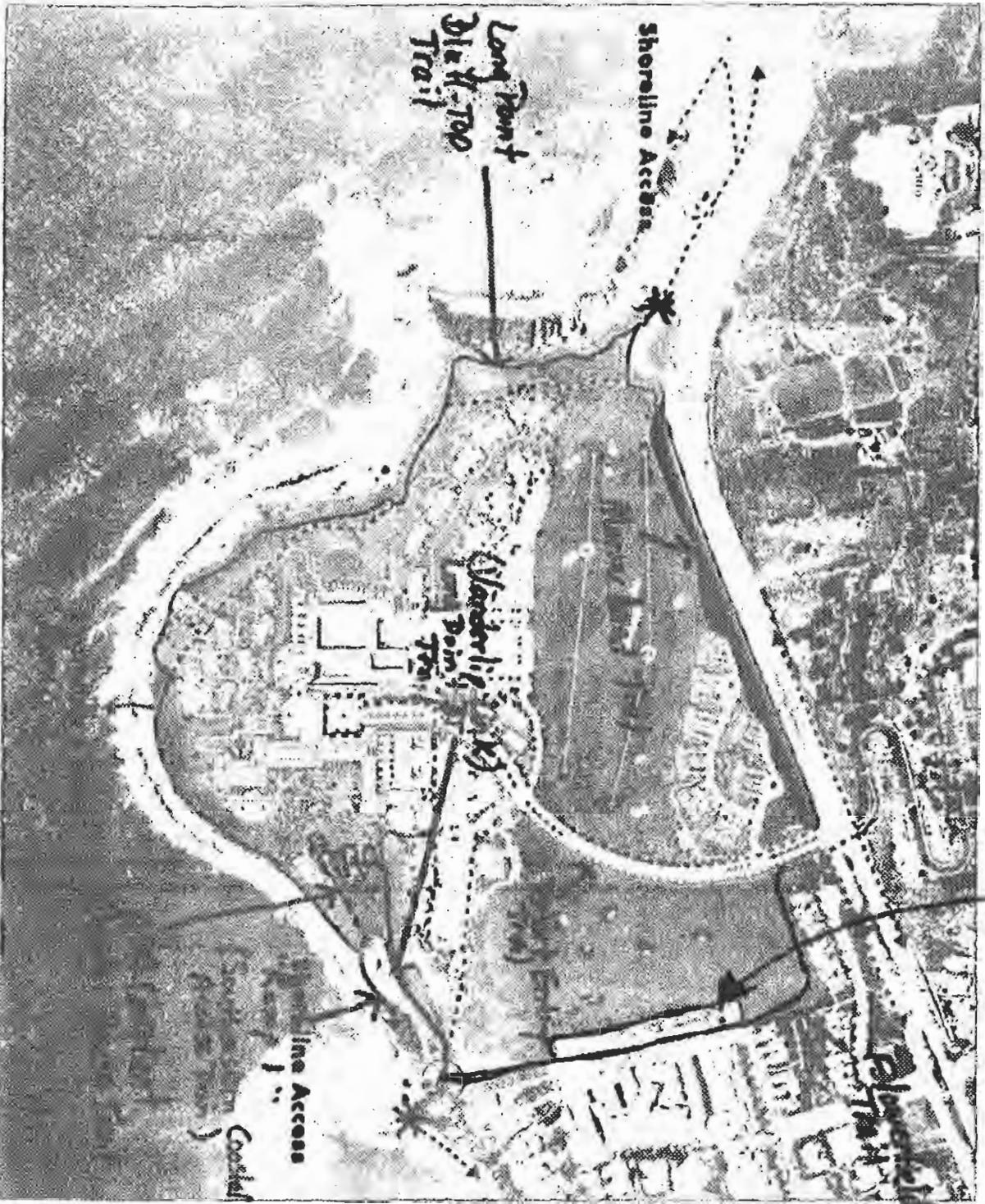
Rancho Palos Verdes
Local Coastal Program Amendment 1-10
Page 20 of 20

the meaning of CEQA. There are no feasible alternatives under the meaning of CEQA, which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission certifies Rancho Palos Verdes' LCP amendment request 1-10 if modified as suggested herein.



COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1



Subject Site

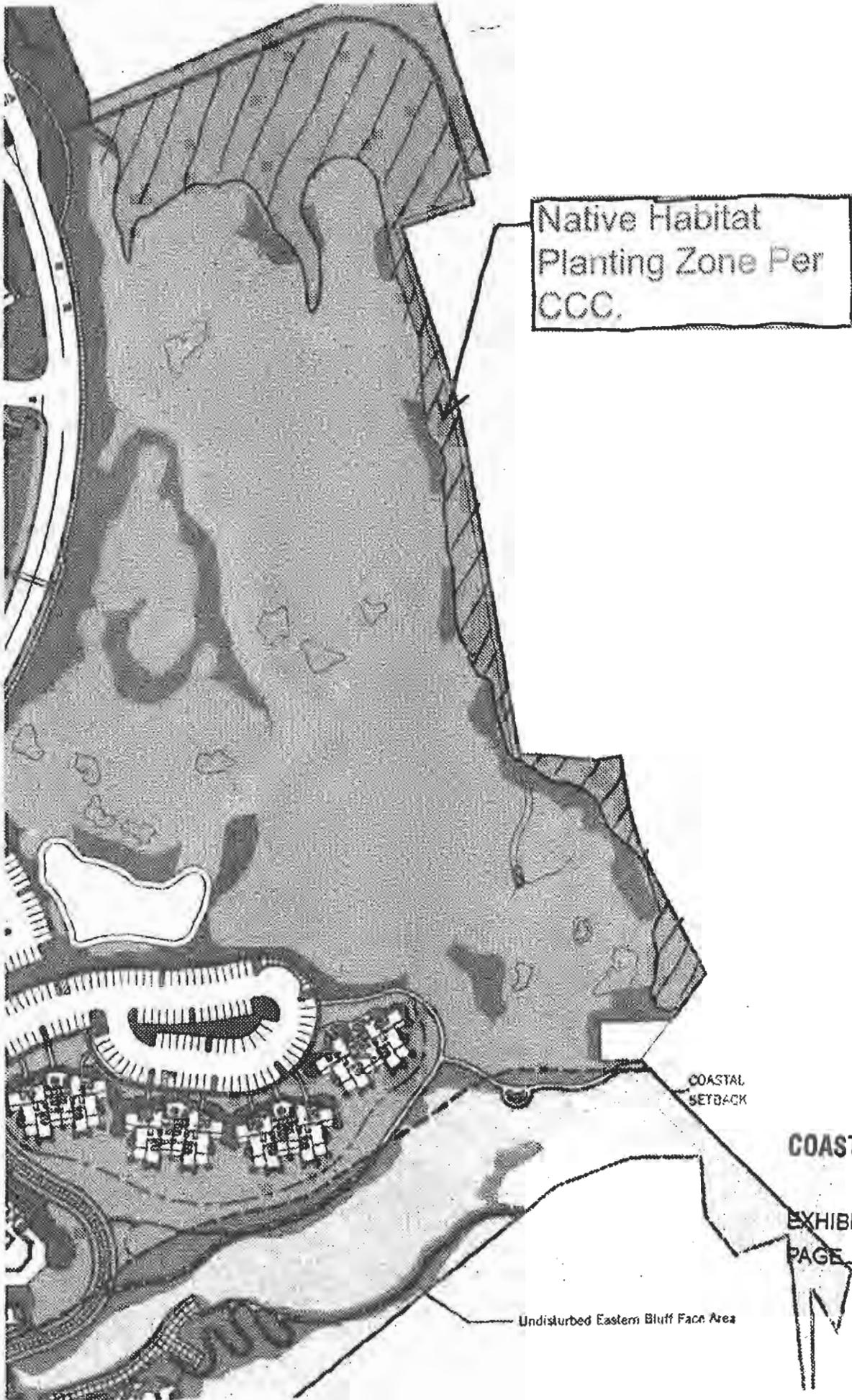
LONG POINT RESORT
 City of Rancho Palos Verdes
 California

NEW PUBLIC TRAILS

- Long Point Bluff-Top Trail
- Marineland Trail within Palos Verdes Drive Landscape Corridor
- Flowerfield Trail
- Resort Entry Trail
- ADA-Compliant Coastal Access for Disabled

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 1 OF 1



Native Habitat
Planting Zone Per
CCC.

COASTAL
SETBACK

Undisturbed Eastern Bluff Face Area

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 1

burton

Landscape Architecture Studio
207 S. Cañero Avenue
Solana Beach CA 92075
958.794.7504



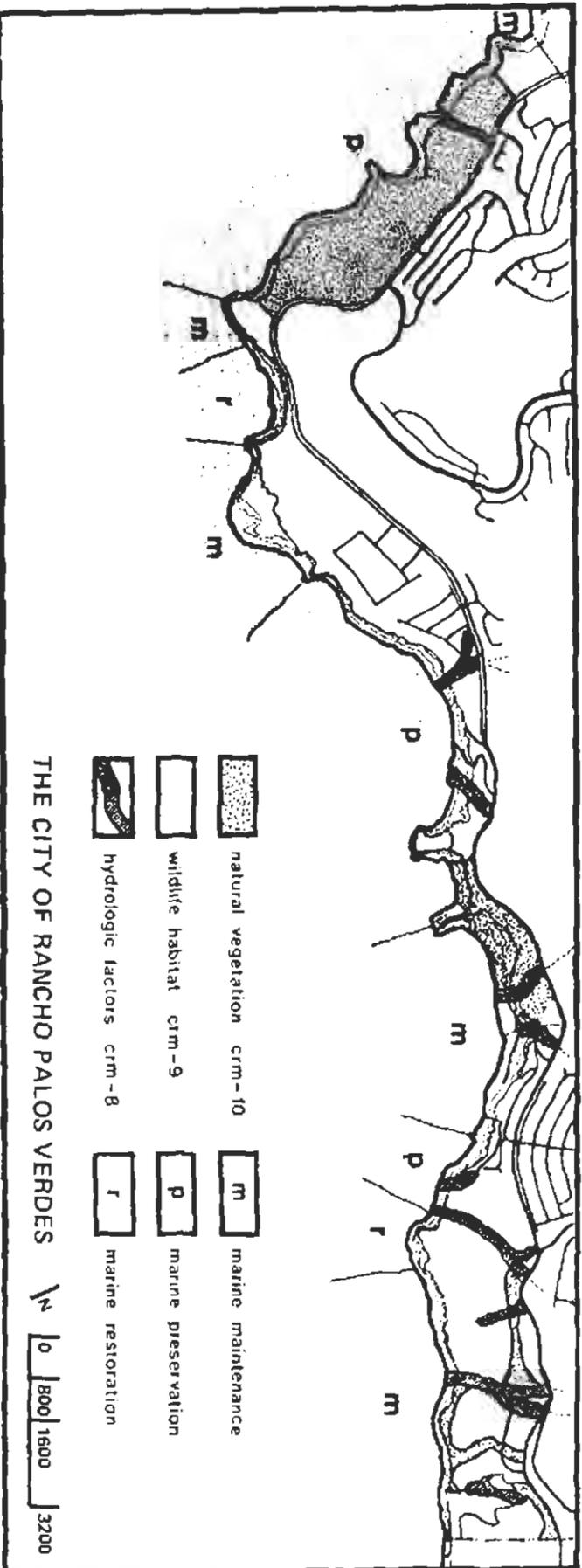
Teaneva Resort Hotel
Landscape Improvement Plans

Project Location: Rancho Palos Verdes CA
Client: Enterprise

| Date | Revisions |
|-----------|-----------------|
| 17 Jul 06 | CCC Submittal |
| 14 Aug 06 | 100% DD |
| 09 Oct 06 | CCC Resubmittal |
| 02 Nov 06 | CCC Resubmittal |

WHICH ARE DIRECTLY ASSOCIATED WITH VEGETATION COMMUNITIES. THESE ARE GENERALLY FOUND ON BLUFF FACES AND NATURAL CANYON AREAS WHERE WILDLIFE THRIVES DUE TO THE PROTECTION AND FOOD FOUND FROM THE NATURAL VEGETATION. THOUGH THERE ARE NO FORMALLY RECOGNIZED ENDANGERED OR RARE SPECIES OF WILDLIFE OR VEGETATION, THESE WILDLIFE HABITATS ARE SIGNIFICANT BECAUSE OF THE WIDE VARIETY AND NUMBERS OF WILDLIFE WHICH ARE ASSOCIATED WITH THEM. ADDITIONALLY, THE NATURAL VEGETATION OF GRASSES AND WILD FLOWERS FOUND ON THE HILLSIDES AND CANYONS GIVES A UNIQUE

figure 12 areas for preservation of natural resources



THE CITY OF RANCHO PALOS VERDES

0 800 1600 3200

ENVIRONMENTAL CHARACTER TO THE CITY WHICH, IF TO BE PRESERVED, REQUIRES CONSIDERATION OF THE NATURAL DRAINAGE SYSTEM AND TOPOGRAPHY.

THE AREAS FOR PRESERVATION OF NATURAL RESOURCES MAP (FIGURE 12) IDENTIFIES CRITICAL NATURAL RESOURCES. THESE ARE CALLED OUT ON THE MAP AS FOLLOWS:

HYDROLOGIC FACTORS
 WILDLIFE HABITATS
 OTHER NATURAL VEGETATION AREAS

COASTAL COMMISSION
 EXHIBIT # 4
 PAGE 9 OF 10

NATURAL OUTCROPS. GRADING RESPECTING NATURAL TOPOGRAPHY, ROADS AND DRIVEWAYS FOLLOWING NATURAL TOPOGRAPHY TO THE GREATEST EXTENT POSSIBLE, PROVISION FOR SILTATION AND EROSION CONTROL, REVEGETATION OF ALL CLEARED AND/OR GRADED AREAS, AND DRAINAGE ACCOMPLISHED IN A MANNER CONSISTENT WITH OTHER NATURAL SYSTEMS ARE IMPORTANT.

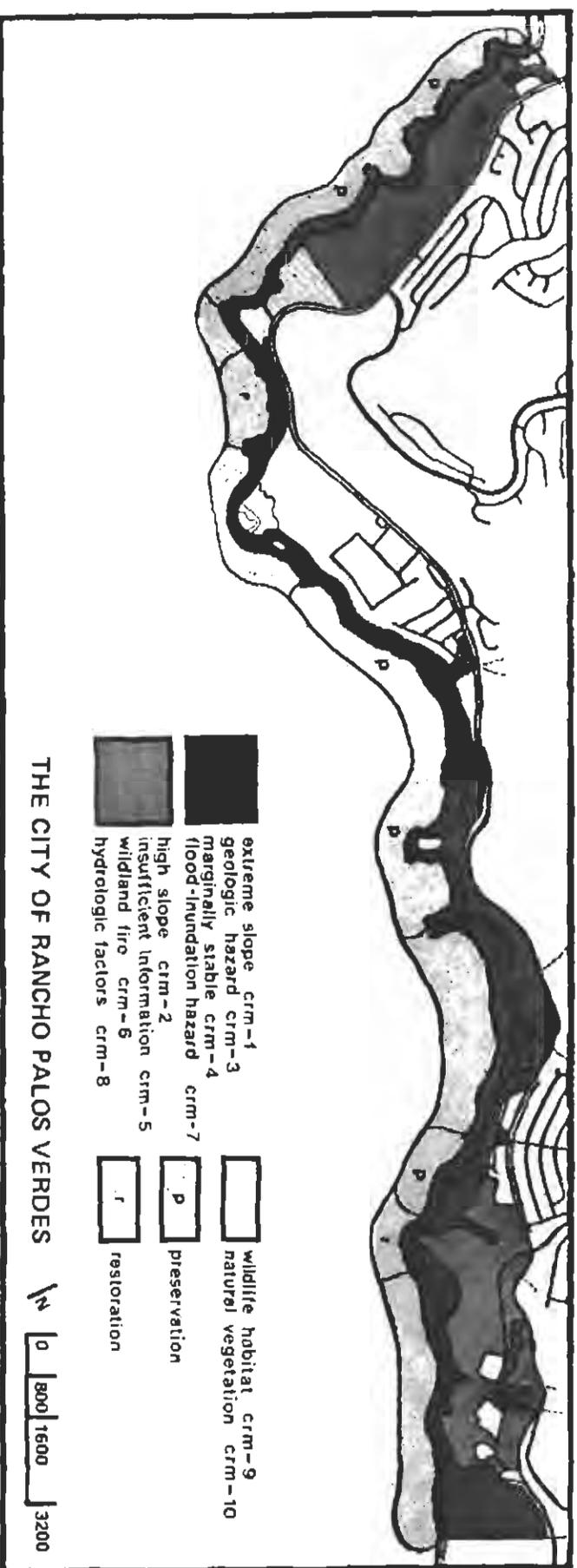
CRM 3 - HAZARD

CATEGORY 3A - AREAS HAVING THE MOST SEVERE TOPOGRAPHIC AND GEOLOGIC PROBLEMS HAVE BEEN INCLUDED IN CRM 3A. MOST OF

THESE AREAS ARE CHARACTERIZED BY STEEP, BROKEN TOPOGRAPHY, AND INCLUDE THE STEEPER SECTIONS OF SEA CLIFF, MOST OF THE ACTIVE PORTUGUESE BEND LANDSLIDE WITHIN THE #2 COASTAL REGION, AND SEVERAL STEEP WATERSHED CANYONS. THE HIGHER AND STEEPER PORTIONS OF THE SEA CLIFF ARE MAINLY BEDROCK EXPOSURES; HOWEVER, IN SOME SECTIONS IN THE SOUTHERN PART OF THE CITY, A LOWER, BUT EQUALLY STEEP SEA CLIFF HAS BEEN CUT IN ANCIENT LANDSLIDE DEPOSITS. GEOLOGIC HAZARDS ASSOCIATED WITH THE SEA CLIFF INCLUDE COASTAL EROSION AND LANDSLIDING.

COASTAL COMMISSION
 4
 2

figure 13 natural environment element



DEGREES) AND INDIRECT (32.5-90 DEGREES). A 90-DEGREE ANGLE TO THE SIDE WAS DETERMINED TO BE OUT OF THE NORMAL RANGE OF VISION OF DRIVER AND PASSENGER.

THE BOUNDARIES OF THE VISTAS IDENTIFIED ALONG PALOS VERDES DRIVE ARE DEFINED BOTH VERTICALLY AND HORIZONTALLY ON THE ACCOMPANYING PLANS AND SECTIONS OF THE COASTAL AREA (FIGURES 26, 27, AND 28). THESE BOUNDARIES WERE ESTABLISHED BY THE FOLLOWING METHOD:

- HORIZONTAL BOUNDARIES

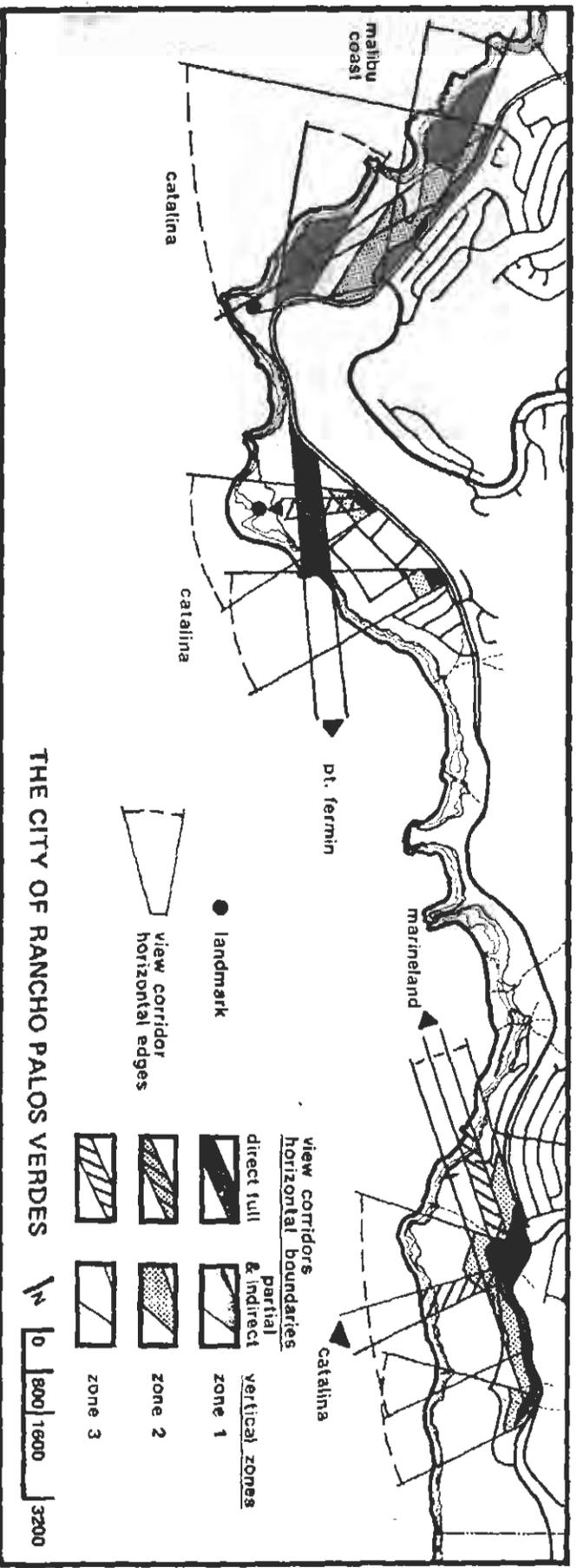
RIGHT EDGE FROM THE BEGINNING POINT OF A CONTINUOUS VIEWING STATION TO THE RIGHT EDGE OF THE

figure 26 visual corridors

- VERTICAL BOUNDARIES

VIEWING FOCUS. LEFT EDGE - FROM THE ENDING POINT OF A CONTINUOUS VIEWING STATION TO THE LEFT EDGE OF THE VIEWING FOCUS.

BOTTOM EDGE - A VERTICAL ARC WAS ESTABLISHED FOR THE BOTTOM EDGE FROM THE VIEWING STATION ELEVATION TO THE FOCAL POINT ELEVATION. FOR DISTANT FOCAL POINTS (I.E. CATALINA AND MALIBU COASTLINE) A MINIMUM 2-DEGREE DOWN-ARC FROM HORIZONTAL WAS USED.



COASTAL COMMISSION
 EXHIBIT # 5
 PAGE 1 OF 1

FAX to 562-590-508 ATTN: John Delarroz.

Sunshine
6 Limetree Lane
Rancho Palos Verdes, CA 90275-5909
310-377-8761
SunshineRPV@aol.com

July 16, 2010

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10th FLOOR
LONG BEACH, CA

RE: "Nantasket" RPV-NAJ-1-10,

Dear Commissioners and Staff:

I oppose this requested change in the land use designation. I am concerned about the requested change in the zoning.

The powers that be in the City of Rancho Palos Verdes have been nervous in pursuing the preservation of local agriculture as described in the RPV General Plan and the RPV Coastal Specific Plan.

The Palos Verdes Peninsula School District now regrets having sold a lot of their land holdings. Sell they did and now the children of the Peninsula's residents get to deal with the unforeseen consequences.

The pendulum of public attitude is swinging back toward recognizing the value of local agriculture. In recent years, the City of Rancho Palos Verdes has turned a blind eye to the requests by various associations to manage educational agricultural programs on City property.

This particular parcel is perfect for a non-profit agricultural use. Utility connections are readily accessible. The exposure is right. The slope is fine without needing any grading. The top soil has lain fallow and therefore has improved over the year. Young, old and in between, local residents are willing and able to provide the farming expertise, labor and management skills. Local restaurants recognize the value of offering locally grown produce on their menu. Would a program like "Food to Plate" be considered commercial recreation?

The private property owner in this case is a speculator. He is well connected. He has successfully negotiated zone changes in the past and has every confidence that he will be able to do it again. He knows what he purchased. Build big houses? It would be a waste of our coastal zone. It is time to tell him "NO".

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 14

Most sincerely,

Sunshine

July 18, 2010

TO: John Del Arroz, California Coastal Commission members
FAX 562-590-5084
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10th FLOOR
LONG BEACH, CA

RECEIVED
South Coast Region

JUL 20 2010

CALIFORNIA
COASTAL COMMISSION

Subject: Nantastket RPV-NAJ-1-10

Dear Commissioners and Staff,

I am opposed to the requested changes to the RPV General Plan and Coastal Specific Plan. It should remain agricultural land - this property should be considered a Cultural Landscape property and preserved a agricultural land instead of being developed with 4 huge houses on 4 small lots.

The current owner bought an entitlement to agriculture, and that agricultural use was profitable on that land in years past (they even had a stand for sale to the public of goods from that land).

The View Corridor that I see in the RPV Coastal Specific Plan appears to include that plot of land which should limit the heights. (pg. C-10 fig. 26)

From the Public Trail that is located between Palos Verdes Dr. South and the bluff adjacent to this property, the public's view of Catalina Island would be significantly impaired if not totally blocked by the proposed structures since the owner/developer has plans for 2-story houses on this property. The proposed bulk and mass would definitely obstruct the public's Catalina view.

The Coastal Specific Plan states "no buildings should project into a zone measured 2 degrees down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline." LCP pg. C-12

Isn't a Public Trail within the Coastal Zone considered a viewing station?

After all, limiting development in the coastal zone in particular so that views could be preserved was the reason our city was founded.

The award-winning RPV General Plan states that agricultural use of lands should continue to be encouraged wherever possible. That's what this land has been used for even when the parcel was much larger. This area of the Coastal Subregion would still be perfect for growing produce or flowers which the local resort and restaurants would appreciate. This could also be an educational opportunity for 4-H's or other groups. There are volunteers ready and willing.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 14

If the city's General Plan and the Coastal Plan both call out for preserving agricultural use in RPV, then there does not appear to be a valid reason for approving these requests. The objectives of the General Plan and the Local Coastal Plan should take precedence over a developer's hopes of amending these documents not for the public good, but for the developer's gain.

The public trail's name is Flowerfield Trail which comes from the historical use of this land (until recent years) to grow flowers. This Cultural Landscape should be preserved.

Thank you for your consideration of these concerns.

Sincerely,

Lenee Bilski
4255 Palos Verdes Dr. So.
R.P.V. 90275

(310) 377-2645
email ldb910@juno.com

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 11

RECEIVED
South Coast Region

JUL 20 2010

CALIFORNIA
COASTAL COMMISSION

Robert A. Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

John Delarroz
California Coastal Commission
South Coast District Office
Jack Ainsworth, Director
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RPV-NAJ-1-10
Rancho Palos Verdes Coastal Specific Plan Change
Ireland: Nantasket Residential Project

July 17, 2010

John Delarroz,

Received a phone call from another RPV resident that had spoken with you and was surprised you did not have any correspondence from RPV residents on case RPV-NAJ-1-10, known hereabouts as the Nantasket Residential Project. Coastal Commission is being asked to change the Coastal Specific Plan zoning for a 1.2 acre parcel from 'agriculture' to 'residential' and approve the developer's 4 what we call McMansions (1st such homes in neighborhood. FYI 4 lots and 'approved plans' are already on the market with ReMax!).

Can't explain how they disappeared but I have enclosed two letters I wrote April 27th and May 5th to Jack Ainsworth, Director, South Coast District Office of our California Coastal Commission, with their attachments.

Case RPV-NAJ-1-10 has been a neighborhood issue since 2005. Trying to spare you reading 5 years worth (hundreds of pages) of RPV Planning Dept. Staff Reports, Planning Commission findings and City Council opinions, decisions and re-decisions, I will summarize, as direct neighbors of the project, our thoughts.

In an Executive Summary format (i.e., detail follows, using the same number):

- 1. Current Coastal Specific Plan land use is agriculture, the purchased entitlement and still profitable today.**
- 2. Called an 'orphan' strip of land; the lots are not large enough to legally build on without numerous variances, including lot depth.**
- 3. Over 5 years of public testimony before various city land use groups, not one person other than the applicant has spoken in favor of his plans.**
- 4. Why is this before you? We believe the reason is political.**
- 5. Acknowledging staff finding there is no required 'neighborhood compatibility,' the city attorney immediately suggested approving bodies declare it a 'neighborhood unto itself,' thus killing RPV's 35 year history of this requirement for development or improvement. Any effort can now be declared this 'neighborhood unto itself.'**
- 6. Proposed lot size is insufficient, per city code, for home development. City answer is variances.**
- 7. Unable to wait for your approval, the applicant has placed these lots for sale as 'large lots with approved plans' with ReMax. When did you approve them?**

COASTAL COMMISSION

EXHIBIT #

6

PAGE as

4 OF 14

Coastal Commission Letter: case RPV-NAJ-1-10

As you can tell, the neighborhood is not supportive, period. Obviously our Planning Commission and Council, regardless of RPV code, are. Expanded detail is:

1. The historical use of this parcel is it's Coastal Specific Plan zoning – agriculture. As part of a Japanese truck farm before and after WW II, almost until the start of construction in 2007 of Terranea Resort, its produce was sold at a stand on Nantasket.

Again, the correct land use entitlement the applicant bought with this property is agriculture. And it is profitable. RPV leases nearby land of similar size to a cactus farmer and has for years. This dry farming uses no water and is profitable. Water comes from the morning fogs found here.

Palos Verdes has had dry farming for decades. Our Council was insistent dry farming be preserved in the nearby Interpretative Center and even vetoed this land be used for youth athletics (which was highly favored by some of our public). Agriculture usage is what the applicant is entitled to and purchased. Unless he had some side assurances his development would be approved, all he could expect was agricultural land use.

We would appreciate our Coastal Commission consider keeping it that way.

2. The Director of Planning for RPV called this parcel an 'orphan' in 2005 (to my face), stating it could never be developed. **It was not deep enough for any home construction** and the hope was Terranea Resort would purchase it and incorporate it in their native plantings alongside their golf course. (Yes, **the 6,000 sq. ft. homes will have 15-foot backyards bordering a golf course!** Let's hope golfer's accuracy reigns supreme!) But Terranea purchase didn't happen because of the inflated price the applicant wanted.

3. **In 5 years of public testimony not one person, neighbor or otherwise, not associated with the applicant has spoken in favor of this rezoning or development plans. Not one.**

4. So one wonders **why this is even before you**. Need I say past Coastal Commissioner Larry Clark is such a close friend of the applicant Larry was forced to recuse himself. And the applicant has hosted parties for council candidates, made contributions to city efforts, etc. As an example of the applicant's political power, even though the two newly elected RPV council members campaigned against what we called Nantasket McMansions, one wound up voting in favor. There was never a question about the three older members that were not up for election. All = yes.

5. That **there is no neighborhood compatibility was a finding** of the Planning Dept staff, Commission and Council. But, to get around this mandatory issue, our city attorney neatly finessed by saying the Planning Commission and City Council could declare this project a 'neighborhood unto itself!' All of us were and remain in total disbelief – but this is RPV and this ends RPV 'neighborhood compatibility' planning requirement! As some said – RPV was founded to avoid this kind of legal beagлизм in land use **COASTAL COMMISSION** much for 35 years of precedent. This case clearly legally establishes neighborhood compatibility to be a non-issue.

EXHIBIT # 7
PAGE 5 OF 11

Coastal Commission Letter: case RPV-NAJ-1-10

6. 5 large homes on 1.2 acres was the initial plan, reduced to four by the Council. **But these lots are too small for even four. In fact they are not deep enough for any.** So the council of course approved variances. And my neighborhood will have 26-foot tall home facades 15 feet from a NCCP trail with a 15-foot deep backyard! These are shown in the attachments.

7. The projects 4 lots, called 'large, approved with plans,' are being advertised by ReMax. This exemplifies the applicant's lack of respect for approving authority and urge to get rid of this property. The ReMax ad for lot #1 is attached to the enclosed letters.

So I thought you should have the advantage of knowing from our electeds / appointeds this project is a political must have despite not one person speaking in favor over the past 5 years.

For years I had the privilege of representing my fellow 60 homeowners who voted 58 against - 1 undecided - 1 in favor. And we are its neighbors! But we understand this is RPV and those in the approval line are sometimes 'listening challenged.' So we assume you'll approve and we'll get, sooner or later, the Georgetown look right here in our backyards.

Any questions from you or your fellow staff or Coastal Commission members, just give us a call.

Just reading our RPV Planning Staff reports, listing the numerous land use and building code accommodations our Planning Commission and Council needed to make in order for the applicant to achieve this goal, in spite of total neighborhood opposition, tells me something is not according to Hoyle here. Thank you for your time and effort on case RPV-NAJ-1-10.

Sincerely,



Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275
310-544-4632

attachments:

1. April 27, 2010 letter to RPV City Council, copy Jack Ainsworth, Coastal Commission, Long Beach and attachments;
2. May 5, 2010 letter to Jack Ainsworth, Coastal Commission, Long Beach and attachments;
3. Prepared remarks, City Council, Feb. 2, 2010, Bob Nelson

COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 14

Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

City Council
City of Rancho Palos Verdes
c/o Joel Rojas, AICP
Director of Planning, Building and Code Enforcement
Eduardo Schonborn, AICP
Senior Planner

Hand Delivered
to Planning Dept.

APR 28 2010

RECEIVED

APR 27 2010

PLANNING, BUILDING AND
CODE ENFORCEMENT

April 27, 2010

Subject:

**City Council May 4, 2010, Meeting: Item # tbd:
(Coastal Commission: Ireland: Nantasket)**

Subject: An Interpretation of Condition of Approval #45, of Resolution No. 2010-09, regarding the structure sizes of the residences approved under Case Nos. SUB2008-00001 and ZON2008-00074 thru ZON2008-00078 which was approved by the City Council on February 2, 2010.

Mayor Wolowicz, Mayor Pro-tem Long, members,

JACK-ISTO EVERY/NFE A
WTF RAIN-ETC. BUT
IT WAS WATE TERS!
choose Bob.

My understanding is the applicant has requested an accommodation to permit him to choose the amount of reduction of each home as long as the total reduction is 10%; i.e., Lot # 1 0%, lot #2 10%, lot 3 15%, lot #4 10%.

THIS IS NOT MY UNDERSTANDING OF WHAT WAS DECIDED FEB. 2, 2010. I admit Joel Rojas has indicated I am wrong but **what I thought I heard decided was:**

1. Dana Ireland to reduce EACH home 10%;
2. Dana to discuss redesign of house on lot #1 with Juan Carlos-Monnaco (6619 Beachview) to reduce partial view destruction over golf course and Terranea Resort resulting from Dana's lot #1 large home.
3. That the same discussions take place with homeowners at 6617 and 6615 Beachview (Stephanie McLaughin and Bipin Bajania).

However, since Dana Ireland has already placed lot #1 on the market with 'approved plans for a beautiful home over 5,500 square feet' and 'large lot at over 17,000 square feet.' (See attached RE/Max ad: agent Tricia Rapaport' published 4/24/2001 in 'The Re/Max Collection' in the Daily Breeze, a local newspaper. I quickly admit this RPV real estate and all that can entail.

So this meeting and any decision may be moot.

For our Coastal Commission (copied) this is our initial correspondence on an item we believe you will entitle 'Ireland: Nantasket' In Rancho Palos Verdes.

We understand from Tricia Rapaport, his Re/Max real estate agent, this item will be before you in two weeks so, if we are too late, that's our loss. You'll note Tricia calls the lot and plans 'approved.' RPV has told us that is not true but see #4 below.

COASTAL COMMISSION

EXHIBIT # 6

PAGE 7 OF 11

The applicable address is called out by RPV Planning Staff as 'West Side of Nantasket Drive, between Beachview Drive and SeaCove Drive,' referred to at times by RPV's Planning Director as an 'orphan lot'.

These 1.2 acres fall within our coastal zone.

The development falls within Rancho Palos Verdes' Natural Community Conservation Plan (NCCP) – as does all of RPV – but has a named trail (Flower Field Trail) with panoramic ocean views (see attached Tricia Rapaport Re/Max ad with picture).

This proposal eliminates these views in favor of large homes on small lots. To date Ireland has overcome:

1. Any Coastal ocean/Catalina Island view obliteration problems (including from a named trail, as above), lot division problems (so as to maximize parcel density impact and profit, neighborhood compatibility (staff admitted there is none so, believe it or not, Council declared Ireland's homes a 'neighborhood unto themselves'), etc., etc.

2. **Nantasket's four lots are so small homes could not legally be built.** So RPV's Planning Commission and four Council members eliminated Dana's problem with quick approval of 4 lot size 'variances' creating small lots and resulting large homes with 10'-15' front yards and 10'-15' backyards (the Hermosa Beach look brought into RPV).

3. **In 5 years of testimony, not one resident spoke in favor of Dana's 'Nantasket Residential Project.'** Yet every political body quickly approved it with numerous accommodations required to subdivide this orphan lot into smaller than legal lots (the 'variance') and build large homes on these.

4. **I understand this will NOT be presented to our Coastal Commission as A SINGLE PROJECT. As good developer strategy, initially you will never see it in its entirety. First,** the Coastal Specific Plan, subdividing this orphan parcel into 4 lots, will be presented (in two weeks?) and **then, later,** (2-3 months) the large homes that will go on these small lots. **I believe it should be presented as a single package so the total impacts to RPV's neighborhood can immediately be seen.** Splitting this project into two Coastal presentations allows the developer to camouflage his impacts, recognized at least by his neighbors, until it's too late to change ... smart strategy on Ireland's part but it is our coast and our views.

Thank you for this opportunity.



Bob Nelson
310-544-4632

- ✓ Attached: 'The Re/Max Collection' ad 4/24/2010 for lot#1 in Daily Breeze
- ✓ Site pictures

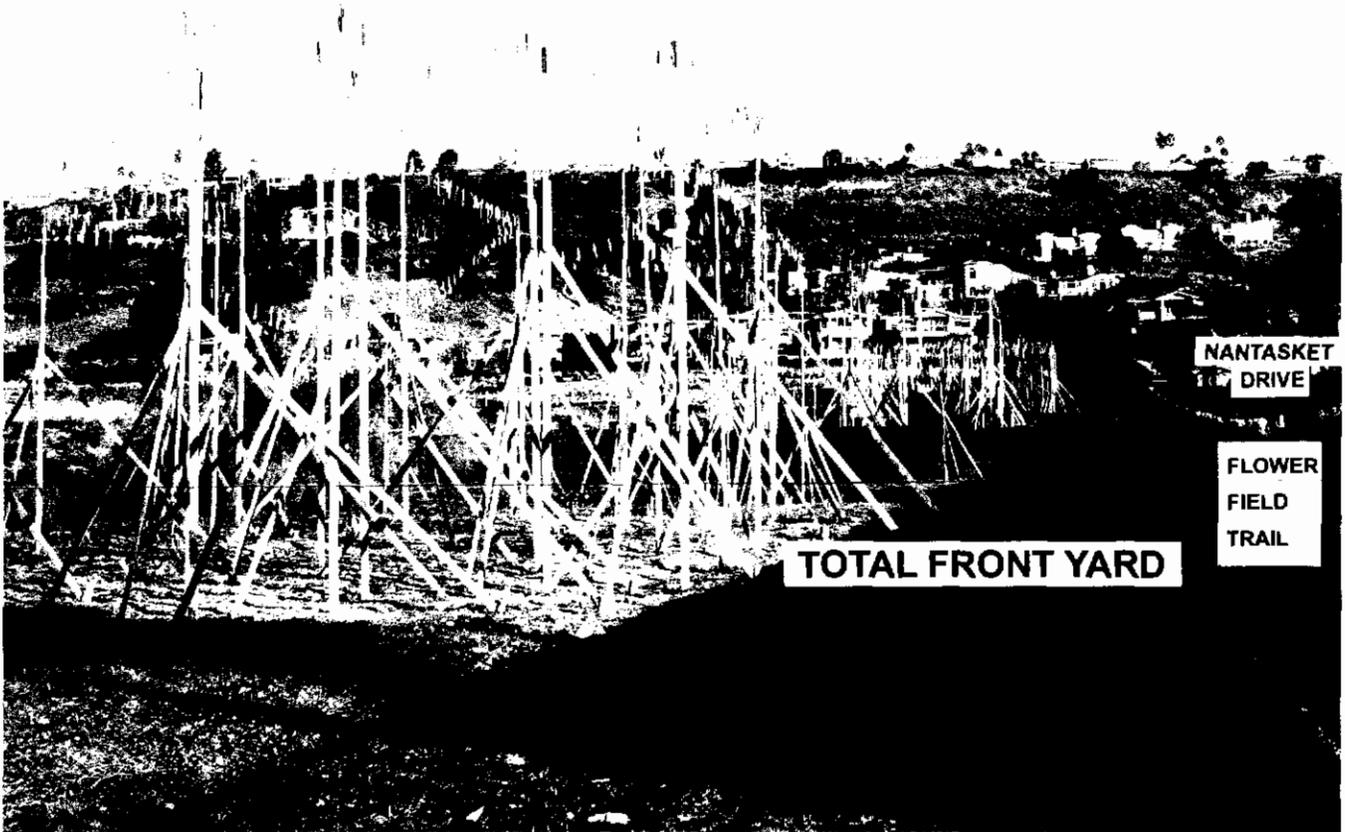
cc: California Coastal Commission
 ✓ South Coast District Office
 Jack Ainsworth Director
 200 OceanGate, 10th Floor
 Long Beach, CA 90802-4416

COASTAL COMMISSION

EXHIBIT # 6
PAGE 8 OF 19

JACK- ANY WAY YOUR OFFICE CAN
 KEEP ME/UP TO DATE ON THIS PROJECT
 AND COASTAL COMMISSION STAFF RATS
 APPEARANCE DATES, ETC.? THANKS.
 pg. 2 of 2
 Bob N.

IRELAND: NANTASKET SILHOUETTES



LOTS NOT DEEP ENOUGH TO LEGALLY BUILD ON, SO COUNCIL GRANTED LOT SIZE VARIANCE TO ALLOW IRELAND TO BUILD TWO STORY, LARGE HOMES ON SMALL LOTS IN COASTAL ZONE. IMPACT TO NEIGHBORHOOD COMPATIBILITY OBVIOUS (LOOK AT NEARBY HILLSIDES.).

COASTAL COMMISSION: SOUTH COAST DISTRICT OFFICE
RANCHO PALOS VERDES
IRELAND: NANTASKET SILHOUETTES

[Handwritten signature]
27-10
SION

REF: South Coast District Office: IRELAND:NANTASKET: Rancho Palos Verdes
SOURCE: DAILY BREEZE: 'THE RE/MAX COLLECTION' INSERT 4/24/2010

City Council:

From: Bob Nelson, 6612 Channelview Court, RPV

It is April 24, 2010. On May 4, 2010, you have agendized this project to further interpret just exactly what you approved on Feb. 2, 2010. Dana Ireland's ad below shows a buyer can rely on 'approved plans' for a home 'over 5,500 square feet' on a 'large lot.' True? We know from the variances you gave Dana 'large lot' is not true but 'approved plans' - when did you, when did Coastal Commission? Personally, I don't think either party has given 'final' approvals to his 4 McMansions in our neighborhood --- his ad says I'm wrong again.

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Palos Verdes Realty INC.

19
Handwritten signature and date: 4-27-10

Robert A. Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

California Coastal Commission
South Coast District Office
Jack Ainsworth, Director
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
SOUTH COAST DISTRICT OFFICE
MAY 10 2010
CALIFORNIA
COASTAL COMMISSION

**Rancho Palos Verdes Coastal Specific Plan Change
Ireland: Nantasket Residential Project**

May 5, 2010

Jack Ainsworth,

In anticipation, should your staff and Coastal Commission approve rezoning Ireland's parcel from Agriculture to Residential, last night our City Council overruled their Planning Staff's findings and voted unanimously to let developer Dana Ireland, pick and choose which of his four large homes he will reduce to meet a 10% bulk and mass reduction.

Preparatory to last night's meeting Staff had reviewed the video of Council's February 2nd meeting and Council's downsizing requirement. Staff concluded it was to reduce each home 10%. **Ireland disagreed with Staff and the videotape, stating last night a 10% reduction in square footage of each home was not economically feasible.** Instead he wanted a revised decision permitting him to pick and choose which homes he reduced and by how much.

As Staff pointed out, he could remove a basement, meet most of the 10% reduction requirement and not change the exterior bulk and mass impact one bit!

This being RPV, Council agreed with their developer friend Ireland, voting 5-0 to overrule Staff's video finding and accommodate Ireland.

Coastal Specific Plan change:

The 1st request before you will be to change this parcel's Coastal zoning from agricultural to residential. (Note: as happens in RPV, the General Plan zones this parcel Commercial Recreational but our Coastal Specific zoning is Agriculture.) Despite Planning Staff statements to the contrary, the attached picture will show the parcel is surrounded on 3 sides with California native plantings under CR zoning (Terranea Resort) and, on the 4th side, Nantasket Drive, a public road.

I would argue Coastal staff recommend 'leave it be,' no zoning change.

Leave it zoned Agriculture for the following reasons:

Prevent increased coastal density with, as our late Councilman Peter Gardiner called Ireland's project, no 'big boxes on small lots.'

This parcel's Agricultural zoning is profitable. For decades a stand was here selling produce. Within a mile, RPV leases an even smaller parcel for agriculture, the

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commercial growing of cactus. Agriculture has always been a viable use of this parcel.

Ireland knew, when he purchased this parcel, called an 'orphan' parcel by RPV Planning Director Rojas, his only entitlements would be for agriculture usage. Now, to maximize his developer profits, he needs this changed to Residential. But that is not his entitlement; rather this allows his profit maximization desire. As evidence:

Before you could take any action, Ireland couldn't wait and already has one lot for sale! (attached is his Re/Max lot sale ad)

Agricultural usage melds much better with this landscape than Residential. This parcel is surrounded on 3 sides by California native plantings of Terranea Resort, not 6,000 square foot homes. If your Coastal Specific Plan zoning is changed, realize we will have homes with 20' facades 10 feet from the NCCP Flower Field Trail on the sidewalk along Nantasket Drive, obliterating this trail's views.

Since Ireland knew about the decades long profitable agricultural usage when he purchased this parcel, I would urge you do not change our Coastal Specific Plan's agricultural zoning. Doing so will simply enable his maximization of real estate profit at the cost of some of your citizens ocean / Catalina views.

'Big boxes on small lots.' Ireland's homes are so large he needs 4 variances to even build them on these small lots. Simply, each lot is too small.

Not a single person has spoken in favor (except Ireland and his City Council friends – which include your long-time member Larry Clark who had to recuse himself from Ireland's presentations).

If zoning is changed, you should be aware Ireland's homes will be of such mass and bulk RPV's Planning Staff could not make the required finding of neighborhood compatibility. Rather, the City attorney provided a work around by opining the large homes could be declared a 'neighborhood unto itself' and thereby meet our required compatibility finding. It took Council 10 seconds to agree!

Other rational for maintaining this parcel's 'agriculture' zoning include eliminating any public safety issues with errant golf balls (backyards 10' deep, borders golf course), maintaining existing, never disturbed, ocean / Catalina views and avoiding drainage issues (sprinkler water).

As admitted by Staff, this parcel has been used for agriculture for decades, almost until Ireland bought it. This profitable agriculture usage, a usage Ireland is granted through entitlements at purchase, is a rarity in RPV, an entitlement to be preserved.

Leave it be.

You are the last hope we have to preserve our neighborhood.

Thank you for this time. Please advise me of Commission hearing date and send me a copy of your staff report so that I may accurately testify. Again, thank you!



Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

Attachments: Re/Max lot ad; current pictures of parcel

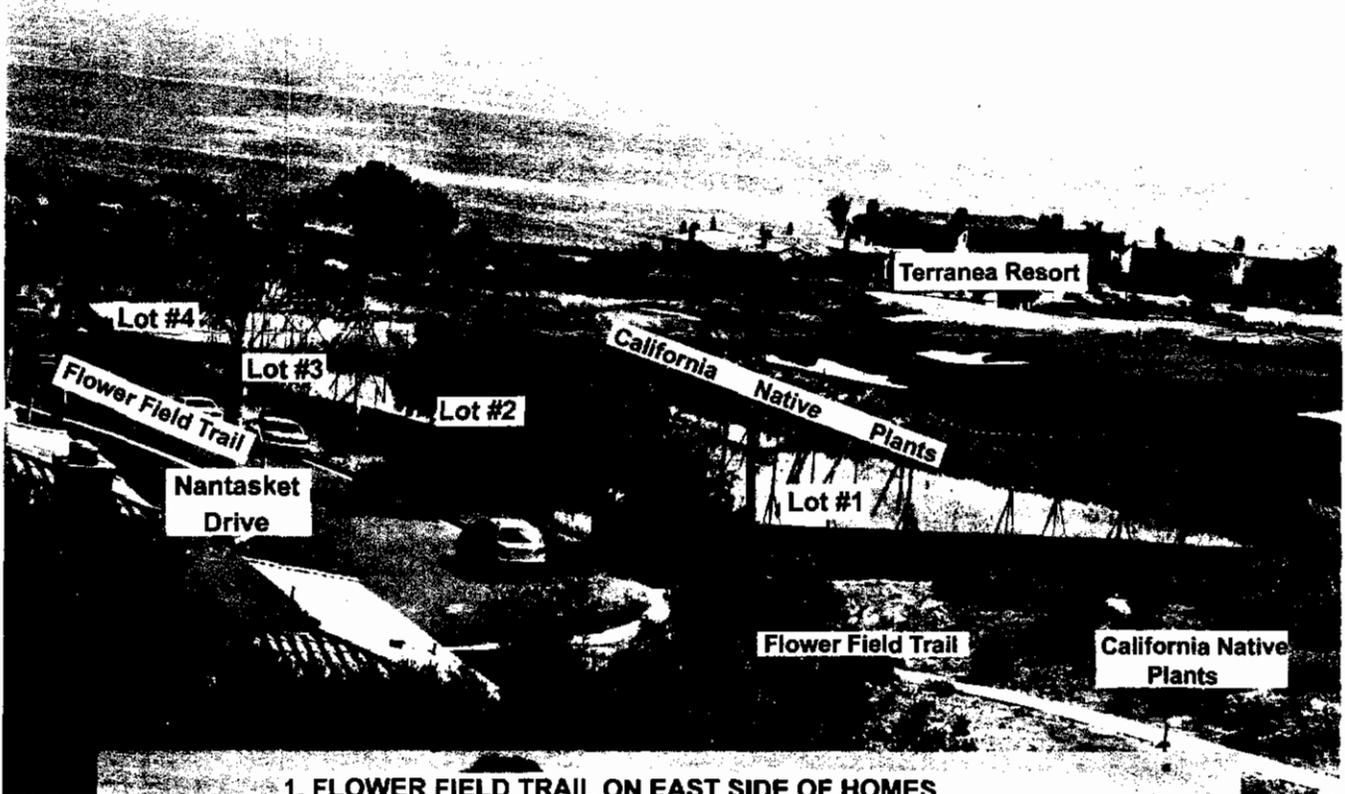
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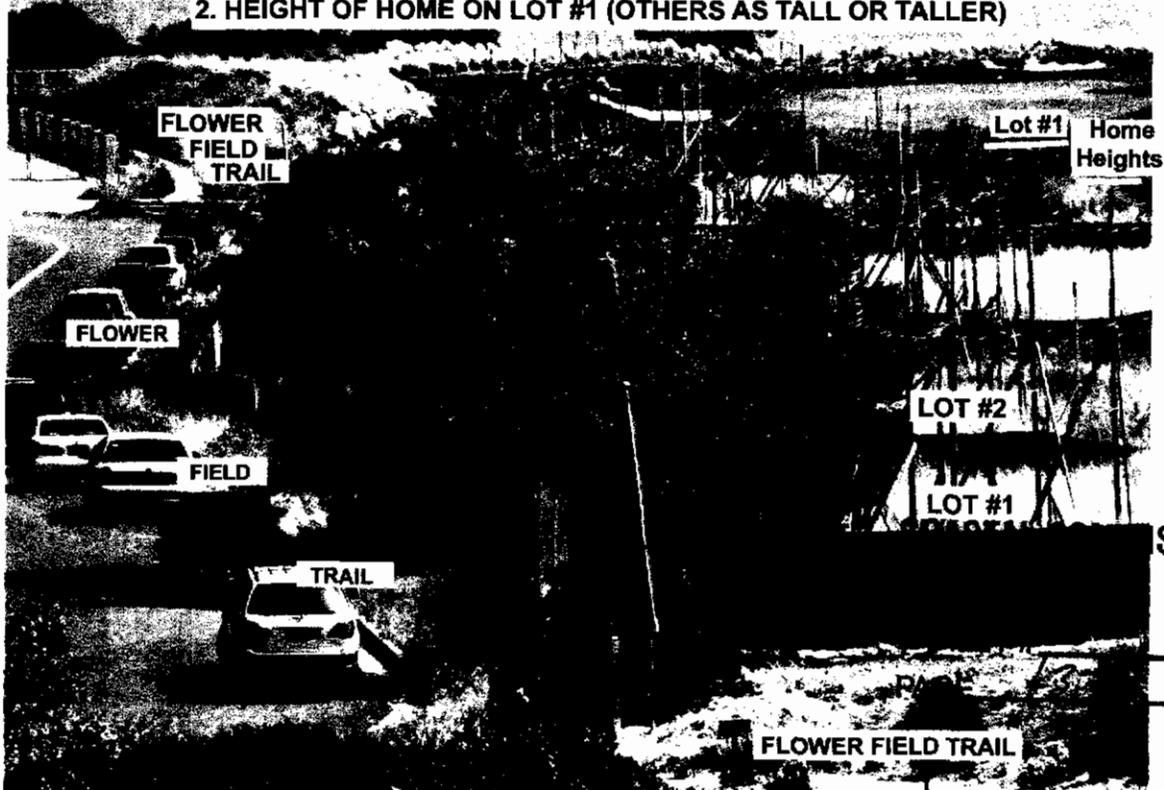
COASTAL COMMISSION: RPV COASTAL SPECIFIC PLAN: ZONING CHANGE
AGRICULTURAL TO RESIDENTIAL
IRELAND: NANTASKET RESIDENTIAL PROJECT

OVERALL PARCEL VIEW

Catalina Island



1. FLOWER FIELD TRAIL ON EAST SIDE OF HOMES
2. HEIGHT OF HOME ON LOT #1 (OTHERS AS TALL OR TALLER)



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RANCHO PALOS VERDES: COASTAL COMMISSION: COASTAL SPECIFIC PLAN ZONE CHANGE VISUALIZATION
IRELAND: NANTASKET ZONE CHANGE: AGRICULTURAL TO RESIDENTIAL. RPV APPROVED SILHOUETTES
RPV COUNCIL VOTE: 4 YES, 1 NO (WANTED NEIGHBORHOOD INPUT TO COUNT, IN 5 YEARS NOT ONE PERSON FAVORED THIS !!)



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REF. RPV-NAT-1-10

1. Bob Nelson, 6612 Channelview Court, RPV
Mayor Wolowicz and distinguished members of our City Council:

2. Begin by expressing publicly our appreciation of the time and consideration given us by Eduardo Schonborn, Senior Planner, RPV Planning Dept. Thank you Eduardo. And I also thank Dana Ireland, the applicant, for meeting with me last week during the driving rain storms.

3. Respond to any Ireland comments about our meeting.

4. **For the record and those tuned in, a few comments about Sea Bluff. Sea Bluff HOA is a next-door neighbor to Dana's Nantasket Residential Project. Sea Bluff is a Planned Unit Development (PUD), zoned RS-4 and composed of 60 single-family residences, mostly stand alones, some duplexes with 8 1/2 acres of open space.** Our regulations are found in RPV CUP #51 and our CC&Rs. Most homes have ocean and Catalina views but Beachview Drive homes face a wall or the Villas Apartments. Four Beachview homes have, from their 2nd story balcony, an ocean view. One does from their interior. Usual lot size is 4,300 sq. ft.; sold as a 10,000 sq. ft. lots since our 8-1/2 acres of HOA open space is split between our 60 homes. I found my home pad covers roughly 1,700 sq. ft. of my lot. Home living area varies: 2,400 to 3,000 sq. ft. Homes are on 'zero lot lines.' Beachview homes appear 2 story from street with their usable balcony fronting their 2nd story; other homes appear one story from street and are actually two story walkouts in the back. Built in 1987-1990.

5. **I'll begin with my summary comments: Tonight's decision focuses on issues around changing our historic General Plan zoning to accommodate the applicant and you, as our representatives, concurring with your Planning Commission's quick approvals of what the applicant asked for. Tonight you'll hear challenges and questions about changing our historic General Plan, questions needing further thought and analysis.** I believe **equity for all involves the applicant receiving from you tonight, expanded, specific directions**, including to actually meet with our neighborhoods as a group, listening to each other's concerns and then meeting again and maybe again to see where the middle ground is, perhaps with our Planning Dept present. That way all of us will agree we have a successful development plan. That's my conclusion. Now, details.

6. **Sea Bluff's heartburn: since 2007 for our HOA nothing has changed. Bulk and mass, loss of views. Applicant has not changed his lot #1 house, its height, lot placement, etc. It's your and our view blocker. Your's because it blocks views of the ocean from a NCCP trail which, we are told, our Coastal Specific Plan does not permit.** Of course, the views from our Beachview homes will be destroyed though we are told these views do not count since they are mostly from 2nd story balconies but I assure you, these neighbors ... they count. Also, **per our LA Assessor, applicant's bulk and mass are double the 'under 3,000 sq. ft.' size of 73% of 44 recent home sales within 1/2 mile. No home recently sold and listed by our assessor is even close to the size proposed.** One is 5,300 sq. ft. That's it. So **nothing has changed for Sea Bluff. Nothing.** No accommodation, no nothing but we are told our city supports, at least at your Planning Commission level, accommodating the developer. Therefore, we are still swinging our bat, marshalling our forces.

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7. Regarding our General Plan, tonight you have at least 4 alternatives on your plate:

- a. Change our historic General Plan to accommodate our local fill-in developer.
- b. Recommend to our Calif. Coastal Commission they change our Coastal Specific Plan to increase single-family residences within our coastal zone, basically that they join you in this accommodation to our local developer.
- c. Remand this revised application back to your Planning Commission and the developer with definitive, concrete direction such as don't come back without a plan acceptable to our Planning Dept and your 4 surrounding neighborhoods. Mandate neighborhoods attend these meetings. Not to do so will limit their influence on the final product. And, as Larry Clark used to say, compromise, compromise ... tell all parties if you have to make the final decision, neither party will like it.
- d. Lift Nantasket Residential Project from your Planning Commission. We all know where they stand anyway. Twice they've approved everything. So, like Terranea Resort, put this directly on your platter so it will efficiently move along for all parties.

Now let's talk a minute about changing our General Plan, tonight's decision. And let's not quote Bob Nelson; rather let's quote leaders of our community: From your Minutes of October 4, 2005, meeting, when another developer requested you change our General Plan, the same meeting where you approved letting this applicant go forward: Quoting from those Minutes:

1. **Barbara Sattler: "The General Plan is the articulation of the goals and objectives of the entire community; that the point of the GP was to maintain the City's vision for the community and to hold to it. She cautioned Council against making any change to the General Plan."**

2. **Lois Carp: speaking as an individual since the 239 homes in her HOA where she was President had yet to vote. From the Minutes: "her belief this city should not be amending the General Plan ... that this developer bought the property with all its entitlements ... (his proposal) would not be compatible with the surrounding neighborhood."** I should remind you and our audience Nantasket Residential Project is surrounded on 3 sides by CR zoning and one side by a non-conforming structure with three +80,000 sq. ft. parcels zoned RS-4, across the street. Further, you were advised in your last meeting on this (May 14, 2007) by Lisa Brant, an attorney, that you could not consider these 80,000 sq. ft. Villas Apts parcels when determining this project's 'neighborhood.'

3. **George Fink, representing the Ladera Linda HOA, reminded you "the General Plan requires, (repeat requires) that all new housing be developed to include suitable, adequate landscaping, open space ... that the 'rural open character' of the City be preserved ... that the recently adopted plan require all new housing to 'consider' neighborhood compatibility."**

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4. I agree with one that night who said 'Our city loses something every time we change our General Plan.' It's why we are what we are. So we are asked tonight to change what we are, what we've been for 35 years.

All 40,000 RPV citizens you represent will clearly see or read about your decision tonight.

As each of you know, most of us view our General Plan, a product of our founders, as our land use bible and the rationale for forming our town.

(A major exception is your Planning Commission, which has 1. twice now with zip-zero debate approved changing our General Plan to accommodate this developer and 2. told us in 2007 you never reverse their decisions – but to their amazement and wonderment, then you did!!). **On Nov. 10, 2009, your Planning Commission met on this developer's Nantasket Residential Project and within their purview, approved everything they could. In watching the video I found it very interesting and of value, they spent more time discussing chimney height than anything else, including you and our General Plan!**)

↙ **Our General Plan surrounds this orphan parcel on 3 sides by historical CR zoning, now Terranea Resort. As you know, for years Long Point wanted to change this zoning from CR to RS-1, one home per acre and build it out accordingly. However, I understand they were told on no uncertain terms, don't even try. Zoned CR it was, is and will be forever. So now you are asked to ignore that 104 acre CR precedent and accommodate with Single-family zoning a local developer whose 1.4 acre parcel will erect a wall of Georgetown facades, homes with 10' deep front yards, on lots needing a lot size variance to even build on, in a neighborhood that lacks any resemblance to his silhouettes or drawings. The neighborhood sees this Nantasket Residential Project as beach city mansionization in RPV! For future reference, mansionization quickly OK'd by your Planning Commission. Beach city mansionization. In RPV!**

↘ Further, as Councilman Stern said on May 15, 2007, **'This has so many bizarre aspects.'** Amongst these was **including the Villas Apts three 80,000 sq. ft. parcels, zoned RS-4, in the calculation of how big the applicant's homes could be in the neighborhood. As you know, this resulted in a neighborhood home size of some 12,000 sq. ft.!** And, at that point, to assure a finding of neighborhood compatibility, our City Attorney opined for only your Planning Commission's view, a letter with 4 findings, one of which was the then proposed 5 homes could be considered a neighborhood unto itself, regardless of what your citizens see as their neighborhood.

↙ **Your May 15, 2007, Minutes show this 'neighborhood unto itself' option was promptly labeled 'mental gymnastics' by Lisa Brant, a land use attorney employed by some in our neighborhood, including our HOA. The reason Lisa was hired was we tired, as many others will attest, of undergoing your Planning Commission attorneys interrogations and Lisa, we hoped, at your level, would finally bring legal reality, COMMISSION sensibility to ears that actually listen.**

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NANTASKET RESIDENTIAL PROJECT: BEFORE YOU APPROVE CONSIDER ...
RPV CITY COUNCIL COMMENTS FEB. 2, 2010

The Minutes state **Lisa also pointed out the high standard under California law as to when variances are allowed to be granted.** I am not an attorney, but the Chair of your Planning Commission, an appellat attorney, is here and I hope could provide for us a quick review of our Calif variance case law that substantiates his Planning Commission's quick approval, for the second time, of both lot size and height variances necessary to accomplish in RPV the applicant's four beach city McMansions.

Lisa further stated, as in the Minutes, that **'because the property would be more valuable to Mr. Ireland was not enough reason to grant variances and, (noted) maximizing his profits above the interests of the community would be inconsistent with the laws of California and the planning and zoning the community worked so hard to put in place.'** Interesting. Granting variances to make the property more valuable to Mr. Ireland, maximizing his profits above community interests would be in violation of California laws. Ignored by your Planning Commission attorneys but, according to Lisa, part of California law. **Opinion duly noted for future reference.**

Lisa also pointed out a change in General Plan zoning must legally be found to be in the public interest. Another topic largely ignored by your Planning Commission (but chimney height was not and occupied most of their time).

So tonight, should you approve changing the zoning of a CR parcel surrounded on 3 sides by CR parcels, to residential, we look forward to your rationale explaining in accord with California law, how this project possibly is in the public interest. The last time the applicant got into his project's reducing traffic vs. commercial use, as proof of satisfying this public interest requirement but the commercial usage bringing substantial additional traffic was never defined. I believe mentioned was **a hotel or recycling center. I believe you'll agree with me those would be interesting Coastal Commission land use considerations – within its coastal zone!** And I assure you, with any approval tonight, we will be very interested in meeting our Coastal Commission staff, Coastal Commission members and any other environmental group, such as those involved in our NCCP, who will hear our saga of RPV's Nantasket developer accommodations in detail.

We know you all want to know what we feel is acceptable to us, the neighborhood. Bluntly, I will not and we should never answer. That question is, I believe, legally, a hypothetical. We are not the developer. We don't own this property. The applicant does. He bought it fully understanding all of its development shortcomings. Someone probably told him with, easily obtainable in RPV, necessary variances, zoning changes, etc, etc, this orphan fill-in parcel, in our Coastal Zone, was sure fire profit. **The applicant is way too intelligent to have bought it otherwise. But it is the responsibility of the applicant, not us, to bring forth a plan acceptable to all, not just your Planning Commission. Again, developing an acceptable plan is not the responsibility of the neighborhood. We are not developers. But we are listeners.** The Nantasket Residential Project is not the responsibility of us, its neighborhood. Please don't ask us what we want.

I believe it is also your responsibility, as the protectors, preservers of our General Plan, to give your firm guidance to our local developer, no namby pamby

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NANTASKET RESIDENTIAL PROJECT: BEFORE YOU APPROVE CONSIDER ...
RPV CITY COUNCIL COMMENTS FEB. 2, 2010

viable solution starts with actual neighborhood meetings with for all to listen and comment. Initially no presentation, just discussion. The developer going house-to-house presenting his plans doesn't work; it's a waste of his valuable time. This time, after 5 or 6 trips into Sea Bluff, the applicant still couldn't get the mandatory neighborhood signatures and Senior Planner Eduardo had to figure a way around that.

In closing, we admit it's your call, as representatives of all 40,000 RPVers. We simply ask you first tell him what you want to tell him, then tell him, then tell him what you told him and adjourn this item for a total rethink by all sides. Thank you. Any questions?

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