

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 2900 Ocean Gate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

RECORD PACKET COPY

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Filed: February 28, 2003
 49th Day: April 18, 2003
 180th Day: August 28, 2003
 Staff: MS-LB
 Staff Report: April 16, 2003
 Hearing Date: May 6, 2003
 Commission Action:

**STAFF REPORT: APPEAL / SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Palos Verdes Estates

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PVE-03-087

APPLICANT: Mary Ann Walker & Tim Dupler

AGENT: Pamela S. Schmidt

PROJECT LOCATION: 1745 Paseo Del Mar, Palos Verdes Estates, Los Angeles County

PROJECT DESCRIPTION: Appeal of the City of Palos Verdes Estates' approval of Coastal Development Permit (CDP) No. 44, which authorizes the construction of a single family residence with an attached garage, detached pool house and sports court on a vacant lot at 1745 Paseo Del Mar in Palos Verdes Estates, Los Angeles County.

APPELLANTS: Joel Milam

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after holding a public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: the locally approved development does not conform to the Public Access policies of the Coastal Act. The motion to carry out the staff recommendation is on **page (4)**.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit (CDP) No. 44
2. City of Palos Verdes Estates Certified Local Coastal Program.

I. APPELLANT'S CONTENTIONS

City of Palos Verdes Estates Local Coastal Development Permit No. 44, approved by the Palos Verdes Estates Planning Commission on January 21, 2003, has been appealed by Joel Milam. The grounds for the appeal by Joel Milam are that the project is inconsistent with the public access policies of the Coastal Act: The appellant contends that the location of the proposed development blocks an existing public access trail between the nearest public road and the shoreline and that preliminary evidence indicates that historical use of this coastal access trail meets the conditions for the development of a public prescriptive rights easement (See Section V(C) below and Exhibit 5 for further details of the appeal).

II. LOCAL GOVERNMENT ACTION

On February 6, 2003, the Long Beach office received the Notice of Final Action from the City of Palos Verdes Estates Planning Commission dated January 29, 2003 approving construction of a new single family residence and sports court at 1745 Paseo Del Mar in the City of Palos Verdes Estates. The Planning Commission's action was not appealed to the City Council. Pursuant to Section 13573(a)(4) of the Coastal Commission's regulations (Cal. Code Regs., title 14, § 13573(a)(4)), an appealable action does not have to be appealed at the local level before appealing directly to the Coastal Commission if the "local government jurisdiction charges an appeal fee for the filing or processing of appeals." The City of Palos Verdes Estates charges a fee to file an appeal to the City Council; therefore, an appealable action by the Planning Department may be appealed directly to the Coastal Commission.

At the conclusion of the January 21, 2003 public hearing, the City Planning Commission found that the proposed project with added special conditions is consistent with the City of Palos Verdes Estates certified LCP and public access policies of the Coastal Act.

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 permit applications. City or county approval of a development may be appealed if the development will be located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if the land use the development is designed to support is not designated as the "principal permitted use" for the site under the certified LCP. Finally, any action on an application for development which constitutes a major public works project or major energy facility may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)]. The City of Palos Verdes Estates Local Coastal Program was certified on December 12, 1991.

Section 13573 of Title 14 of the California Code of Regulations states in part:

(a) An appellant shall be deemed to have exhausted local appeals for purposes of Section 13111 and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body (bodies) as required by the local government appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

- (4) The local government jurisdiction charges an appeal fee for the filing or processing of appeals.*

Section 30603(a)(2) of the Coastal Act identifies the proposed project site as being in an appealable area by its location being between the sea and the first public road and within 300 feet of the top of the seaward face of a coastal bluff.

Section 30603 of the Coastal Act states:

- (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 greater distance.
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

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

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 Coastal Act].

The question currently before the Commission is to determine whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project, with respect to the grounds on which the appeal was filed. Sections 30621 and 30625(b)(2) of the Coastal Act require 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, and there is no motion from the Commission to find that the appeal raises no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed at a later hearing to the de novo public hearing on the merits of the project. In this case, the de novo hearing will be scheduled at a subsequent Commission meeting. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. Cal. Pub. Res. Code § 30604(b). In addition, for projects located between the first public road and the sea, any coastal development permit issued must include a finding that the approved project is consistent with the public access and public recreation policies of the Coastal Act. *Id.* at § 30604(c). Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

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.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the conformity of the project with the public access policies of the Coastal Act, pursuant to Public Resources Code Sections 30603(b)(1) and 30625(b)(2).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PVE-03-087 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

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-PVE-03-087 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603

of the Coastal Act regarding consistency with the public access and recreation policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes to construct an 8,754 square-foot, 29-foot 8-inch high, two-story single family residence, which includes an attached 902 square-foot garage and a detached 445 square-foot pool house. Also proposed is a 6,938 square-foot sports court to be located between the up coast adjacent property or west property line and the proposed pool house and pool (Exhibit 3). Up to 6-foot high retaining walls and up to 8-foot high fences are proposed around the sports court. The project includes 1,932 cubic yards of grading with a maximum cut depth of 8 feet. The applicant does not propose any new landscaping.

The project is located at 1745 Paseo Del Mar in Palos Verdes Estates in a zoned R-1 neighborhood. The site consists of a 45,900 square-foot lot seaward of Paseo Del Mar, adjacent to existing single family residences on either side of the lot, fronting on an approximately 120 foot high sea bluff. Adjacent and parallel to the public street is a designated parkway (a setback area under the control, management and direction of the City) that abuts the subject property. The bluff contains a trail that extends from the bluff top down to the ocean.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of any appealable local government action taken by a government with a certified LCP unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The grounds for such an appeal are limited to whether the development conforms to the standards in the certified LCP and to the public access policies of the Coastal Act.

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 appeal raises "no significant question". 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 certified LCP and with the public access policies of 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 development permit decision by filing a 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** exists for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a Coastal Development Permit issued by the local government after certification of its Local Coastal Program (LCP) are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

One appeal was received by the Commission's South Coast District office. That appeal alleges that the development authorized by the Palos Verdes Estates Planning Commission's approval of Local Coastal Development Permit No. 44 is inconsistent with the Chapter 3 public access policies of the Coastal Act (See Section I). In analyzing an appeal of a permit granted under a certified LCP, the Commission must find a substantial issue to exist if the project raises an issue of consistency with either the public access policies of the Coastal Act or with the public access policies of the certified LCP.

The appellant states:

This development would block public access between the nearest public road and the shoreline.

These signed declarations document the severity of the potential loss of the coastal access point located at this address due to the proposed oceanfront development (CDP-44/NC-1028/GA-1258/SC122-02). This preliminary evidence indicates that this coastal access meets the conditions of a public prescriptive easement (see section 30211 of the Coastal Act and Implied Dedication and Prescriptive Rights Manual Relating to California Coastal Commission matter (1989)). The public has consistently used this coastal access for longer than 5 years without asking or receiving permission from the owner(s), with the actual or presumed knowledge of the owner(s), and without significant objection or attempts by the owner(s) to prevent such use.

In the ten days between the time the City issued notice of its action and the time an appeal was submitted to the South Coast District office, the appellant provided photos of the trail and twenty-six (26) signatures by people who attest that they have used the existing trail to access the coastline. Twenty-four additional declarations were also signed by people explaining how long and for what purpose they used the trail. According to the declarations, the trail has been used as far back as the 1950s and 60s. The coastal trail provides public access to the coastline for activities that include beach recreation, swimming, scuba diving and surfing. The signatures and declarations are by residents of Palos Verdes Estates and neighboring cities including Redondo Beach, Rancho Palos Verdes, Torrance and San Pedro.

The City of Palos Verdes Estates Planning Department analyzed the proposed project for a coastal development permit along with other local discretionary reviews. Included in the affirmative findings for Coastal Development Permit No. 44 is a finding that City staff "was able to make the findings necessary to approve the project", which includes a finding that states:

The proposed development, when located between the sea and the first public road inland from the sea, is in conformance with the public access and recreation policies of the California Coastal Act as contained in Chapter 3, sections 30200 through 30224, of the California Public Resources Code, the applicable sections of the California Code of Regulations, and the local coastal program.

Although City staff recommended no additional conditions of approval, the Planning Commission approved the project with additional conditions that are unrelated to public access (Exhibit 4).

¹ Appeal submitted by Appellant on February 28, 2003. See Exhibit No. 5

The City does not disagree that a trail exists on the site but the City notes that the trail is on private property. The City claims that it is not required by law to protect the trail's existence for public use. The City also points out that there are other existing coastal access trails near by. Although not referenced by the City or the appellant, the City's Shoreline Preserve Master Plan (master plan for development of the City's coastline area), which is a part of the certified Local Coastal Program, calls out the existing coastal access trails along the Palos Verdes Estates Coastline (Exhibit 6). The plan describes which trails are "public", and shall be preserved and improved, and which are on "private land". The trail on this site is listed as private. The Shoreline Preserve Master Plan states in part:

Recommendations:

1. Improve Access Trails – Access trails should be delineated so as to direct the public to those areas where appropriate activities are to be encouraged while at the same time promote public safety and reduce the assistance required of police, Coast Guard and the fire department... Existing and future trails may be discussed in three categories:

a. Existing Improved Trails:

b. Existing Improvable Trails:

c. Dangerous Trails:

Via Chino

Cloyden Road

Others less commonly used

Future use of very dangerous trails should be discouraged by fencing camouflaged with barrier type shrubbery.

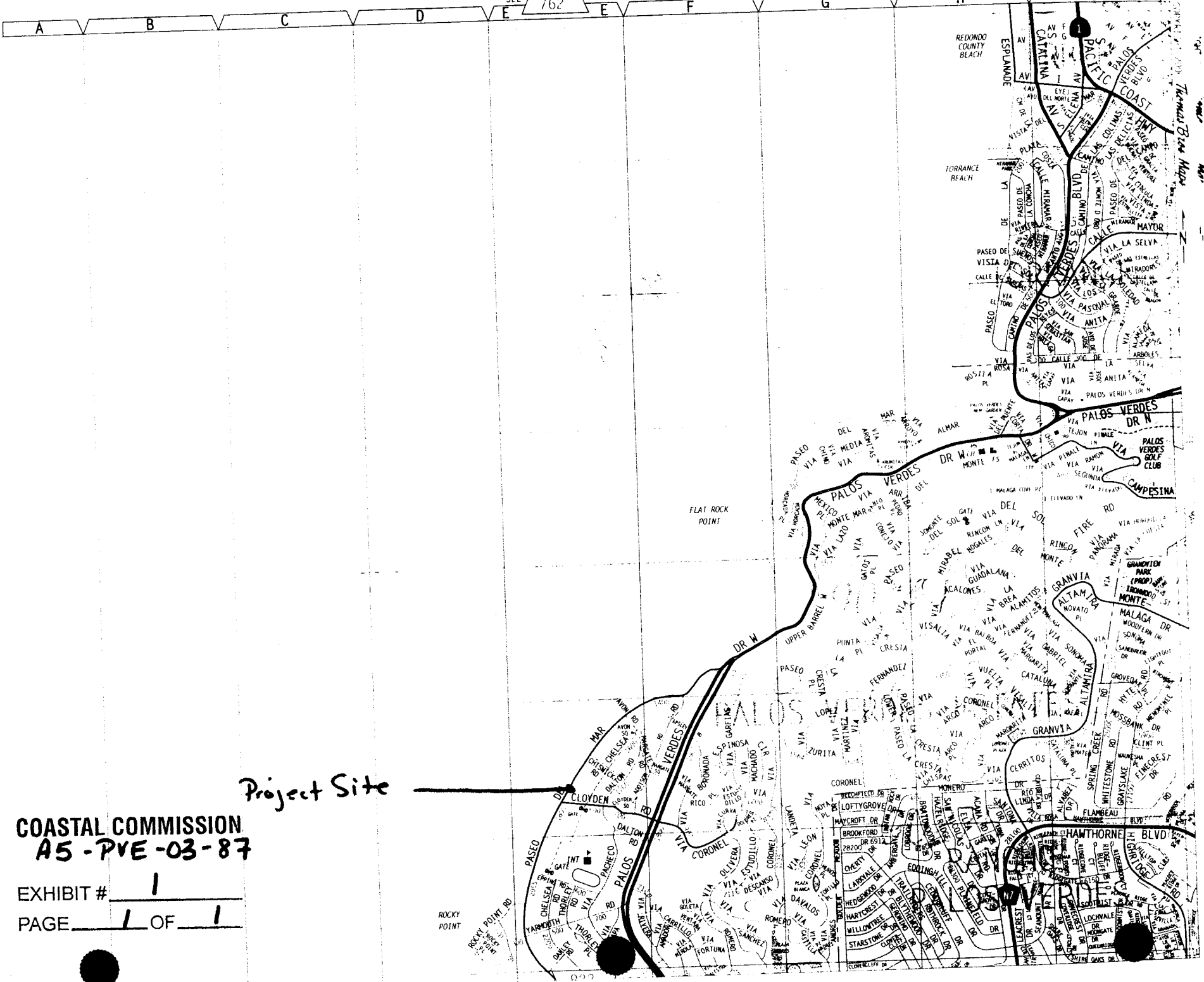
According to the coastal trail map included with the Shoreline Preserve Plan and the LCP, this particular trail is the Cloyden Road Trail (Exhibit 6, Pg. 2 & 4). Also according to the map and the plan, there is a public trail that is located approximately 300 feet up coast from the project site. This designated public trail is named the Chiswick Road Trail and is listed as an existing improvable trail (Exhibit 6). The Commission notes that if trails change physically over time, policies that are based on a plan written in 1970 and incorporated into an LCP certification in 1991 may need to be revisited.

According to the Planning Commission minutes of the January 21, 2003 public hearing, the City contends that a public access requirement does not apply to this property. The chairman of the Planning Commission addressed those at the hearing who spoke about the trail, stating that the project is on privately owned land and the City does not have the power to do anything with regard to asking private property owners to donate land for public access. It was also noted that there are liability issues the property owners would be concerned with by allowing the public to walk through their property to access the coastline. The Planning Director noted that there is a parklands area with an access path that is relatively easy to walk down. While this path is not a listed trail in the City's Shoreline Preserve Plan, it is a cement storm drain that is possible to traverse. This access path is approximately 250 feet to the southwest of the property.

The appellant has submitted a limited number of signatures by people who declare use of the trail but contends that with more time, many more declarations can be obtained. The appellant also contends, in response to the City, that the existing trail at 1745 Paseo Del Mar is much safer and easier to get down than the cement storm drain (access path in the parklands area) located down coast that the City argues can be used for coastal access. However, these latter claims about alternate trails are ultimately irrelevant to the question of whether the appeal raises a substantial issue with respect to the development's consistency with Section Coastal Act 30211, as the prohibition listed in that section ("Development shall not interfere with the public's right of access to the sea where acquired through use") applies regardless of whether there is an alternative access path nearby that is safer than the subject path would be.

The Cloyden Road Trail is evident in recent aerial photos and in the LCP Shoreline Preserve Plan trail map. It is unknown exactly what degree of use has taken place on the trail and over what period of time, but use is suggested because the trail is defined and not overgrown with vegetation. It is certainly conceivable, given the evidence before the Commission at this time, that use of the trail would be sufficiently significant and longstanding that prescriptive rights would have been secured. The standard of review for coastal development permit analysis is not only the certified Local Coastal Program but also the Chapter Three public access policies of the Coastal Act.

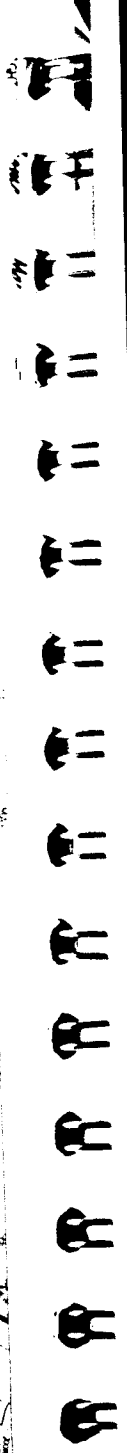
Although only a court of law can determine whether or not public rights of implied dedication actually exist over the trail, the Commission finds that there is substantial enough evidence that the public may have acquired use of the trail through implied dedication to warrant a conclusion that the appeal raises a substantial issue with respect to its allegation that the development does not conform to the standards set forth in public access policies of the Coastal Act, a ground on which the appeal was filed. Therefore, based on the above discussion, the Commission finds that the appeal raises a substantial issue with respect to the grounds on which it was filed – the access provisions of Chapter Three of the Coastal Act.



Project Site

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EXHIBIT # 1
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City of Palos Verdes Estates

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DATE: January 29, 2003

TO: South California District Office
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

FROM: City of Palos Verdes Estates
Planning Department
340 Palos Verdes Drive West
Palos Verdes Estates, CA 90274

COASTAL DEVELOPMENT PERMIT APPLICATION NOTICE OF FINAL ACTION

The following project is located within the City of Palos Verdes Estate's Coastal Zone. A Coastal Development Permit application for the project has been acted upon.

Applicant: City of Palos Verdes Estates
Address: 340 Palos Verdes Drive West, Palos Verdes Estates, CA 90274
Telephone: (310) 378-0383

Project Address: 1745 Paseo Del Mar
Application No.: CDP-44/NC-1028/GA-1285/SC-122-02
Project Description: New single family residence and sports court

Filing Date: 9/20/02
Action Date: 1/21/03
Action finalized on: 2/5/03

Action: Approved
 Approved with conditions
 Denied

Findings and Conditions are attached.

Appealable to the Coastal Commission
Reason: Located within the appeal jurisdiction of the Coastal zone

City of Palos Verdes Estates Contact: Kirsten Munz
Phone: 310-378-0383

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EXHIBIT # 2
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MEMORANDUM

Agenda Item #: 6
Meeting Date: 1/21/03

TO: PLANNING COMMISSION

FROM: KIRSTEN MUNZ, PLANNING DEPARTMENT *Km*

SUBJECT: CDP-44/NC-1028/GA-1285/SC-122-02; COASTAL DEVELOPMENT, NEIGHBORHOOD COMPATIBILITY, GRADING AND SPORTS COURT APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 1745 PASEO DEL MAR. LOT 3, BLOCK 1170, TRACT 7140.

APPLICANT: DOUG LEACH, AIA
119 W. TORRANCE BLVD., SUITE 24
REDONDO BEACH, CA 90277

OWNER: MARY ANN WALKER & TIM DUPLER
2129 PASEO DEL MAR
SAN PEDRO, CA 90732

DATE: JANUARY 21, 2003

Type of Application

This project consists of Neighborhood Compatibility, Grading, Sports Court and Coastal Development Permit applications for a new single family residence located at 1745 Paseo Del Mar. The application proposes a 4904 sq. ft. first floor, a 2503 sq. ft. second floor, a 902 sq. ft. garage and a 445 sq. ft. pool house. Total grading proposed is 1932 cu. yds. with a maximum cut depth of 8 ft. under the pool.

A comparison chart of floor area and lot size has been included for homes within a 300 ft. radius.

Attached Art Jury minutes indicate this project has received preliminary approval.

Miscellaneous coverage data per zoning requirements:

Floor Area and Lot Size

8754 sq. ft. proposed (56.4 % of maximum), 15,520 sq. ft. maximum allowed on the 45,900 sq. ft. lot.

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Building Coverage

Building coverage proposed is 14.5 % (30% maximum allowed).
Total lot coverage proposed is 49.0 % (65% maximum allowed).

Building Height

29.8 ft. proposed (30 ft. maximum allowed).

Grading Quantities

1853 cu. yds. of cut,
79 cu. yds. of fill,
0 cu. yds. of overexcavation,
0 cu. yds. of recompaction,
1932 cu. yds. of total grading,
1774 cu. yds. of export (222 truckloads),
maximum cut depth of 8 ft.

Landscaping Issues

No significant landscaping changes are proposed.

Sports court data:

Sports Court Area

6938 sq. ft.

Sports Court Coverage

Sports court coverage proposed is 15.1 % (25% maximum allowed)

Property Line Setbacks

158 ft. from the north property line (7 ft. minimum required)
8.25 ft. from the east property line (7 ft. minimum required)
7 ft. from the south property line (7 ft. minimum required)
20 ft. from the west property line (7 ft. minimum required)

Proximity to Neighboring Living Structures

86 ft to neighboring structure to the south (50 ft. minimum required)

Retaining Walls and Fences

PVEMC Section 18.05.060 G. states 'No retaining walls [surrounding sports courts] may exceed eight feet on the downhill side of a slope, or more than ten feet on the uphill side and no fences surrounding sports courts located near public streets or adjacent residences exceed eight feet in height as measured from the court surface. In locations not readily visible off the site, a fence height of ten feet may be permissible with city council approval.' Retaining walls surrounding the sports court are proposed up to 6 ft. in height above the court surface. Fences and railings proposed reach up to 8 ft. in height.

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Landscaping and Noise Control

Existing landscaping will surround the proposed sports court. No new landscaping is proposed.

The applicant has submitted a geotechnical report, which has been reviewed and approved by the City Geologist and Soils Engineer, subject to several conditions of approval.

City Code Section 19.02.040 states that a coastal permit may be approved by the issuing body only upon affirmative findings that:

- 1) The plans for the proposed development and the coastal development permit comply with all of the requirements of this chapter and other relevant city ordinances and development standards.
- 2) The proposed use is consistent with the certified local coastal program, the general plan, any applicable specific plan, and the applicable zoning ordinance or ordinances; and
- 3) The proposed use will not be visually intrusive from public view points, and
- 4) The required reports and plans demonstrate to the satisfaction of the city, in its sole discretion, that the proposed use can be supported by the bluff and the proponent has demonstrated that the proposed use will not increase any existing geologic hazards; and
- 5) The proposed development, when located between the sea and the first public road inland from the sea, is in conformance with the public access and recreation policies of the California Coastal Act as contained in Chapter 3, sections 30200 through 30224, of the California Public Resources Code, the applicable sections of the California Code of Regulations, and the local coastal program.

Staff was able to make the findings necessary to approve the project.

Staff Concerns

- The application proposes 1932 cu. yds. of grading. Municipal Code Section 18.24.010 states that the purpose of the grading ordinance is to 'regulate the development of each building site with respect to adjacent land, public or private, and existing structures so as to maximize visually pleasant relationships, minimize physical problems and preserve the natural contours of the land insofar as is reasonable and practical.'
- A two-story volume area of approximately 800 sq. ft. is proposed at the entry and living room.
- A portion of the 8 ft. high wall and fence combination surrounding the tennis court is located within the minimum required front yard setback of 30 ft.
- Building height proposed is near the maximum allowed.

Correspondence Received

No correspondence has been received by the Planning Department regarding the plans at the time of this writing (January 15, 2003).

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Environmental Considerations

CEQA - This project is exempt from CEQA pursuant to California Administrative Code Title 14, Chapter 3, Section 15303.

Suggested Conditions of Approval

Standard with the following additional conditions:

- No additional conditions.

Findings Required to Approve

Reference City of Palos Verdes Estates Municipal Code Chapters 18.05, 18.24, 18.36 and 19.

Permit Streamlining Act

Application was accepted as complete on January 10, 2002. Pursuant to Government Code Section 65920, action must be taken on this item by March 11, 2003.

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**COASTAL DEVELOPMENT, NEIGHBORHOOD COMPATIBILITY,
GRADING AND SPORTS COURT PERMIT**

CDP-44/NC-1028/GA-1285/SC122-02

Conditions of Approval

1. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan submitted, Exhibit B.
2. Prior to obtaining a building permit and within 30 day hereof, the applicant and property owner shall file with the Secretary of the Planning Department written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
3. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
4. All buildings and structures shall be of the design as shown on the approved plans.
5. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
6. All requirements of any law, ordinance, or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all cost of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amiably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void, or annul approval of this application. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

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10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. The owner shall provide for the planting of trees in the parkway adjacent to the site of the building in accordance with the recommendation of the Public Works Director or authorized designee.
12. The owner shall provide for the improvement of streets, alleys, walks, and drainage courses adjacent to the site of the building in conformance with standards and specifications of the City and plans approved by the City Engineer.
13. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
14. The owner shall provide a "Knox box" universal gate lock, if applicable, accessible to the police and fire departments. Applicants are advised to contact 1-800-552-5669 with any questions.
15. All non-standard encroachments shall be removed from any Parkland adjacent to the subject property, unless specifically approved otherwise, by the Planning Commission.
- 16. The main lateral roof ridge and tower shall be reduced in height by 12 inches.**
- 17. The pool house ridge shall be reduced by 3 feet.**
- 18. No structures shall exceed 3.5 feet within the front yard setback.**
- 19. The relocation of the pool house, as shown on the revised plan submitted 1-21-03 is approved.**

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CALIFORNIA COASTAL COMMISSION

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



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):

JOEL MILAM / 19428 Entradero Ave.
19428 ENTRADERO AVE
TORRANCE, CA 90503 (310) 370-2410
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: PALOS VERDES ESTATES

2. Brief description of development being appealed: OCEAN FRONT DEVELOPMENT, single family Residence
(DP-44/NC-1028/GA-1258/SC-122-02)

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1745 Paseo Del Mar, Palos Verdes Estates
Lot 3, Block 1170, Tract 7140

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: _____
- 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: _____

DATE FILED: 2/28/03

DISTRICT: _____

H5: 4/88

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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 21-22 2003

7. Local government's file number (if any): CDP-44/NC-1028/GA-1285/SC-122-02

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:

APPLICANT: Douglas Leach, AIA
119 N. Torrance BLVD., Suite 24
Redondo Beach, CA 90277

Owner: Mary Ann Walker
Tim Duprick
2129 Pines Del Mar
San Pedro, CA 90732

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) Bruce Rottly
3625 PV Dr. North
Palos Verdes Estates, CA 90274-1155
- (2) John Weichert
1233 Via Ramona
Palos Verdes Estates, CA 90274
- (3) John Campbell
2332 Chelsea Rd.
Palos Verdes Estates, CA 90274
- (4) Sean Chiss
2030 S. Leland
San Pedro, CA 90731

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.

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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.)

This development would block public access between the nearest public road and the shoreline. Evidence supports this public access meet the requirements for a public prescriptive easement. Please see attached documentation.

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

Date 2/28/03

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.

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Signature of Appellant(s)

Date _____

2/26/03

Melissa Stickney
South Coast District Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

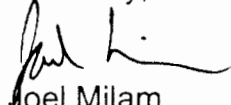
Dear Mrs. Stickney,

Per our prior discussion, enclosed please find photographs and over 50 signed declarations regarding the use of the coastal access located at 1745 Paseo Del Mar, Palos Verdes Estates, CA 90274. These signed declarations document the severity of the potential loss of the coastal access point located at this address due to the proposed oceanfront development (CDP-44/NC-1028/GA-1258/SC-122-02). This preliminary evidence indicates that this coastal access meets the conditions of a public prescriptive easement (see section 30211 of the Coastal Act and *Implied Dedication and Prescriptive Rights Manual Relating to California Coastal Commission matters* (1989)). The public has consistently used this coastal access for longer than 5 years without asking or receiving permission from the owner(s), with the actual or presumed knowledge of the owner(s), and without significant objection or attempts by the owner(s) to prevent such use.

Please note that I had less than 10 days to gather these signatures. In addition, I spoke with numerous people who stated they had historical photographic evidence of this coastal access. (At least one of the included declarations includes a statement concerning this evidence.) I am certain that when a formal prescriptive rights investigation is launched a much larger number of signatures and photographic/video evidence will be gathered.

Thank you for your attention to this matter and appealing the Application For Coastal Development Permit.

Sincerely,



Joel Milam
310-370-2410
19428 Entradero Avenue
Torrance, CA 90503

Encl.

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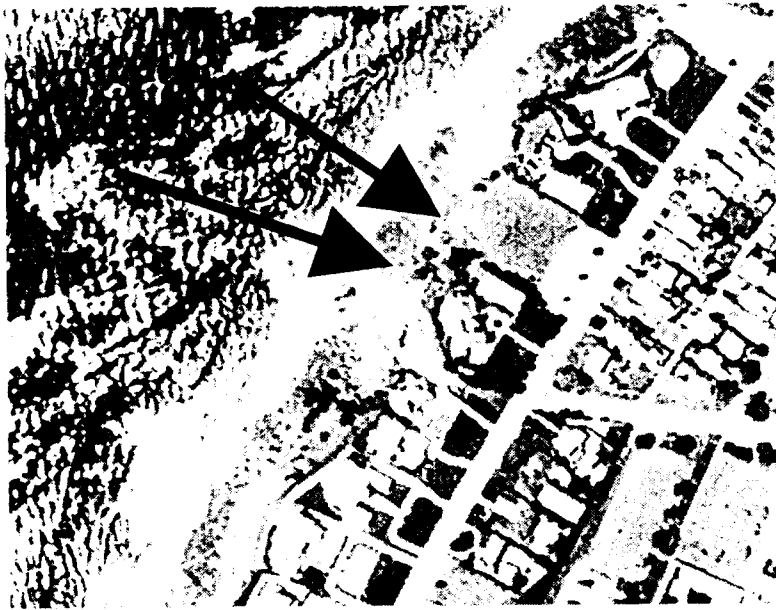
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September 23, 2002
<http://www.california.coastline.org/cgi-bin/image.cgi?mode=sequential&flags=0&image=4400>

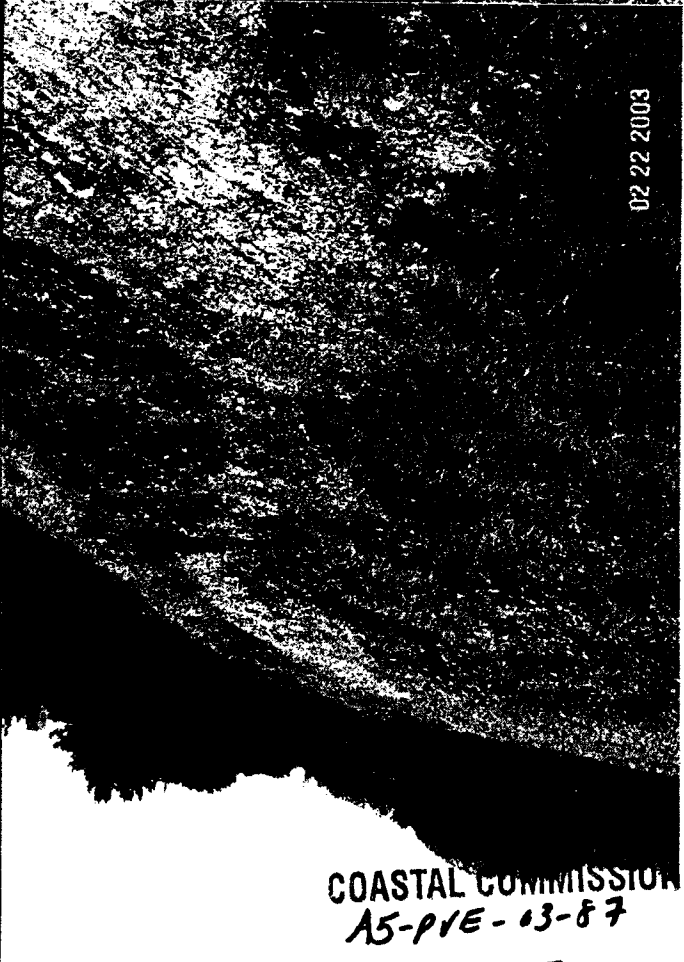
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May 31, 1994

<http://teraserver.homeadvisor.msn.com/addressimage.aspx?t=1&s=10&lon=-118.41992353&alat=33.78324352&w=2&ref=A%7c1745+Paseo+del+Mar%2c+Palos+Verdes+Peninsula%2c+CA+90274&lon=-118.420830177875&lat=33.783190335600004>



02 22 2003

02 22 2003

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I have personally and openly used the coastal access located at 1745 Paseo Del Mar.

Palos Verdes Estates

Signature	ADDRESS
<i>[Signature]</i>	10428 Entladeta AVE, Torrance, CA 90503
<i>[Signature]</i>	2400 PV DR WEST APT C PVE 90274
<i>[Signature]</i>	9200 17th Ave Torrance, CA 90505
<i>[Signature]</i>	1255 E. Pioneer Palos Verdes (S) CA 90274
<i>[Signature]</i>	1301 S. CATALINA AVE EB, CA 90277
<i>[Signature]</i>	357 PV BLVD, RB, CA 90272
<i>[Signature]</i>	1301 S. Catalina Ave #12 RB CA 90277
<i>[Signature]</i>	764 Avenue "A" Redondo Beach, Ca. 90277
<i>[Signature]</i>	688 The Village R.B., CA 90277
<i>[Signature]</i>	11634 San Vicente L.A. CA 90049
<i>[Signature]</i>	764 Avenue A RB CA 90277
<i>[Signature]</i>	230 LINDEN AVE #301, LONG BEACH CA 90802
<i>[Signature]</i>	43439 Rd 140, OYDSI, CA 93047
<i>[Signature]</i>	100 ATLANTIC AVE #202 LONG BEACH CA 90802
<i>[Signature]</i>	1301 S. CATALINA AVE #12 RB, CA 90277
<i>[Signature]</i>	2610 Statler Ave SP, CA
<i>[Signature]</i>	30416 Via Pina P.P.V. CA 90275
<i>[Signature]</i>	1520 Paseo Del MAR PVE 90274
<i>[Signature]</i>	2412 PV Drive West Apt C PVE 90274
ERI WATANABE	3620 SPENCER ST. TORRANCE, CA 90503
JOSH BERNSTEIN	2633 PV DR WEST
MIKE WRIGHT	9445 S. ...
COLIN McVARY	2016 Via Pecheco PVE 90274

[Signature] 160 Smith Ct Palos Verdes 90272
 JOHN MILAM
[Signature]
 100 ANACAPA AVE. OYARD CA 93035

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Declaration of Bruce Vail Rorty

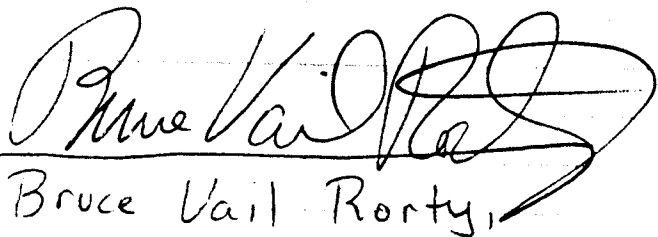
I, Bruce Vail Rorty, declare:

1. I am over the age of eighteen (18) years. I reside in Palos Verdes Estates, CA. The following facts are of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. For a period of probably longer than 10 to 12 years, I have periodically taken photographs of the trail across 1745 Paseo Del Mar. I take hundreds of photographs each year. It will take me some time to locate the photographs.
3. The photographs show the existing trail with either no fence in place, or a large gap in the fence, or a two-sided gate unpadlocked.
4. I may have begun taking these photographs in the 1980s. The purpose of taking the photographs was to document the condition of the trail, in case someone tried to block access.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22nd day of February 2003 at Palos Verdes Estates, CA

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Bruce Vail Rorty,
Declarant

DECLARATION OF Beach Access

I, Richard Jappe, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palos Verdes Estates, California.
3. Beginning in or about 1956 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to go diving.
5. I have observed this trail to be in continuous use since 1956.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1956 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8 day of January at Palos Verdes Estates, California.

Declarant:

Richard Jappe
(Signature)

Richard Jappe
(Print name)

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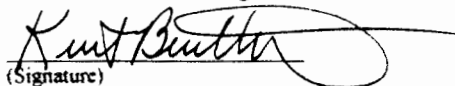
DECLARATION OF Kurt Buettgenbach

I, Kurt Buettgenbach, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of 1560 Golden Ave. Hermosa Beach, California 90254.
3. Beginning on or about 1963 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar Palos Verdes Estates, Cal. 90274 Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar Palos Verdes Estates, Ca 90274 was to accompany my Father and Uncles and other family members to access the beach in order to skin dive and scuba dive and enjoy the tide pools with our extended family and friends. Beginning on or about 1970 I have used the trail to enjoy several surfing spots including Pipes, Turbos, Longs, and Charlie's.
5. I have observed this trail to be in continuous use since approximately 1963.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1963 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6th day of January 2003 at 1560 Golden Ave. Hermosa Beach, California.

Declarant: Kurt Buettgenbach


(Signature)

KURT BUETTGENBACH
(Print name)

COASTAL COMMISSION
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DECLARATION OF DAVID C. YOAKLEY

I, DAVID C. YOAKLEY, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Torrance, California.
3. Beginning in or about 1965 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to SKIN DIVING & SURFING
5. I have observed this trail to be in continuous use since 1965
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1968 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6th day of JANUARY at Lanada Bay, California.
2003

Declarant:

David C. Yoakley
(Signature)

DAVID C. YOAKLEY
(Print name)

COASTAL COMMISSION

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DECLARATION OF William C. Brand

I, William Brand, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Redondo Beach, California.
3. Beginning in or about 1966 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to dive & surf.
5. I have observed this trail to be in continuous use since 1966.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1966 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 13 day of January at Redondo Beach California.

Declarant:

W.C. Brand
(Signature)

William C. Brand
(Print name)

310/374-4001

COASTAL COMMISSION
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DECLARATION OF _____

I, Derek Ellis, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Torrance, California.
3. Beginning in or about 1969 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to dive, surf and hike.
5. I have observed this trail to be in continuous use since 1950s. (My father used this trail for diving from before I was born, 1940s through the late 1950s.)
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since the early 1970s to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of January, 2003 at Torrance, California.

Declarant:


(Signature)DEREK ELLIS
(Print name)

COASTAL COMMISSION

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DECLARATION OF BEACH TRAIL USE.I KARL R. BINGEMANN declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of TORRANCE, California.
3. Beginning in or about 1968 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to TIDEPOOLING, SURFING AND DIVING
5. I have observed this trail to be in continuous use since 1968.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 68 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbo's" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 14 day of JANUARY at REDONDO BEACH, California.

Declarant:

Karl R. Bingemann
(Signature)

KARL R. BINGEMANN
(Print name)

COASTAL COMMISSION

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DECLARATION OF JOHN CAMPLIN

I, JOHN CAMPLIN, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of PALOS VERDES Est. California.
3. Beginning in or about 1971 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to TIDEPools, DIVE & SURF.
5. I have observed this trail to be in continuous use since 1971.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 71 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21st day of JANUARY at PALOS VERDES Est. California.

Declarant:


(Signature)
JOHN CAMPLIN
(Print name)

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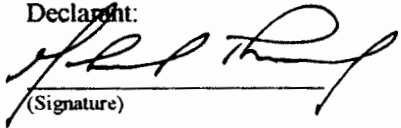
DECLARATION OF MICHAEL THIEL

I, MICHAEL THIEL, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of RANCHO PALOS VERDES, California.
3. Beginning in or about 19 70 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was ~~to~~ HIKING, TIDE POOLING, GENERAL RECREATION.
5. I have observed this trail to be in continuous use since 19 70.
6. ~~Used this trail in 2003.~~ At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1970 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11TH day of JANUARY at RANCHO P.V., California.

Declarant:



(Signature)

MICHAEL THIEL

(Print name)

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DECLARATION OF Bruce V. RortyI, Bruce V Rorty, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palos Verdes Estates California.
3. Beginning in or about 19 74 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to surf and access beach
5. I have observed this trail to be in continuous use since 19 71.
6. I used this trail in 2002. At that time, the trail across 1745 Pasco Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1971 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of January at Irvine California.

Declarant:

Bruce V Rorty
(Signature)

BRUCE V. RORTY
(Print name)

In addition, I took 4-5 photographs of the trail on January 6, 2003. It was still passable then through a large hole in the fence.

Bruce V. Rorty
COASTAL COMMISSION

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DECLARATION OF Public Access

I, Jon Wegener, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palos Verdes, California.
3. Beginning in or about 1975 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to descend to ocean level.
5. I have observed this trail to be in continuous use since 1975.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 75 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6 day of January at Palos Verdes, California.

Declarant:

Jon Wegener
(Signature)

Jon Wegener
(Print name)

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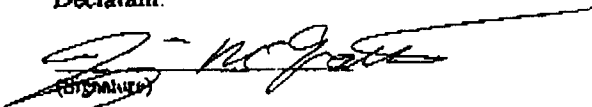
DECLARATION OF JAMES MCGRATH

I, JAMES MCGRATH declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of REDONDO BEACH, California.
3. Beginning in or about 1980 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to SURF/RECREATION.
5. I have observed this trail to be in continuous use since 1980.
6. I used this trail in 2002. At that time, the trail across 1745 Pasco Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1980 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6 day of JAN, at P.V.E., California.

Declarant:


(Signature)

JAMES MCGRATH
(Print name)

COASTAL COMMISSION

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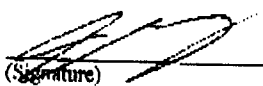
DECLARATION OF Pipes/Turles Trail

I, John MacHenry, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palo Alto, California.
3. Beginning in or about 1980 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present
4. My purpose in using the trail across 1745 Paseo Del Mar was to Surf + Dive.
5. I have observed this trail to be in continuous use since 1970.
6. I used this trail in 2003. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1980 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turles" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7 day of January at 3:10, California.

Declarant:


(Signature)

John MacHenry
(Print name)

COASTAL COMMISSION
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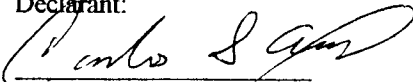
DECLARATION OF CARLOS G. ANONCA

I, CARLOS G. ANONCA declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of TORRANCE, California.
3. Beginning in or about 1970 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to GO SURFING.
5. I have observed this trail to be in continuous use since 1970.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1970 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 16 day of JANUARY at TORRANCE, California.
2003

Declarant:



(Signature)

CARLOS G. ANONCA

(Print name)

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DECLARATION OF ANDY BARK

I, Andy BARK, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palos Verdes California.
3. Beginning in or about 1972 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to DIVE, SURF, hike.
5. I have observed this trail to be in continuous use since 1972.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 72 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8 day of January at Palos Verdes, California.

Declarant:

Andy BARK

(Signature)

Andy BARK

(Print name)

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DECLARATION OF FRANK FERRARA

I, FRANK FERRARA, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of PALOS VERDES, California.
3. Beginning in or about 1974 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Pasco Del Mar was to Be used For Surfing & Recreation for my Family.
5. I have observed this trail to be in continuous use since 1972.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1972 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6 day of January at Palos Verdes, California.

Declarant:

Frank Ferrara

(Signature)

FRANK FERRARA

(Print name)

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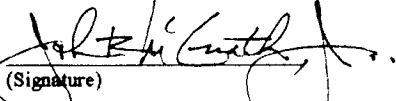
DECLARATION OF USE OF EXISTING TRAIL FOR BEACH ACCESS

I, JOHN R. McGRATH, JR., declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of La Jolla, California. I was a resident of Palos Verdes Estates from about 1967 until 1975.
3. Beginning in or about 1975 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to access the beach to surf "Pipes" & "Turbos"
5. I have observed this trail to be in continuous use since 1975.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1975 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 10th day of January at La Jolla, California.

Declarant:


(Signature)

JOHN R. McGRATH, JR.
(Print name)

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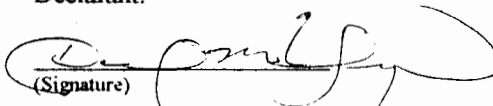
DECLARATION OF David M. Jessup

I, David M. Jessup, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Los Alamitos, California. *I grew up in Palos Verdes and continue to spend time surfing in Palos Verdes to this day*
3. Beginning in or about 1977 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to Go Surfing, tidepooling.
5. I have observed this trail to be in continuous use since 1977. *Nineteen seventy seven*
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1-2003 to access the beach for recreational purposes. *January 2003*
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19 day of JANUARY at Palos Verdes Est., California.

Declarant:


(Signature)

David M. Jessup
(Print name)

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DECLARATION OF PUBLIC ACCESS

I, JAY H. DUSTON, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of R.P.V., California.
3. Beginning in or about 1978 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to SURF.
5. I have observed this trail to be in continuous use since 1978.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 78 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 9 day of JAN. at R.P.V., California.

Declarant:

Jay H. Duston
(Signature)

JAY H. DUSTON
(Print name)

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DECLARATION OF

David L. Stoltz

I, David L. Stoltz, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Rancho Palmdale, California.
3. Beginning in or about 1977 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to go "surfing", fishing, and diving.
5. I have observed this trail to be in continuous use since 1976.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1980 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 18 day of January at Palos Verdes Estates, California.

Declarant:

[Handwritten Signature]
(Signature)

David L. Stoltz
(Print name)

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DECLARATION OF Pipes/Turles Trail

I, John MacHenry, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palo Alto, California.
3. Beginning in or about 1980 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to surf + dive.
5. I have observed this trail to be in continuous use since 1970.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1980 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turles" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7 day of January at 310, California.

Declarant:

[Signature]
(Signature)

John MacHenry
(Print name)

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DECLARATION OF _____

I, IAN McDONALD, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Palos Verdes, California.
3. Beginning in or about 19 80 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to SURF & FREEDIVE.
5. I have observed this trail to be in continuous use since 19 80.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1980 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6 day of January at Palos Verdes, California.

Declarant:

(Signature)

IAN McDONALD
(Print name)

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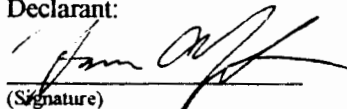
DECLARATION OF HASAN ARAFAT

I, HASAN ARAFAT, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of RANCHO PALOS VERDES California.
3. Beginning in or about 19 82 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to SURF, HIKE, BEACH ACCESS.
5. I have observed this trail to be in continuous use since 19 82.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1982 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7 day of JANUARY at PALOS VERDES ESTATES California.

Declarant:



(Signature)

HASAN ARAFAT

(Print name)

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DECLARATION OF Public Access

I, Adam Hoxie, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Sedondo Beach, California.
3. Beginning in or about 1986 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to dive, surf.
5. I have observed this trail to be in continuous use since 1983.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 83 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of January at Palos Verdes, California.

Declarant:

Adam Hoxie

(Signature)

Adam Hoxie

(Print name)

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DECLARATION OF Trail use at 1745 Paseo Del Mar

I, David Melo, declare:

1. I am over the age of eighteen years. The following is of my own personal knowledge, except as to those matters stated to be on information and belief, which I believe to be true. If called as a witness, I could and would competently testify to these facts.
2. I am a resident of Redondo Beach, California.
3. Beginning in or about 1983 I began accessing a beach in Palos Verdes Estates by using an existing trail across 1745 Paseo Del Mar. Since then I have used the trail at various times until the present.
4. My purpose in using the trail across 1745 Paseo Del Mar was to go surfing.
5. I have observed this trail to be in continuous use since 1983.
6. I used this trail in 2002. At that time, the trail across 1745 Paseo Del Mar was open and obviously still in use.
7. I have also observed many other people using this trail since 1982 to access the beach for recreational purposes.
8. This trail is very important to access the "Pipes" and "Turbos" surfing and diving spots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 12 day of January at Palos Verdes, California.

Declarant:
David Melo
(Signature)
David Melo
(Print name)

small boat race at Malaga Cove; launching the small boats over the rocks on improvised wooden tracks. See Appendix VII for description of past interests and notes on activity regarding boating facilities.

Recommendations:

1. Improve Access Trails - Access trails should be delineated so as to direct the public to those areas where appropriate activities are to be encouraged while at the same time promote public safety and reduce the assistance required of police, Coast Guard and the fire department. To encourage attentiveness on the part of those using trails, they should all be appropriately posted as to risk. Exhibits II and III identify most existing trails. Existing and future trails may be discussed in three categories:

a. Existing Improved Trails:

Malaga Cove - Swim Club Road

Bluff Cove - path to Flat Rock Point

These trails are the most heavily used. No immediate improvements are recommended.

b. Existing Improvable Trails:

"Haggarty's"
Margate Canyon
Chiswick Road
Via Neve
Lunada Bay

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Home construction has now blocked off the two trails most frequently used in the past at Lunada Bay and currently the only accesses are very hazardous and heavily traveled. A reasonably safe access trail should be provided at Lunada Bay. Improvable trails should be scheduled for improvement. Trail improvements might be accomplished in coordination with a trail committee of the Sierra Club or Oceanographic Society, or alternatively in connection with storm drain or other related improvements.

BEACH ACCESS TRAILS

Map Key	Ownership	Bluff Height	Public Frontage Parking	Trail Difficulty	V Si
1. Torrance Beach	Public	*		3	
2. Rosita Place	Private	125	0	10	
3. Swim Club Road	Public	85	50	2	:
4. "Haggarty's"	Public	75	12	6	
5. Via Chino	Public	80	30	6	
6. Flat Rock Point	Public	175	40	4	2
7. Bluff Cove	Public	300	20+	8	2
8. Margate Canyon	Public	230	20+	8	
9. Chiswick North	Public	205	20+	8	
10. Chiswick Road	Public	200	20+	7	
11. Cloyden Road	Private	175	0	7	
12. Lunada Bay	Public	160	30+	7	X
13. Via Oleadas	Private	145	0	6	
14. Resort Point South	Public	165	10	8	
15. Via Neve	Public	170	20+	7	
16. Southern Boundary	Private	*		10	

Difficulty: 1 = excellent, 10 = very poor

* Access from adjacent beaches

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c. Dangerous Trails:

Via Chino
Cloyden Road
Others less commonly used

Future use of very dangerous trails should be discouraged by fencing camouflaged with barrier type shrubbery.

2. Designate and Improve View Sites and Associated Parking -

View sites permit viewing of the scenic values of the tidelands. Such viewing of tidelands is a purpose in which there is local and statewide interest. View sites will require some parking area. We believe limited and carefully controlled parking areas are preferable to either major shoreline developments with large parking and traffic requirements, or reversion of tidelands to the State. All existing view sites should be posted as such.

a. Bluff Cove North - The Bluff Cove access area is now being used as a view site and parking currently is on an "informal" basis. An improved and landscaped view site with appropriate parking facilities would present a much better appearance and greater safety than the uncontrolled offstreet parking now practiced.

The northern edge of Bluff Cove contains two possible parking areas in the Paseo Del Mar right-of-way with minimal

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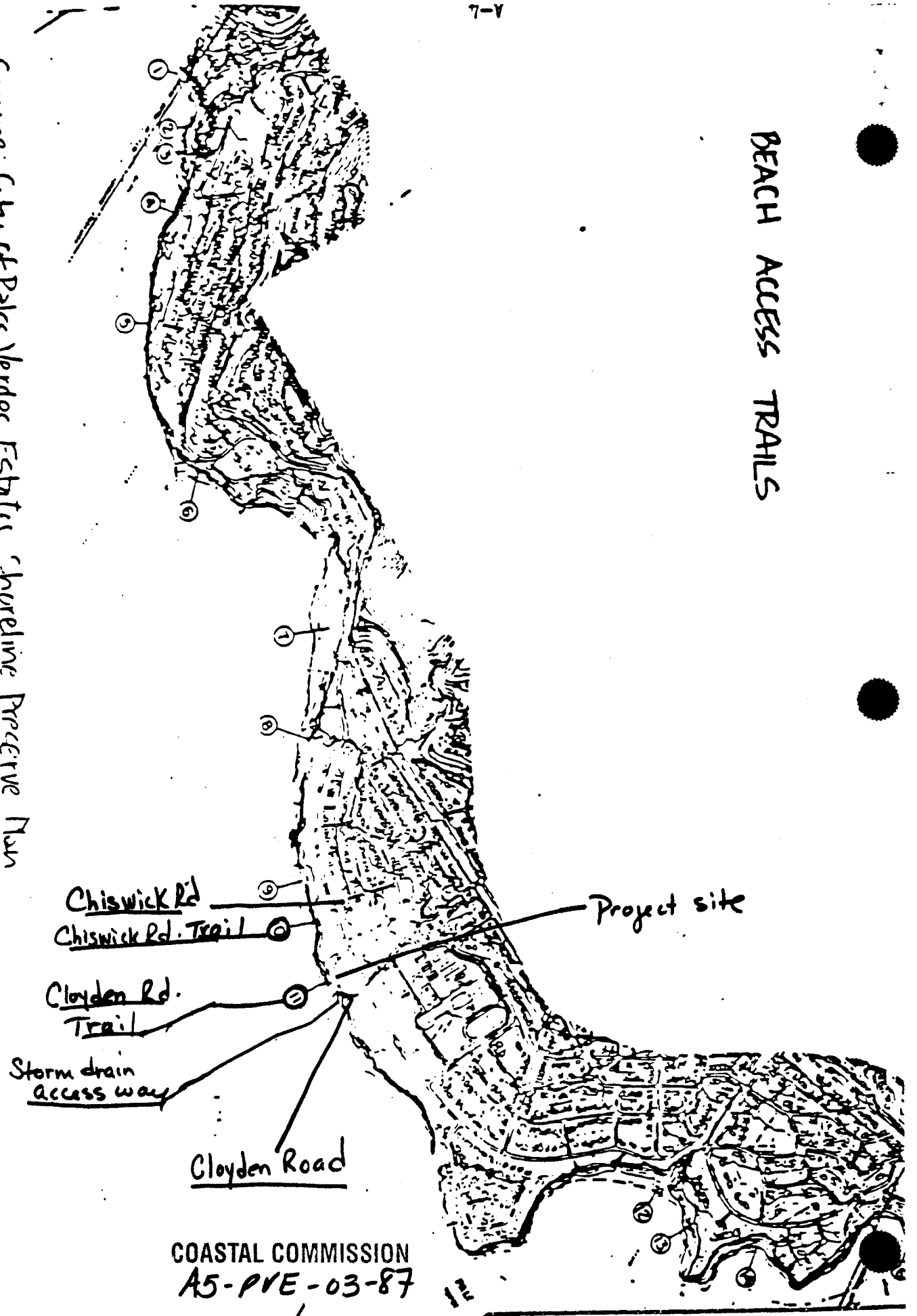
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BEACH ACCESS TRAILS

Source: City of Palos Verdes Estates, Shoreline Preserve Map



Chiswick Rd
Chiswick Rd. Trail

Cloyden Rd.
Trail

Storm drain
access way

Cloyden Road

Project site

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