

# **Commissioner's Report**

## **(with color photos)**

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**Item W12f**  
**A-5-RDB-04-261**  
**801 Esplanade**

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
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W12f

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49th Day: 8/17/2004  
Staff: CP&PE-LB  
Staff Report: 9/23/2004  
Hearing Date: October 13, 2004  
Commission Action:



**STAFF REPORT: APPEAL**  
**DE NOVO COASTAL DEVELOPMENT PERMIT**

**APPEAL NUMBER:** A-5-RDB-04-261 **RECORD PACKET COPY**

**APPLICANTS:** Michael & Kimberly Doyle **AGENT:** Nancy A. Lucast

**APPELLANTS:** Robert & Linda Moffat, Jill & Tony Pietrini, Kevin Farr, and Shannon Gyuricza

**PROJECT LOCATION:** 801 Esplanade, City of Redondo Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Add 23-foot high, 835 square foot second story addition to an existing 13-foot high (above street), 1,673 square foot single-family residence, and remove ficus tree and private development from the adjacent public access easement.

Lot Area	3,000 square feet
Building Coverage	2,000 square feet
Pavement Coverage	500 square feet
Landscape Coverage	500 square feet
Parking Spaces	2
Zoning	R-1
Plan Designation	Single Family Residential
Building Height	23 feet above street (proposed)

**SUMMARY OF STAFF RECOMMENDATION**

The application for the proposed project is before the Commission as the result of an appeal of the City-approved local coastal development permit (No. 04-01). On August 12, 2004, the Commission found that a **substantial issue** exists in regards to the proposed project's effect on the public view from the Knob Hill area. The staff recommends that the Commission, after public hearing, **approve with conditions** a de novo coastal development permit for the proposed development.

The recommended special conditions would require the applicants to set the proposed second floor back at least fifteen feet from the northern property line. The recommended second floor setback would reduce the proposed project's effect on the public view that currently exists over the house, and it would also preserve the view corridor that exists over the twenty-foot wide public access easement that abuts the north side of the site. Additional special conditions are recommended to address private encroachments on the public access easement, protection of water quality, future shoreline protective devices and other future improvements, assumption of risk, local government approval, and deed restriction. **See Page Two for the motion and resolution** necessary to carry out the staff recommendation. The applicants do not agree with the staff recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Redondo Beach Certified Local Coastal Program (LCP), 7/22/80.
2. City of Redondo Beach Local Coastal Development Permit No. 04-01 (Exhibit #6).
3. Coastal Development Permit 5-03-008 (807 Esplanade).
4. Coastal Development Permit 5-01-251-W (814 Esplanade).
5. Coastal Development Permit 5-03-016-W (900 Esplanade).
6. Returned Coastal Development Permit Application 5-03-527 (Doyle, 801 Esplanade).

**STAFF NOTE:**

On August 14, 2004, after a public hearing, the Commission found that a substantial issue exists in regards to the proposed project's effect on the public views of the coastline. After it finds substantial issue on appeal, the Commission is required to hear the matter *de novo*. According to Section 30604 of the Coastal Act, because this project is located between the first public road and the sea, the standard of review in considering the project is the access and recreation policies of the Coastal Act and the policies of the certified LCP.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve Coastal Development Permit A-5-RDB-04-261 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Resolution: Approval with Conditions**

The Commission hereby approves, subject to the conditions below, a coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Redondo Beach Local Coastal Program and the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Revised Plans

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

- (a) Second Floor Building Setback. No portion of the structure within fifteen feet of the northern property line shall exceed thirteen feet in height (as measured above street level). The existing chimney may remain, but it shall not be extended any higher than its current height.
- (b) Building Height. The roof of the structure (as revised) shall not be higher than the currently proposed addition (22.5 feet as measured above street level).

The permittees shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Geologic Safety

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction on the bluff face. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer or architect). All final design and



construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report.

**B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the geotechnical report approved by the California Coastal Commission for the project site.

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

3. Parking

At least two on-site parking spaces shall be provided and maintained in the garage of the single-family residence. Vehicular access to the on-site parking shall be taken only from Esplanade.

4. Encroachments

**Prior to occupancy of the approved addition**, the permittees shall remove all private development (i.e. fences, gas meter, etc.) from the public access easement that abuts the north side of their property. Private use or development of the beach, public access easement or any public right-of-way is not permitted. There shall be no encroachment of private development onto or over any portion of the public beach, easements or the rights-of-way abutting the applicants' property. Prohibited encroachments include, but are not limited to: landscaping, fences, tables, chairs and signs.

5. Construction Staging Plan

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit for the review and approval of the Executive Director, a Construction Staging Plan that identifies the project staging area(s) to be used during construction of the approved development. The construction staging plan shall include a site plan that depicts the limits of the construction site and staging area(s), construction corridors, and the location of fencing and temporary job trailers. No portion of the beach shall be used for construction staging activities, and the adjacent coastal accessway shall remain open and unobstructed at all times. The permittees shall undertake the development in conformance with the approved Construction Staging Plan. Any proposed changes to the approved Construction Staging Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission

amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Construction Responsibilities and Debris Removal

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- C. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

7. Future Improvements

This permit is only for the development described in Coastal Development Permit A5-RDB-04-261 as conditioned. Any future improvements to the single-family residence, including but not limited to repair and maintenance, shall require an amendment to Coastal Development Permit A5-RDB-04-261 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. No Future Bluff or Shoreline Protection Device

A. By acceptance of this coastal development permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit A5-RDB-04-261 in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this coastal development permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this coastal development permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this coastal development permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this coastal development permit, the applicants, on behalf of themselves and all successors and assigns, and any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this Coastal Development Permit A5-RDB-04-261 shall prevail.

11. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

12. Deed Restriction

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

authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

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

The applicants propose to add a 23-foot high, 835 square foot second floor onto an existing thirteen-foot high, 1,673 square foot single-family residence on a 3,000 square foot lot situated on the upper part of the coastal bluff that overlooks the public beach (Exhibit #4). The applicants also propose to remove private development (i.e. fences, gas meter, etc.) and a ficus tree from the public access easement that abuts the north side of the project site (Exhibit #6). The existing two-level (one-story with basement) house is on the seaward side of the improved public street (Esplanade) that currently provides vehicular access to the site (Exhibit #2). The existing two-car garage would be maintained within the ground floor of the house.

Esplanade, the first public street inland of the sea, runs along the top of the coastal bluff parallel to Redondo State Beach (Exhibit #1). The Esplanade right-of-way includes improved sidewalks for pedestrians and two-to-three automobile lanes. Esplanade is lined on both sides with multiple-unit and single-family residences, except south of Avenue A where the west (seaward) side of the street is devoid of structures (Exhibit #2). Expansive unobstructed public views of the shoreline are available from the Esplanade, south of Avenue A to the southern boundary of the City.

The project site, situated between the public beach and Esplanade, is part of a row of one- and two-story single-family homes that line the top of the bluff on the western edge of the densely developed residential neighborhood. Multi-unit residential buildings occupy most of the properties located on top of the bluff north of the site and immediately inland of the site. The height limit for the site, as set forth by the certified LCP, is thirty feet above existing grade (See Zoning Code Section 10-5.402 "Building Height"). The proposed residential addition, which extends 23 feet above the elevation of the fronting sidewalk (Esplanade), would obstruct part of the public's view of the sea from Knob Hill Avenue, but would not obstruct any public view from Esplanade or the any view from the public access stairway that abuts the northern edge of the project site (Exhibit #2).

##### **B. Public Views – Visual Impacts**

The project will have an effect on the public's view of the sea. As previously stated, the proposed residential addition, which extends 23 feet above the elevation of the fronting sidewalk (Esplanade), would obstruct part of the public's view of the sea from Knob Hill Avenue, the public street that intersects with Esplanade in front (east) of the project site (Exhibit #2). As one approaches the western end of Knob Hill Avenue from the east, there is a public view above the roof of the existing one-story house that consists of sky and part of the sea. The appellants are objecting to the proposed second story because it would block more of this public view than is currently blocked by the existing single-story house. The public view

of the shoreline from the public stairway that abuts the northern side of the project site would not be affected by the proposed project (Exhibit #2). The applicants have revised their project to restore part of the view from Knob Hill Avenue by removing a ficus tree that is presently growing in the public accessway and extending its canopy over their house. The City has agreed to the tree removal (Exhibit #6).

### **LCP Policies**

The proposed development does not conflict with the specific view protection provisions in the City of Redondo Beach certified LCP. The implementing ordinances (LIP) of the LCP, however, invoke the Chapter 3 policies of the Coastal Act, including Section 30251, which protects visual resources and public views of the ocean.

Section 10-5.2218(a) of the implementing ordinances (LIP) portion of the certified LCP states:

*"Approval, conditional approval, or denial of any Coastal Development Permit by the City of Redondo Beach shall be based upon compliance of the proposal with the provisions of the certified Redondo Beach Local Coastal Program and consistency with the policies of the Coastal Act."*

The appellants assert also that Section 30251 of the Coastal Act is adopted by reference as part of the certified Redondo Beach LCP because the certified LCP is intended to be consistent with, and be carried out in a manner fully in conformity with, the Coastal Act.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The appellants also assert that the following provisions of the certified LCP identify and protect the public views of the shoreline in the Knob Hill area, where the project site is located:

#### ***Pedestrian Access (LCP pp. 60-61)***

*Pedestrian access to the shoreline, in the form of improved walkways and ramps both vertical and lateral, is provided throughout the Redondo Beach coastal zone....*

*An important part of the pedestrian system is the blufftop walkway. This walkway parallels the western perimeter of Esplanade Avenue on a coastal plain, fifty feet above the shoreline. The walkway extends north from the southern*

*boundary of the coastal zone at Torrance City boundary to Knob Hill on the north. An unobstructed blufftop view of the ocean is provided to both pedestrian and automobile travelers along Esplanade. At Knob Hill, steps lead to a walkway midway between the shoreline and the blufftop walkway.*

**Coastal Recreation (LCP pp. 78-79)**

*The entire Redondo Beach shoreline is under public ownership. As a result, access to recreational opportunities is very good. The City of Redondo Beach offers a wide variety of coastal recreational opportunities including approximately 1.7 miles of public beach area, a blufftop walkway along the Esplanade to Knob Hill where pedestrian views of the beach are unhampered by residential development.*

**Beaches (LCP pp. 80-81)**

*...More than half of Redondo State Beach is open to direct public view from Esplanade, which varies in elevation along its length and offers fine vantage points for viewing the beach and ocean. A major public access walkway extends south from the Pier complex to Knob Hill approximately half the distance of the beach.*

**LCP Policy Analysis**

The above-stated descriptive text from the certified LCP describes the project area, the blufftop walkway and the "*unobstructed blufftop view of the ocean*" along Esplanade, but the more specific policies of the LCP do not refer to protection of public views over the existing residential development.

While the certified LCP, which allows a thirty-foot high house on the site, does not identify any protected view corridor over the project site, the LCP also sets forth a statement of purpose that includes "maximize public access and public views of the coastline," and includes a requirement that any development be found consistent with the Coastal Act ([Municipal Code Section 10-5.102(b)]). In its substantial issue hearing on this matter, the Commission considered the argument that the absence of specific references to this area in the LCP's list of views to be protected meant that the LCP policies did not protect views over this parcel from Knob Hill Avenue. Instead, the Commission indicated that it wished to consider ways to protect the view from Knob Hill Avenue.

The Commission notes that the public stairway that abuts the northern side of the project site is specifically identified and protected in the *Pedestrian Access* section of the certified LCP (pp.61 & LUP Table IX, p.62). The City record states that the twenty-foot wide public accessway was part of the lot at 801 Esplanade (project site) until the property owner granted it to the City in the 1950's (prior to the writing of the LCP). In fact, the City is allowing the applicants to enhance the public accessway next to the project site by removing the large ficus tree that currently interferes with shoreline views from Esplanade (Exhibit #6, p.8).

The Commission notes that Knob Hill Avenue is one of the few public streets that leads down from a high elevation at a right angle to the coastline, which also terminates in an open corridor affording a public view. Because it terminates in a public accessway, there is already

a view down this street that is accessible to the public. Because the houses at and near the street end remain at one story, this view is enhanced by blue water views over the roofs.

The applicants argued successfully at the City that the LCP specifically allows them to build to thirty feet above the existing grade, and that the LCP does not identify this view for protection, instead singling out the parts of the Esplanade adjacent to public property. The applicants further argue that they have a right to expand their property and should not be required to change their design. Moreover, they argue that if the ficus tree is removed as they have proposed, the public view over the twenty-foot wide public accessway would be enhanced. The appellants argue that because of the requirement of consistency with the Coastal Act, no development should occur that interrupts a public view and that is not compatible with the established character of the community.

The Commission finds that the view can be preserved by reducing the width of the second floor addition and by requiring the applicants to carry out their proposal to remove the present obstructions in the public accessway easement. The applicants also agree that there is an existing fireplace with a chimney on the north side of the house. Due to fire protection codes, the chimney must extend higher than the roof of the house. The alternatives are to relocate the fireplace or to allow the applicant to extend the chimney in its existing location. The Commission finds that an extended chimney in the view corridor will be highly visible. As conditioned, the applicant still has an appreciable addition and the view from Knob Hill Avenue over the applicants' property will remain. As conditioned, the development will be sited and designed to protect public views to and along the ocean and scenic coastal areas, be visually compatible with the character of surrounding area and conform to the view protection provisions of the certified LCP.

As conditioned, the proposed development will protect the existing view and will be consistent with the community character of the surrounding area, consistent with Section 30251 and the certified LCP.

### **C. Alternatives**

The appellants indicate that even an addition limited to half the width of the house will irretrievable impact public views and assert that the Commission should impose a redesign of the addition that "builds below" the present structure. Opponents have suggested the following alternatives to the applicant's proposed project.

1. Add to the existing house without increasing the building's height.

The existing house currently has a basement and a main floor. The Commission notes that part of the applicants' addition involves refinishing the existing basement. The opponents argue that the two existing levels could be enlarged to accommodate the applicant's desire for a larger home. The applicants have rejected this alternative, asserting that a seaward extension of the lower level (basement) of the existing structure cannot occur, since it already extends beyond the rear setback line (Exhibit #5). The rear setback line is at least 15 feet or 20% of the depth of the one hundred foot deep lot (Zoning Code Section 10-503). In fact, the currently proposed project involves the removal of the most seaward portion of the basement. As proposed, the remodeled house would conform with the rear setback requirement with the



pullback of the basement. The applicants also assert that the main level of the existing house also cannot be extended further seaward because of a deed restriction on the property (and adjacent properties) that limits the buildings' seaward extension (that portion over street level) to sixty feet from the street. The main level of the house currently extends the full sixty feet allowed by the deed restriction. Therefore, the existing two-level home could not be enlarged without violating the rear setback requirement or the limit imposed by the deed restriction. Therefore the Commission cannot require the applicants to "build below their present house" or further seaward that the present footprint of the house.

2. Demolish the existing house and build a new larger home by excavating a larger foundation out of the bluff.

Another option put forth by the opponents is to demolish the existing house and build a new three-level house that would not extend more than one-story of the street. This would involve excavating the bluff in order to create another level (or two) below the level of the existing basement. The applicants have also rejected this alternative. Their request is for a remodel and addition to the existing house, and they do not wish to demolish the house. The proposal for two or more subterranean levels may be feasible from an engineering standpoint, but it would raise other issues such as landform (bluff) alteration (see Coastal Act Section 30251). The LCP, in order to protect house from hazards of building on coastal bluffs and to protect natural landforms contains specific language preventing extensions seaward of the present line of development along the bluff. Such development, while lessening view impacts from Knob Hill Avenue could have possible impacts on views from the beach itself. Therefore the Commission cannot require the applicants to "build below their present house" or further seaward that the present footprint of the house.

3. Limit the blufftop homes on the street to a single story above the street.

This alternative could be implemented with an amendment to the City's certified Local Coastal Program (LCP). A denial of the proposed project would leave the existing house at its current height.

#### **D. Public Access and Recreation**

The proposed project, which is located between the first public road and the sea, must also conform with the following public access and recreation policies of the Coastal Act.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:



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

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

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.

Maximum public access is provided by the public accessway that abuts the northern side of the project site. The applicants propose to remove private development (i.e. fences, gas meter, etc.) and a ficus tree from this public access easement (Exhibit #6).

#### **Encroachments - Staging Plan**

Any private encroachment onto the public beach or into the public accessway would conflict with the requirement of Section 30211 of the Coastal Act, which states: "Development shall not interfere with the public's right of access to the sea..." Therefore, Special Condition Four prohibits any such encroachments. In addition, the applicant is required to provide a construction staging plan (Special Condition Five) that avoids encroachments onto the public beach or into the public accessway. Only as conditioned does the proposed development conform certified LCP and the public access and recreation policies of the Coastal Act.

#### **On site Parking**

The proposed project must provide adequate on-site parking in order to protect the public on-street parking that supports public access to the beach. Two existing on-site parking spaces in the garage serve the single-family residence. The permit is conditioned to require the maintenance of the two on-site parking spaces. As conditioned, the Commission finds that the proposed development conforms certified LCP and the public access and recreation policies of the Coastal Act.

#### **E. Marine Resources**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, and for

the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms certified LCP and the marine resource policies of the Coastal Act.

**F. Future Improvements**

The development is located within an existing developed area and, as conditioned, would be compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which could adversely affect public views and public access and recreation. To assure that future development is consistent with the certified LCP and the policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the certified LCP and the policies of the Coastal Act.

**G. Geologic Safety, Future Shoreline/Bluff Protection and Assumption of Risk**

Section 30253 of the Coastal Act states, in part:

New development shall: 1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...

The bluff on which the project site is located is an eroding landform and therefore hazardous by nature. Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Therefore, the new development must minimize this risk. Special Condition Two requires that the applicants, prior to issuance of the coastal development permit, shall submit for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction on the bluff. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer or architect). All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report. Only as conditioned does the development conform with the provisions of the Section 30253 and the certified LCP.

As previously stated, development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require adherence to the geotechnical recommendations, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development.

In order to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owners record a deed restriction against the property, referencing

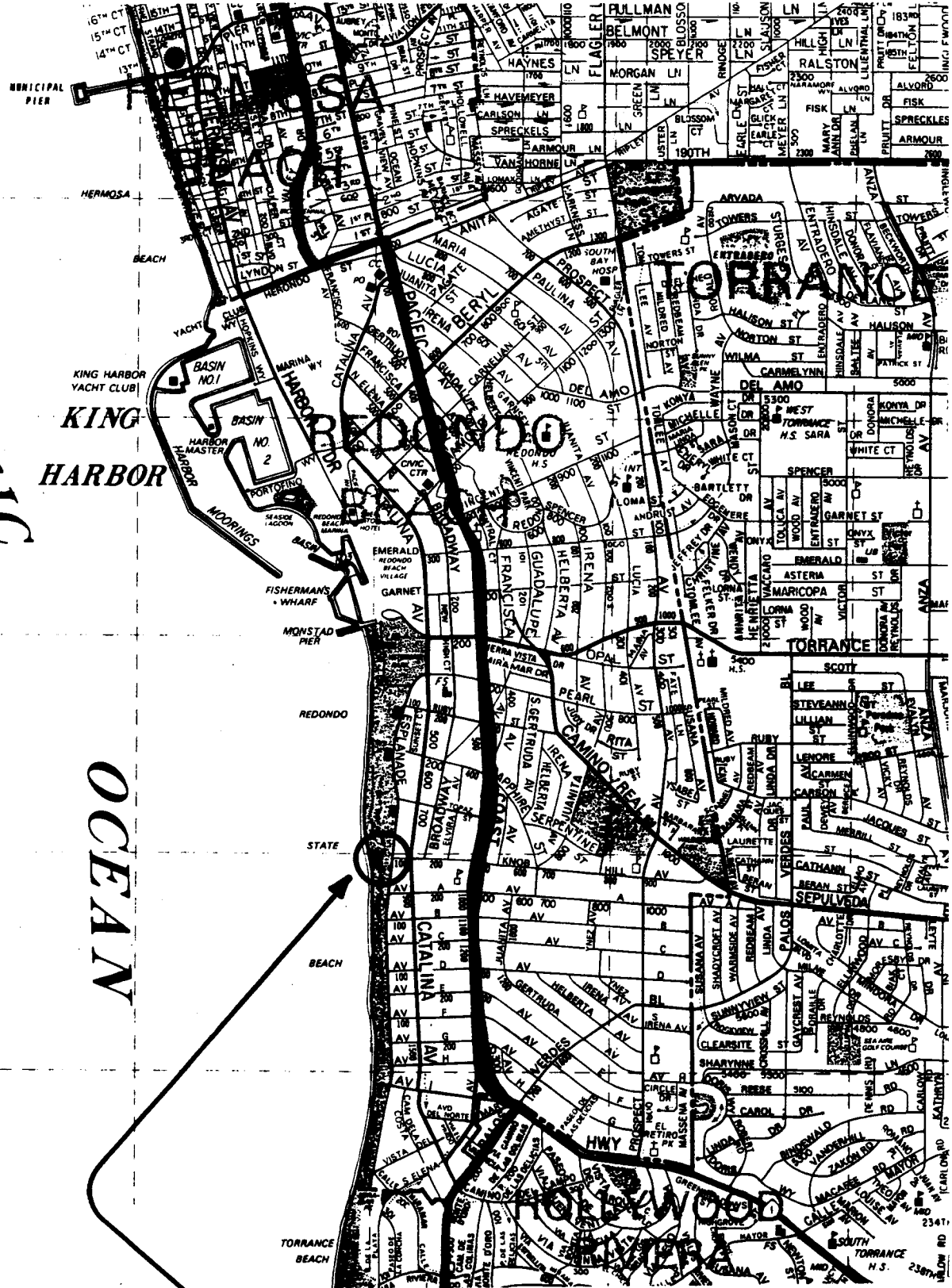
all of the special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

#### **H. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the City of Redondo Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Attachments:   Exhibit Nos.1-7  
                  Appendix A: Applicants' & Proponents' Correspondence  
                  Appendix B: Appellants' & Opponents' Correspondence



COASTAL COMMISSION  
A5-RDB-04-261

EXHIBIT # 1

PAGE 1 OF 1

Project Site  
801 Esplanade

CODE  
8055

FOR PREV. ASSMT. SEE:  
7509-1

CONDOMINIUM  
TRACT NO. 45296  
M. B. 1157 - 82 - 83

TRACT NO. 2546  
M. B. 26-4-5

TRACT NO. 10209  
M. B. 177-2-3

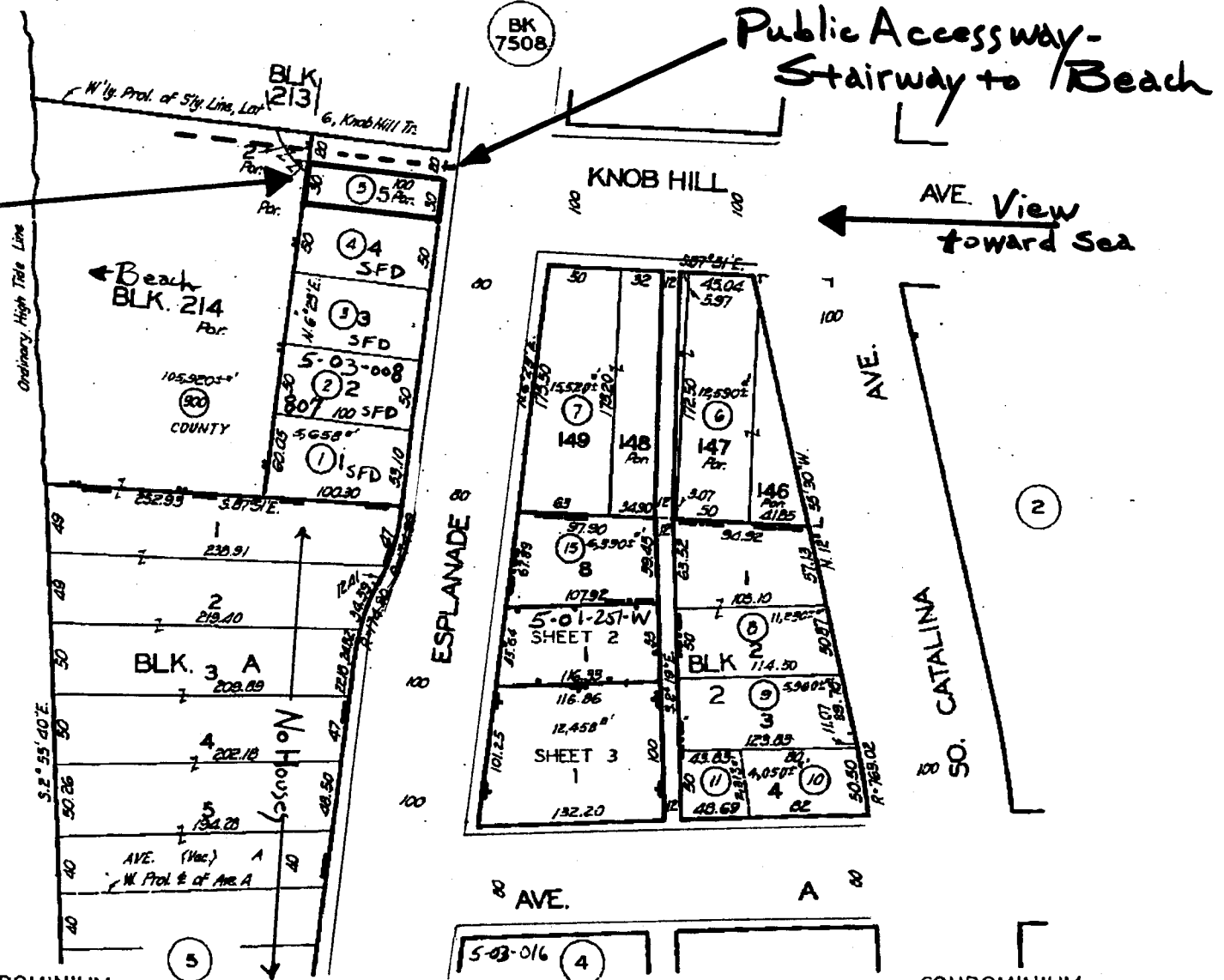
NOB HILL TRACT  
M. B. 5-73

TOWNSITE OF REDONDO BEACH  
M. R. 39-H7

CONDOMINIUM  
PARCEL MAP  
PM 311-80 - 81

COASTAL COMMISSION  
AS-RDB-04-261

EXHIBIT # 2  
PAGE 1 OF 1



801  
Esplanade

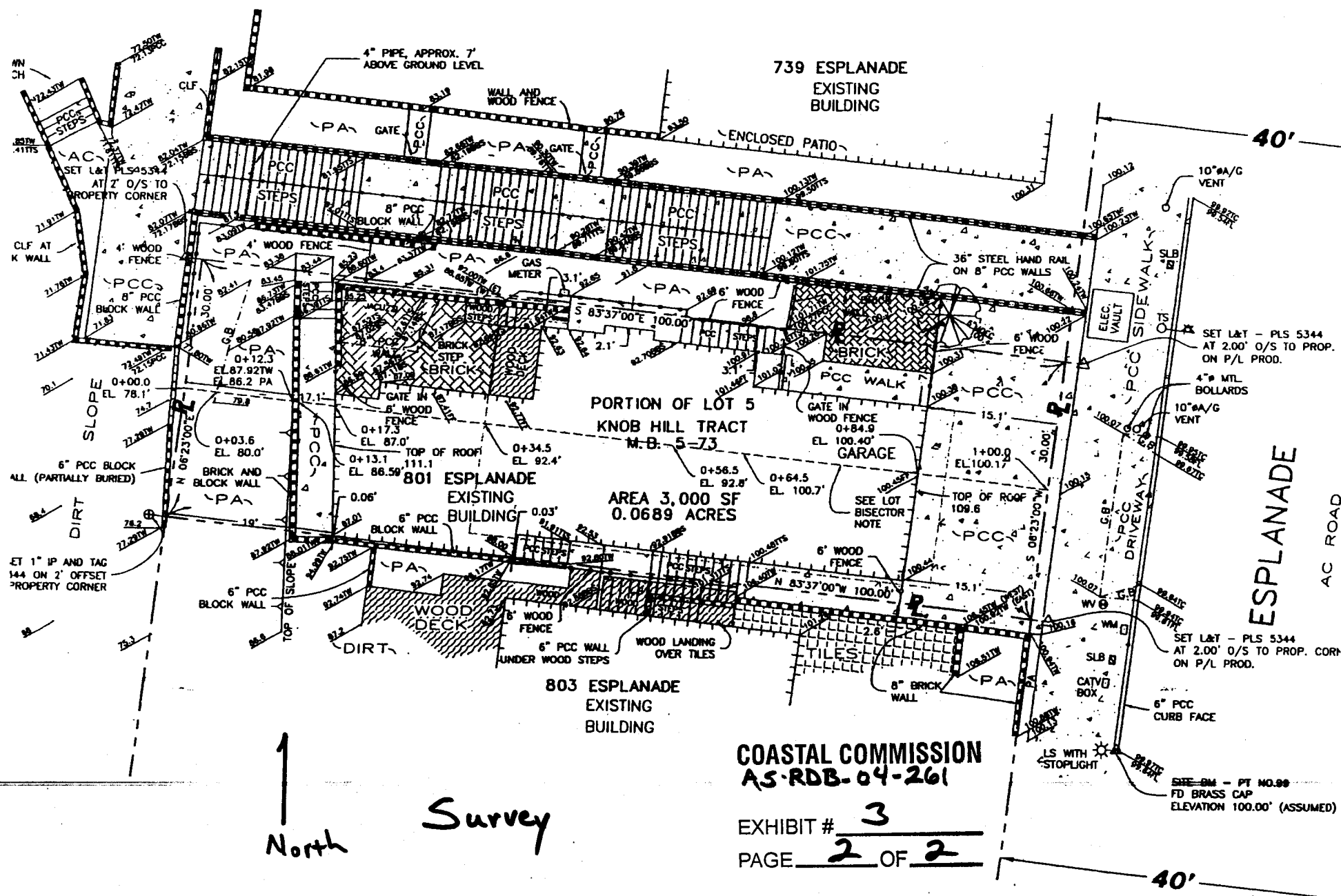
## Beach

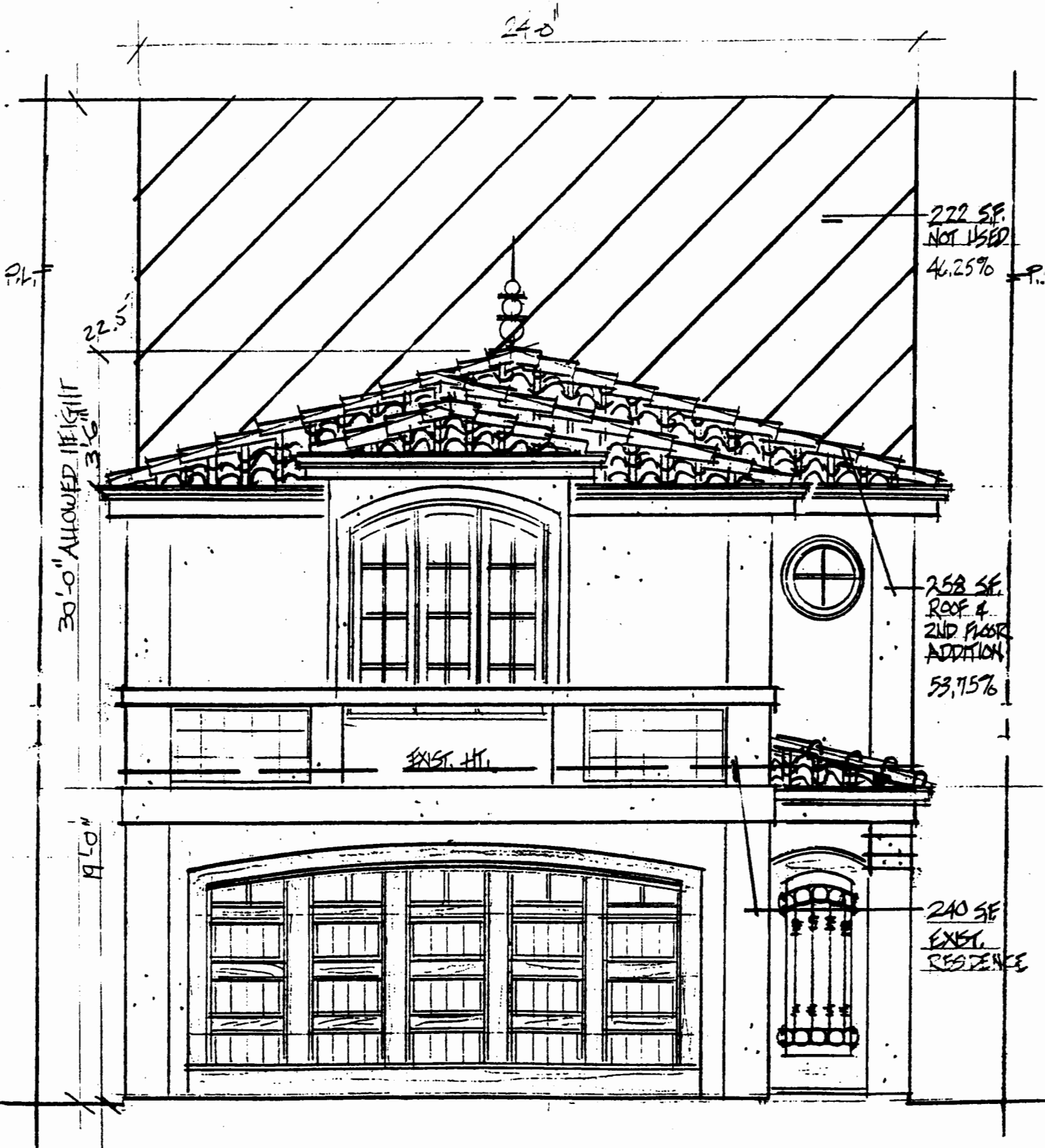
## SITE PLAN

COASTAL COMMISSION  
A5-RDB-04-261

**EXHIBIT # 3**

PAGE 1 OF 2





# FRONT ELEVATION

COASTAL COMMISSION  
AS-RDB-04-261

ESPLANADE/ EAST

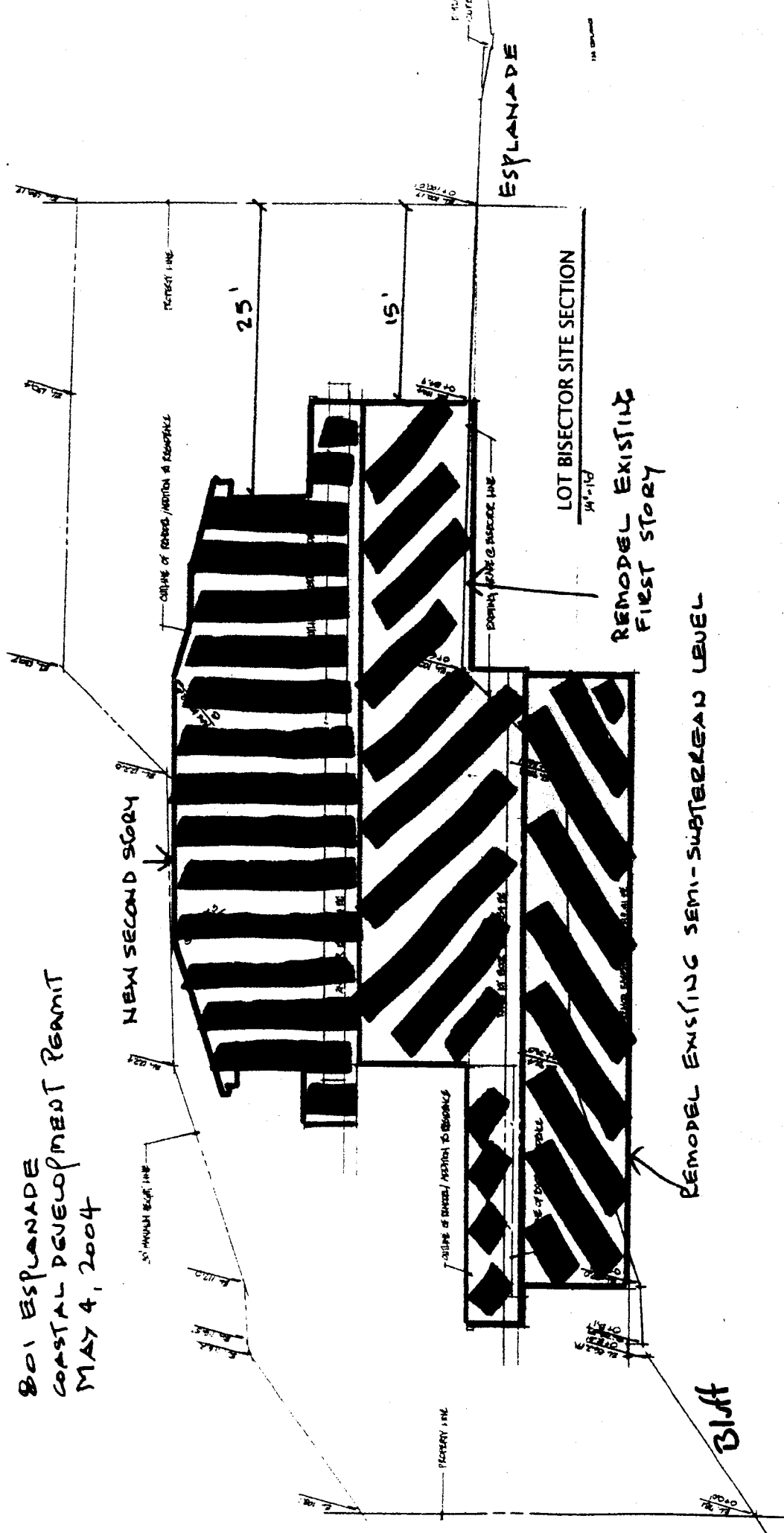
EXHIBIT # 4

801 ESPLANADE, REDONDO BEACH  
DOYLE RESIDENCE

PAGE 1 OF 1



801 ESPLANADE  
 COASTAL DEVELOPMENT PERMIT  
 MAY 4, 2004



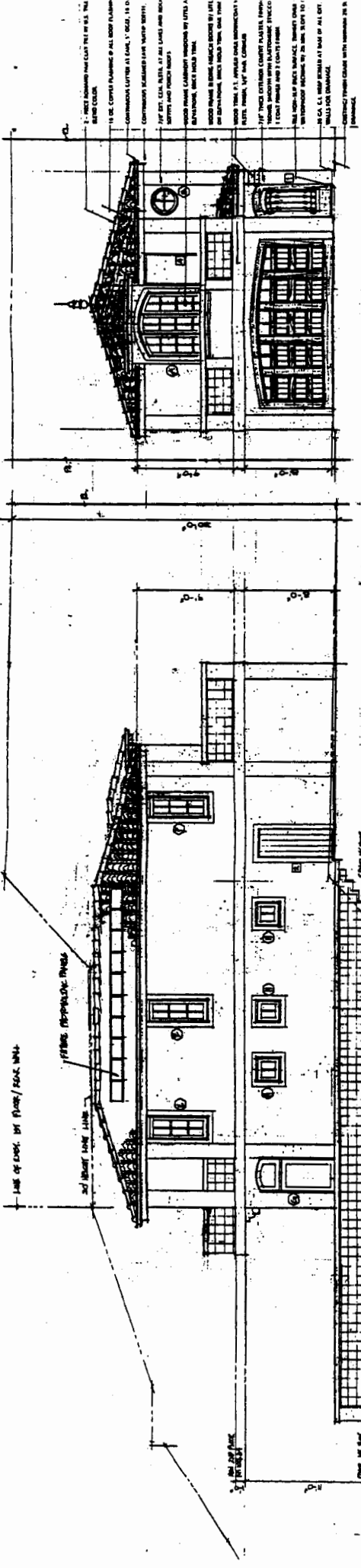
← Bench

801 Esplanade

COASTAL COMMISSION  
 AS-RDB-04-261

EXHIBIT # 5

PAGE 1 OF 2



SEP 20 2004



**LUCAST CONSULTING**

Coastal Land Use Planning & Advocacy  
Post Office Box 8892  
Rancho Santa Fe, California 92067

September 15, 2004

Mr. Chuck Posner  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA 90802

**Re: A-5-RDB-04-261 (Doyle, Redondo Beach)--Amendment to Project Description**

Dear Chuck:

As you know, I represent Michael and Kimberly Doyle with regard to the appeal of the City of Redondo Beach coastal development permit for the addition to their home at 801 Esplanade (your number A-5-RDB-04-261). I am writing to amend the project description to clarify view protection issues raised at the public hearing on "substantial issue" conducted August 12, 2004.

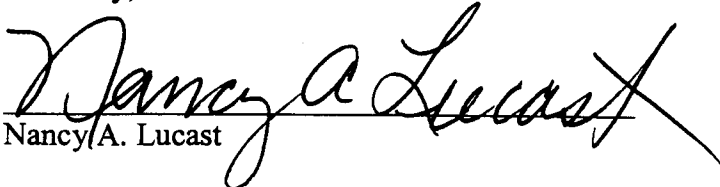
The project description is hereby amended as follows:

1. The existing fence (constructed in 1951) that encroaches into the City right-of-way north of the project site will be relocated to the property line separating the Doyle's ownership and the City property.
2. The existing gas meter that encroaches into the City right-of-way north of the project site will be relocated to within the Doyle's ownership.
3. The existing tree at the northeast corner of the existing Doyle residence, which encroaches into the City right-of-way north of the project site, will be removed.

I trust this clarifies the intent of both Mr. and Mrs. Doyle and the City's approval.

We look forward to working with you on this matter. Please do not hesitate to call me if you have any questions or require additional documentation.

Sincerely,

  
Nancy A. Lucast

cc: Mr. and Mrs. Doyle  
Mr. Randy Berler, Planning Director, City of Redondo Beach

**COASTAL COMMISSION**  
**A5-RDB-04-261**

EXHIBIT # 6  
PAGE 1 OF 3

Office of the City Manager

415 Diamond Street, P.O. Box 270  
Redondo Beach, California 90277-0270  
www.redondo.org

tel 310 372-1171  
fax 310 379-9268

September 16, 2004

Chuck Posner  
Coastal Program Analyst  
South Coast District  
California Coastal Commission  
200 Oceangate  
Long Beach, CA. 90802-4302

**Re: A-5-RDB-04-26 (Doyle, Redondo Beach)--City of Redondo Beach Concurrence with  
Amendment to Project Description**

Dear Mr. Posner:

The City of Redondo Beach concurs with the amendment to the project description relating to 801 Esplanade as reflected in the letter of September 15, 2004 from Nancy Lucast representing Michael and Kimberly Doyle. This will assure:

- 1) relocation or reconstruction within the project site property line of the existing fence that encroaches into the public access north of the project site;
- 2) relocation on the project site of the existing gas meter that encroaches into the public access north of the project site;
- 3) removal by the City of the existing ficus tree located in the public access immediately north of 801 Esplanade consistent with the direction provided by the City Council.

If you have any further questions, please contact Randy Berler, Planning Director, at 310.318.0637.

Sincerely,

  
John Eaker  
CITY MANAGER

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 2 OF 3

Attachment: Letter from Nancy Lucast, September 15, 2004.

Chronology  
801 Esplanade

- 1903: Knob Hill Tract Subdivision, including Lot 5 of Knob Hill Tract (801 Esplanade) as a 50 foot wide by 100 foot deep lot.
- 1948: Northerly 20 feet of lot deeded to the City for public accessway.
- 1950: Property deed restricted from building above the street level any further west than 60' from the Esplanade property line.
- 1952: Existing home constructed.
- 1964: Property zoned R-6 high density residential permitting height of 60 feet.
- 1981: Coastal LUP certified by the Coastal Commission designating the property as Medium Density Residential permitting height of 38 feet including 2 stories plus a mezzanine over semi-subterranean parking.
- 1996: Zoning Map amended redesignating property to R-1 with a 30 foot height limit.
- 2001: Coastal Commission certifies LUP amendment 1-2000 (on May 7, 2001) which redesignated the property as R-1 with a 30 foot height limit. This first major LUP amendment addressed public views by providing that the area designated P (Public) west of Esplanade shall be maintained and preserved for public open space and public recreational use. The LUP amendment also added view protection language for the harbor area and in conjunction with density bonuses. No other general or specific view protection policies exist in the LUP.
- 2003: Application for modification submitted on 2/12/03 for addition to single family home at 801 Esplanade. No appeal received within 10-day appeal period.
- 2003: Coastal Commission approves Coastal Development Permit for 1,152 square foot second story addition with a height of 30 feet at 807 Esplanade (3 lots south of 801 Esplanade) on May 6, 2003.
- 2003: Coastal Commission certifies LCP for Area 1 of the Coastal Zone on Sept. 11, 2003. Application for Coastal Development Permit filed by the Doyles with the Coastal Commission is referred back to the city.
- 2004: Coastal Permit application approved by the Planning Commission. Appeal denied by the City Council. City Council decision appealed to Coastal Commission.

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 3 OF 3



COASTAL COMMISSION  
AS-RDB-04-261

EXHIBIT # 7

PAGE 1 OF 1

**Michael and Kimberly Doyle  
801 Esplanade Street  
Redondo Beach, California 90277**

**RECEIVED**  
South Coast Region

SEP 22 2004

CALIFORNIA  
COASTAL COMMISSION

September 22, 2004

Mr. Chuck Posner  
California Coastal Commission  
200 Oceangate  
Suite 1000  
Long Beach, CA 90802

**Re: Appeal No. A-5-04-261 (Doyle, Redondo Beach)**

Dear Mr. Posner:

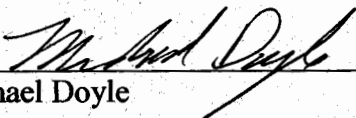
Yesterday, we reviewed your file on the appeal of our proposed 835 sq. ft. second story addition to our existing 1,673 sq. ft. home in Redondo Beach. In the file, we discovered a submittal from one of the appellants which we believe inaccurately represents the facts and mischaracterizes the LCP view protection requirements.

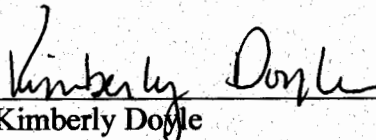
The constraints of time necessary to meet your publication deadline prevent us from providing a complete rebuttal, but we felt that the attached photos would be somewhat responsive to the points raised by the appellants. The picture on the appellant's flyer is taken from one very selective location and unfortunately, not an honest or fair representation of the public views that exist along Knob Hill Avenue.

In addition, we have submitted to you letters supporting our proposal, including letters from two individuals who had previously signed the petition opposing our project rescinding their opposition. Since the petition circulators had not presented the facts of the case, both regretted having signed it once they knew the truth of the proposal. If the appellant's flyers had given any indication of what is actually proposed and not left to imagine some monstrous building (such as those just north of our site), we have no doubt that others we cannot contact would have a similar reaction.

We hope that you will provide the attached exhibits to your Commission along with your staff recommendation. We will provide a more complete rebuttal to the appellant's arguments at the public hearing in October.

Sincerely,

  
Michael Doyle

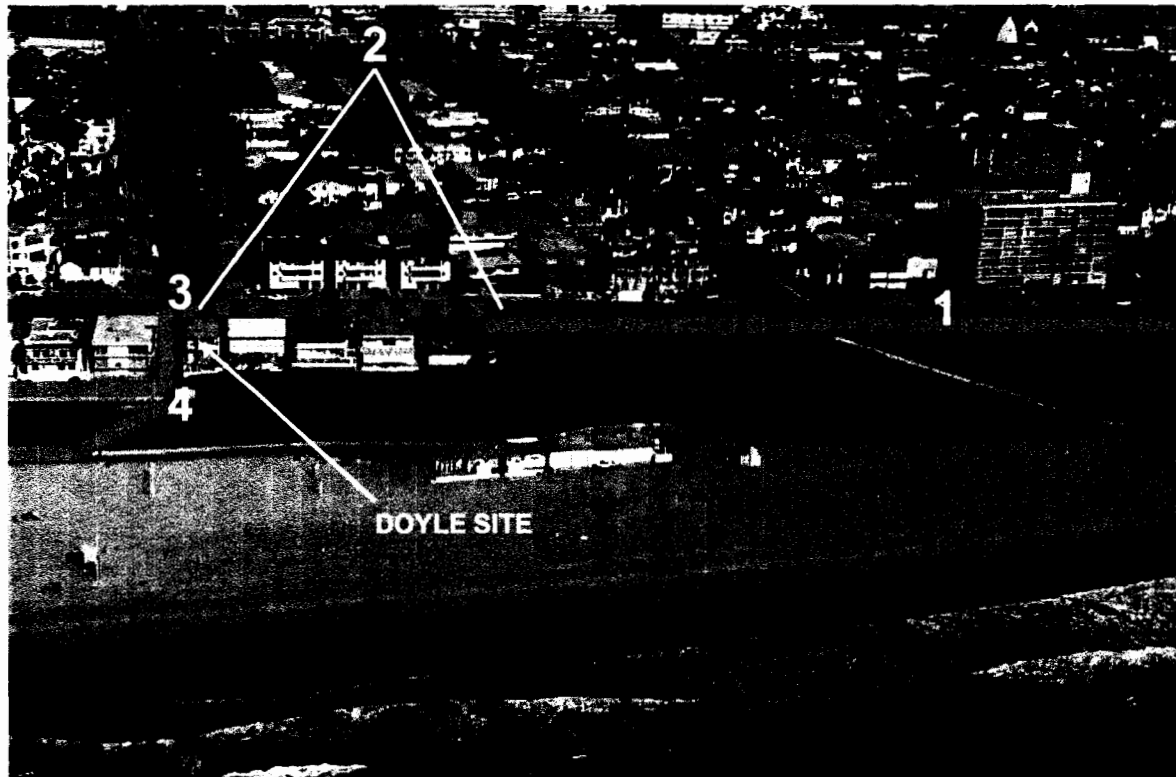
  
Kimberly Doyle

enclosure

cc: Randy Berler, Redondo Beach Planning Director  
Nancy Lucast

## PUBLIC VIEWS FROM THE REDONDO BEACH ESPLANADE

Source: California Coastal Records Project, Image 4348

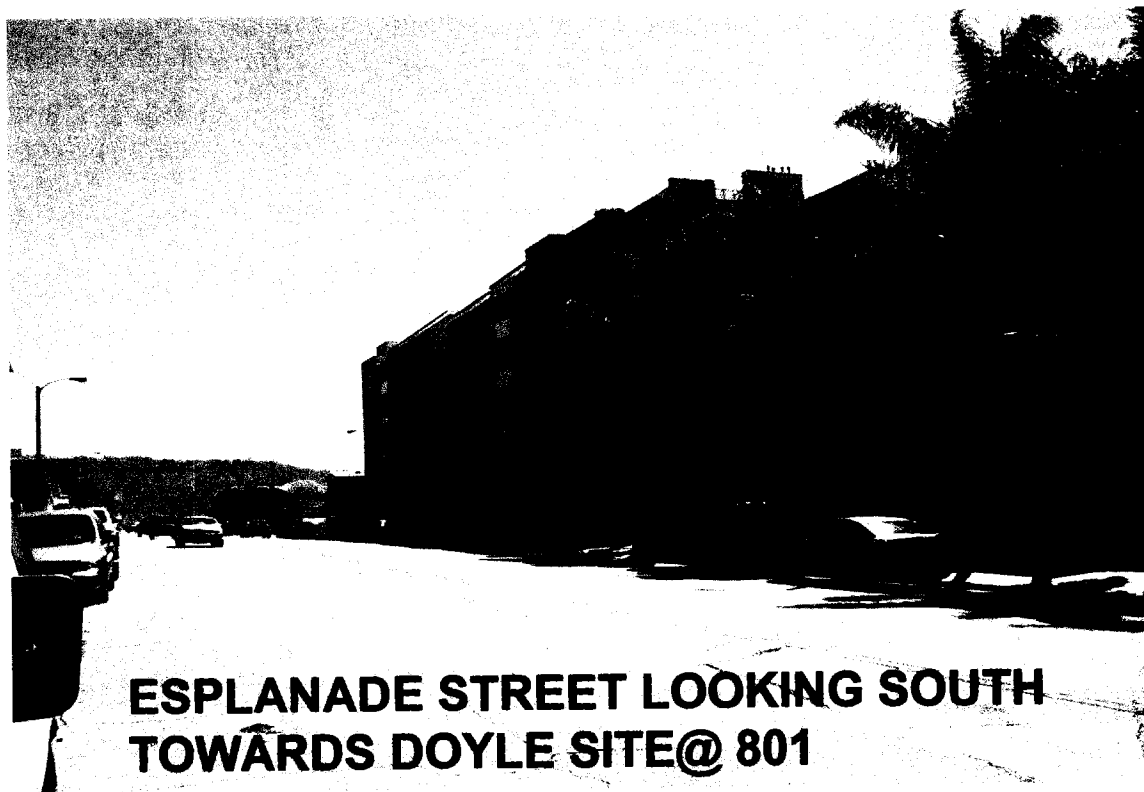


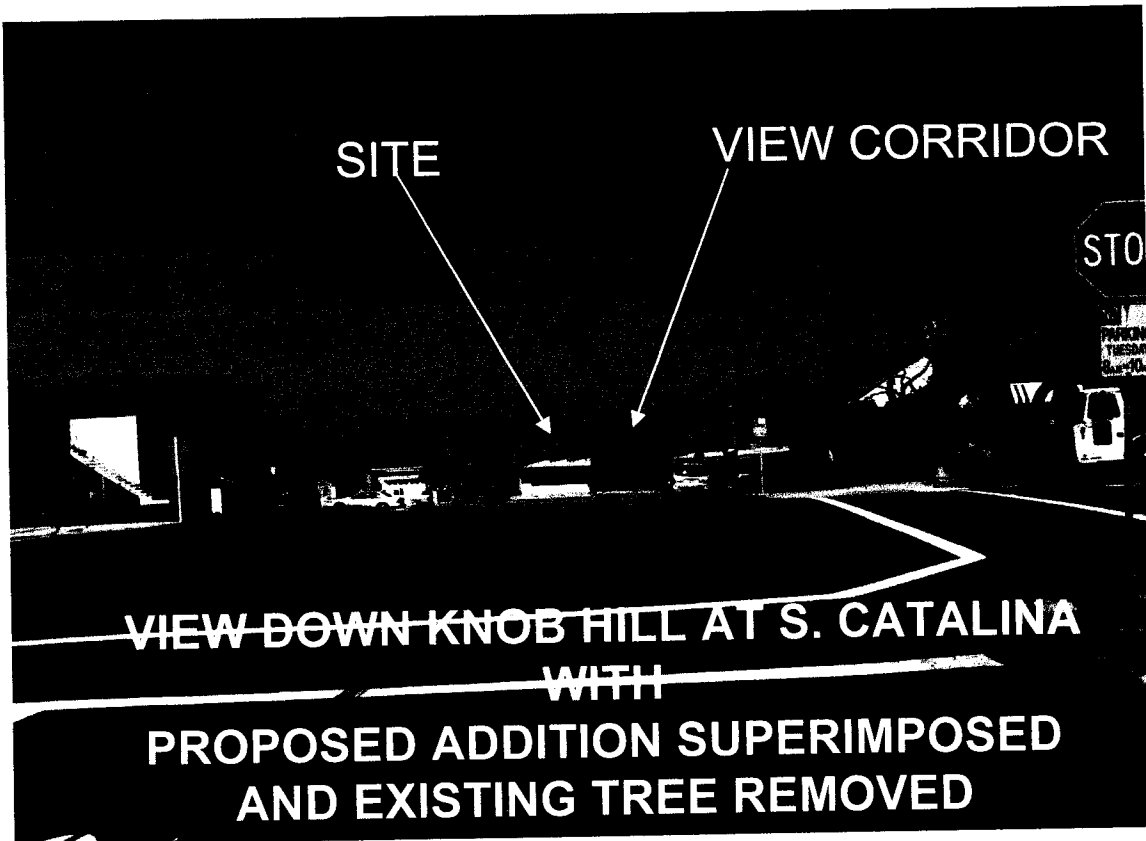
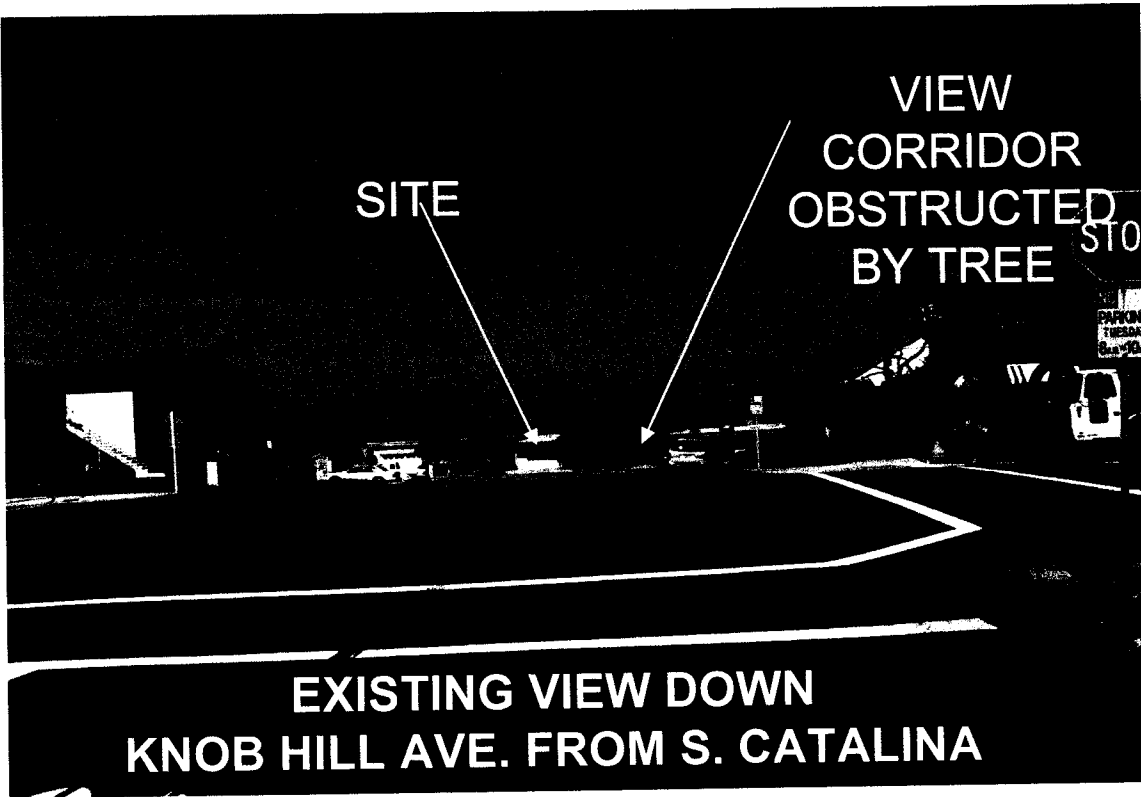
1. THE ESPLANADE ACCESSWAY RUNS NORTH ALONG THE BLUFFTOP TO THE RESIDENTIAL LOTS SOUTH OF KNOB HILL AVE;
2. AT THIS POINT IT FOLLOWS THE SIDEWALK ON THE WEST SIDE OF THE STREET---THERE ARE NO VIEWS TO THE OCEAN ALONG THIS STRETCH DUE TO THE PRESENCE OF EXISTING DEVELOPMENT;
3. AT KNOB HILL AVENUE, NORTH OF THE DOYLE RESIDENCE, THE ESPLANADE ACCESSWAY TURNS WEST, DOWN THE PUBLIC ACCESS STEPS;
4. AT THE BOTTOM OF THE STEPS, THE ESPLANADE ACCESSWAY BIFURCATES TO RUN NORTH ALONG THE BLUFF FACE BELOW EXISTING DEVELOPMENT AND ALONG THE BEACH AT THE TOE OF THE BLUFF.





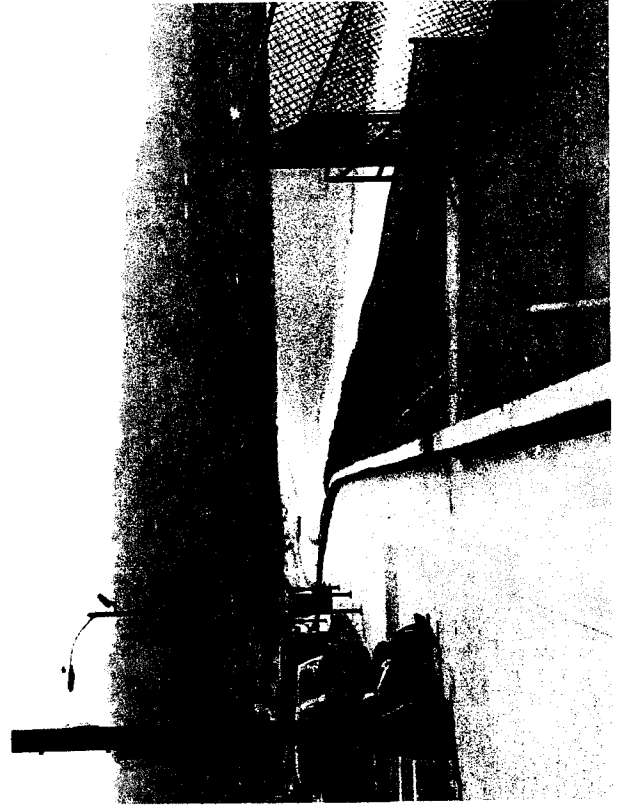
**ESPLANADE SOUTH OF DOYLE SITE  
LOOKING SOUTH (this is the unobstructed  
blufftop view described in the LUP)**





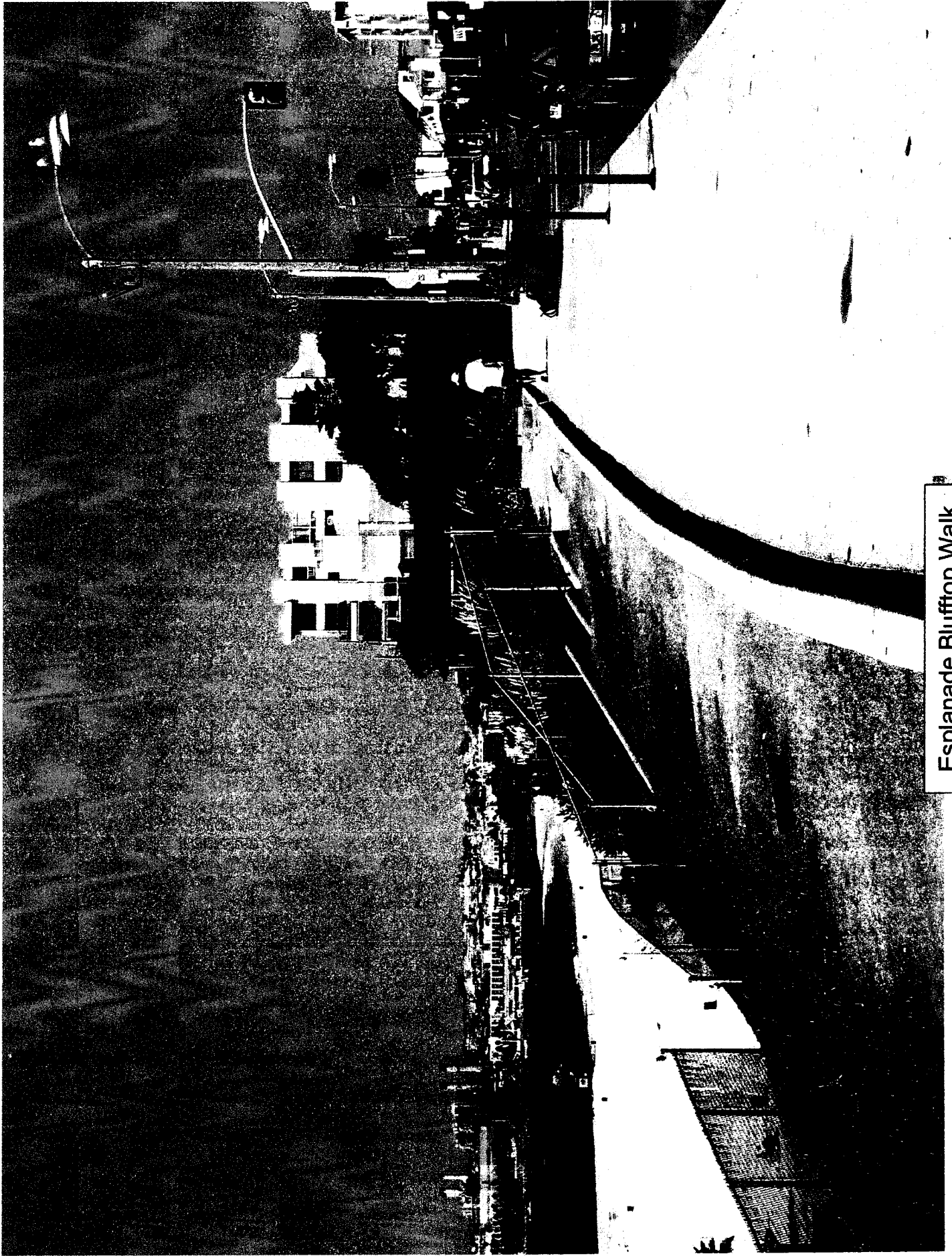


Esplanade Blufftop Walk  
Looking South



Esplanade Blufftop Walk  
Looking North

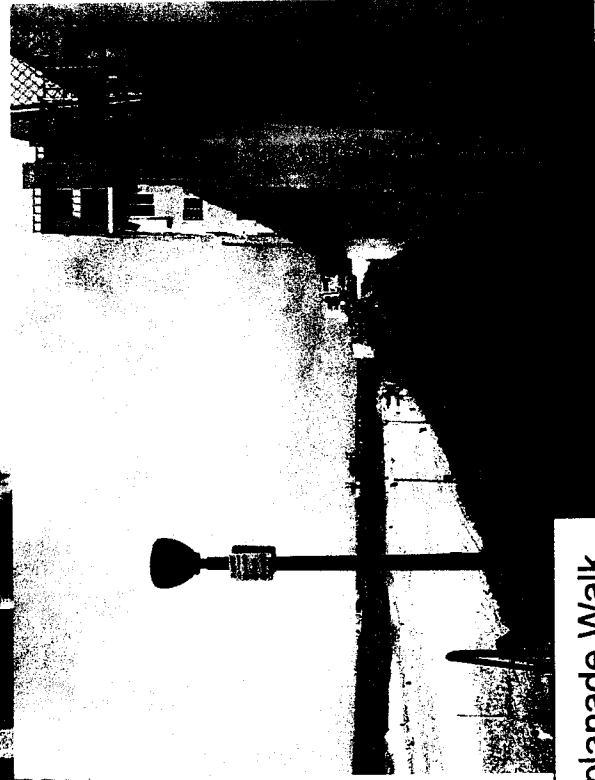
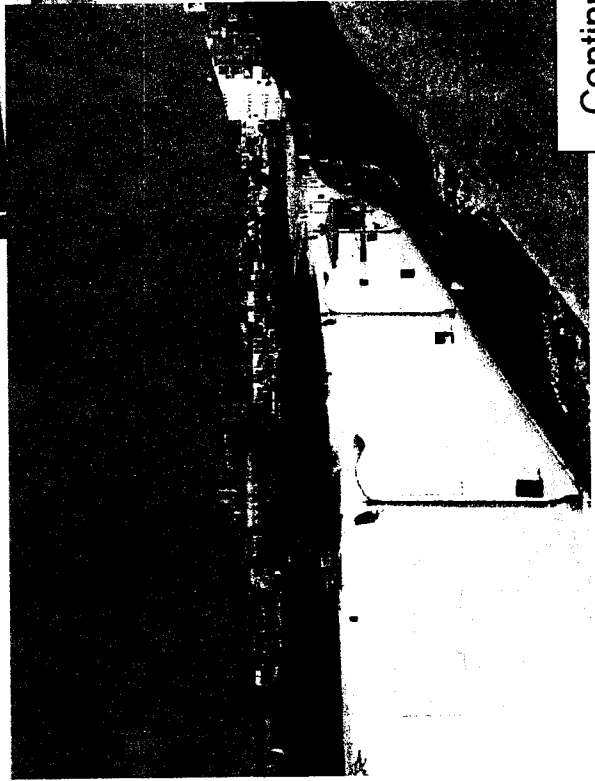
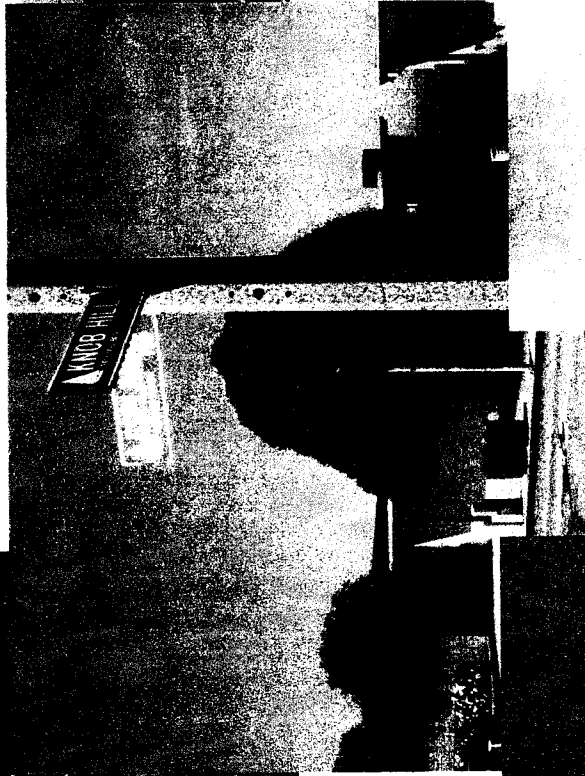




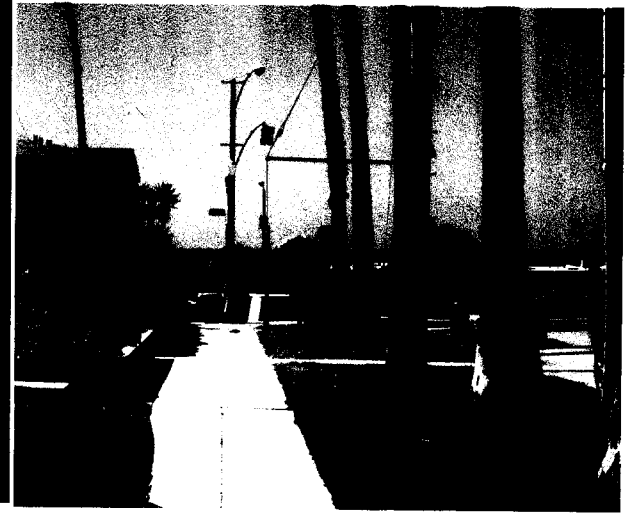
Esplanade Blufftop Walk  
Looking North



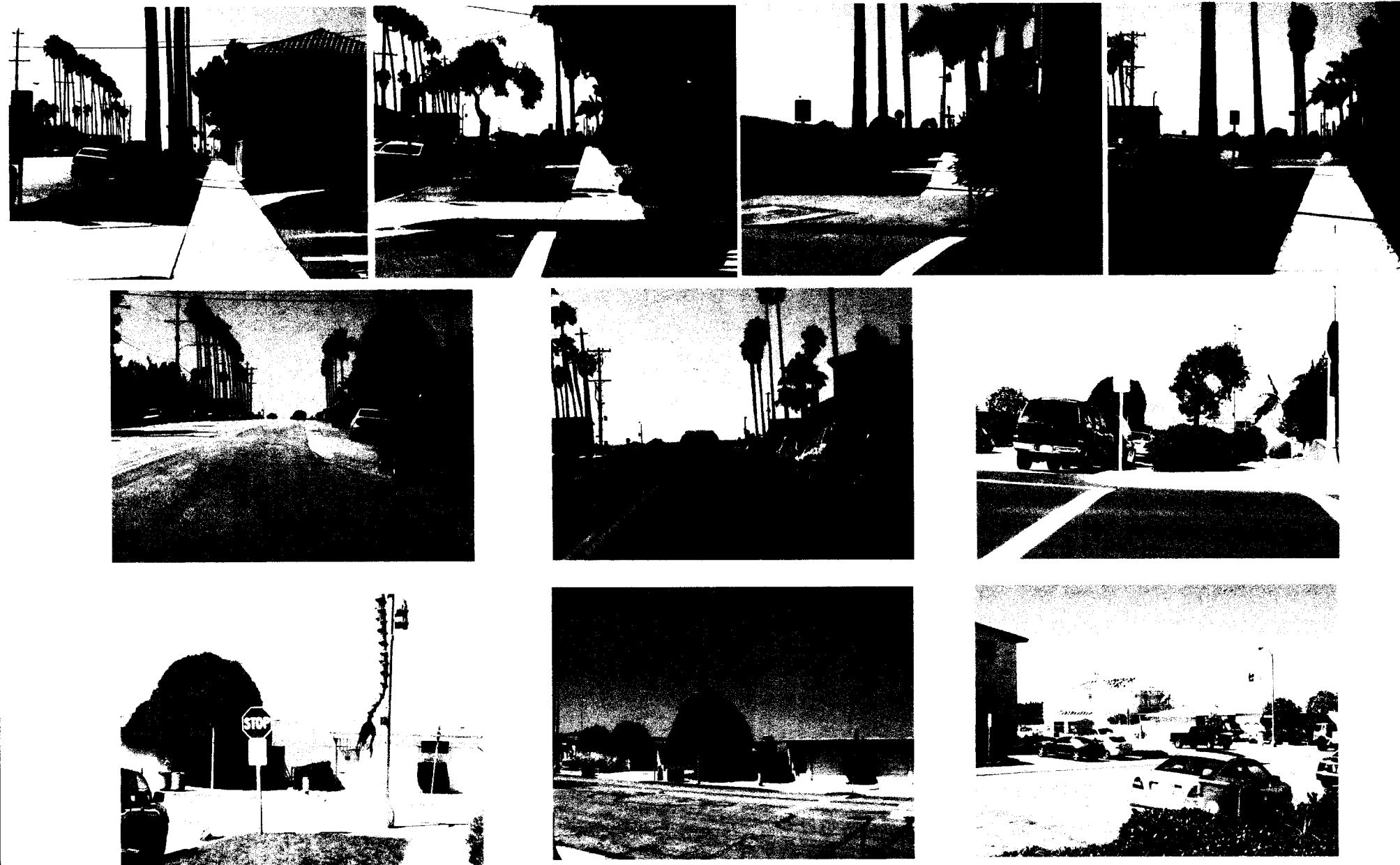
Knob Hill  
Access Stairs



Continuation of Esplanade Walk  
North to Pier & Harbor



Existing views while walking down south side of Knob Hill Avenue between PCH and Esplanade Street - there is no view of the coastline and the view of the ocean is almost fully obstructed until Catalina and once you reach Esplanade Street there is no view due to the presence of existing development



Existing views while driving and walking down north side of Knob Hill Avenue between PCH and Esplanade Street - no view of coastline and the view of the ocean is almost fully obstructed until you near Catalina and that view is through the existing Public Access Corridor



Thomas Gaian  
229 Avenue E  
Redondo Beach, CA 90277

Wednesday, June 09, 2004

Michael and Kim Doyle  
801 The Esplanade  
Redondo Beach, CA 90277

Dear Mr. & Mrs. Doyle,

I would like to apologize for signing the "Friends of Knob Hill" petition.

Please note that I have asked them to remove my name from that petition, I have also asked the City Clerk to remove my name from that petition.

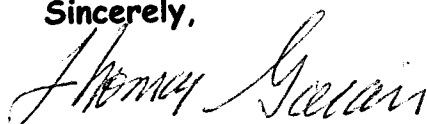
I must admit that while walking my dog a month or so ago I saw a sign "Save the View" and signed it. What a mistake! I should have taken the time to fully understand the facts of this matter.

Had I known all the facts I would not have signed it and regret doing so?

Please inform your son that I appreciate his service to our Country.

If you can think of anything that I can do to help you with this matter please let me know.

Sincerely,



Thomas Gaian

Cc: Gerard Bisgnano  
City Clerk

ROBERT A FREEMAN  
611 ESPLANADE  
REDONDO BEACH, CA 90277

April 19, 2004

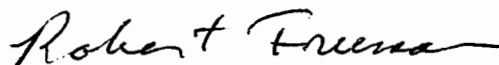
City of Redondo Beach  
415 Diamond Avenue  
Redondo Beach, CA 90278

To the Redondo Beach City Council:

This letter is to support Michael and Kimberly Doyle in their application to build at 801 Esplanade, which promises to be constructed in accordance with the zoning regulations, building codes, and all other regulations.

I had been under the impression that the property in question was at an address one block north that is in deplorable condition and has been for many years. Somewhat vindictive on my part, I'm afraid, I signed a petition to have its rebuilding stopped, because I felt the negligent owners were just building a monster house of the kind that has already ruined many neighborhoods in Redondo Beach. Since then, I have learned the correct address of the Doyles and the nature of their project, and would like to rescind my signature on the petition and instead lend my support to the Doyles and their plans to build.

Sincerely,

A handwritten signature in cursive script that reads "Robert Freeman". The signature is written in dark ink and is positioned below the word "Sincerely,".

Cc: Michael & Kimberly Doyle  
801 Esplanade  
Redondo Beach, CA 90277

PLEASE READ!

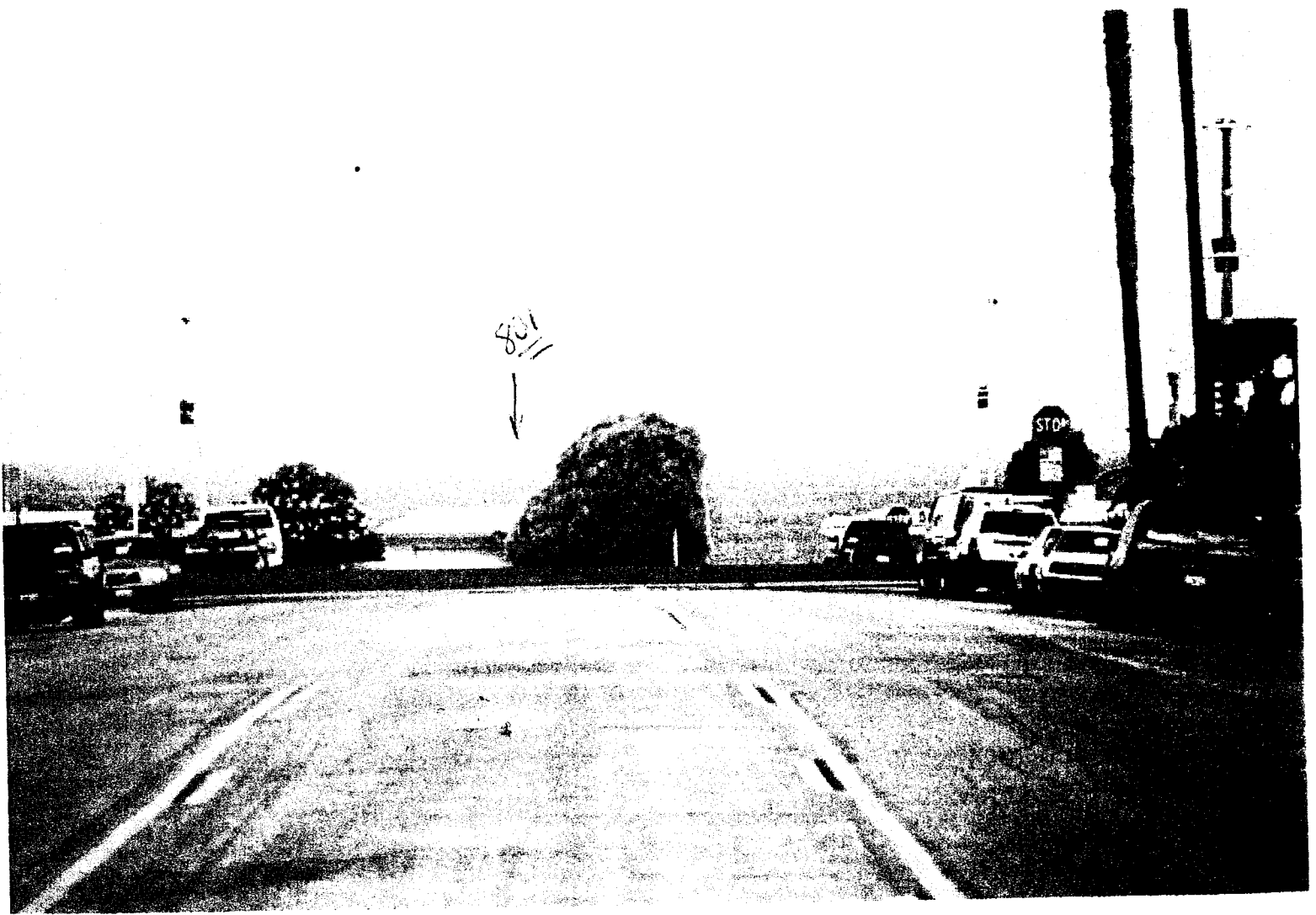
REVISED 9/24  
August 6, 2004

**801 ESPLANADE  
REDONDO BEACH  
CALIFORNIA**

RECEIVED  
SEP 29 2004  
COMMUNICATIONS



To: All California Coastal Commissioners  
From: Rob Moffat  
Appeal# A-5-RDB-04-261



LOOKING DOWN KNOB HILL

### Issue of Concern:

801 Esplanade is located on the ocean front cliff dead center at the end of Knob Hill in Redondo Beach, California. An undisturbed horizon line of ocean views extend continuously from one side of the street to the other when looking down the Knob Hill corridor. This view is fully visible at 100 ft. off the front curb of the property continuing far back beyond Pacific Coast Highway. No other home or structure (excluding one tree which exists at the front of the applicants property) interferes with this ocean view horizon line.

If the applicants at 801 Esplanade were given approval to build upward, such construction would forever block these beautiful ocean views which are shared by hundreds of people on a daily basis. This action would also open the way for all others at the end of this highly traveled roadway to do the same.

The vast majority of residents in Redondo Beach are strongly apposed to the applicants proposed construction plans. Over 1200 people in the area have provided signed statement saying that they "strongly disapprove of the subject building permit at 801 Esplanade which will block the community's ocean views looking down Knob Hill."

The application for a California Coastal Building Permit at 801 Esplanade, Redondo Beach is in **direct violation** of the Redondo Beach LCP. We are hereby requesting that the proposed California Coastal Permit application be denied.

## CALIFORNIA LAW

### California Coastal Act Chapter 3, Article 6 Section 30251 -

“Development” states,

“The scenic and visual qualities of coastal areas **shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views** to and along the ocean and scenic coastal areas.....”

The California Coastal Act was established in 1976 and contained Chapter 3 Article 6 just as it appears today. This building development restriction is fully applicable to the property at 801 Esplanade. In addition, this Act had already been implemented one year prior to the applicants taking ownership of this property.

The Redondo Beach LCP contains multiple references to public views at and around the Knob Hill / Esplanade area. The intersection of Knob Hill and Esplanade is the exact location of the site in question. Referenced specifics are shown below:

LCP, pgs. 78 - 79 (emphasis added).

#### V. COASTAL RECREATION

“...The entire Redondo Beach shoreline is under public ownership. As a result, access to recreational opportunities is very good. **The City of Redondo Beach offers a wide variety of coastal recreational opportunities including approximately 1.7 miles of public beach areas, a bluff top walkway along the Esplanade to Knob Hill where pedestrian views of the beach are unhampered by residential development.**”

The Redondo Beach LCP was written in 1980, at a time when this property and the other four adjacent bluff top homes South of the Knob Hill beach access had already been built. LCP; Staff Report, pg.1. Accordingly, the LCP took into consideration the existing low profile of these five properties South of Knob Hill along with the property located immediately North of the beach access stairwell directly at the end of Knob Hill.

## CALIFORNIA LAW (continued)

LCP, pgs. 60 - 61(emphasis added).

### V SHORELINE ACCESS

#### **B. Pedestrian Access**

Pedestrian access to the shoreline, in the form of improved walkways and ramps both vertical and lateral, is provided throughout the Redondo Beach Coastal Zone.....

“An important part of the pedestrian system is the blufftop walkway. This walkway parallels the western perimeter of Esplanade Avenue on a coastal plain, fifty feet above the shoreline. The walkway extends from the southern boundary of the Coastal Zone at the Torrance city boundary to Knob Hill on the north. An unobstructed blufftop view of the ocean is provided to both pedestrian and automobile travelers along Esplanade. At Knob Hill, steps lead to a walkway midway between the shoreline and the blufftop walkway.”

LCP, pgs. 80 - 81 (emphasis added).

#### **B. Beaches**

*“...More than half of the Redondo State Beach is open to direct public view from Esplanade which varies in elevation along its length and offers fine vantage points for viewing the beach and ocean. A major public access walkway extends south from Pier complex to Knob Hill approximately half the distance of the beach.”*

## **HISTORY OF APPLICATION APPROVAL**

**Planning Commission Meeting** - At the Redondo Beach Planning Commission meeting it was agreed that the views looking down Knob Hill are very much of public importance. The decision to pass the application was none the less made by way of split decision. The deciding vote was cast by Jay Seymour whom in ending stated, "it is best to approve the project and let the appellants appeal to City Council so they can figure out what should be done."

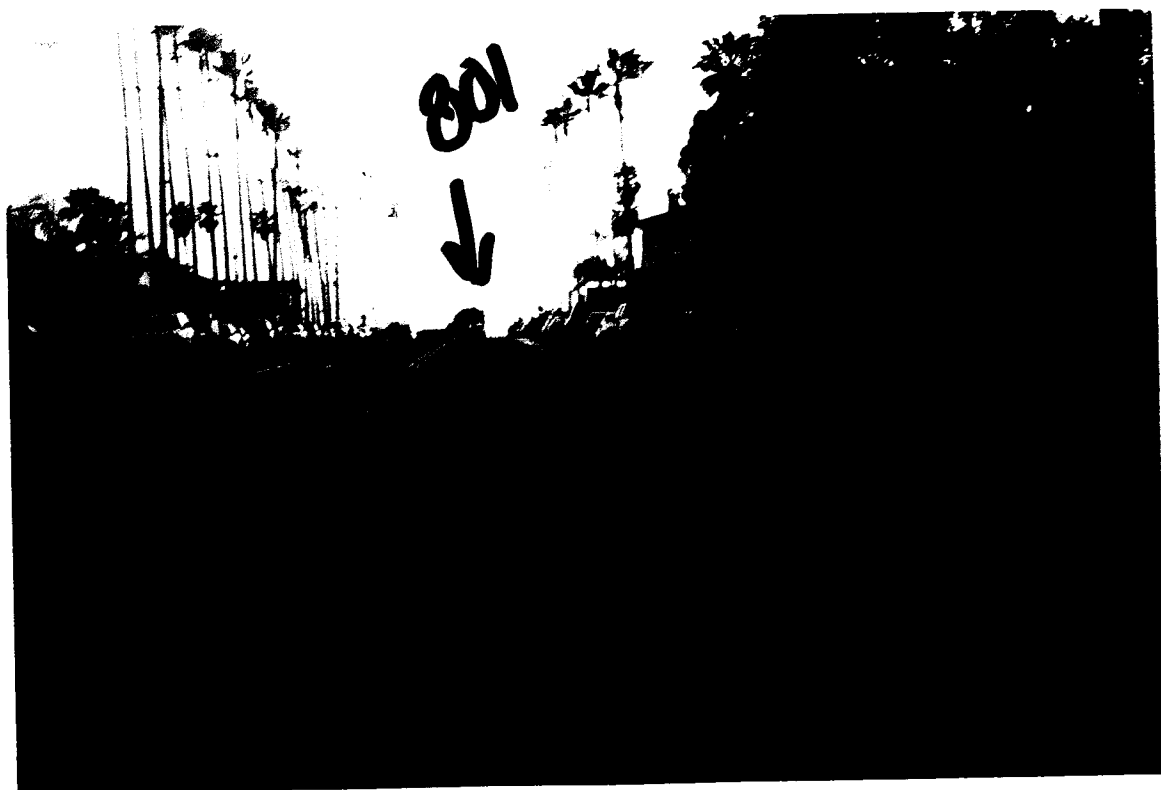
**City Council Meeting** - City Council unanimously decided to pass the building permit at 801 Esplanade with the following statements being made:

1. The appellants can appeal our decision to the Coastal Commission but the applicants cannot. We better think hard about passing this Building Permit. The applicants have now gone on record that they will in fact sue us if it does not pass.
2. When the Mayor and other Council members asked the on staff City Attorney for legal advise pertaining to this case, the on staff City Attorney himself told them that he could not answer their questions as he could be held personally liable in the applicants law suit if this application was not passed.
3. The Coastal Commission has recently approved a second story from street level addition at 807 Knob Hill which is just a few doors away from 801. The Coastal Commission must have known what they were doing at that time.





PCH. (LOOKING DOWN KNOB HILL)



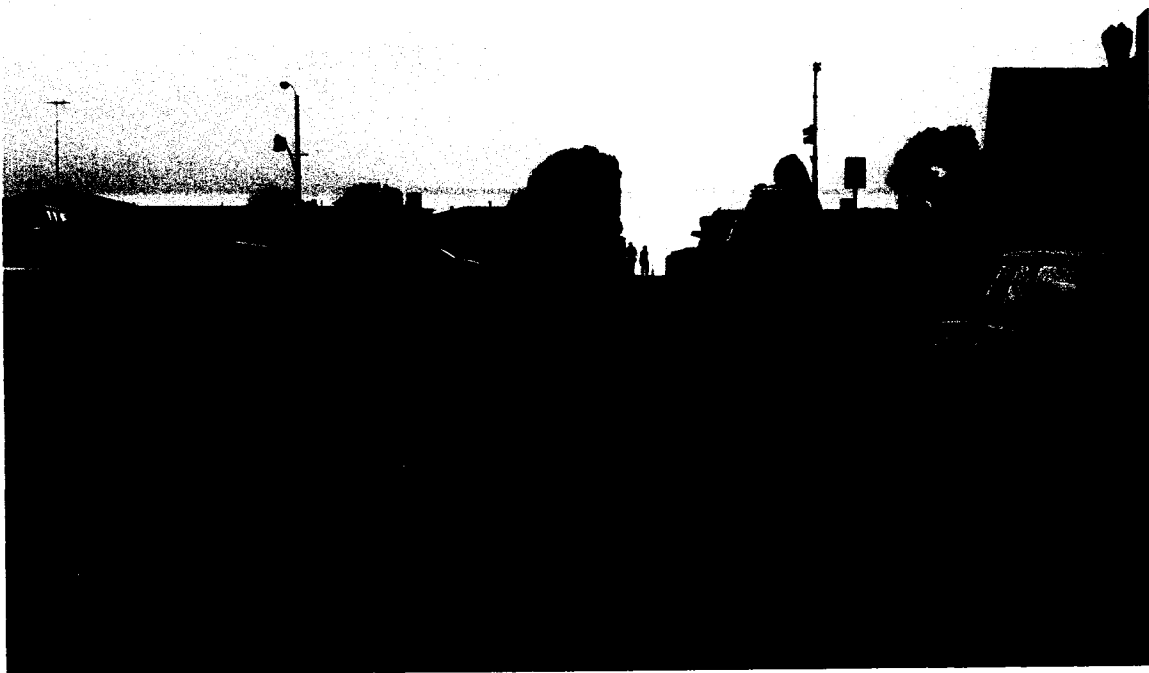
ELVIRA ST. (LOOKING DOWN KNOB HILL)



BROADWAY ST. (LOOKING DOWN KNOB HILL)

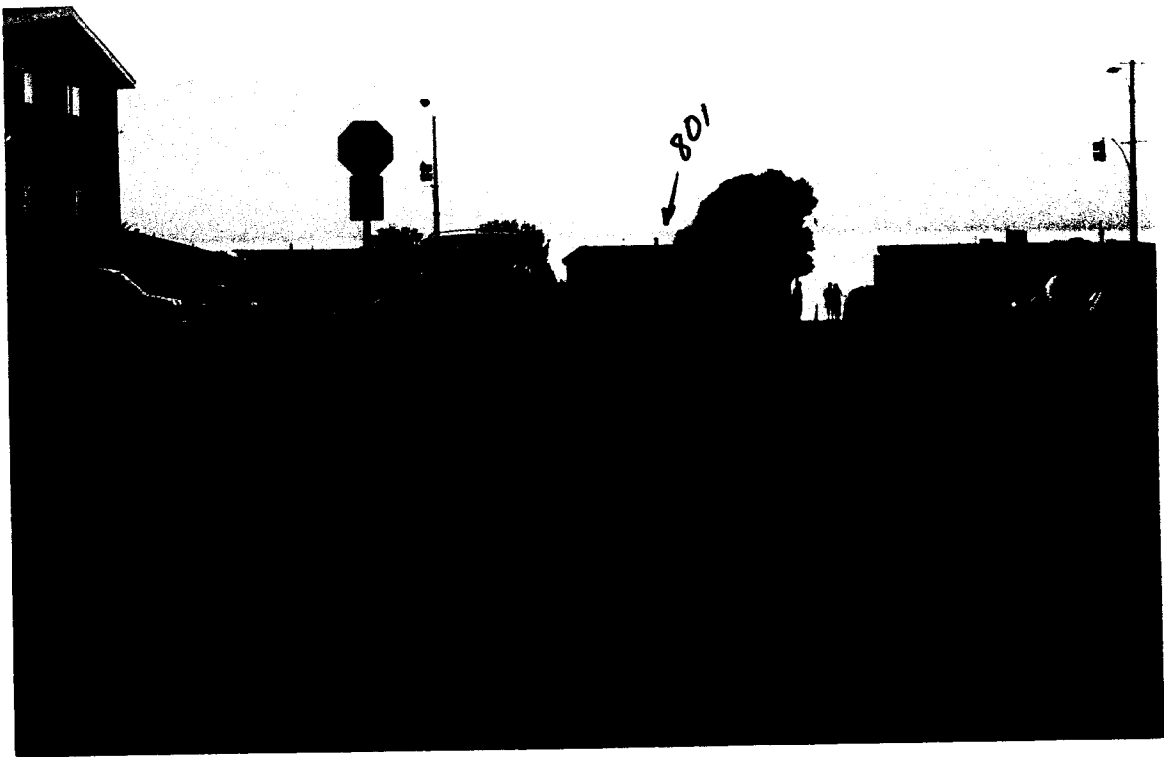


KNOBHILL (BEFORE CATALINA ST.)



KNOB HILL & CATALINA ST.





KNOB HILL AND CATALINA ST.



Redondo Beach City Council  
c/o City Clerk Department  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90278

## APPLICANT'S LETTER

Project File Number CDP 04-01

Honorable Major and City Council Members:

I would like to respond to the issues in the appeal applications concerning the approval of my Coastal Development Permit

1. The appellants claim the project violates the public view.

The City's LCP/LUP addresses public views of the coastline. There is no public view of the coastline on Knob Hill Avenue, nor along the Esplanade at the proposed construction site. The addition of a second floor will have zero impact on coastline views.

Our request for a CDP is in compliance with the City's LCP and LUP and the City's Coastal Implementation Ordinance certified by the Coastal Commission on September 11, 2003.

→ A CDP was granted, on May 6, 2003, to Mr. Pete Cusisk of 807 Esplanade. His property is also in the public view from Knob Hill as are six other houses on the west side of the Esplanade. The Coastal Commission Staff Report for 807 Esplanade states "the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and public access provisions of the Coastal Act." The report is signed by Melissa Stickney: Coastal Program Analyst.

2. The appellants claim the Staff Report gave misinformation to the Planning Commission.

The Staff Report for the Planning Commission hearing on March 23, 2004 was in complete compliance with the City's LCP/LUP and the City's Coastal Implementing Ordinance.

3. The appellants claim that the project is a major addition.

This project qualifies as a minor addition under CEQA. A minor development is defined as "a development that satisfies all of the following requirements:

- (1) the development is consistent with the City of Redondo Beach Certified LCP
- (2) the development requires no discretionary approvals other than a CDP

- (3) The development has no adverse effect either individually or cumulatively on coastal resources or public access to shoreline or along the coast.

4. The appellants claim that there are other, more environmentally feasible alternatives.

The project, as designed, has the least environmental impact. All houses from 801 Esplanade through 809 Esplanade have a Grant Deed (see attached) that states from the street level and above, they cannot build any further west than they presently are. To build down would require a great deal of earth being excavated from the bluff. The Coastal Act under Section 30251 states to "minimize the alteration of natural land forms."

5. The appellants claim that this is a significant addition to the existing structure.

An appeal states "the proposed construction more than doubles the size of the existing residence." This is incorrect. The existing residence is 1673 square feet and the proposed addition is 835 square feet, less than 50% of the existing structure.

6. The appellants claim that the project violates the side yard setback requirements.

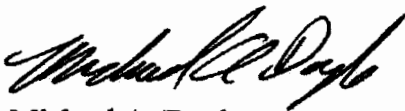
The encroachment is on the south side setback. This involves approximately 6 inches, which has existed for 50 years. This variance will allow the second floor addition to align with the existing first floor. The modification is in full compliance with the City LCP/LUP. The only property owners effected are the owners at 803 Esplanade and they support our project.

7. The appellants claim that the project violates Resolution CC-0104-20 page 8 item 2.

This is not true. The view this refers to is in the Harbor-Pier Area, not the 800 block of the Esplanade.

Four generations of the Doyle family have lived in Redondo Beach. As a resident of Redondo Beach for 55 years, a graduate of Redondo Union High School and the owner of the property for 27 years, I request that you approve my application.

Sincerely,



Michael A. Doyle

## ARTICLE 6 DEVELOPMENT

### Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

### Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

### Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

### Section 30253 Minimization of adverse impacts

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

Redondo Beach City Council  
c/o City Clerk Department  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90278

Project File Number CDP 04-01

Honorable Major and City Council Members:

The Planning Commission voted on March 23, 2004, to approve our request for a CDP. Two Commissioners voted no, not disputing our compliance with the City's LCP or LUP, but to further review the City's compliance with the Coastal Act as it applies to public view.

Seven houses on the west side of the Esplanade come into public view. One of these, 807 Esplanade, has been approved by the City and Coastal Commission and is currently under construction. For other property owners or us to be deprived the right to add a second floor, where zoning permits, will result in a loss of property owner's rights.

807  
DOES NOT  
BLOCK THE  
PUBLIC  
VIEW  
? THE PROPER  
ALREADY H  
THREE (3)  
FLOORS.

We have worked with the City and are in compliance with the City's LCP and LUP. What follows is my response to appeals files with the City Council.

Please vote to continue to preserve and protect the rights of property owners.

Sincerely,

  
Michael A. Doyle



# ANOTHER LETTER FROM THE APPLICANT

Document Name : AG PKT 2004-03-23 PC Rpt #19

March 15, 2004

AGENDA ITEM # 19  
CASE # 04-19

Redondo Beach Planning Commission  
c/o Planning Department  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90278

Re: Project File Number CDP 04-01  
801 Esplanade

To whom it may concern:

Two years ago this month, my wife and I hired Blake Stephens to be our architect to design the remodel/construction of our home located at 801 Esplanade. Working with us, the Redondo Beach Planning Department and Coastal Commission, Mr. Stephens designed a home that complies with the Building Code for our location. An appeal has now been filed by a home owner across the street. That owner is concerned with loss of view due to an addition of a second floor. The Redondo Beach Planning Department and the California Coastal Commission do not take view into consideration when approving a building permit. } ??

Now there is an additional problem coming from the owner of the house located at the Northeast corner of Catalina and Knob Hill. He has chosen to try and save his view (see attached letter) by making this an emotional issue between us and anyone who travels down Knob Hill. He cites the loss of beautiful ocean/sunset views. The fact is that whether you live across the street from us or anywhere in the City of Redondo Beach, no one will lose their ocean/sunset views. These views are guaranteed by the City, County and State with public access to the beach. } ??

I purchased the property located at 801 Esplanade in 1977. It has taken 27 years for us to be able to not only build a beautiful home but also build an investment that will be passed onto our children. Our lot is 30' x 100'. This just doesn't allow for many construction options. We have, through our architect, worked with the City and designed a home that complies with the building code.

In as much as the City of Redondo Beach does not take view into consideration for approval, we ask the Planning Department to approve our building permit as designed.

Sincerely,

  
Michael A. Doyle

RECEIVED  
MAR 16 2004  
PLANNING DIVISION  
CITY OF REDONDO BEACH

### **POSSIBLE ALTERNATIVE**

It is proposed that any new construction allowed to this site must first be proven not to adversely impact the surrounding environment or pose any unforeseen danger to the general public. Once this requirement has been established, the applicants must then restrict any new construction to the same height of the existing structure in order to comply with Article 6 section 30251 of the California Coastal Act.

The present structure located at 801 Esplanade currently consists of three (3) levels. The lowest level extends outward toward the ocean 25 feet further than the upper two levels.

If the applicants were to build out over the existing lower floor instead of going up they could gain additional square footage without impacting public views. Building outward instead of upward would have no impact on the private views of this property as unobstructed white water ocean views will forever exist from all levels at 801 Esplanade.



REAR OF PROPERTY AT 801 ESPLANADE



NOTE: LOWER 3<sup>rd</sup> LEVEL IS OUT 25 FEET FROM UPPER TWO FLOORS —

DATE; SEPTEMBER 20, 2004

TO; CALIFORNIA COASTAL COMMISSION  
CHUCK POSNER  
PO BOX 1450, 200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, AC 90802-4416

FROM; LINDA MOFFAT, APPEALANT  
732 SOUTH CATALINA AVENUE  
REDONDO BEACH, CA 90277

SUBJECT; ~~PERMIT A-5-RFB-04-261~~  
801 ESPLANADE, REDONDO BEACH, CA 90277

Colored  
Photos  
Enclosed

SEP 20 2004

COASTAL COMMISSION

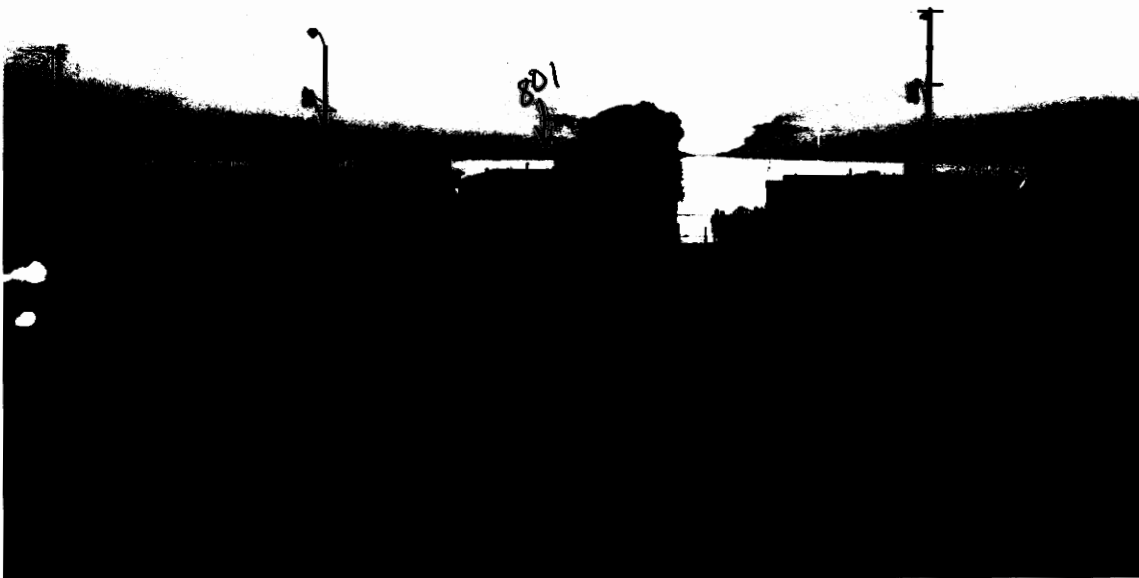
I am against upward construction based on the following facts:

1. There is a spectacular ocean view looking down Knob Hill which extends back several blocks. Thousand's of people enjoy this view! See attached photo's which show the view at Catalina, a 4 lane main street (1 block back), Broadway (2 blocks back) and PCH (4 blocks back). Under separate cover, I have submitted a petition with over 1200 signatures of individuals against building an additional story to the current 2-1/2 story home.
2. Approval of the permit would be in direct violation of The Redondo Beach Coastal Plan. (LCP, pgs 60 – 61; LCP, pgs 78 – 79; and LCP, pgs 80 – 81 Attached for reference )
3. The Redondo Beach Implementing Ordinance states, "The Coastal Development Permit procedure is established to ensure that review process for public or private development within the Coastal Zone conforms to the policies and procedures pf the California Coastal Act. (Article 10-5.2200 Attached for reference)
4. California Coastal Act Chapter 3, Article 6 states: "The scenic and visual qualities of coastal area shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...." The California Coastal Act was established in 1976;

the Doyle's obtained ownership of the subject property in 1977. I have verified that this law was in place prior to their purchase.

5. There is an alternative. The Doyle's could build out and down such as their direct neighbors to the north (see attached photos). Mr. Doyle wrote a letter whereby he states, "to build down would require a great deal of earth being excavated from the bluff" and he would be in violation of the Coastal Act 30251 where it states to minimize the alteration of natural land forms. I believe that he has taken this statement out of context. I am sure the community would rather see this beautiful ocean view remain intact, rather than saving some dirt under the applicant's property.
6. An additional alternative. Obtain a variance from the City of Redondo Beach to the front of the property so the applicant could build out closer to the sidewalk as their neighbors have. (see attached photo)

Side Note: The applicant and his attorney made reference that the reason I am an appellant is because it affects my private view. I would like to let you know that I am very active in the community and will maintain involvement on projects that I feel are in violation of the law. This is a community issue, not a personal issue. Fact is, my home has been on the market off and on for three years which was obviously prior to the requested coastal permit. My husband and I fully intend to remain residents in the City of Redondo Beach, where both he and his father had grown up.



OCEAN VIEW CORRIDOR @ CATALINA AVE





LOOKING DOWN KNOB HILL





LOOKING DOWN KNOB HILL





[Send To Printer](#) [Back to Map](#)

801 Esplanade  
Redondo Beach CA  
90277-4734 US

**Notes:**

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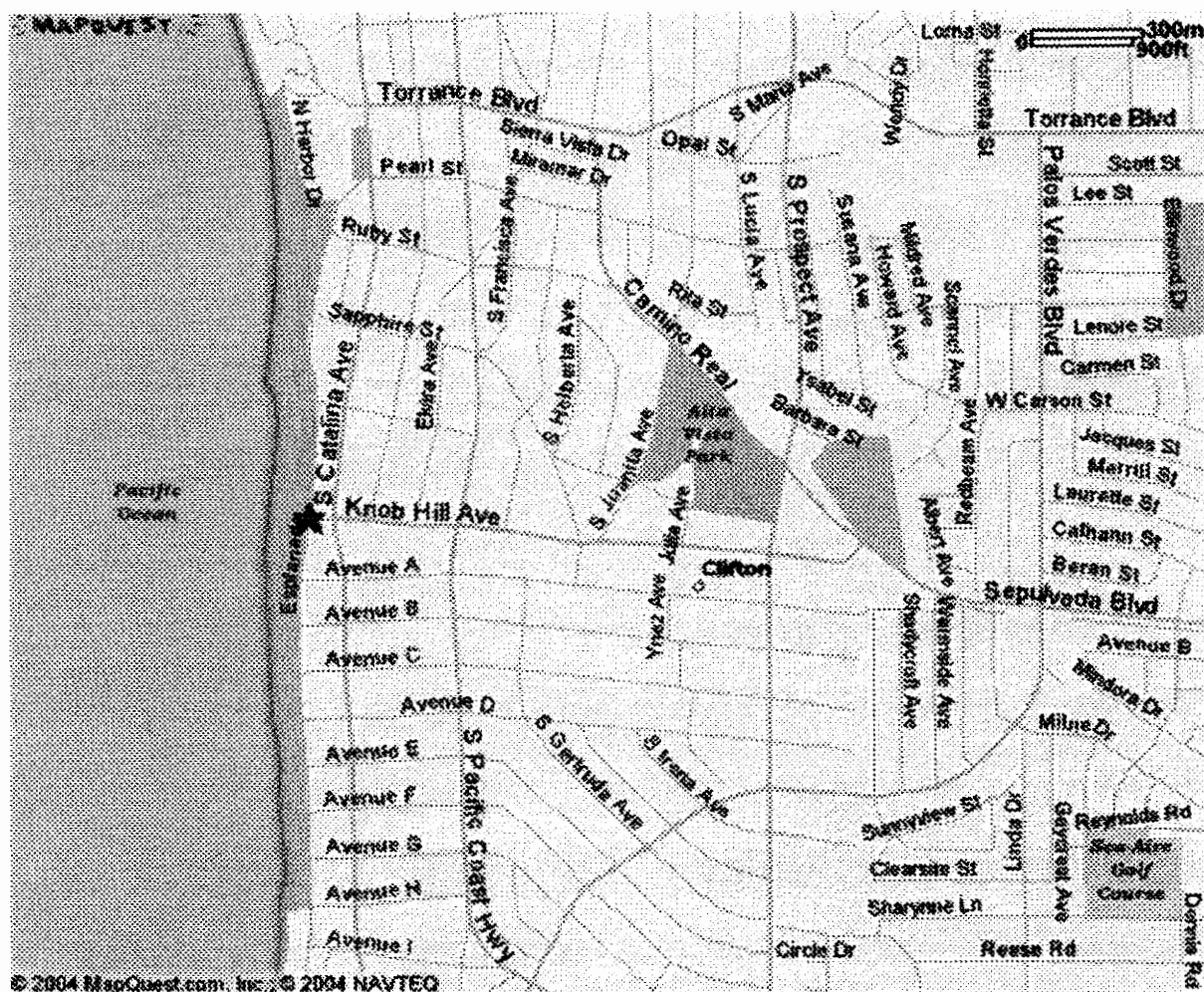
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Do you know your credit score?

780

[Click Here!](#)



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In the Redondo Beach LCP there are multiple references to public views at and around the Knob Hill/Esplanade area. This is the exact location of the California Coastal permit applicant's property. We have referenced the specifics below:

LCP, pgs. 60 - 61

#### IV SHORELINE ACCESS

##### B. Pedestrian Access

Pedestrian access to the shoreline, in the form of improved walkways and ramps both vertical and lateral, is provided throughout the Redondo Beach Coastal Zone.....

An important part of the pedestrian system is the blufftop walkway. This walkway parallels the western perimeter of Esplanade Avenue on a coastal plain, fifty feet above the shoreline. The walkway extends from the southern boundary of the Coastal Zone at the Torrance city boundary to Knob Hill on the north. An unobstructed blufftop view of the ocean is provided to both pedestrian and automobile travelers along Esplanade. At Knob Hill, steps lead to a walkway midway between the shoreline and the blufftop walkway.

LCP, pgs. 78 - 79

#### V. COASTAL RECREATION

...The entire Redondo Beach shoreline is under public ownership. As a result, access to recreational opportunities is very good. The City of Redondo Beach offers a wide variety of coastal recreational opportunities including approximately 1.7 miles of public beach areas, a bluff top walkway along the Esplanade to Knob Hill where pedestrian views of the beach are unhampered by residential development.

The LCP was written in 1980, at a time when the Property and the adjacent other four bluff top houses had already been built. LCP; Staff Report, pg. 1. Accordingly, the LCP took into consideration the low profile of those five properties south of Knob Hill and the one property immediately north of the beach stairway at the end of Knob Hill.

LCP, pgs. 80 - 81

##### B. Beaches

...More than half of the Redondo State Beach is open to direct public view from Esplanade which varies in elevation along its length and offers fine vantage points for viewing the beach and ocean. A major public access walkway extends south from Pier complex to Knob Hill approximately half the distance of the beach

(a) The project meets criteria for developments subject to Conditional Use Permits pursuant to Section 10-5.2506(b).

(b) The project is consistent with the Coastal Land Use Plan.

(c) That prior to the issuance of a building permit for any portion of the project, the developer shall enter into a written agreement with the City as specified in subsection (b) of Section 10-5.2102 and shall record such agreement in the Office of the Los Angeles County Recorder.

(d) The affordable dwelling units shall be generally dispersed throughout a development project and shall not differ in appearance, size, and amenities from other units in the development.

(e) The project is designed to be complimentary to the character of the residential neighborhood in which it is located, and convey a sense of multiple building volumes with articulating design elements.

(f) Adequate private outdoor living space and public open space is incorporated in the project.

(g) Marketing programs for affordable units shall be directed to existing residents of the City of Redondo Beach. (§ 1, Ord. 2905 c.s., eff. August 5, 2003)

#### **Article 10. Coastal Development Permits.**

##### **10-5.2200 Specific purpose.**

The Coastal Development Permit procedure is established to ensure that review process for public or private

development within the Coastal Zone conforms to the policies and procedures of the California Coastal Act (Division 20 of the Public Resources Code), and implementing regulations (California Code of Regulations, Title 14, Division 5.5), and the City of Redondo Beach Certified Land Use Plan. The requirements in this article shall be applied in a manner that is most protective of coastal resources and public access. (§ 1, Ord. 2905 c.s., eff. August 5, 2003)

##### **10-5.2202 Applicability.**

All properties in the Coastal Zone, as defined below, are subject to the procedures outlined in this article. Where the standards or procedures described in this article for issuing Coastal Development Permits conflict with any other standards or procedures in the City's General Plan or other City-adopted plan, resolution or ordinance and it is not possible for the development to comply with both the Local Coastal Program and other plans, resolutions or ordinances, the standards or procedures described herein shall take precedence. The Coastal Zone boundaries and zoning map designations are indicated in Article 13 of this chapter and in the maps below. (§ 1, Ord. 2905 c.s., eff. August 5, 2003)



— REAR OF PROPERTY LOCATED AT 801 ESPLANADE —



— NOTE: 3<sup>rd</sup> LEVEL IS OUT 25 FEET FROM UPPER TWO —



3<sup>rd</sup>  
FLOOR

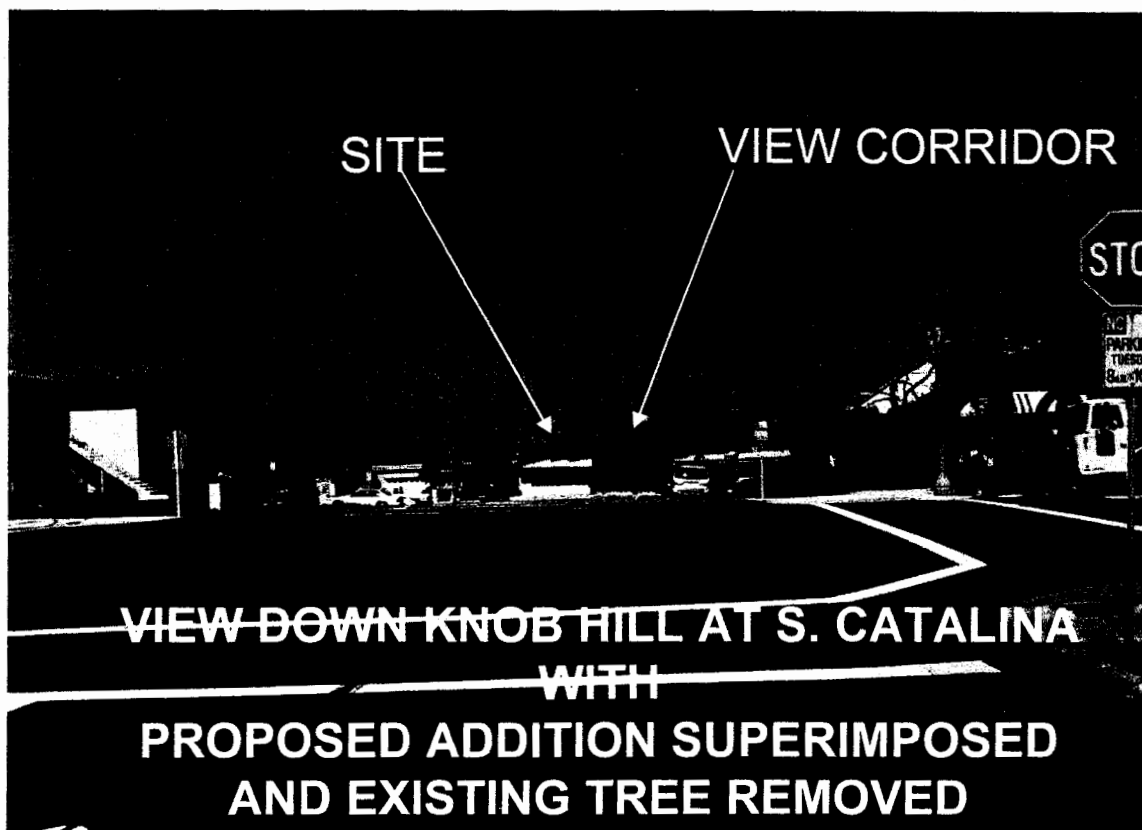
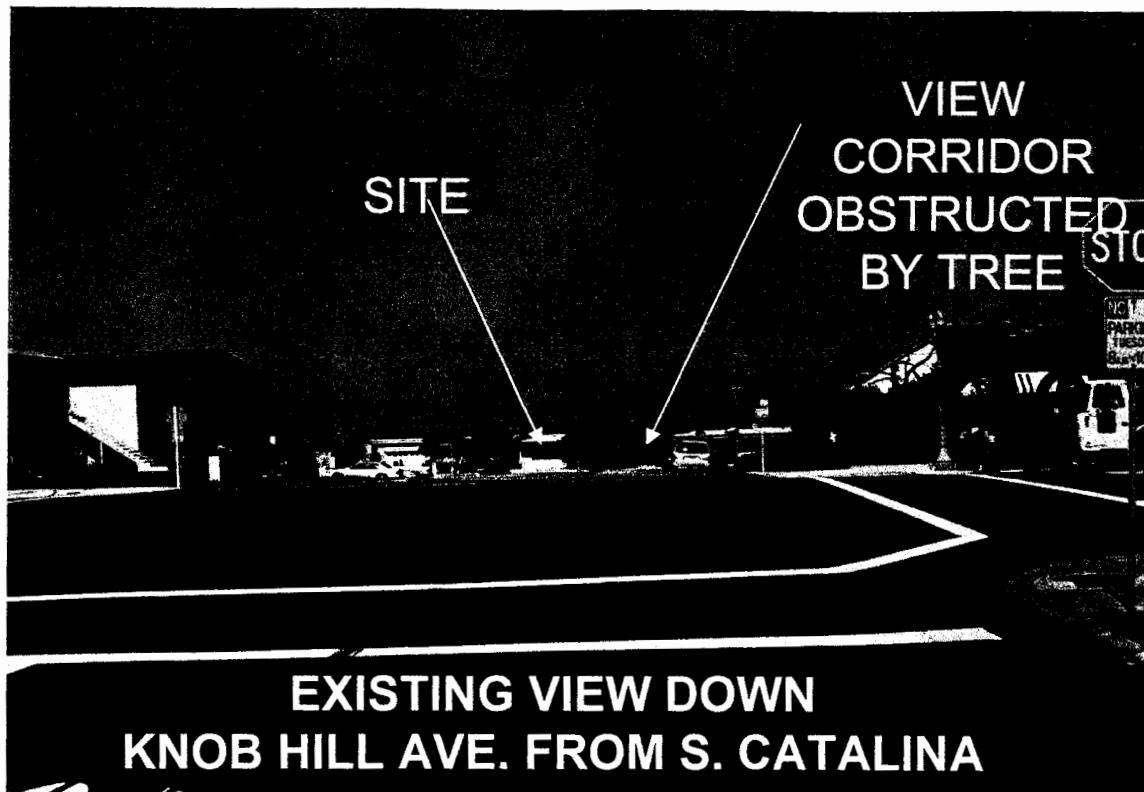


← BUILDING @ 801 SITS BACK MUCH FURTHER  
THAN THE OTHERS ON THIS STREET.

# **APPENDIX A**

## **APPLICANTS' & PROPONENTS' CORRESPONDENCE**

**A-5-RDB-04-261  
801 Esplanade**





**Michael and Kimberly Doyle  
801 Esplanade Street  
Redondo Beach, California 90277**

September 22, 2004

Mr. Chuck Posner  
California Coastal Commission  
200 OceanGate  
Suite 1000  
Long Beach, CA 90802

**RECEIVED**  
South Coast Region

SEP 22 2004

CALIFORNIA  
COASTAL COMMISSION

**Re: Appeal No. A-5-04-261 (Doyle, Redondo Beach)**

Dear Mr. Posner:

Yesterday, we reviewed your file on the appeal of our proposed 835 sq. ft. second story addition to our existing 1,673 sq. ft. home in Redondo Beach. In the file, we discovered a submittal from one of the appellants which we believe inaccurately represents the facts and mischaracterizes the LCP view protection requirements.

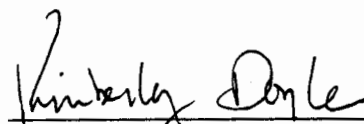
The constraints of time necessary to meet your publication deadline prevent us from providing a complete rebuttal, but we felt that the attached photos would be somewhat responsive to the points raised by the appellants. The picture on the appellant's flyer is taken from one very selective location and unfortunately, not an honest or fair representation of the public views that exist along Knob Hill Avenue.

In addition, we have submitted to you letters supporting our proposal, including letters from two individuals who had previously signed the petition opposing our project rescinding their opposition. Since the petition circulators had not presented the facts of the case, both regretted having signed it once they knew the truth of the proposal. If the appellant's flyers had given any indication of what is actually proposed and not left to imagine some monstrous building (such as those just north of our site), we have no doubt that others we cannot contact would have a similar reaction.

We hope that you will provide the attached exhibits to your Commission along with your staff recommendation. We will provide a more complete rebuttal to the appellant's arguments at the public hearing in October.

Sincerely,

  
\_\_\_\_\_  
Michael Doyle

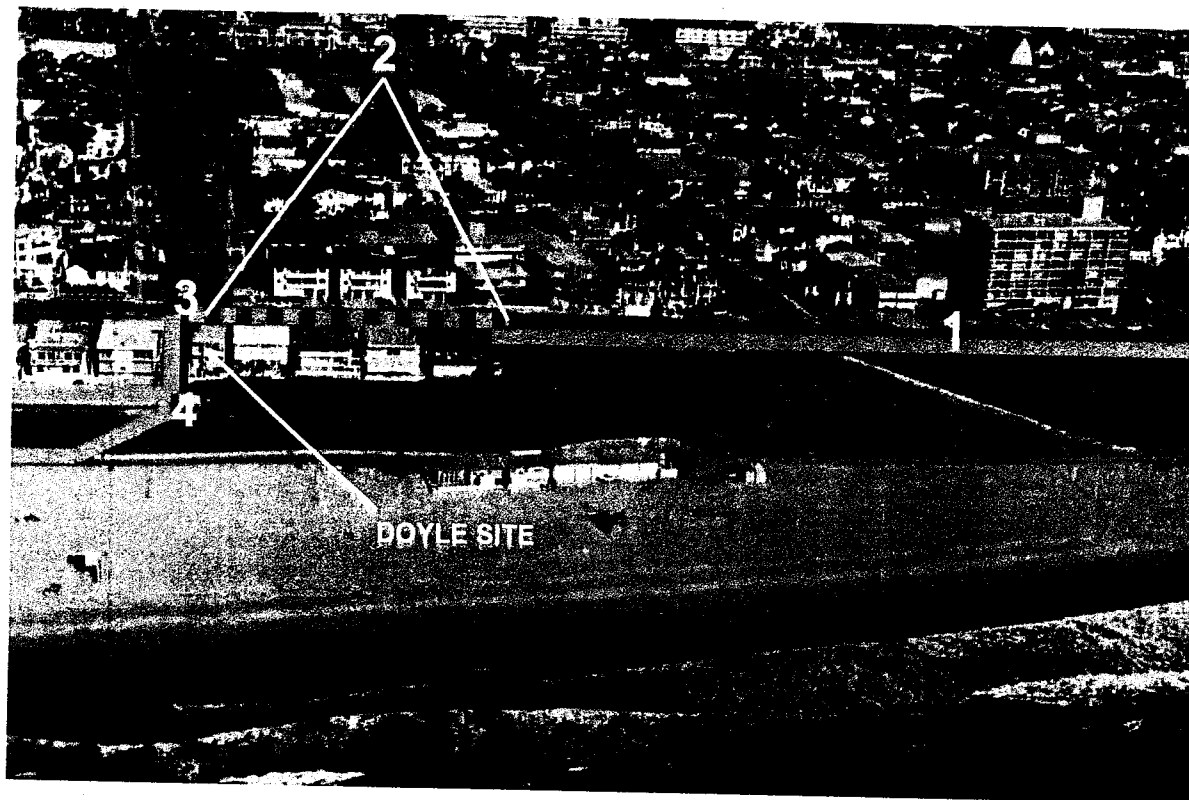
  
\_\_\_\_\_  
Kimberly Doyle

enclosure

cc: Randy Berler, Redondo Beach Planning Director  
Nancy Lucast

## PUBLIC VIEWS FROM THE REDONDO BEACH ESPLANADE

Source: California Coastal Records Project, Image 4348



1. THE ESPLANADE ACCESSWAY RUNS NORTH ALONG THE BLUFFTOP TO THE RESIDENTIAL LOTS SOUTH OF KNOB HILL AVE;
2. AT THIS POINT IT FOLLOWS THE SIDEWALK ON THE WEST SIDE OF THE STREET---THERE ARE NO VIEWS TO THE OCEAN ALONG THIS STRETCH DUE TO THE PRESENCE OF EXISTING DEVELOPMENT;
3. AT KNOB HILL AVENUE, NORTH OF THE DOYLE RESIDENCE, THE ESPLANADE ACCESSWAY TURNS WEST, DOWN THE PUBLIC ACCESS STEPS;
4. AT THE BOTTOM OF THE STEPS, THE ESPLANADE ACCESSWAY BIFURCATES TO RUN NORTH ALONG THE BLUFF FACE BELOW EXISTING DEVELOPMENT AND ALONG THE BEACH AT THE TOE OF THE BLUFF.

Thomas Gaian  
229 Avenue E  
Redondo Beach, CA 90277

Wednesday, June 09, 2004

Michael and Kim Doyle  
801 The Esplanade  
Redondo Beach, CA 90277

Dear Mr. & Mrs. Doyle,

I would like to apologize for signing the "Friends of Knob Hill" petition.

Please note that I have asked them to remove my name from that petition, I have also asked the City Clerk to remove my name from that petition.

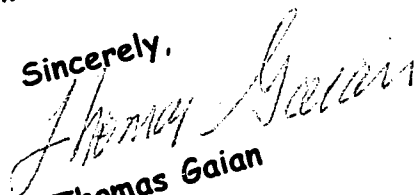
I must admit that while walking my dog a month or so ago I saw a sign "Save the View" and signed it. What a mistake! I should have taken the time to fully understand the facts of this matter.

Had I known all the facts I would not have signed it and regret doing so?

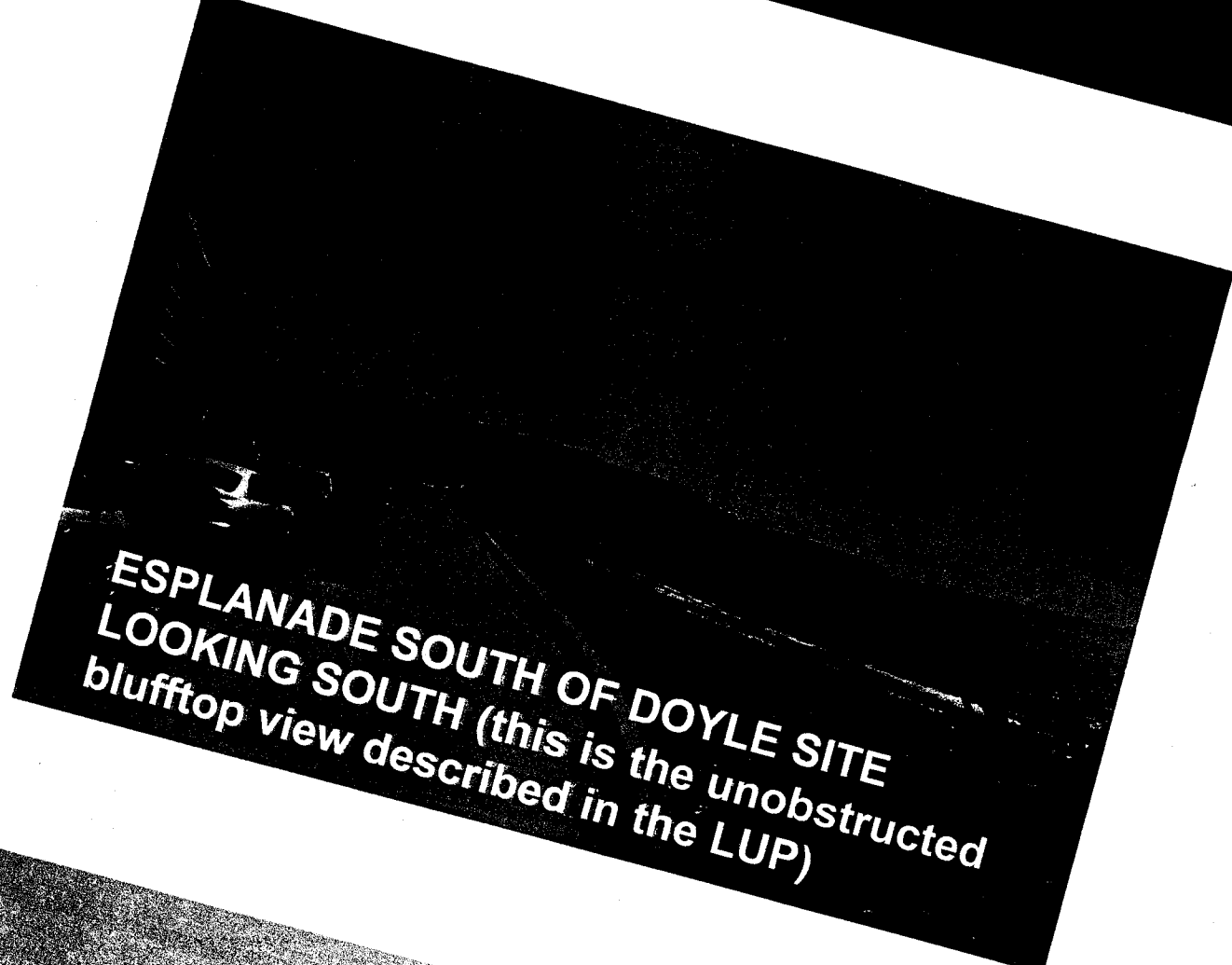
Please inform your son that I appreciate his service to our Country.

If you can think of anything that I can do to help you with this matter please let me know.

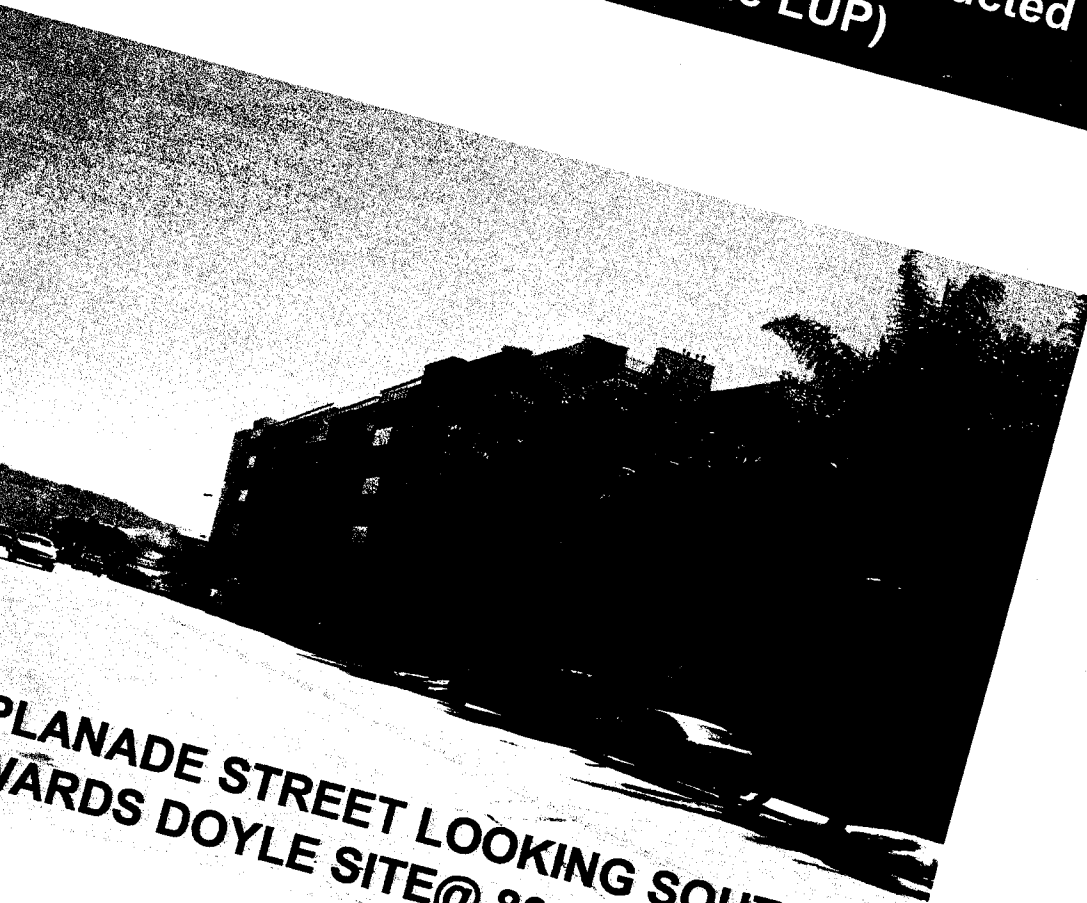
Sincerely,

  
Thomas Gaian

Cc: Gerard Bisignano  
City Clerk



**ESPLANADE SOUTH OF DOYLE SITE  
LOOKING SOUTH (this is the unobstructed  
blufftop view described in the LUP)**



**ESPLANADE STREET LOOKING SOUTH  
TOWARDS DOYLE SITE @ 801**

ROBERT A FREEMAN  
611 ESPLANADE  
REDONDO BEACH, CA 90277

April 19, 2004

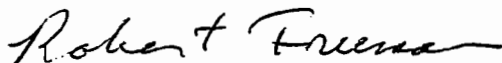
City of Redondo Beach  
415 Diamond Avenue  
Redondo Beach, CA 90278

To the Redondo Beach City Council:

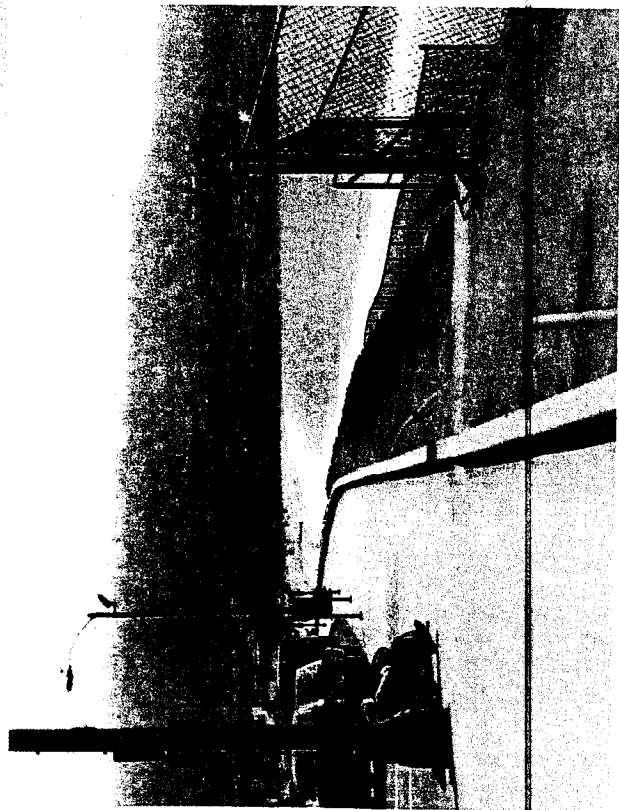
This letter is to support Michael and Kimberly Doyle in their application to build at 801 Esplanade, which promises to be constructed in accordance with the zoning regulations, building codes, and all other regulations.

I had been under the impression that the property in question was at an address one block north that is in deplorable condition and has been for many years. Somewhat vindictive on my part, I'm afraid, I signed a petition to have its rebuilding stopped, because I felt the negligent owners were just building a monster house of the kind that has already ruined many neighborhoods in Redondo Beach. Since then, I have learned the correct address of the Doyles and the nature of their project, and would like to rescind my signature on the petition and instead lend my support to the Doyles and their plans to build.

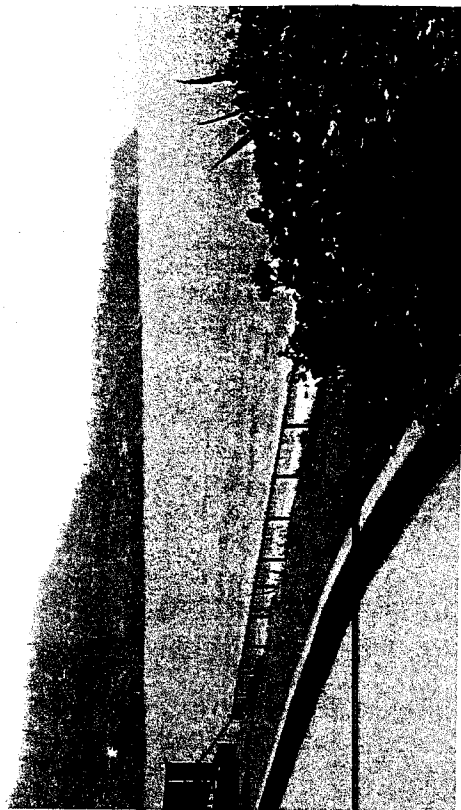
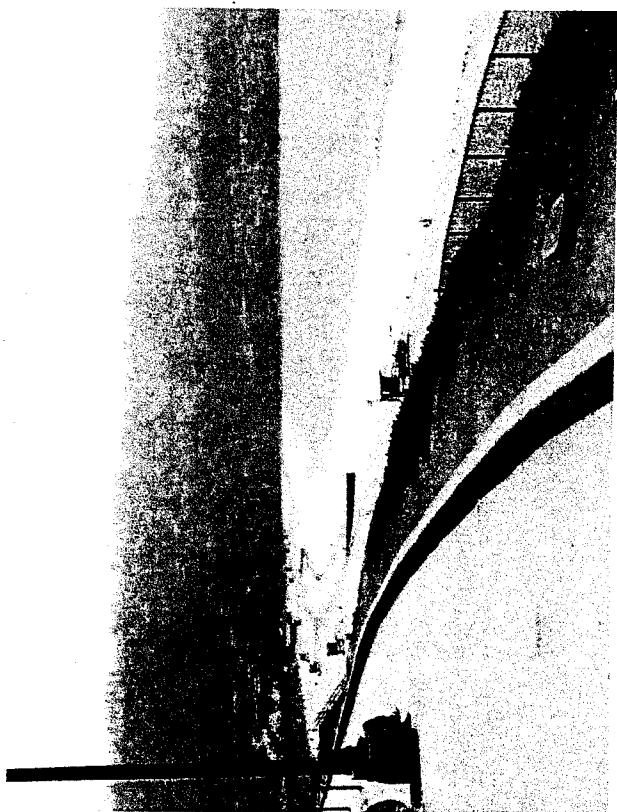
Sincerely,



Cc: Michael & Kimberly Doyle  
801 Esplanade  
Redondo Beach, CA 90277



Esplanade Blufftop Walk  
Looking South



Thomas Gaian  
229 Avenue E  
Redondo Beach, CA 90277

SEP 16 2004

Wednesday, September 15, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)

Dear Commissioner Reilly and members of the California Coastal Commission,

I live in the beach area of Redondo Beach near Knob Hill Avenue. I am writing to request your support in approving the above mentioned permit for the property located at 801 Esplanade Redondo Beach, CA.

I am currently a member of the Historical Commission in the City of Redondo Beach and also my home is a designated landmark in the City of Redondo Beach. I mention this to reflect that I support preservation and encourage it.

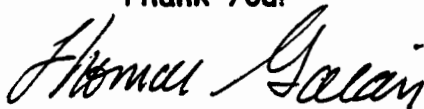
I am also in favor of preserving our ocean views where possible.

The project at 801 Esplanade is modest in terms of other developments and the presents no real change of the view on Knob Hill.

It seems to me that the owners of the property have been more than willing to work with everybody to come to an agreement. I also understand that they have agreed to reduce the height of there proposed home by more than 20% of the maximum allowed to attempt to reach an agreement.

This project will NOT affect the ocean view from Knob Hill and if you have an opportunity please try and see it yourself.

Thank You!



Thomas Gaian

Cc: All Commission Members and Staff

Esplanade Blufftop Walk  
Looking North





Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, California 90802-4416

re: Permit # A-5-RDB-04-261  
"IN FAVOR of Construction"

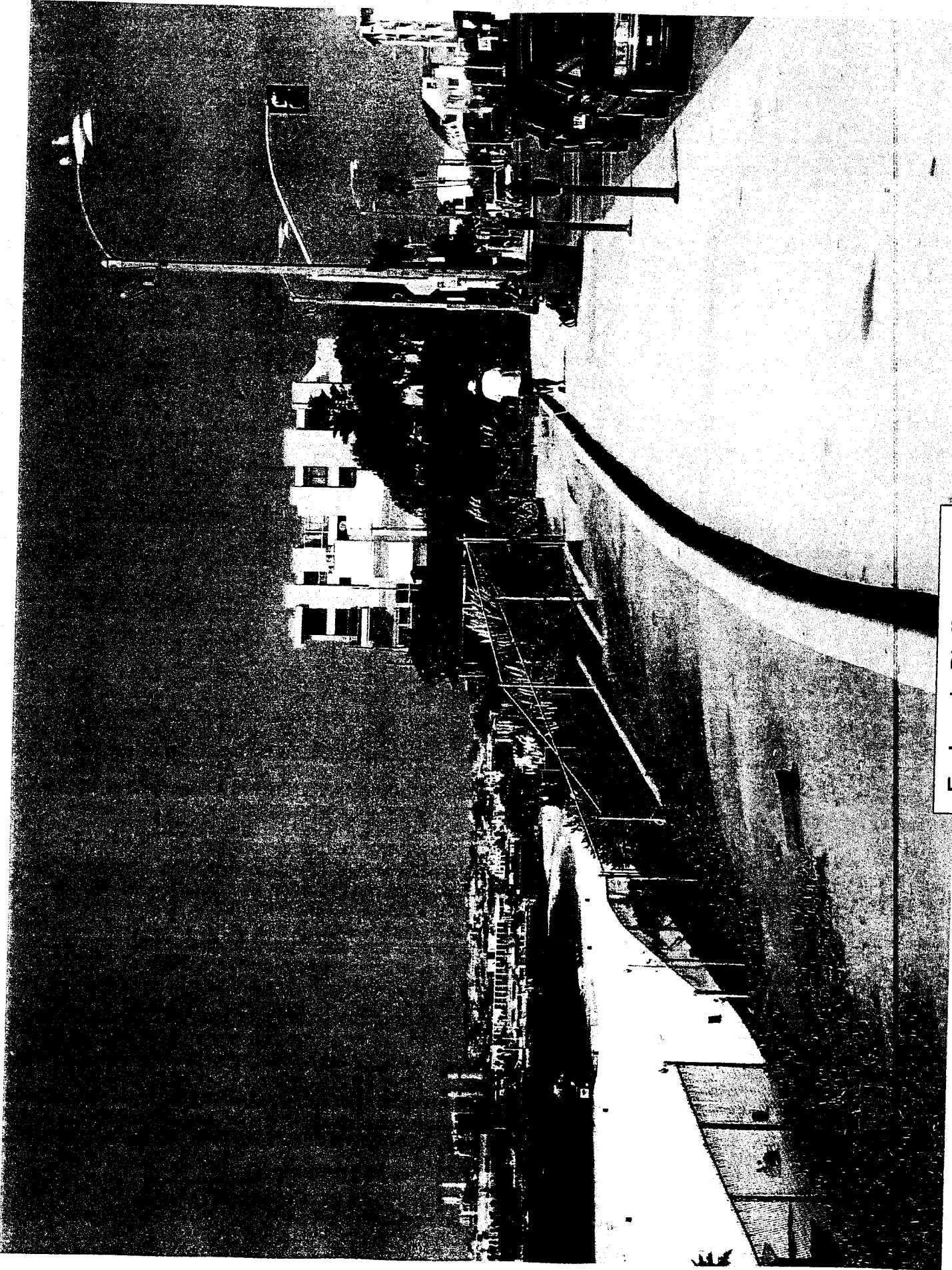
Dear Chuck,

I am FOR the rights of the homeowner to build to the height extent that he has by law as a homeowner.

Other homeowners who have purchased behind him may be sad they are losing some view, but they did buy "Behind" and did not buy the ocean front properties.

**John Reed**  
**MUSIC ROOM PRODUCTIONS ®**  
**525 South Francisca Ave.**  
**Redondo Beach, CA 90277**  
e-mail: [MRP@aol.com](mailto:MRP@aol.com)  
Off: (310) 316-4551  
Cell: (310) 503-1198  
Website: [MUSICROOMONLINE.com](http://MUSICROOMONLINE.com)  
Editorial Website: [Hollywood2You.TV](http://Hollywood2You.TV)

Esplanade Blufftop Walk  
Looking North





**MUSIC ROOM PRODUCTIONS®**  
*for an Interactive World*

**FACSIMILE COVER PAGE**

To: Chuck Posner

Fax #: 1-562-590-5084

Company: California Coastal Commission

From: John Reed

Fax #: Call or e-mail MRP@aol.com

Tel #: 310 316-4551

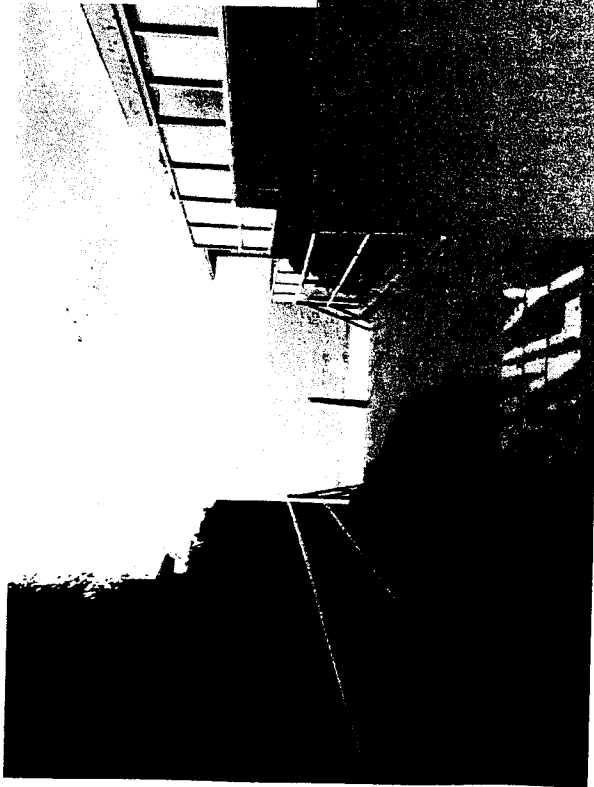
Subject:

Sent: 9/13/04 at 10:45:32 AM

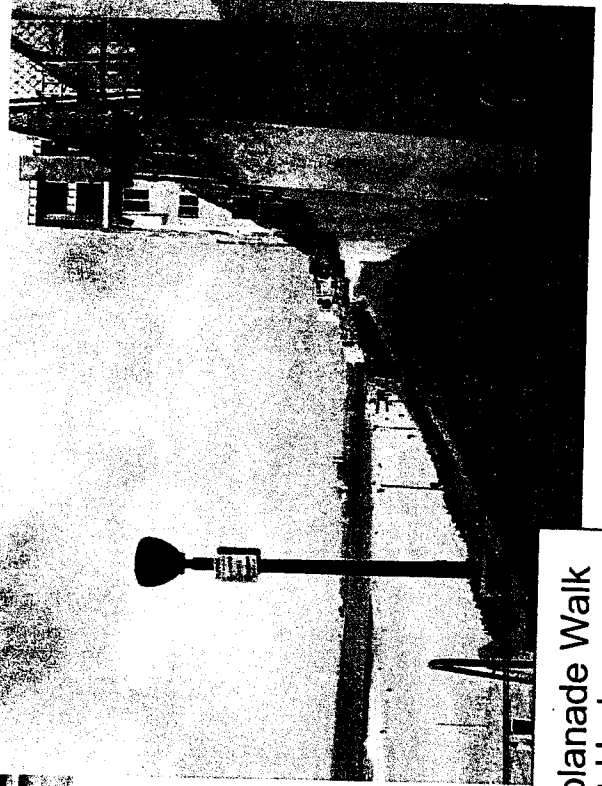
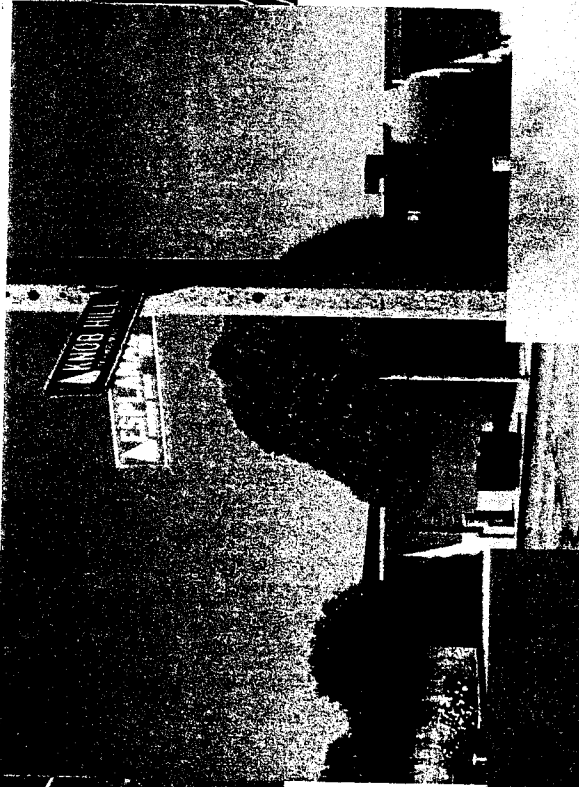
Pages: 2 (including cover)

**MESSAGE:**

IN FAVOR OF CONSTRUCTION on Knob Hill



Knob Hill  
Access Stairs



Continuation of Esplanade Walk  
North to Pier & Harbor

**Sachar**  
708 South Catalina Avenue  
Redondo Beach, California 90277  
310-316-2645

September 13, 2004

Mr. Chuck Posner  
California Coastal Commission

Re Permit #A-5-RDB-04-261  
Support for construction

Dear Mr. Posner,

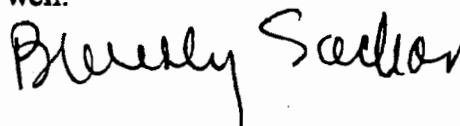
I support the construction additions to be made to the house on the Esplanade and Knob Hill in Redondo Beach. I have attended the meetings in Redondo and have expressed my support to the construction at those meetings.

As you know the Redondo Beach City Council, The Redondo Beach Planning Commission and the Redondo Beach Planning Staff have exhaustively reviewed this matter and they all support the construction.

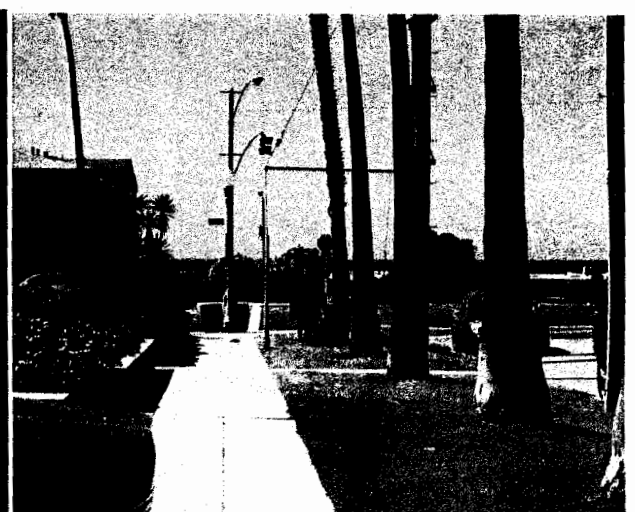
All of the actions against the construction were spearheaded by the people at 732 Catalina Avenue who invented a "Knob Hill View Corridor" to help in the multi million dollar sale of their house that is now in process. The house at 732 has been rebuilt several times and now has over 3600 square feet but they will not allow the people on the Esplanade to add a second story to a house with less than 1000 sq ft of usable space.

I request that the Commission deny their appeal. We have no view ordinances in Redondo Beach and that has served the community well.

  
Howard and Beverly Sachar



Sent by FAX to 562-590-5084



Existing views while walking down south side of Knob Hill Avenue between PCH and Esplanade Street - there is no view of the coastline and the view of the ocean is almost fully obstructed until Catalina and once you reach Esplanade Street there is no view due to the presence of existing development

September 20, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

**Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)**

Dear Commissioner Reilly and members of the California Coastal Commission:

My wife Sharon and I own and occupy a home at 709 Esplanade, Redondo Beach 90277. While we do not know the Mike and Kim Doyle personally, we believe strongly that your commission should approve their request for a Coastal Development Permit for a second story addition to their home at 801 Esplanade.

Let me start by saying that the lot adjacent to our home to the South and the three lots adjacent to the North will very shortly be sold and redeveloped with larger structures than are now present on these properties. Needless to say, our personal preference would be that any new development on these properties be restricted height wise to the height of the existing buildings as this would protect some spectacular ocean views from the upper stories of our home. On the other hand, we recognize that this city and this nation are governed by the **rule of law**; this fact is one of the principle reasons why investing in property in the USA represents a solid portfolio strategy. The Doyle's as well as the owners of property adjacent to ours should therefore be free to construct any building on their property as long as these structures conform (in this case) to the City of Redondo Beach Certified Local Coastal Program and the public access policies of the Coastal Act. It is our understanding that the 2<sup>nd</sup> floor addition to the Doyle's residence does in fact conform to these guidelines in every respect.

While we can empathize with those who may lose some line of sight views of the ocean due to this addition (we may be put in the same position by future developments on both sides of our property), we believe that the **rule of law** should prevail. Quite frankly, if these neighbors have an issue with the current LCP or Coastal Act, they should exercise their right of **due process** to have those policies changed; not try to restrict the current investors/owners from acting responsibly within their rights under these policies.

Sincerely,

Robert A. Choulet  
709 Esplanade  
Redondo Beach, CA 90277





Existing views while driving and walking down north side of Knob Hill Avenue between PCH and Esplanade Street - no view of coastline and the view of the ocean is almost fully obstructed until you near Catalina and that view is through the existing Public Access Corridor



9/21/04

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)

Dear Commissioner Reilly and members of the California Coastal Commission:

We are property owners of the property two doors north of the subject property and have been here for over 8 years. We are writing in support of the subject permit request that is now before your commission.

This matter has been referred to you for a decision based on the implications of an appeal filed by parties concerned about the impact of this proposed construction project on the view in the "Knob Hill View Corridor". They reference the view on the Esplanade walkway from Torrance to Knob Hill and the property in question but ignore the fact that there currently exist five homes that block any view of the beach and water from Avenue A to Knob Hill currently and these include the home in question.

This assertion of view blockage is ironic in that the appellant parties contend that the very large ficus tree that is adjacent to Doyle's home is some sort of landmark in the area and, in fact, nothing could be further from the truth. The tree is overgrown and on city property and is a blight on the area dropping leaves and blocking any view of the ocean and beach from the corridor.

Further, this tree has currently grown higher than the proposed expansion that this appeals is addressing and is a public nuisance in the process. And, it is a misrepresentation of the facts in this matter and an example of the problems in dealing with this permit process. Both of the primary parties who are attempting to block this project are in the process of selling their properties and both are motivated here, purely for their future financial gain.

As to their assertions, they range from pure fabrication to the nonsensical. The properties south of Doyle block any view of the water and sand from the sidewalk and have for years. We walk there at least once a day. The stairs to the mid-bank walkway does not pass in front of the Doyle property and has no bearing on the matter. And, the property three doors down from Doyle's to the south is being re-built according to the same code and will tower over the design the Doyle's have proposed. This inconsistency is clearly unconscionable in that it raises the question of how can one party two doors down can be

permitted to expand their property within the limits of all city/county/coastal standards and another 60 feet away be artificially constrained?

This matter should never had been elevated to your consideration in that the proposed design is fully within the parameters of the zoning and this has been clearly established in prior considerations. Please confirm the rights of these very patient people (the Doyle's) and provide the rightful approval to which they are entitled.

Thank you,

A handwritten signature in black ink, appearing to read "John and Maryhelen Delane", written in a cursive style.

Sincerely,  
John And Maryhelen Delane  
737 Esplanade  
Redondo Beach, CA 90277

19 September 2004

California Coastal Commission  
South Coast District  
200 Oceangate, #1000  
Long Beach, CA 90802

Attn: Chairman Mike Reilly

re: Coastal Development Permit #A-5-RDB-04-261 (Doyle)

Dear Commissioner Reilly & Members of the California Coastal Commission:

This letter is in support of Mike and Kim Doyle in their effort to make a modest addition to their home @ 801 Esplanade, Redondo Bch.

As a property owner, I am cognizant of our rights and responsibilities as they relate to the community. I live one neighborhood north of that which surrounds 801 but for two decades, I was a single parent renting a cottage in this neighborhood and know well the Esplanade, the cross streets and the stairs down to the old walk path. There is no such "Knob Hill View Corridor". No scenic, precious coastal resource is to be found there. The "corridor" is a figment of someone's imagination. The "corridor" is a fiction.

The Redondo Beach City Council unanimously approved the 801 permit. CCC Staff report (7/22/04) states that the appeals "raise no substantial issue".

I urge that the Doyle's 801 2nd story addition be approved.  
I urge that any governmental impediment thereto be rescinded.

Sincerely,

Adele Borman   
225 South Guadalupe  
Redondo Beach, CA 90277  
(310)318-1188

cc to Commissioners: Dr. Wm. A. Burke, Vice-Chair  
Meg Caldwell  
Steven Kram  
Bonnie Neely  
Sara Wan  
Pedro Nava  
Toni Iseman  
Patrick Kruer  
Dave Potter  
Scott Peters  
Trent Orr  
Amanada Susskind

Staff: Chuck Posner

TIMOTHY M. O'CONNOR  
803 ESPLANADE  
REDONDO BEACH, CALIFORNIA 90277  
(310) 543-1121 ♦ TELEPHONE & FAX

September 19, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

**Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)**

Dear Commissioner Reilly and members of the California Coastal Commission:

I live at 803 Esplanade; my residence adjoins the Doyle residence to the south. I am writing this letter to state my full support for the approval of a Coastal Development Permit (CDP) for a 23 foot second story addition to the Doyle's existing one story single family residence.

I understand that four appeals to your Commission were filed challenging Redondo Beach's unanimous approval of a Local Coastal Development Permit (LCP) and that the issues on appeal are limited to a determination of whether the proposed project violates:

- 1) Any view protection provisions of the LCP.
- 2) Any public access policies of the California Coastal Act (CCA).

I read the Coastal Commission Staff Report of July 22, 2004 to this Commission (the Staff Report) recommending a finding that the appeals do not raise a substantial issue and that the approval by Redondo Beach of the Doyle's proposed second story addition should stand. I respectfully submit that the Declarations set forth in the Staff Report are a complete answer to two issues raised by the appellants once set forth in the preceding paragraph.

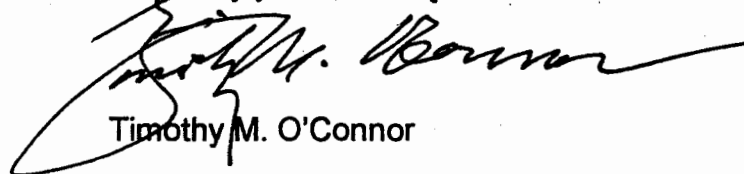
Please consider the following additional points in determining this matter.

1. The Doyle's application for a second story addition is permitted under the LCP.

2. Any public view in the 800 block on the ocean side of the Esplanade from street level has been blocked by the existing five residences for more than 50 years.
3. This Commission recently approved (June 2003) a 30 foot second story addition for Peter Cusick at 807 Esplanade, 2 doors & 100 feet south of the Doyle's residence. [Coastal Development Permit 5-03-008 (Cusick)]
4. In 1948 the subdivider for the 5 oceanside lots granted 20 by 100 feet (2000 square feet) of the Doyle lot to the City, creating a public access stairway to the Beach reducing the Doyle's lot to 30 by 100 feet (3000 square feet).
5. A deed restriction on the five lots and Redondo Beach Ordinances prevent the Doyles from expanding their small existing home (1673 square feet) other than their proposal to add 835 feet with a second story.
6. Two of the appellants (Moffat and Gyuricza) seem more concerned about money than view; each listed their residences for sale in the last 2 years; both re-listed them for sale after appealing to this Commission and both are currently for sale.

Please grant the Local Coastal Development Permit to the Doyles authorizing a second story addition to their residence.

Very truly yours,



Timothy M. O'Connor

cc: Commissioners: Dr. William A. Burke, Vice-Chair  
Meg Caldwell  
Steven Kram  
Bonnie Neely  
Sara Wan  
Pedro Nava  
Toni Iseman  
Patrick Kruer  
Dave Potter  
Scott H. Peters  
Trent Orr  
Amanda Susskind  
Staff: Chuck Posner  
Applicants: Mike & Kim Doyle

September 21, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

**Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)**

Dear Commissioner Reilly and members of the California Coastal Commission:

I live at 711 Esplanade; approximate one block south of the Doyle project. I am writing to you to extend my full support of the approval of the Doyle's project. I have read the Coastal Commission Staff Report of July 22, 2004 to this Commission. The following are my comments on the Report, the proposed project and the appeals filed.

1. The Doyle's project has been approved by City of Redondo Beach and does not violate any view provisions of Redondo Beach's Certified Local Coastal Program (LCP). The Appellants claim of a Knob Hill view corridor is false because one does not exist. There are two official view corridors in Redondo Beach and they are the Harbor View Corridor and the Corridor on the west side of the Esplanade extending from Ave. A, south to the Torrance border.
2. A public view and beach access was provided by a public stairway granted from the Doyle lot to the City in 1948. The Doyle project will enhance the public view through this 20 foot wide public access by removing a very large Fichus tree and by relocating an existing fence to its proper property line.
3. The deed restrictions on the Doyle's lot prevent them from expanding their home in any other manner but a second story. The Doyle's have designed a fine addition to our neighborhood and have kept the building height to a minimum; considerably under the height limit.
4. The Commission recently approved (June 2003) a 30 foot high second story addition at 807 Esplanade. That project is two lots and 100 feet south of the Doyle's residence. (Coastal Development Permit 5-03-008, Cusik).
5. Finally two of the appellants obviously have a selfish, monetary driven motive behind this appeal. The view is not their true issue. The Moffat and Gyucza residences have been listed on the market in the last two years and have again listed their properties for sale after appealing to the commission.

Please grant the Local Coastal Development Permit to the Doyle's authorizing their second story addition. Their home will provide our neighborhood with another fine single family residence (low density). Their design is modest and considerate of their neighbors.

Sincerely,

  
Steven R. Ellis

Cc:	Commissioners:	Dr. William A. Burke, Vice-Chair
		Meg Caldwell
		Steven Kram
		Bonnie Neely
		Sara Wan
		Pedro Nava
		Toni Iseman
		Patrick Kruer
		Dave Potter
		Scott H. Peters
		Trent Orr
		Amanda Susskind
	Staff:	Chuck Posner
	Applicants:	Mike and Kim Doyle

Linda & Jerold Severy McMahon  
809 Esplanade  
Redondo Beach, CA 90274

September 15, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

**Re: Coastal Development  
Permit No. A-5-RDB-04-261 (Doyle)**

Dear Commissioner Reilly and Members  
of the California Coastal Commission,

I am again writing in support of the above permitted project by Mr. and Mrs. Mike Doyle of 801 Esplanade, Redondo Beach, CA. This remodel project passed with tacit approval of the Redondo Planning Department which as I understand, putting it in layman's terms; has recently been given the mandate of keeping charge of what the California Coastal Commission had been doing in the past.

At the zero hour of appeal, (one day before the Doyle's would have been given the green light to proceed with their project) we have had a group of "street bullies" come up with a very organized opposition to their project, under the guise of protecting the "Public's" view corridor. They even gave it a fancy name called something like the "Knob Hill View Corridor".

As an owner of 809 Esplanade, having been there thirty two years since 1972, I have never heard of that name before the appellants cooked it up as a thinly veiled guise to prevent their **personal** view from being blocked. Further evidence of this could be that two out of the four appellants have their property on the real estate market for sale.

In my opinion, this is the tail wagging the dog. When you look toward the pier from Knob Hill, you see many high-rise apartments and condominiums. The last five lots from Knob Hill to Avenue A are already limited to but thirty feet above street level. The Doyles are only asking for 23 feet!

These same homes are additionally deed-restricted to building no more than 60 feet towards the ocean. Given that the Doyle property is also a very narrow 30 foot lot, it does not take very much intelligence to know that this is not a proposed mansion. If the opponents would have their way, it would be suitable for pygmies, not for a retired couple who have earned to right to live out their golden years in a modest home on a property they have owned for many years.

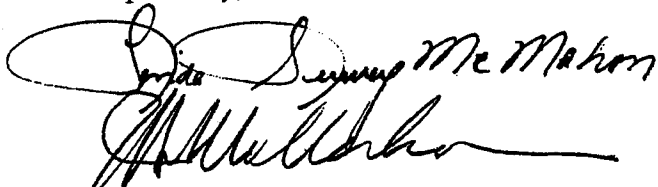


Page 2

September 15, 2004

Yet, a few neighbors who already have their newer three story homes, (who in the past blocked someone else's view in back of them), across The Esplanade and beyond are trying to prevent this project from moving ahead. I feel that the Coastal Commission needs to rule in favor of the Doyles, otherwise, it becomes discriminatory against their property rights.

Respectfully,

The block contains two handwritten signatures. The top signature is in cursive and appears to read 'Linda Severy McMahon'. The bottom signature is also in cursive and appears to read 'Jerold R. McMahon'.

Linda Severy McMahon

Jerold R. McMahon

Cc: Commissioners    Dr. William A. Burke, Vice Chair  
                             Meg Caldwell  
                             Steven Kram  
                             Bonnie Neely  
                             Sara Wan  
                             Pedro Nava  
                             Toni Iseman  
                             Patrick Kruer  
                             Dave Potter  
                             Scott H. Peters  
                             Trent Orr  
                             Amanda Susskind  
Staff:                    Chuck Posner

September 20, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

Re: Coastal Development Permit No.A-5-RBD-04-261 (Doyle)

Dear Commissioner Reilly and members of the California Coastal Commission:

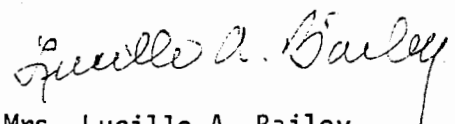
In 1954 my husband and I bought a home built on 805 Esplanade. The land came with a covenant which prohibited at street level to build West beyond 60 feet. There is no restriction as to height. The lot is 50 x 100, but really 50 x 75 since the land beyond 75 feet slopes directly down to the beach. There are two retaining walls, one 40 feet from the street and the other at 75 feet. Any lower level can only begin at the 40 ft ret. wall and there are no restrictions as to its length. However, the property owners sometime ago had a sewer constructed at the lower level which was deeded to the City. It is placed just inside the 75 foot wall.

During the past 50 years much has happened in Redondo Beach, it has developed from a bedroom community into a greatly developed land with problems which has kept the City busy developing all kinds of restrictions. You cannot judge this plot of five lots according to other residential property. Not one of us have asked for special privileges--we only ask for what is legally our rights.

In all my 90 years I have never seen a public respond to any request as they have to the Doyles. They have made unrelenting, relentless demands on the City to deny the structure the Doyles need, a second story. The injustice is beyond measure--does the public believe the tree on the southside of the stairway to the beach is on the Doyle property. The tree has grown so tall and wide that it actually almost obstructs the view of the Ocean--it is beautiful, but it belongs to the City and is on the property deeded to the City for the Walkway to the beach. Have the City remove the tree and you will have a 20 foot wide unobstructed view of the Ocean--problem solved. Let the Doyles have their second story.

The Doyles recently had a joyful event, their adult married son arrived back from serving in the Military in Iraq. At present the Doyles live in two rooms. One on the street level starts first with a 25 setback for parking, 20 feet for a garage, and that leaves 15 feet for living space. It contains a small kitchen, a multiuse room, and a stairway to the lower level. The lower level starts at the 40 foot wall and gives them about 30 feet of living space which has to have a furnace, a hot water heater, a bath, the stairway, and about 20 feet of space to enjoy. Remember the lot is only 30 feet wide. They have a lovely young school girl daughter who also needs private quarters. A second floor should not be denied.

Thank you for your courtesy,



Mrs. Lucille A. Bailey  
805 Esplanade  
Redondo Beach, 90277  
310-540-3374

RIVIERA APTS. ASSOCIATES  
PROPERTY ADMINISTRATION & DEVELOPMENT

RENE M. SCRIBE •  
735 ESPLANADE  
REDONDO BEACH, CALIFORNIA 90277

September 16, 2004

California Coastal Commission  
South Coast Districts  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

**Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)**

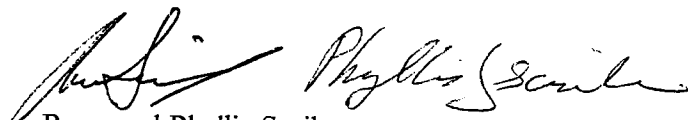
Dear Commissioner Reilly and members of the California Coastal Commission:

Please be informed that as owners (since 1967) of the 735 Esplanade, Redondo Beach building, we totally support the reconstruction of Mike and Kim Doyle's house at 801 Esplanade as per plans submitted to your commission.

We are aware that this structure may partially obstruct the southern views from our building, but we feel that their property rights justify this limited inconvenience.

We therefore urge you to approve this development permit as this structure will actually enhance our neighborhood.

Sincerely,

  
Rene and Phyllis Scribe

September 20, 2004

California Coastal Commission  
South Coast District  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

Attn: Chairman Mike Reilly

**Re: Coastal Development Permit No. A-5-RDB-04-261 (Doyle)**

Dear Chairman Reilly and Commission members:

As a 52 year resident on the Esplanade, in Redondo Beach, I have never seen such attacks on a property owner as I have seen on the Doyles of 801 Esplanade.

Four appellants have handed out, mailed and put flyers on parked cars asking for support to stop the Doyle's proposed construction. They also use the e-mail tree that was used by Redondo Beach citizens to stop construction at the Heart of the City and also have the support of the Sierra Club web site. An article on the California CoastWatcher site incorrectly states that "the Redondo City Council approved a third story addition." The Redondo Beach City Council approved (unanimously) a **second** floor addition at 801 Esplanade. The proposed construction will be two floors with a basement.

The real issue is that three appellants have private views of some of the ocean over the Doyle's home. They are concerned that the addition of a second floor at 801 Esplanade will impact their property values. Prior to purchasing their homes, the appellants should have gone to the Redondo Beach Planning Department and found out what type of development is allowed for the seven homes on the ocean side of the Esplanade, which includes the Doyle's.

One of the seven homes (Pete Cusick - 807 Esplanade) was approved by the California Coastal Commission (CDP 5-03-008) for an addition of a second floor with a basement not to exceed 30 feet in height.

For the appellants to try and limit the six remaining property owners to one story above the street level is not right and morally wrong.

I ask that the California Coastal Commission vote yes to approve the Doyle's Coastal Development Permit.

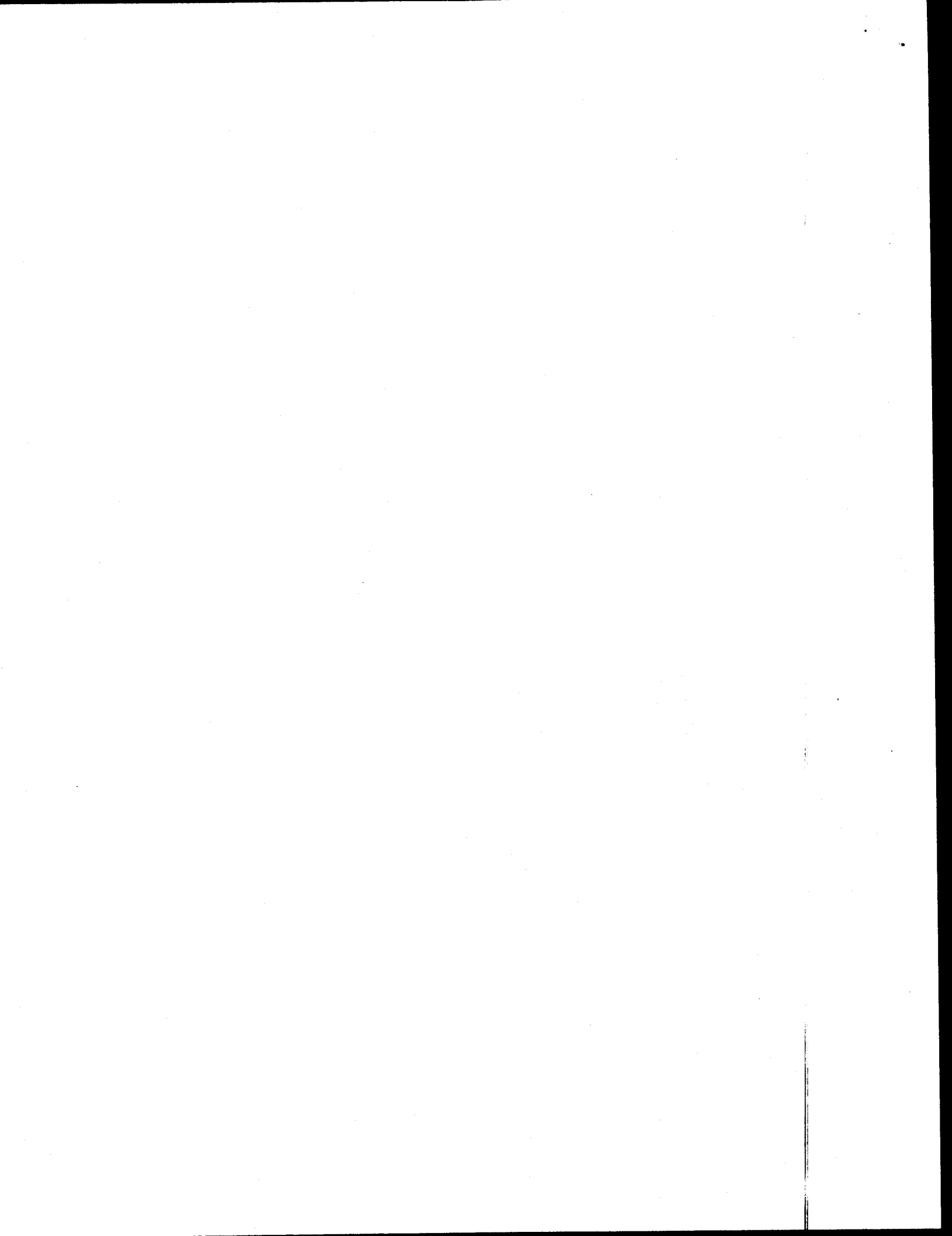
Sincerely,



Chuck Botsch  
727 Esplanade  
Redondo Beach, CA 90277

cc: Commissioners: Dr. William A. Burke, Vice-Chair  
Meg Caldwell  
Steven Kram  
Bonnie Neely  
Sara Wan  
Pedro Nava  
Toni Iseman  
Patrick Kruer  
Dave Potter  
Scott H. Peters  
Trent Orr  
Amanda Susskind

Staff: Chuck Posner



# **APPENDIX B**

## **APPELLANTS' & OBJECTORS' CORRESPONDENCE**

**A-5-RDB-04-261  
801 Esplanade**

According to Appellant Linda Moffat, this petition included over 1,200 signatures (90 pages not attached).

# 801 Esplanade Proposed Construction of 2<sup>nd</sup> Story From Street Level

I strongly disapprove of the subject building permit, which will block the community's ocean view looking down Knob Hill.

Print Name	Address	Signature
1. Mitchell Turner	235 N. Juanita	Mitchell Turner
2. Jennie Gebbie	719 S. PCH #4	Jennie Gebbie
3. Val Teter		Val Teter
4. Catherine Swartzfager	722 S. Broadway #11	Catherine Swartzfager
5. Hatch	<del>722 S. Broadway #11</del>	Hatch
6. J. Robbins	621 S. Broadway	J. Robbins
7. S. Arson	6202 PCH	S. Arson
8. THOMAS HESSEL	17009 WILKIE AVE. TORRANCE	Thomas Hessel
9. Janice Leyvas	17009 Wilkie Ave	Janice Leyvas
10. JANITA ST. ANAND	22916 Fontwell	Janita St. Anand
11. LAWRENCE MACKIE	25 Chatham	Lawrence Mackie
12. CHARLES HORTON	1812 HORTON AVE #11	Charles Horton
13. [Signature]	801 ESPLANADE	[Signature]
14. Elizabeth Harmon	1201 Amethyst St	Elizabeth Harmon
15. Michelle [Signature]	2008 Esplanade P.B.	Michelle [Signature]
16. [Signature]	901 ESPLANADE	[Signature]



Subj: **Permit #A-5-RDB-04-261: Against Construction**  
Date: 9/20/2004 12:44:50 PM Pacific Daylight Time  
From: [pgaa@att.net](mailto:pgaa@att.net)  
To: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [peterscoastal@saniego.gov](mailto:peterscoastal@saniego.gov),  
[saveredondo@aol.com](mailto:saveredondo@aol.com)

September 17, 2004

Attn: Chuck Posner  
California Coastal Commission  
P. O. Box 1450, 200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Permit #A-5-RDB-04-261: Against Construction

From:

Prakash Rao, Ph.D.  
814 Esplanade Unit A  
Redondo Beach  
CA 90277-4762

REC'D  
South Coast

SEP 22 2004

CALEDONIA  
COASTAL COMMISSION

**Not Attached: Staff received 19 additional letters stating  
"AGAINST CONSTRUCTION."**

The "Friends of Knob Hill" need your support before September 20th. The prior meeting of the California Coastal Commission regarding the appeal to build into the Knob Hill View Corridor only delayed the final decision to a subsequent hearing. This hearing is coming up very soon, and your letters, E-mails and phone calls are needed.

From the "Friends of Knob Hill"...

## THIS IS YOUR LAST CHANCE TO:

"HELP SAVE THE KNOB HILL VIEW CORRIDOR"



The City of Redondo Beach recently approved upward construction which would block this beautiful view forever. Luckily, the California Coastal Commission determined there is "SUBSTANTIAL EVIDENCE" showing this corridor view should remain open to the public! Major support from Californians against blocking public views with development is **critical** and will be the deciding factor in this case. **Please write to the following:**

**Attn: Chuck Posner**

**California Coastal Commission  
P.O. Box 1450, 200 Oceangate, 10th Floor  
Long Beach, California 90802-4416**

List: Your Name, Address, Permit #A-5-RDB-04-261 and "Against Construction." Your Letters and Faxes must be received Before SEPT. 21<sup>st</sup>. Fax # **562-590-5084**

**"e" mails should also be sent with copies to:** megcoastal@law.stanford.edu / wpatkruer@aol.com / peterscoastal@sandiego.gov / saveredondo@aol.com

**Phone the Decision Making Coastal Commissioners:** - M. Caldwell (650) 723-4057,

S. Wan (310) 456-6605, Dr. Burke (310) 444-5544, S. Kram (310) 859-4400, P. Nava (805) 563-1554, P. Kruer (858) 551-4390, B. Neely (707) 476-2394, M. Reilly (707) 5652241, D. Potter (831) 647-7755, T. Iseman (949) 494-7648, S. Peters (619) 236-6611, D. Allgood (310) 441-4162, D. Ruddock (650) 712-9579, A. Rose (415) 499-7331

Contact Friends of Knob Hill - saveredondo@aol.com (310) 944-9012 / (310) 318-3326

**NOTE!!!** Letters previously written to the Redondo Beach City Council will not be presented. You must resubmit as described above!

"Friends of Knob Hill"

September 19, 2004

California Coastal Commission  
200 Ocean Gate 10th Floor  
Long Beach, CA 90802

Dear Chuck Posner:

Although I do not live in Redondo Beach, I frequently visit it. Actually, I am an avid bike rider and enjoy the view as I bike down Knob Hill. I recently became aware of the fact that one of the houses at the end of knob hill has intentions of building up which would unfortunately block the view I so very much like. Please look into alternatives - I noticed that their neighbor (to the north) has an additional floor built into the hillside - couldn't this be a possibility?

*Joy Emanuel*

318 E Clarion Dr. Carson, CA 90745

Anthony Pietrini  
Jill Pietrini  
724A Elvira Avenue  
Redondo Beach, CA 90277  
(310) 543-1093

September 21, 2004

**Via Facsimile (562) 590-5084  
And Confirmation By Overnight Courier**

California Coastal Commission  
Attn: Chuck Posner  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

**Re: Permit A-5-RDB-04-261  
801 Esplanade, Redondo Beach, CA**

Dear Commissioners:

This letter is written on behalf of ourselves and is to request a reversal of the approval of the Coastal Development Permit ("CDP") for the real property located at 801 Esplanade, Redondo Beach, CA ("the Property"). Please note that we do **not** have a private view of the ocean from our house<sup>1</sup>. We live at 724A Elvira Avenue, Redondo Beach, CA. We share a *public* view of the ocean down Knob Hill Avenue and across the Esplanade with thousands<sup>2</sup> of other Redondo Beach residents. This is the view that the City of Redondo Beach ("the City"), through the Redondo Beach Planning Commission ("Planning Commission") and the Redondo Beach City Council, seeks to eradicate through the proposed addition of a *third* story to the Property.

In short, the decision of the Planning Commission and the City Council must be reversed because it is contrary to the Local Coastal Plan ("LCP") implemented by the City and approved by the California Coastal Commission ("Coastal Commission"), and is contrary to the express purpose and provisions of the California Coastal Act, Cal.Pub.Res.Code Sec. 30001, *et seq.* Specifically, the Planning Commission and the

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<sup>1</sup> The distinction between a private view and a public view is not of any legal significance. See, *Ocean View Estates Homeowners Assn. v. Montecito Water District*, (2004) 116 Cal.App.4<sup>th</sup> 396, 401. In *Ocean View*, the court held that even though "there is no common law right to a private view, [this] is not to say that the [agency] is relieved from considering the impact of its project on such [private] views." *Id.* at 402.

<sup>2</sup> Our objection to the CDP for the Property is shared by more than 1,300 other Redondo Beach residents and visitors that signed a petition to block the proposed construction that is the subject of this appeal.

City Counsel erroneously held that there is no public view down Knob Hill west towards the Pacific Ocean. (Our positions with respect to the Planning Commission's and the City Council's findings and ultimate approval of the coastal permit for the Property are set forth in detail in our Appeal From Coastal Permit Decision of Local Government, filed on or about July 1, 2004, a true and correct copy of which is attached hereto as Exhibit A.) Because the decisions of both the Planning Commission and the City Counsel are clearly erroneous conclusions of law, their decisions must be reversed for the following reasons.<sup>3</sup>

## **I. THE VIEW DOWN KNOB HILL IS A PUBLIC VIEW**

There is no question that the view westward down Knob Hill is a public view, and a significant one at that. The Planning Commission's and the City Council's findings to the contrary defy logic at best. The Coastal Commission ("CC") Staff found that "there is a public view above the roof of the existing one-story house that consists of sky and part of the sea." (CC Staff Report, p. 6). However, the CC Staff went on to state, erroneously, that the view is not significant. As shown from the pictures attached as Exhibit 4 of our June 2, 2004 Letter, the view is quite significant. Indeed, the view is so significant that 1,300+ residents and visitors signed a petition to prevent the proposed construction.

## **II. THE LCP REQUIRES THE CITY TO PROTECT THE PUBLIC VIEW AT KNOB HILL AND THE ESPLANADE**

The LCP's specific provisions regarding Knob Hill are quoted at length in our June 2nd Letter (pgs. 7-8), and in the CC Staff Report (pgs. 7-8). The CC Staff Report took the position that the Knob Hill/Esplanade view expressly described in the LCP really related to the unobstructed bluff top view beginning from Avenue A and proceeding south to the end of the Esplanade at the Redondo Beach/Torrance border. Yet that interpretation of the LCP by the CC Staff is contrary to the basic rule of statutory construction, namely, that a statute be given its plain meaning. If the City had meant to include only the unobstructed bluff top view beginning from Avenue A southward, it would have said so. The City was clearly aware of Avenue A, and could have limited the view protection to Avenue A south to the Redondo Beach/Torrance border. The City did not, and the City and the Coastal Commission cannot rewrite the LCP now to justify the approval of the CDP for the Property.

Instead, the City, in enacting the LCP expressly covered the view at Knob Hill and the Esplanade – directly where the Property is located. The fact that the structure on the Property existed at the time of enactment of the LCP bolsters our argument. The low

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<sup>3</sup> The relevant facts are set forth in our letter of June 2, 2004 to the Planning Commission ("June 4<sup>th</sup> Letter"), included in Exhibit A hereto, and in the June 1, 2004 letter from Attorney Ellen Berkowitz of the law firm of Manatt, Phelps & Phillips, a true and correct copy of which is attached hereto as Exhibit B.

level of the structure amplified the existing view and was taken into consideration in enacting the LCP in 1980<sup>4</sup>.

More importantly, the Property owners were well aware that they purchased deed restricted property, as are the thousands of property owners that purchase condominiums and townhouses (such as us) in Redondo Beach (and elsewhere) that have CC&Rs that run with the land. It is not unfair to enforce deed and public restrictions against property owners --- especially in this situation, where the Property owners already have a magnificent ocean view from each story<sup>5</sup> of their existing structure.

Accordingly, even though the City prefers to allow dense building in the City of Redondo Beach, the Coastal Act was enacted in the 1970's to prevent exactly what is proposed to be built on the Property. The LCP is governed by the Coastal Act and acknowledges the specific view at issue in this appeal.

### **III. THE RELEVANT CITY ORDINANCE ALSO REQUIRES THE CITY TO PROTECT PUBLIC VIEWS OF THE COASTALINE**

The City and the CC Staff focused only on whether the proposed construction affected the public *access* to the beach. Yet -- the City's own Coastal Land Use Plan Implementing Ordinance plainly states otherwise. The relevant portions of that ordinance are set forth below, and a true and correct copy of the ordinance is attached hereto as Exhibit C.

#### **10-5.102 Purposes.**

The broad purposes of the Zoning Ordinance for the Coastal Zone are to protect and promote the public health, safety, and general welfare, and to implement the policies and the land use plan map of the City of Redondo Beach General Plan and the Coastal Land Use Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Article 11, Section 7, and in Section 30513 of the Public Resources Code (California Coastal Act). More specifically, the Zoning Ordinance of for the Coastal Zone is intended to provide a precise guide for the growth and development of the City in order to:

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(b) Maximize public access to *and public views of the coastline*;

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10-5.102, Coastal Land Use Plan Implementing Ordinance (emphasis added).

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<sup>4</sup> The LCP was amended once in 2001 to address the concerns that thousands of Redondo Beach residents had to the "Heart of the City" plan that was withdrawn by the City after the enormous amount of public outcry over the development. The City did not amend the LCP to delete or amend any reference to the Knob Hill/Esplanade view in the LCP, as enacted in 1980, and it would be seriously suspect for the City to try to do so now.

<sup>5</sup> The existing structure clearly has more than one story, no matter how the Property owners (or the City) measure the levels. That much is clear from the photographs that we took of the structure over Memorial Day weekend 2004, and attached as Exhibit 2 to our June 4<sup>th</sup> Letter.

Likewise, the Coastal Act requires the protection of the public view. The relevant section of Chapter 3, Article 6 is Section 30251, which states, in relevant part:

### **Section 30251. Scenic and Visual Qualities**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. ***Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas***, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

Cal.Pub.Res. Code Sec. 30251 (emphasis added).

Further, the City restated this view protection policy in 2001 when the City was required to amend its LCP in 2001 in response to its proposed amendment to the LCP with respect to the Harbor/Civic Center area. The proposed amendment in 1999 was done apparently to accommodate the significant changes that the proposed Heart of the City project required. In particular, the Coastal Commission rejected the City's 1999 proposed amendment to the LCP, and required certain changes to be made in the LCP. Those changes were memorialized in City Resolution No. CC-0104-20. In that resolution, the City Council found, in relevant part, that:

2. The proposed amendment to the Coastal LUP is intended to be carried out in a manner that is fully in conformity with the Coastal Act.
3. The proposed amendment to the Coastal LUP is consistent with the policies of the Coastal Act, including but not limited to: the protection and provision of public access; the protection and encouragement of facilities that provide public recreation; the protection of the marine environment; ***the protection of the scenic and visual quality of coastal areas***; and the reservation of land along and near the coast for priority uses, including coastal development, visitor serving uses and recreation.

City Resolution No. CC-0104-20, pgs. 1-2.

In short, the City's local implementing ordinance, the Coastal Act, and the LCP, as drafted and as amended in 2001, all require the City to protect the public view, including the view at Knob Hill and the Esplanade. To find otherwise, is a distortion of the law and the facts.

#### **IV. THE 30' HEIGHT ALLOWANCE FOR ALL R-1 PROPERTY DOES NOT OBVIATE THE REQUIREMENTS OF THE LCP, THE IMPLEMENTING ORDINANCE, OR THE COASTAL ACT**

The Planning Commission, the City and the CC Staff all improperly justified their respective decisions on the grounds that the City's building ordinance for R-1 properties (including the Property at issue here) allows for construction of up to 30'. However, the ordinance is not written in terms of having an absolute right to build to 30', no matter what the impact is on coastal views. Further, the ordinance applies to *all* R-1 property in Redondo Beach, and applying it blindly as the Planning Commission, the City, and the CC Staff have done nullifies the proscriptions of the LCP, the City's local implementing ordinance, and the Coastal Act.

In particular, the ordinance states: "Building Height: Maximum of 30 feet, with no more than 2 stories." (Exhibit D hereto.)

Here, the existing structure on the Property has more than one story. The Property owners cannot simply count the story jutting up from the street as the one and only story to the structure. The existing structure clearly has a second story, which begins at the bluff and constitutes the first story. The square footage of that story is calculated into the square footage of the house, and is counted as part of the house by the Los Angeles County Tax Assessor. Thus, to contend that the story at the bluff level is "not really a story" is a legal fiction. That second story also provides the Property owners with additional unobstructable views of the Pacific Ocean.

Even if the Coastal Commission does not count the level of the structure on the bluff as a story, that still does not mean that the 30' height allowance permits the Property owners to build as they wish. The 30' height allowance applies to all R-1 property in Redondo Beach and was not specifically enacted to *exempt* coastal property from the proscriptions of the Coastal Act, the LCP, and the local implementing ordinance. Thus, the 30' height allowance is not an absolute privilege to property owners, as the City and the CC Staff would have the Coastal Commission believe. The 30' height allowance must give way to accomplish the goals and the express provisions of the Coastal Act, the LCP, and the local implementing ordinance. To find otherwise, would render the foregoing statute and ordinances meaningless. There would be no need to ever consider these statutes and ordinances, because as long as a property owner built his house no more than 30' from any point<sup>6</sup>, he would receive a "pass" from the City for a CDP. That is simply not the law of this state or of the City.

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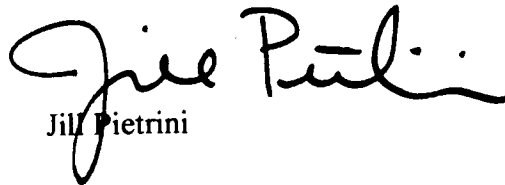
<sup>6</sup> The City does not allow a 30' building from the street level per se; rather the 30' is "the vertical distance as measured continuously along a line at existing grade bisecting the width of the lot to the highest point of a building or structure, except as provided in this chapter (see illustration below)". A true and correct copy of the illustration is attached hereto as Exhibit E.



## V. CONCLUSION

For the reasons stated above, at the hearing before the Planning Commission, in our June 4, 2004 Letter, and in our appeal to the Coastal Commission, we respectfully request the Coastal Commission to reverse the decision of the Planning Commission and the City and deny the CDP in its entirety. Thank you for your consideration of this matter.

Sincerely,



Jill Pietrini

### Attachments

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E

Title 10 PLANNING AND ZONINGChapter 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE**10-5.102 Purposes.**

The broad purposes of the Zoning Ordinance for the Coastal Zone are to protect and promote the public health, safety, and general welfare, and to implement the policies and the land use plan map of the City of Redondo Beach General Plan and the Coastal Land Use Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Article 11, Section 7, and in Section 30513 of the Public Resources Code (California Coastal Act). More specifically, the Zoning Ordinance for the Coastal Zone is intended to provide a precise guide for the growth and development of the City in order to:

- (a) Carry out the California Coastal Act as applied to the City in the Coastal Land Use Plan;
- (b) Maximize public access to and public views of the coastline;
- (c) Achieve progressively the arrangement of land uses described in the General Plan and Coastal Land Use Plan;
- (d) Maintain a high level of quality and character in the City's residential neighborhoods;
- (e) Ensure compatibility between land uses;
- (f) Promote the economic stability of existing land uses that are consistent with the General Plan and Coastal Land Use Plan;
- (g) Permit the development of commercial land uses that are consistent with the General Plan and Coastal Land Use Plan and which strengthen the City's economic base;
- (h) Ensure the provision of adequate open space for light, air, and fire safety;
- (i) Ensure the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system;
- (j) Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or public services; and
- (k) Conserve and enhance the City's architectural and cultural resources. (§ 1, Ord. 2905 c.s., eff. August 5, 2003)

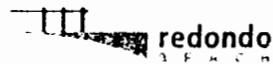
Title 10 PLANNING AND ZONING

Chapter 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE

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**\*Note to Chapter 5**

\* Repealed.



## CITY OF REDONDO BEACH DEVELOPMENT STANDARDS

### R-1 DISTRICT (SINGLE-FAMILY RESIDENTIAL)

In addition to development standards in the zoning ordinance, refer to the residential design guidelines (available at the Planning Department and on the city web site).

#### DENSITY

ONE DWELLING UNIT PER LOT

#### FLOOR AREA RATIO F.A.R.

NOT MORE THAN 0.65, EXCEPT A MAXIMUM OF 0.8 MAY BE PERMITTED WITH BONUSES

(See Section 10-2.402(a) of Redondo Beach Municipal Code for a Description of Floor Area Ratio Bonuses)

#### OUTDOOR LIVING SPACE REQUIRED

800 SQUARE FEET PER DWELLING UNIT

(See Section 10-2.1510 of Redondo Beach Municipal Code for a Description of Qualified Outdoor Living Space)

#### PROPERTY LINE SETBACKS

##### FIRST FLOOR FRONT

AN AVERAGE OF 25% OF THE DEPTH OF THE LOT, OR 25 FEET, WHICHEVER IS LESS, WITH A MINIMUM SETBACK OF 20 FEET

##### SECOND FLOOR FRONT

AN AVERAGE OF 10 FEET MORE THAN THE REQUIRED FIRST FLOOR AVERAGE

##### REAR

AN AVERAGE OF 20% OF THE DEPTH OF THE LOT, WITH A MINIMUM SETBACK OF 15 FEET

##### SIDE

5 FEET

LOTS LESS THAN 50 FEET WIDE:

ADDITIONS TO EXISTING SINGLE-FAMILY DWELLINGS WITH EXISTING SIDE-YARD SETBACKS LESS THAN 5 FEET MAY MATCH THE EXISTING SIDE SETBACK, PROVIDED THAT THE SETBACK SHALL NOT BE LESS THAN 10% OF THE WIDTH OF THE LOT.

#### BUILDING HEIGHT

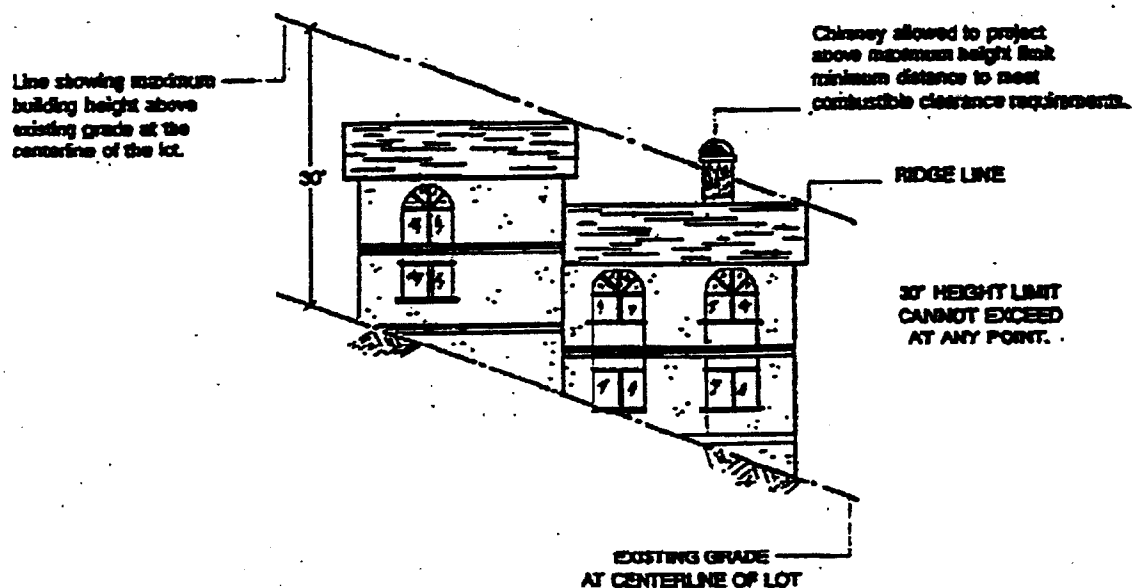
MAXIMUM OF 30 FEET, WITH NO MORE THAN 2 STORIES

#### PARKING REQUIRED

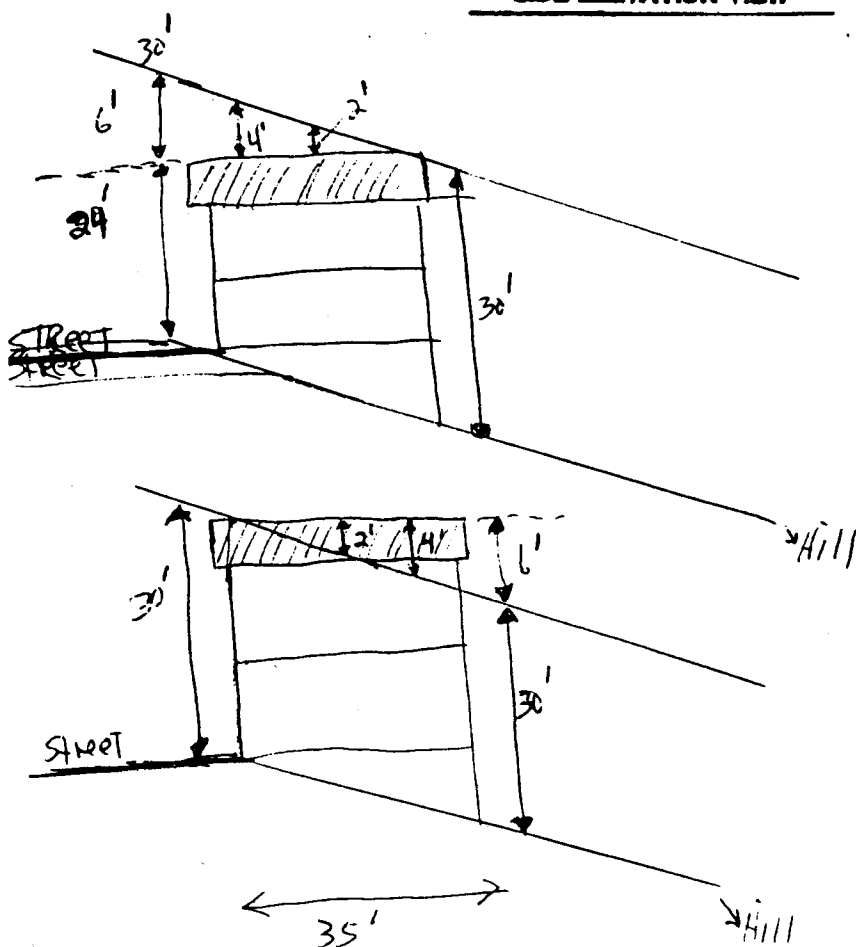
2 SPACES WITHIN AN ENCLOSED GARAGE

(See Article 5 of the Redondo Beach Municipal Code for Design Standards)

# ILLUSTRATION OF BUILDING HEIGHT (in this example, the height limit is 30 feet)



## SIDE ELEVATION VIEW



June 1, 2004

Client-Matter: 26540-030

**BY HAND DELIVERY**

The Honorable Gregory C. Hill, Mayor  
and Honorable Members of the City Council  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, California 90277

***Re: 801 Esplanade/PC No. 04-19/CDP No. 04-01***

Dear Mayor Hill and Members of the Redondo Beach City Council:

We are writing on behalf of our client, Kevin Farr, and the many Redondo Beach residents and visitors, known as The Friends of Knob Hill, who are all concerned about the potential loss of their public view. If the above-referenced Coastal Development Permit ("CDP") is granted, and a second story (from street level) addition at 801 Esplanade (the "Project") is permitted, a precious scenic and visual resource, enjoyed by hundreds of people every day, will be lost forever. Unfortunately, the Planning Commission (the "Commission"), at its March 23, 2004 hearing (the "Hearing") decided that the destruction of the public's view should not be considered, and voted (by a 3-2 margin) to approve the Project. We appealed the Commission's erroneous decision, and hope this City Council reverses it. This letter details the legal basis of our appeal.

Specifically, the Project should be denied because the required findings are not supported by substantial evidence. The Project does not conform to the policy in the City's Local Coastal Program ("LCP") regarding public views, nor does the Project further the California Coastal Act (the "Coastal Act") requirements with regard to the protection of public views. The Commission also failed to comply with the requirements of the California Environmental Quality Act ("CEQA") because the categorical exemption does not apply to this Project. Therefore, a thorough environmental review is required for this Project.

**I. THE REQUIRED FINDINGS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.**

Section 10-5.2218 of the Zoning Ordinance for the Coastal Zone, which implements the City's Coastal Land Use Plan under the LCP, (the "LCP Implementing Ordinance"),

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states that a Coastal Development Permit shall not be approved unless the decision-making body makes three affirmative findings. The LCP Implementing Ordinance further requires that these findings must include "the factual basis for any legal conclusion."<sup>1</sup>

Findings are required by law when the City acts in an adjudicative or quasi-judicial capacity by applying a fixed rule, standard or law to a specific parcel of property.<sup>2</sup> This generally includes variances, use permits, and other development approvals, such as Coastal Development Permits. Where findings are required, the findings must be written, they must support the City's decision, and substantial evidence in the administrative record must support the findings.<sup>3</sup> Courts have held that the purpose of a findings requirement is "to bridge the analytic gap between the raw evidence and ultimate decision or order."<sup>4</sup> Findings that are merely a recitation of statutory language are generally insufficient as a matter of law.<sup>5</sup>

The staff report to the Commission for the Project made cursory findings that essentially recite the required language without any evidentiary support or discussion. The Commission adopted each of these findings verbatim. The "findings," and the lack of evidentiary support for them, are discussed in turn.

#### **A. CONFORMITY WITH THE LCP.**

The first required finding under Section 10-5.2218 of the LCP Implementing Ordinance is that the proposed development is in conformity with the Certified LCP. The Commission was advised that conformity with the LCP required only an analysis of whether the Project complies with certain zoning provisions of the LCP. Staff reported that the LCP "allows for the development of a two-story single family residence on the subject property,"<sup>6</sup> and the Commission apparently concluded that the Project therefore met this conformity finding.

Contrary to staff's advice, however, the zoning designation is not the end of the conformity analysis. In order to conform to the LCP, the Project must meet *all* of the regulations and policies of the LCP. There are two provisions of the LCP that involve issues

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<sup>1</sup> Redondo Beach Municipal Code, Title 10, Chapter 5 §10.5.2218(b).

<sup>2</sup> See *McMillan v. American Gen. Fin. Corp.* (1976) 60 Cal. App. 3d 175, 181.

<sup>3</sup> *Topanga Assn. For a Scenic Community v. County of Los Angeles* (1974) 11 C.3d 506, 517, note 16.

<sup>4</sup> *Id.* at 515.

<sup>5</sup> *City of Carmel v. Board of Supervisors* (1977) 71 Cal. App. 3d 84, 91.

<sup>6</sup> Staff Report, Redondo Beach Planning Department, Agenda Item 19, dated March 23, 2004, p. 3 of 5.

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related to public views. Neither staff nor the Commission was advised that it must analyze these public view provisions before it could adopt a finding of compliance with the LCP. Both of these requirements, along with the perplexing statements made at the Hearing about the absence of public views, are discussed in this section.

## 1. THE PUBLIC VIEW.

At the Hearing, City Planner Anita Kruger stated that she “walked around Knob Hill, Esplanade, Catalina and [she] looked...[but] couldn’t see the ocean...” She therefore concluded that “[t]he public view will not be impacted...” if the Project were approved.<sup>7</sup> Nothing could be further from the truth.

Ms. Kruger apparently did not walk down Knob Hill from the Pacific Coast Highway, or she would have experienced the spectacular view that can be seen in the photographs attached to this letter (Exhibit A), and which was the subject of testimony from many community members at the Hearing. From Pacific Coast Highway to the Esplanade, travelers of all types – those on foot, in vehicles, on bikes – enjoy the sights for which Redondo Beach is famous: the beautiful ocean and the horizon beyond. Currently, Redondo Beach community members have submitted petitions to the City Council with more than 1,300 signatures attesting to the significance of the public view down Knob Hill and their disapproval from building at this site.<sup>8</sup>

After observing photographs and hearing public testimony about the view, both the staff and several members of the Commission acknowledged that an important public view exists down the Knob Hill corridor. In response to a question by Commissioner Eubanks, Acting Director Randy Berler admitted that “[t]he street view could be considered a public view corridor.”<sup>9</sup> A short time later, Commissioner Eubanks stated that the Commission had heard “compelling evidence” from the neighbors that “this is a significant public view;” he also stated that he would “hate to see the view blocked.” Notwithstanding the acknowledgement of the public view, the Commission failed to consider the view in reaching its decision.

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<sup>7</sup> Testimony from March 23, 2004 Planning Commission hearing.

<sup>8</sup> Personal observations on nontechnical issues such as views can constitute substantial evidence. See *Ocean View Estates Homeowners Assn. v. Montecito Water District* (2004) 116 Cal. App. 4<sup>th</sup> 396, 401.

<sup>9</sup> Testimony from March 23, 2004 Planning Commission hearing.



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**2. THE LCP REQUIRES THE CITY TO CONSIDER PUBLIC VIEWS OF THE COASTLINE.**

Section 10-5.102(b) of the LCP Implementing Ordinance states that one of the specifically enumerated purposes of the LCP is to “[m]aximize public access to and **public views** of the coastline.”<sup>10</sup> Because staff focused only on compliance with the zoning provisions in the LCP Implementing Ordinance, there was no mention of this objective in the staff report. Moreover, there was no discussion about how the Project would conflict with this policy objective at the Hearing.

The discussions at the Hearing related to public views involved a confused analysis of various findings, CEQA issues, policies of the California Coastal Act (the “Coastal Act”), and public access requirements, among others – but did not focus on the fact that the LCP itself requires the City to maximize public views. The Commission heard and acknowledged repeated evidence about the serious obstruction of the Knob Hill ocean view if the second-story is permitted. Nevertheless, staff advised the Commission to disregard this evidence because the public view was not something to be considered under the LCP – even though the LCP specifically cites maximization of public views as one of its purposes.

By ignoring both the evidence of public views and the legal requirements to consider the public view, the Commission reached the erroneous conclusion that the Project conforms to the LCP, based solely on a discussion of the zoning issue.

**3. THE LCP REQUIRES THE CITY TO COMPLY WITH COASTAL ACT POLICIES.**

Another objective of the LCP is to “carry out the California Coastal Act.”<sup>11</sup> Moreover, Section 10-5.2218(a) of the LCP Implementing Ordinance states that approval of a Coastal Development Permit by the City “shall be based upon compliance with the provisions of the [LCP] and consistency with the policies of the Coastal Act.

The Coastal Act, California Public Resources Code Section 3000 *et. seq.*, was enacted by the California Legislature in 1976 as a comprehensive scheme to govern land use planning for the entire coastal zone of the state. Among other things, the Legislature found that “the permanent protection of the state’s natural and scenic resources is a paramount concern”

<sup>10</sup> Redondo Beach Municipal Code, Title 10, Chapter 5, § 10-5.102(b) (emphasis added).

<sup>11</sup> See *id.* at § 10-5.102(a) (emphasis added).

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and that "existing developed uses and future developments that are carefully planned and developed consistent with the policies of [the Coastal Act] are essential to the economic and social well-being of the people of this state."<sup>12</sup>

Section 30251 of the Coastal Act specifically reinforces the importance of public views and requires that the effect on a public view be considered when approving a development permit within the coastal zone. That section provides:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas..."

This provision applies whether the City has a certified LCP or not.<sup>13</sup> Section 30200 of the Coastal Act makes it clear that, in addition to providing standards for judging the adequacy of an LCP, the policies in Chapter 3 of the Coastal Act (which includes Section 30251) "constitute the standards for judging the permissibility of development within the coastal zone."

When the Commission began to discuss the Project's effect on the Knob Hill view corridor, the Commissioners focused on a different finding required under Coastal Act Section 30604(c). That finding relates *only* to the Project's conformity with the public access and public recreation policies under the Act. Apparently, the Commissioners confused this finding with the *separate* requirement that the Project conform to the LCP. After a somewhat disjointed discussion, the Commission was instructed that it could not consider public views, because the Section 30604(c) finding does not require consideration of scenic and visual resource qualities. Accordingly, the Commission was advised that the requirements of Coastal Act Section 30251 regarding scenic and visual resources had no bearing on this matter.

As discussed above, the Commission was advised that conformity with the LCP required it to consider only the zoning issues applicable to R-1 Zones. The Commissioners were not told that conformity with the LCP also requires it to "carry out the Coastal Act policies," and that one of those policies is the protection of views under Section 30251. As a

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<sup>12</sup> Cal. Pub. Res. Code § 39001.

<sup>13</sup> Big Creek Lumber Co. v. County of Santa Cruz (2004) 115 Cal. App. 4<sup>th</sup> 952, 974.

Honorable Members of the City Council

June 1, 2004

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result, the Commission ignored public views, and approved the Project without consideration of all of the obligations under the LCP.

**B. CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF THE COASTAL ACT.**

The second required finding is that the Project conforms to the public access and public recreation policies of the Coastal Act. Although it is fairly clear that the proposed Project will not impact public recreation opportunities, the staff report should have discussed the potential impact of the construction on public access. Section 30211 of the Coastal Act states that development "shall not interfere with the public's right of access to the sea." However, adjacent to the northern boundary of the Project are the public steps leading from the Esplanade at Knob Hill down to the beach. There is no discussion in the staff report about construction operations or restrictions on construction staging, which could temporarily block public access to the steps.

Moreover, there is no discussion in the staff report about the possible impact that construction could have on the structural integrity of the steps leading to the ocean. The Project is located immediately adjacent to a steep public stairway and uphill from a public retaining wall, both of which show significant signs of cracking and soils slippage. We have included photographs of these public facilities as Exhibit B to this letter. These cracks are clearly the result of soils subsidence, which could be caused by insufficient foundation for the existing residence at 801 Esplanade. The addition of a second story (from street level) to the residence could exacerbate the impact to the adjacent public property. The Commission should have discussed this issue before concluding— without analyzing any evidence submitted by the community — that the Project would not impact public access.

**C. COMPLIANCE WITH THE CEQA.**

The third required finding is two-fold. First, the decision-making body must find that it has complied with any CEQA responsibilities it may have in connection with the Project. Second, the decision-making body must find that it is "not violating any CEQA prohibition that may exist on approval of projects for which there is a less environmentally damaging alternative or feasible mitigation measure available." This finding stems from the CEQA mandate that public agencies must not approve projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or

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avoid those effects.<sup>14</sup> For several reasons, the Commission's finding regarding compliance with CEQA was in error.

**1. A CATEGORICAL EXEMPTION DOES NOT APPLY TO THIS PROJECT.**

The staff report asserts compliance with CEQA by claiming the Project is "categorically exempt" from CEQA. CEQA provides a categorical exemption for various classes of projects that the Secretary for Resources determines *generally* will not have a significant impact on the environment.<sup>15</sup> However, these exemptions are not absolute. There are six enumerated exceptions to the categorical exemption outlined in CEQA. If one of these exists, the categorical exemption is not applicable to the project.<sup>16</sup>

Although CEQA typically does not require findings for a categorical exemption, they are required in this instance because the LCP Implementing Ordinance requires an affirmative finding that the approval of the project complies with CEQA. As a result, the City is required to support its determination of the categorical exemption with a written finding that is supported by substantial evidence. Thus, the City must affirmatively explain why the exceptions to the categorical exemption do not apply.<sup>17</sup>

Moreover, there is some confusion in the City's documents as to which categorical exemption the City planners are attempting to apply to this Project. The Notice of Decision on Modification to change the setback requirements for the Project alleges that the Project is categorically exempt pursuant to 15301 (Class 1) of the CEQA Guidelines.<sup>18</sup> Similarly, the Staff Report to the Commission also claims that the Project is categorically exempt under Section 15301 (Class 1) of the CEQA Guidelines, and the Exemption Declaration reiterated

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<sup>14</sup> See *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal. 4<sup>th</sup> 105, 134; Pub. Resources Code §21002.

<sup>15</sup> Pub. Res. Code §21084; CEQA Guidelines §15300 *et seq.*

<sup>16</sup> Pub. Res. Code §§21084(b), (c) (e); CEQA Guidelines §15300.2.

<sup>17</sup> *Association for Protection of Environmental Values in Ukiah v. City of Ukiah* (1991) 2 Cal. App. 4<sup>th</sup> 720, 731; *Topanga*, supra, 11 Cal. 3d 506. In *Ukiah*, the court recognized that *Topanga* findings are not normally required to support a categorical exemption because CEQA does not require findings or a public hearing for this determination and because the CEQA determination is separate from the underlying development approval. However, where the underlying approval is statutorily required to incorporate CEQA findings, these findings must be supported by substantial evidence. (See also James Longtin, *Longtin's California Land Use* §11.51 (2<sup>nd</sup> ed. 1987).)

<sup>18</sup> Notice of Decision on Modification and Exemption Declaration, City of Redondo Beach, February 26, 2003 [sic].

Honorable Members of the City Council  
June 1, 2004  
Page 8

this conclusion.<sup>19</sup> However, the Notice of Public Hearing for the Commission meeting as well as the Notice of Public Hearing for the upcoming City Council meeting both assert a *different* categorical exemption under Section 15303 (Class 3) of the CEQA Guidelines for the same Project. In any event, neither exemption is applicable.

**a. NEITHER THE CLASS 1 NOR THE CLASS 3 EXEMPTIONS APPLY TO THE PROJECT .**

Section 15301 provides a "Class 1" exemption for, among other things, minor alterations to existing structures involving negligible or no expansion of use. An example includes an addition that will not result in an increase in more than fifty percent (50%) of the floor area of the structure before the addition. We have reviewed the architectural plans for the Project at the City, and based upon the calculations provided by the applicant's architect, the Project is dangerously close to the 50% threshold that would render the Class 1 exemption inapplicable on its face. In fact, the plans and notes in the file contain some confusing language about the need to reduce the basement floor area by 44 square feet. If the actual floor area of the basement is 44 square feet less, then the Project appears to add more than 50% of the pre-existing floor area.

Section 15303 provides a "Class 3" exemption for construction of new small facilities or structures, such as single-family residences. However, this categorical exemption applies only to new construction: it does not apply to remodels and additions, such as that proposed here.

**b. THERE ARE TWO APPLICABLE EXCEPTIONS TO THE CATEGORICAL EXEMPTION.**

Regardless of the confusion on the asserted categorical exemptions, the categorical exemptions also do not apply because there are exceptions to both Classes of categorical exemptions. CEQA Guidelines Section 15300.2(a) states that a Class 3 exemption does not apply where the project is located in a particularly sensitive environment. Additionally, CEQA Guidelines Section 15300.2(c) states that no categorical exemption may be used for an activity where there is a reasonable possibility that the activity will have a significant effect

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<sup>19</sup> Staff Report, Redondo Beach Planning Department, Agenda Item 19, dated March 23, 2004; Exemption Declaration, 801 Esplanade Avenue, dated March 23, 2003 [sic].

Honorable Members of the City Council  
June 1, 2004  
Page 9

on the environment due to unusual circumstances. Both of these exceptions apply for largely the same reasons.

As we describe in Part A of this letter, Knob Hill Avenue leading down the hill to the public stairway contains a remarkable public view. This significant public view creates an unusual circumstance that renders the categorical exemption inapplicable to the Project. CEQA recognizes the importance of significant views in analyzing environmental impacts. In *Ocean View Estates Homeowners Association v. Montecito Water District*, the court recognized that “[a]ny substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.”<sup>20</sup> The court noted that just because “there is no common law right to a private view, [this] is not to say that the [agency] is relieved from considering the impact of its project on such views.”<sup>21</sup> In fact, the court clarified that when there is an impact to a *public* view, rather than a private view, there “is more involved”, because the agency must consider the overall aesthetic impact to the community.<sup>22</sup>

As discussed above, the impact on the public view is unquestionable. Given the photographs, the number of signatures collected on petitions objecting to the potential loss of the public view, the testimony from community members, and the statements of certain Planning Commissions, there is ample evidence in the record that the Project will negatively alter the aesthetics of the area. Because the Project would adversely impact a unique public resource, the Project cannot be treated as categorically exempt under CEQA.

There is another “unique circumstance” regarding the Project that renders the categorical exemption inapplicable. As discussed in Part B, above, both the public stairway to the beach and the public retaining wall show significant signs of cracking and soils slippage, evidencing some soils subsidence. The addition of a second story (from street level) as the Project proposes could exacerbate the impact to the adjacent public property. Although we assume the City would require a geotechnical report and engineering study prior to issuing building permits, this analysis should be completed before the City grants the Coastal Development Permit. In fact, CEQA *requires* the City to review the potential impact of the Project on the stability of the adjacent public property before granting the CDP. The existence of the cracks creates a reasonable possibility that the Project will have a

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<sup>20</sup> *Ocean View Estates Homeowners Assn. supra* 116 Cal. App. 4<sup>th</sup> at 401; See also *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1988) Cal. App. 3d 485.

<sup>21</sup> *Id.* at 402.

<sup>22</sup> *Id.*

Honorable Members of the City Council  
June 1, 2004  
Page 10

significant effect on the environment due to unusual circumstances. As such, the categorical exemption is inapplicable and the City must analyze the potential impact.

**2. LESS ENVIRONMENTALLY DAMAGING ALTERNATIVES MAY BE AVAILABLE.**

The staff report ignored any discussion of less environmentally damaging alternatives. Apparently, because the Planning staff (erroneously) determined the Project was categorically exempt, it apparently also determined (erroneously) that it did not need to discuss feasible alternatives in detail. Where a project may result in a significant impact to the environment – as the Project would, because of its obstruction of the public view – CEQA requires the City to consider “a reasonable range of *potentially* feasible alternatives that will foster informed decisionmaking and public participation.”<sup>23</sup> An alternative cannot be simply disregarded because it would be more expensive or less profitable.<sup>24</sup>

The only discussion relating to potential alternatives at the Hearing was staff's statement that the property is “deed restricted from having any building within 60 feet of the rear property line.”<sup>25</sup> We have reviewed the grant deed for the subject property, and the restriction actually states that no building, structure or obstruction can extend beyond 60 feet west of the Esplanade property line, “*unless said building or obstruction is below the street level.*”<sup>26</sup>

We understand that the street level of the house at 801 Esplanade already extends westward nearly 60 feet from the Esplanade property line, and that the deed restriction may prevent the owners from building any farther west *on that floor or above*. However, the subterranean floor of the residence (below the street level) includes a rather large deck that could presumably be enclosed without violating the deed restriction. Alternatively, with some excavation of the bluff, additional floors could be added below the existing subterranean floor. Moreover, the City could grant a variance that would allow the owners to build closer to the western property line.

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<sup>23</sup> CEQA Guidelines §15126.6 (*emphasis added*).

<sup>24</sup> *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal. App. 3d 1167, 1180-1181.

<sup>25</sup> Transcript of March 23, 2004 Planning Commission hearing.

<sup>26</sup> Grant Deed, Lot #445 Knob Hill Tract Redondo Beach, recorded May 12, 1950, *emphasis added*. (“This property is hereby granted with the specific restriction that no building, fence, tree, shrub or any structure, plant or obstruction shall extend beyond sixty (60) feet west of the Esplanade property line, unless said building or obstruction is below the street level.”).

Honorable Members of the City Council  
June 1, 2004  
Page 11

The 801 Esplanade property is unique in its location, which provides both a burden and a benefit to its owners. It is located at the focus of a dramatic public view corridor, so the owners have an obligation to the community to seek alternatives to disrupting the public's coastal view. But the owners of the property also enjoy the public open space to the north, where no building can ever obstruct their view and sunlight. Windows along this side of the house could make interior bedrooms attractive and marketable. Moreover, the property enjoys a spectacular slope that ensures that every level will have a panoramic view of the ocean. While we recognize the owners and their architect have worked hard in their design of the Project, there appear to be unexplored feasible alternatives to the proposed Project, including building west on the existing subterranean level or adding additional down-slope floors. The City has failed to analyze those alternatives as required by law.

## **II. THE CITY COUNCIL MUST DENY THE COASTAL DEVELOPMENT PERMIT.**

The LCP provides that an application to a CDP may be denied if makes one of three findings, which are essentially the contrary of any of the three findings discussed above.<sup>27</sup> For the reasons discussed in Part A, above, the City should find that Project **does not** comply with the LCP because it does not consider public views, either under the express requirement to "maximize public views" or the LCP's admonition to "carry out the policies of the Coastal Act," which includes compliance with Coastal Act Section 30251 regarding protection of scenic resources. While it is possible the City would not find that the Project violates the public access and public recreation policies of the Coastal Act, that issue should at least be discussed in some meaningful manner.

With regard to CEQA, the Commission relied on the erroneous conclusion that the Project was categorically exempt. It therefore did not discuss the Project's significant environmental impacts to aesthetics (i.e., the public view) nor did it require a geologic analysis to determine the potential impacts from soils subsidence. Further, the Commission did not meet its obligations under CEQA to discuss feasible alternatives. Until the proper CEQA analysis is performed, the City cannot approve the Project.

For the many reasons explained above, we urge the City Council to deny the CDP for 801 Esplanade.

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<sup>27</sup> Redondo Beach Municipal Code, Title 10, Chapter 5 §10-5.2218(d).



Honorable Members of the City Council

June 1, 2004

Page 12

We remain hopeful that there will be an equitable solution to enable the property owners to expand their private space that is not at the expense of the entire community of Redondo Beach. However, we will not hesitate to pursue all available remedies, including rights of appeal, to protect the public's view.

Sincerely,

Ellen Berkowitz, Esq.  
Manatt, Phelps & Phillips, LLP

cc: Kevin Farr, Appellant  
Linda Moffat, Friends of Knob Hill

Subj: stop corrupt and environmentally bankrupt bldg in redondo beach  
Date: 9/21/2004 11:40:17 AM Pacific Daylight Time  
From: dean@twobluecats.com  
To: megcoastal@lawstanford.edu, megcoastal@lawstandford.edu  
CC: wpatkreuer@aol.com, petersoastal@sandiego.gov, saveredondo@aol.com

i live at 610 esplanade #4 and it has come to my attention that there is a planned expansion that would block the knob hill view corridor. i am diametrically opposed to this.

Attn:  
Chuck  
Posner

first, the plans apparently might come from some neophyte building company. they pose as "architects" but are rank neophytes and build large box ugly things that obstruct views, rendering them asthetically horrible. builders do not architects make, as they say. if the guarantee were that plans would ONLY come from taliesin west, i'd remove my objection. competent (and therefore environmentally sensitive) firms like taliesin would NEVER obstruct a critical view.

second, said building company probably is "in bed" directly or indirectly with the board. why else would a board approve anything that harms the view??

third, property values would drop since the view would be removed. this means the board would get more money from THIS ONE unit, but lose money overall since other assessed values would fall.

fourth, i live here, and tourism comes here, for the view and the tranquility. what peace is there if every time the board is bribed it accceeds?

fifth, and unrelated, i might add that it's disgusting that buildings keep getting converted to condos here with authorization. we have lost near-historical houses for stupid box-type condos.

thank you for your attention,  
dean s. barron

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SEP 22 2004  
CALIFORNIA  
COASTAL COMMISSION

*John F Carroll*

*52 Avenue B  
Redondo Beach  
Ca 90277  
310 792 7185  
jcc@earthlink.net*

**September 15, 2004**

**Attn: Chuck Posner**

***I would like to inform you that I am very much against the decision of City of Redondo Beach to approve construction that would block the Knob Hill view of the Pacific Ocean.***

***John Carroll  
752 Avenue  
Redondo Beach, Ca. 90277  
Permit # A-5-RDB-04 and Against Construction***

***Regards,  
John Carroll***

## Chuck Posner

---

From: Deborah Lee  
Sent: Tuesday, September 21, 2004 10:34 AM  
To: Chuck Posner; Pam Emerson  
Subject: FW: Permit #A-5-RDB-04-261 "Against Construction"



winmail113.dat



ATT08300.bt

fyi

-----Original Message-----

From: Meg Caldwell [mailto:megc@stanford.edu]  
Sent: Monday, September 20, 2004 6:03 PM  
To: Deborah Lee  
Subject: Fwd: Permit #A-5-RDB-04-261 "Against Construction"

>X-Sieve: CMU Sieve 2.2  
>From: "Glenn Roth" <glennfroth@att.net>  
>To: <megcoastal@law.stanford.edu>, <wpatkruer@aol.com>,  
> <peterscoastal@sandiego.gov>  
>Subject: Permit #A-5-RDB-04-261 "Against Construction"  
>Date: Mon, 20 Sep 2004 16:10:31 -0700  
>X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)  
>Importance: Normal  
>X-MS-TNEF-Correlator: <LPBBJIHPKJPDMACIHBGEGEPECCAA.glennfroth@att.net>  
>X-MIMETrack: Itemize by SMTP Server on lawmail1/stanford(Release  
>5.0.12 |February 13, 2003) at  
> 09/20/2004 04:07:06 PM,  
> Serialize by Router on lawmail1/stanford(Release  
> 5.0.12 |February 13, 2003) at  
> 09/20/2004 04:07:08 PM

>Dear California Coastal Commissioner:

>  
>My wife and I are believers in the free-market system and understand that in  
>our society people with more money can buy bigger and 'better' things: more  
>luxurious cars, bigger houses, homes with a nicer view. However, the  
>ability to afford to build a bigger home does not bestow on anyone the right  
>to exclude others to view or access the beautiful, albeit limited, natural  
>resource of our state, the shoreline.

>  
>We are adamantly opposed to any construction in the state that unduly  
>restricts coastline access or view to the public, including any proposed  
>construction on the Esplanade in Redondo Beach (please see reference number  
>below).

>  
>Sincerely,

>  
>Glenn Roth  
>Larissa Gotguelf  
>555 Esplanade, #320  
>Redondo Beach, CA 90277  
>(310) 944-3255  
>Reference: Permit #A-5-RDB-04-261 "Against Construction"

FAX 562-590-5084  
Attention: Chuck Posner

**Permit #A-5-RDB-04-261 and "Against Construction."**

**JOYCE L. CORRADETTI  
730 Esplanade #507  
Redondo Beach, CA 90277  
Phone 310-316-8899**

September 12, 2004

Dear California Coastal Commission:

**Permit #A-5-RDB-04-261 and "Against Construction."**

I am writing this letter in regard to the proposed expansion of property, resulting in an obstructed view on Knob Hill at Esplanade. I have lived at this intersection for 16 years, and I am greatly disturbed at the idea that this breath-taking public view might be lost forever.

It is not only for myself that I petition you, but also for the good of the all the people of Redondo Beach. Our coastline is our wealth, and the limited views must be preserved! The character of our coastline is unique to the area, which sets us apart from the neighboring beach communities.

The current house that exists on that property already has a coveted, two-story, panoramic view. Why do they need a third-story? It almost seems greedy, and would be so costly to many.

In addition, this eye-sore would obstruct the ocean view corridor up the street of Knob Hill for many neighbors, as well as visitors turning West from PCH. I have observed for years, people from outside the immediate neighborhood, come specifically to enjoy the magnificent sunsets en route of Knob Hill.

Please protect our precious view for the generations to come. Thank you.

Sincerely,  
Joyce L. Corradetti

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SEP 13 2004

CALIFORNIA  
COASTAL COMMISSION

Karen Ulman  
608 Sapphire Street  
Redondo Beach, Ca 90277

September 14th, 2004

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SEP 14 2004

Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10th floor  
Long Beach, Ca 90802-4416

CALIFORNIA  
COASTAL COMMISSION

Re: Permit #A-5-RDB-04-261

I am against the proposed construction along the Knob Hill corridor in Redondo Beach. I have been a resident of Redondo Beach for 15 years and I have witnessed the slow development of our quaint beach city into just another city of dense housing and more retail establishments. Although I know "progress" is inevitable in any town, so much of what made this town special is being destroyed. One of which is the ocean view. This ocean view should belong to all residents of Redondo Beach, not just the chosen few. Please save this view corridor along Knob Hill for all residents of Redondo Beach to appreciate. Your consideration is appreciated.

Sincerely,



Karen K. Ulman

Date: Monday, September 20<sup>th</sup>, 2004

To: Members of the California Coastal Commission  
c/o California Coastal Commission  
PO Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416  
Fax: (562) 590-5084

From: Paul Schlichting  
PO Box 3432  
Redondo Beach, CA 90277

Re: **Permit# A-5-RDB-04-261**  
**"Against Construction"**

Dear Members of the California Coastal Commission,

I live on the 500 block of South Broadway in Redondo Beach, and want to voice my opinion that I am *against* the proposed new story construction on the Esplanade at Knob Hill in Redondo Beach.

I can fully understand and appreciate that property owners want to exercise their rights in order to expand the size of their home. However, I believe that this is in excess for the following reasons:

- It is not a simple "right" to expand one's domicile outside of rules and guidelines at the mere action of requesting a variance. Rules and guidelines exist for a reason, and in this case, there is a considerable impact on the neighborhood, and degradation of the CCC's mandate, setting a dangerous precedence for other future would-be builders/expanders.
- The owners apparently acknowledged that they could have gone into the hill to expand their home (thus not affecting the view corridor being addressed), but they elected to not pursue it. This demonstrates that the application is for convenience rather than grave or urgent need.
- This home already has a view that so many in the neighborhood (not to mention the city, county, state, and so on) would die for. What little view of the water, sky and sunsets is left is shared by those who live on Knob Hill – for all it's distance to at least a block east of PCH. This doesn't include people (including people on our street) who routinely drive down Knob Hill on their way home and can actually see the horizon. To expand the house up another story would remove the visual horizon from the areas mentioned. This would contribute toward the degradation of quality of life for people in the area, and could arguably degrade home values in the area as well. (see photo A below)
- I walked by the home, and found that it is already of 2 stories, with an additional "beach house" building just below the lower story. In addition, they have a garden area (cactus?) just below the "beach house" as well. (see photo B below)
- Granted, the lot is smaller than some of the neighboring ones, but that does not give anyone any extra rights to build toward a larger lot-sized home. If I owned a 30x80 foot lot and wanted to build-out to achieve the square footage available as if I were on a 50x100 foot lot, I doubt that I would be approved, as the City would have to approve heights not currently allowed. (see photo C below)

Note that the photos below are present in 2 different brightnesses/contrasts in hopes that something coming across the FAX is readable.

Photo A – View of horizon as seen from Knob Hill east of Catalina – house is to left of tall green tree (sunsets are observed down this view corridor):

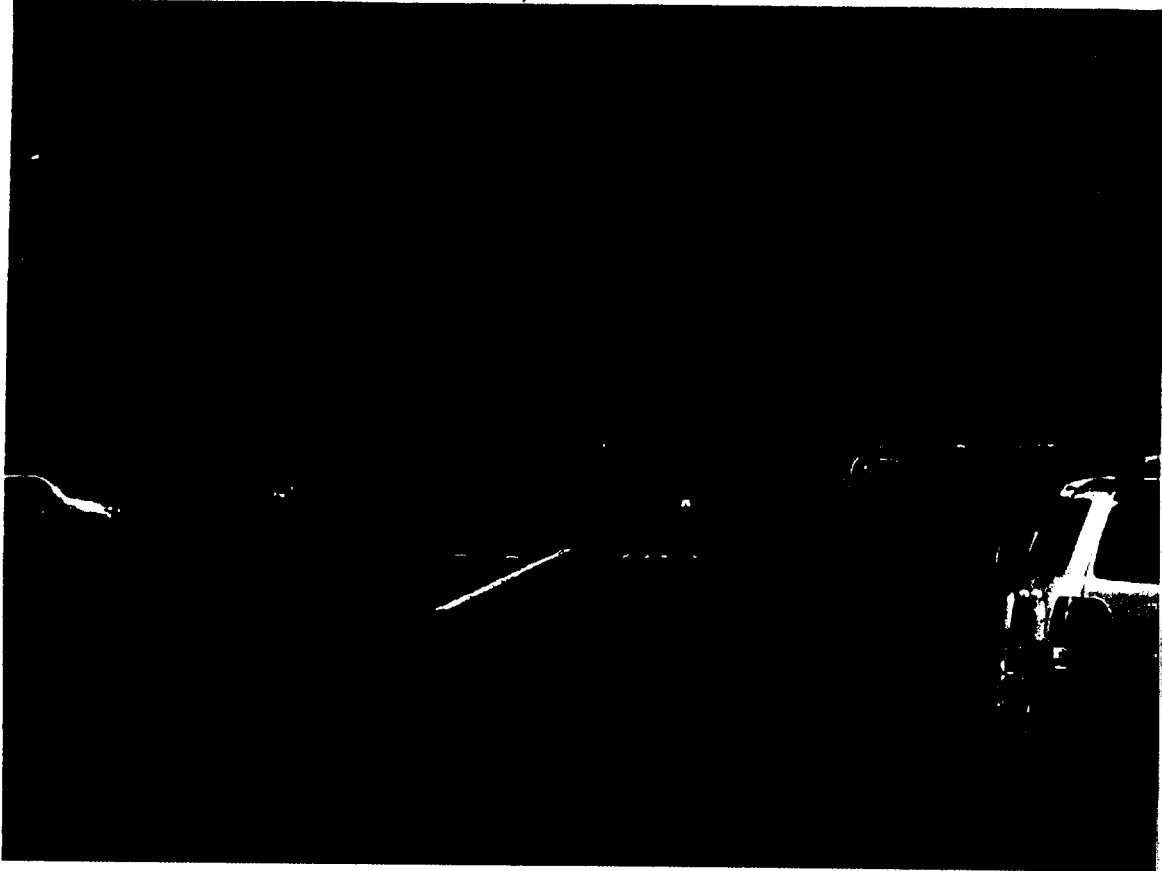
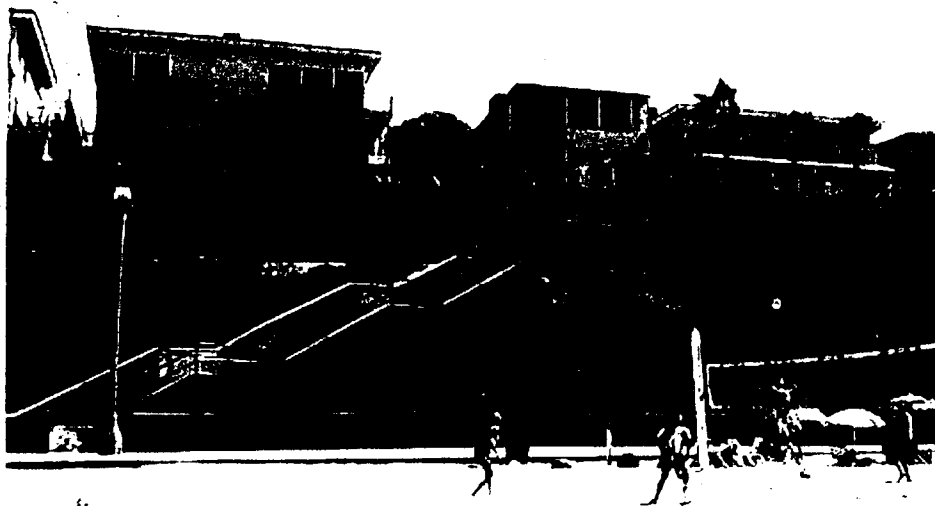
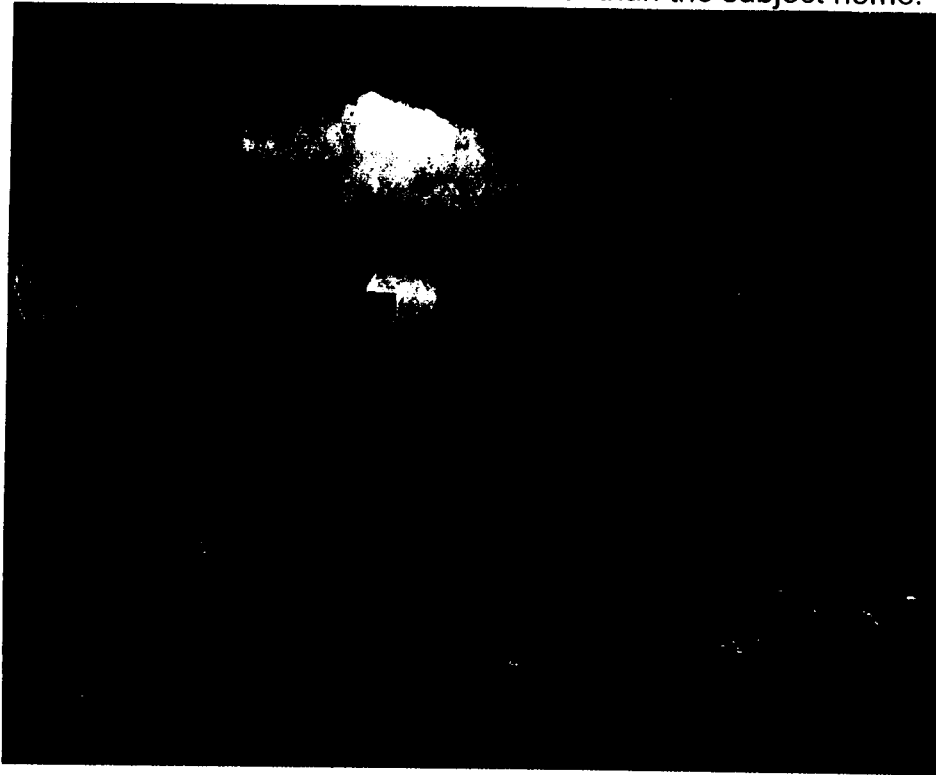




Photo B – View of home showing both stories, beach-house, and garden area:



Photo C – View of home from the beach, showing relative size/width of home compared to neighbors – it is the house to the right of the stairs with the large green tree in back. The building to the left sticks out about 6 feet further (toward the ocean) than the subject house, and the *next* one further left sticks out about another 6 feet - 12 feet closer to the water than the subject home:



*continued...*

Further, I would recommend that the Commission reconsider the "Fast Track" that it has allowed Redondo Beach on such permitting as the City Planning Commission and City Council do not exercise discretion nor restraint when it comes to construction in Redondo Beach. This very issue is an example of how both bodies can unanimously approve the variances requested with little or no demonstrated regard for the assigned empowerment you have given them to uphold the CCC's mandate: **"The California Coastal Commission's primary mission is to plan for and regulate land and water uses in the coastal zone consistent with the policies of the Coastal Act."** (as stated on your website).

In City Council discussions, there was some discussion that the tree next to the house is the real view culprit. However, it was not considered that the additional story on the house would block even more view, and the tree could be trimmed or removed if deemed in violation – you can't "trim" a house.

I urge you to uphold what the California Coastal Commission was commissioned to do, and refuse the building of the second story on this home for the sake of preserving coastal views for everyone as much as possible.

Thank you very much for your time and consideration.

Paul Schlichting  
PO Box 3432 (500 block of South Broadway)  
Redondo Beach, CA 90277

Ron Iacopucci  
523 S. Francisco Ave  
Redondo Beach, CA 90277

**RECEIVED**  
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SEP 14 2004

To: Chuck Posner  
California Coastal Commission  
P.O. Box 1450, 200 Oceanside, 10th Floor  
Long Beach, CA 90802-4416

CALIFORNIA  
COASTAL COMMISSION

Hi, I am one of the many local citizens from Redondo Beach who are against blocking public views with development.

In regards to Permit # A-5-RDB-04-261

I am "Against Construction" along and at the Knob Hill View Corridor in Redondo Beach, CA

Please help prevent this development blocking of public views in this area.

Sincerely,

Ron Iacopucci

Permit # A-5-RDB-04-261

Against Construction

September 13, 2004

California Coastal Commission  
Po Box 1450, 250 Oceangate, 10<sup>th</sup> Floor  
Long Beach, Ca 90802-4416

Attn: Chuck Posner:

We are writing to express our support for maintaining the Knob Hill View corridor in Redondo Beach. We have lived in this area for 15 years and feel the view from Knob Hill is such a precious asset for all of us who walk and drive on this street.

I would also like to express my disappointment with the Redondo Beach officials who reviewed this project. I do not believe their staff did more than a cursory investigation. Their cognizance of the issues was so limited as evidenced by their recommendation to "remove a tree" as a compromise solution.

Your support in maintaining the current view is greatly appreciated.

Sincerely,

Carl King, Virginia L. King

Carl and Virginia King  
721A Elvira Ave  
Redondo Beach, Ca 90277

SEP 14 2004

SEP 14 2004

SEP 14 2004

Art & Helene Warden  
Tel: 310-316-1806  
Fax: 310-316-3229

FACSIMILE COVER PAGE

To: Chuck Posner

Fax #: 15625905084

Company: California Coastal Commission

From: Helene Warden

Fax #: 310-316-3229

Tel #: 310-316-1806

Subject:

Sent: 9/14/2004 at 4:41:00 PM

Pages: 1 (including cover)

**MESSAGE:**

We are against construction in the Knob Hill View Corridor in Redondo Beach. Traveling through South Redondo Beach on Esplanade it is impossible to see the ocean or the setting sun in most places because the buildings have become taller, larger, bulkier.

It is delightful to drive west on Knob Hill and see the ocean through that small remaining corridor. Please don't let that disappear!

Joseph A. Warden  
Helene R. Warden  
608 Esplanade #5  
Redondo Beach, CA 90277  
Permit #A-5-RDB-04-261  
Against Construction

**RECEIVED**  
South Coast Region

SEP 14 2004

CALIFORNIA  
COASTAL COMMISSION

Attention: Chuck Posner  
Permit #A-5-RDB-04-261

Re: Against Construction: Permit #A-5-RDB-04-261

To whom it may concern:

I live in the area of the recently approved "upward construction" in the Knob Hill Corridor of Redondo Beach and almost daily drive past the area in question. Knob Hill is one of very few remaining streets that still provide beautiful coastal views as you near the ocean in this region of South Bay thanks to other nearby streets already having very tall structures right on the water. In fact I purposely use Knob Hill as my route to and from home specifically for these views.

I would be very dissappointed in the Coastal Commission and the City of Redonod Beach if the wants of a few take away this natural beauty from all the residents and visitors who come to this area.

Sincerely,

George Crone  
1511 S. Catalina Ave.  
Apt B  
Redondo Beach, Ca. 90277

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SEP 15 2004  
CALIFORNIA  
COASTAL COMMISSION

*Maggie Rose-Van Dyke  
515 S. Broadway #D  
Redondo Beach, CA 90277*

September 14, 2004

ATTN: Chuck Posner  
CA Coastal Commission  
P.O. Box 1450, 200 Ocean Gate, 10th Floor  
Long Beach, CA 90802-4416

REL  
SEP 16 2004  
CALIF  
COASTAL COM

Maggie Rose-Van Dyke  
Permit #A-5-RDB-04-261  
Against Construction

This letter is to voice my opinion regarding the construction of a second story on the house at the end of Knob Hill. My family lives on Broadway, and we walk to Knob Hill almost daily; the view is beautiful. We do not need or want anymore second-story homes or apartment buildings blocking the views. Redondo Beach has already diminished so many wonderful views by allowing tacky apartment buildings and condominiums to be built.

Please preserve what is left for the thousands of people who drive down Knob Hill or walk the neighborhood. I find it hard to believe that I live two blocks from the beach but may never see it because of a few self-centered homeowners wanting to build second stories.

Sincerely,





RECEIVED  
JAN 11 1991  
COMM. COMMISSION

Dear Mr Posner,

My family and I walk down Knobs Hill nearly everyday to the beach for a walk or run and we enjoy the view of the water. We hope you will find in our favor that Knobs Hill is a view corridor and stop construction #A-5-PDB-04-261.

Sincerely,

Richard Dunn & family.

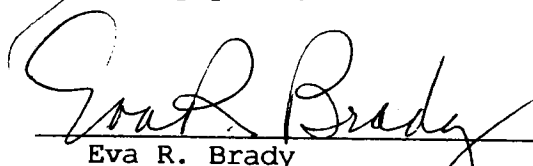
Councilman Gerard Bisignano  
415 Diamond Street  
Redondo Beach, CA 90278

Dear Mr. Bisignano,

I write this quick note with little hope that my concerns will weigh with you or your colleagues on the City Council. However, I feel that I must express my fervent opposition to the blocking of the beautiful ocean view that I enjoy daily as I drive down Knob Hill Avenue towards my home (of forty-five years) on Catalina Avenue.

This long battle against the over-development of what used to be a sleepy little beach town is a losing one; I realize that as I adjust to the unwelcome changes of the last forty years. But once again I can say that at least I tried to fight the changes. With your help and cooperation, perhaps the citizens of Redondo will have their voices heard.

Sincerely yours,

  
Eva R. Brady  
724 South Catalina Avenue  
Redondo Beach, CA 90277

Dear Sir,  
Enclosed please find a copy  
of a letter I recently (and  
fruitlessly) sent to my city  
Councilman. I realize that  
this is a losing battle, but it  
is not yet lost. Please do what  
you can to help us keep  
Redondo Beach from becoming  
another Honolulu. We already  
have too many tall buildings  
blocking the view of the  
ocean! Thank you.



**RECEIVED**  
South Coast Region

SEP 17 2004

CALIFORNIA  
ASTAL COMMISSION

Sept. 13, '04

Attn: Chuck Posner

RECEIVED  
SOUTH COAST  
SEP 14 2004

Muriel Matthews  
730 Ave A  
Redondo Bch, Ca. 90277

COASTAL COMMISSION

Permit # A-5-RDB-04-261 and  
"Against Construction"

Dear Mr Posner 9-11-04  
We have learned that  
the city of Redondo Bch  
has approved construction  
higher up that would  
block views of ocean  
skies etc - why people  
bought homes, visit  
Red Bch, etc. we live  
in Torrance. But know  
residents there & go  
there regularly & can  
readily understand  
the community concern  
V.T.Y.  
Patricia Weimer  
2510 Ridgeland Rd  
Torrance, CA. 90505  
Permit A-5-RDB-04-261  
"AGAINST THE UPWARD  
CONSTRUCTION"

Sept. 13, 2004

attn: Chuck Posner

California Coastal Commission  
Long Beach, Ca.

**RECEIVED**  
South Coast Region

SEP 17 2004

Dear Sir:

CALIFORNIA  
COASTAL COMMISSION

We don't live on Knob Hill,  
but we live close by, and  
are concerned about  
"blocking our view with  
upward construction"

We citizens in this  
choice area are pleading  
that the Calif. Coastal  
Commission keep our  
"corridor view" open to  
the public.

Mr. & Mrs. Bill Kmrach  
537 S. Gertruda  
Redondo Beach, Ca. 90277

**RECEIVED**  
South Coast Region

SEP 17 2004

CALIFORNIA  
COASTAL COMMISSION

To: Coastal Commission:

Please don't let them build on this  
land and block this view. !!! (KNOB HILL  
OCEAN VIEW)

Thank you

IN  
REDONDO BCH

STEVE DUCKWORTH  
22329 REDBEAM AVE  
TORRANCE, CA. 90505

Permit # A-5-RDB-04-261

I am against construction

Veronica Williams

South Coast

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

Chuck Posner

Please stop the  
building along  
the Esplanade. There  
is enough cement  
along this part  
of the coastline. Help

Permit

#A-5 ROB-04-261

Against Construction!

V.W.W.

Wanda B. Borgerding  
531 Avenue A, No. D  
Redondo Beach, California 90277  
**RECEIVED**  
South Coast Region

Permit # A-5

9/16/04

SEP 17 2004

RDB-04-261

CALIFORNIA  
COASTAL COMMISSION

Against Construction

Dear Mr Posner,

Please use your influence  
to stop any upward  
construction & block the  
view of the Knob Hill  
Corridor. It would be a  
crime. As a life-long  
resident of Redondo Beach  
& think my family & many  
others would be impacted

negatively. There isn't  
much left to save for our  
kids (mine 10 yrs & 15 yrs)  
but this would be a  
wonderful start.

Help us!

Sincerely  
Wanda Bergending



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South Coast Region

SEP 20 2004

To Chuck Posner

My name is Rick Franco  
518 S. Catalina Ave "B"  
Redondo Bch CA 90277

CALIFORNIA  
COASTAL COMMISSION

Permit # A-5-RDB-04-261  
Against Construction

Hi Chuck Posner

I am writing this letter because I feel it is not fair that people would be allowed to build up and block our view. Why not allow these residents to build down toward the beach. I have been to two town hall meetings and wish this be resolved

Thank You

Rick Franco  
*[Signature]*

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

Attn: Chuck Posner:

RE: # A-5-RDB-04.261

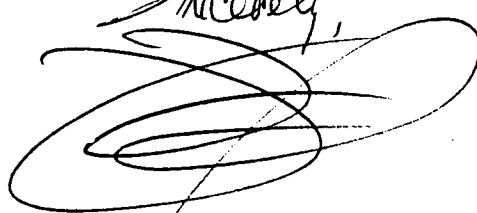
"Against Construction"

LORION BREWER  
211 Ave. del Norte  
Red. Beach, CA  
90277

Mr. Posner-

Please accept my heartfelt thanks  
and appreciation for your interest and  
concern with this project.

Please continue this effort to  
keep our view open-

Sincerely,  


LORION L. BREWER

September 18, 2004

SEP 20 2004

Chuck Posner  
California Coastal Commission  
P.O. Box 1450, Zoo Oceanside, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Dear Mr. Posner:

Our names are Dave & Amy Myrick, we reside at  
730. S. Catalina Ave. Unit E  
Redondo Beach, CA 90277

We are writing regarding Permit # A-5-RDB-04-261,  
we are "Against Construction".

Having lived in various areas of the South Bay, we  
were drawn to South Redondo Beach for its views  
and charm.

Approving this construction, not only takes away from  
this particular view, it also sets a precedent for  
future construction, which cumulatively could ruin the  
charm of this area.

we appreciate your consideration in this matter.

Regards,

Amy Mynick  
Dane [signature]

Gentlemen:

This is "Help SAVE  
Knob Hill View Corridor"

Permit # A-5-RDB-04.261  
"Against Construction"

Elaine Gindres  
565 Esplanade 309  
Red Bank, Co 90277

Thanks for your  
concern for our open,  
scenic places.

Elaine Gindres



Print - Close Window

**Date:** Sat, 18 Sep 2004 14:54:28 -0700 (PDT)  
**From:** "eric boehm" <eboehm61@yahoo.com>  
**Subject:** Permit# A-5-RDB-04-261 / Against Construction  
**To:** megacoastal@law.stanford.edu  
**CC:** wpatkruer@aol.com, peterscoastal@sandiego.gov, saveredondo@aol.com 9/18/2004

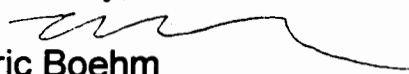
Mr. Chuck Posner  
California Coastal Commission  
P.O. BOX 1450  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

Just a note to you, and sent via e-mail to the above noted people about my opposition to the continued attempts to ruin what is left of any view in South Redondo. As a truly life long resident (other then the years away at college), the changes in the Redondo Beach over all are shocking to the senses, and any further changes to the area must be reigned in, if not outright stopped altogether. This particular item, the attempted elimination of any view along Knob Hill, must be stopped all together.

The things that have kept me living in Redondo are becoming more and more scarce. The view that I see when I do my almost daily bike rides should not become one more item that is taken away, not just from me, but all.

I do hope that you, as well as the other members of the California Coastal Commission take just not my letter, but all the other letters and comments in a serious light. We all understand the need to encourage business, and keep things attractive to those that live here now, as well as for future generations. I do hope that my now 6 year old daughter will want to continue to live in Redondo after her years away at college, as I did and still do.

Sincerely,



Eric Boehm  
847 Ave. "C"  
Redondo Beach, CA 90277  
310/316-4591  
310/971-8243

ATTN: CHUCK POSNER,

Please leave Knob Hill alone. I'm born  
and raised in this community. We should  
preserve the beauty for everyone to  
enjoy.

Thank you  
Jisa

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South Coast Region

SEP 15 2004

CALIFORNIA  
STATE COMMISSION

Jisa Cervais

7100 VIA DEL MAR

Mano Palos Verdes, Ca 90275

Permit #A-5 RDB 04-2461 "Against Construction"

September 15, 2004

Chuck Posner  
California Coastal Commission  
P. O. Box 1450  
Long Beach, CA 90802-4416

Re: Permit #A-5-RDB-04-261  
"Against Construction"

RECEIVED  
California Coastal Commission  
SEP 16 2004  
CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Posner:

I am writing to urge you and the California Coastal Commission to prevent upward-story development that would block the view from Knob Hill in Redondo Beach.

We have already lost a substantial amount of view along the Esplanade and I am afraid this ongoing trend of building "McMansions" and even more modest-sized but equally tall buildings will ruin what remains of this beautiful vista.

The natural beauty of the City of Redondo Beach has already suffered on account of over-development and rampant construction of multi-storied buildings. Please join with the majority of Redondo citizens who want to preserve this very special view which belongs to everyone.

Thank you for your time.

Sincerely,



Leslie G. Jacobs  
407 S. Guadalupe  
Redondo Beach, CA 90277

cc: megcoastal@law.stanford.edu, wpatkruer@aol.com, peterscoastal@sandiego.gov,  
saveredondo@aol.com

Sep 16 04 10:11a

P. 1

We are against construction in the Knob Hill View Corridor in Redondo Beach. Traveling through South Redondo Beach on Esplanade it is impossible to see the ocean or the setting sun in most places because the buildings have become taller, larger, bulkier.

It is delightful to drive west on Knob Hill and see the ocean through that small remaining corridor. Please don't let that disappear!

Joseph A. Warden  
Helene R. Warden  
608 Esplanade #5  
Redondo Beach, CA 90277  
Permit #A-5-RDB-04-261  
Against Construction

ATTN  
Chuck  
Posner



Dear Mr. Fosner

My husband and I are happy members of the Redondo Beach community. We live on Ave A + walk our dog 2x daily on Knob Hill to and from the ocean. Please help our voice be heard against the construction for the Knob Hill Cruiolr. All of us cherish our views and do not wish to have it impeded by remodelers development! Please do what you can.

Thank You,

Kirsten Dallhubach

Rob Dallhubach

Oti's Dallhubach

Re: #A-S-RDIS-04-261 "Against Construction"

Kirsten Dallhubach

628 Avenue A

Redondo Beach, CA

90217

SEP 16 2004

SEP 16 2004

CC

September 14, 2004

David Van Dyke  
515 South Broadway Unit D  
Redondo Beach, CA 90277  
(310) 406-5224

SEP 16 2004

Attn: Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Re. Permit #A-5-RDB-04-261

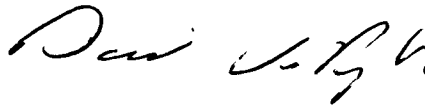
Dear California Coastal Commission:

The purpose of this letter is to strongly oppose the construction of a 2<sup>nd</sup> story addition to the property located at 801 Esplanade, Redondo Beach, CA 90277. As a resident and homeowner in Redondo Beach I encourage the Commission to protect the wonderful view of the ocean we have via Knob Hill.

Since I live at 515 South Broadway my property value will not be affected by your decision. I'm simply concerned about losing the view of the ocean I have enjoyed for 19 years.

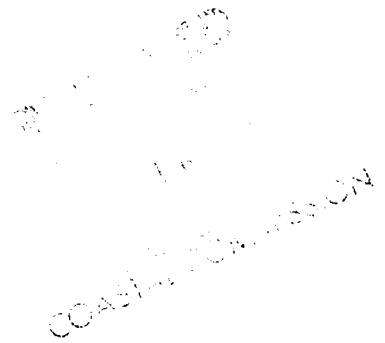
Please protect this view so all the residents and visitors to the South Bay can continue to enjoy it.

Sincerely,



David Van Dyke

To: California Coastal Commission  
Attention: Mr. Chuck Posner  
Subject: Permit #A-5RDB-04261  
From: Nikolai & Shannon Sherbin



Re: Permit #A-5-RDB-04-261  
AGAINST CONSTRUCTION

Gentlemen:

The purpose of this e-mail is to document our opposition to the construction (Permit #A-5-RDB-04-261) which would impinge on the public's view of the Knob Hill View Corridor in Redondo Beach, California.

Thank you.  
Sincerely,

Nikolai S. Sherbin  
Shannon D. Sherbin  
Sara T. Sherbin

22618 Greenwood Avenue  
Torrance, CA 90505

To: C C - Chuck Posner  
Re: #A-5RDB-04261  
From: Wanda Borgerding  
531 Avenue A  
Redondo Beach, CA 90277

RECEIVED  
JAN 16 2004  
COASTAL COMMISSION

Wanda Borgerding 531 Avenue A Redondo Beach  
re: Permit #A-5RDB-04261 and "Against Construction."

Our family has lived on Avenue A for 17 years and we have enjoyed the view and it would be a terrible tragedy if our view was blocked due to some greedy developer's hammer! We are against it!!! Please do what you can to stop the project! There is "substantial evidence" that this corridor view should remain open for us and our families to enjoy. SAVE KNOB HILL VIEW CORRIDOR! Do your jobs correctly and stop this from happening.

Sincerely,

Wanda Borgerding (mother of Chelsea)

David Wiggins  
217 S. Helberta Ave. #2  
Redondo Beach, CA 90277  
310/372-7864

September 16, 2004

**Via Telefax 562/590-5084**

**Attn.: Chuck Posner**  
California Coastal Commission  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802 - 4416

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South Coast Region

SEP 17 2004

**Re.: Permit #A-5-RDB-04-261**  
**(AGAINST CONSTRUCTION)**

CALIFORNIA  
COASTAL COMMISSION

To the Honorable Members of the Coastal Commission:

As a coastal resident of Redondo Beach, I view access to and visibility of the ocean as precious. Several years ago, the town allowed high rise development along the beachfront street of South Redondo Beach (the Esplanade), destroying much of the ocean view that we had loved and taken for granted for decades.

Please don't let this happen any further. Stop the upward construction recently approved by the City of Redondo Beach. Preserve the Knob Hill View Corridor for all citizens, not just those with the money to buy beachfront property and build upward.

**I urge you in the strongest possible terms to block this project! Thank you for your attention.**

Respectfully,



David Wiggins

**FAX TRANSMISSION**

**TO:** CHUCK POSNER  
California Coastal Commission  
**FAX:** 562-590-5084  
**DATE:** September 16, 2004  
**RE:** Permit #A-5-RDB-04-261  
AGAINST Construction

Dear Mr. Posner:

Please do not allow construction under this permit. Please seek an alternative that will preserve the view corridor from Knob Hill Avenue. The beachfront along most of Esplanade Dr. has been built up too much, blocking views and public access. We should prevent overdevelopment on the remaining portions. Thank you for considering this position.

Sincerely,

Greg McClain  
203 Avenue H  
Redondo Beach, CA

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South Coast Region

SEP 17 2004

CALIFORNIA  
COASTAL COMMISSION

Russ Goddard  
619 Ave B  
Redondo Beach, CA 90277

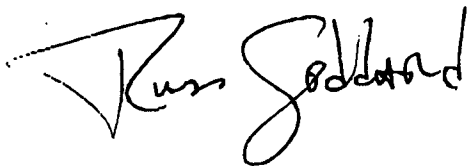
California Coastal committee  
Box 1450  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416  
ATTN: Chuck Posner

Mr. Posner

Pertaining to Permit # A-5-RDB-04-261, I am against construction. I do not support restricting the Knob Hill view corridor.

Thanks

Russ Goddard

A handwritten signature in black ink that reads "Russ Goddard". The signature is stylized, with the first name "Russ" written in a cursive script and the last name "Goddard" written in a more upright, blocky cursive style.

September 16, 2004

California Coastal Commission  
P.O.Box 1450  
200 Oceangate , 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

*attention: Chuck Posner*

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South Coast Region

SEP 17 2004

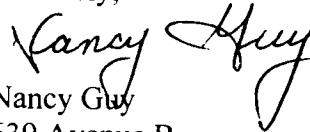
CALIFORNIA  
COASTAL COMMISSION

Re: Against Construction, Permit #A-5-RDB-04-261

Dear Mr. Posner:

I have lived at my present address since 1979. One of my neighbors, Ezme Jesson, , had lived on this street since the early 1940's, and before she died in 1984, she use to constantly told me what a beautiful view our entire street had before a huge condo/apartment building was built in the 1960's. She said people use to bring lawn chairs out to their front yards and sit and watch the sunset. Others would drive down our street and park their cars to watch the sunset. That ugly condo/apartment building ruined the entire view for decades now and still ruins it. Ms. Jesson use to say that you could drive down our street and have this spectacular view and beautiful sunset for anyone who wanted to walk or drive down our street. She said that some real estate developers were "pals" with some people on the Redondo Beach City Council and that despite protests from many people, the real estate developers got their way and the "ugly apartment/condo" was built. Our street, Avenue B, runs parallel to Knob Hill, and I would hate to see the developers ruin one more street in our beach community. Don't let this happen again to Knob Hill. It is outrageous what people will do for money. There is plenty of land inland just a few miles east where buildings can be built and it won't ruin a spectacular view for generations.

Sincerely,



Nancy Guy  
639 Avenue B  
Redondo Beach, CA 90277.  
(310) 540-5153



# Keenan & Associates

*Thirtieth Anniversary*  
1972 • 2002

2355 Crenshaw Blvd.  
Suite 200  
Torrance, CA 90501  
P.O. Box 4328  
Torrance, CA 90510

310 212-3344  
310 328-6793 fax  
www.keenanassoc.com  
License No. 0151271

September 16, 2004

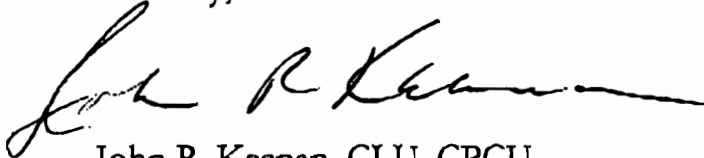
Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Dear Mr. Posner,

I reside at 708 Esplanade in Redondo Beach and feel strongly that the houses along the Esplanade should not be allowed to be higher than one story. There is a house in the 800 block that is two stories with a very high roof line. It seems to be that if homes are going to be two story they should have a lower roof line that will not interfere with other residents' views of the ocean.

Years back the Esplanade was ruined by all the high-rise apartments along the ocean side. We should now learn from this. Hopefully, the Coastal Commission will take interest in this matter.

Sincerely,



John R. Keenan, CLU, CPCU  
Chairman of the Board

Ron Iacopucci  
523 S. Francisca Ave  
Redondo Beach, CA 90277

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South Coast Region

SEP 17 2004

CALIFORNIA  
COASTAL COMMISSION

To: Chuck Posner  
California Coastal Commission  
P.O. Box 1450, 200 Oceanside, 10th Floor  
Long Beach, CA 90802-4416

Hi, I am one of the many local citizens from Redondo Beach who are against blocking public views with development.

In regards to Permit # A-S-RDB-04-261

I am "Against Construction" along and at the Knob Hill View Corridor in Redondo Beach, CA.

Please help prevent this development blocking of public views in this area.

Sincerely,  
Ron Iacopucci

562 540 5084

519 South Broadway Unit B  
Redondo Beach, CA 90277  
17 Sept 2004

Chuck Posner  
California Coastal Commision  
PO Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Ref: Permit #A-5-RDB-04-261

Dear Mr. Posner,

I am against this proposed construction as is my wife. Blocking the Knob Hill corridor view would be a loss to both the residents and visitors to community of Redondo Beach. I personally find it very uplifting to drive or walk down Knob Hill and view the ocean.

Sincerely,

  
Charles P Phillips  
Rachel Phillips

September 20, 2004

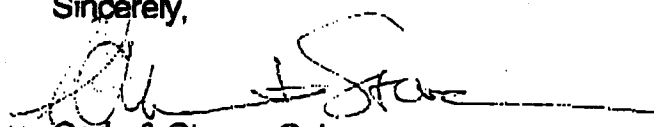
Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450 200 Oceangate, 10th Floor  
Long Beach, CA. 90802-4416

fax: 562-590-5084

Dear Mr. Posner:

We are AGAINST CONSTRUCTION ON PERMIT #A-5-RDB-04-261. Please don't allow our town to be wrecked by people who don't care about our views, our beaches, and and what's left of the small town feeling in our community. Please stop greedy developers from wrecking our community more than they already have.

Sincerely,



Carla & Steven Cohen  
825 Avenue A  
Redondo Beach, CA. 90277

Ms. Marcie May  
444 Via el Chico  
Redondo Beach, CA 90277

Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Re: Permit #A-5-RDB-04-261  
"Against Construction"

Dear Mr. Posner:

As a longtime resident of Redondo Beach, I strongly support the Friends of Knob Hill in blocking the proposed construction of the Knob Hill View Corridor. A view blocked is a view lost forever, and this corridor should remain open to the public. Our beautiful California coastline should not be sold to high-rise developers, as it has been for so many decades previous.

Sincerely,

*Marcie M. May*

Valerie Poss  
220 Calle De Madrid  
Redondo Beach, Ca 90277  
310 791 3397

Permit # A-5-RDB-04-261

**RECEIVED**  
South Coast Region  
SEP 20 2004

Against  
Construction

CALIFORNIA  
COASTAL COMMISSION

9/16/04

To Whom It May Concern:

I am writing to you to ask that you do all that you can to protect the beautiful Knob Hill View Corridor. I have lived in Redondo Beach all of my life and that view means so much to me. It is one of the things that makes Redondo Beach special. Since the corridor is really only five houses wide, can we not preserve this beautiful view by limiting the height of those lots...it's not a lot to ask.

When planners realized just how populated the island of New York was becoming, they realized the need to preserve open space on the island. This is why Central Park was created and it is one of the reasons New Yorker's love their city. This Knob Hill Corridor is one of the reasons I love my city. I hope this beautiful view will not soon become just a childhood memory for me and something I can no longer share with my children,  
Sincerely,

Val Poss

Valerie Poss  
310 791 3397



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South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

SEPT. 20, 2004

**CHUCK POSNER  
CALIFORNIA COASTAL COMMISSION  
P.O. BOX 1450, 200 OCEANGATE, 10th FLOOR  
LONG BEACH, CALIFORNIA 90802-4416**

**REF.: #A-5-RDB-04-261  
"AGAINST CONSTRUCTION"**

**DEAR CHUCK POSNER,**

**MY WIFE AND I LIVE AT 418 SO.BROADWAY ST. IN REDONDO BEACH AND WE WALK THE KNOBHILL CORRIDOR SEVERAL TIMES A WEEK. I THINK IT WOULD BE A TRAVESTY AND WILL CAUSE A GREAT INJUSTICE TO ALL TAXPAYERS TO REMOVE THIS HEARTWARMING VIEW AS WE WALK THAT STREET.**

**PLEASE TAKE A LOOK AT THE ATROCITY OUR PREDECESSORS' PLANNING HAS CAUSED TO THE NORTHERN PORTION OF THE ESPLANADE AND COMPARE THAT VIEW TO THE SOUTHERN PORTION OF THE ESPLANADE. WHAT A BEAUTIFUL AND WELCOMING SIGHT IT IS FROM KNOBHILL SOUTH ON THE ESPLANADE.**

**PLEASE CONSIDER ALL TAXPAYERS RATHER THAN JUST A FEW AND KEEP AMERICA BEAUTIFUL FOR ALL OF US TO ENJOY BY NOT ALLOWING ANY FURTHER UPWARD CONSTRUCTIONS ON THIS CORRIDOR.**

**RESPECTFULLY YOURS,**

**CHUCK & MARIA DYKES**





Barbara J. Mast  
710 S. Broadway Unit C  
Redondo Beach, CA 90277  
9-19-04

California Coastal Commission  
Attn. Mr. Chuck Posner  
P.O. Box 1450, 200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(by fax 562-590-5084)

Re: Knob Hill Corridor View – Permit A-5-RDB-04-261  
Against Construction

Dear Mr. Posner:

Please permit me to state my strong opposition to any development that would change the essential characteristics of the Redondo Beach area in the vicinity of Knob Hill. The Knob Hill view corridor is an important part of my life, and would deeply sadden me were it to be blocked by new construction.

As a personal note we moved into this area 2 or more years ago, after many years of wishing we could be here. In part this is because we immediately fell in love with Redondo Beach as we drove over the hill towards the seafront. Every day this is a renewed pleasure, and I am sure a major part of what makes this area so special.

It would be a tragedy for all, if development continues to erode everything that makes this such a wonderful place to live.

Yours sincerely,



Barbara J. Mast

**RECEIVED**  
South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

Calif. Coastal Comm.

Attn: Chuck Posner

RE: PERMIT A-5-RDB-04-261

Dear Mr. Posner,

I am AGAINST CONST-  
RUCTION - That property  
has 2 stories of ocean  
view as it is built into  
a hillside. Building so  
far above street-level is  
destructive to the neigh-  
borhood -

ROXANNE MORSE  
614 S. BROADWAY  
REDONDO BCH 90277

**RECEIVED**

South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

Richard C. Morse  
614A South Broadway  
Redondo Beach, California 90277

Sep. 18, 2004

Calif. Coastal Commission  
P.O. Box 1450, 200 Oceanate, 10<sup>th</sup> fl.  
Long Beach, CA 90802-4412  
ATTN: CHUCK POSNER

Re: Permit #A-5-RDB-04-261  
Against Construction

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South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

Dear Commissioners:

Blocking the corridor  
view would substantially  
change the feeling of openness  
and access to our coast.

The builder has more  
than enough space, without  
rising up to block the  
view.

I am against construction  
of the blockage.

Sincerely  
Richard C. Morse

**Michele & Neal Horowitz**

**712 S. Broadway C  
Redondo Beach, CA.**

**90277**

**Permit # A-5-RDB-04-261**

**"AGAINST**

**CONSTRUCTION"**

**Sept. 18, 2004**

**Attn: Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10th floor  
Long Beach, CA. 90802-4416**

**RECEIVED**  
South Coast Region  
SEP 20 2004  
CALIFORNIA  
COASTAL COMMISSION

**Per: California Coastal Act Article 6 Sec. 30251: designed to protect views "to and along the ocean and coastal areas."  
Please preserve the Knob Hill Corridor View. Do not block the public's beautiful ocean and sunset views with new construction. Surely, the builders/owners can devise and design housing which would be adequate for them without depriving others.**

**Sincerely,**

*Michele Horowitz*  
*Neal Horowitz*

**Michele & Neal Horowitz**

September 19, 2004

Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450, 200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416  
Fax # (562) 590-5084

**RECEIVED**  
South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

**RE: Permit #A-5-RDB-04-261  
AGAINST CONSTRUCTION**

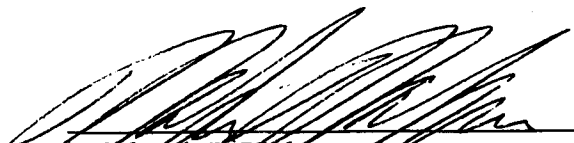
Dear Mr. Posner,

We are writing to you as Californian's against blocking public views. Please STOP the upward construction that would block our beautiful Redondo Beach view forever.

Michael F. Halverson  
539 Avenue A  
Redondo Beach, CA 90277  
(310) 316-8165

Julia Halverson  
539 Avenue A  
Redondo Beach, CA 90277  
(310) 316-8165

Sincerely,

  
Michael F. Halverson  
Julia Halverson

Carol and Norm Simoes  
501 Avenue F  
Redondo Beach  
CA 90277

September 16, 2004

Attn: Chuck Posner  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416  
Fax 562-590-5084

**RECEIVED**  
South Coast Region

SEP 20 2004

Re: Permit #A-5-RDB-04-261  
AGAINST CONSTRUCTION

CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Posner:

We oppose the construction of a second story on a home which will block a portion of the view down the Knob Hill Corridor. While we understand that the property owners wish to maximize their space and views, we oppose any additional loss of the public's views of the ocean. Redondo Beach has an unfortunate history of allowing large developments adjacent to the beach, blocking the view, sunlight and breezes from everyone inland of them. While the homeowner in this instance isn't planning to build an apartment block, the effect is the same.

Redondo's location, at the edge of the beautiful Santa Monica Bay, is what makes it a unique and attractive city. We are in danger of losing that uniqueness and beauty by walling off the sea from everyone except those fortunate and wealthy enough to live at the very edge of the beach.

We request that you follow the Coastal Act's language and "protect views to and along the ocean and coastal areas" by voting to preserve the Knob Hill View Corridor.

Sincerely,



September 19, 2004

California Costal Commission  
Attn: Chuck Posner  
P.O. Box 1450  
200 Oceangate  
10<sup>th</sup> Floor  
Long Beach, CA. 90802-4416

**RECEIVED**  
South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

To Whom It May Concern:

We have been residents of Redondo Beach for approximately four years. We moved here from Orange County to be close to work and to the ocean. We have been exceptionally happy with our neighborhood choice. Living in the 'Avenues' has afforded us the opportunity to be a part of a beautiful and unique community. One aspect we really enjoy is the small town feel of the Village in Redondo Beach and its association with the ocean. We live approximately five blocks from the beach. We regularly walk down to and along the beach. The route frequently takes us down Knob Hill as we live just one block away. It is a beautiful sight to come over the top of the hill and into the view of the ocean just ahead.

The ocean view and beachfront is historically an important part of Redondo Beach and something in which the community takes great pride. However, the views and beach atmosphere should belong to everyone not just the few fortunate enough to be able to purchase ocean front property. For years the homes along the ocean have been single story, which afforded everyone uninterrupted views of the ocean. Now a few homeowners have elected to remodel their homes, adding a second story without regard for local residents, neighbors or visitors who love the ocean, the evening sunsets and look forward to views of the beach. It seems unfair that the selfishness of a few homeowners can have such a grave impact on the entire community of Redondo Beach. Knob Hill is an especially unique avenue as one gradually approaches the ocean from a top a hill. The pleasure and anticipation of seeing the sun or moon on the water would be immediately obliterated by this second story addition and monstrous house. It is important that the wishes of the general population be considered in a decision that would grossly change and diminish the neighborhood environment and beautiful vista. We therefore respectfully request that any decision to allow for multi-story construction development along the oceanfront be denied.

Sincerely:



Phillip & Jan Greenberg  
1027 Avenue A  
Redondo Beach, CA. 90277  
Permit #A-5-RDB-04-261  
Against Construction

**September 16<sup>th</sup>, 2004**  
**Cindy Squyres**  
**79405 Avenida los Palmas**  
**La Quinta, CA. 92553**

**California Coastal Commission**  
**P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor**  
**Long Beach, California 90802-4416**  
**Attn: Chuck Posner**

**Permit # A-5-RDB-04-261**  
**Against Construction**

**RECEIVED**  
South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

**Dear Mr. Posner,**

**The Knob Hill View Corridor is a natural beauty for everyone, not just the applicants. The applicants obtained ownership of 801 Esplanade after the California Coastal Act was enacted and therefore it was the their responsibility to understand that the views belong to the public and that any remodeling would have to take this into account. It might be costly to excavate, but to loose that view is costly to the community and tourists alike. Please do not approve the building permit!**





Sept. 16<sup>th</sup>, 2004

Janie Beaumont  
515 Paseo Del Mar  
Palos Verdes Estates, CA. 90274

California Coastal Commission  
P. O. Box 1450 200 Oceangate, **RECEIVED**  
Long Beach, California 90802-4415 Coast Region  
Attn: Chuck Posner

SEP 20 2004

Permit # A-5-RDB-04-261  
Against Construction

CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Posner,

I have been a resident and a homeowner for over 40 years. My grandchildren attend school at Carden Dominion located on Knob Hill. I always love looking at the view of the ocean down the street. It would be a shame to destroy that view, especially when it is specifically protected by the Coastal Commission.

Janie Beaumont

It was brought to light at the Planning Commission meeting that the applicants have an alternative to building upward. The applicants themselves admitted this possibility but felt it was their right to build upward. It is on the other hand

2)

Tragedy such as this from happening.

The citizens & residents of this area  
ask that you please help by enforcing  
these laws in this case for the sake  
of the public & to preserve the view  
we enjoy on a daily basis.

Thank you so much for attending  
to this matter!

A concerned resident of Redondo Beach,  
Florence Seiwiger

September 18<sup>th</sup>, 2004

California Coastal Commission  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416


Attn: Chuck Posner

Permit # A-5-RDB-04-261

Dear Mr. Posner,

The Knob Hill View Corridor is a spectacular view for everyone. I play volley-ball at the Knob Hill Courts every chance I get and enjoy the view as I travel down the street. I believe that the applicants should build out and down and preserve the view for everyone. They will still have a fantastic view themselves which will never be blocked. This compromise would make everyone happy. Please do not let them take this view away from me and the rest of the public!

Thank you,



Joseph Goldstein  
1631 Morgan Lane  
Redondo Beach, CA 90278

**RECEIVED**  
South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

Fax: 562 590 5084

**Knob Hill View**

**Attention: Chuck Posner  
California Coastal Commission  
P. O. Box 1450 200 Oceangate, 20<sup>th</sup> Floor  
Long Beach, CA 90802**

**Permit #a-5RDB-04-261 Knob Hill Corridor Redondo Beach CA 92077**

**We are against the Construction!!!! Our views should be protected and not overwhelmed by the "Mansionization of Redondo Beach" Which is a joke!!!!!!!!!!**

**Herb & Linda Younger  
620 S. Gertruda  
Redondo Beach, CA 90277**

**310 540 9660**

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South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

Fax: 562 590 5084

Knob Hill View

Attention: Chuck Posner  
California Coastal Commission  
P. O. Box 1450 200 Oceangate, 20<sup>th</sup> Floor  
Long Beach, CA 90802

Permit #a-5RDB-04-261 Knob Hill Corridor Redondo Beach CA 92077

We are against the Construction!!!! Our views should be protected and not overwhelmed by the "Mansionization of Redondo Beach" which is a joke!!!!!!!!!!

Derek & Nicole Younger  
1701 Circle Drive  
Redondo Beach, CA 90277

310 543-5346

**RECEIVED**

South Coast Region

SEP 20 2004

CALIFORNIA  
COASTAL COMMISSION

**Fax: 562 590 5084**

**Knob Hill View**

**Attention: Chuck Posner  
California Coastal Commission  
P. O. Box 1450 200 Oceangate, 20<sup>th</sup> Floor  
Long Beach, CA 90802**

**Permit #a-5RDB-04-261 Knob Hill Corridor Redondo Beach CA 92077**

**We are against the Construction!!!! Our views should be protected and not overwhelmed by the "Mansionization of Redondo Beach" which is a joke!!!!!!!!!!**

**Arnold & Flora Maier  
19702 Tomlee Ave  
Torrance, CA 90503**

**310 371-0435**

**RECEIVED**  
South Coast Region  
SEP 20 2004  
CALIFORNIA  
COASTAL COMMISSION

Lori J Deal  
25481 Nottingham Court  
Laguna Hills, California 92653

September 16, 2004

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

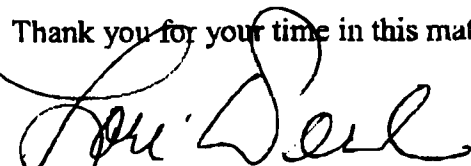
Re: Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner:

For years I have been taking my son to the beach at Knob Hill and we have always enjoyed the view as we walk down Knob Hill and along the Esplanade. Please help protect this view. If the house in question is approved as is planned, there will be no more view for the public to enjoy and just one more big house to look at instead. I wonder why the City Planners and Council cannot see that they are taking away what is one of the more breathtaking views of the ocean and sunset in Redondo. Many of us cannot afford beach front property, however, we have been able to enjoy the view while walking or driving. If this continues I feel there will be fewer and fewer reasons for tourists and visitors to go to Redondo...I know I can go closer to home. I am sure the applicant's architect can come up with a wonderful design for this home that doesn't rob everyone else of this magnificent view?

Please deny the permit and protect the view.

Thank you for your time in this matter,



Lori Deal



September 18, 2004

RE: PERMIT #A-5-RDB-04-261 - AGAINST CONSTRUCTION

Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
Long Beach, California 90802-4416

Dear Mr. Posner,

I am writing as a concerned citizen regarding the recent approval of construction in the Knob Hill corridor. As you surely know, the City of Redondo Beach has recently approved construction which will block the view along the corridor. In my opinion, this is one more shortsighted example of construction taking precedence over what's left of our ability to enjoy our natural surroundings. Although I do not live along Knob Hill, I walk that street (and enjoy that view) almost daily. I think it is unfortunate that the city has approved the construction of a building which will block what view is left.

I ask that you and the decision making Coastal Commissioners do whatever is possible to preserve the view along this corridor. Thank you for your time and attention to this letter.

Sincerely,

*Susan Coulbourne*

Susan Coulbourne  
[SusC904@msn.com](mailto:SusC904@msn.com)  
Against Construction

1104 OPAL ST. APT. B  
REDONDO BEACH, CALIFORNIA 90277

Subj: **Help save the Knob Hill View Corridor**  
Date: 9/18/2004 11:53:08 AM Pacific Daylight Time  
From: [bandbsudds@hotmail.com](mailto:bandbsudds@hotmail.com)  
To: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [peterscoastal@saniego.gov](mailto:peterscoastal@saniego.gov),  
[saveredondo@aol.com](mailto:saveredondo@aol.com)

Dear Sir:

I was raised in Redondo Beach, graduating from RUHS. While I no longer live in the beach area we still enjoy weekly visits to the area. How sad it would be not to be able to see the ocean as I drive down Knob Hill. There are so many areas in the city that the view is no longer available to the public. Please don't let this happen to the Knob Hill Corridor. Please keep it open. Please don't allow construction to mar the few remaining views.

Sincerely yours,  
Barbara J. Sudds (Zbinden)  
1456 Philadelphia Street, Space 188  
Ontario, CA 91761  
Permit A-5-RDB-04-261

---

Express yourself instantly with MSN Messenger! Download today - it's FREE!  
<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

Subj: **Permit# A-5-RDB-04-261 "Against Construction"**  
Date: 9/18/2004 3:11:30 PM Pacific Daylight Time  
From: [thevig0277@netzero.net](mailto:thevig0277@netzero.net)  
To: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [petercoastal@saniego.gov](mailto:petercoastal@saniego.gov),  
[saveredondo@aol.com](mailto:saveredondo@aol.com)

Chuck Posner  
California Coastal Commission  
PO Box 1450  
200 Oceangate, 10th Floor  
Long beach, CA 90802-4416

Coastal Commission:

I live two blocks for the proposed construction site. Please do not allow the construction to go forward and block the public's view forever!  
Thank You

David Hill  
519 South Broadway  
Redondo Beach, CA 90277  
Permit# A-5-RDB-04-261  
"Against Construction"

519 S. Broadway, C  
Redondo Beach, CA 90277

California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Attention: Chuck Posner

Dr. Mr. Posner:

This is to ask that the Knob Hill View Corridor be saved! Save this beautiful view for future generations!

Thank you,



Elizabeth Aschenbrenner  
519 S. Broadway, C  
Redondo Beach, CA 90277  
Permit #-5-RDB-04-261  
AGAINST CONSTRUCTION

Subj: **It's all right to leave a little space to see the skies.....**  
Date: 9/17/2004 9:47:16 AM Pacific Daylight Time  
From: [vbfever1@hotmail.com](mailto:vbfever1@hotmail.com)

9/17/04

Hello,

I am completely against the vertical construction in the Knob Hill corridor. Don't make more of the beach, like L.A., full of tall buildings. Property owners know they are subjected to restrictions when they purchase property. The view is for ALL of us.

Thank you, volleyball player JOHN CRANEY

2042 San Diego Dr. Corona, Ca. 92882 951 520-0427

JACK

---

Express yourself instantly with MSN Messenger! Download today - it's FREE!

Subj: **Re: Permit #A-5-RDB-04-261 - "Against Construction"**  
Date: 9/15/2004 4:38:38 PM Pacific Daylight Time  
From: [rschuchman@adelphia.net](mailto:rschuchman@adelphia.net)  
To: [peterscoastal@sanidiego.gov](mailto:peterscoastal@sanidiego.gov)  
CC: [saveredondo@aol.com](mailto:saveredondo@aol.com)

Mr. Posner

By nature we are cautious in letting government tell property owners' what they can and can't do with their own property. The exception is when one owner builds a structure that blocks the view of the other (s). The property at the end of the "Knob Hill Corridor" is one of those cases. For years the Redondo Beach City Council has succumbed to the interests of real estate developers while the quality of life in Redondo Beach diminishes. Many of us now refer to Redondo as ReCondo.

The view of the ocean along this corridor makes Knob Hill a showcase, not just for those who live on it, but for all those who live in and visit Redondo Beach. We urge you to reconsider/block any development above that existing now.

Sincerely,

Robert & Mary Schuchman  
518 S. Catalina Ave. #D  
Redondo Beach, CA 90277

Friday, September 17, 2004 America Online: Saveredondo

9-14-04

Rex Barker  
809 B South Catalina Ave.  
Redondo Beach, CA. 90277

California Coastal Commission  
P. O. Box 1450  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

RECEIVED  
California Coastal Commission  
September 14, 2004  
OFFICE OF THE COMMISSIONER

Dear Mr. Posner,

I recently moved to Redondo from Hermosa Beach. I love it here. Life is less hectic than in Hermosa and there are some spectacular views and easy access to the Beach. I wonder what The Coast would be like if the Coastal Commission had not been in place. I wonder what Redondo would look like then? I really enjoy the views, especially at Knob Hill and would hate to see it lost for all of us who can't afford ocean front property. I do understand the idea of property rights but feel that there ought to be a way for the owners to get what they want without taking the whole view away from their neighbors as well as and the tourists who flock here every summer. Don't they understand that they have an obligation to not block

the view that has been there and that was there and protected when they bought the property?

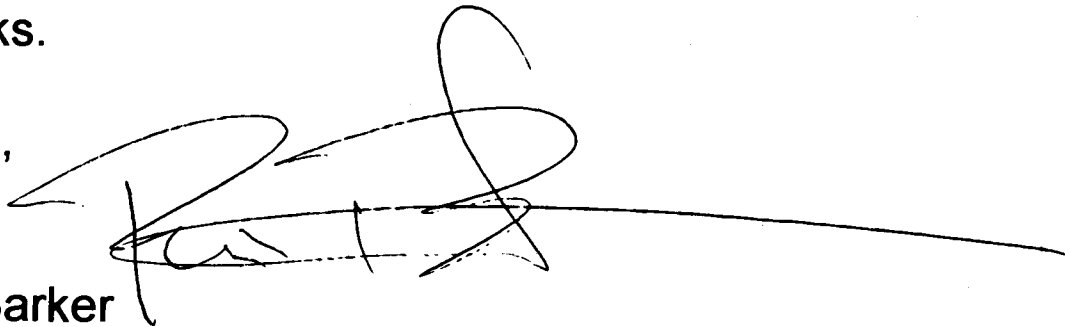
This is what I can't understand. They knew the rules when they bought and now they want to bully everyone into changing the rules. Why do they want to live somewhere where they have such contempt for their fellow citizens who are just wanting to enforce rules that have been in place for almost 30 years?

Please deny this permit since it's against the rules.

Thanks.

Yours,

Rex Barker

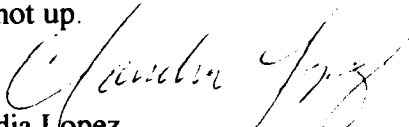
A handwritten signature in black ink, appearing to be 'Rex Barker', with a long horizontal line extending to the right.



September 16, 2004

Attention California Coastal Act - Chuck Posner  
Permit#A-5-RDB-04-261

I am writing this letter opposing the subject project. I along with many others enjoy the spectacular view looking down Knob Hill and would hate to see it destroyed. I understand that the Coastal Act protects public views from being blocked. I can only hope this law is enforced upon the Doyle's, as they should build down (just like the neighbor's directly on their north side did) not up.

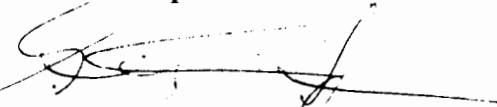
  
Claudia Lopez  
1920 Vanderbilt Lane #4  
Redondo Beach, CA 90278

RECEIVED  
SEP 21 2004  
CALIFORNIA  
COASTAL COMMISSION

Dear California Coastal Commissioners,

Please help Redondo Beach residents keep this wonderful view open to the public. I attended the Redondo Beach City Council Meeting on June, 8, 2004. The courtroom was completely packed with people who were opposed to this project. People were crowded in the lobby and outside the building in hopes of stopping this tragic act from taking place. The applicants (who live in Utah) have never lived at 801 Esplanade and it was quite obvious that they did not care what the people of Redondo Beach had to say. They brought their attorney along who proceeded to lash out at not only the public but also our City Council Members. They threatened to sue our City and the Council Members if they did not vote in their favor! When our Mayor, Greg Hill, asked the Redondo Beach City attorney Mike Winn for legal opinions related to this matter, Mr. Winn responded by saying that he could not give an answer as, "the Doyle's have threatened to sue us and I could be held personally liable." The people in the courtroom went out of control with this statement and the Mayor had to order everyone to be quiet. It was at this time that one of the Council Members stated that the opposition could appeal to the Coastal Commission but the applicants could not. He believed that they should just pass the project and let the California Coastal Commission decide. This idea was agreed upon by all the Council Members and the project then was unanimously approved.

Please help us!



George Pennington  
24512 Park St  
Torrance, CA 90505

COASTAL COMMISSION

1714 Esplanade #L  
Redondo Beach, CA 90277-5330

September 20, 2004

California Coastal Commission  
PO Box 1450 200 OceanGate. 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416  
ATTN: Mr. Chuck Posner

CALIFORNIA COASTAL COMMISSION

Re: Permit #A-5-RDB-04-261 AGAINST CONSTRUCTION

Dear Mr. Posner:

I believe that the proposal by the owners of 801 Esplanade in Redondo Beach to block the public view enshrined by the California Coastal Act and the City of Redondo Beach's acquiescence in this proposal is horrible. This is all the more because of the fictitious claims made by the owners in their written statements to the Redondo Beach Planning Commission and City Council in support of their proposal.

First, the owners claim that there is no public view of the coastline on Knob Hill Avenue or along the Esplanade. Not true. The City of Redondo Beach's own LCP refers to a public view at precisely the spot where the owner's property currently stands!

Next, the owners claim that view is not a factor in the decision to grant or deny a building permit in the coastal zone. Again, that's just not true. The Coastal Act, as I understand it, specifically requires the public view to be taken into account. That would, I imagine, extend to a building permit granted by the planning commission or city council of a city for a piece of property located at the coastal zone.

Next, the owners claim that even if view is a factor, they should not be denied their right to deprive us all of views because someone else a half a dozen houses down the street received a CDP from the Coastal Commission. However, no one disputes that the property granted a CDP in that case *did not have a public view*. It's apples and oranges.

Finally, the owners claim to be adding only a "second story" to their home. That seems a bit hard to understand, since the house currently has three stories. In backing this nonsense, the city planning department argued that since only one of the stories was actually located above the Esplanade street level, the "second story" met zoning ordinances. I suppose that means I can build a ten-story home underground and not break any Redondo Beach single family zoning ordinances as long as only two stories are above ground. Does that seem like a stretch to you? It does to me.

I urge you to deny these property owners the ability to make the Coastal Act a sham law and deprive us of a publicly protected view.

Sincerely,



Hilary Barrett

Christa Medeiros  
537-1/2 Avenue B  
Redondo Beach, CA 90277

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

COASTAL COMMISSION

Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner,

I have been a resident for many years and drive down Knob Hill on a daily basis, whether running errands or coming home from work. The sunsets and the ocean view are relaxing and beautiful. I attended the Planning Commission and City Council meetings and was extremely discouraged that both city groups passed the responsibility on to the California Coastal Commission Office. They should have been proactive and looked into building down and out and not up!

The view is protected by the City's own guidelines and by the Coastal Commission's rules and therefore the building permit should be denied. Please save the view for the community. There are not a lot of views left for the public here in Redondo Beach.

Very Truly Yours,



Christa Medeiros

Raquel & Douglas Seifert

September 19, 2004

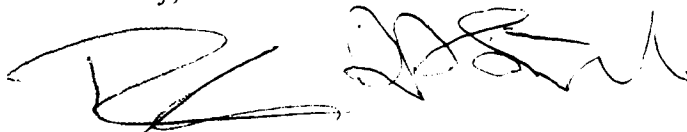
California Coastal Commission

COASTAL COMMISSION

Dear Chuck Posner:

It was recently brought to our attention that the view down Knob Hill is going to be destroyed if the requested permit is approved. We ask that you help preserve this fantastic view for everyone to experience. We hope you can take the time to experience it as well and then you will understand our concerns.

Sincerely,



Raquel & Douglas Seifert  
1748- El Rey Road  
San Pedro, CA 90732

[Click here and type slogan]

September 19, 2004

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

Dear Mr Posner,

I am a concerned citizen of The South Bay who has just heard about the plans to take the view away from us at Knob Hill. What's even more shocking is that these same people who are already trying to get around all the rules and regs that the Coastal Commission has laid out to protect public views are also blocking public access. They have erected a 6 foot high fence which encroaches on the easement for public access to the beach at Knob Hill. This shows the lack of respect they have for the Commission and for other people. Anyone can plainly see that these folks have no intention of following rules that other people follow. They act as if their entitled to disregard the regs and instead they threatened to sue if they don't get exactly what they want. Please vote against this construction and make them conform to the standard that the Coastal Commission has set for all of us to abide by. Please don't take the view away. The next thing to go will be the public access!

Rick Miller, 2473 W 255<sup>th</sup> St., Lomita, CA 90717

*Rick Miller*

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

COASTAL COMMISSION

Dear Mr. Posner,

I attended the public hearing on the issue of the applicant's desire to build up and block the view at the end of Knob Hill. I was amazed that the City Councilmen seemed to be very much in favor of taking the view away from so many of their constituents. A petition with 1200 or so names was signed by concerned residents and tourists who wanted the public view at Knob Hill to remain intact. It is also clear from the law that the public view has to be protected at both the city level and the state level as set forth by the Coastal Commission act, which created The Coastal Zone.

As one person said at the meeting "We should be trying to build million dollar neighborhoods, not million dollar homes." The views that still exist must be protected from rampant, not thought out, out of control development that threatens our quality of life. I urge you to deny the applicants their building permit.

Sincerely,



Karen Miller  
2473 W 255<sup>th</sup> Street  
Lomita, CA 90717

9/16/04  
Renee Fassnacht  
1957 Hartville  
Mogadore, OH. 44260


California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner,

As you can see, I live in Ohio, but myself and my family travel to Redondo every summer to enjoy the wonderful laid back atmosphere. We choose to vacation in Redondo because of the views and the biking and walking opportunities in the area. We especially enjoy the beach at Knob Hill because of the views down and around the area. I was saddened to learn that this view might be disappearing forever due to the fact that one family wants to have it all to themselves. Please do the right thing and deny the permit. Let those people redesign their building to allow the public to keep the entire view of the ocean and the beautiful sunsets that exists today. Otherwise we will all regret it and will sorely miss it.

Yours,

  
Renee Fassnacht



Subj: Knob Hill Corridor "AGAINST"  
Date: 9/18/2004 6:51:24 PM Pacific Daylight Time  
From: [michelecoach@msn.com](mailto:michelecoach@msn.com)  
To: [saveredondo@aol.com](mailto:saveredondo@aol.com)

**Permit # A-5-RDB-04-261  
"AGAINST"**

**Per: California Coastal Act Article 6 Sec. 30251: designed to protect views "to and along the ocean and coastal areas."**

**Please preserve the Knob Hill Corridor View! Do not block the public's beautiful ocean and sunset views with new construction. Surely, the builders/owners can devise and design housing which would be adequate for them without depriving others. Thank you.**

**Michele and Neal Horowitz  
712 S. Broadway #C  
Redondo Beach, CA. 90277**

RECEIVED  
SEP 20 2004  
LOCAL COMMISSION

Sep. 15<sup>th</sup>, 2004

Charlene Wallace  
10182 Merrimac Drive  
Huntington Beach, California 92646

California Coastal Commission  
P. O. Box 1450  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner,

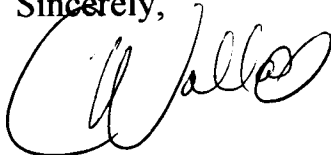
I grew up in Redondo Beach and have witnessed many changes in the area over the years. I played volley ball at Knob Hill and have very fond memories of the views along the Esplanade there as we walked or biked down to the beach from up the hill or along the Esplanade.

The Coastal Commission has always done such an excellent job of protecting the views and public access within the coastal zone. That is why I am horrified that The Redondo City Council, under threat of a suit from the property owners, would pass the buck on this decision on to the Coastal Commission. I should point out that this alleged lawsuit would be brought by people who were fully aware of the building restrictions created by the Coastal Act, since they took ownership of the property AFTER the creation of the Coastal Commission. They probably bought the property at a deflated price because of the building limits they KNEW were imposed on whoever owned the property within the coastal zone. It is an outrage when a city works against state law, its own guidelines and the opinions of 1200 people who signed a petition.

Thank you for taking the time to read this letter. I urge you to deny this permit, as it is illegal. It takes a beautiful view away from everyone else and gives it to two people who already have a 3-story house and a magnificent view of the ocean. Surely they can excavate or find some other way of

getting the improvements they need without taking everyone's view away.  
Shame on them.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Charlene Wallace', written in black ink.

Charlene Wallace

September 20, 2004

In regards to: **Permit #A-5-RDB-04-261 Against Construction**

Chuck Posner  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

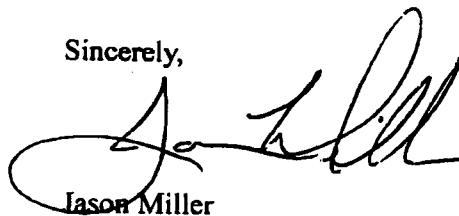
Dear Chuck Posner,

The recent approval of upward construction along S. Catalina Avenue at the intersection of Knob Hill Avenue is very disappointing news. The corridor view there today should remain as development continues around it. This view is a wonderful site to residents, my family included, returning home from work at the end of the day and walking to the beach on the weekend. This view means more to a greater number of people than those that would occupy any development in this space.

It seems like we are constantly boxing ourselves in with more and more development leaving out most of our natural surroundings. Sure a tree can be planted but how many locations are left that provide a wonderful view of the Pacific Ocean.

Please consider all the residents, and guests, of Redondo Beach and the impact it will have on them if this corridor view is taken away.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Miller", written over a horizontal line.

Jason Miller

720 ELVIRA AVE. #108  
REDONDO BEACH CA 90277

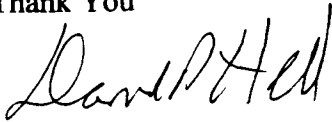
David Hill  
519 South Broadway  
Redondo Beach, CA 90277  
Permit# A-5-RDB-04-261  
"Against Construction"

Chuck Posner  
California Coastal Commission  
PO Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long beach, CA 90802-4416

Coastal Commission:

I live two blocks for the proposed construction site. Please do not allow the construction to go forward and block the public's view forever!

Thank You

A handwritten signature in black ink, appearing to read "David P Hill". The signature is written in a cursive, flowing style with a large initial "D".

David P Hill

California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

Dear California Coastal Commissioners:

My wife and I are believers in the free-market system and understand that in our society people with more money can buy bigger and 'better' things: more luxurious cars, bigger houses, homes with a nicer view. However, the ability to afford to build a bigger home does not bestow on anyone the right to exclude others to view or access the beautiful, albeit limited, natural resource of our state, the shoreline.

We are adamantly opposed to any construction in the state that unduly restricts coastline access or view to the public, including any proposed construction on the Esplanade in Redondo Beach (please see reference number below).

Sincerely,

Glenn Roth  
Larissa Gotguelf  
555 Esplanade, #320  
Redondo Beach, CA 90277  
(310) 944-3255  
Reference: Permit #A-5-RDB-04-261 "Against Construction"

**RECEIVED**  
South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

September 19, 2004

Mr. Chuck Posner (fax 562-590-5084)  
California Coastal Commission  
P.O. Box 1450  
200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Re: Permit A-5-RDB-04-261 AGAINST CONSTRUCTION

Dear Mr. Posner,

I am writing you on behalf of the issue with the permit number listed above. It is extremely important, in view of the rapid development of the Beach Cities, that effort is made to preserve what originally made this area desirable, and gave birth to the development of the area- the beautiful ocean and coastline.

I am a lifelong California resident (since 1950), and have been a homeowner in the Beach Cities for almost 20 years. The area concerned is a significant representation of the beauty of the South Bay coastline. It is unfathomable that building that so greatly impacts the view has been approved by the Redondo Beach City Council, who should have the city's best interest in mind.

I know that the Coastal Commission has a more in-depth view of issues that impact our Coast, and I would strongly urge you to deny the request for this construction without delay. Thank you.

Sincerely,

*Georgia Boehm*

Georgia Boehm  
20252 Running Springs Lane  
Huntington Beach, CA 92646

**RECEIVED**  
South Coastal Commission

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

September 19, 2004

Mr. Chuck Posner (fax 562-590-5084)  
California Coastal Commission  
P.O. Box 1450  
200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Re: Permit A-5-RDB-04-261 AGAINST CONSTRUCTION

Dear Mr. Posner,

I am writing you on behalf of the issue with the permit number listed above. It is extremely important, in view of the rapid development of the Beach Cities, that effort is made to preserve what originally made this area desirable, and gave birth to the development of the area- the beautiful ocean and coastline.

I am a lifelong California resident, and have been a homeowner in Redondo Beach and Manhattan Beach for over twenty years. The area is a significant representation of the beauty of the South Bay coastline. It is unfathomable that a building that so greatly impacts the view has been approved by the Redondo Beach City Council, who should have the city's best interest in mind.

I know that the Coastal Commission has a more in-depth view of issues that impact our Coast, and I would strongly urge you to deny the request for this construction without delay. Thank you.

Sincerely,



Rudy Blaschke  
1636 Nelson Ave.  
Manhattan Beach, CA 90266-7119



September 19, 2004

Mr. Chuck Posner (fax 562-590-5084)  
California Coastal Commission  
P.O. Box 1450  
200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

Re: Permit A-5-RDB-04-261 AGAINST CONSTRUCTION

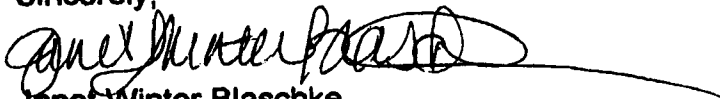
Dear Mr. Posner

I am writing you on behalf of the issue with the permit number listed above. It is extremely important, in view of the rapid development of the Beach Cities, that effort is made to preserve what originally made this area desirable, and gave birth to the development of the area- the beautiful ocean and coastline.

I was born in the South Bay and am currently a resident in Manhattan Beach, so I am acutely aware of the area where the building is proposed. It is unfathomable that building that so greatly impacts the view has been approved by the Redondo Beach City Council, who should have the city's best interest in mind.

I know that the Coastal Commission has a more in-depth view of issues that impact our Coast, and I would strongly urge you to deny the request for this construction without delay. Thank you.

Sincerely,



Janet Winter Blaschke  
1636 Nelson Ave.  
Manhattan Beach, CA 90266-7119

SEP 21 2004

Paul Schlichting

**To: CCC Staff and Commissioners**  
**Yo Fax: 562-590-5084**

From: Paul Schlichting

Sent: Tuesday, September 21, 2004 8:16 AM

To: 'megcoastal@law.stanford.edu'; 'peterscoastal@sandiego.gov'; 'wpatkruer@aol.com'

Cc: 'saveredondo@aol.com'

Subject: Procedural problems with handling of Information Re: Sept. 21st Mtg - Permit #A-5-RDB-04-261

\*\*\* SUBJECT - QUESTIONS ON PROCEDURAL ISSUES REGARDING THE KNOB HILL  
 ISSUE - A-5-RDB-04-261 \*\*\*

Dear Commissioners and Staff,

This is a note of concern regarding the lack of diligence and "due process" being administered on the above-referenced subject issue.

I have been told by Linda Moffet (neighbor) that as of yesterday, Monday, 09/21, staff had informed her family of the following:

1) Staff was going to recommend to the CCC members that the subject "upward" expansion/building BE ALLOWED.

This statement was made before the end of the period allowed for community input on the issue.

2) They were NOT going to include ALL letters submitted in the staff report, and, in fact, were going to "pick a few" to include.

So one then would ask - "why should I get involved?" when what we hear about public participation is to GET INVOLVED.

The above is particularly troubling to the democratic process for the following reasons:

- a) NUMBERS of letters (from different residents/individuals) is very important. By not presenting all of the letters with summary numbers as to their position (for/against), you DO NOT get a feel of the "pulse" of the community.
- b) The CONTENT of the letters is being filtered. By suggesting that they were only going to "pick a few", staff has chosen to "skew" the input information. Any claim to "represent all views" in a select sample not only violates the eliminated writers' freedom of speech on the issue
- c) By electing to perform in the above manner, staff has basically said that they are only going to do a "portion" of their job, and represent it to the commissioners (and the public) as the completion of "due process". This now gives the appearance that staff works "as convenient" - and who can guess as to what other "conveniences" might affect their performance.
- d) By doing only a "portion" of their job (as mentioned above), staff may ignore letters, perhaps missing critical information that should be passed on to the commissioners. For example, when Linda Moffat asked the staff member about an option mentioned on at least 3 letters, the staff member responded "what are you

talking about?" (sic).

e) Linda has indicated that, by her measure alone, that there are over 100 letters that have been submitted for input.

The possibility that even 1 letter might be discarded out of apparent convenience is embarrassing and undemocratic.

Our City (Redondo Beach) has been going through some troubling times with regards to the trust of public, elected authority, and this reported behavior by the staff at the CCC appears to look consistent with the mistrust that so many in our City have - that being the ignoring of due process and public input in favor of what appears to be a set of specifically desired results. Such appearance can only further undermine our trust in representative bodies and the related processes.

Regardless of the decision you make as a commission, you must have all materials provided to you that the public took the trouble to provide to staff.

As the stated "EX PARTE COMMUNICATIONS REQUIREMENTS" on the website appear to be quite restrictive (and even threatening), there is no way to tell Commissioners that the process is "broken", unless staff presents it. This also is not right.

I also wonder - How long has this practice been going on at the CCC, and how many more issues in the future will be handled the same way?

Finally, I understand that it is possible that there may be some kind of misperception here. If there is indeed a mistake in perception, or a mistake in staff procedure that is being corrected, please arrange that I be informed of such, how the misunderstanding appears to have come about, and what is really happening procedurally. Since the CCC is slated to make a decision on this very soon, I have no choice but to voice my concern as clear as possible, and in as timely a fashion as possible. Otherwise, I could be blamed for not speaking out.

Thank you very much.

Paul Schlichting  
[pschlichting@earthlink.net](mailto:pschlichting@earthlink.net)  
PO Box 3432  
Redondo Beach, CA 90277

- End of Fax -

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

535 Avenue B  
Redondo Beach, CA 90277  
September 17, 2004

California Coastal Commission  
P.O. Box 1450, 200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416  
ATTN: Chuck Posner

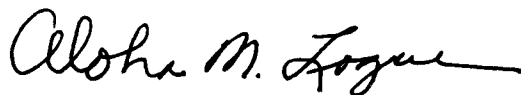
Dear Sir:

As a resident of Redondo Beach I have seen our beautiful view of the coastline disappear as the city has allowed construction of multi-story buildings along the beachfront. Please help us put a stop to this type of construction.

Please continue to support the stopping of this type of construction so that we may continue to enjoy this corridor view of our beautiful California Coast.

Thank you for your support in this effort.

Sincerely,



Aloha M. Logue  
535 Avenue B  
Redondo Beach, CA 90277  
Permit #-5-RDB-04-261  
Against Construction

September 20<sup>th</sup>, 2004

California Coastal Commission  
P. O. Box 1450  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

**RECEIVED**  
South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

Permit # A-5-RDB-04-261  
Against Construction

Honorable Members of the California Coastal Commission:

I am writing this letter to state my opposition to the approval of the building permit as submitted by the applicants at 801 Esplanade.

I attended the public hearing that was held on this issue in order to see for myself what was going on. In other words, I came there with an open mind, thinking that obviously if there had been a way to compromise so that the public could continue to have their view at Knob View (from up the hill, as well as along the Esplanade and on Catalina Ave. and Pacific Coast Highway), surely they would be encouraged to re-draw their plans to reach a compromise so that all parties could go away happy with the result. At that time I was given the impression both by the applicants, their attorney, the Redondo Beach City Planning Commission and City Council that the applicants had exhausted all other building options available to them in order for them to improve and increase the square footage of their property. The more I listened, the more I realized that compromise was not on the agenda.

To my dismay, the Councilmen, who seemed quite hostile to the persons opposed to the project, decided by unanimous vote to approve the project, as is. The reasons given included the threat of a lawsuit by the applicants. They did this with very little discussion amongst themselves (at least in public) and without taking into account the very strong opposition by the community (many of whom turned up for the meeting), which included a petition signed by 1200 people. Clearly the view in question is a public view by any reasonable standard, including the city's own LCP. This was the first meeting of the city council I attended and I must say I was shocked at the arrogance I witnessed by these elected officials towards their own constituents. At one point a city planning official said that there were other building options (building into the hill and out towards the beach) but that the applicant refused to consider those and instead claimed that no public view would be impaired.

I have been informed that the property at 801 Esplanade could be improved in a number of ways that would add even more square footage, if needed, while still not building upward, blocking the public view. The property just to the North of 801 has been improved by building into the hill, adding a retaining wall and by building out, towards the beach. I am informed that this same thing could be done at 801. Also, in the front, I

understand that the garage could be added as a first story add-on by getting a variance from the city to build out further towards the side walk.

By the way, I don't have a private view from my house of The Knob Hill View Corridor. That is not what motivates me to write this letter. I just would hate to see the character and uniqueness of Redondo Beach be developed out of existence. These views are an important part of what makes Redondo Beach a special place to live and to visit.

Neither the state nor federal constitutions give property owners the unfettered right to build on their lots. It is for this reason that we have the limitations on development established by both the Coastal Act, the Map Act and local zoning laws, to articulate but a few. It is also why governments have the right of eminent domain. While there may be legitimate arguments in the planning process, one fact remains clear: construction pursuant to the applicants' proposal would significantly impair a protected public view. Under the Coastal Act, it is your responsibility to ensure that the public's view is protected. That includes denial reversal of Redondo Beach's decision in this matter in favor of alternatives that would protect the public's view. I urge you to do exactly that.

Very truly yours,



Richard Gee

737 AVG C  
REDONDO BEACH, CA 90277.

September 13<sup>th</sup>, 2004

Kathleen Reed  
737 Avenue C  
Redondo Beach, CA. 90277

California Coastal Commission  
P. O. Box 1450  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

**RECEIVED**  
South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

Honorable Members of the California Coastal Commission:

I am writing this letter as a concerned citizen of California as well as a resident of Redondo Beach. I voted wholeheartedly for the proposition that established the California Coastal Commission. I had always lived on the Coast and it had become very obvious that we needed such a commission at the state level to protect the views, the access and the incredible beauty of the Coast of California from being developed out of existence by the kind of short sighted thinking that we have seen here recently in Redondo Beach. The Coast of California belongs to all Californians and I would like to see my grand children be able to enjoy the same delights that I have enjoyed throughout a lifetime of dwelling near the Coast. We went to the polls and voted to establish the Coastal Commission, which has done an excellent job in preserving our Coastal views and access for all the citizens of this state.

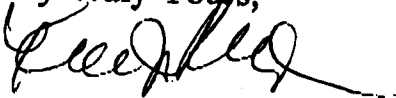
Now, some 30 years later, we have the Redondo Beach Planning Commission and City Council violating the will of the people (See California Coastal Act Chapter 3, article 6, section 30251) and its own LCP, which clearly identifies preservation of views as being essential to planning and decision making within the Coastal Zone. The LCP mentions the view at Knob Hill specifically.

I might add that I live 3 blocks from Knob Hill and as such the view from my home will not be directly impacted by the said construction. What motivates me to write this letter is the disturbing trend that I have seen regarding the developing of land on the coast. I have noticed that development (and the subsequent privatizing, limiting access and blocking views) of pristine coastal land is happening more and more often within the Coastal Zone. I am shocked. It appears that the Knob Hill View Corridor is headed for extinction as over zealous City Planners, City Councilmen and greedy developers, if given their way, would preserve the coastal views and access only for the few privileged and monied individuals who live right on the coast.

I drive down Knob Hill quite often and enjoy the view all the way to the coast. The construction we are talking about would forever take that view away from the hundreds of other drivers, walkers and cyclists who enjoy it each and every day. In return it would allow one family to build up beyond the normal Redondo Beach 2 story limit and give them the whole view. This violates the spirit and the intention of the Coastal Commission's mandate and is therefore illegal.

I urge you to deny the permit and to send a clear message to The Redondo Beach City Council that they need to honor the mandate of the people and the purposes for which the California Coastal Commission was formed.

Very Truly Yours,



Kathleen Reed



Sept. 16<sup>th</sup>, 2004

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner,

On the permit application, the Doyles stated that they would not be blocking anyone's view. This is not true. I think the petition, which I understand approximately 1200 individuals signed stating that they are against construction, is enough evidence that there is a public view.

The Coastal Commission has been protecting coastal views and access for many years and the Doyles knew that they took possession of the property. Why can't they redesign the house so that they are not taking this stupendous view away from everyone else? This was suggested many times at the public hearing and the Doyles seemed uninterested in answering this question. Instead they threatened to sue the city. The city then passed the buck to the Commission even though the city's own guidelines specifically mention the mandate to protect the view at Knob Hill. This makes it all the more obvious why we need the commission which is far away from the influence of local government and that is responsible for protecting coastal access and views.

I strongly urge you to deny the application. Thank you for reading and considering my opinion in this matter.

Yours,



Staci Vescio  
401 Purdui  
Placentia, CA 92880

**Heather Vinck**  
**723 Elvira Ave., #4**  
**Redondo Beach, CA 90277**

Permit #A-5-RDB-04-261  
Against Construction

September 12, 2004

SEP 13 2004

Attn: Chuck Posner  
California Coastal Commission  
P.O. Box 1450, 200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Dear Mr. Posner:

I am writing because I am against the construction happening on Knob Hill in Redondo Beach. This upward construction will prevent many South Redondo residents, including myself, from seeing the beautiful view of the Pacific Ocean as you drive down Knob Hill. I take comfort and appreciate that view every time I drive down my street. Please prevent this construction from happening. Thank you very much.

Sincerely,



Heather Vinck

**September 19, 2004**

**Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416**

**Mr. Posner,**

**RE: Against Construction  
Permit #A-5-RDB-04-261**

**Our coastline is precious!**


**Those of us that were lucky enough to purchase a small piece of it, bought it primarily for the view and ocean breeze. (Most of us do not have air conditioning) We could live elsewhere for a lot less.**

**The thousands of people that take a drive to the beach on the weekends and holidays will also be impacted.**

**Although the Knob Hill corridor does not effect me, we are being faced with the same problem due to the "Heart of the City" project.**

**Please take into consideration our precious views and the impact of our property values when making your decision.**

**Sincerely,**

  
**John & JoAnn Fredick  
150 The Village #3  
Redondo Beach, CA 90277**

September 13<sup>th</sup>, 2004

Andrea Trachta  
5742 Campo Walk  
Long Beach, CA 90803

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner,

I am writing in regards to the Knob Hill View Corridor which is currently in danger of being blocked forever. The ocean view looking down Knob Hill is a Godsend to anyone who travels this road. I visit the Redondo Beach area and enjoy the view whenever I am in the area. Please do what is right and mandated by the law and deny this permit that would take away what little public view of the ocean that is left so that future generations will be able to enjoy it. Thanks.

**RECEIVED**  
South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

Your,  
  
Andrea Trachta

534 South Juanita Street  
Redondo Beach, CA 90277  
September 14, 2004

Mr. Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
Long Beach, CA 90802-4416

Dear Mr. Posner:

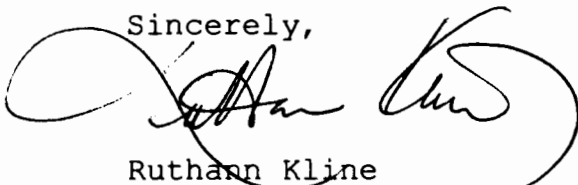
SUBJECT: Permit #A-5-RDB-04-261  
Against Construction

This letter is to object to new construction that will exceed current heights on the corner of Knob Hill and Catalina Streets in Redondo Beach. I am concerned about the increased proliferation of denser and higher construction projects that block the view corridors to the ocean for residents that live further in.

I've lived here since 1978 and during this time there has been excessive building of huge condominiums on the Esplanade. When I walk north of the Knob Hill project, it's like walking in a concrete tunnel. Many times moving vans and service vehicles are parked in the middle of the Esplanade because there is no available parking in this high-density area. Walking South of the proposed project is the beginning of the open ocean view that is characteristic of Redondo Beach. Our city already has its share of condos on the beach that block views, and increase traffic and congestion from the beach areas to Pacific Coast Highway.

Please consider all the residents' ability to enjoy the ocean views as we carry on our daily activities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruthann Kline', is written over a large, loopy circular flourish.

Ruthann Kline

Attn: Chuck Posner  
California Coastal Commission  
P.O. Box 1450  
200 Oceangate 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region

SEP 22 2004

CALIFORNIA  
COASTAL COMMISSION


20 September 2004

Re: Against Construction for permit #A-5-RDB-04-261

Dear Chuck Posner and the California Coastal Commission,

I am writing this correspondence to express my **opposition** to the proposed home remodel that would destroy the Knob Hill View Corridor in the city Redondo Beach, California (permit #A-5-RDB-04-261). Recently, the city of Redondo Beach approved this project with disregard to the city's few remaining view corridors and future development precedent in coastal California. By allowing this project, the city of Redondo Beach violated Coastal Commission guidelines and policies (section 30251 of the California Coastal Act) in protecting public view corridors, many of which have been destroyed in previous, poorly planned developments. I urge the Coastal Commission to strike this decision in favor of protecting this public asset for the future.

Sincerely,  
Neil Morgan

  
902 S. Catalina Ave, Apt. D  
Redondo Beach, CA 90277

California Coastal Commission  
Attn: Chuck Posner  
P.O. Box 1450  
200 Oceangate  
10<sup>th</sup> Floor  
Long Beach, CA. 90802-4416

**RECEIVED**  
South Coast Region

September 19, 2004

SEP 22 2004

CALIFORNIA  
COASTAL COMMISSION

To Whom It May Concern:

We have been residents of Redondo Beach for approximately four years. We moved here from Orange County to be close to work and to the ocean. We have been exceptionally happy with our neighborhood choice. Living in the 'Avenues' has afforded us the opportunity to be a part of a beautiful and unique community. One aspect we really enjoy is the small town feel of the Village in Redondo Beach and its association with the ocean. We live approximately five blocks from the beach. We regularly walk down to and along the beach. The route frequently takes us down Knob Hill as we live just one block away. It is a beautiful sight to come over the top of the hill and into the view of the ocean just ahead.

The ocean view and beachfront is historically an important part of Redondo Beach and something in which the community takes great pride. However, the views and beach atmosphere should belong to everyone not just the few fortunate enough to be able to purchase ocean front property. For years the homes along the ocean have been single story, which afforded everyone uninterrupted views of the ocean. Now a few homeowners have elected to remodel their homes, adding a second story without regard for local residents, neighbors or visitors who love the ocean, the evening sunsets and look forward to views of the beach. It seems unfair that the selfishness of a few homeowners can have such a grave impact on the entire community of Redondo Beach. Knob Hill is an especially unique avenue as one gradually approaches the ocean from a top a hill. The pleasure and anticipation of seeing the sun or moon on the water would be immediately obliterated by this second story addition and monstrous house. It is important that the wishes of the general population be considered in a decision that would grossly change and diminish the neighborhood environment and beautiful vista. We therefore respectfully request that any decision to allow for multi-story construction development along the oceanfront be denied.

Sincerely:



Phillip & Jan Greenberg  
1027 Avenue A  
Redondo Beach, CA. 90277  
Permit #A-5-RDB-04-261  
Against Construction

Ed Wood  
100 No. Citrus Ave. #430  
West Covina, CA 91781

California Coastal Commission  
P. O. Box 1450

200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

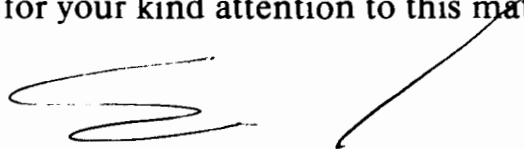
Permit # A-5-RDB-04-261

Against Construction

Dear Mr. Posner,

It would be a crime to loose the beautiful view at Knob Hill. Why can't the applicants investigate the possibility of building out and excavating instead of blocking the public view corridor? There are other homeowners on the bluff that have built out and excavated. Can't the applicants find a way to get what they want in terms of extra living space without stealing the view from everyone? They own a house right on the beach and should feel extremely lucky and a sense of obligation to take the considerations of other people's enjoyment of the view into account since they live within the Coastal Zone. Can't they see how greedy they appear to be by not even considering other options other than building up? Many, many people have enjoyed that view over the years and it is part of what makes Redondo Beach such a unique and wonderful place to visit. The sunsets are spectacular. The next thing you know, they'll be trying to take the public access away as has happened in other parts of the Southland. Already they have erected a fence, which is encroaching on the public access. Please turn down their application, as it is a blatant attempt to challenge the California Coastal Commission's very existence.

Thank you for your kind attention to this matter.





Sept. 15<sup>th</sup>, 2004  
Shelly Wood  
32 Cedarwood  
Pomona, CA 91766

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South Coast Region

SEP 22 2004

California Coastal Commission  
P. O. Box 1450 200 Oceangate, 10<sup>th</sup> floor  
Long Beach, California 90802-4416  
Attn: Chuck Posner

CALIFORNIA  
COASTAL COMMISSION

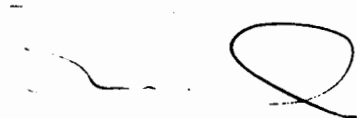
Permit # A-5-RDB-04-261  
Against Construction

Dear Mr. Posner,

We have two children and visit our friends in Redondo Beach and Torrance on a regular basis. We always make a point of driving down Knob Hill so we can enjoy the view. I attended the city council meeting in June and was extremely disappointed with the negative results. The City Council was down right hostile to the folks from the community who are against taking away the view. We felt as if we weren't being heard. The applicants bullied the city with their threats to sue if they didn't get exactly what they wanted and what they really aren't entitled to.

The applicants should be able to find a way to build that will conform to the city and state coastal CCR's and will give them the space they need? I think I remember that they argued that it would cost too much to consider other alternatives. I found this to be a bit disingenuous, since the property with or without improvements, is worth millions. Surly they can get a home equity loan or refinance to get the money to do the work! If they were to change their plans so as not to block the public view, they would still have stunning view of the pacific from their home and their neighbors would still have their view of the ocean. That would be a win-win situation for everyone. Please deny this permit.

Yours,

A handwritten signature in dark ink, appearing to be a stylized 'S' or 'W' followed by a large loop.

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South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSIONCarol Woods  
2451 Palmetto Street  
Oakland, CA 94602**A-5-RDB-04-261**  
**Against Construction**

September 21, 2004

California Coastal Commission  
Attention Chuck Posner

To Whom It May Concern:

I am writing to register my strong opposition to the request for a building variance being sought for the house located at 801 Esplanade, Redondo Beach. Granting such a request would not be in the best interest of the community.

The horizon belongs to all of us and none of us. When a family turns down Knob Hill from Pacific Coast Highway, they can see that horizon. Granting the variance will take that pleasure away from the community, and instead restrict it to the people in a single house. If the owners of the property need more square footage, it would seem that they could consider building a level under the existing structure, rather than above it.

Most of the Esplanade has been diminished by the apartment buildings that stand between the ocean and Redondo Beach north of Knob Hill. You have the authority to help preserve what is left of the small remaining strip. As stewards of this environment, you should deny the request for the variance.

Very truly yours,

Carol Woods  
2451 Palmetto Street  
Oakland, CA 94602

Attn: Chuck Poerner  
 Calif. Coastal Commission  
 P.O. Box 1450, 200 Oceangate, 10th Floor  
 Long Beach, Ca. 90802

Permit # A-5-RDB-04-  
 261

Dear Mr. Poerner:

"Against Construction"

I've written about  
 this proposed "upward  
 construction" several times -  
 & do so hope it will be  
 denied! The horrible  
 "upward construction" at  
 809 Esplanade should be

P. M. Woods  
 145 Knab Hill  
 Redondo Beach, Ca.  
 90277

enough of an example - no more! That 800  
 block of the Esplanade was the last block not  
 ruined by "upward construction" - but sadly no  
 longer! We've owned our lovely home on  
 Knab Hill for more than 40 years - & the  
 3<sup>rd</sup> story added at 809 of course have  
 taken away part of the lovely view of the  
 sunsets & horizon, & it's unpleasant to think  
 of any more destruction!!

I do hope your commission will keep the  
 rest of the beautiful "Knab Hill Corridor" intact!  
 Thank you for your consideration!

P. M. Woods

Permit #A-5-RED B-04-  
261"Against Construction"Attn. Chuck Posner  
Calif. Coastal Com.From Michael Woods  
145 Knob Hill  
Redondo Beach - 9025

Dear Sir -

Our Family has owned 145 Knob Hill for more than 40 years - as I was growing up I was very much aware of the unique & beautiful view & access to the beach. Sadly too many lovely old homes on the Esplanade between the Pier & Knob Hill have been destroyed - & so we hope the Coastal Commission will decide to deny the proposed "upward construction" at 801 Esplanade - & preserve one of the last "View Corridors" - the lovely Knob Hill View Corridor !!

Thank you kindly.

Michael Woods  
Woods

Subj: **Opposed to Building at Knob Hill**  
Date: 9/21/2004 11:16:17 AM Pacific Daylight Time  
From: [sgott@pelican.com](mailto:sgott@pelican.com)  
To: [saveredondo@aol.com](mailto:saveredondo@aol.com)

ATTN: *check posner*

I am adamantly opposed to building a second story on the Knob Hill view corridor as it will block public access to the ocean, sunset and beach view from Knob Hill. It will in essence create a cement wall which blocks the beach.

Best regards,

Seraphine A. Gott  
301 Calle Miramar #1  
Redondo Beach, CA 90277

Seraphine A. Gott  
Sales  
Pelican Products, Inc.  
(310) 326-4700 X 478  
(310) 326-3311

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SEP 22 2004  
CALIFORNIA  
COASTAL COMMISSION

Subj: Knob Hill View Corridor  
Date: 9/21/2004 12:04:22 AM Pacific Daylight Time  
From: Marilyn E Moore  
To: megcoastal@law.stanford.edu, Wpatkrue, peterscoastal@sanidiego.gov, Saveredondo

ATTN: *Chuck Posner*

To all the people who have decision making power regarding the "Knob Hill View Corridor":

I am a 17 year resident of South Redondo Beach who frequently travels Knob Hill Avenue between Prospect and the beach, by car, bicycle and on foot. The view from Juanita down toward the beach has always been one of my favorite visual features of my neighborhood. It is a lovely view, framed on two sides by tall Californiaesque palm trees descending into the horizon line marked at it's termination by the division of the Pacific Ocean and the western sky. The ocean is always clearly visible, and it's colors and activity are constantly changing and reflective of the subtleties of variation of our ever pleasant temperant climate. The sky is large, colorful and ever changing, a vast expanse unobstructed by billboards or power wires. This particular view, particularly early morning and sunset, has always evoked in me feelings of gratitude and thankfulness, for being able to live in a place that I would be happy to be paying to travel to for a vacation.

Seriously, my sense of well being is enhanced by this view, and I am proud to be able to access it frequently in my daily routines.

Please do not block the view with development, the quality of my life and my pride in my community would be severely diminished. Redondo Beach will become another victim in the generitization of communities all over the United States.

Please save our ocean view.

Thank you.

Marilyn Moore  
747 Avenue A  
Redondo Beach CA 90277  
310 540 2102

REC'D  
South Coast  
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CALIFORNIA  
COASTAL COMMISSION

416 MiraMar Drive  
Redondo Beach, CA 90277  
(310) 316-2697

20 September 2004

To FAX #562-590-5084

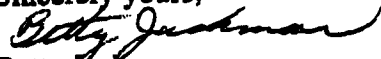
Attn: Chuck Posner  
California Coastal Commission  
P.O. Box 1450, 200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

Dear Chuck Posner:

This letter is regarding Permit #A-5-RDB-04-261  
Against Construction.

This letter is to voice my concerns to save the Knob Hill Ocean View (vs. developers who want to construct dwellings that would impede the view). There are several churches on Knob Hill, and since I attend one, I have a special interest in not obstructing the "Corridor View" of the ocean with its beautiful sunsets and God's magnificence of creation so evident.

Sincerely yours,



Betty Jackman  
Friends of Knob Hill

Unfortunately, developers built (in 1988) a monstrosity house next to our tiny home on MiraMar, and our view and breeze were taken away forever. I hope we can salvage some historicity and beauty in our city.

ATTN: Chuck Fosner

Subj: **Save the Knob Hill View Corridor**  
Date: 9/21/2004 1:14:18 PM Pacific Daylight Time  
From: Pilgrim2001@msn.com  
To: megcoastal@law.stanford.edu, wpatkruer@aol.com, petercoastal@saniego.gov, saveredondo@aol.com

**Decision Making Coastal Commissioners:**

I have just return to Atlanta from a stay in Redondo Beach. I'm a former resident of Palos Verdes. The message being sent is you don't know what you have lost until after the decision is make to change. A decision to pursue "upward construction" and block public views may sit well with developers and possibly decision makers swayed by their arguments – but the public good is not a benefactor of such decisions.

Save the Knob Hill View Corridor – and sleep well knowing you did the right thing. A decision other wise is hard to reverse.

**David Werts**

**David Paul Werts MBA, RFC**

Registered Representative

Lion's Share Financial Services

5901-C Peachtree Dunwoody Road, suite 50

Atlanta, Georgia 30328 USA

770.730.8125 - office telephone

404.421.Lion - wireless

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South Coast

SEP 22 2004

CALIFORNIA  
COASTAL



28 Sea Cove Drive  
Rancho Palos Verdes, CA 90277

facsimile transmittal

To: Chuck Posner - California Coastal Commission Fax: (562) 590-5084

From: Tom Hartman Date: 9/21/2004

Re: Permit #A-5-RDB-04-261 Against Construction Pages: 1

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

To Whom It May Concern:

Please deny the request to allow construction to destroy the view down Knob Hill. Preserve the public view that has been so successfully destroyed in Redondo Beach so far. Thanks

My name and address are:

Thomas J. Hartman

28 Sea Cove Drive

Rancho Palos Verdes, CA 90275

Subj: Permit #A-5-RDB-04-261 Against Contruction  
Date: 9/21/2004 11:44:59 AM Pacific Daylight Time  
From: [thartman4@cox.net](mailto:thartman4@cox.net)  
To: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [peterscoastal@saniego.gov](mailto:peterscoastal@saniego.gov),  
[saveredondo@aol.com](mailto:saveredondo@aol.com)

Attn: Chuck Fosner

My name and address are:

Thomas J. Hartman  
736 Esplanade  
Redondo Beach, CA 90277

I am against the contruction permit for 801 Esplanade as the proposed addition to the home would destroy much of the view down Knob Hill. Please preserve the public view. Thanks

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SEP 22 2004

CALIFORNIA  
COASTAL COMMISSION

Tuesday, September 21, 2004 America Online: Saveredondo

Subj: Letter to C. Posner "Against Construction" Permit#A-5-RDB-04-261  
Date: 9/15/2004 1:26:24 PM Pacific Daylight Time  
From: [lolaeriks2003@yahoo.com](mailto:lolaeriks2003@yahoo.com)  
To: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [peterscoastal@saniego.gov](mailto:peterscoastal@saniego.gov),  
[saveredondo@aol.com](mailto:saveredondo@aol.com)

Chuck Posner

California Coastal Commission

P. O. Box 1450

Long Beach, CA 90802-4416

Re: Permit #A-5-RDB-04-261

"Against Construction"

Dear Mr. Posner:

I am writing to urge you and the California Coastal Commission to prevent upward-story development that would block the view from Knob Hill in Redondo Beach.

We have already lost a substantial amount of view along the Esplanade and I am afraid this ongoing trend of building "McMansions" and even more modest-sized but equally tall buildings will ruin what remains of this beautiful vista.

The natural beauty of the City of Redondo Beach has already suffered on account of over-development and rampant construction of multi-storied buildings. Please join with the majority of Redondo citizens who want to preserve this very special view which belongs to everyone.

Thank you for your time.

Sincerely,

Leslie G. Jacobs

407 S. Guadalupe

Redondo Beach, CA 90277

cc: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [peterscoastal@saniego.gov](mailto:peterscoastal@saniego.gov), [saveredondo@aol.com](mailto:saveredondo@aol.com)

---

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SEP 22 2004

CALIFORNIA  
COASTAL COMMISSION

Wednesday, September 15, 2004 America Online: Saveredondo

**Ellen Allan**  
**619 1/2 South Broadway**  
**Redondo Beach, CA 90277**  
**(310) 540-7896**  
**ellenallan@juno.com**

Attn: Chuck Posner  
California Coastal Commission  
P.O. Box 1450, 200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416  
FAX# 562-590-5084

9/20/04

**RE: Permit #A-5-RBD-04-261 AGAINST CONSTRUCTION**

Dear Mr. Posner,

I live about three blocks from the proposed Knob Hill project referenced above. I do not feel that the Doyle's should be allowed to build their addition in the planned upward manner, blocking the view from all those who pass.

The property to the north of theirs extends closer to the ocean on the lower level. I believe that the Doyle's could build their addition on the lower level, without blocking any view.

I understand that this may be a more expensive remodel. However, people who remodel and develop should never be allowed to use costs as a factor, especially regarding property that borders such incredible public space. Far too much development such as high rises and condos cut off ocean views in Redondo Beach already. Please stand up and defend the public's right to see the ocean before we have no view at all.

Also, I hope that you will not find that the tree is the culprit here. People who have trouble with trees blocking that view are not looking at the real problem. The tree is beautiful and equally wonderful to rest our eyes upon. I don't mind the sunset being slightly blocked by a bit of tree. I do mind the sunset being blocked by a selfish neighbor who is thinking only of himself. Even after 1300 signatures were collected and presented to the city council the DoYLES still want to precede.

At some point, this society has to be about majority rule and not infringing upon the rights of the community. Many thanks for your time and consideration.

Sincerely,



Ellen Allan

Jeffrey Hoy "AGAINST CONSTRUCTION" PERMIT #A-5-RDB-04-2

From: "jeff and christy" <hoysrus@adelphia.net>  
To: <megcoastal@law.stanford.edu>; <wpatkruer@aol.com>; <peterscoastal@sandiego.gov>;  
<saveredondo@aol.com>  
Sent: Monday, September 20, 2004 12:05 PM  
Subject: Knob Hill View Corridor

California Coastal Commission  
Attn: Chuck Posner  
P.O. Box 1450, 200 Oceangate, 10th floor  
Long Beach, Ca 90802-4416

Dear Chuck,

I am concerned about the possible development at the west end of Knob Hill that would obstruct the beautiful view we all enjoy. I have been a homeowner and have lived on Avenue A between PCH and Catalina for over 20 years. During that time, I have witnessed the gross over-development of the Avenues. My home was built in 1906 and I have been proudly restoring it while most of the other homes similar in historic significance have been demolished and replaced with oversized eyesores. On my drive home from the office everyday, I enjoy driving down Knob Hill and seeing the beautiful Pacific Ocean and how the position and time of the sunset changes throughout the year. Please oppose any and all development that would obstruct this view in any way. Thank You, Jeffrey & Christy Hoy

Jeffrey & Christy Hoy  
206 Avenue A  
Redondo Beach, Ca 90277  
Permit # A-5-RDB-04-261 "Against Construction"

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South Coast Region

SEP 21 2004

CALIFORNIA  
COASTAL COMMISSION

9/20/2004

Subj: **AGAINST KNOB HILL CONSTRUCTION BLOCKING VIEW CORRIDOR**  
Date: 9/20/2004 9:48:40 PM Pacific Daylight Time  
From: [phalks@earthlink.net](mailto:phalks@earthlink.net)  
To: [megcoastal@law.stanford.edu](mailto:megcoastal@law.stanford.edu), [wpatkruer@aol.com](mailto:wpatkruer@aol.com), [peterscoastal@sandiego.gov](mailto:peterscoastal@sandiego.gov),  
[saveredondo@aol.com](mailto:saveredondo@aol.com)

To:  
CHUCK POSNER  
California Coastal Commission

Fax: 562-590-5084

From:  
LISA FALK  
120 S. Juanita Avenue. #5  
Redondo Beach CA 90277  
310-540-4031h/213-228-7252w

RE: Permit #A-5-RDB-04-261

**AGAINST CONSTRUCTION THAT WILL BLOCK KNOB HILL VIEW CORRIDOR**

Please do not allow construction to block our coastal views!

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Anthony Pietrini  
Jill Pietrini  
724A Elvira Avenue  
Redondo Beach, CA 90277  
(310) 543-1093

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South Coast Region

SEP 23 2004

CALIFORNIA  
COASTAL COMMISSION

September 21, 2004

Via Facsimile (562) 590-5084  
And Confirmation By Overnight Courier

California Coastal Commission  
Attn: Chuck Posner  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

**Re: Permit A-5-RDB-04-261**  
**801 Esplanade, Redondo Beach, CA**

Dear Commissioners:

This letter is written on behalf of ourselves and is to request a reversal of the approval of the Coastal Development Permit ("CDP") for the real property located at 801 Esplanade, Redondo Beach, CA ("the Property"). Please note that we do **not** have a private view of the ocean from our house<sup>1</sup>. We live at 724A Elvira Avenue, Redondo Beach, CA. We share a *public* view of the ocean down Knob Hill Avenue and across the Esplanade with thousands<sup>2</sup> of other Redondo Beach residents. This is the view that the City of Redondo Beach ("the City"), through the Redondo Beach Planning Commission ("Planning Commission") and the Redondo Beach City Council, seeks to eradicate through the proposed addition of a *third* story to the Property.

In short, the decision of the Planning Commission and the City Council must be reversed because it is contrary to the Local Coastal Plan ("LCP") implemented by the City and approved by the California Coastal Commission ("Coastal Commission"), and is contrary to the express purpose and provisions of the California Coastal Act, Cal.Pub.Res.Code Sec. 30001, *et seq.* Specifically, the Planning Commission and the

<sup>1</sup> The distinction between a private view and a public view is not of any legal significance. *See, Ocean View Estates Homeowners Assn. v. Montecito Water District*, (2004) 116 Cal.App.4<sup>th</sup> 396, 401. In *Ocean View*, the court held that even though "there is no common law right to a private view, [this] is not to say that the [agency] is relieved from considering the impact of its project on such [private] views." *Id.* at 402.

<sup>2</sup> Our objection to the CDP for the Property is shared by more than 1,300 other Redondo Beach residents and visitors that signed a petition to block the proposed construction that is the subject of this appeal.

City Counsel erroneously held that there is no public view down Knob Hill west towards the Pacific Ocean. (Our positions with respect to the Planning Commission's and the City Council's findings and ultimate approval of the coastal permit for the Property are set forth in detail in our Appeal From Coastal Permit Decision of Local Government, filed on or about July 1, 2004, a true and correct copy of which is attached hereto as Exhibit A.) Because the decisions of both the Planning Commission and the City Counsel are clearly erroneous conclusions of law, their decisions must be reversed for the following reasons.<sup>3</sup>

## **I. THE VIEW DOWN KNOB HILL IS A PUBLIC VIEW**

There is no question that the view westward down Knob Hill is a public view, and a significant one at that. The Planning Commission's and the City Council's findings to the contrary defy logic at best. The Coastal Commission ("CC") Staff found that "there is a public view above the roof of the existing one-story house that consists of sky and part of the sea." (CC Staff Report, p. 6). However, the CC Staff went on to state, erroneously, that the view is not significant. As shown from the pictures attached as Exhibit 4 of our June 2, 2004 Letter, the view is quite significant. Indeed, the view is so significant that 1,300+ residents and visitors signed a petition to prevent the proposed construction.

## **II. THE LCP REQUIRES THE CITY TO PROTECT THE PUBLIC VIEW AT KNOB HILL AND THE ESPLANADE**

The LCP's specific provisions regarding Knob Hill are quoted at length in our June 2nd Letter (pgs. 7-8), and in the CC Staff Report (pgs. 7-8). The CC Staff Report took the position that the Knob Hill/Esplanade view expressly described in the LCP really related to the unobstructed bluff top view beginning from Avenue A and proceeding south to the end of the Esplanade at the Redondo Beach/Torrance border. Yet that interpretation of the LCP by the CC Staff is contrary to the basic rule of statutory construction, namely, that a statute be given its plain meaning. If the City had meant to include only the unobstructed bluff top view beginning from Avenue A southward, it would have said so. The City was clearly aware of Avenue A, and could have limited the view protection to Avenue A south to the Redondo Beach/Torrance border. The City did not, and the City and the Coastal Commission cannot rewrite the LCP now to justify the approval of the CDP for the Property.

Instead, the City, in enacting the LCP expressly covered the view at Knob Hill and the Esplanade – directly where the Property is located. The fact that the structure on the Property existed at the time of enactment of the LCP bolsters our argument. The low

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<sup>3</sup> The relevant facts are set forth in our letter of June 2, 2004 to the Planning Commission ("June 4<sup>th</sup> Letter"), included in Exhibit A hereto, and in the June 1, 2004 letter from Attorney Ellen Berkowitz of the law firm of Manatt, Phelps & Phillips, a true and correct copy of which is attached hereto as Exhibit B.



level of the structure amplified the existing view and was taken into consideration in enacting the LCP in 1980<sup>4</sup>.

More importantly, the Property owners were well aware that they purchased deed restricted property, as are the thousands of property owners that purchase condominiums and townhouses (such as us) in Redondo Beach (and elsewhere) that have CC&Rs that run with the land. It is not unfair to enforce deed and public restrictions against property owners --- especially in this situation, where the Property owners already have a magnificent ocean view from each story<sup>5</sup> of their existing structure.

Accordingly, even though the City prefers to allow dense building in the City of Redondo Beach, the Coastal Act was enacted in the 1970's to prevent exactly what is proposed to be built on the Property. The LCP is governed by the Coastal Act and acknowledges the specific view at issue in this appeal:

### **III. THE RELEVANT CITY ORDINANCE ALSO REQUIRES THE CITY TO PROTECT PUBLIC VIEWS OF THE COASTALINE**

The City and the CC Staff focused only on whether the proposed construction affected the public *access* to the beach. Yet – the City's own Coastal Land Use Plan Implementing Ordinance plainly states otherwise. The relevant portions of that ordinance are set forth below, and a true and correct copy of the ordinance is attached hereto as Exhibit C.

#### **10-5.102 Purposes.**

The broad purposes of the Zoning Ordinance for the Coastal Zone are to protect and promote the public health, safety, and general welfare, and to implement the policies and the land use plan map of the City of Redondo Beach General Plan and the Coastal Land Use Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Article 11, Section 7, and in Section 30513 of the Public Resources Code (California Coastal Act). More specifically, the Zoning Ordinance of for the Coastal Zone is intended to provide a precise guide for the growth and development of the City in order to:

\*\*\*

(b) Maximize public access to *and public views of the coastline*;

\*\*\*

10-5.102, Coastal Land Use Plan Implementing Ordinance (emphasis added).

---

<sup>4</sup> The LCP was amended once in 2001 to address the concerns that thousands of Redondo Beach residents had to the "Heart of the City" plan that was withdrawn by the City after the enormous amount of public outcry over the development. The City did not amend the LCP to delete or amend any reference to the Knob Hill/Esplanade view in the LCP, as enacted in 1980, and it would be seriously suspect for the City to try to do so now.

<sup>5</sup> The existing structure clearly has more than one story, no matter how the Property owners (or the City) measure the levels. That much is clear from the photographs that we took of the structure over Memorial Day weekend 2004, and attached as Exhibit 2 to our June 4<sup>th</sup> Letter.

Likewise, the Coastal Act requires the protection of the public view. The relevant section of Chapter 3, Article 6 is Section 30251, which states, in relevant part:

**Section 30251. Scenic and Visual Qualities**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. *Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas*, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

Cal.Pub.Res. Code Sec. 30251 (emphasis added).

Further, the City restated this view protection policy in 2001 when the City was required to amend its LCP in 2001 in response to its proposed amendment to the LCP with respect to the Harbor/Civic Center area. The proposed amendment in 1999 was done apparently to accommodate the significant changes that the proposed Heart of the City project required. In particular, the Coastal Commission rejected the City's 1999 proposed amendment to the LCP, and required certain changes to be made in the LCP. Those changes were memorialized in City Resolution No. CC-0104-20. In that resolution, the City Council found, in relevant part, that:

2. The proposed amendment to the Coastal LUP is intended to be carried out in a manner that is fully in conformity with the Coastal Act.
3. The proposed amendment to the Coastal LUP is consistent with the policies of the Coastal Act, including but not limited to: the protection and provision of public access; the protection and encouragement of facilities that provide public recreation; the protection of the marine environment; *the protection of the scenic and visual quality of coastal areas*; and the reservation of land along and near the coast for priority uses, including coastal development, visitor serving uses and recreation.

City Resolution No. CC-0104-20, pgs. 1-2.

In short, the City's local implementing ordinance, the Coastal Act, and the LCP, as drafted and as amended in 2001, all require the City to protect the public view, including the view at Knob Hill and the Esplanade. To find otherwise, is a distortion of the law and the facts.

**IV. THE 30' HEIGHT ALLOWANCE FOR ALL R-1 PROPERTY DOES NOT OBVIATE THE REQUIREMENTS OF THE LCP, THE IMPLEMENTING ORDINANCE, OR THE COASTAL ACT**

The Planning Commission, the City and the CC Staff all improperly justified their respective decisions on the grounds that the City's building ordinance for R-1 properties (including the Property at issue here) allows for construction of up to 30'. However, the ordinance is not written in terms of having an absolute right to build to 30', no matter what the impact is on coastal views. Further, the ordinance applies to *all* R-1 property in Redondo Beach, and applying it blindly as the Planning Commission, the City, and the CC Staff have done nullifies the proscriptions of the LCP, the City's local implementing ordinance, and the Coastal Act.

In particular, the ordinance states: "Building Height: Maximum of 30 feet, with no more than 2 stories." (Exhibit D hereto.)

Here, the existing structure on the Property has more than one story. The Property owners cannot simply count the story jutting up from the street as the one and only story to the structure. The existing structure clearly has a second story, which begins at the bluff and constitutes the first story. The square footage of that story is calculated into the square footage of the house, and is counted as part of the house by the Los Angeles County Tax Assessor. Thus, to contend that the story at the bluff level is "not really a story" is a legal fiction. That second story also provides the Property owners with additional unobstructable views of the Pacific Ocean.

Even if the Coastal Commission does not count the level of the structure on the bluff as a story, that still does not mean that the 30' height allowance permits the Property owners to build as they wish. The 30' height allowance applies to all R-1 property in Redondo Beach and was not specifically enacted to *exempt* coastal property from the proscriptions of the Coastal Act, the LCP, and the local implementing ordinance. Thus, the 30' height allowance is not an absolute privilege to property owners, as the City and the CC Staff would have the Coastal Commission believe. The 30' height allowance must give way to accomplish the goals and the express provisions of the Coastal Act, the LCP, and the local implementing ordinance. To find otherwise, would render the foregoing statute and ordinances meaningless. There would be no need to ever consider these statutes and ordinances, because as long as a property owner built his house no more than 30' from any point<sup>6</sup>, he would receive a "pass" from the City for a CDP. That is simply not the law of this state or of the City.

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<sup>6</sup> The City does not allow a 30' building from the street level per se; rather the 30' is "the vertical distance as measured continuously along a line at existing grade bisecting the width of the lot to the highest point of a building or structure, except as provided in this chapter (see illustration below)". A true and correct copy of the illustration is attached hereto as Exhibit E.

## V. CONCLUSION

For the reasons stated above, at the hearing before the Planning Commission, in our June 4, 2004 Letter, and in our appeal to the Coastal Commission, we respectfully request the Coastal Commission to reverse the decision of the Planning Commission and the City and deny the CDP in its entirety. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Pietrini". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jill Pietrini

### Attachments

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 591-5084

JUL 19 2004

MANATEE PHILLIPS LLP  
TRADEMARK DEPARTMENT**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: Jill and Tony Pietrini

Mailing Address: 724A Elvira Avenue

City: Redondo Beach, California

Zip Code: 90277

Phone: 310-312-4325

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

City of Redondo Beach

2. Brief description of development being appealed:

Second story addition and remodel to existing house which sits adjacent to a public easement and access to the Knob Hill Beach

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

801 Esplanade, Redondo Beach, CA 90277 (cross street is Knob Hill).

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions  
☐ Approval with special conditions:  
☐ 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:

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 591-5084



DATE FILED:

DISTRICT:

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

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

- ☐ Planning Director/Zoning Administrator  
☒ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision: June 18, 2004

7. Local government's file number (if any): 5-RBD-04-063

**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:

Michael & Kimberly Doyle  
8847 North Cove Drive  
Park City, Utah 84098

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) City Council Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277

(2) Mikel Glanovich & Damian Want  
722A Elvira Avenue  
Redondo Beach, CA 90277

(3) Rick and Diane Dunn  
726A Elvira Avenue  
Redondo Beach, CA 90277

(4) Rob and Linda Moffat  
732 Catalina Avenue  
Redondo Beach, CA 90277

See Attachment

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

### SECTION IV. Reasons Supporting This Appeal

#### PLEASE 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.
- 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 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.

1. The City Council of Redondo Beach ("City Council") did not properly consider the view identification and protection set forth in the Certified Coast Plan ("LCP"). The applicable sections of the LCP are set forth in the letter that we filed with the City Council on June 2, 2004, a copy of which is attached. The City Council dismissed those provisions of the LCP as mere "background noise", even though those provisions are set forth in the Shoreline Section of the LCP, not the Background Section of the LCP. In particular, the LCP provides that "all existing public recreational and visitor serving facilities will be maintained enhanced and preserved, and where possible "expanded" (pgs. xii, 93, Recreation Policies, LCP). The view along the Esplanade to the North side of Knob Hill (the location of 801 Esplanade, the subject property), is expressly identified as part of the existing public recreational and visitor serving facilities in the LCP. (pgs. 60-61, 78-79 and 80-81). This stated recreation policy of the LCP does not apply to only one part of the Redondo Beach Coastal Zone, but to all of it. Accordingly, the approval of the Coastal Permit is not in accordance with the LCP.


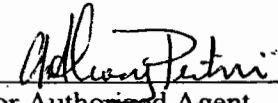
2. The City Council's decision also ignores the provisions of the Coastal Act, which requires a consideration of the effect on a view that proposed development would have. The subject property is between the nearest public road and the shoreline to the Pacific Ocean. As such, the City Council was required to make a specific finding that the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. The City Council did not make such a finding. Rather, the City Council only found that the proposed development did not affect public access. The City Council did not address whether the proposed development affected the public recreation policies under the Coastal Act. Further, public recreation is defined in the LCP as viewing of the ocean, another point that the City Council completely ignored. Therefore, the approval of the Coastal Permit is not in accordance with the Coastal Act.



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

   
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: July 1, 2004

**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: \_\_\_\_\_

Section III Identification of Other Interested Persons  
b. names and mailing addresses as available

- (5) Kevin Farr  
734B Esplanade  
Redondo Beach, CA 90277
- (6) Marty Stephens  
727 South Broadway, #D  
Redondo Beach, CA 90277
- (7) Bill and Deborah Smith  
723 South Broadway, Unit C  
Redondo Beach, CA 90277
- (8) Eram & Chuck  
727 South Broadway, #A  
Redondo Beach, CA 90277
- (9) Steven R Ellis  
711 Esplanade  
Redondo Beach, CA 90277
- (10) Robert A Freeman  
611 Esplanade  
Redondo Beach, CA 90277
- (11) Gail A Jaquish & Steven Kenninger  
717 Esplanade  
Redondo Beach, CA 90277
- (12) JR McMahon & Linda Severy McMahon  
29 Crest Road East  
Rolling Hills, CA 90274
- (13) Rene Scribe  
735 Esplanade  
Redondo Beach, CA 90277
- (14) Henrietta Spooner  
711 Esplanade  
Redondo Beach, CA 90277
- (15) Chuck Botsch  
700 Block Esplanade  
Redondo Beach, CA 90277

- (16) Timothy M O'Connor  
803 Esplanade  
Redondo Beach, CA 90277
- (17) Lucille A Bailey  
805 Esplanade  
Redondo Beach, CA 90277
- (18) Dean Francois  
PO Box 808  
Hermosa Beach, CA 90254
- (19) Joe Skevin  
730 Esplanade  
Redondo Beach, CA 90277
- (20) Shannon Gyuricza  
728 Esplanade  
Redondo Beach, CA 90277
- (21) Kate Reed  
310-543-1219  
ciatreed@aol.com  
Redondo Beach, CA 90277
- (22) Tim & Dianna Kilker  
206 Knob Hill  
Redondo Beach, CA 90277

Note: The City of Redondo Beach City Council Minutes will not be available until July 5<sup>th</sup> at which time we will submit the names of the individuals that testified – the City of Redondo Beach, City Clerk's Office advised that they will not release the addresses prior to the appeal deadline with this Coastal Commission..

Anthony Pietrini  
Jill Pietrini  
724A Elvira Avenue  
Redondo Beach, CA 90277  
(310) 543-1093

June 2, 2004

**Via Hand Delivery**

The Honorable Gregory C. Hill, Mayor  
And Honorable Members of the City Council  
CITY OF REDONDO BEACH  
415 Diamond Street  
Redondo Beach, CA 90277

**Re: Appeal of PC No. 04-19/CDP No. 04-01  
801 Esplanade, Redondo Beach, CA**

Dear Sirs:

This letter is written on behalf of ourselves and to request a reversal of the approval of the Coastal Development Permit ("CDP") for the real property located at 801 Esplanade, Redondo Beach, CA ("the Property"). We begin our appeal by stating that we do not have a private view of the ocean from our house<sup>1</sup>. We live at 724A Elvira Avenue, Redondo Beach, CA. We share a public view of the ocean down Knob Hill Avenue and across the Esplanade with hundreds of other Redondo Beach residents and visitors. This is the view that the City of Redondo Beach ("the City"), through the Redondo Beach Planning Commission ("Planning Commission"), seeks to eradicate through the proposed addition of another story to the Property.

In short, the decision of the Planning Commission must be reversed because it is contrary to the Local Coastal Plan ("LCP") implemented by the City in 1980 and approved by the California Coastal Commission ("Coastal Commission"), and is contrary to the express purpose and provisions of the California Coastal Act, Cal.Pub.Res.Code § 30001, *et seq.* Specifically, the Planning Commission erroneously held that the City is "not in the view business" and did not have to consider the impact on the public view that the proposed remodel to the Property would have. As this is clearly an erroneous conclusion of law, the Planning Commission's decision must be reversed.

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<sup>1</sup> The distinction between a private view and a public view is not of any legal significance. See, *Ocean View Estates Homeowners Assn. v. Montecito Water District*, (2004) 116 Cal.App.4<sup>th</sup> 396, 401. In *Ocean View*, the court held that even though "there is no common law right to a private view, [this] is not to say that the [agency] is relieved from considering the impact of its project on such [private] views." *Id.* at 402.

## I. RELEVANT FACTS<sup>2</sup>

In 2003, the Property owners Michael and Kimberly Doyle ("the Doyles") applied to the City of Redondo Beach ("the City") for a modification to the setback on the Property from the required 3' setback to a setback of 2'6". That modification was approved by the City, without a hearing and without posting a sign on the Property<sup>3</sup>. Accordingly, most of the residents affected by the setback modification (such as ourselves) were not notified of the Doyles' application for a modification and were therefore precluded from objecting to it.

Later in 2003, the Doyles applied to the Coastal Commission for a CDP for the Property to allow them to add another story to the Property<sup>4</sup>. As shown by Exhibit 2 hereto, the Property sits adjacent to the public stairs leading to Redondo Beach, a staircase that is heavily used by the public. Indeed, the lower end of the structure on the Property sits on top of the retaining wall for the upper walkway on the bluff that begins at Knob Hill Avenue and goes north to the Redondo Beach Pier.

On September 11, 2003, the City's LCP was certified by the Coastal Commission giving the City jurisdiction over CDPs in the coastal zone area in Redondo Beach. *Staff Report*, pg. 2. The Doyles' application to the Coastal Commission was refused because the City had taken over responsibility for the review and approval or denial of CDPs in its coastal zone areas.

At some time before the Hearing, the City posted signs at the Property advising the public of the proposed CDP and noticing a hearing on the CDP to be held on March 23, 2004. The Hearing was held on March 23, 2004 before the Planning Commission, and many residents appeared and testified as to their disapproval of the proposed addition to, and remodel of, the Property based on the impact to the public view and to the private views of some of the residents.

The Planning Commission was confused, at best, as to the process for reviewing a CDP and was not advised properly by the City Attorney's Office. As noted by several

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<sup>2</sup> Some of the facts set forth herein are stated in the Staff Report relating to the Property ("the Staff Report") made in advance of the March 23, 2004 hearing relating to the City's approval of the CDP for the Property ("the Hearing"). A true and correct copy of the *Staff Report* is attached hereto as Exhibit 1.

<sup>3</sup> As stated at the Hearing, the modification to the setback on the Property was invalid because there was not proper notice to residents affected by the modification. Even if there were proper notice, the setback still would not be proper for two reasons. *First*, the Property is not unique such that if the normal setback of 3 feet were applied, the Property would be at a disadvantage. The Property has existed since 1951 without a modification to the current setback requirement of 3 feet, and there is no evidence to suggest that holding the Doyles to the current setback requirements would put them at a disadvantage now. *Second*, granting the setback modification amounted to granting the Doyles a privilege. The setback modification enhances the value of the Property to the Doyles because it allows them to build a larger house on the Property to the detriment of other residents.

<sup>4</sup> Currently, the Property has 2+ stories - 1 story at street level and 1 story below street level on the Esplanade bluff and an exterior deck below the first story below the bluff. True and correct copies of photographs of the Property looking east from the ocean are attached hereto as Exhibit 2.

Planning Commissioners, this was a situation of first impression and they were looking to the City Attorney and the Planning Commission's staff to advise them. Unfortunately, both staffs were unprepared for the issues that were presented under the Coastal Act, and they misinformed the Planning Commission of the standard of review the CDP for the Property. One Planning Commission staff member, Anita Kruger, went so far as to note, based on her *personal (and subjective)* observation only and while standing directly in front of the Property that "I walked around Knob Hill, Esplanade, Catalina, and I looked. I couldn't see the ocean because that [P]roperty already has a garage." *Transcript* of the Hearing, pg. 3. A true and correct copy of the transcript of the hearing ("Transcript") is attached hereto as Exhibit 3. Ms. Kruger's subjective observation is belied by the facts. The ocean is clearly visible from Knob Hill, both below Pacific Coast Highway ("PCH") and above PCH driving west from Prospect Street. *Photographs* of the ocean view from Knob Hill are attached hereto as Exhibit 4.

Specifically, the Planning Commission was told by City Attorney Web and Planning Staff Randy Berler that the City was not required to consider the public view affected by the proposed addition to, and remodel of, the Property because the public view was not mentioned in the LCP. The colloquy between the Planning Commission and City Attorney Web and Planning Commission staff member Randy Berler is illustrative of this erroneous reading of the LCP and the Coastal Act, and the fact that neither the City Attorney nor the Planning Commission staff was prepared enough to accurately advise the Planning Commission:

**Commissioner Eubanks:** ... What about the preamble (referring to the Coastal Act) – the vision statements. Any general policies that were stated in the preamble that address any views or protection of them?

**Staff Berler:** I'm not aware of ... I have not seen it.

**Commissioner Eubanks:** ... The other question I have is, and I've think heard it and I just want to hear it specifically, we are bound only by and are compelled to follow our local coastal program. We are also not held to the higher standard of the local Coastal Act? Is that correct?

**City Attorney Web:** Unless and again, I'll defer to planning staff, unless there are – unless it's incorporated into the local coastal plan and in further just to answer a question that I hesitated on before I wanted to check. It appears in looking at the municipal law handbook that even on the appeal, depending on the type of appeal to the Coastal Commission, they would look at conformity to the certified LCP or violation of the public access policies of the Coastal Act. So again, I would defer to the planning staff as to, unless it's incorporated in the local coastal plan.

**Commissioner Eubanks:** So, to be more exploit in the language, that maybe everyone will understand. If we believe that our certified local coastal program is a little remiss in actually matching the Coastal Act, it's not within our purview to

say, you know what, we're going to make a determination that our certified [plan] in deference to the Coastal Act.

**City Attorney Web:** Again the language is "shall" so it indicates in 30504(b) that you – if you find that the proposed development is in conformity with the certified local coastal plan, then you ought to issue it. ...

**Commissioner Eubanks:** The other thing, just as a comment and I believe that when the Coastal Commission reviewed our certified coastal program, again they're looking more in general. They are not looking in any specific site or any specific view or so when they approve our certified local coastal program, they are doing it in a much more broader sense *and in effect, we've opted out of the whole view business in the City of Redondo Beach.* Whether I agree with that or not is really immaterial. The fact is that we have. *And the Coastal Commission basically gave us a bye on that and said okay.* Yeah, no problem. Not looking at any specific impacts. *That would be a fair assessment?* (emphasis added)

**Staff Berler:** Yes.

*Transcript, pgs. 23 to 24.*

Commissioners Bloss and Cartwright received the same poor and inaccurate advice:

**Commissioner Bloss:** I guess another way, I mean, I think a lot of this is new to us in terms of that and I think the purpose of having staff here is to explain to use what the law is and how it fits together, ... I guess in terms of, you know, property rights, what I'm hearing is that we cannot deny this project based on a view thing because that's not part of the requirements within our coastal plan to do so. ...

**Commissioner Cartwright:** I have also made the same determination based upon the evidence put forth to us that we don't have the means to deny this because the local coastal program does not address public views and I want to ask the question again to make sure that it absolutely does not address any public view issue and so we don't have the mechanism to deny based upon that. I want to make sure that that in fact is the case. So, we've talked about it, but I want to get sort of a further response from staff that there is nothing in our local coastal program which specifically references view, per se.

**Staff Berler:** I have not found anything that references that. The implementing ordinance definitely does not, and I've looked through the policies of LUP and I have not found anything that provides such a finding.

*Transcript, pg. 26. See also, the Staff Report, pg. 2 ("It should be noted for the record that the City of Redondo Beach does not have a view preservation ordinance".)*

Had the Planning Commission properly considered the views that would be affected by the proposed addition to, and remodel of, the Property, the evidence clearly established that Knob Hill is a view corridor and that the views would be impacted. Such evidence includes:

- ♦ Testimony by several residents, including ourselves, regarding the view.
- ♦ The petition of 350+ residents objecting to the proposed addition to, and remodel of, the Property. (That petition has now grown to 1300 signatures.)
- ♦ The photographs that were shown by the Planning Commission staff where the ocean is clearly visible from Knob Hill.
- ♦ The comments of the Commissioners and the Planning Commission Staff themselves:

"The street view could be considered a public corridor view, sure." Randy Berler, *Transcript*, pg. 18;

"... I would say that that I think we've heard compelling evidence from Ms. Moffat, specifically, that this is a significant public view." Commissioner Eubanks, *Transcript*, pg. 19;

"I think it is a significant view corridor down Knob Hill, and I hate to see that broken up." Commissioner Eubanks, *Transcript*, pg. 25; and

"I guess we gotta slow down on this a little bit and discuss it. ... The public view thing on the Coastal Commission. That's the houses in front of Knob Hill, and the way I read it here, is that in the California Coastal Act, it talks about public views." Commissioner Aspel, *Transcript*, pg. 17.

As shown below, the Planning Commission was not properly advised and relied upon an erroneous reading of the LCP and the Coastal Act. In a 3-2 decision, the Planning Commission approved the CDP for the Property based on the City Attorney's and the Planning Commission staff's misreading (or failure to thoroughly read) the LCP and the Coastal Act.

## II. STANDARD TO BE APPLIED TO CDPS

In order to properly approve the CDP, the Planning Commission had to make three inclusive findings, based on evidence:

1. That the proposed development is in conformity with the Certified Local Coastal Program.



2. That the proposed development, if located between the sea (or the shoreline of any body of water located within the coastal zone) and the first public road paralleling the sea, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code (commencing with Section 30200).
3. That the decision-making body has complied with any CEQA responsibilities it may have in connection with the project, and that, in approving the proposed development, the decision-making body is not violating any CEQA prohibition that may exist on approval of projects for which there is a less environmentally damaging alternative or a feasible mitigation measure.

City Ordinance 10-5.2218(c); *Accord*, Cal.Pub.Res.Code § 30600.5(c).

These requirements are inclusive, in that all must be met before a CDP can be approved. The failure to find any one of the three elements requires a denial of a CDP. City Ordinance 10-5.2218(d).

As shown below, the City misread the LCP, which does in fact provide for public views and in particularly on Knob Hill, and misread the Coastal Act and its mandatory provisions that apply to the City in reviewing any CDPs. Thus, the City did not have sufficient evidence to support the first or the second element of the City's own ordinance implementing the Coastal Act.<sup>5</sup>

### **III. THE LOCAL COASTAL PLAN DIRECTLY ADDRESSES THE PUBLIC VIEW AND SPECIFICALLY THE VIEW ON KNOB HILL**

The Planning Commission staff repeatedly stated, even when asked if they were "absolutely" certain, that the LCP did not make any reference to public views. Having read the entire LCP, it is clear that the Planning Commission did not take the time to do so themselves.<sup>6</sup> If they had, the Planning Commission staff would have noted the following multiple references to the public view and recreation policies in the LCP:

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<sup>5</sup> The City also did not have sufficient evidence to prove the third element relating to CEQA, as more fully discussed in the appeal letter submitted to the City by Attorney Ellen Berkowitz, on behalf of resident Kevin Farr and other City residents.

<sup>6</sup> The newness of the review of CDPs by the City and probably the workload of the City Attorney and the Planning Staff may have contributed to the failure to read the LCP in detail before the Hearing. Nonetheless, the Planning Commission decision based on such failure to read the City's own LCP is still erroneous and must be overturned, as it sets a dangerous precedent in the City, namely, that the City is not required to consider public views for any properties for which a CDP is sought because the City "is not in the view business."

#### IV. SHORELINE ACCESS

##### B. Pedestrian Access

Pedestrian access to the shoreline, in the form of improved walkways and ramps both vertical and lateral, is provided throughout the Redondo Beach Coastal Zone. ...

An important part of the pedestrian system is the blufftop walkway. This walkway parallels the western perimeter of Esplanade Avenue on a coastal plain, fifty feet above the shoreline. *The walkway extends from the southern boundary of the Coastal Zone at the Torrance city boundary to Knob Hill on the north. An unobstructed blufftop view of the ocean is provided to both pedestrian and automobile travelers along Esplanade. At Knob Hill, steps lead to a walkway midway between the shoreline and the blufftop walkway.*

LCP, pgs. 60-61 (emphasis added).

#### V. COASTAL RECREATION

... The entire Redondo Beach shoreline is under public ownership. As a result, access to recreational opportunities is very good. *The City of Redondo Beach offers a wide variety of coastal recreational opportunities including approximately 1.7 miles of public beach areas, a blufftop walkway along the Esplanade to Knob Hill where pedestrian views of the beach are unhampered by residential development<sup>7</sup>.*

LCP, pgs. 78-79 (emphasis added).

##### B. Beaches

*... More than half of the Redondo State Beach is open to direct public view from Esplanade which varies in elevation along its length and offers fine vantage points for viewing the beach and ocean. A major public access walkway extends south from the Pier complex to Knob Hill approximately half the distance of the beach.*

<sup>7</sup> The LCP was written in 1980, at a time when the Property and the adjacent other four blufftop houses had already been built. LCP; Staff Report, pg. 1. Accordingly, the LCP took into consideration the low profile of those five properties south of Knob Hill and the one property immediately north of the beach stairway at the end of Knob Hill. It is no coincidence that all five of those properties were single-story properties from the street level, although each property has at least one story on the bluff below. See, *Photographs of the Property*, Exhibit 2.

... The beach is a major attraction, having value to considerably more people than just the citizens of Redondo Beach. Approximately 3.2 million persons visited the beaches in 1978. *It is a State resource, which attracts swimmers, surfers, fishermen, and perhaps in the greatest numbers of all, viewers.*

LCP, pgs. 80-81 (emphasis added).

Therefore, to state that the LCP does not reference the issue of public views is plain wrong. The LCP clearly does, and even goes so far as to specifically address the area in question – namely, Knob Hill and the Esplanade. Further, the LCP defines views as part of the “coastal recreation” of the public. LCP, pgs. 78-79.

Accordingly, the addition to, and remodel of, the Property, which unequivocally will diminish the public view at Knob Hill and the Esplanade, fails to meet the first element of the CDP approval test established by the City and the Coastal Act. As such the CDP for the Property should have been denied on that basis alone. However, the CDP should have also been denied based on the failure to meet the second element of the CDP approval test – namely, compliance with the Coastal Act.

#### **IV. THE PROPOSED DEVELOPMENT ON THE PROPERTY IS NOT IN CONFORMITY WITH THE COASTAL ACT**

In a convoluted exchange, the Planning Commission opined that certain provisions of the Coastal Act, specifically those sections requiring the protection of ocean views, were not binding on the City. This is because, according to City Attorney Web, unless the LCP expressly incorporated the applicable provisions of the Coastal Act into the LCP, the City was without power to consider those provisions of the Coastal Act. This again is a plain misreading of the statute and the LCP, and is also illogical.

##### **A. The Coastal Act Requires Consideration And Protection Of Ocean Views By The City**

The Coastal Act was enacted by the legislature in 1976, in response to a proposition passed by California voters in 1972 (Proposition 20). LCP, pg. 1. The purpose of the Coastal Act is stated throughout the statute. *See*, Section 30001(b) (“The Legislature hereby finds and declares ... that the permanent protection of the state’s natural and scenic resources is a paramount concern to present and future residents of the state and nation.”).

To achieve that purpose, the Coastal Act requires cities (including Redondo Beach) to comply with the provisions of the Coastal Act. *See*, Section 30003 (“All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.”). And the public is to be included in decisions affecting coastal development. *See*, Section 30006 (“The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development ...”)

The Coastal Act is to be liberally construed to achieve its purposes and objectives. *See*, Section 30009.

The Coastal Act further incorporates all of the requirements of Chapter 3 (including Article 6) into local coastal plans:

**Section 30200. Policies as Standards; Resolution of Policy Conflicts**

Consistent with the coastal zone values cited in Section 30001 and the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and the permissibility of proposed developments subject to the provisions of this division are determined. ...

Accordingly, the Coastal Act expressly requires cities, such as Redondo Beach, to abide by all of the policies and provisions set forth in Chapter 3 of the Coastal Act, not certain provisions as the Planning Commission ultimately found, based on faulty advice from the Planning Commission staff and the City Attorney.

Included in Chapter 3 is Article 6 relating to development. The relevant section of Article 6 is Section 30251, which states, in germane part:

**Section 30251. Scenic and Visual Qualities**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

The Planning Commission erroneously found that it was not required to follow Section 30251 because it was not expressly incorporated by reference or restated in the City's LCP. Further, the City Attorney told the Planning Commission that this section of the Coastal Act did not apply based on certain headings of the statute. *Transcript*, pg. 20. There is no authority for this position under the rules of statutory construction, and it is directly contrary to Section 30200 of the Coastal Act.

Further, it is illogical that the provisions of a state statute are discretionary to the city implementing that statute, or that a city can pick and chose which sections of the statute it will follow and which ones it will not. The City of Redondo Beach is bound by all provisions of the Coastal Act, as the City has no power to trump the State Legislature or the voters who passed Proposition 20, which spawned the Coastal Act.

**B. The LCP Incorporates The Policies Of The Coastal Act And Is  
The Local Implementation Of Those Policies**

The Coastal Commission granted authority to coastal cities to create local coastal plans that would implement the policies of the Coastal Act. This much is clear from the City's LCP:

The LCP must reflect the coastal issues and concerns of a specific area, such as in Redondo Beach, but must also be consistent with the state-wide policies of the Coastal Act.

LCP, p. viii.

The LCP is defined by the Coastal Act as being the local government's land use plans, zoning ordinances, zoning district maps, and where required, other implementing actions applicable to the coastal zone. The LCP is intended to implement the policies and provisions of the 1976 Coastal Act at the local level.

LCP, pgs. 1-2.

If there were any ambiguity as to the LCP being the arm of the Coastal Act (which there is not), the City was required to amend its LCP in 2001 in response to its proposed amendment to the LCP with respect to the Harbor/Civic Center area. The proposed amendment in 1999 was done apparently to accommodate the significant changes that the proposed Heart of the City project required. In particular, the Coastal Commission rejected the City's 1999 proposed amendment to the LCP, and required certain changes to be made in the LCP. Those changes were memorialized in City Resolution No. CC-0104-20. In that resolution, the City Council found, in relevant part, that:

2. The proposed amendment to the Coastal LUP is intended to be carried out in a manner that is fully in conformity with the Coastal Act.
3. The proposed amendment to the Coastal LUP is consistent with the policies of the Coastal Act, including but not limited to: the protection and provision of public access; the protection and encouragement of facilities that provide public recreation; the protection of the marine environment; *the protection of the scenic and visual quality of coastal areas*; and the reservation of land along and near the coast for priority uses, including coastal development, visitor serving uses and recreation.

City Resolution No. CC-0104-20, pgs. 1-2.

Thus, the LCP incorporates the requirements of the Coastal Act, including Section 30251, which requires the City to protect the scenic and visual qualities of coastal areas.

**C. Even If The LCP Did Not Specifically Address The Policies Of The Coastal Act, Courts Have Required Cities To Consider And Protect Views**

Even if there were no express references to enforcing the policies of the Coastal Act in the LCP, courts require cities and counties, in reviewing CDPs to consider and protect views of the public and property owners.

In *Bel Mar Estates v. California Coastal Commission*, (1981) 115 Cal.App.3d 936, the appellate court affirmed the denial of a CDP<sup>8</sup> because of: (a) the increase of traffic that the development would bring to PCH; (b) the development would destroy the scenic view of the ocean from the canyon; and (c) the development would destroy the natural habitat of the area. *Id.* at 941-42. In affirming the denial of the CDP and of the writ of mandate, the appellate court noted that the development's destruction of the natural and scenic canyon "fell within the provisions of section 30251 of the [Coastal Act]." *Id.* at 941.

Similarly in *Paoli v. California Coastal Commission*, (1986) 178 Cal.App.3d 544, the CDP was denied because the property owner refused to agree to an open-space easement to preserve the public view as a condition for issuance of the CDP. In so holding, the appellate court held that:

The importance of preserving the rural character of this highly scenic portion of the Mendocino coast is recognized in Public Resources Code section 30251, which states: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, [and] to be visually compatible with the character of surrounding areas ..."

*Id.* at 551-52.

And in *La Costa Beach Homeowners' Association, supra*, the appellate court affirmed the issuance of a CDP based on a barter-for exchange between the Coastal Commission and the property owners. The CDPs were going to be issued, again relying upon and citing Section 30251 of the Coastal Act, as long as the property owners agreed to certain public view corridors on each property. *La Costa Beach Homeowners' Association*, 101 Cal.App.4<sup>th</sup> at 815-16. The property owners instead purchased a contiguous 80 foot parcel of land a short distance north of their properties, which was undeveloped, and deeded it to the City of Malibu in exchange for issuance of CDPs without public view corridor restrictions. The court found that the purpose of Section

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<sup>8</sup> The County of Los Angeles had approved the CDP, and the Coastal Commission denied it. The property owner then appealed the decision by the Coastal Commission to Los Angeles Superior Court by a writ of mandate. The trial court denied the writ of mandate to overturn the Coastal Commission's denial of the CDP, and the property owner appealed the trial court's denial of the writ of mandate and the decision of the Coastal Commission to the California Appellate Court for the Second District.

30251 was served because the public was dedicated 80 feet of beachfront property in lieu of having three separate public view corridors ranging from 24 feet, 20 feet, and 36 feet on each respective property.

Thus, the case law further supports the position that the City of Redondo Beach must also consider and protect the views along and to the ocean at Knob Hill and the Esplanade, and elsewhere.

**D. The Second Element Of City Ordinance 10-5.2218 Is Not Met Because The Proposed Development Is Not In Conformity With The Public Recreation Policies Of Chapter 3 Of The Coastal Act**

The Planning Commission admittedly did not consider the public recreation policies of Chapter 3 of the Coastal Act, which includes Section 30251, even though it was required to do so, and the City's own LCP defines public views as public recreation. "The City of Redondo Beach offers a wide variety of **coastal recreational opportunities** including approximately 1.7 miles of public beach areas, a blufftop walkway along the Esplanade to Knob Hill where **pedestrian views of the beach** are unhampered by residential development." LCP, pgs. 78-79.

As shown by the ample evidence presented at the Hearing and the findings of the Commissioners themselves, the view down Knob Hill will be eradicated if the CDP for the Property is ultimately approved and the addition to, and remodel of, the Property is completed as planned. This result is contrary to the LCP, contrary to the Coastal Act, and most important, contrary to public opinion.

**V. CONCLUSION**

For the reasons stated above and at the Hearing, we respectfully request the City Council to reverse the decision of the Planning Commission and deny the CDP in its entirety. Alternatively, the City Council should reverse the decision of the Planning Commission and remand the matter back to the Planning Commission to consider the impact of the addition to, and remodel of, the Property in light of the public view and the private views that will be impacted by the Doyles' proposed addition to, and remodel of, the Property. Thank you for your consideration of this matter.

Sincerely,

  
Jill Pietrini

cc: Kevin Farr  
Linda Moffat  
Ellen Berkowitz, Esq.

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## STAFF REPORT

REDONDO BEACH PLANNING DEPARTMENT

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**AGENDA ITEM:** 19 (PUBLIC HEARINGS)

**HEARING DATE:** MARCH 23, 2004

**APPLICATION TYPE:** COASTAL DEVELOPMENT PERMIT AND AN EXEMPTION DECLARATION

**CASE NUMBER:** (PC) 04-19

**COASTAL DEVELOPMENT PERMIT NUMBER:** (CDP) 04-01

**APPLICANT'S NAME:** MICHAEL & KIMBERLY DOYLE

**APPLICANT'S REQUEST AS ADVERTISED:**

Consideration of a Coastal Development Permit and an Exemption Declaration to permit a remodel and a second story addition to an existing single family residence located in a Single Family Residential (R-1) zone on property located at **801 Esplanade**.

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**DEPARTMENT'S ANALYSIS OF REQUEST:**

**DETAILED DESCRIPTION OF THE REQUEST:**

The applicant is requesting the approval of a Coastal Development Permit to allow the remodel of an existing single-story residence with an attached garage and semi-subterranean level, and the construction of a second story addition. The existing residence was constructed in 1951. The existing residence is 1,673 square feet in size and the proposed addition is 835 square feet in size, for a total of 2,508 square feet of living area. The lot area is 30 feet in width and 100 feet in depth for a total lot area of 3,000 square feet.

The proposed remodel and addition meet all of the zoning requirements as they existed in February, 2003, when a project application was first made to the City, with the exception of side setback on the southerly side of the property. As such, the applicant requested the approval of side setback of 2 feet, 6 inches on the south side rather than the required 3 foot side setback so that the second story addition would match or line up with the existing first story.

On February 26, 2003, a "Notice of Decision on Modification and Exemption Declaration" was mailed to all property owners with a 300 foot radius of the subject property. The modification was approved after the 10 day appeal period expired without the receipt of any written appeals. It should be noted that a letter of protest was received on April 15<sup>th</sup>, 2003, well after the appeal period had expired.

In terms of height, the proposed addition is to be a maximum of 30 feet in height, as measured down the center line of the property, as is permitted by the zoning ordinance. A "Building Height Certificate" will be required to be prepared by a licensed land surveyor during the



construction stage to ensure that the 30-foot maximum building height is not exceeded. It should be noted for the record that the City of Redondo Beach does not have a "view preservation" ordinance.

On September 11, 2003, the City's Coastal Implementing Ordinance was certified by the Coastal Commission giving the City jurisdiction over Coastal Development Permits in Coastal Zone Area One (the area west of Pacific Coast Highway excluding the "Heart of the City" area). Therefore, as of that date all projects located in the Coastal Zone Area One must apply to the City for the approval of Coastal Development permits. Prior to this date, project applicants applied to the Coastal Commission for Coastal Development Permits after the projects were approved by the City.

#### **EVALUATION OF THE REQUEST:**

Pursuant to Section 10-5.2206 of the City's Zoning Ordinance, the proposed project is subject to the standards for issuing Coastal Development Permits as described in Article 10. The approval or denial of a Coastal Development Permit is based upon compliance with the certified Local Coastal Program and consistency with the policies of the Coastal Act. Pursuant to Section 10-5.2218, all of the following findings must be made by the Planning Commission in order to approve the application for a Coastal Development Permit:

1. The proposed development is in conformity with the Certified Local Coastal Program.
2. The proposed development, if located between the sea and the first public road paralleling the sea (or shoreline of any body of water located within the coastal zone), is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code (commencing with Section 30200).
3. The decision-making body has complied with any CEQA responsibilities it may have in connection with the project, and in approving the proposed development, the decision-making body is not violating any CEQA prohibition that may exist on approval of projects for which there is a less environmentally damaging alternative or a feasible mitigation measure available.

The proposed development is in conformity with the Certified Local Coastal Program, which allows for the development of a two-story single family residence on the subject property.

The proposed development is located between the sea and the first public road paralleling the sea and is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code (commencing with Section 30200) because it does not restrict or remove any existing public access to the shoreline nor does it restrict or remove any existing public recreation facilities.

Pursuant to the California Environmental Quality Act (CEQA), Section 15301, the project is categorically exempt and, therefore, does not require an environmental review or study.

Section 10-5.2218 states that an application for a Coastal Development Permit shall not be denied unless, based on evidence, the Planning Commission makes one or more of the following findings:

1. The proposed development is not in conformity with the Certified Local Coastal Program.
2. The proposed development, if located between the sea and the first public road paralleling the sea (or shoreline of any body of water located within the coastal zone), is not in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code (commencing with Section 30200).
3. That there are feasible alternatives available and/or mitigation measures beyond that which the City can appropriately impose as permit conditions, that, if implemented, would render the project equally or more compatible with the LUP policies and that would substantially reduce one or more significant adverse effects that the project would have on the environment, either as proposed or as it could be reasonably be conditioned.

**ENVIRONMENTAL STATUS:**

The project is Categorically Exempt from the preparation of environmental documents, pursuant to Section 15301 (additions to existing structures) of the Guidelines of the California Environmental Quality Act (CEQA).

**DEPARTMENT'S RECOMMENDATION:**

The Planning Department recommends that the Planning Commission make the findings as set forth in the staff report, adopt an Exemption Declaration and grant the request for a Coastal Development Permit, subject to the plans and applications submitted, and the conditions below.

**FINDINGS:**

1. In accordance with Section 10-5.2218(c) of the Redondo Beach Municipal Code, the applicant's request for a Coastal Development Permit is consistent with the findings set forth therein for the following reasons:
  - a. The proposed development is in conformity with the Certified Local Coastal Program because it is consistent with the Single-Family Residential (R-1) zone and associated development standards and procedures and criteria for modifications.
  - b. The proposed development, which is located between the sea and the first public road paralleling the sea (or shoreline of any body of water located within the coastal zone), is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code (commencing with Section 30200). The proposed development does not impact public access to the shoreline or any public recreational facilities.
  - c. The decision-making body has complied with any CEQA responsibilities it may have in connection with the project, and in approving the proposed development, the decision-making body is not violating any CEQA prohibition that may exist on

approval of projects for which there is a less environmentally damaging alternative or a feasible mitigation measure available. The project is -Categorically Exempt from the provisions of CEQA.

2. The plans, specifications and drawings submitted with the applications have been reviewed by the Planning Commission, and are approved.
3. The project is Categorically Exempt from the preparation of environmental documents, pursuant to Section 15301 (additions to existing structures) of the Guidelines of the California Environmental Quality Act (CEQA).
4. The Planning Commission hereby finds that the proposed project will have a "de minimis" impact on fish and game resources pursuant to Section 21089(b) of the Public Resources Code.

**CONDITIONS:**

1. The approval of a Coastal Development Permit shall allow for the remodel of an existing single-story residence with an attached garage and semi-subterranean level, and the construction of a second story addition with a 2 foot, 6 inch side setback, as approved by Modification No. M-03-01, in substantial compliance with the plans submitted in conjunction with the Coastal Development application.
2. The applicant shall provide on-site erosion protection for the storm drainage system during construction, to the satisfaction of the Engineering Department.
3. The applicant shall provide a Site Specific Urban Stormwater Mitigation Plan (SSUSMP) for approval by the Engineering Department prior to the issuance of a building permit.
4. The applicants and/or their successors shall maintain the subject property in a clean, safe, and attractive state until construction commences. Failure to maintain the subject property may result in reconsideration of this approval by the Planning Commission.
5. The site shall be fully fenced prior to the start of construction.
6. All on-site litter and debris shall be collected daily.
7. Construction work shall occur only between the hours of 7 a.m. and 6 p.m. on Monday through Friday, between 9 a.m. and 5 p.m. on Saturday, with no work occurring on Sunday and holidays.
8. Material storage on public streets shall not exceed 48-hours per load.
9. The project developer and/or general contractor shall be responsible for counseling and supervising all subcontractors and workers to ensure that neighbors are not subjected to excessive noise, disorderly behavior, or abusive language.
10. Barriers shall be erected to protect the public where streets and/or sidewalks are damaged or removed.

11. Streets and sidewalks adjacent to job sites shall be clean and free of debris.
12. The Planning Department shall be authorized to approve minor changes.
13. In the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit. The decision of the Planning Commission shall be final.

Prepared by:



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Anita Kroeger  
Senior Planner



## CITY OF REDONDO BEACH

### EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**DATE:** March 23, 2003

**PROJECT ADDRESS:** 801 Esplanade Avenue

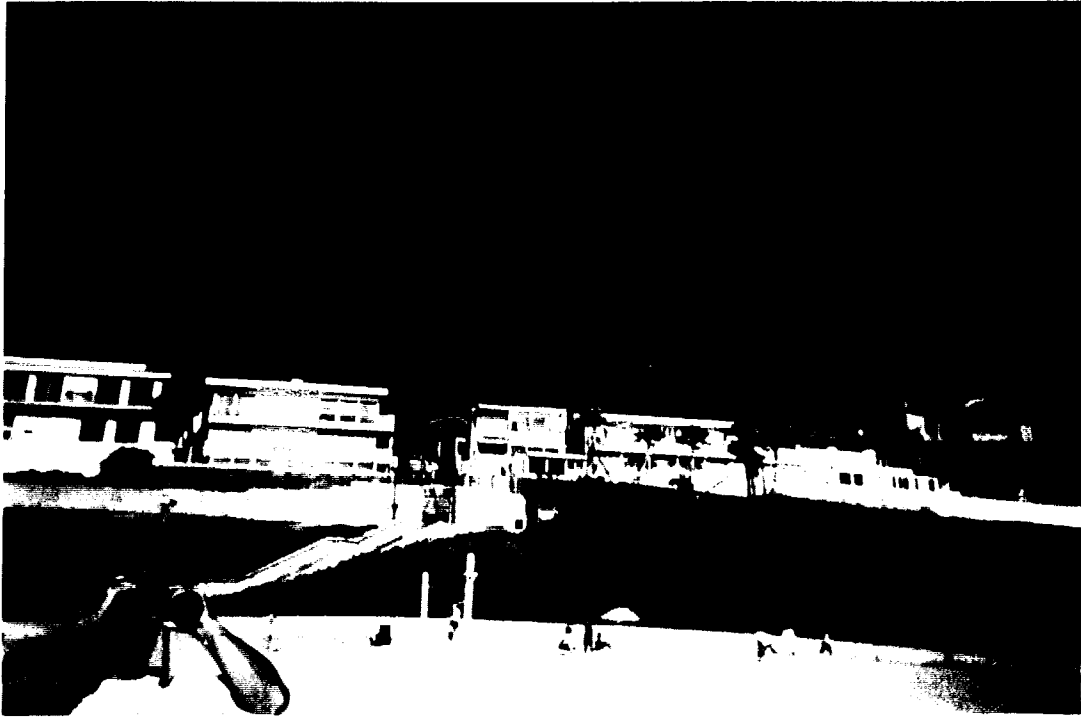
**PROPOSED PROJECT:** Consideration of a request for the approval of a Coastal Development Permit to allow the remodel of and addition to an existing single family residence located at 801 Esplanade Avenue.

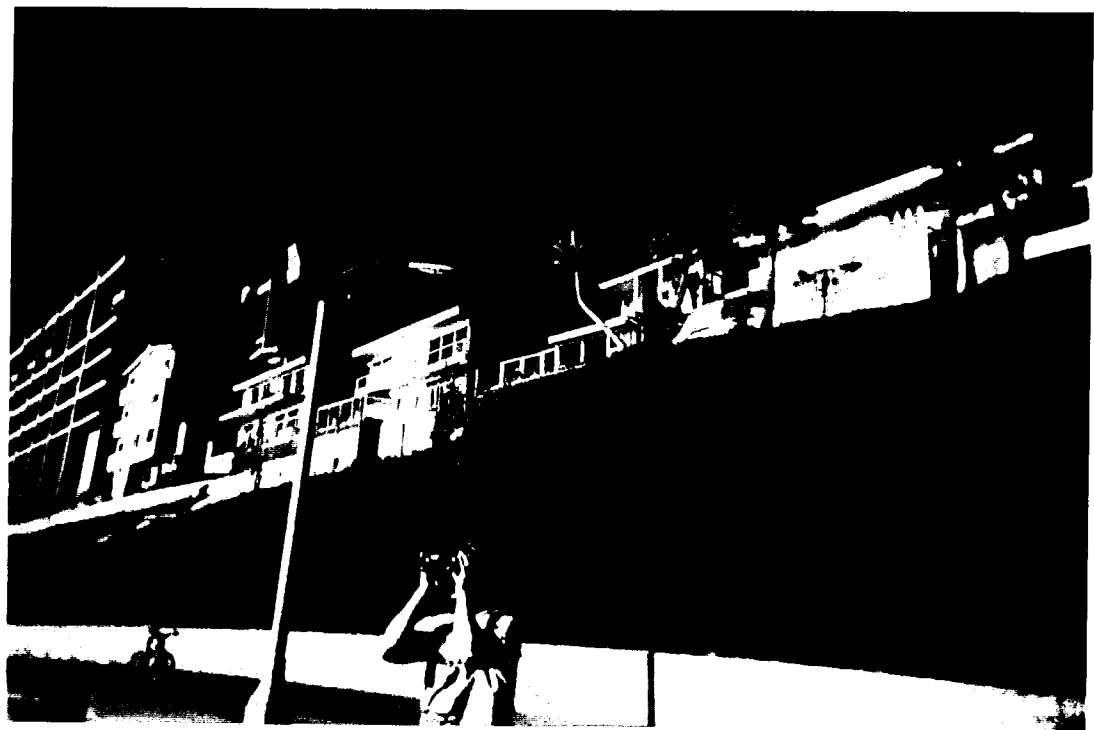
In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorically Exempt from the preparation of environmental review documents pursuant to:

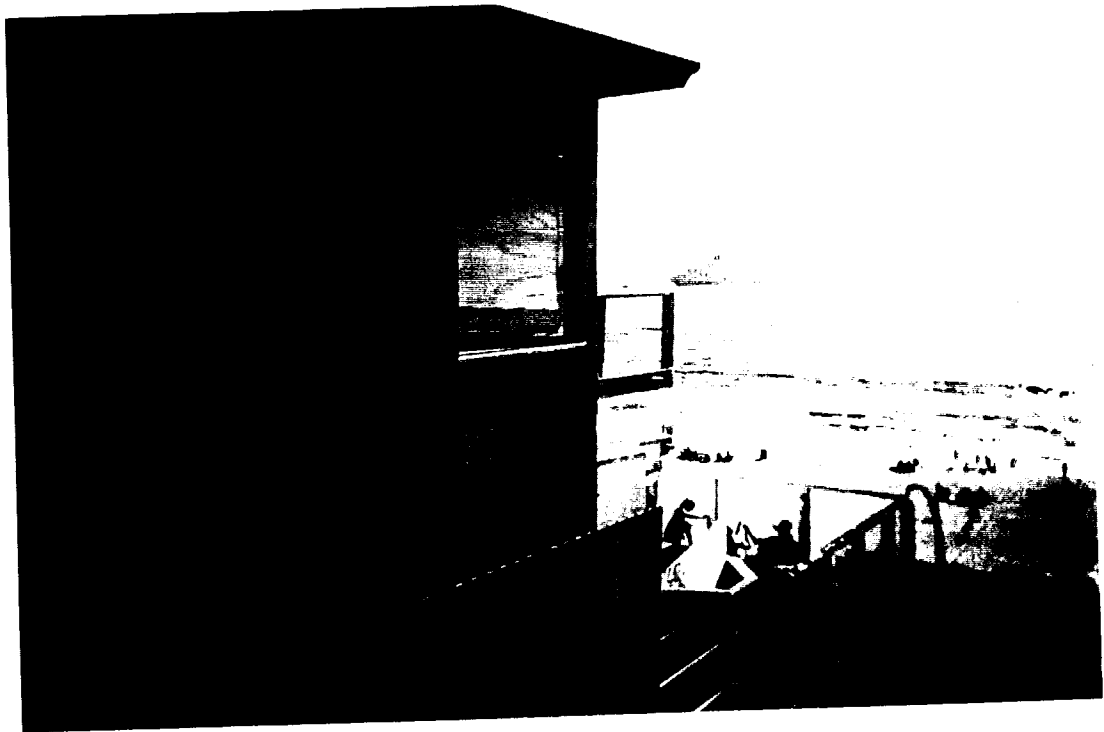
Section 15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) states, in part, that minor additions to existing structures do not have a significant effect upon the environment. This finding is supported by the fact that the proposed project is the remodel of and addition to an existing single family residence located at 801 Esplanade Avenue.

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Anita Kroeger  
Senior Planner

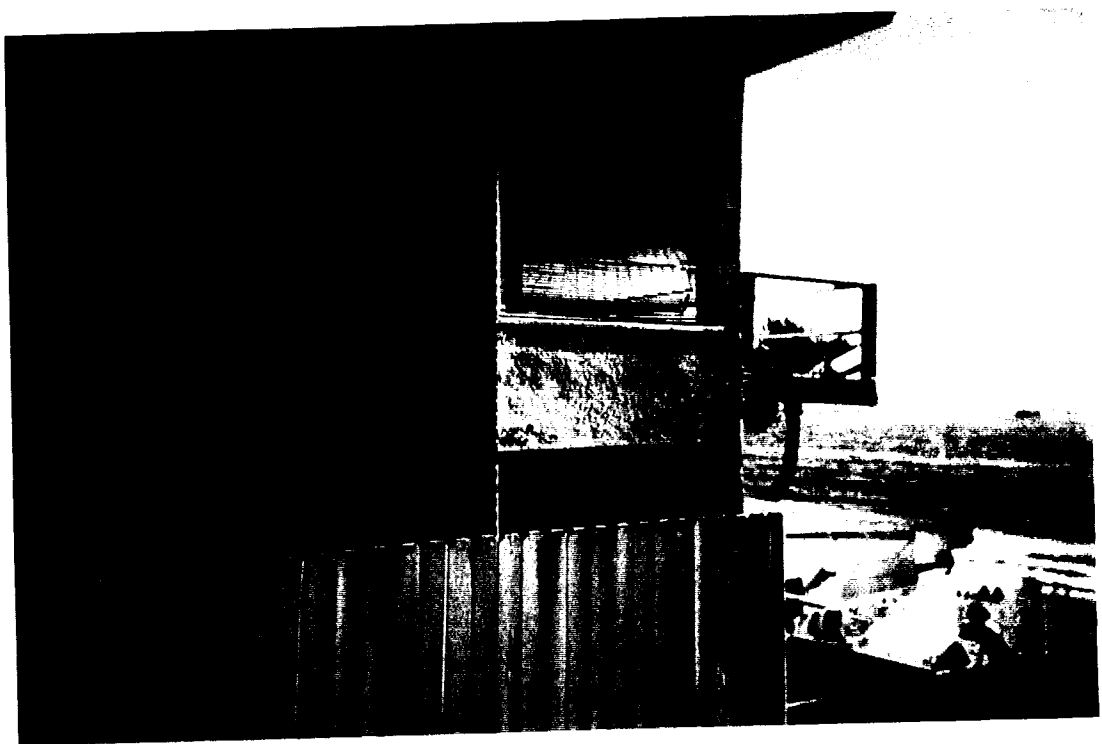












**PLANNING COMMISSION HEARING**

**(Before Acting Chairman Kilroy and Commissioners Aspel, Bloss,  
Cartwright and Eubanks)**

**March 23, 2004**

CHAIRMAN KILROY: Okay. Move on to item 6, routine public hearings. The routine public hearing items except those polled for discussion are assigned to the routine public hearing section of the agenda. Commission members or any member of the public may request that any item be removed, discussed and acted upon separately. Items removed from the routine public hearing section will be taken up immediately follow approval of the remaining routine public hearing items. Those items remaining on the routine public hearing section will be approved in one motion. Does any member of the commission want to poll any particular item? . . . Are there any members of the audience that would like to poll a item or would like to come speak on a particular item. If you would, please come up to the microphone and state your name and tell us which item you would like to pull in order to discuss.

\* \* \*

LINDA MOFFAT My name is Linda Moffat. I would like to discuss item no. 19.

CHAIRMAN We are not there yet.

CHAIRMAN Anyone else who like to speak on items 7-16?

LINDA MOFFAT 19.

CHAIRMAN Coming up.

LINDA MOFFAT Should we wait?

CHAIRMAN Stay tuned . . . You're fine. Anyone else? Is there a motion?

MALE VOICE This a closed public hearing?

BLOSS I move that routine public hearing Case numbers 7 through 15 be approved. The respective exemption declaration approved and all the findings, conclusions and conditions set forth in the respective staff reports are hereby adopted by the Planning Commission and are made - the findings, conclusions or conditions of the Commission and that each of the permits are entitlements are granted subject to the terms and conditions contained in the staff report.

MALE VOICE Second.

CHAIRMAN Okay, we have a motion in the second. Is there any discussion?

CHAIRMAN All those in favor?

SEVERAL VOICES I.

CHAIRMAN All those opposed. . . . The motion carries.

\* \* \*

CHAIRMAN Moving on to item no. 19. A public hearing to consider coastal development permit number CDP 0401 to permit a second story addition to single family dwelling on property located within a single family residential R-1 zone in the coastal zone. Motion open to public hearing.

MALE VOICE Second.

CHAIRMAN May we have a staff report please.

RANDY BERLER Senior planner Anita Kruger will make the staff report. We had planned some overheads but the overhead projector is not here now so we do have a couple of pictures that we may be able to get up on the projector, but we are missing some of the slides we intended to show but nevertheless we will go on with the staff presentation.

ANITA KRUGER The applicant is requesting the approval of a coastal development permit to allow the remodel of an existing single story residence and the construction of a second story addition. The existing residence was constructed in 1951. The lot area is quite narrow. It's 30 feet in width, a 100 feet in depth for a total lot area of 3,000 square feet. We're looking directly down Knob Hill at the subject property. The report is remodeled and in addition, meets all of the zoning requirements would it require an environmental study due to soil conditions as they existed in February of 2003 when the project was first made with one exception. Given the narrow width of the property, it could be developed with a 3-foot setback on one side of the addition with the existing setback as 2 feet, 6 inches. So they applied for modification and under the modification process, the land use administrator is allowed to approve a 6-inch reduction in the side setback. As a result of this, staff was in favor of the modification and in notice of decision on the modification, which is the project itself, was mailed to all property owners within a 300 foot radius of the subject property. After a 10-day appeal period, no appeals were received and therefore the approval of the modification which means the project in principal, in concept, was approved. After that time, the City's coastal implementing ordinance was certified by the Coastal Commission in September of 2003. The applicant wasn't aware of this so they sent initially the project to the Coastal Commission in December. They were notified by the Coastal Commission that they need to apply to the city because we are now acting on behalf of the Coastal Commission. And they must apply to us for approval of the coastal development permits. As you know, this is so very much a new process for us. I want to say that in the past, the Coastal Commission actually granted a waiver for single families and we are looking to get the same waiver but we haven't received that permission yet. So at this time, if there is an appeal from the public on a coastal development permit, it will be heard by the planning commission. That may change in future. Our ordinance is very, very specific. It states three findings must be made in order to approve coastal development permit and it also says very specifically that one of three findings must be made in order to deny it. And I have given you some handouts. What are you looking at? You are looking at a finding that says that the development, the project, is in conformity with its Certified Local Coastal Program. You're looking to see that it is in conformity with the public access and public recreation policies of the Public Resources Code. No. 3, that you, The Planning Commission has complied with all and any CEQA responsibilities. In the staff's opinion that the proposed development is in conformity with the Certified Local Coastal Program which does allow for the development for the 2-story single family residence on the subject property. The proposed development is in conformity with public access and public recreation policies of the public resources code because it does restrict or remove any existing public access to the shoreline, nor does it restrict or remove any existing public recreation facilities. The project is categorically

exempt from environmental review in terms of CEQA. On the other hand, in order for the planning commission to deny the coastal development permit, again, it's not the project but its the coastal development permit. They have to make one of three findings. That it, the proposed development is not in conformity with a Certified Local Coastal Program, that the proposed development is not in conformity with public access and public recreation policies, and that there are feasible alternatives available and are mitigation measures beyond that which is the city can appropriately impose as permit conditions, that if implemented would render the project equally or more compatible with the LUP policies and that would substantially reduce one or more significant adverse affects that the project would have on the environment. In staff's opinion, none of these findings can be made. As such, the planning department recommends approval of the coastal development permits. Randy, can we show a couple more.

RANDY BERLER

Yeah.

ANITA KRUGER

This, again, is looking obviously west, down Knob Hill and all you really see is a garage door right now. And this is looking southwest where the trees on the right-hand side, you can just barely see the garage door. That's the subject property. That's 801 Esplanade. Obviously, to the left of the picture, you see that there is a new development going on. That is 807 Esplanade. That was approved a year earlier - some months earlier, by the city and it also went to the Coastal Commission. Well actually, they waived a hearing on it. So, it's actually a really good picture because it shows you that if 801 is developed with a single second story, it will be approximately the same height as the project that's under construction on the left, which is 807. Again, I want to point out that we are not talking about private views but we're talking about public view corridors and clearly, when I walked around Knob Hill, Esplanade, Catalina and I looked I couldn't see the ocean because that property already has a garage. Directly to the right of that property, there is a staircase that takes you down to the beach. None of these things are going to be impacted. The public view will not be impacted and the public access will not be impacted. Again, we recommend approval of the coastal development permit. Thank you.

CHAIRMAN KILROY

Thank you. . . . A little housekeeping, we have several people that filled out forms. If I can read your name - and tell me if you are either going to speak for or against this. I need to kinda list that out and then we'll go back on order. Linda Moffat.

LINDA MOFFAT

Against.

CHAIRMAN KILROY

Chuck \_\_\_\_\_ . . . Are you going to speak for or against the project?

CHUCK

For approval.

CHAIRMAN

For approval? . . . Michael and Kimberly

MICHAEL DOYLE

For.

CHAIRMAN KILROY

For? Would you both like to speak?

KIMBERLY DOYLE

No. Michael will speak.

CHAIRMAN KILROY

And Blake Stephens.

STEPHENS

For the project.

CHAIRMAN So four for the project, one against. All those wishing to speak in favor of the project. All those wishing to speak in favor of the project, would you please – yes, ma'am.

FEMALE VOICE I didn't fill out a form. I didn't know . . .

FEMALE VOICE3 Several other people didn't. . .

CHAIRMAN Yes, we just give out these people that filled out the form the first right to speak and then we will be opened on mic for anybody else who'd like to come up.

EUBANKS Mr. Chairman?

CHAIRMAN Yes.

EUBANKS I wanted to ask a couple of questions real quick.

CHAIRMAN I'm sorry.

EUBANKS Sorry. Mrs. Kruger, I wanted to just ask a couple of clarifying questions – because this is a coastal development permit that we're considering here. There is no design review on this, correct?

KRUGER Correct.

EUBANKS Secondly, and I think it's here, but I just want to make sure that – Claire and I didn't get to ask you today – the Coastal Commission approved this project originally, correct?

KRUGER No.

EUBANKS So it has not been approved?

KRUGER No. They only . . .

EUBANKS Did they defer the hearing or what happened? There's been talk about that?

KRUGER Let me explain. The project on the left 807 was approved by the City and then went to the Coastal Commission when they were still the authority. 801 has come in later and it was approved by the City in concept for modification in February, but by the time they were ready to get coastal approval, we became the certifying body. So, they would no longer need to Coastal, they'd need to come to us.

EUBANKS Okay, so it has never – the application never went anywhere.

KRUGER Well they submitted it and Coastal told them that they're no longer the body – that they need to apply to the City.

EUBANKS At what point did the Coastal Commission send the application back?

KRUGER It was in December.

EUBANKS So they submitted it and it was sent back and \_\_\_\_\_ (inaudible). That's all. Thank you.

CHAIRMAN KILROY     Alright, those speaking in favor of Blake Stephens, would you like to come up first, please.

STEPHENS             Thank you. My name is Blake Stephens. I'm the architect for the project and I'm basically here to answer any questions that you might have about the project. I know that views in general are a concern which is not part of the coastal issue today, but I would like to mention that the house, as designed, uses only about two-thirds of the allowable height under the guidelines for this property. So, from the Esplanade, we are using about two-thirds of the allowable height. It's also designed a hip roof rather than gable roof so that we have eve all around house. Again, to minimize the profile of the house. That said, it is in compliance with all of the applicable codes. If there is any questions, I'll answer them later. Thank you.

CHAIRMAN             Michael or Kimberly?

EUBANKS              I have a question for Blake Stephens.

CHAIRMAN             Mr. Stephens, we have a question for you please. I'm sorry.

EUBANKS              Oh, I'm sorry, Mr. Stephens. You touched on the height . . .

STEPHENS             Yes

EUBANKS              And from the plans, what I'm calculating what I can read on here, it's very small, is up to the eve, on the front elevation, it's approximately 16 feet.

STEPHENS             I would say it's about 17 feet.

EUBANKS              With the amount in between the floors. Is that what the different is?

STEPHENS             Right.

EUBANKS              Okay, so you got 17 and then from the eve up to the actual roof peak is another four or five feet?

STEPHENS             Probably about five – five and a half feet.

EUBANKS              Okay, so we are talking total about 22 feet?

STEPHENS             Correct?

EUBANKS              In a 30 foot . . .

STEPHENS             Somewhere in that range. I would say 22 to 24 feet in a 30 foot allowable and also the residence is 24 feet, 6 inches wide. It's pretty a pretty narrow residence.

EUBANKS              Okay. That's what I wanted to know. Thank you.

STEPHENS             You're welcome.

CHAIRMAN             Michael or Kimberly?

MICHAEL DOYLE       I'm Mike Doyle and I own the property at 801 Esplanade and I'm just going to be brief. I purchased it in 1977 and its been 27 years. Now that we've finally gotten to a

point where we can do something with it and we've worked very closely with our architect and the City in the hopes of getting this project done and thank you.

CHAIRMAN

Thank you, Sir. Please sign in your name sir.

BOKES

My name is Chuck Bokes. 52-year resident of the Esplanade, 700 block, Chairman of the Esplanade Committee since 64 and a member of the Redondo Beach Beautification Committee for 15 years. I have watched the zoning change along the Esplanade over the years. At one time, there was a project on those five lots south of the 3, for a 12-story building, and also the 6 lots on the north side, which would have made a considerable difference in the view of the people that were worried about coming down the Esplanade - down Knob Hill you can still see down the stairway. My family still has a single family one-story building in the 700 block and they too would like the opportunity - there are two stories across the street and so forth, and this project just south of the one under consideration now will be one of the outstanding buildings in Redondo Beach and we feel that the job that Blake is doing on this smaller project would actually won't be as high as this tree is that we're looking at, that is blocking it. So, with the people around the area are generally in favor of these people - allowing these people to develop these old houses that were built in the 50's and 60's and I hope that the two will conform to the wishes of the Coastal Commission and grant permission for this project.

CHAIRMAN KILROY

Thank you, Sir.

BOKES

Thank you very much.

CHAIRMAN KILROY

Is there anyone else who's like to come and speak in favor of the project? . . . Please.

MCMAHAN

Good evening, members of the board. My name is Linda Severy McMahan and I own the property at 809 Esplanade and have been there since 1972 and I am in favor of the project. I think it's a good one. We're restricted going out toward the water by a deed restriction on those five lots. We're also restricted by the County and City regulations going toward the street and now to consider height restrictions, I think is very discriminatory and I hope you allow the second story. It's time we give a fresh look to that area and I think it'll be a benefit to the community. It'll look great and I've seen the plans and I'm in favor of it.

CHAIRMAN

Thank you.

MCMAHAN

Thank you.

CHAIRMAN

Anyone else in favor of the project, please come forward.

CHAIRMAN

Anyone opposed to the project, please come forward. Linda you're on first.

LINDA MOFFAT

Good evening. My name is Linda Moffat. I live at 732 South Catalina Avenue. I would like to pass out a booklet to each of you if I may of the issues I will be discussing this evening. Is that possible?

CHAIRMAN

\_\_\_\_\_ (inaudible) Motion.

MALE VOICE

Motion to receive a file. Thank you.

CHAIRMAN

All those in favor, say I.



SEVERAL VOICES

I.

CHAIRMAN

So moved. Please.

LINDA MOFFAT

This booklet basically reviews what I will be speaking about this evening. The project that we are speaking about 801 Esplanade must be rejected based on the Redondo Beach Coastal Plan and the California Coastal Act. The City of Redondo Beach Coastal Plan issued a resolution, past approved and adopted on April 3, 2001, under Section D, the land use policies, it states "Coastal resources means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act." With that in mind, I'm going to go to Item No. 2, which is in fact, Chapter 3 of the California Coastal Act, Article 6 Development, Section 30251, Scenic and Visual Qualities and I will quote this statement from the document. "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be cited and designed to protect views to and along the ocean and scenic coastal areas, and where feasible to restore and enhance visual quality in visually degrading areas." In addition, the California Coastal Act questions and issued a document entitled "Questions and Answers," and basically this document gets straight to the point. What are the Coastal Act Policies? Protection of the scenic beauty of coastal landscapes and seascapes. How big is the coastal zone? It reaches three miles out to sea to an inline boundary that varies from a few blocks to about five miles. I have in my hands a petition, earlier today I only had 350 individuals that have signed opposing the subject project but as of right now, I have about 375 signatures. An example of this petition is under the orange flag. You'll see the tab. I would like to ask you to go to the last section with the yellow tab photographs. The photographs show the ocean view as looking down Knob Hill. The first one is a beautiful sunset that hadn't become foggy as it has the last few weeks, but you can clearly see that the individuals driving, biking, or walking down Knob Hill have a clear vision of the beautiful ocean and sunsets. If you turn the page to the second one, the photographs were taken from above Pacific Coast Highway. Again, you can clearly see, although it was foggy, it's been foggy the last few weeks. You can clearly see that the views are there. The people, the community get to enjoy these views. A possible alternative to building a new structure and additional level from its existing three levels to the proposed four would be to build out over the existing lower structure. It has been noted that the structure on the opposing side of the beach access measures approximately 15 feet in length further towards the ocean than 801 Esplanade. If you'll turn to the last page of the photos.

FEMALE VOICE

Excuse me, Mr. Chairman, would you like to have someone make a motion to extend the time?

MALE VOICE

Second.

CHAIRMAN

All that's in favor, say I.

SEVERAL VOICES

I.

CHAIRMAN

So moved.

LINDA MOFFAT

Thank you. If you'll take a look at the last page, the top picture clearly delineates that that the building on the left protrudes quite a bit further than the building on the right, which, in fact, is 801 Esplanade. The second photo shows the 801 Esplanade in its current configuration and perhaps they can build out further on the existing structure. It's just a suggestion. In closing, I would like to state, approval of this permit will have a direct impact on rapidly diminishing ocean views. This permit, if

approved will allow for the obstruction of the communities' ocean views for every motorist, pedestrian or bicyclist heading west on Knob Hill towards the ocean. In addition, not only Knob Hill is affected. The individuals on Gertruda are also affected. It will also have a negative impact on real estate values within in the area. This concludes my speech.

LINDA MOFFAT I don't know if you need to see the petition with all the signatures. I did make you a separate copy of all the signatures.

CHAIRMAN Would you like to leave that for us?

LINDA MOFFAT Yes, please.

CHAIRMAN Move to receive a file.

ASPEL Second.

JILL PIETRINI Good evening, Jill Pietrini, 724 Elvira. Before I get to this project, one thing that I found a little troubling is that there appears to be a modification of the setback. Is that correct on this property?

KRUGER Yes.

JILL PIETRINI I don't believe that there was proper notice for that, a public hearing on that because we walked by that section of the beach probably three or four times a week and I've not seen it. I saw it on this one and I would like to present my argument on appeal for the setback. I don't think that it was proper. Under California law, in order to do a variance on the setback, which is what happened in this case, there are two qualifications that need to be made. To be met, one is that the unique condition of the property is such that if you applied the normal setback, it would put the property at a disadvantage. That's clearly not met here because the property, by the report that was presented tonight, has been around since 1951. So for 53 years, the property has been just fine and dandy with the setback that has existed. The second element is if you grant the variance, it wouldn't constitute a privilege to the property owner. And I think that it has done that and the reason why is because you are enhancing the property value by giving the setback to the owners. They're going to build a bigger property is what's happening. So I would submit to you that there has been no proper variance. There was no proper notice and the elements of establishing a variance under law have not been met.

Going on to the actual property itself, I think it violates the Coastal Commission Section 30251 in two respects. First of all, it does not serve the purpose of the Act, and second, it does not meet the requirements of the Act. The purpose of the Act is stated in the first part, which is the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. This building that is proposed to be set up serves the property owner. It does not serve the public. And in that respect, it does not meet the purpose of the Act. And the requirements of the Act are that the permitted development, which is what we are talking about, 801 is designed to protect the views to and along the ocean and scenic coastal areas. And I'm reading the relevant parts: "To be visually compatible with the character of the surrounding areas and where feasible to the restore enhanced visual quality and visually degraded areas." You've got a few requirements here and it does not meet the first one, which is to protect the views to and along the scenic and ocean areas. This is quite different, I submit, than 807 Esplanade which only affects a private view, not a public view. If you go down Knob Hill, you have this unbelievable view

down the ocean and everyone can see it and you are proposing to build a very large structure that is going to be right next to a public easement and very much impinge the public view. And what you're gonna do is create a precedent so that the owner on the north side is going to do exactly the same thing and our public view is going to be reduced to a sliver. So in that respect, which we are going to be able to look right down the pathway, the stairs down to the ocean and that's not fair.

MAIL VOICE2

Excuse me, Motion to Extend.

CHAIRMAN

So moved.

JILL PIETRINI

I appreciate that. So in that respect, it does not protect the views to and along the ocean. And again this is serving a private interest which is to increase the view to the proper owners who, quite frankly, already have an amazing view being right on the Esplanade and to increase the value of their house, they are building a bigger one. The other part of the Coastal Commission or the Coastal Commission section that it doesn't meet is, that it needs to be visually compatible with the character of the surrounding areas and it doesn't do that either. The picture that you guys had up there earlier showed the low level of the houses and you're now going to build a two-story that is totally affect and change the view of these low level houses. There's been one granting of it by the Coastal Commission which I know you guys weren't involved in, but again, that involves a private view, not a public view as it does in this case. And the third element is that you need to restore an enhance visual quality in a visually degraded area. We all know how built-up the coastal area is in Southern California, particularly in the beach cities and we're now gonna add another story just to block the view even more. And finally, and I was trying to write as fast as I could but I couldn't get them all. You said one of the basis for the denial is that you had to meet once condition was that there were feasible alternatives to the property and I think that's been presented here tonight that you could go back and have something that is compatible with the rest of the properties on the Esplanade and doesn't impinge all of our views because it is very important to us to have the views and it is not fair that a property-owner can impinge upon that view and give us nothing at the end of the day. Thank you:

CHAIRMAN

Can you sign in please.

JILL PIETRINI

Sure.

CHAIRMAN

Thank you. If you don't mind, can you move the clipboard on the railing there and then the next speaker can come up. Thanks. Next speaker to speak against the project.

RICHARD DUNN

Good evening, Richard Dunn, and I live at 726 Elvira Avenue, corner of Knob Hill and Elvira so I am looking right down Knob Hill and I live in the front unit. Looking right down Knob Hill at the ocean and the view and I'm up high enough that I can see down, you know, Knob Hill fairly well and that is totally right in the - restricts my view and reduces my property value so I am asking you to reject the said proposal. Thank you.

CHAIRMAN

Thank you. Next speaker to speak against, please.

REGGIE LUCERO

I'm Reggie Lucero, 700 Esplanade. I'm here representing the majority of the people in our building and it would not - not just that one, but I am also concerned that two pieces of single family residence directly in front of us have been sold and I'm concerned about the future of that. So I sincerely feel you are going to put a stop to

this because not only will it ruin everybody's view as these other people have said, it's going to ruin our property value. I spent a lot of money to get in there. It was very difficult for me and I'd like to keep my view. Thank you.

CHAIRMAN

Please sign in. Mr. Eubanks.

EUBANKS

I just had a question. So you are at 700 Esplanade? That is on the corner of Knob Hill and . . . How many units is that property?

LUCERO

40.

EUBANKS

Okay. How tall is that property?

LUCERO

Three stories high.

EUBANKS

Thank you.

CHAIRMAN

Next speaker to speak against the project, please.

RUTALLANI

Hi, My name is Randy Rutallani. I'm representing our family, we live at 732 Esplanade. I do work for a builder and I know it is possible that you can build down instead of going up and they have the opportunity to build down. It's directly in our view. It would devalue our property and I just wanted - hoped that we don't build it. Thank you.

CHAIRMAN

Thank you. Next speaker, please, to speak against the project.

ROB MOFFAT

Hi, my name is Rob Moffat. That's my wife there. She's done a lot research and from what she's come up with, she actually shows that this is not right according to Coastal Commission to be able to do this. Number one, I would like to also make one clarification that the City in fact, on 809 did not pass this. The Coastal Commission did not pass the variance for them to go up on 809. They had a waiver, I believe is what it was. So it's never been done by the Coastal Commission, and I grew up in the area. My father was born in the area. We've always had a view down Knob Hill and I'd like to keep it that way for my daughter who's five years old now.

CHAIRMAN

Please sign in.

ROB MOFFAT

Also, my wife is representing over 400 people now when she speaks.

CHAIRMAN

Thank you. Next speaker to speak against the project.

TERRY STAMBLER

Good evening. My name is Terry Stambler-Wolf and I am here on behalf of Kevin Farr, who was unable to attend this hearing in person this evening. I am hopeful that my transmission of Mr. Farr's letter has made its way to you so that its entered into the public record.

KRUGER

Yes it has. The Planning Commissioners have copies of it.

STAMBLER

Thank you. I really appreciate that. In Mr. Farr's letter, I just want to take this opportunity to mention a couple of things on his behalf that were of concern to him in light of the fact that this is a new era in terms of City processing by virtue of the fact that you're starting to potentially look at a variety of coastal permits instead of relying on the Coastal Commission to do that for you. Mr. Farr has asked me to help gather some information that would help him understand what the process is and

what the options are before this body and in the City in general. When I transmitted materials to him, it was surprising that you are in a position of having to take action on a local coastal plan that candidly is very old and doesn't address a lot of significant issues that would impact this area. And I'm referring to a plan that I understand to be the only one that affects the residential segment and that is a plan dated 1980 or in that vicinity. And so it really would behoove the City in Mr. Farr's opinion to take a long hard look at your land use policies in the coastal zone before taking action on this and future projects. In saying that, I must say that all of us can feel a lot of sympathy for property owners have held property a long time and anticipation of undertaking such an exciting project such as the Doyles, and but it's important that the Doyles and others understand that unlike the statement in their letter indicating that their view is guaranteed in the land use arena, there aren't any guarantees along these lines and so you do have the ability to take a step back and review whether or not you want to proceed in this fashion. Another issue that Mr. Doyle raises in his letter and one that I'm hoping staff can just walk us through is how the City came to the point of determining that this is a project that is categorically exempt since those of us who don't have the graphics that the staff have aren't able to determine where all the boundaries are of the coastal zone as it pertains to the project.

CHAIRMAN Motion to extend.

ASPEL So moved.

SEVERAL VOICES Second.

CHAIRMAN All that is favor?

SEVERAL VOICES I.

CHAIRMAN Okay.

STAMBLER Thank you. I won't be much longer. Regarding the staff's report in which they indicate that they are hopeful that in the future such projects will not go through a discretionary approval process but rather will be excluded from a process such as the hearing tonight. Mr. Doyle's letter does address the point of suggesting that to eliminate the discretionary review process would mean that staff, community members, and folks such as yourselves would not really have an opportunity to take a look at new projects and see how they do affect various aspects of the environment in their community. I'm not going to get into all the things that were raised earlier about the Coastal Act, but I do think that the fact that there are questions with regard to what the Coastal Act says versus what your own land use policies say in your 1980 Local Coastal Plan is worthy of a second look at this point and it's our hope that you would do so. I would be happy to try and answer any questions that are raised in Mr. Farr's communications with you, but for the record, we did want to raise these points and we are hoping staff can illuminate a little bit about the CEQA process. Thank you.

CHAIRMAN Thank you. Anyone else wishing to speak against the project, please come forward.

TONY PIETRINI Good Evening. Tony Pietrini, Elvira. I just want to also voice my concerns about the views and what everyone else here tonight has mentioned. I think it's a travesty when you look at the staff picture that showed actually 809, you can see how that sticks out like a sore thumb versus the rest of the properties that are single level. I think that shows what the precedent would be if you decide to start allowing more of these buildings to be going up another level to as much as 30 feet. I think that you

have to take into consideration what the people in the area feel about these projects and their ocean views, but also what it means for the aesthetics of the area. I think that Redondo Beach is unique in the beach cities in that it doesn't have many buildings that are blocking the entire row of the ocean and I think we want to try and preserve that and I think that is your edict as a commission is to try and protect the aesthetics of the ocean. Thank you.

CHAIRMAN

Thank you. Anyone else please.

NODDINGHAM

I'm Mark Noddingham. I am the son-in-law of Anne Lee. She lives at 734 Esplanade. Pretty much right across from the proposed additions and it will impact her, it will impact her quality of life. It will impact her property values and she's wanting to have it voiced that she was against this proposed . . .

CHAIRMAN

Mr. Eubanks.

EUBANKS

Yeah, I just had a question. On 734, how many is on that property.

NODDINGHAM

2.

EUBANKS

And how high is that property?

NODDINGHAM

That property, I don't know.

EUBANKS.

Stories? How many stories is it?

NODDINGHAM

It's 1, 2 . . .

EUBANKS

I understand, but the building.

NODDINGHAM

The building is (inaudible) \_\_\_\_\_ it's a duplex. There's a lower duplex and there's a higher duplex.

EUBANKS

The whole building is up to four stories, you're saying?

NODDINGHAM

Yes.

EUBANKS

Thank you.

NODDINGHAM

But the (inaudible) \_\_\_\_\_.

CHAIRMAN

Anyone else wishing to speak against the project?

JURITSA

Good evening. My name is Shannon Juritsa and my address is 736 Esplanade. We are directly catty-corner across the street from this proposed building plan, and Anne and Kevin are our neighbors and since all three of us have been here. I think that it's affecting us dearly. And I was born in Hermosa Beach when they had a hospital. I've lived here all my life. I've watched the changes. My mother was a lifeguard in the beach cities and it's been devastating for me just growing up in this community and seeing what has happened. And I would hope for my own sake that it was put in that position that I would take in consideration everybody's feelings about the situation. Like, it has already been shown their views are not going to be blocked. This is a personal appeal. I understand but driving down Knob Hill, anybody could see directly out in front of them and it's the glory of site to behold. Those houses going up greatly reduces that view. You know, I had to come tonight. I'm supposed to be

on bed-rest. It's affected me greatly and I know that there is alternatives. I know that there is alternatives. Their home, I understand, it can be even more beautiful without having to go up. You know, there is a lot different options that they can do instead of going up and blocking everyone's view. And I would hope that it's taken into consideration what this means to the community as a whole. As was pointed out right before me that to have those views blocked, it's a travesty. And not only for us directly across the street but all those behind us and I hope that it's taken into consideration, especially what Linda had done. She is a neighbor of mine and I really have watched what's she's done. She just taken the bull by the horns and she's gone forth and listened to the community. And I'm glad that she showed up tonight and presented what she has to you and I hope that it's taken into consideration the effect that it is going to have on the whole community. Thank you.

CHAIRMAN

Thank you. Anyone else wishing to speak against the project. . . Have you spoke before?

REGGIE LUCERO

Yes. I will make it real short. I feel real badly that more of my neighbors didn't know about this otherwise they would have come forth also. And I just saw the sign and few of us were talking and we just sort of found out about it. But when a liquor store or a restaurant wants to get a liquor license they put a sign out front and everybody's made aware. And I'm sorta thinking, "don't you guys mail us letters about what's going on?" Nobody in my whole building knew about this and yet it's going to have such a tremendous impact on all of us. Just thought I'd share that with you. That as residents, we deserve to know what's going on and I would appreciate it if in the future you mail out letters. I know that I have gotten them in the past - has to do with building in North Redondo, but nothing about this and I think, what a travesty it is about the building that's already going on. So I just thought I'd share that with you. Thank you.

CHAIRMAN

Mr. Eubanks.

EUBANKS

I would just like the staff to respond is all to what was noticed for this public hearing and this item.

KRUGER

Yes. According to the requirements, all property owners within 100 feet of the subject property need to be notified. That's in our zoning ordinance.

CHAIRMAN

That was by mail correct?

KRUGER

And that was by mail. The property owners' addresses which we have in our files are generated through the County Assessor records. Those are our only access to records. If someone bought a home in the last 6 to 12 months, it's possible they are not on our records. We keep track of every letter that's returned and to my knowledge, I see that maybe two were returned which means that there may have been a change of ownership.

RANDY BERLER

Can I just add in comment that the coastal permit requirements are 100 foot notice. Normally, single family developments do not have notice normally that's administrative. Now the modification process which this went through previously - that was a 300 foot notice per our code but tonight, we are just looking at the coastal permit and that's the sole permit being looked at.

CHAIRMAN KILROY

Where was it advertised in the Easy Reader paper of Redondo Beach?

RANDY BERLER

It's the Beach Reporter.



RUTALLANI Sorry. I didn't cover this. I'm at 732 Esplanade and my understanding was the we had put silhouettes up and we had an addition onto our house which was a storm door and all we wanted to do was gain access to our roof to service the roof and we put silhouettes up so there wouldn't be a problem and we still had a problem through Plan Check and we weren't obstructing anybody's view, but we put silhouettes up. And I guarantee you that if 809 would have had silhouettes up, that wouldn't be there right now or it shouldn't be. \_\_\_\_\_ (inaudible) the public, you know, common courtesy. What we do on buildings is we put silhouettes with flag to let everybody know what the height of the building is going to be and I think more than anything, we're all here because of what happened at 809 because it just -- all of a sudden, they stopped at one level and everybody thought, okay that's great and then it just kept on going and it is very disruptive. That's just the silhouettes.

CHAIRMAN Thank you.

CARTWRIGHT Mr. Chairman? Just a point of clarification on notification process for adjacent parcels, you indicated property owners but that's also residents, right . .

MALE VOICE That's also residents within a hundred feet as well as property owners. Yes.

EUBANKS Two things. I had a question concerning the last gentleman's second testimony. Have ever required anyone to put up flags?

RANDY BERLER No we have not.

EUBANKS Then I guess -- could you tell me what address you're at? That you are speaking of, where you have to put up flags.

RUTALLANI 732 Esplanade.

KRUGER I have a comment. I believe I am familiar with that they are trying to do on the property and it did not meet the zoning ordinance. They did it voluntarily because they were trying to show us that it would have an impact.

EUBANKS Understand. Okay. I just wanted, for the record, clarification. We've never required anyone to put flags up. And. . . understand. The second thing is the point of order. We're having people come for second rounds on the public testimony and we haven't really said that that's the way we are gonna proceed so that's in violation of our rules.

CHAIRMAN So noted.

CHAIRMAN Mr. Aspel?

ASPEL No. The silhouettes was all I want to comment on. We don't require in Redondo. That's Hillside overlay that has the silhouettes, I believe, all Torrance okay.

CHAIRMAN Anyone else wishing to speak for the first time against the project, please come forward. So all of those who want to speak opposed have spoken. Per our procedures, the applicant does have an opportunity to briefly comment on the testimony given tonight.

BLAKE STEPHENS My name again is Blake Stevens. I'm the architect for the project and, again, I would like to comment that the project is in compliance with all of the applicable codes. To clarify the issue of the side yard setback, the existing residence had a 2.6 foot side yard setback. That's a five inch encroachment into the required side yards under



current codes and so we applied for a modification to allow the second story to go five inches into that side yard setback. That what that modification is about. I hope that clarifies that. Talking about the conformity of the project in keeping with the neighborhood, this is a very small house. The existing house is 1600 square feet. The project proposed is a 2500 square foot house. It's two stories from Esplanade. Across the street is a three story building. If you go cattycorner across the street, we go into three story and higher buildings. So actually, it is one of the more diminutive structures proposed in the context of the neighborhood. Thank you.

CHAIRMAN Thank you.

BLOSS I'm sorry sir. I have a question. Sorry.

CHAIRMAN Go ahead.

BLOSS I'd just like a little more clarification on that side setback. It said that on the second story – so if the original setback was 2.6 inches.

STEPHENS 2.6 feet, which equals roughly 2 feet, 7 inches of existing side yard setback.

BLOSS Okay, so what is the top.

STEPHENS 3 feet is required.

BLOSS Right, okay and what the top story now that you got the modification for it?

STEPHENS Also 2 foot, 7 inch setback.

BLOSS Okay, it's the same as what was on the original house.

STEPHENS Right, so that we can stack the walls up without a five-inch jog.

BLOSS So you really asked for a modification to keep it the same as it already was?

STEPHENS Right.

BLOSS Okay. Thank you.

STEPHENS Thank you.

CHAIRMAN Mr. Cartwright?

CARTWRIGHT Just a question for you Mr. Stephens.

CHAIRMAN You might as well stay close.

CARTWRIGHT Although it's a moot issue, had you received any feedback response from the Coastal Commission when you submitted your application for a coastal permit?

STEPHENS Just that it was in compliance with all of their applicable guidelines as we work through the process.

CARTWRIGHT No comments on the view issue?

STEPHENS No.

CARTWRIGHT No.

CHAIRMAN Okay, in keeping with our procedure and I want to go through this very quickly and make is clear for everyone that you can come to the microphone. The menu here says briefly speak. Only on the three items he talked about. And let me clarify those: We can talk about the setback modification.

KRUGER I hate to throw it in, but that's not what the public hearing is about. The modification has already approved and appeal period expires. We are here to talk about the coastal development permit and the findings. I mean we can discuss it, but it's not relevant to the decision.

CHAIRMAN That's true but I would like to hear anyone's response to what the architect has said.

CHAIRMAN I'm just trying to follow the script here guys. Don't shoot the piano player.

MALE VOICE We're thinking about it.

CHAIRMAN Okay, let's go through the three thinks again. The setback, compliance with code and conformity with the neighborhood. We are not going to lights but let's make it very brief and let's get through this a fairly orderly fashion. So please, one at a time come up, make your comments brief and say your name for the record.

CHAIRMAN Go ahead.

LINDA MOFFAT My name is Linda Moffat. I have spoke to the California Coastal Commission three times and she was extremely familiar with the home at 801 Esplanade. I did explain to her that the 809 Esplanade had been approved and was building up and she was aware of that. And she stated that does impede on the public's view, she said. She stated to me. "I know that house you're talking about" and she's the one that pointed me in the direction that the issue at hand was it does, in fact, affect the public's view. And I spoke to her on three separate occasions and she's actually helped me walk through the process of what I needed to speak to all of you about. Thank you.

CHAIRMAN Thank you. Next please.

TERRY STAMBLER Terry Stambler Wolf again. I realize that the modification is not before you directly but one of the things that staff probably considered is the time when they made the recommendation as if they were dealing with both the zoning code and the building code setback issue. Perhaps, if you do choose to approve this project, you might include a condition that the building official explore compliance with building code when a structure is within 3 feet of the required setback. There are building code requirements.

CHAIRMAN Okay. Thank you. Next please.

JILL PIETRINI I think the modification. . .

CHAIRMAN Please state your name.

JILL PIETRINI Jill Pietrini, 724 Elvira. I think the setback is quite clearly in front of this commission because it was not properly done. I live within 300 feet. I didn't get a notice. And like I said, you didn't meet the two requirements under California law, so it's invalid. And on one hand the architect said it's 2 foot, 6 inches and then he says it's 2 foot, seven inches. Which is it? Second point - conformity with the

neighborhood - the fact that there may be larger buildings down the street, across the street is irrelevant. We're talking about the Esplanade. The five properties that are right there. The only one that is now 2 stories is this 809 monstrosity that shouldn't be there in the first place in my opinion. But it again that goes to the public, to the private view, and we're talking about the public view here. And this project would very much impinge upon the public view. Thank you.

CHAIRMAN Thank you.

CHAIRMAN Next please.

CHAIRMAN Everyone has spoken . . . Do we have a motion to close the public hearing?

CHAIRMAN So moved.

VOICE Second.

CHAIRMAN All those in favor?

SEVERAL VOICES I.

CHAIRMAN The public hearing is now closed.

ASPEL I guess we gotta slow down on this a little bit.

CHAIRMAN Mr. Aspel?

MALE VOICE Am I on.

CHAIRMAN You're on. . . You're up.

ASPEL I guess we gotta slow down on this a little bit and discuss it. There is a lot of work went into this document here. The public view thing on the Coastal Commission. That's the houses in front of Knob Hill, and the way I read it here, is that in the California Coastal Act, it talks about public views. Is this supposed to be considered?

RANDY BERLER Public views may be considered. The Coastal Act does not protect private views.

ASPEL Okay, because frankly people that live at homes across the street, upstairs or whatever. They've already blocked a million views and we don't protect views in Redondo Beach for private owners and if you are coming from - somebody here lives in the Esplanade, Unit B which means they blocked a view already from somebody else. So, that doesn't carry a lot weight but the property owner has a right to build something but if there is a Coastal Commission - I don't know what I am trying to say here - there is something in the Coastal Commission about public views going down Knob Hill. Is this something that we should rethink and study some more? And again, the house at 809 - that is what it is and all the rest of the houses are like that and I think they have the right to go up to the legal limits, but if the Coastal Commission does have - if they did in fact say to Ms. Moffat that they were aware of this house that's blocking a public view, shouldn't we might want to double-check that before we tell them to go ahead and build it?

KRUGER I guess I have two responses. The Coastal Commission hasn't conveyed that information to us. And if the Coastal Commission would have still had the authority, they would have waived the hearing because that's under part of their exclusions. So

yeah is the Coastal Commission staff being helpful to a resident in terms of trying to provide information but it's my opinion, Randy, if you can confirm to me, that if the application had gone through Coastal, there would have been no noticing and there would have been no waiver. They would have approved it. And I think that we should live by those same standards and yeah, I mean I guess if the Coastal Commission would have provided us direction – but they haven't, so I don't know what went on with those conversations.

ASPEL You're going to answer that, Randy.

RANDY BERLER I just add, that in terms of the City's Certified Local Coastal Program, it is up to date. The City's land use – coastal land use plan was modified for consistency with the general plan in 2001, certified by the Coastal Commission and the City's implementing ordinance was certified this past summer by the Coastal Commission so the Coastal Commission considers our local coastal program – conforming to the Coastal Act and if the project's consistent with our local implementing plan, it's consistent with our coastal program. This project meets all the requirements of the local implementing plan. I can respond to other. . .

ASPEL Well, basically, I'm just trying to figure out, is Knob Hill considered a public view coming down that road? Is that what's stated in here?

RANDY BERLER The street view could be considered a public corridor view, sure. The question is, is there evidence of a significant impact to a public view, and staff has not seen any evidence of a significant impact to a public view and that's not the sole criteria of the project, but that's an element that can be considered in terms of considered in terms of consistency with the city's coastal program and the Coastal Act. The city's main issues are conformity with the Coastal Implementing Ordinance and whether public access is being impacted, which is not. Staff does not see evidence of a significant impact to public views.

CHAIRMAN Commissioner Eubanks.

EUBANKS Now, back to the setbacks. I actually have several things but just to clarify on the setback issue, as I am understanding it, we're not reviewing anything that has to do with the setback?

KRUGER Correct.

EUBANKS That, if anyone wanted to appeal or they would have to go somewhere else other than here for that.

KRUGER Yes.

EUBANKS Okay. The existing law that we're looking at here is very narrowly defined, correct?

KRUGER Correct.

EUBANKS I mean it's basically about the three items, the conformity with Certified Local Coastal Program, the – I don't know how to make it a short sentence, but the recreation policies and public access and the – what would you call it . . .

BERLER Feasible alternatives.

EUBANKS Feasible alternatives is also no project, correct.

KRUGER I'm not sure. Randy do you have a response?

RANDY BERLER Under CEQA. Does it apply here too? Under CEQA, this project falls into exempt categories so there are no alternatives – would need be considered because it's exempt from CEQA.

EUBANKS I understand that but neither the coastal – the Certified Local Coastal Program - is that also an alternative of no project? Legally, I'm saying.

RANDY BERLER No I don't . . .

EUBANKS You don't know.

RANDY BERLER Because it's exempt from CEQA. It doesn't fall into that category at all as I understand it.

EUBANKS Maybe the city attorney can think about that for a minute and advise us on it. I'll go into the questions. If you can advise us on that one. I think, along with Commissioner Aspel, the reasons I ask the questions of some of the property owners is very specific because I believe there is a distinction between the testimony we've heard tonight. There is the testimony of those that want to protect their private view of which, while I may sympathize or empathize with you, they are not really part of what I can consider tonight and I am discounting that – the public testimony. But I do think that there is a distinction between a public view and a private view. As evidenced in this petition, I think that there is ample evidence and basically – as fast as I could, sitting here, I looked through and knowing where a lot of these properties are, yes there are a lot of properties on this petition that are, I would guess, off the top of my head, trying to protect their private view, but there is a substantial body of individuals that have signed this petition that wouldn't have a private view, so I think that this is somewhat compelling in terms of a petition and it is something to consider.

EUBANKS The private views, and I think the staff has said it pretty clearly is that it really is a determination on our part of whether of think it is significant public view of enough significant public view and I would say that I think we've heard compelling evidence from Ms. Moffat, specifically, that this is a significant public view. Now what we do about that is another matter. I have a question again of staff is I'm not real clear on what alternatives other than the no project alternative, what are some of the other alternatives that the property owner has in terms of they testified in terms of not being able to – you know, there is some restrictions on what they can do and what from your standpoint are those restrictions?

KRUGER Their property has got restrictions, interestingly enough, and I really don't know the history of it, perhaps the property owners can enlighten us, but those five – it's five properties, right? Those five properties are deed restricted from having any building within 60 feet of the rear property line. Well, typically, in an R-1 zone, you can build as close as 25 feet to a property line. So under normal conditions if the property wasn't deed restricted, it's true, they can build up from their subterranean level and they could build up from their first story level and add quite a bit of square footage. But the right for them to build is severely restricted from the westside because of this deed restriction and then its restricted from the eastside by a zoning code. The reason the shape and design of the building at 807 Esplanade – not 809, just for the record. Why is it setback here, why is it setback there and why have they really – if you look at from the side – they've only captured space in the middle is because that is all they are allowed to do.

EUBANKS That is the only envelope that can. . .

KRUGER That is the only envelope they can do.

EUBANKS And those deed restrictions where agreed to, for some reason by the original property owners who agreed to those?

KRUGER Many years ago. So they have physical constraints that other R-1 properties don't have.

EUBANKS So, on this particular property, do you believe that there is no room for anything to go out the backside? Are they maxed out on . . .

KRUGER Correct, this really the only opportunity for a reasonable addition.

EUBANKS And that would probably hold true for the properties all along those that are within that view corridor?

KRUGER Correct. What you're seeing develop at 607 and what they are proposing to develop at 601 will all have a similar building envelope.

EUBANKS Those are all the questions and comments I have at this time. I'm sorry unless you have advice.

ASSISTANT CITY ATTORNEY WEB I don't know that it will exactly answer a question, but just to make certain you Understand the process, the first step is Section 30604 says that you shall issue the permit if you find that this proposed development is in conformity with the Certified Local Coastal Program. Obviously planning staff, you're better situated than I am to advise you as to whether or not it's within consistent but you shall issue if you find it's consistent. If it's not, then obviously you can look for other ways to find it to be consistent or deny it. The second thing that is required under 30604 is that you make a specific finding. And the specific finding is that the development is in conformity with the public access and public recreation policies of Chapter 3. One thing I want to make clear is that the section that was cited earlier, 30251, Scenic and Visual Qualities. That's not under the public access section. Okay, you consider that in light of step one. Is it within the – that is an accurate statement of the law, scenic and visual qualities, but that's only in regards to step one. Is it in conformity with our Certified Local Coastal Plan. The second step is to whether or not you make the specific finding that it doesn't violate the public access or recreation. We have Chapter 3 and Article 2 is public access, Article 3 is recreation. The section that was cited, 30251 is in Article 6, under development so that doesn't apply to your second step. And I don't think there is any argument in terms of public access or public recreation on this development. I think the argument is whether or not it's in conformity with the local coastal plan. Again, if it is, it says you shall pass it. If it's not, then certainly you wouldn't pass it. And then the third step is the CEQA and Planning Staff has said it's categorically exempt. I believe that would be because it's in addition to an existing structure. So that's not really a concern for you. So the concern is step one. Pretty much is it. Is it in conformity with the Local Coastal Plan because step 2, public access, recreation doesn't seem to be the issue. I mean, I think it sounds like you would hard pressed to making findings that its violation of public access as defined in Article 2 and Article 3 not the 30251 language that is under the development criteria. So I think you're focus it probably – is it in conformity with the Local Coastal Plan.

CHAIRMAN Thank you.

BLOSS                    Along that line, I am trying to sort through that because we haven't got too many of these coastal plan issues here before the planning commission. So, what you're saying in that this scenic issues that was raised about Article 6, section 30521, that really applies to item 1 under these findings, okay. Is that correct?

ASSISTANT CITY  
ATTORNEY WEB            That's correct because . . . If you will give me a minute.

BLOSS                    Okay.

RANDY BERLER            Okay. The Certified Local Coastal Program includes two components. It includes the land use plan as was mentioned and that was originally adopted in 1980. The land use plan includes a number of sections that includes the recreation section, public access section, and land use section. The land use section was updated in 2001 to be consistent with our general plan. The land use section does not include any view protection policies. It includes the height for R-1 zones of up to two stories – 30 feet. The public access section has not been modified and that does not include any view corridor policies. It includes policies relating to protection of lateral and horizontal access to the beach and a number of things like that. The local implementation plan is the zoning ordinance. That establishes the height limits for the R-1 zone of 2 stories – 30 feet. The local implementation plan does not include any view policies for view requirements. So, there is . . . as we said before, staff finds the proposed project in conformance with all aspects of our Certified Local Coastal Program and we have not found any policies or standards that it's not in conformity that would justify denial of the coastal permit.

BLOSS                    I guess what I'm trying to understand here, if I'm reading here from what was omitted to us about this Chapter 3, Article 6, Section 30251, it talks about scenic and visual qualities shall be considered and protected. And I believe what you just said was that under the local coastal plan, under ours, which was approved by the Coastal Commission, there is no reference to preserving scenic or visual qualities.

RANDY BERLER            The Coastal Commission approved the standards in our LUP and implementation ordinance which establishes the height limits and establishes other standards, establishes setbacks standards and establishes procedures, and all those provisions in our existing ordinance in LUP were certified by the Coastal Commission as meeting the requirements of the Coastal Act.

BLOSS                    And since we don't have a view ordinance that then was not – were the words submitted to the Coastal Commission that we don't have a view ordinance.

RANDY BERLER            The Coastal Commission's aware that the City doesn't have a view ordinance?

BLOSS                    So, it sounds to me like there is somewhat of a conflict here between what our local plan says we don't do which we all know we don't have a view ordinance, and what this Article 6, Section 30251 says. Do you understand what I am saying?

BERLER                    I understand what you're saying. But the Coastal Commission has certified our ordinance as meeting all the aspects of the Coastal Act now they – in terms of the – that provision section of the Coastal Act, when cases come before the Coastal Commission, they can use their judgment in deciding whether all of the requirements of the Coastal Act are met. And that would be something in the purview if the project came before the Coastal Commission in terms of looking at our certified ordinances, there are no issues where in terms of the project being inconsistent with our existing certified ordinances.



ASSISTANT CITY  
ATTORNEY WEB

If I may, it might be useful to look at 30604 prior to a city adopting a local coastal plan and having it approved by the Coastal Commission. In the past, they always did this review. Their standard is to find that the proposed development is in conformity with Chapter 3 commencing with 3200 and in that it doesn't deny the ability to local government to prepare a local coastal program in conformity. So in other words, they're looking at it from -- is it in conformity with the whole of this coastal plan. So as Randy pointed out, they'd look at 30251. The standard for a local agency, for whatever reason is set differently. You're looking at it to see is it in conformity with the Certified Local Coastal Plan. And I believe Randy's point is -- the Coastal Commission says okay this plan now meets all of the criteria of 3200, i.e., it doesn't set out a view requirement, but what you have in there, height restrictions and everything else, the Coastal Commission is certifying as meeting the goal set out. Now there may be a number of different ways to certify a local coastal plan, and the City could have incorporated that language but for whatever reason, the Coastal Commission said this satisfies the criteria under the coastal plan. So it's different in that your job is saying does it fit? Does it satisfy? Does it meet the requirements of the local coastal plan to the commission is that it satisfies their requirements as opposed to looking at 3200, et sequence, and comparing it to that.

BLOSS

Okay, so . . . I guess I understand what you're saying and that they're saying is that you have 30 foot height limits so that meet their terms the scenic and visual elements that were here and in that article. So, if we were to go ahead and approve this or if the City approves it, the Coastal Commission can't say that you violated the Coastal Commission requirements because you've been consistent with your local plan. Is that correct?

BERLER

The local jurisdiction makes the decision in terms of conformity with the plan.

BLOSS

Right.

RANDY BERLER

Projects may be appealed. This is the appealable area. It could be appealed to the Coastal Commission ultimately after the final city process.

BLOSS

Right.

BLOSS

But as far as the City is looking at its certified coastal program in judging this project, in judging the requests for the coastal permit, and that's what you need to base your findings on is our certified ordinance.

BLOSS

Right. Thank you.

CHAIRMAN

Mr. Cartwright.

CARTWRIGHT

I think that clarifies a lot of my questions in that the city certified local coastal plan which includes the land use plan and the LIP basically addresses basically the coastal access issue in terms of height and not specifically views. So we're restricted in, I think denying this based upon views specifically because that's not in our certified plan. Is that your understanding as well? Yes.

RANDY BERLER

Yes.

CARTWRIGHT

And obviously, it's within the Coastal Commission's purview when certifying an agency's local coastal plan to comment on such issues as this, if they choose to do so. Is that correct? I mean they would have the prerogative to say "well you have your



height restriction but we really want you to consider views as well" and they can impose that upon us or request to have the included if they chose to do that.

RANDY BERLER Well they looked at our height limits, in fact, there were some zones where they had us make modification to height limits where there were unspecified height limits so when the local coastal plan went through the Coastal Commission, they did request modifications for the City to meet what they felt was necessary to conform with the Coastal Act. But in terms of the height limits in the R-1 zone, that was what was approved by the Coastal Commission in our certified ordinance.

CARTWRIGHT Now the standard process of ultimate approval is after a city approves or certifies that it is in compliance with the local coastal program, then they seek concurrence from the Coastal Commission. Is that correct? Well basically as sort of a concurrence, concurring in the that city has certified this.

RANDY BERLER Sir. You're talking about issuing the coastal permit.

CARTWRIGHT Yeah.

BERLER There would be a notice of decision which would also be sent to the Coastal Commission and there's an opportunity of appeal.

CARTWRIGHT Okay. I just had a quick question on process in terms of the waiver - this waiver. When you say waiver that the Coastal Commission for this type of development would have the ability not to even consider it and it have it for them in a public hearing, before we had our own local coastal program.

CARTWRIGHT Well because this is what's called the appealable area of the coastal zone. The Coastal Commission would have sent out an hundred foot notice on this also which would have indicated that they are recommending a waiver of public hearing, but there could still be a request for public hearing before the Coastal Commission.

CARTWRIGHT Okay. That's all I have for questions right now.

LINDA MOFFAT Excuse me. May I speak on the issue of (inaudible).

CHAIRMAN I'm sorry the public portion is closed now. It's just to the . . . Okay.

EUBANKS Can I have the floor. What about - I'm sorry, back to the local coastal plan. What about preamble - the vision statements. Any general policies that were stated in the preamble that address any views of protection of them?

RANDY BERLER I'm not aware of . . .

EUBANKS Sometimes they have this flowered language of what they are - what the intent of \_\_\_\_\_ (inaudible) no intention - just no flowery language in the beginning.

RANDY BERLER I have not seen it.

EUBANKS Because often what the specifics of the details are do not necessarily match the . . . I think you've answered my question on that. The other question I have is, and I've think heard it and I just want to hear it specifically, we are bound only by and are compelled to follow our local coastal program. We are also not held to higher standard of the local Coastal Act? Is that correct?

ASSISTANT CITY  
ATTORNEY WEB

Unless and again, I'll defer to planning staff, unless there are -- unless it's incorporated in the local coastal plan and in further just to answer a question that I hesitated on before I wanted to check. It appears in looking at the municipal law handbook that even on the appeal, depending on the type of appeal to the Coastal Commission, they would look at conformity to the certified LCP or violation of the public access policies of the Coastal Act. So again, I would defer to the planning staff as to, unless it's incorporated in the local coastal plan.

EUBANKS

So, to be more exploit in language, they maybe everyone will understand. If we believe that our certified local coastal program is a little remiss in actually matching the Coastal Act, it's not within our purview to say, you know what, we're going to make a determination that our certified that in deference to the Coastal Act.

ASSISTANT CITY  
ATTORNEY WEB

Again, the language is "shall" so it indicates in 30604(b) that you if you find that the Proposed development is in conformity with the certified local coastal plan, then you ought to issue it. Again, obviously, if you find that its not, then wouldn't issue that.

EUBANKS

But our finding would have to be in specific to that we didn't find conformity with the certified local coastal program and some measure in that. Not something that we've added to it or whatever. So that's a big yes is what you're saying.

ASSISTANT CITY  
ATTORNEY WEB

Yes.

EUBANKS

Okay. Thank you.

EUBANKS

The other thing, just as a comment and I believe that when the Coastal Commission reviewed our certified local coastal program, again they're looking more in general. They are not looking in any specific site or any specific view or so when they approve our Certified Local Coastal Program, they are doing it in a much more broader sense and in effect, we've opted out of the whole view business in the City of Redondo Beach. Whether I agree with that or not is really immaterial. The fact is that we have. And the Coastal Commission basically gave us a bye on that and said okay. Yeah, no problem. Not looking at any specific impacts. That would be a fair assessment?

Berler

Yes.

EUBANKS

Okay. So in effect, in or for what I believe is an inconsistency with our local coastal plan would be for a court to say "you know, Coastal Commission, you, ya know, basically have approved something that's not quite in conformance with your own Coastal Act. But That's totally out of our purview. I mean that is how I'm seeing that. The only thing that can override all the stuff that is happening up to this point is basically a court to say, you know there is a few inconsistencies, if a court would do that. They may not. And that that's what the judicial branch is there for is to iron out those inconsistencies between different laws and different jurisdictions, etc., etc., correct?

BERLER

Well, it's ultimately up to the Coastal Commission. They have authority over our coastal plan.

EUBANKS

I'm understanding. I understand that clearly. I'm saying that if somebody's looking for a higher power to say I think that these two are little bit inconsistent from my view, then it would be a court's jurisdiction to decide whether they were right or not.

BERLER

I would have to defer to the attorney on that.

EUBANKS

Well, he has left the room. I'll just leave that as maybe a rhetorical statement. So in the appeal to the Coastal Commission, I think that Mr. Web made it clear that they would be looking at some of the same criteria that we are in our coastal plan. So they would be certifying it to our coastal plan again. Therefore, again, it may be - Civics 101 is that we have various processes in our system and sometimes it doesn't matter what we believe or what we sympathize with. We have to go with what is in our law and then the next higher power takes from there. If that's an issue. Because, as I said before, I do, while I empathize and I think there is a compelling argument for the view corridor, I think it is a significant view corridor down Knob Hill and I hate to see that broken up. On the other hand, I think that we are restricted in what we can really do about it in terms of this particular project. This is again another flaw in what I believe in our city in terms of the whole view issue. We've chosen to ignore it, and we get these and now this is what we are faced with. And in fact everyone out there - the people that can change that is the City Council. That's where this issue really resides and I think that's an important issue. I don't think everybody's going to get what they want. A lot of the people along the Esplanade have blocked everybody's views for miles behind them to see people come down here and want to protect their views. Frankly, I discount a lot of that testimony because basically it is self-interest and we all have our self-interest. There is nothing wrong with that. I would be down here too. But in terms of the law and what our policies are here in this city, the policies have to change before this body and even, I believe the Coastal Commission stuff - they are going to look at the same findings that we are. So I think that we are compelled. I can't make the finding that it is not in conformity with our Certified Local Coastal Program, as much as I would like to. And that's where I stand on the issue at this moment, unless there is other compelling testimony or arguments from the commissioners.

ASPEL

I think they want to take over.

EUBANKS

Yes Sir.

CHAIRMAN

City Attorney.

CITY ATTORNEY  
GODDARD

Brief interruption. I need to announce for the record that the City Council adjourned from closed session at 8:55 and it concluded their meeting for the evening. Thank you very much.

CHAIRMAN

Thank you sir.

CHAIRMAN

Mr. Cartwright. Mr. Aspel.

ASPEL

I'm having the same trouble you are. I walked in here as after reading this today that it was pretty much slam dunk because it was kinda discriminatory against the owners of these properties. He could have built his house 20 years ago, he had the money it sounded like but now other houses down there got to build up so he's late so now he's being penalized. But I think that there is some - there's Article 6 and things here that I wasn't really familiar with. I'd personally like more time to study this. It states right here that the scenic individual qualities of the coastal area shall be considered and protected as a resource of the public importance. I'm the last guy to try to penalize a private land owner just because they didn't do it 20 years ago, but I wouldn't have a problem delaying this and researching it a little bit because it took a citizen to bring us these codes. And all I looked at for the past three or four days was the fighting and number one if this proposed development is conforming to the

Certified Local Coastal Program, I don't know what that is. I'm just taking everybody's word that it's certified. So this was first thing I've seen in writing about what -- a possibility of that we could be not on the same page as the Coastal Commission for the public view. I know it's too late in the game to start protecting views but if there is a public view there that the Coastal Commission might have misconstrued the way we laid it out to them. I just don't see the harm of waiting and researching this. I'm not prepared to make a vote for this property and I'm not saying I'm against the property, but I'm just not prepared to go for it right now. I want to research it some more. That's it for right this second.

CHAIRMAN

Commissioner Bloss.

BLOSS

I guess another way, I mean, I think a lot of this is new to us in terms of that and I think the purpose of having staff here is to explain to us what the law is and how it fits together, and I feel comfortable that they have done that and brought up this issue about the scenic stuff really applies under the local certified program and ours doesn't have that and, for whatever reason. I guess in terms of, you know, property rights, what I'm hearing is that we cannot deny this project based on a view thing because that's not part of the requirements within our coastal plan to do so. So if we were to deny this project, we are, I think sorely infringing upon the property rights owners because it's not part of our coastal plan, is how I'm interpreting that. We can't make that finding and deny him the right to do it because there is nothing to base that on.

CHAIRMAN

Mr. Cartwright.

CARTWRIGHT

I have also made the same determination based upon the evidence put forth to us that we don't have the means to deny this because the local coastal program does not address public views and I want to ask the question again to make sure that it absolutely does not address any public view issue and so we don't have the mechanism to deny based upon that. I want to make sure that that in fact is the case. So, we've talked about it, but I want to get sort of a further response from staff that there is nothing in our local coastal program which specifically references view, per se.

BERLER

I have not found anything that references that. The implementing ordinance definitely does not, and I've looked through the policies of LUP and I have not found anything that provides such a finding.

CARTWRIGHT

And I empathize with the residents with regarding the public view issue. Unfortunately, our hands are tied on this given our local coastal program. And just a comment on Commissioner Eubanks' statement earlier regarding his assessment or his assumption that the presumption that the Coastal Commission does not review projects specifically. They have done some sort of area assessment. This pertains to the comment Randy earlier stated that the actual Coastal Commission requested a change in height limit in a certain area. So they are looking at specific areas and presumably because of view issues. So it's a little more specific than just a broad brush review. Because having worked with the Coastal Commissions, they do look at things quite closely and scrutinize public access issues and view issues to a certain extent. So, I just wanted to make that statement as well.

CHAIRMAN

Mr. Eubanks.

EUBANKS

Not to debate but to respond to it. My comment was referring to something that is very specific. Because, mostly what the Coastal Commission was looking at is what

we have provided them. So unless we've pointed out a specific view a specific site, a specific something, they haven't actually – they don't always come down here and survey the whole city on their own behalf and make their first hand findings on that. So my point on that is that again, it is again a little more broad. It's not any specific property or that it's not down to that level of detail. But, again, I'm persuaded by Commissioner Aspel's comments because that I'm hearing from staff and while they serve well and give us good advice and good opinions, ultimately, the decision is ours. It's not theirs. And so, I'm – what I'm hearing tonight, and that's what's problematic for me – I'm hearing a lot of uncertainty in terms of what our local plan is or if its in there or not. And I'd like the chance to actually get it. I think I have a copy of it because we approved it, but maybe make sure we have the most up-to-date copy. And I'd actually like to go through that myself, personally, before I feel comfortable on my vote on this matter. And so I would recommend that we do continue this until we have a chance to actually go through that and the other members up here to go through that and actually read for ourselves and will help because the copy I have, I kinda looked at a few references, but I didn't go through it in detail as I would like to for this particular project. So that's where I'm at. And I'll make that a motion if you'd like, but then it's not debatable so I'll hold off on an actual motion.

CHAIRMAN

Commissioner Aspel.

ASPEL

I'll second that motion.

EUBANKS

That wasn't a motion.

ASPEL

No?

MALE VOICE

I want to hear some comments.

ASPEL

Well, I'm flabbergasted at what you're saying so I forgot what I was going to say.

EUBANKS

That may be good.

ASPEL

It usually is. But I just want to be sure on this because there is no going back. I know that we can't make a finding about the views, but I would like to actually have the chance to read it and see it, and the question I guess, that I was actually going to think about or say was no matter what we do here, if we approve this project, does it go to the City Council?

BERLER

It could be appealed to the City Council.

ASPEL

If the citizens appeal it, correct? And the applicant can appeal it. This is such a – these five or six houses on the bluffs there, this might be something greater than what we should be working on. Truly, it might be their job to make the final decision on this. This is almost like a zoning deal. I, again, it pains me to say that because I am all for property owner's rights here but I would like to read the Coastal Commission to make sure we are not just stepping on a big turd here. We can't go back once we do that so I would make the motion that we revisit this next month and after we all have a chance to check out this Coastal Commission paperwork and read that anyway you want. Write it down any way you want.

CHAIRMAN

We have a motion on the floor?

CHAIRMAN

Do we have a second?

ASPEL It doesn't sound like it.

CHAIRMAN Okay. Motion fails. Mr. Eubanks.

EUBANKS Just wanted to let you know, until we have a little more discussion on it, I would support that motion. Once we've made that motion we can't . . . It ends all discussions.

ASPEL Okay.

EUBANKS That's why I didn't support you on that.

ASPEL I'll go with you on that.

EUBANKS Because I have no problem making a decision on this. To me, it's like I understand that it's not just the properties at the end of block. Everyone is affected. The property owners are affected and all of the residents and people who enjoy that view are affected. As I said, if there was a finding to make that this was a significant view, I would definitely – could make that finding. But I also understand that because this is a break the block or break that corridor project and we are setting a precedent. Whatever we do here is going to affect all of those properties that are on the end of Knob Hill there on the Esplanade. And so I think we need to really make sure that we're doing what we think is the right thing to do and that our votes count. And to be honest, I believe that whichever side loses or whichever is going to appeal this to the City Council. That's why, for me, I want to make sure that my vote counts as good advice to the City Council so that they can look at the record and see what we have weighed and I think that it is very important that whatever we do, it is setting that precedent. Not just affecting this property but all of those, I believe. So, with that, I would entertain a motion as long as everybody's had their say and – not that I entertain them. I know the chair does but I will second a motion or I'll make one. I just want to make sure everyone has an opportunity to comment.

CHAIRMAN Mr. Cartwright.

CARTWRIGHT Just a question for staff. I guess I'll be curious to see what obviously would be uncovered in reviewing the local coastal program on this specific matter. I mean, is there anywhere in the land use plan, in the LIP that would, could reasonably address this issue and come remotely close to addressing this issue. Or is it pretty cut and dry?

BERLER Staff believes that our LIP is written is cut and dried on the issue. It's conforming to the standards of the zoning ordinance for the coastal zone.

CHAIRMAN Mr. Aspel.

CHAIRMAN Second time's a charm.

ASPEL I will move that we postpone this item and revisit it next month after we've had an opportunity to read the entire Coastal Commission documents and I'll see how they fit into our plan. You can fix that.

EUBANKS I'll second that as long as – that we are looking at our local coastal plan.

ASPEL How they fit into our local coastal plan.

EUBANKS And we were all provided with that, hopefully well in advance before our normal reading period because I know that the one I have – or if you just have the version, you can email it too and I can look at mine and see if it's the right version. Because I know when we've gone through this processes, we go through several reiterations. I just want to make sure I have the right one. And I would second that. And let's continue it, right?

CHAIRMAN For clarification for staff. We are one week late on this meeting. Our next published meeting is April 15<sup>th</sup>. Will that give you sufficient time to research that and get that to us prior to that April 15<sup>th</sup> meeting?

BERLER Yes. I believe so.

KRUGER Randy will be in Spain so I guess I'll be working on it. Yeah. I mean.

CHAIRMAN I just wanted to make sure we weren't giving you something you couldn't . . .

KRUGER Well, all I can say is we'll provide you with as much information as we can gather between now and then.

EUBANKS And I'm just looking for the actual plan. I think that staff has a good job. . .

ASPEL Yeah.

EUBANKS . . . in providing us advice. It's just if I can do my own due diligence.

CHAIRMAN We have a motion. Is there a second. Any discussion on the motion? . . . Okay, I'd like to call for a roll call vote please.

CITY CLERK Commissioner Eubanks?

EUBANKS I.

CITY CLERK Commissioner Bloss?

BLOSS No.

CITY ASSISTANT Commissioner Cartwright?

CARTWRIGHT No.

CITY CLERK Commissioner Aspel?

ASPEL I.

CITY CLERK Chair Seymore?

SEYMORE No.

CHAIRMAN Commissioner Bloss.

BLOSS Okay, I would like to make a motion. I move that the exemption declaration that – that make the finding as set forth in the staff report adopted exemption declaration and grant the request for a coastal development permit subject to the plans and applications submitted with the four findings and 13 conditions.

EUBANKS Second.

CHAIRMAN We have a motion in the second on the floor. Is there any discussion on the motion? Hearing none, I again was to call for a roll call vote please.

CITY CLERK Commissioner Eubanks?

EUBANKS No.

CITY CLERK Commissioner Bloss?

BLOSS Yes.

CITY ASSISTANT Commissioner Cartwright?

CARTWRIGHT Yes.

CITY CLERK Commissioner Aspel?

ASPEL No.

CITY CLERK Chair Seymore?

SEYMORE Yes.

BLOSS We're done.

ASPEL That part's done.

\* \* \* End of Item 19 \* \* \*

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June 1, 2004

Client-Matter: 26540-030

**BY HAND DELIVERY**

The Honorable Gregory C. Hill, Mayor  
and Honorable Members of the City Council  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, California 90277

***Re: 801 Esplanade/PC No. 04-19/CDP No. 04-01***

Dear Mayor Hill and Members of the Redondo Beach City Council:

We are writing on behalf of our client, Kevin Farr, and the many Redondo Beach residents and visitors, known as The Friends of Knob Hill, who are all concerned about the potential loss of their public view. If the above-referenced Coastal Development Permit ("CDP") is granted, and a second story (from street level) addition at 801 Esplanade (the "Project") is permitted, a precious scenic and visual resource, enjoyed by hundreds of people every day, will be lost forever. Unfortunately, the Planning Commission (the "Commission"), at its March 23, 2004 hearing (the "Hearing") decided that the destruction of the public's view should not be considered, and voted (by a 3-2 margin) to approve the Project. We appealed the Commission's erroneous decision, and hope this City Council reverses it. This letter details the legal basis of our appeal.

Specifically, the Project should be denied because the required findings are not supported by substantial evidence. The Project does not conform to the policy in the City's Local Coastal Program ("LCP") regarding public views, nor does the Project further the California Coastal Act (the "Coastal Act") requirements with regard to the protection of public views. The Commission also failed to comply with the requirements of the California Environmental Quality Act ("CEQA") because the categorical exemption does not apply to this Project. Therefore, a thorough environmental review is required for this Project.

**I. THE REQUIRED FINDINGS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.**

Section 10-5.2218 of the Zoning Ordinance for the Coastal Zone, which implements the City's Coastal Land Use Plan under the LCP, (the "LCP Implementing Ordinance"),

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states that a Coastal Development Permit shall not be approved unless the decision-making body makes three affirmative findings. The LCP Implementing Ordinance further requires that these findings must include "the factual basis for any legal conclusion."<sup>1</sup>

Findings are required by law when the City acts in an adjudicative or quasi-judicial capacity by applying a fixed rule, standard or law to a specific parcel of property.<sup>2</sup> This generally includes variances, use permits, and other development approvals, such as Coastal Development Permits. Where findings are required, the findings must be written, they must support the City's decision, and substantial evidence in the administrative record must support the findings.<sup>3</sup> Courts have held that the purpose of a findings requirement is "to bridge the analytic gap between the raw evidence and ultimate decision or order."<sup>4</sup> Findings that are merely a recitation of statutory language are generally insufficient as a matter of law.<sup>5</sup>

The staff report to the Commission for the Project made cursory findings that essentially recite the required language without any evidentiary support or discussion. The Commission adopted each of these findings verbatim. The "findings," and the lack of evidentiary support for them, are discussed in turn.

#### **A. CONFORMITY WITH THE LCP.**

The first required finding under Section 10-5.2218 of the LCP Implementing Ordinance is that the proposed development is in conformity with the Certified LCP. The Commission was advised that conformity with the LCP required only an analysis of whether the Project complies with certain zoning provisions of the LCP. Staff reported that the LCP "allows for the development of a two-story single family residence on the subject property,"<sup>6</sup> and the Commission apparently concluded that the Project therefore met this conformity finding.

Contrary to staff's advice, however, the zoning designation is not the end of the conformity analysis. In order to conform to the LCP, the Project must meet *all* of the regulations and policies of the LCP. There are two provisions of the LCP that involve issues

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<sup>1</sup> Redondo Beach Municipal Code, Title 10, Chapter 5 §10.5.2218(b).

<sup>2</sup> See *McMillan v. American Gen. Fin. Corp.* (1976) 60 Cal. App. 3d 175, 181.

<sup>3</sup> *Topanga Assn. For a Scenic Community v. County of Los Angeles* (1974) 11 C.3d 506, 517, note 16.

<sup>4</sup> *Id.* at 515.

<sup>5</sup> *City of Carmel v. Board of Supervisors* (1977) 71 Cal. App. 3d 84, 91.

<sup>6</sup> Staff Report, Redondo Beach Planning Department, Agenda Item 19, dated March 23, 2004, p. 3 of 5.

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related to public views. Neither staff nor the Commission was advised that it must analyze these public view provisions before it could adopt a finding of compliance with the LCP. Both of these requirements, along with the perplexing statements made at the Hearing about the absence of public views, are discussed in this section.

## 1. THE PUBLIC VIEW.

At the Hearing, City Planner Anita Kruger stated that she “walked around Knob Hill, Esplanade, Catalina and [she] looked...[but] couldn’t see the ocean...” She therefore concluded that “[t]he public view will not be impacted...” if the Project were approved.<sup>7</sup> Nothing could be further from the truth.

Ms. Kruger apparently did not walk down Knob Hill from the Pacific Coast Highway, or she would have experienced the spectacular view that can be seen in the photographs attached to this letter (Exhibit A), and which was the subject of testimony from many community members at the Hearing. From Pacific Coast Highway to the Esplanade, travelers of all types – those on foot, in vehicles, on bikes – enjoy the sights for which Redondo Beach is famous: the beautiful ocean and the horizon beyond. Currently, Redondo Beach community members have submitted petitions to the City Council with more than 1,300 signatures attesting to the significance of the public view down Knob Hill and their disapproval from building at this site.<sup>8</sup>

After observing photographs and hearing public testimony about the view, both the staff and several members of the Commission acknowledged that an important public view exists down the Knob Hill corridor. In response to a question by Commissioner Eubanks, Acting Director Randy Berler admitted that “[t]he street view could be considered a public view corridor.”<sup>9</sup> A short time later, Commissioner Eubanks stated that the Commission had heard “compelling evidence” from the neighbors that “this is a significant public view;” he also stated that he would “hate to see the view blocked.” Notwithstanding the acknowledgement of the public view, the Commission failed to consider the view in reaching its decision.

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<sup>7</sup> Testimony from March 23, 2004 Planning Commission hearing.

<sup>8</sup> Personal observations on nontechnical issues such as views can constitute substantial evidence. See *Ocean View Estates Homeowners Assn. v. Montecito Water District* (2004) 116 Cal. App. 4<sup>th</sup> 396, 401.

<sup>9</sup> Testimony from March 23, 2004 Planning Commission hearing.

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**2. THE LCP REQUIRES THE CITY TO CONSIDER PUBLIC VIEWS OF THE COASTLINE.**

Section 10-5.102(b) of the LCP Implementing Ordinance states that one of the specifically enumerated purposes of the LCP is to “[m]aximize public access to and *public views* of the coastline.”<sup>10</sup> Because staff focused only on compliance with the zoning provisions in the LCP Implementing Ordinance, there was no mention of this objective in the staff report. Moreover, there was no discussion about how the Project would conflict with this policy objective at the Hearing.

The discussions at the Hearing related to public views involved a confused analysis of various findings, CEQA issues, policies of the California Coastal Act (the “Coastal Act”), and public access requirements, among others – but did not focus on the fact that the LCP itself requires the City to maximize public views. The Commission heard and acknowledged repeated evidence about the serious obstruction of the Knob Hill ocean view if the second-story is permitted. Nevertheless, staff advised the Commission to disregard this evidence because the public view was not something to be considered under the LCP – even though the LCP specifically cites maximization of public views as one of its purposes.

By ignoring both the evidence of public views and the legal requirements to consider the public view, the Commission reached the erroneous conclusion that the Project conforms to the LCP, based solely on a discussion of the zoning issue.

**3. THE LCP REQUIRES THE CITY TO COMPLY WITH COASTAL ACT POLICIES.**

Another objective of the LCP is to “carry out the California Coastal Act.”<sup>11</sup> Moreover, Section 10-5.2218(a) of the LCP Implementing Ordinance states that approval of a Coastal Development Permit by the City “shall be based upon compliance with the provisions of the [LCP] and consistency with the policies of the Coastal Act.

The Coastal Act, California Public Resources Code Section 3000 *et. seq.*, was enacted by the California Legislature in 1976 as a comprehensive scheme to govern land use planning for the entire coastal zone of the state. Among other things, the Legislature found that “the permanent protection of the state’s natural and scenic resources is a paramount concern”

<sup>10</sup> Redondo Beach Municipal Code, Title 10, Chapter 5, § 10-5.102(b) (emphasis added).

<sup>11</sup> See *id.* at § 10-5.102(a) (emphasis added).

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and that “existing developed uses and future developments that are carefully planned and developed consistent with the policies of [the Coastal Act] are essential to the economic and social well-being of the people of this state.”<sup>12</sup>

Section 30251 of the Coastal Act specifically reinforces the importance of public views and requires that the effect on a public view be considered when approving a development permit within the coastal zone. That section provides:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...”

This provision applies whether the City has a certified LCP or not.<sup>13</sup> Section 30200 of the Coastal Act makes it clear that, in addition to providing standards for judging the adequacy of an LCP, the policies in Chapter 3 of the Coastal Act (which includes Section 30251) “constitute the standards for judging the permissibility of development within the coastal zone.”

When the Commission began to discuss the Project’s effect on the Knob Hill view corridor, the Commissioners focused on a different finding required under Coastal Act Section 30604(c). That finding relates *only* to the Project’s conformity with the public access and public recreation policies under the Act. Apparently, the Commissioners confused this finding with the *separate* requirement that the Project conform to the LCP. After a somewhat disjointed discussion, the Commission was instructed that it could not consider public views, because the Section 30604(c) finding does not require consideration of scenic and visual resource qualities. Accordingly, the Commission was advised that the requirements of Coastal Act Section 30251 regarding scenic and visual resources had no bearing on this matter.

As discussed above, the Commission was advised that conformity with the LCP required it to consider only the zoning issues applicable to R-1 Zones. The Commissioners were not told that conformity with the LCP also requires it to “carry out the Coastal Act policies,” and that one of those policies is the protection of views under Section 30251. As a

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<sup>12</sup> Cal. Pub. Res. Code § 30001.

<sup>13</sup> *Big Creek Lumber Co. v. County of Santa Cruz* (2004) 115 Cal. App. 4<sup>th</sup> 952, 974.



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result, the Commission ignored public views, and approved the Project without consideration of all of the obligations under the LCP.

**B. CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF THE COASTAL ACT.**

The second required finding is that the Project conforms to the public access and public recreation policies of the Coastal Act. Although it is fairly clear that the proposed Project will not impact public recreation opportunities, the staff report should have discussed the potential impact of the construction on public access. Section 30211 of the Coastal Act states that development "shall not interfere with the public's right of access to the sea." However, adjacent to the northern boundary of the Project are the public steps leading from the Esplanade at Knob Hill down to the beach. There is no discussion in the staff report about construction operations or restrictions on construction staging, which could temporarily block public access to the steps.

Moreover, there is no discussion in the staff report about the possible impact that construction could have on the structural integrity of the steps leading to the ocean. The Project is located immediately adjacent to a steep public stairway and uphill from a public retaining wall, both of which show significant signs of cracking and soils slippage. We have included photographs of these public facilities as Exhibit B to this letter. These cracks are clearly the result of soils subsidence, which could be caused by insufficient foundation for the existing residence at 801 Esplanade. The addition of a second story (from street level) to the residence could exacerbate the impact to the adjacent public property. The Commission should have discussed this issue before concluding— without analyzing any evidence submitted by the community — that the Project would not impact public access.

**C. COMPLIANCE WITH THE CEQA.**

The third required finding is two-fold. First, the decision-making body must find that it has complied with any CEQA responsibilities it may have in connection with the Project. Second, the decision-making body must find that it is "not violating any CEQA prohibition that may exist on approval of projects for which there is a less environmentally damaging alternative or feasible mitigation measure available." This finding stems from the CEQA mandate that public agencies must not approve projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or

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avoid those effects.<sup>14</sup> For several reasons, the Commission's finding regarding compliance with CEQA was in error.

**1. A CATEGORICAL EXEMPTION DOES NOT APPLY TO THIS PROJECT.**

The staff report asserts compliance with CEQA by claiming the Project is "categorically exempt" from CEQA. CEQA provides a categorical exemption for various classes of projects that the Secretary for Resources determines *generally* will not have a significant impact on the environment.<sup>15</sup> However, these exemptions are not absolute. There are six enumerated exceptions to the categorical exemption outlined in CEQA. If one of these exists, the categorical exemption is not applicable to the project.<sup>16</sup>

Although CEQA typically does not require findings for a categorical exemption, they are required in this instance because the LCP Implementing Ordinance requires an affirmative finding that the approval of the project complies with CEQA. As a result, the City is required to support its determination of the categorical exemption with a written finding that is supported by substantial evidence. Thus, the City must affirmatively explain why the exceptions to the categorical exemption do not apply.<sup>17</sup>

Moreover, there is some confusion in the City's documents as to which categorical exemption the City planners are attempting to apply to this Project. The Notice of Decision on Modification to change the setback requirements for the Project alleges that the Project is categorically exempt pursuant to 15301 (Class 1) of the CEQA Guidelines.<sup>18</sup> Similarly, the Staff Report to the Commission also claims that the Project is categorically exempt under Section 15301 (Class 1) of the CEQA Guidelines, and the Exemption Declaration reiterated

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<sup>14</sup> See *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal. 4<sup>th</sup> 105, 134; Pub. Resources Code §21002.

<sup>15</sup> Pub. Res. Code §21084; CEQA Guidelines §15300 *et seq.*

<sup>16</sup> Pub. Res. Code §§21084(b), (c) (e); CEQA Guidelines §15300.2.

<sup>17</sup> *Association for Protection of Environmental Values in Ukiah v. City of Ukiah* (1991) 2 Cal. App. 4<sup>th</sup> 720, 731; *Topanga*, supra, 11 Cal. 3d 506. In *Ukiah*, the court recognized that *Topanga* findings are not normally required to support a categorical exemption because CEQA does not require findings or a public hearing for this determination and because the CEQA determination is separate from the underlying development approval. However, where the underlying approval is statutorily required to incorporate CEQA findings, these findings must be supported by substantial evidence. (See also James Longtin, Longtin's California Land Use §11.51 (2<sup>nd</sup> ed. 1987).)

<sup>18</sup> Notice of Decision on Modification and Exemption Declaration, City of Redondo Beach, February 26, 2003 [*sic*].

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this conclusion.<sup>19</sup> However, the Notice of Public Hearing for the Commission meeting as well as the Notice of Public Hearing for the upcoming City Council meeting both assert a *different* categorical exemption under Section 15303 (Class 3) of the CEQA Guidelines for the same Project. In any event, neither exemption is applicable.

**a. NEITHER THE CLASS 1 NOR THE CLASS 3 EXEMPTIONS APPLY TO THE PROJECT .**

Section 15301 provides a "Class 1" exemption for, among other things, minor alterations to existing structures involving negligible or no expansion of use. An example includes an addition that will not result in an increase in more than fifty percent (50%) of the floor area of the structure before the addition. We have reviewed the architectural plans for the Project at the City, and based upon the calculations provided by the applicant's architect, the Project is dangerously close to the 50% threshold that would render the Class 1 exemption inapplicable on its face. In fact, the plans and notes in the file contain some confusing language about the need to reduce the basement floor area by 44 square feet. If the actual floor area of the basement is 44 square feet less, then the Project appears to add more than 50% of the pre-existing floor area.

Section 15303 provides a "Class 3" exemption for construction of new small facilities or structures, such as single-family residences. However, this categorical exemption applies only to new construction: it does not apply to remodels and additions, such as that proposed here.

**b. THERE ARE TWO APPLICABLE EXCEPTIONS TO THE CATEGORICAL EXEMPTION.**

Regardless of the confusion on the asserted categorical exemptions, the categorical exemptions also do not apply because there are exceptions to both Classes of categorical exemptions. CEQA Guidelines Section 15300.2(a) states that a Class 3 exemption does not apply where the project is located in a particularly sensitive environment. Additionally, CEQA Guidelines Section 15300.2(c) states that no categorical exemption may be used for an activity where there is a reasonable possibility that the activity will have a significant effect

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<sup>19</sup> Staff Report, Redondo Beach Planning Department, Agenda Item 19, dated March 23, 2004; Exemption Declaration, 801 Esplanade Avenue, dated March 23, 2003 [sic] .

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on the environment due to unusual circumstances. Both of these exceptions apply for largely the same reasons.

As we describe in Part A of this letter, Knob Hill Avenue leading down the hill to the public stairway contains a remarkable public view. This significant public view creates an unusual circumstance that renders the categorical exemption inapplicable to the Project. CEQA recognizes the importance of significant views in analyzing environmental impacts. In *Ocean View Estates Homeowners Association v. Montecito Water District*, the court recognized that “[a]ny substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.”<sup>20</sup> The court noted that just because “there is no common law right to a private view, [this] is not to say that the [agency] is relieved from considering the impact of its project on such views.”<sup>21</sup> In fact, the court clarified that when there is an impact to a *public* view, rather than a private view, there “is more involved”, because the agency must consider the overall aesthetic impact to the community.<sup>22</sup>

As discussed above, the impact on the public view is unquestionable. Given the photographs, the number of signatures collected on petitions objecting to the potential loss of the public view, the testimony from community members, and the statements of certain Planning Commissions, there is ample evidence in the record that the Project will negatively alter the aesthetics of the area. Because the Project would adversely impact a unique public resource, the Project cannot be treated as categorically exempt under CEQA.

There is another “unique circumstance” regarding the Project that renders the categorical exemption inapplicable. As discussed in Part B, above, both the public stairway to the beach and the public retaining wall show significant signs of cracking and soils slippage, evidencing some soils subsidence. The addition of a second story (from street level) as the Project proposes could exacerbate the impact to the adjacent public property. Although we assume the City would require a geotechnical report and engineering study prior to issuing building permits, this analysis should be completed before the City grants the Coastal Development Permit. In fact, CEQA *requires* the City to review the potential impact of the Project on the stability of the adjacent public property before granting the CDP. The existence of the cracks creates a reasonable possibility that the Project will have a

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<sup>20</sup> *Ocean View Estates Homeowners Assn, supra* 116 Cal. App. 4<sup>th</sup> at 401; See also *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1988) Cal. App. 3d 485.

<sup>21</sup> *Id.* at 402.

<sup>22</sup> *Id.*

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significant effect on the environment due to unusual circumstances. As such, the categorical exemption is inapplicable and the City must analyze the potential impact.

**2. LESS ENVIRONMENTALLY DAMAGING ALTERNATIVES MAY BE AVAILABLE.**

The staff report ignored any discussion of less environmentally damaging alternatives. Apparently, because the Planning staff (erroneously) determined the Project was categorically exempt, it apparently also determined (erroneously) that it did not need to discuss feasible alternatives in detail. Where a project may result in a significant impact to the environment – as the Project would, because of its obstruction of the public view – CEQA requires the City to consider “a reasonable range of *potentially* feasible alternatives that will foster informed decisionmaking and public participation.”<sup>23</sup> An alternative cannot be simply disregarded because it would be more expensive or less profitable.<sup>24</sup>

The only discussion relating to potential alternatives at the Hearing was staff's statement that the property is “deed restricted from having any building within 60 feet of the rear property line.”<sup>25</sup> We have reviewed the grant deed for the subject property, and the restriction actually states that no building, structure or obstruction can extend beyond 60 feet west of the Esplanade property line, “*unless said building or obstruction is below the street level.*”<sup>26</sup>

We understand that the street level of the house at 801 Esplanade already extends westward nearly 60 feet from the Esplanade property line, and that the deed restriction may prevent the owners from building any farther west *on that floor or above*. However, the subterranean floor of the residence (below the street level) includes a rather large deck that could presumably be enclosed without violating the deed restriction. Alternatively, with some excavation of the bluff, additional floors could be added below the existing subterranean floor. Moreover, the City could grant a variance that would allow the owners to build closer to the western property line.

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<sup>23</sup> CEQA Guidelines §15126.6 (*emphasis added*).

<sup>24</sup> *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal. App. 3d 1167, 1180-1181.

<sup>25</sup> Transcript of March 23, 2004 Planning Commission hearing.

<sup>26</sup> Grant Deed, Lot #445 Knob Hill Tract Redondo Beach, recorded May 12, 1950, *emphasis added*. (“This property is hereby granted with the specific restriction that no building, fence, tree, shrub or any structure, plant or obstruction shall extend beyond sixty (60) feet west of the Esplanade property line, unless said building or obstruction is below the street level.”).

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The 801 Esplanade property is unique in its location, which provides both a burden and a benefit to its owners. It is located at the focus of a dramatic public view corridor, so the owners have an obligation to the community to seek alternatives to disrupting the public's coastal view. But the owners of the property also enjoy the public open space to the north, where no building can ever obstruct their view and sunlight. Windows along this side of the house could make interior bedrooms attractive and marketable. Moreover, the property enjoys a spectacular slope that ensures that every level will have a panoramic view of the ocean. While we recognize the owners and their architect have worked hard in their design of the Project, there appear to be unexplored feasible alternatives to the proposed Project, including building west on the existing subterranean level or adding additional down-slope floors. The City has failed to analyze those alternatives as required by law.

## **II. THE CITY COUNCIL MUST DENY THE COASTAL DEVELOPMENT PERMIT.**

The LCP provides that an application to a CDP may be denied if makes one of three findings, which are essentially the contrary of any of the three findings discussed above.<sup>27</sup> For the reasons discussed in Part A, above, the City should find that Project *does not* comply with the LCP because it does not consider public views, either under the express requirement to "maximize public views" or the LCP's admonition to "carry out the policies of the Coastal Act," which includes compliance with Coastal Act Section 30251 regarding protection of scenic resources. While it is possible the City would not find that the Project violates the public access and public recreation policies of the Coastal Act, that issue should at least be discussed in some meaningful manner.

With regard to CEQA, the Commission relied on the erroneous conclusion that the Project was categorically exempt. It therefore did not discuss the Project's significant environmental impacts to aesthetics (i.e., the public view) nor did it require a geologic analysis to determine the potential impacts from soils subsidence. Further, the Commission did not meet its obligations under CEQA to discuss feasible alternatives. Until the proper CEQA analysis is performed, the City cannot approve the Project.

For the many reasons explained above, we urge the City Council to deny the CDP for 801 Esplanade.

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<sup>27</sup> Redondo Beach Municipal Code, Title 10, Chapter 5 §10-5.2218(d).

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We remain hopeful that there will be an equitable solution to enable the property owners to expand their private space that is not at the expense of the entire community of Redondo Beach. However, we will not hesitate to pursue all available remedies, including rights of appeal, to protect the public's view.

Sincerely,

Ellen Berkowitz, Esq.  
Manatt, Phelps & Phillips, LLP

cc: Kevin Farr, Appellant  
Linda Moffat, Friends of Knob Hill

Title 10 PLANNING AND ZONINGChapter 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE**10-5.102 Purposes.**

The broad purposes of the Zoning Ordinance for the Coastal Zone are to protect and promote the public health, safety, and general welfare, and to implement the policies and the land use plan map of the City of Redondo Beach General Plan and the Coastal Land Use Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Article 11, Section 7, and in Section 30513 of the Public Resources Code (California Coastal Act). More specifically, the Zoning Ordinance for the Coastal Zone is intended to provide a precise guide for the growth and development of the City in order to:

- (a) Carry out the California Coastal Act as applied to the City in the Coastal Land Use Plan;
- (b) Maximize public access to and public views of the coastline;
- (c) Achieve progressively the arrangement of land uses described in the General Plan and Coastal Land Use Plan;
- (d) Maintain a high level of quality and character in the City's residential neighborhoods;
- (e) Ensure compatibility between land uses;
- (f) Promote the economic stability of existing land uses that are consistent with the General Plan and Coastal Land Use Plan;
- (g) Permit the development of commercial land uses that are consistent with the General Plan and Coastal Land Use Plan and which strengthen the City's economic base;
- (h) Ensure the provision of adequate open space for light, air, and fire safety;
- (i) Ensure the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system;
- (j) Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or public services; and
- (k) Conserve and enhance the City's architectural and cultural resources. (§ 1, Ord. 2905 c.s., eff. August 5, 2003)



Title 10 PLANNING AND ZONING

Chapter 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE

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**\*Note to Chapter 5**

\* Repealed.



## CITY OF REDONDO BEACH DEVELOPMENT STANDARDS

### R-1 DISTRICT (SINGLE-FAMILY RESIDENTIAL)

In addition to development standards in the zoning ordinance, refer to the residential design guidelines (available at the Planning Department and on the city web site).

#### DENSITY

ONE DWELLING UNIT PER LOT

#### FLOOR AREA RATIO F.A.R.

NOT MORE THAN 0.65, EXCEPT A MAXIMUM OF 0.8 MAY BE PERMITTED WITH BONUSES

(See Section 10-2.402(a) of Redondo Beach Municipal Code for a Description of Floor Area Ratio Bonuses)

#### OUTDOOR LIVING SPACE REQUIRED

800 SQUARE FEET PER DWELLING UNIT

(See Section 10-2.1510 of Redondo Beach Municipal Code for a Description of Qualified Outdoor Living Space)

#### PROPERTY LINE SETBACKS

##### FIRST FLOOR FRONT

AN AVERAGE OF 25% OF THE DEPTH OF THE LOT, OR 25 FEET, WHICHEVER IS LESS, WITH A MINIMUM SETBACK OF 20 FEET

##### SECOND FLOOR FRONT

AN AVERAGE OF 10 FEET MORE THAN THE REQUIRED FIRST FLOOR AVERAGE

##### REAR

AN AVERAGE OF 20% OF THE DEPTH OF THE LOT, WITH A MINIMUM SETBACK OF 15 FEET

##### SIDE

5 FEET

LOTS LESS THAN 50 FEET WIDE:

ADDITIONS TO EXISTING SINGLE-FAMILY DWELLINGS WITH EXISTING SIDE-YARD SETBACKS LESS THAN 5 FEET MAY MATCH THE EXISTING SIDE SETBACK, PROVIDED THAT THE SETBACK SHALL NOT BE LESS THAN 10% OF THE WIDTH OF THE LOT.

#### BUILDING HEIGHT

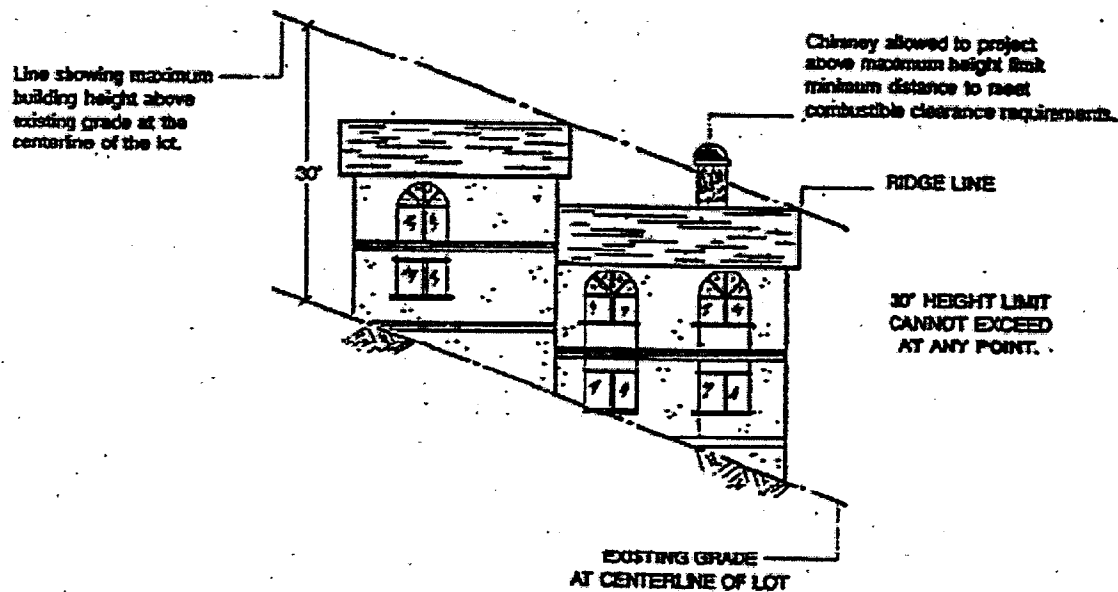
MAXIMUM OF 30 FEET, WITH NO MORE THAN 2 STORIES

#### PARKING REQUIRED

2 SPACES WITHIN AN ENCLOSED GARAGE

(See Article 5 of the Redondo Beach Municipal Code for Design Standards)

# ILLUSTRATION OF BUILDING HEIGHT (in this example, the height limit is 30 feet)



## SIDE ELEVATION VIEW

