

**CALIFORNIA COASTAL COMMISSION**

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Filed: February 26, 2001  
 49<sup>th</sup> Day: April 16, 2001  
 Staff: KT/LB *KT*  
 Staff Report: March 22, 2001  
 Hearing Date: April 10, 2001  
 Commission Action:

**STAFF REPORT: APPEAL  
 SUBSTANTIAL ISSUE HEARING**

**LOCAL GOVERNMENT:** City of Rancho Palos Verdes

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-RPV-01-066

**APPLICANTS:** Capital Pacific Holdings, Inc.

**PROJECT LOCATION:** Tract No. 46628 (*Oceanfront*),  
 Hawthorne Boulevard and Palos Verdes Drive West,  
 City of Rancho Palos Verdes, Los Angeles County

**PROJECT DESCRIPTION:** Appeals by Commissioners Sara Wan and Cecelia Estolano, William and Marianne Hunter, and Rowland Driskell from the City of Rancho Palos Verdes approval of Coastal Permit No. 94-Revision 'A' allowing Capital Pacific Holdings, Inc. to construct three manned tract entry observation booths on the median islands at the entries to the interior public streets (Paseo de la Luz, Via del Cielo and Calle Viento) of the *Oceanfront* community of Rancho Palos Verdes (Exhibits 1, 2 and 3). Appeals by Commissioners Wan and Estolano from the City of Rancho Palos Verdes approval of Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 for "small sections of maximum 6-foot-tall perimeter wall, fountains and tract identification signs."

**APPELLANTS:** Commissioners Sara Wan and Cecelia Estolano,  
 William and Marianne Hunter, and Rowland Driskell

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the contentions for which the appeal has been filed. The staff recommends that the locally approved project raises issues of consistency with a) the City of Rancho Palos Verdes certified Total Local Coastal Program (LCP) policies addressing public access and visual resources, b) the

requirement of the LCP that development in the City's coastal zone requires a coastal development permit, and c) the public access policies of the Coastal Act. The project approved by the City in Coastal Permit (CP) 94-Revision 'A' involves placement of three 250 square-foot, 12-foot-tall manned tract entry observation booths (Exhibit 3) at the medians of public streets. The motion to carry out the staff recommendation is on pages 5-6.

City approved Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 for "small sections of maximum 6-foot tall perimeter wall, fountains and tract identification signs" (Exhibit 4) in the Coastal Zone without issuing or amending a coastal development permit. Staff note: On site visits staff discovered other development that was not described in the underlying coastal development permit or in the present amendment. Staff discovered a gate across one of the interior public streets. If further investigation confirms that this development is not authorized in the City's 1992 action on its underlying coastal development permit, the development will require a separate amendment to the coastal development permit CP 94.

#### **SUBSTANTIVE FILE DOCUMENTS:**

1. Rancho Palos Verdes Local Coastal Permit No. 94-Revision 'A', Conditional Use Permit No. 158-Revision 'C', Sign Permit No. 1096, Encroachment Permit No. 32
2. Rancho Palos Verdes Administrative Record for Coastal Permit No. 94-Revision 'A'
3. California Coastal Commission file A5-92-RPV-123
4. City of Rancho Palos Verdes Total Local Coastal Program Revised Findings on Resubmittal (May 4, 1983), City of Rancho Palos Verdes Coastal Specific Plan (1978), City of Rancho Palos Verdes Development Code (1982)
5. Rancho Palos Verdes City Council Resolutions 92-6, 92-26, 92-27 and 2001-08
6. Rancho Palos Verdes City Council Staff Report, March 3, 1992
7. Vesting Tentative Tract Map No. 46628

#### **I. APPELLANTS' CONTENTIONS**

Coastal Permit No. 94-Revision 'A', approved by the Rancho Palos Verdes City Council on February 6, 2001, has been appealed by Commissioners Sara Wan and Cecelia Estolano because the proposed project raises issues of consistency with the public access policies of the Coastal Act and the public access and visual resource policies of the certified LCP. Commissioners Wan and Estolano appealed the local approval of development in the coastal zone, which may have an adverse impact on public access, without the issuance or amendment of a coastal development permit (Exhibit 5). CP No. 94-Revision 'A' has been appealed by William and Marianne Hunter because the proposed project raises issues of consistency with the public access policies of the Coastal Act and the Corridors section of the certified LCP

(Exhibit 6). CP No. 94-Revision 'A' has been appealed by Rowland Driskell because the proposed project raises issues of consistency with the public access policies of the Coastal Act (Exhibit 7).

## II. LOCAL GOVERNMENT ACTION

On November 28, 2000, the Rancho Palos Verdes Planning Commission approved Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 for small sections of maximum 6-foot-tall perimeter wall, fountains and tract identification signs, and approved with modifications Coastal Permit No. 94-Revision 'A' and Encroachment Permit No. 32 for tract entry observation booths in the public rights-of-way of Paseo del la Luz, Via del Cielo and Calle Viento. On December 6, 2000, City Councilmember and Mayor Pro Tem McTaggart, appealed the Planning Commission's action. On December 11, 2000, Councilmember Stern also requested City Council review of the Planning Commission's action. On December 19, 2000, during public hearing, a motion was carried to appeal the Planning Commission's action concerning the observation booths only and allow the remainder of the Planning Commission's decision to stand and be implemented. On January 16, 2001, during public hearing, the City Council denied the appeal with the condition that the developer agree in writing that the guards be instructed not to deny access to anyone to use the public streets. On February 6, 2001, during public hearing, the City Council adopted Resolution No. 2001-08, a resolution of the City Council denying the appeal and upholding the Planning Commission approval of Coastal Permit No. 94-Revision 'A' and Encroachment Permit No. 32, as amended, for tract entry observation booths in the public rights-of-way of Paseo de la Luz, Via del Cielo and Calle Viento, for the *Oceanfront* project. The City conditioned the approval of CP No. 94-Revision 'A' and Encroachment Permit No. 32 with several requirements and restrictions. The City's conditions of approval are attached as Exhibit 8.

In granting Local Coastal Permit No. 94-Revision 'A' and the related development applications, the City made the following findings:

1. That the proposed development is in conformance with the Coastal Specific Plan;
2. That the proposed development, when located between the sea and the first public road, is in conformance with applicable public access and recreational policies of the Coastal Act.

The City Planning Commission approved CP No. 94-Revision 'A' on November 28, 2000. The City's standard 15-day appeal period expired on December 13, 2000 without an appeal from the project applicant or any other interested party. When an appeal request, such as the one by Councilmember McTaggart on December 6, 2000,

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is received by the City Manager, the appeal period for the City Council is automatically extended by thirty additional calendar days. The City held an extended 30-day appeal period, which expired on January 12, 2001 with an appeal filed by City Council on December 19, 2000.

The City provided public notice of the October 24, 2000, November 14, 2000, November 28, 2000, January 16, 2001 and February 6, 2001 public hearings. During the public notice period, the City Planning Department received eight letters expressing opposition to the project and six letters in support of the project. The letters of opposition to the project expressed concern that the observation booths would intimidate the public from accessing the public streets, parking areas, trails and open space areas.

On February 7, 2001, the City Council issued the Notice of Final Decision for CP No. 94-Revision 'A' (Exhibit 9). The City's Notice of Final Decision was received in the South Coast District Office in Long Beach on February 8, 2001.

Having received a complete record on February 8, 2001, the Commission required ten working day appeal period commenced on February 9, 2001. Commissioners Wan and Estolano, William and Marianne Hunter, and Rowland Driskell filed appeals with the Commission on February 26, 2001. The Commission's ten working-day appeal period ended at 5:00 p.m. on February 26, 2001.

The public hearing and actions for the de novo portion of this appeal will be scheduled for action at a future Commission meeting.

### **III. APPEAL PROCEDURES**

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Section 30603(a)(1) of the Coastal Act states:

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- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greatest distance.

The proposed project site is located between the sea and the first public road paralleling the street, Palos Verdes Drive West. A project on this site is appealable.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The Commission must determine whether there is a "substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, unless three or more Commissioners wish to hear arguments regarding the question of substantial issue, then substantial issue is deemed found and the Commission will proceed to the de novo public hearing on the merits of the project.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project. If the Commission finds that a substantial issue exists, the

matter will be scheduled for a subsequent hearing. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

**MOTION:**     *I move that the Commission determine that Appeal No. A-5-RPV-01-066 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

#### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. **A-5-RPV-01-066** presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

#### **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicant, Capital Pacific Holdings, Inc., proposes to construct three manned tract entry observation booths (Exhibit 3) on the median islands at the entries to the interior public streets (Paseo de la Luz, Via del Cielo and Calle Viento) of the *Oceanfront* community of Rancho Palos Verdes (Exhibits 1 and 2). The City issued CP No. 94-Revision 'A' to permit the observation booths at these locations.

The City approved Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 for "small sections of maximum 6-foot-tall perimeter wall, fountains and tract identification signs" (Exhibit 4) without issuing a coastal development permit for those developments. The perimeter wall, fountains and signs require an amendment to the

underlying coastal development permit CP No. 94 and are not authorized without such hearing. Because they are not part of the City's action on this coastal development permit amendment they are not before the Commission.

During a site visit, staff discovered that the developer installed a gate at the northern end of Via del Cielo, an internal public street, without a coastal development permit from the City or the Coastal Commission. Instead, the applicant received a staff level authorization for the gate on the grounds that the gate is temporary; it would be removed after sale of the tract lots, which may take two or three years. The City contends that the gate is required to be removed once all of the homes are sold and the sales offices closes. Again, this gate is not authorized in the proposed amendment that is the subject of this appeal and will require a separate coastal development permit amendment from the City.

**B. Factors to be Considered in Substantial Issue Analysis**

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions." In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a substantial issue does exist with the appellants' contentions for the reasons set forth below.

### **C. Substantial Issue Analysis**

As stated in Section III of this report, the standard of review of a coastal development permit issued by the local government after certification of its Local Coastal Program are the standards set forth in the certified LCP or the public access policies of the Coastal Act. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with the certified LCP or public access policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist with the appellants' contentions.

#### **1) Public Access**

On April 23, 1990, VMS/Anden, the original applicant for the planned residential development project, submitted applications for Vesting Tentative Tract Map No. 46628, Conditional Use Permit No. 158, Coastal Permit No. 94, Grading Permit No. 1439 and Environmental Assessment No. 612 for the development of 93 single family residential lots and 1 open space lot on 132 acres of vacant land in Subregion 1 of the coastal zone of Rancho Palos Verdes. On June 7, 1990, the City received notice that Hermes Development International (H.M.D.I.), Inc. had become the sole owner of the subject property. Draft Environmental Impact Report (DEIR) No. 35 was completed in August 1991 and circulated from September 6, 1991 to October 23, 1991 for public review and comment. The DEIR concluded that, even after the implementation of proposed mitigation measures, the project would result in significant adverse impacts to Air Quality, Biological Resources, Noise, Water Service and Visual Resources. The applicant presented the 93-lot configuration to the City Planning Commission and City Council on October 16, 1990 and received comments about modifying the plan to conform to the policies of the Coastal Specific Plan. In an effort to address the environmental concerns identified by the DEIR, as well as the policies of the Coastal Specific Plan, the applicant significantly redesigned the proposed project<sup>1</sup>.

The revised design consisted of 79 residential lots and 5 open space lots (Lots 80, 81, 82, 83 and 84) (Exhibit 2). The open space lots were dispersed over the site in an effort to protect sensitive habitat areas, view corridors and public recreational opportunities. The Planning Commission required the applicant to provide two access corridors connecting open space Lots 80 and 82. The revised design modified the internal circulation by creating a separate bluff road and two internal streets. The City required the developer to improve any useable area seaward of the bluff road for

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<sup>1</sup> City Council Staff Report, March 3, 1992

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public recreational purposes, such as parking, trails, signs, vista points, seating and fencing<sup>2</sup>.

On February 5, 1992, the City Planning Commission adopted P.C. Resolution No. 92-6 approving Conditional Use Permit No. 158, Coastal Permit No. 94 and Grading Permit No. 1439 for a residential planned development on a 132 acre site consisting of 79 single family residential lots and 5 common open space lots located on the northwest corner of Palos Verdes Drive West and Hawthorne Boulevard. On February 6, 1992, H.M.D.I., Inc., the applicant, submitted an appeal of the Planning Commission's approval of the Conditional Use Permit, Coastal Permit and Grading Permit, so that the City Council could consider these applications in conjunction with the Vesting Tentative Tract Map (Exhibit 2). On February 14, 1992, Lois Larue, a city resident, submitted a second appeal of the Planning Commission's approval of the project, claiming that the project is inconsistent with the City's Coastal Specific Plan (the certified LCP). Both appeals were filed within the required 15 day appeal period and the City Council held a public hearing on the appeals on March 3, 1992, at which time all interested parties were given an opportunity to be heard and present evidence. On March 17, 1992, the City Council adopted Resolution No. 92-27, upholding the H.M.D.I., Inc. appeal and denying the Larue appeal, thereby approving Conditional Use Permit No. 158, Coastal Permit No. 94 and Grading Permit No. 1439 subject to conditions of approval. Approval of the conditional use permit, coastal permit and grading permit were subject to the approval of Vesting Tentative Tract Map No. 46628. On March 17, 1992, the City Council adopted Resolution No. 92-26 approving Vesting Tentative Tract Map No. 46628 for a residential subdivision with 79 single family lots located at the northwest corner of Palos Verdes Drive West and Hawthorne Boulevard (Exhibit 2).

In its adoption of Resolution No. 92-27, the City Council resolved for the approval of the conditional use permit and found that the proposed project, as conditioned, mitigated or reduced significant adverse effects to adjacent properties or the permitted uses thereof. The City Council found that the social, recreational and other benefits of the project outweighed any unavoidable adverse environmental impacts that may have occurred as a result of the project. According to the resolution, "The project implements the RS-1/RPD designation of the site in the General Plan and Coastal Specific Plan, while preserving much of the site as natural and recreational open spaces, with a bluff road, public parking, trails and vista points that will provide public recreational opportunities and preserve public vistas and habitat areas." In its adoption of Resolution No. 92-27, the City Council found for the approval of the coastal permit "that the proposed project, which is located between the sea and the first public road, is in conformance with applicable public access and recreational policies of the Coastal Act, in that the proposed project includes a bluff road and will provide public parking, vista points, open space and trails along the bluff top."

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<sup>2</sup> Id.

The City issued a Special Use Permit, without issuing a coastal development permit or amending CP No. 94, for construction of a wrought iron gate at the northern entry to Via del Cielo (Photo 1). As noted above, this gate will require a separate coastal development permit and is not part of the coastal development permit that has been appealed to the Commission.

#### Public Access Policies of the Certified LCP

The appeals of Commissioner Sara Wan, Commissioner Cecelia Estolano and William and Marianne Hunter contend that the proposed project and the local coastal development permit raise significant issues with regards to consistency with the public access corridors designated in the certified LCP.

According to the certified LCP, "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 primary access corridor within the coastal zone of Rancho Palos Verdes is Palos Verdes Drive West/South/25<sup>th</sup> Street, which is a multifunction access corridor providing automobile, bicycle and pedestrian access (Exhibit 10). Palos Verdes Drive West/South/25<sup>th</sup> Street forms the spine of an access corridors concept that involves a series of laterals and loops with the coastal zone which provide access to, from and through developed and undeveloped areas of the City.

The LCP names the following relevant guidelines, or planning and design considerations, for access corridors:

- a) Wherever possible, proposed access corridors should be located so as to maximize compatible opportunities for multi-use relationships with other corridor types (overlaid or parallel).
- b) Continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments, but designed so as to retain privacy for adjacent residents within these developments.
- c) Where desirable and possible, access corridors should include overlooks, viewpoints, rest stops, and other open space elements within their designs to both provide a broader range of use beyond the utilitarian access function of the corridor as well as to vary its physical configuration, providing visual and spatial interest.

Specifically, a substantial issue exists with respect to the proposed project's conformance with the public access policies of the certified LCP because:

**The proposed manned tract entry observation booths would reduce access to the public streets, parking, bike path, pedestrian and equestrian trails accessed via the bluff loop road and interior public streets of the *Oceanfront* community.**

In order to maximize the opportunities for public access to the coastline, the certified LCP requires a bluff road, where feasible, to be located between the natural drainage course along the northern property line and Point Vicente on the southern property line, with no residential lots permitted seaward of the bluff road (Exhibit 10). The LCP identifies a plan to provide an adequate supply of public parking on public bluff roads in Subregion 1. It is a policy of the LCP to require new developments to provide paths and trails. The City required the proposed bluff loop road to be revised and expanded to have a minimum 26 foot roadway width (consistent with coastal development and design guidelines of the certified LCP), clearly show the on-street parking on the landward side of the street, as well as the Class I bike path and the pedestrian trail on the seaward side of the bluff road (Exhibit 11), and indicate the topographic relationship between the roadway and the trails. Although some members of the City Planning Commission considered eliminating the bluff road and requiring only pedestrian and bicycle trails, City staff felt that elimination of the bluff road would be contrary to the goals and policies of the certified LCP. The LCP states that access to the shoreline, which is a public resource, could be denied by restricting the development of coastal roads.

It is a policy of the certified LCP to "require new developments to provide path and trail links from the bluff corridor to paths and trails along Palos Verdes Drive West" in Subregion I of the Rancho Palos Verdes coastal zone. The LCP identified the need to provide access corridors, including bikeway, pedestrian and equestrian paths and trails, to and through the development. The City required the following public trail and bike path alignments to be developed in conjunction with the proposed project: a) the *Palos Verdes Drive Trail-Golden Cove Segment*, a pedestrian and equestrian trail and a Class II bike path beginning at the north property line and heading south along the west side of Palos Verdes Drive West to the southern property line, b) the *Palos Verdes Loop Trail-Sunset Segment*, a pedestrian trail beginning at the north property line and heading south as close to the bluff as possible to the southern property line, including three preserved vista points, and connecting to the existing Seascape Trail in the Lunada Pointe development and the Interpretive Center Trail and the Baby's Breath Trail in Lower Point Vicente Park, c) the *Coastal Access Road-Subregion I*, a Class I bike path running parallel to and on the seaward side of the coastal bluff road and connecting to the Class II bike path along Palos Verdes Drive West, and d) the *Coastal Access Trail-Terrace Trail*, a point to point pedestrian trail beginning at the intersection of Palos Verdes Drive West and Hawthorne Boulevard and extending westward towards the bluff top and connecting with the Sunset Segment.

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The Access Corridors section of the Corridors Element of the LCP requires that a "continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments." The underlying permit accomplished this by requiring a continuous bluff top road and a continuous bluff top trail connected to the open space corridors within the development. As interpreted in the City's original approval, this required continuous pathways between major access corridors (i.e. Palos Verdes Drive West), the bluff top road and the two habitat/open space areas within the development. The bluff road and the trail would connect to the vertical access trails provided through open space Lot 82 at the western end of the tract. In its approval of CP No. 94-Revision 'A', the City required signs on the booths to inform the public that the streets are public, and has prohibited the guards in the booths from stopping visitors. These City requirements, however, would not fully mitigate the adverse impacts the proposed booths would have on public access to the public amenities of the *Oceanfront* community. The proposed booths would interrupt access from Palos Verdes Drive West to the open space lots via the interior public streets by communicating that the public streets are private and discouraging many non-residents (public) from entering into the interior public streets of the community. This is inconsistent with the guideline of the LCP that states that "proposed streets should minimize interference with path and trail networks."

The applicant contends that the purpose of the booths is to protect the residents of the community from criminal activity. While erecting tract entry observation booths at the entrances to the interior public streets may appear to be a simple means to control unwanted activity within the community; a range of more appropriate measures is available.

The relatively recent phenomenon of guarded and gated communities has become increasingly present in inner city and suburban areas since the late 1980s, often in response to security concerns. As Edward J. Blakely, Dean and of the School of Urban and Regional Planning at the University of Southern California, and Mary Gail Snyder, Professor in the Department of City and Regional Planning at the University of California at Berkeley, describe the phenomenon of guarded communities:

*Millions of Americans have chosen to live in walled and fenced communal residential space that was previously integrated with the larger shared civic space. . . . In this era of dramatic demographic, economic and social change, there is a growing fear about the future in America. Many feel vulnerable, unsure of their place and the stability of their neighborhoods in the face of rapid change. This is reflected in an increasing fear of crime that is unrelated to actual crime trends or locations, and in the growing number of methods used to control the physical environment for physical and economic security. The phenomenon of walled cities and gated communities is a dramatic manifestation of a new fortress mentality growing in America. Gates, fences,*

*and private security guards, like exclusionary land use policies, development regulations, and an assortment of other planning tools, are means of control, used to restrict or limit access to residential, commercial, and public spaces. Americans are electing to live behind walls with active security mechanisms to prevent intrusion into their private domains. Americans of all classes are fortifying up, attempting to secure the value of their houses, reduce or escape from the impact of crime, and find neighbors who share their sense of the good life.* <sup>3</sup>

Furthermore, it is estimated that at least three to four million and potentially many more Americans have already sought out this new form of refuge from the problems of urbanization. A 1991 poll of the Los Angeles metropolitan area found 16 percent of respondents living in some form of "secured-access" environment.<sup>4</sup>

The area surrounding the subject site, however, is low-density suburban in nature, as opposed to urban, and is open rather than closed, walled, guarded and private. The proposed booths would convey to visitors the message that the area is private. This is inconsistent with the City's original approval that required the roads and trails to provide public access to the open space areas and bluff top. The applicant has provided no evidence that the proposed manned tract entry observation booths would not deter public entry to the public roads, parking, trails, bike path and open space areas in the community.

In response to the appeal by Commissioners Wan and Estolano, the City stated that "all of the public parking in support of the public open space lots and the trail system is located in an off-street parking lot at the northern end of the community (located on the seaward side of the loop road) and in two on-street turnouts on the inland side of the loop road." There is a parking lot at the northwest corner of the tract that provides 25 parking spaces and there are two turnouts along the inland side of Calle Entradero, the bluff road, each of which provides 9 parking spaces. Currently, a total of 43 public parking spaces are provided within the community. The City's original approval of the underlying permit, however, also required the provision of parking spaces on the north side of Calle Entradero, a 36-foot-wide stretch of street, between the east side of the bluff parking lot and the intersection with Palos Verdes Drive West. According to the City's response to the Larue appeal of CP No. 94 in 1992, this area could accommodate 35 curbside parking spaces; however, no spaces have been designated in that area. The City asserts that the designated public parking is

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<sup>3</sup> Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, Brookings Institution, 1997.

<sup>4</sup> "Am I My Brother's Gatekeeper? The Fortressing of Private Communities Contributes to the Increasing Fragmentation of American Society," Edward J. Blakely, *The Daily News of Los Angeles*, March 1, 1998, Page VI.

accessed via the tract loop road, which will not have a booth at either entry—the booths would be placed at the entries to the interior tract streets.

Parking to support access along the trails, paths and bluff top road is required in the certified LCP to be provided on local public streets. In its 1992 action, the City identified certain limited areas where parking is prohibited in the community, but was silent in addressing parking along most of the length of Paseo de la Luz and along the entire length of Via del Cielo and Pacifica del Mar (Exhibit 2). A parking lane could potentially be provided along one side of each of these 34-foot wide public streets. By discouraging the public from entering the interior public streets, the proposed manned tract entry observation booths would prevent the public from using potential additional public parking spaces that could be provided to support the public amenities provided in the community. By preventing the public from using parking that could be made available along the interior public streets, the manned tract entry observation booths could discourage many non-residents (public) from accessing the public open space lots or trail and path system.

#### Public Access Policies of the Coastal Act

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas for all people and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies that address the issues of public access and recreation within coastal areas.

The appeals of Commissioner Sara Wan, Commissioner Cecelia Estolano, William and Marianne Hunter, and Rowland Driskell contend that the proposed project and the local coastal development permit raise significant issues with regards to potential adverse affects to public access.

a) 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.

b) Section 30212 (a) of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects . . .

c) Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The City provided a response to the contentions raised in the appeals of Commissioners Wan and Estolano. In regards to issues of consistency with the public access policies of the Coastal Act, the City stated that the policies would be implemented by their approval of "the placement booths at the entries to the interior streets (rather than on the main loop road)...so as to maintain unimpeded access to the bluff-top open space areas and trail system." If the City believes that the placement of booths at the two main entries to the community would adversely affect public access to the public amenities provided in the community, it must also hold true that the placement of booths at the interior public streets would adversely affect public access to, at a minimum, the interior public streets and potential support parking.

Specifically, a substantial issue exists with respect to the proposed project's conformance with the public access policies of the Coastal Act because:

**The proposed manned tract entry observation booths would reduce access to the public streets, parking, bike path, pedestrian and equestrian trails accessed via the bluff loop road and interior public streets of the *Oceanfront* community.**

The proposed manned tract entry observation booths do not ensure the public's right to access, as required by the Coastal Act. Instead, the booths impede access to the coastline and public roads, parking, open space, trails and bike path. The three proposed manned tract entry observation booths would communicate to the public that the public streets are private and discourage them from entering into the public bluff loop road and/or interior public streets of the *Oceanfront* community. The booths would give people the impressions either that the entire *Oceanfront* community, its amenities and its roads are private and/or that the interior public streets of the community are private. Non-residents who believe they are not welcome on the interior public streets of the community would not enter the interior public streets and have the opportunity to use the potential public parking that could be provided to support access to the open space areas and path and trail network.

The approval of CP No. 94 required the provision of two parking turnouts along the inland side of Calle Entradero, the bluff road, a 25-space parking lot at the northwest corner of the tract and curbside parking along the north side of Calle Entradero between the east side of the parking lot and Palos Verdes Drive West. As discussed

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earlier, the City approval was silent in addressing parking along most of the length of Paseo de la Luz and along the entire length of Via del Cielo and Pacifica del Mar, each of which could provide curbside public parking. The City's approval did identify all of the streets within the community as public streets. Under the Coastal Act, prohibition of parking requires a coastal development permit. The applicant has not applied for a coastal development permit to prohibit parking on the interior public streets of the community. Therefore, it would be possible to provide public parking along these streets. The manned tract entry observation booths would prevent the public from entering the interior public streets and using parking that could be provided to support access to the public open space lots and trail and path system.

Section 30210 of the Coastal Act requires maximum access, which shall be conspicuously posted. Although the City conditioned the approval of the booths to provide signage that states that the public is welcome, the booths themselves are intimidating. Some people may see the booths from a distance, without seeing the signs, and believe that the public is not welcome. Others may enter the community, thus coming within a close enough distance to read the signs, but may decide not to approach the booths for fear of being stopped by the guard inside the booth, being questioned, or being charged a fee for entry. The signage would not mitigate the adverse impacts the proposed booths would have on public access to the public roads, parking, open space, trails and bike path of the *Oceanfront* community. The proposed booths would deny maximum access and are not consistent with this policy of the Coastal Act.

Section 30212 (a) of the Coastal Act requires new development projects to provide public access from the nearest public roadway to the shoreline and along the coast. This requirement was met in CP No. 94, the original approval of the *Oceanfront* project, by conditioning the project's approval on the placement of a bluff loop road accessed from Palos Verdes Drive West, the main access corridor of the City. The booths, by impeding the entry of some members of the public who would believe that they were an indication that the community and/or its public streets were private and did not allow public entry, are inconsistent with this policy of the Coastal Act.

Section 30221 of the Coastal Act requires the protection of oceanfront land suitable for recreational use for recreational use and development. The approval of the *Oceanfront* project was subject to the provision of public open space areas, trails, a bike path and support parking. Those members of the public, who may decide not to enter the community because the booths give them the impression that the public is not welcome, would not have access through the community to these public recreational opportunities. By preventing members of the public from using these public amenities, the booths are inconsistent with this policy of the Coastal Act.

**2) Public Views/Visual Resource Policies of the Certified LCP**

In its adoption of Resolution No. 92-27, the City Council found, determined and resolved for the approval of the coastal development permit that the proposed project, as conditioned, preserves the view corridors identified in the visual corridors section of the Coastal Specific Plan (Exhibit 12). Since the Coastal Specific Plan identifies Palos Verdes Drive West as a continuous visual corridor, development on the subject property had the potential to impact the views from this arterial roadway. To address this issue, the applicant proposed to lower the pad levels of the lots adjacent to Palos Verdes Drive West an average of 20 feet below the roadway. In its adoption of Resolution No. 92-27, the City Council found, determined and resolved for the approval of the grading permit that the proposed residential lots on the proposed lower pad elevation would preserve view corridors to the ocean, Point Vicente Lighthouse and Catalina Island, as identified in the certified LCP, when viewed from Palos Verdes Drive West and Hawthorne Boulevard.

The City's coastal development and design guidelines suggested that the bluff road and open areas along its length should be developed under CP No. 94 with a visual emphasis on the natural terrain and environment, with the roadway of lesser visual importance. The guidelines suggested, therefore, that the bluff loop road be 26 to 32 feet wide with on-street parking provided only along the landward side of the roadway. The City required that the parking be provided on the landward side of the roadway to protect the views from the bluff loop road. The City conditioned the approval of the CP No. 94 to provide a 26-foot wide bluff loop road with on-street parking on the landward side of the roadway.

The City required that the common open space areas be located in a manner that is accessible to viewing by the general public from public roads and/or walkways (Exhibit 2), while also preserving public views to the coast. The redesigned project included three view corridors across the site:

1. A view to the west from Hawthorne Boulevard to the bluff down the bluff road and over Common Lot Nos. 81 and 82 (Photo 2).
2. A view to the northwest of the Malibu coast (Photo 3) and southwest of Catalina Island and the Point Vicente Lighthouse (Photo 4) from Palos Verdes Drive West over the Common Lot No. 80 (Exhibit 2).
3. A view to the west from Palos Verdes Drive West to the bluff down the bluff road and over Common Lot Nos. 82 and 83.

The appeal of Commissioners Sara Wan and Cecelia Estolano contends that the proposed project and the local coastal development permit raise significant issues with regards to consistency with the visual resource policies of the certified LCP.

According to the certified LCP, "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." Palos Verdes Drive functions as "the primary visual corridor accessible to the greatest number of viewers, with views of irreplaceable natural character and recognized regional significance."

The LCP identifies four specific visual corridors available over the subject property from Palos Verdes Drive West:

1. A view of the ocean and Catalina Island traveling south on Palos Verdes Drive West (Photo 5).
2. A view of the ocean and Malibu coastline traveling north of Hawthorne Boulevard on Palos Verdes Drive West (Photo 3).
3. A view of the Point Vicente Lighthouse traveling south on Palos Verdes Drive West (Photo 4).
4. A view of the ocean and local coastline traveling north of the Point Vicente Lighthouse on Palos Verdes Drive West (Photo 6).

The LCP provides a method to protect the visual relationship between the drive and ocean in areas that are not part of an identified vista corridor. For those areas which are not part of an identified vista corridor, the LCP requires that "no buildings should project into a zone measured 2 feet down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline" (Exhibit 13).

Specifically, a substantial issue exists with respect to the proposed project's conformance with the visual resource policies of the certified LCP because:

**The proposed manned tract entry observation booth at the entry to Calle Viento would interrupt a view corridor identified in the LCP.**

Given only the LCP maps and descriptions for visual corridors at the time the Commission received notice of approval of CP No. 94-Revision 'A' from the City, the Commission concluded that each of the proposed manned tract entry observation booths could have impacts to the visual resources identified in the LCP. After receiving the complete record and having the opportunity to conduct site visits,

however, the Commission determined that only the proposed booth at the entry to Calle Viento would impact an identified visual corridor. The proposed booth at the entry to Calle Viento would interrupt the expansive visual corridor to the ocean and Catalina Island available when traveling south on Palos Verdes Drive West. The City's approval of CP No. 94 required removal of all of the proposed homes seaward of the bluff road at the southwestern end of the property and dedication of Common Lot Nos. 81 and 82 as open space, thus preserving the open view corridor over those lots (Exhibit 2). The median at the entry to Calle Viento, where the booth is proposed to be located, is directly between the open space areas of Common Lots 81 and 82. Therefore, the proposed 250-square-foot, 12-foot tall manned tract entry observation booth would adversely effect the view corridor.

The proposed booths at the entries to Paseo de la Luz and Via del Cielo, on the other hand, would not interrupt any of the visual corridors identified in the certified LCP. These booths are proposed to be located at locations having significantly lower grade than Palos Verdes Drive West, the viewing station named for the visual corridor identified in the LCP. The booths at these locations, therefore, are also consistent with the requirement of the LCP that "no buildings should project into a zone measured 2 feet down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline." In addition, CP No. 94 permitted the construction of homes adjacent to and seaward of the proposed locations of these booths. The cumulative visual impacts of the homes and the proposed booths at the entries to Paseo de la Luz and Via del Cielo would negate any minimal visual impacts the booths could have when viewed from the bluff loop road or interior public streets.

### **3) LCP Coastal Development Permit Requirement**

The notice of local action included the approval of Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 for "small sections of maximum 6-foot-tall perimeter wall, fountains and tract identification signs." CP No. 94 authorized the Director of Environmental Services to approve changes to the proposed fence. The City Planning Commission, however, approved of changes to the fence with a conditional use permit without an amendment to the original coastal permit. The City's response to the appeal by Commissioners' Wan and Estolano contends that CP No. 94 was amended for the approval of Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096. However, the "Notice of Final Decision" issued by the City for the approval of CP No. 94-Revision 'A' included findings and conditions of approval for the proposed manned tract entry observation booths only, which included the approval of Encroachment Permit No. 32. The developments approved under the conditional use permit and sign permit were not addressed in the findings or conditions of approval for CP No. 94-Revision 'A', nor did they receive a separate coastal development permit. They do not qualify as excluded development and require a coastal development permit. The certified LCP Section 17.67.010 requires a

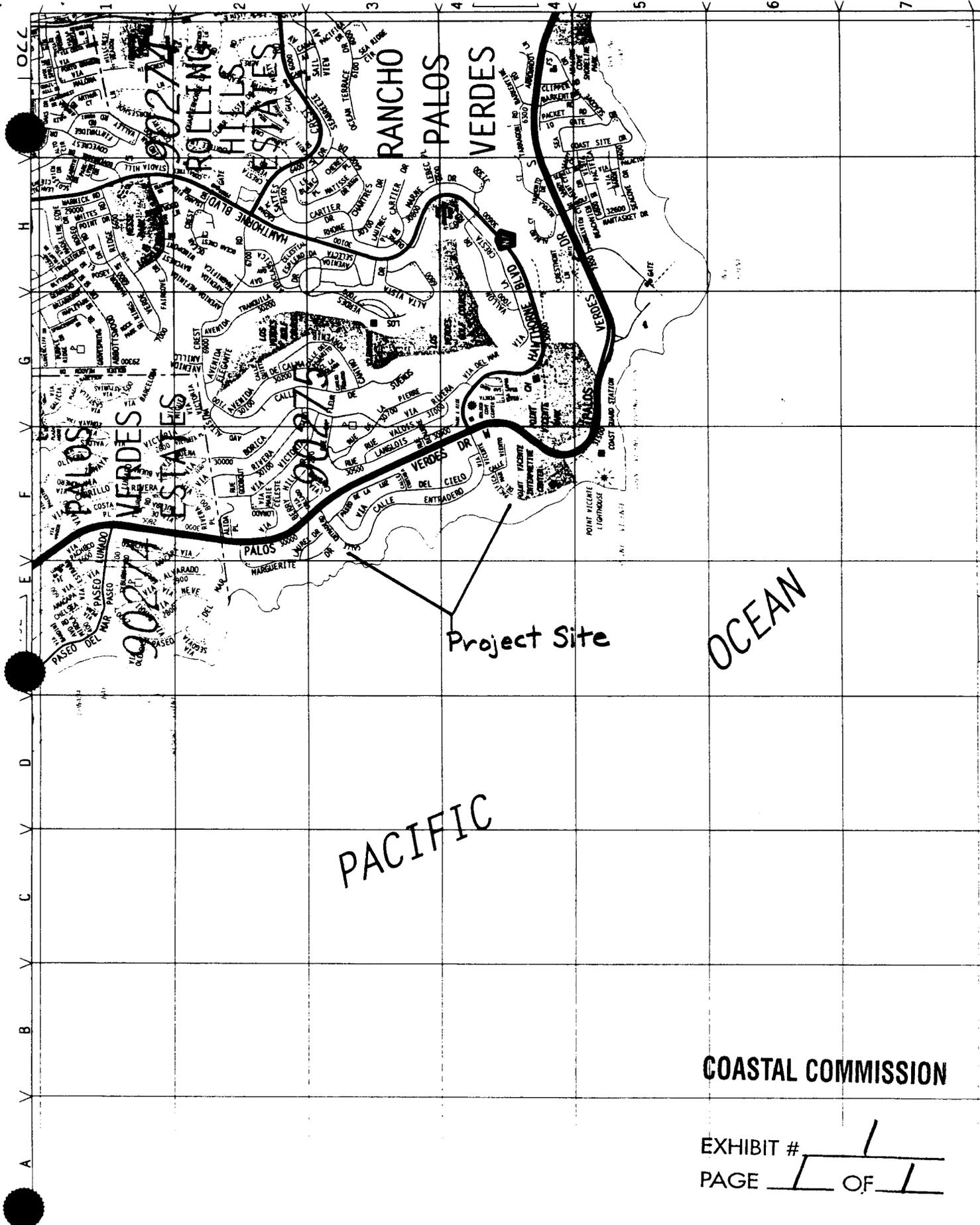
A5-RPV-01-066  
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coastal development permit for development in the City's coastal zone (the city may have subsequently renumbered). Development is defined in Section 16.04.365 of the certified IP. Section 16.04.445 of the City's LCP exempts certain repair and maintenance activities and additions to existing structures from coastal permit requirements, consistent with Section 30610 of the Coastal Act. However, this section does not exempt development that may have "an adverse impact to public access." The proposed perimeter wall is an addition to an existing structure, but may have an adverse affect on public access. The proposed perimeter wall did not receive a CDP even though it is not exempt from permit requirements. The proposed fountains and signs did not receive CDP's even though they are not exempt from permit requirements because they are not additions to existing structures and may have an adverse affect on public access. Approval of development in the coastal zone without a coastal development permit is inconsistent with the requirement of the certified LCP that development within the coastal zone requires a coastal development permit.

By not issuing or amending a coastal development permit for development of "small sections of maximum 6-foot-tall perimeter wall, fountains and tract identification signs" in the coastal zone, the City did not provide notice to the public or the Commission. Approval of this development without the issuance or amendment of a coastal development permit denied the public and the Commission the opportunity to appeal.

The Commission notes that, in its revised findings for certification of the IP portion of the certified LCP, found "that certain provisions of the California administrative Code, found in Article 17, Title 14, specifically PRC Sections 30800-30823, (Judicial Review and Penalties); Section 13574 of the Administrative Code (Dedications) and Coastal Act Section 30600 (a) cannot be overridden by any act of the City and apply to and within the coastal zone of the City of Rancho Palos Verdes whether or not they are specifically cross-referenced in the City Code." The Commission therefore found "that such references are unnecessary to adequately carry out the provisions of the Land Use Plan and that the ordinances, as drafted, are consistent with and adequately carry out the provision of the certified Land Use Plan." The findings reiterate that the certified LCP requires a coastal development permit for any development in the coastal zone.

The fence, signs and gate described herein require separate hearing at the City and a coastal development permit or an amendment to the underlying permit. These actions would be appealable to the Commission.



Project Site

OCEAN

PACIFIC

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 1

SEE VI / MAP

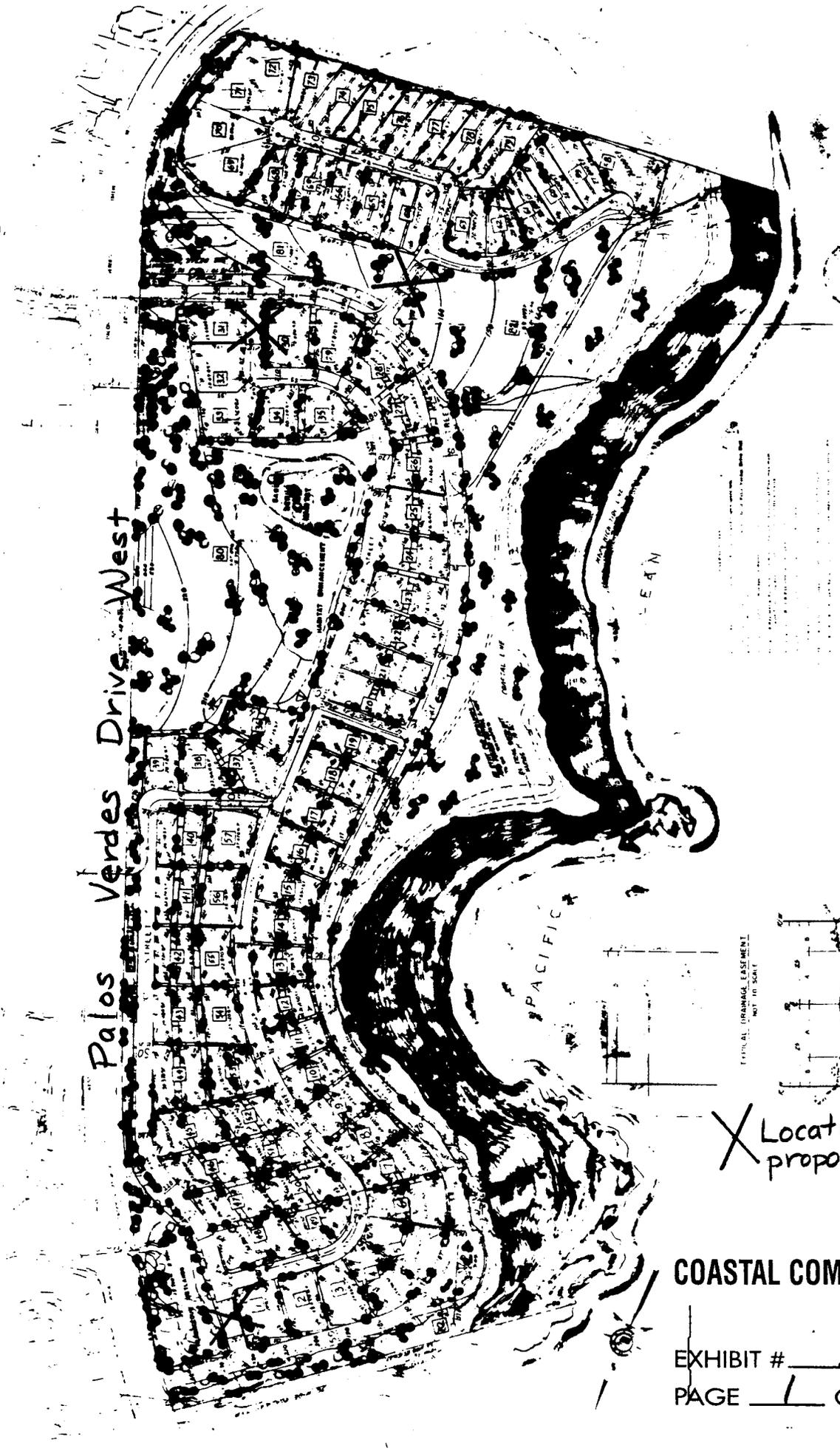
**REVISED VESTING TENTATIVE MAP  
TRACT NO. 46628**

IN THE CITY OF RANCHO PALOS VERDES, THE STATE OF CALIFORNIA

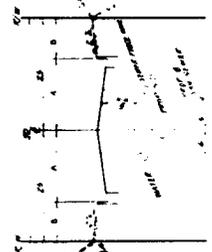
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Palos Verdes Drive West



TYPICAL DRAINAGE EASEMENT  
NOT TO SCALE



X Locations of proposed booths

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 1 OF 1

DATE	DESCRIPTION

DATE	DESCRIPTION

DATE	DESCRIPTION

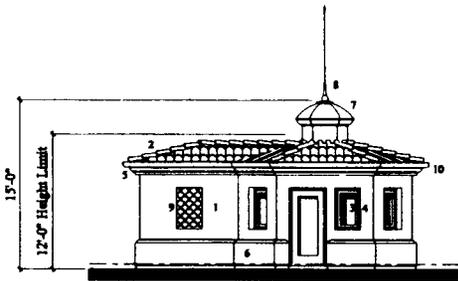
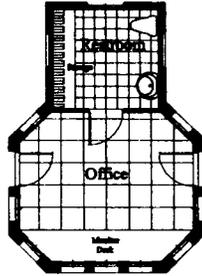
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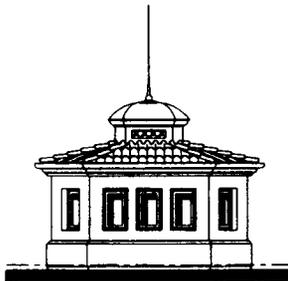
PLANNING, BUILDING,  
& CODE ENFORCEMENT

Materials List

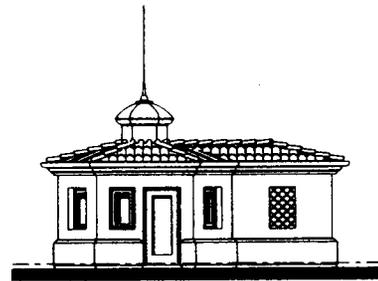
- 1. Smooth Stone
- 2. Clay Barrel Tile
- 3. Wood Window
- 4. Recessed Window
- 5. Built-up Stone Sill
- 6. Built-up Stone Base
- 7. Metal Roof
- 8. Metal Panel
- 9. Dimension Tile Detail
- 10. Rake Ceiling and Downspout



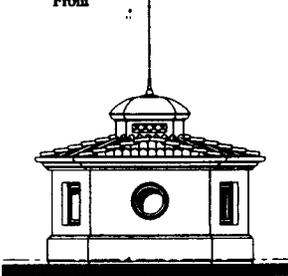
Left



Front



Right



Rear

OCEANFRONT  
*Rancho Palos Verdes*

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 CALIFORNIA  
 COASTAL COMMISSION

In-Tract  
Observation Booth 2

Scale 1/4" = 1'-0"



PEKAREK-CRANDELL, Inc.  
architecture - planning

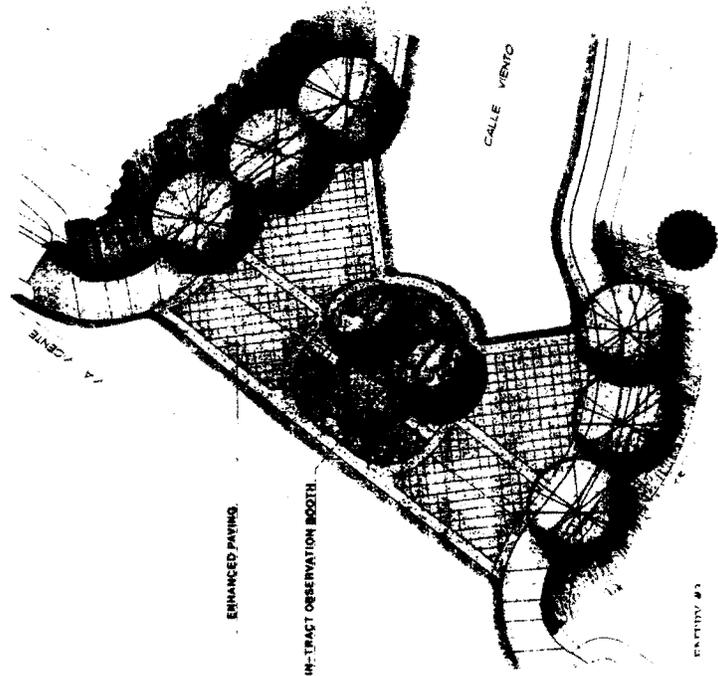
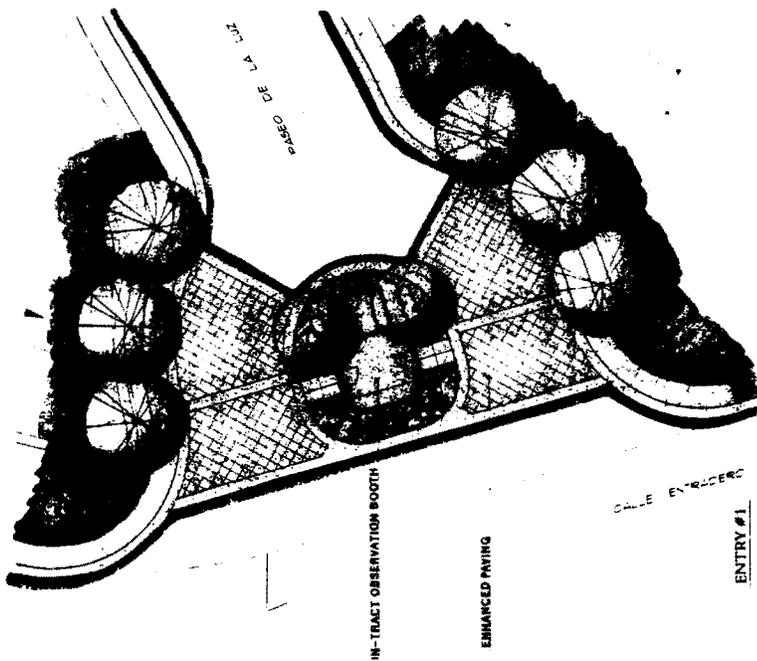
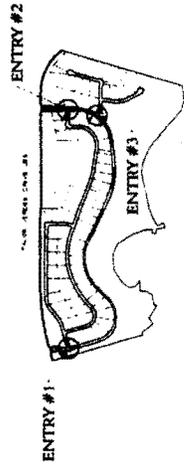
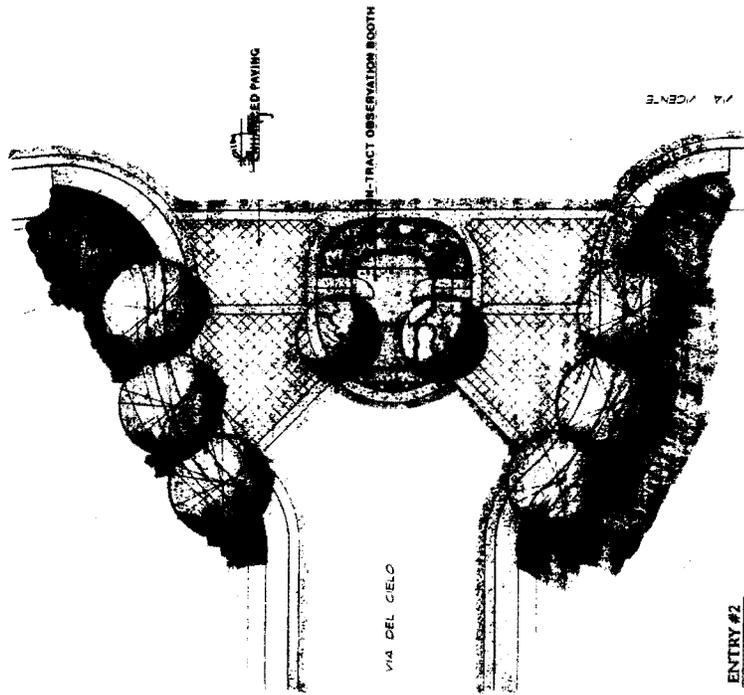
31872 Camino Capistrano, Suite 100 949/487-2320  
San Juan Capistrano, CA 92675 fax 949/487-2321  
10-31-00 800-19

REVISED PRELIM (APP'D w/ CONDITIONS)



COASTAL COMMISSION

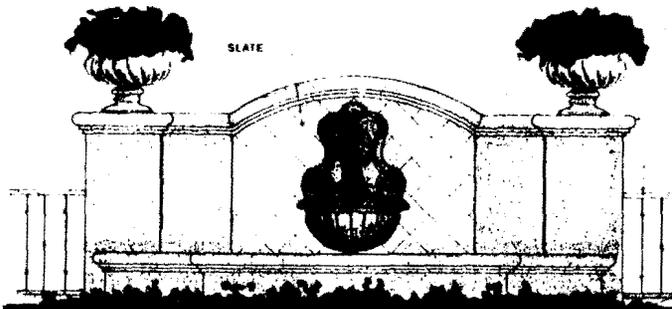
EXHIBIT # 3  
PAGE 1 OF 2



# COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 2



ELEVATION WALL FOUNTAIN

DECORATIVE POTS  
 CONCRETE CAP  
 PLASTER  
 3/4" TUBULAR STEEL FENCE

8-10' HEIGHT SPREADING SHRUBS

VA. VICENTE

ENHANCED PAVLRS

SIGN WALL

8" BICYCLE RAIL

8" DOOR

8-10' HEIGHT SPREADING SHRUBS

8" COLESEYMA TRAIL

PAVLS VERDES DRIVE 465'

FRANK  
 RADNACHER  
 ASSOCIATES INC

OCEANFRONT ESTATES  
 SOUTH ENTRY

PRELIMINARY  
 LANDSCAPE PLAN

EXHIBIT # 4  
 PAGE 1 OF 2

CASTAL COMMISSION

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 PLANNING, BUILDING,  
 & CODE ENFORCEMENT

ALOS VERDES DRIVE, 183'

8'-10" HEIGHT SPREADING SHRUBS

RETAINING WALL

ENHANCED PAVERS

SIGN WALL

8'-10" HEIGHT SPREADING SHRUBS

8' DEEP

8' BICYCLE TRAIL

CALLE ENTRADERO

PASEO DE LA LUZ

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 2 OF 2



**CALIFORNIA COASTAL COMMISSION**

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



February 26, 2001

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
(Commission Form D)**

Please Review Attached Appeal Information Sheet Prior to Completing This Form.

**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Commissioner Sara Wan	Commissioner Cecelia Estolano
200 Oceangate Suite 1000	200 Oceangate Suite 1000
Long Beach, CA 90802	Long Beach, CA 90802

**Section II. Decision Being Appealed**

1. Name of local/port government: **City of Rancho Palos Verdes**
2. Brief description of development being appealed: CP No. 94-Revision 'A' for construction of three 250 square-foot, 12-foot-tall manned tract entry observation booths to be constructed on median islands at the entries to the interior public streets (Paseo de la Luz, Via del Cielo and Calle Viento) of the *Oceanfront* community, which lies within the City's Coastal Specific Plan District. Approval of development in the coastal zone under Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 without a coastal development permit.
3. Development's location: Tract No. 46628 (*Oceanfront*), Hawthorne Boulevard and Palos Verdes Drive West, City of Rancho Palos Verdes.
4. Description of decision being appealed:
  - a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: \_\_\_\_\_ **XX** \_\_\_\_\_
  - c. Denial: \_\_\_\_\_

Note: For jurisdiction with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:  
DATE FILED:  
DISTRICT: South Coast

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 1 OF 9

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a.  Planning Director/Zoning Administrator  
b.  City Council/Board of Supervisors

c.  Planning Commission  
d.  Other \_\_\_\_\_

6. Date of local government's decision: February 6, 2001

7. Local government's file number (if any): CP No. 94-Revision 'A'

Section III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

<u>Tim Hamilton, Capital Pacific Holdings, Inc.</u>	<u>AGENT: The Katherman Company</u>
<u>4100 MacArthur Blvd., Suite 200</u>	<u>19300 S. Hamilton Ave., Suite 230</u>
<u>Newport Beach, CA 92660</u>	<u>Gardena, CA 90248</u>

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties, which you know to be interested and should receive notice of this appeal.

(1) Rowland Driskell  
30 Via Capri  
Rancho Palos Verdes, CA 90275

(2) Jeffrey Lewis  
2820 Via Pacheco  
Palos Verdes Estates, CA 90275

(3) Virginia Leon  
30413 Via Cambron  
Rancho Palos Verdes, CA 90275

(4) William B. Patton  
71 Margarita Drive  
Rancho Palos Verdes, CA 90275

(5) Rob Katherman  
19300 South Hamilton Avenue, #230  
Gardena, CA 90248

(6) Tom Redfield  
31273 Ganado Drive  
Rancho Palos Verdes, 90275

**COASTAL COMMISSION**

EXHIBIT # 5

PAGE 2 OF 9

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

- (7) Penny Fooks  
30457 Via Cambron  
Rancho Palos Verdes, CA 90275
- (8) Ann Shaw  
30036 Via Borica  
Rancho Palos Verdes, CA 90275
- (9) Tim Hamilton  
30796 La Mer  
Laguna Niguel, CA 92677

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 3 OF 9

Section IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

A. Issues of consistency with the public access policies of the Coastal Act:

- 1) The three proposed manned tract entry observation booths resemble guardhouses. They would create visual barriers, communicating that the public streets are private and discouraging many non-residents (public) from entering into the interior public streets of the *Oceanfront* community. The proposed signs and perimeter wall, together with the guardhouses discourage public access as well. The proposed signs, intended to "inform the general public of the public status of the streets and the availability of public access to the trails and other coastal resources within the *Oceanfront* community," would not fully mitigate the adverse impacts to public access caused by the presence of booths. These adverse impacts to public access are inconsistent with the public access policies 30210, 30211, 30213, 30221 and 30223 of the Coastal Act.

B. Issues of consistency with the public access and visual resource policies of the certified LCP:

- 1) The policy of the Corridors Element requires development proposals within areas that might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines. The conformance of the proposed project with the Corridors Element of the LCP is not adequately analyzed.
- 2) Installation of the proposed manned tract entry observation booths is inconsistent with the Visual Corridors section of the Corridors Element of the LCP, which identifies visual corridors the proposed booth at the entry to Paseo de la Luz would interrupt a view corridor from Palos Verdes Drive West through the community to Point Vicente Lighthouse, the ocean and Catalina Island. The proposed booth at the entry to Via del Cielo seemingly would interrupt a view corridor from Palos Verdes Drive West through the community to the ocean and Malibu coastline. It also seems that the proposed booth at the entry to Calle Viento would

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 4 OF 9

interrupt views from Hawthorne Boulevard to the bluff and an open space lot and from Palos Verdes Drive West to Pointe Vicente Lighthouse and Catalina Island. The Visual Corridors section of the LCP requires that identified corridors must be protected.

- 3) The proposed booths would be located in the medians of three interior streets that have dedicated open space lots on one or both sides. Since open space areas within access corridors provide visual and spatial interest, placement of booths adjacent to or between open space lots would have an adverse impact on the visual elements of the lots. This is inconsistent with the Visual Corridors Section of the Corridors Element of the LCP.
  - 4) The Access Corridors section of the Corridors Element of the LCP requires that a "continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments." The underlying permit accomplished this by requiring a continuous bluff top road and a continuous bluff top trail connected to the open space corridors within the development. As interpreted in the City's original approval, this required continuous pathways between major access corridors (i.e. Palos Verdes Drive West), the bluff top road and the two habitat/open space areas within the development. The proposed booths would interrupt access from Palos Verdes Drive West to the open space lots via the interior public streets by creating visual barriers, communicating that the public streets are private and discouraging many non-residents (public) from entering into the interior public streets of the *Oceanfront* community.
  - 5) Parking to support access along the trails and bluff top roads is required in the certified LCP and the underlying permit to be provided on local public streets. The proposed manned tract entry observation booths could discourage many non-residents (public) from entering into the interior public streets of the *Oceanfront* community, accessing the public open space lots, or using the dedicated public streets for support parking for the tract's public trails.
- C. Issues of consistency with the requirement of the certified LCP that all development in the coastal zone requires a coastal development permit:
- 1) The notice of local action included the approval of Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096 for "small sections of maximum 6-

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 5 OF 9

foot-tall perimeter wall, fountains and tract identification signs." The original coastal permit authorized the Director of Environmental Services to approve changes to the proposed fence. The City Planning Commission, however, approved of changes to the fence with a conditional use permit without an amendment to the original coastal permit. The developments permitted under this sign permit were not included as part of the development permitted under CP 94-Revision 'A' and did not receive a separate coastal development permit. They do not qualify as excluded development and require a coastal development permit. The certified LCP Section 17.67.010 requires a coastal development permit for development in the City's coastal zone (the city may have subsequently renumbered). Development is defined in Section 16.04.365 of the certified IP. Section 16.04.445 of the City's LCP exempts certain repair and maintenance activities and additions to existing structures from coastal permit requirements, consistent with Section 30610 of the Coastal Act. However, this section does not exempt development that may have "an adverse impact to public access." The proposed perimeter wall is an addition to an existing structure, but may have an adverse affect on public access. The proposed perimeter wall did not receive a CDP even though it is not exempt from permit requirements. The proposed fountains and signs did not receive CDP's even though they are not exempt from permit requirements because they are not additions to existing structures and may have an adverse affect on public access. Approval of development in the coastal zone without a coastal development permit is inconsistent with the requirement of the certified LCP that development within the coastal zone requires a coastal development permit. *We note that the Commission, in its revised findings for certification of the IP portion of the certified LCP, found "that certain provisions of the California Administrative Code, found in Article 17, Title 14, specifically PRC Sections 30800-30823, (Judicial Review and Penalties); Section 13574 of the Administrative Code (Dedications) and Coastal Act Section 30600 (a) cannot be overridden by any act of the City and apply to and within the Coastal Zone of the City of Rancho Palos Verdes whether or not they are specifically cross-referenced in the City Code." The Commission therefore found "that such references are unnecessary to adequately carry out the provisions*

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 6 OF 9

*of the Land Use Plan and that the ordinances, as drafted, are consistent with and adequately carry out the provision of the certified Land Use Plan." The findings reiterate that the certified LCP requires a coastal development permit for any development in the coastal zone.*

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Section V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 7 OF 9

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

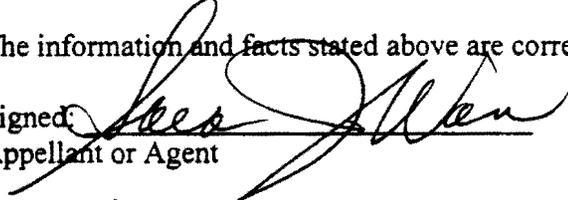
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed:   
Appellant or Agent

Date: \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**COASTAL COMMISSION**

(Document 2)

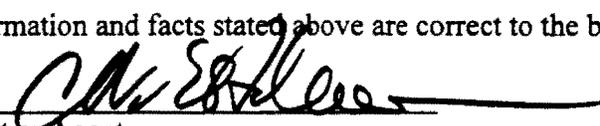
EXHIBIT # 5  
PAGE 8 OF 9

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed:   
Appellant or Agent

Date: \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 9 OF 9

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
200 Oceanside, 10th Floor  
Long Beach, CA 90802-4302  
(562) 590-5071

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT  
(Commission Form D)

RECEIVED  
FEB 26 2001



CALIFORNIA  
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

WM & Marjorie Hunter  
1 Cassman Ave  
RDV 90275 (310) 377-1871  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Rancho Palo Verde

2. Brief description of development being appealed: Open front drift "Observation booth" on PUBLIC LAND

3. Development's location (street address, assessor's parcel no., cross street, etc.): PL Drive at Hawthorne

4. Description of decision being appealed:

a. Approval; no special conditions: has been

b. Approval with special conditions: \_\_\_\_\_

want go to c. Denial: No "Observation" booths on public land, at public access corridors

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-RPV-01-066

DATE FILED: 2/26/01

DISTRICT: S. Coast

HS: 4/88

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 1 OF 3

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a.  Planning Director/Zoning Administrator      c.  Planning Commission

b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: Jan 2001

7. Local government's file number (if any): \_\_\_\_\_

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Ocean Front Development

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) \_\_\_\_\_  
\_\_\_\_\_

(2) \_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

**COASTAL COMMISSION**

EXHIBIT # 6

PAGE 2 OF 3

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

*The "Observation" booths imply restriction and/or regulation of access. They will undermine the confidence of visitors to their coastline that they have legal right to full, unrestricted access. The booths give the appearance of private, rather than public access.*

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

*[Signature]*  
Signature of Appellant(s) or Authorized Agent  
*William H. Hunter*  
Date *2/17/01*

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

**COASTAL COMMISSION**

Signature of Appellant(s) \_\_\_\_\_  
Date \_\_\_\_\_ EXHIBIT # 6  
PAGE 3 OF 3

# CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
200 Oceanview, 10th Floor  
Long Beach, CA 90802-4302  
(562) 890-8071

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Commission Form D)



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

RECEIVED  
FEB 26 2001

### SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

ROWLAND DRISKELL  
30 VIA CAPRI  
RANCHO PALOS VERDES CA (310) 549 4183  
Zip 90275 Area Code Phone No.

CALIFORNIA  
COASTAL COMMISSION

### SECTION II. Decision Being Appealed

1. Name of local/port-government: Rancho Palos Verdes

2. Brief description of development being appealed: LANDOWNER BUILDING 3  
ENTRY OBSERVATION BOOTHS AT TRACT 46628  
OCEANFRONT

3. Development's location (street address, assessor's parcel no., cross street, etc.): END OF HAWTHORNE BLVD AT PALOS VERDE  
DRIVE SOUTH - TRACT 46628

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: ✓ CITY COUNCIL DENIED ITS OWN APPEAL & UPHELD THE PLANNING COMMISSION APPROVAL OF COASTAL PERMIT No. 94-REV 'A'

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

### TO BE COMPLETED BY COMMISSION:

APPEAL NO: AS-RPV-01-066

DATE FILED: 2/26/01

DISTRICT: South Coast

HS: 4/88

COASTAL COMMISSION

EXHIBIT # 7  
PAGE 1 OF 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: 2.7.2001 ?

7. Local government's file number (if any): \_\_\_\_\_

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ROBERT KATHERMAN THE KATHERMAN COMPANY  
19300 S. HAMILTON AVE SUITE 230  
SARDENA CA 90248

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Rowland Driskell  
30 VIA CAPEI 310.544.4183  
RANCHO PALMS VERDES 90275

(2) Jeff Lewis

\_\_\_\_\_

\_\_\_\_\_

(3) \_\_\_\_\_

\_\_\_\_\_

(4) \_\_\_\_\_

\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

COASTAL COMMISSION

EXHIBIT # 7  
PAGE 2 OF 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

please see attached letter of  
2.25.2001

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Rowland Dinsbell  
Signature of Appellant(s) or  
Authorized Agent

Date 2.26.2001

NOTE: If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

COASTAL COMMISSION

EXHIBIT # 7  
PAGE 3 OF 4

**From:** Driskell  
**To:** California Coastal Commission.org. PAM EMERSON  
**Cc:** City Council@RPV.com. kitf@rpv.com.  
**Bcc:** DougStern@hotmail.com. PVNedit@aol.com.  
**Date:** 2/25/01 4:45:09 PM  
**Subject:** Appeal Coastal Permit No.94-Rev 'A'

My family and neighbors are against 3 entry observation booths at the Oceanfront community - RPV

- 1.I spoke at RPV City Council meeting against these booths.
- 2.Construction of these booths would set an unwanted precedent. If allowed, then other sub-divisions could argue for guard stations at entry to their neighborhoods. Before long our city would be cluttered with unlawful, unwanted and unnecessary security checkpoints.
- 3.The streets serving this sub-division are PUBLIC streets - for the public to use if they want to walk along the ocean bluffs- these booths would be intimidating and discourage local citizens from their rightful public access to these bluffs.
- 4.Please uphold this appeal. To permit these guard stations would be detrimental to our community. They would only be built to help the developer promote the exclusivity of his project.
- 5.I think the developer wants the guard stations so his sales force can advertise his project as a "guarded community". Constructuion of estates at this project have almost stopped and this is another sales tool that could augment their lagging sales. It's all about the money.
- 6.I am available to testify at any hearing or answer any questions this commission may have. I would also circulate a petition of my neighbors to prove the public's displeasure if this developer were allowed to build these guard stations at PUBLIC streets.

Thank you for this forum  
Rowland Driskell  
30 Via Capri  
Rancho Palos Verdes 90275

Rowland  
Driskell

home  
phone

310.544.4183

**COASTAL COMMISSION**

EXHIBIT # 7  
PAGE 4 OF 4



4. Failure to comply with and adhere to all of these conditions of approval may cause to revoke the approval of the project by the Planning Commission after conducting a public hearing on the matter.
5. If the project has not been established (i.e., building permits obtained) within one year of the final effective date of this Resolution, or if construction has not commenced within one hundred eighty (180) days of the issuance of building permits, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Department of Planning, Building and Code Enforcement and approved by the Director. Otherwise, a conditional use permit and sign permit revision must be approved prior to further development.
6. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
7. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Resolution.
8. Unless otherwise designated in these conditions, the approved project shall be subject to all of the conditions of approval for Vesting Tentative Tract Map No. 46628, Final Environmental Impact Report No. 35, Conditional Use Permit No. 158, Coastal Permit No. 94 and Grading Permit No. 1439, as adopted by the City Council on March 17, 1992. Said conditions of approval are incorporated herein by this reference.
9. The conceptual landscaping depicted on the approved plans is not a part of this approval. The landscaping at the tract entries shall be subject to the review and approval of a precise landscape plan by the Director of Planning, Building and Code Enforcement, and shall be installed and maintained so as not to significantly impair protected views from surrounding properties or public rights-of-way.
10. Prior to the construction of the booths, walls, fences, fountains and/or signs approved by this permit, or within thirty (30) days of the final effective date of the City's action on these applications, whichever occurs first, the developer shall open the bluff-top loop road (Via Vicente/Calle Entradero) to vehicular traffic and shall complete the off-street parking lot and the two on-street parking turnouts. The developer shall be responsible for the completion of any remaining paving, striping and signage for the loop road and parking areas, to the satisfaction of the Director of Public Works and the Director of Planning, Building and Code Enforcement. Once the bluff-top loop road is open to vehicular traffic, if the developer chooses to

(17)

retain security personnel on the site, they shall not act to impede general public access to the bluff-top loop road, parking areas or trail system by pedestrians, bicyclists and/or motorists. Within thirty (30) days of the final effective date of the City's action, the developer shall also submit a sign plan for public access and trail signage for the review and approval of the Director of Planning, Building and Code Enforcement, using the approved *Ocean Trails* sign program as a model.

11. The shrubs and foliage along Palos Verdes Drive West shall be maintained so as not to exceed one foot (1'0") in height.

Conditional Use Permit No. 158-Revision 'C' and Sign Permit No. 1096

12. The maximum height of the solid perimeter wall sections for the fountains shall be six feet (6'0"), and the maximum width of these wall sections shall be fourteen feet (14'0"). The proposed fountains associated with these wall sections shall not exceed a depth of twenty-four inches (24").
13. No portion of any structures or improvements located within the intersection visibility triangles at either tract entry shall exceed a height of thirty inches (30") above the curb elevation of Palos Verdes Drive West, Via Vicente or Calle Entradero.
14. The maximum height of the solid perimeter wall sections for the permanent and temporary signs shall be forty-two inches (42"), and the maximum width of these wall sections shall be fourteen feet (14'0").
15. Notwithstanding the existing freestanding signs permitted in conjunction with the operation of the temporary sales office and model complex, a maximum of one permanent and one temporary (i.e., banner) sign is permitted at each tract entrance. Each sign shall not exceed thirteen square feet (13 ft<sup>2</sup>) in area. The existing non-permitted banner signs may be used as the one, permitted temporary sign at each entry under the terms of this condition.
16. Within thirty (30) days of the installation of the permanent signs, the Director shall inspect the method and level of illumination. The applicant shall be required to adjust the method and level of illumination as necessary to avoid or eliminate light and glare impacts upon surrounding private properties and public rights-of-way, to the satisfaction of the Director.

Coastal Permit No. 94-Revision 'A' and Encroachment Permit No. 32

17. The maximum height of the tract entry observation booths shall not exceed twelve feet (12'0"). No cupolas or other architectural features in excess of the 12-foot-

P.C. Res. **COASTAL COMMISSION**  
Page 9 of 12

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EXHIBIT # 8  
PAGE 3 OF 6

height limit will be permitted. No vehicle gates will be permitted, whether functional or non-functional.

18. The tract entry observation booths shall not exceed a maximum of two hundred fifty square feet (250 ft<sup>2</sup>) in area.
19. Restroom facilities shall be provided within each tract entry observation booth for the use of security personnel. Said restrooms shall be handicap-accessible, subject to the review and approval of the City's Building Official.
20. All necessary utilities for the tract entry observation booths shall be located underground. The developer shall be responsible for obtaining the applicable permits for all necessary utility connections.
21. All minimum sight distances and turning radii shall be maintained, subject to review and approval by the City's Traffic Committee and/or engineering consultant.
22. The tract entry observation booths shall be located entirely within the curbed, landscaped medians of Paseo de la Luz, Via del Cielo and Calle Viento.
23. No portion of any eave and/or overhang shall extend beyond the edge of the curb of the landscape median, or into any travel lanes. The booths shall be designed to maintain appropriate lateral and overhead clearance to ensure that large and/or high-profile vehicles or trucks will not hit the overhangs on the building.
24. Protective bollards shall be installed at each corner of the booths to reduce the potential for accidental damage caused by vehicles.
25. The observation booths shall be compatible with the character and architectural styles of surrounding residences, subject to the final review and approval of the Director of Planning, Building and Code Enforcement.
26. Directional and informational signage shall be permitted in association with construction of the observation booths. Said signage shall inform the general public of the public status of the streets and the availability of public access to the trails and other coastal resources within the *Oceanfront* community. The final language, design and placement of said signage shall be subject to the review and approval of the Director of Planning, Building and Code Enforcement, and the signs shall be installed prior to the commencement of use of the booths. Installation of signs with changeable copy intended to provide general information regarding upcoming events, meetings, etc., shall not be permitted within the public right-of-way.
27. Any proposed exterior lighting shall be located on the facade of the booths or under the eaves, at a maximum height of ten feet (10'0"). All exterior lighting shall be

P.C. Resolution No. 2000-11  
Page 10 of 12

**COASTAL COMMISSION**

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EXHIBIT # 8  
PAGE 4 OF 6

shielded and directed downwards to prevent direct illumination of or towards surrounding properties.

28. Ingress/egress vehicle lanes shall be a minimum of eighteen feet (18'0") wide at the observation booths to allow vehicles to pass a stopped vehicle. Wider travel lanes may be required at the discretion of the City.
29. Approval of Encroachment Permit No. 32 shall be subject to the following additional conditions:
  - a. The developer shall comply with all recommendations and requirements, if any, of the City's Planning Commission, Traffic Committee, or Traffic Engineer.
  - b. Prior to construction of the observation booths, the developer shall submit to the City a "Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
  - c. Prior to construction of the observation booths, the developer shall submit to the City a Use Restriction Covenant for recordation, agreeing to remove the encroachments within sixty (60) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The owner shall also acknowledge that failure to remove the encroachments within the specified time will result in removal of the structures by the City, and that the developer shall be billed by the City for the costs of removal of the encroaching structures.
  - d. Prior to construction of the observation booths, the developer shall obtain a minimum of one million dollars (\$1,000,000) liability insurance, naming the City as an additional insured, subject to review and acceptance by the City Attorney. Proof of said insurance shall be provided to the City annually.
  - e. Prior to construction of the observation booths, the developer shall obtain an Encroachment Permit from the Department of Public Works. The owner shall be responsible for any fees associated with the issuance of said permit.
  - f. The encroachments shall be constructed and installed in accordance with the approved plans, and the developer shall comply with all conditions and requirements that are imposed on the project.
  - g. Prior to construction of the encroachments, the applicant shall submit to the City a covenant, subject to the satisfaction of the City Attorney, which records these requirements as conditions running with the land, and binding all future owners of the property which is benefited by the encroachment (i.e.,

20

underlying right-of-way, adjacent property, or common area owned by a homeowners association, if any), until such time as the encroaching structures are removed from the right-of-way.

- h. No person and/or vehicle shall be required to present identification nor otherwise be restricted, prohibited, or denied access to any public right-of-way, including but not limited to streets, sidewalks, parks, and/or public trails as a result of construction of any attended or unattended observation booth.
  - i. Prior to construction of the encroachment, the developer shall submit to the City a Covenant agreeing to assume all responsibility for maintenance and upkeep of the structures.
30. Within six (6) months after the commencement of use of the tract entry observation booths, the Planning Commission shall review the operation of the booths to assess their effectiveness and any impacts they may have upon public access to coastal resources in the *Oceanfront* community. After conducting a duly-noticed public hearing on the matter, the Planning Commission may add, delete or modify any conditions of approval that it deems appropriate to protect public health, safety and general welfare.

21



FEB 8 2001

February 7, 2001

CALIFORNIA  
COASTAL COMMISSION

**NOTICE OF FINAL DECISION**

NOTICE IS HEREBY GIVEN THAT on November 28, 2000, the Rancho Palos Verdes Planning Commission approved Coastal Permit No. 94-Revision 'A'. The Planning Commission's decision was appealed by the Rancho Palos Verdes City Council on December 16, 2000. On January 16, 2001 and February 6, 2001, the City Council reviewed the Planning Commission's action, denied its own appeal and upheld the Planning Commission's approval of Coastal Permit No. 94-Revision 'A'. The City Council's decision is now final.

Applicant: Robert Katherman, The Katherman Company  
19300 S. Hamilton Ave., Suite 230, Gardena, CA 90248

Landowner: Tim Hamilton, Capital Pacific Holdings, Inc.  
4100 MacArthur Blvd., Suite 200, Newport Beach, CA 92660

Location: Tract No. 46628 (*Oceanfront*)

Said decision is in conjunction with the approval of three (3) 250-square-foot, 12-foot-tall manned tract entry observation booths to be constructed on median islands at the entries to the interior public streets (Paseo de la Luz, Via del Cielo and Calle Viento) of the *Oceanfront* community, which lies within the City's Coastal Specific Plan District.

In granting Coastal Permit No. 94-Revision 'A', the following findings were made:

- 1) That the proposed development is in conformance with the Coastal Specific Plan; and,
- 2) That the proposed development, when located between the sea and the first public road, is in conformance with applicable public access and recreation policies of the Coastal Act.

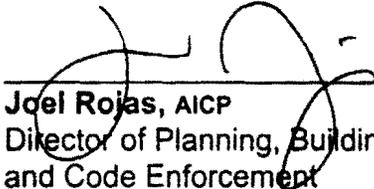
Since the project site is located within an **Appealable Area** of the City's Coastal Specific Plan District, this decision may be appealed, in writing, to the California Coastal Commission within ten (10) working days of the receipt of this notice in the Coastal Commission's Long Beach office. Please contact Coastal Commission Staff at (562) 590-5071 for information regarding Coastal Commission appeal procedures.

**COASTAL COMMISSION**

EXHIBIT # 9  
PAGE 1 OF 2

**Notice of Final Decision: Coastal Permit No. 94-Revision 'A'**  
**February 7, 2001**  
**Page 2**

If you have any questions concerning this matter, please contact Senior Planner Kit Fox at (310) 544-5228 or via e-mail at *kitf@rpv.com*.

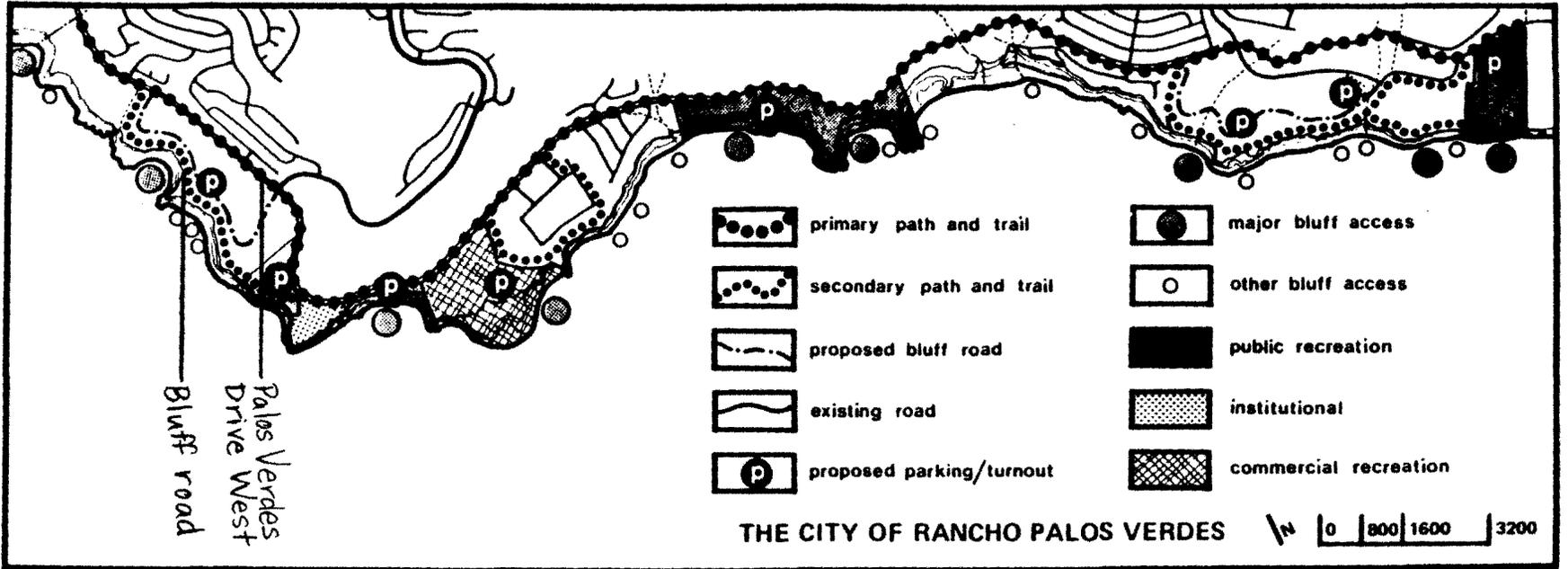
  
\_\_\_\_\_  
**Joel Rojas, AICP**  
Director of Planning, Building  
and Code Enforcement

Enclosures: Resolution No. 2001-08  
P.C. Resolution No. 2000-41

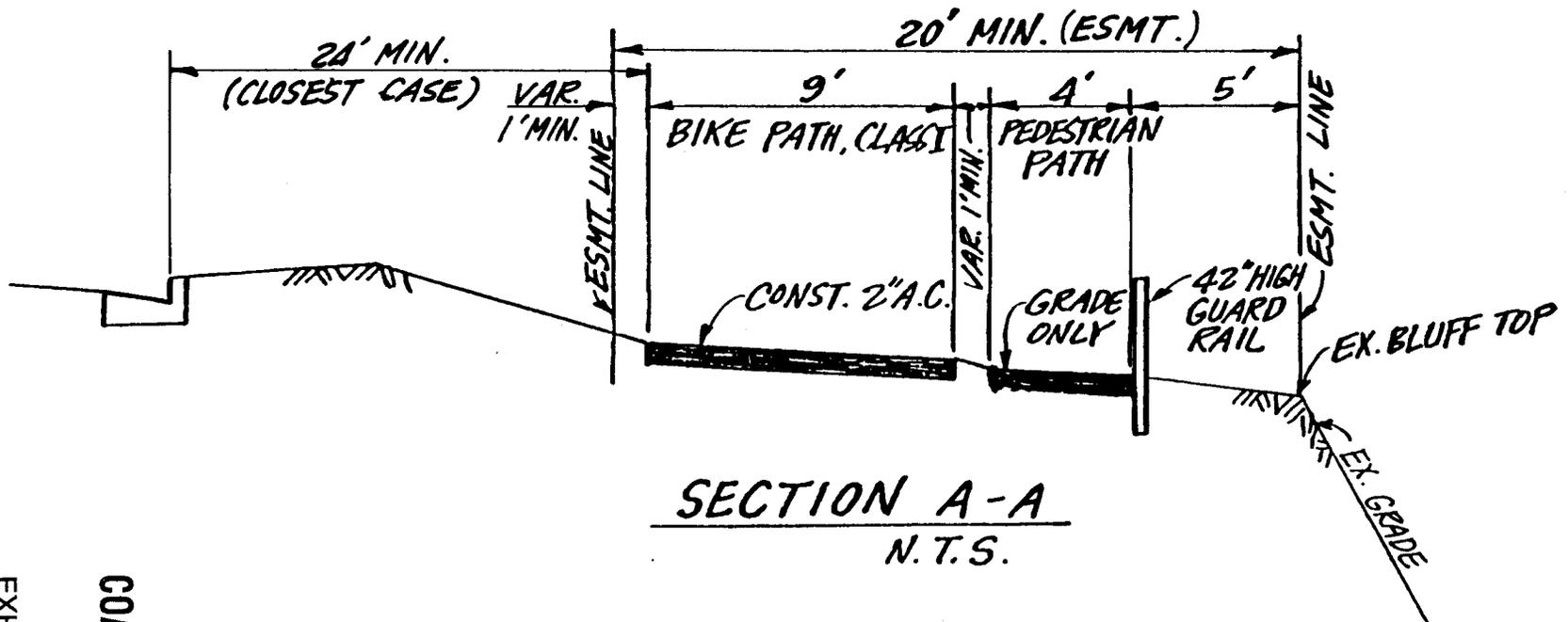
cc: Applicant and Landowner  
Interested Parties List (self-addressed/stamped envelopes)  
Coastal Commission (via Certified Mail No. 7099 3220 0009 1742 6425)

**COASTAL COMMISSION**

figure 24 access corridors



**EXHIBIT 3 PUBLIC TRAIL SECTION  
FOR  
TENTATIVE TRACT NO. 46628**



SECTION A-A  
N.T.S.

COASTAL COMMISSION  
EXHIBIT # 11  
PAGE 1 OF 1

prepared by:

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COASTAL COMMISSION

Project area

figure 26 visual corridors

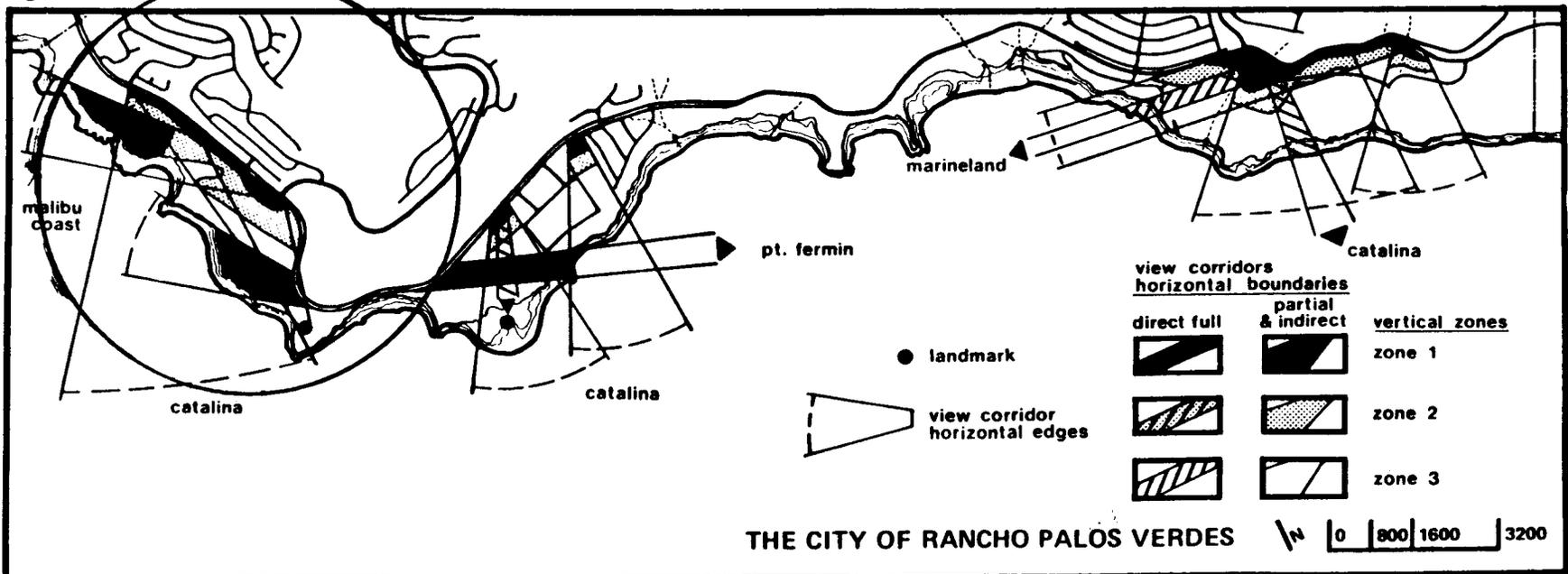
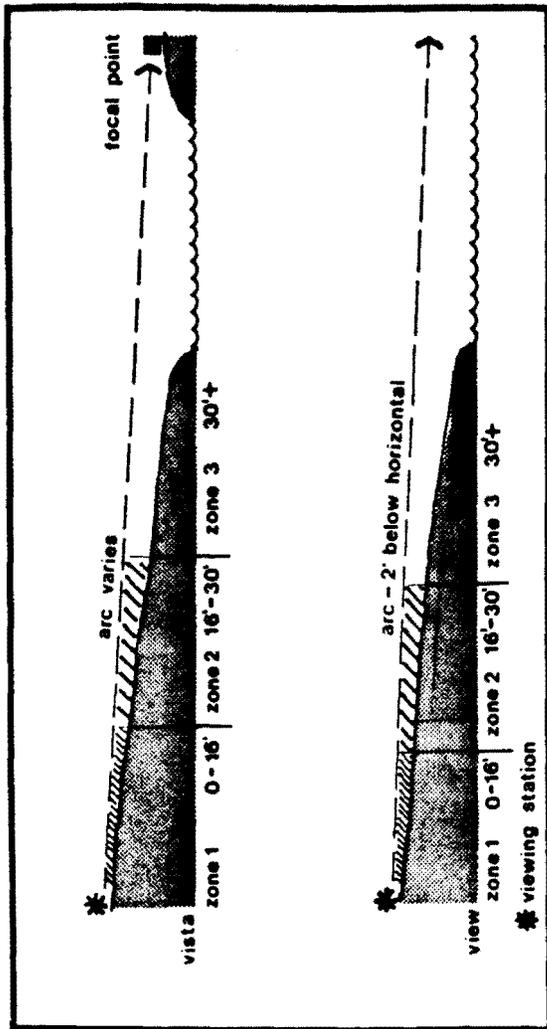


figure 28 typical sections



COASTAL COMMISSION

EXHIBIT # 13  
PAGE 1 OF 1

Photo 1



Photo 2



Photo 3



Pointe Vicente Lighthouse

Photo 4

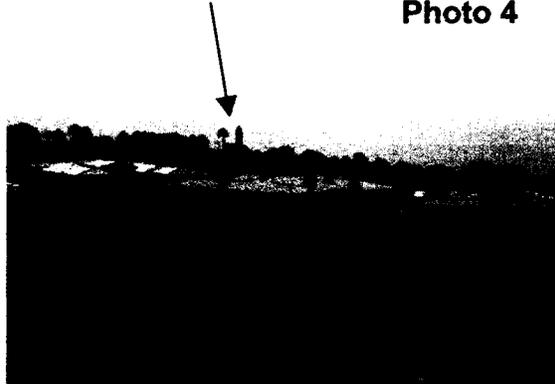


Photo 5



Photo 6



