

**CALIFORNIA COASTAL COMMISSION**

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

**Th26a****ADDENDUM**

September 30, 2008

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th26a**, COASTAL COMMISSION PERMIT  
APPLICATION **#A-5-RPV-02-324-A7-EDD (Long Point Development LLC)**  
FOR THE COMMISSION MEETING OF **October 16, 2008**.

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**Changes to Staff Report**

Commission staff recommends that the following change be made throughout the staff report where relevant. Replace Coastal Development Permit Amendment No: ~~A-5-RPV-02-234-A7-EDD~~ with the correct Amendment No: **A-5-RPV-02-324-A7-EDD**. No changes to the substance of the staff report are suggested, the recommended modifications serve to correct a typographical error where two numbers of the amendment number were transfixed.

**CALIFORNIA COASTAL COMMISSION**

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

Submitted: August 15, 2008  
Staff: Gabriel Buhr  
Staff Report: September 24, 2008  
Hearing Date: October 15-17, 2008



# Th26a

## **STAFF REPORT: APPEAL OF EXECUTIVE DIRECTOR DETERMINATION**

**DISPUTE RESOLUTION NO.:** A-5-RPV-02-234-A7-EDD

**APPLICANTS:** Long Point Development LLC

**PROJECT LOCATION:** 6610 Palos Verdes Drive South, City of Rancho Palos Verdes, Los Angeles County

**EDD APPEAL DESCRIPTION:** Appeal of the Executive Director's Determination to reject Coastal Development Permit Amendment Application A-5-RPV-02-234-A7-EDD, which proposed the construction of an entryway greeting kiosk that would also house a first responder unit.

**MOTION & RESOLUTION:** Page 3

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### **SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission **concur** with the Executive Director's determination to reject the proposed amendment pursuant to 14 C.C.R. Section 13166. The standard of review for the appeal of the Executive Director's rejection of an amendment application requires the Commission to overturn the Executive Director's Determination if the Commission finds that either: (1) the proposed amendment would not lessen or avoid the intended effect of an approved or conditionally approved permit or (2) the applicant has presented newly discovered material information, that could not, with reasonable diligence, have been discovered and produced before the permit was granted.

The original project included the construction of a 582 room resort, (400 hotel rooms and 82 units consisting of 50 three-keyed "casitas", and 32 "villas"), golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces, open space and 784,550 cubic yards of grading on a 102.1 acre site. Six subsequent amendments have resulted in modifications to the building footprints and site plans and the conversion of some hotel rooms to condominium units. Construction has commenced on the approved project, and is anticipated to conclude during 2009.

Special Condition 2-E of the original Coastal Development Permit placed development restrictions on the approved project that would impact public access across the site. More specifically within this condition, in reference to public streets and parking areas, permanent physical obstruction and public entry controls (including gate/guard houses) were prohibited.

In August 2008, the owners of the subject property requested an amendment to allow for the construction of a greeting kiosk with a first responder unit to be located in the center of the sole public street providing access to the site.

On August 5, 2008, Commission staff issued a letter reporting the Executive Director's determination pursuant to Section 13166(a) of the Commission's regulations and rejecting the amendment application (Exhibit 6). The standard the Executive Director applied in deciding to reject the application is provided in Section 13166(a) of the Commission's regulations and states as follows:

***The executive director shall reject an application for an amendment . . . if he or she determines that the proposed amendment would lessen or avoid the intended effect of [a] permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.***

The Executive Director rejected the application because he determined that it would lessen or avoid the intended effect of the existing permit to provide public access across the site, and because the applicant did not present any newly discovered material information.

Staff recommends that the Commission *concur* with the Executive Director Determination to reject the subject amendment application, A-5-RPV-02-324-A7, which requests the construction of a greeting kiosk/guard house located in the center of the only public street providing access to the subject site. The appeal of the Executive Director's determination to reject Amendment Application A-5-RPV-02-324-A7 must be denied pursuant to the requirements of Section 13166 of the Commission's regulations because: (1) the proposed amendment to construct a greeting kiosk would lessen or avoid the intended effect of the permit and (2) the applicants have not presented any newly discovered material information that could not, with reasonable diligence, have been discovered and produced before the permit was granted.

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### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Rancho Palos Verdes, Certified Local Coastal Program, 1981
2. City of Rancho Palos Verdes, Coastal Development Permit No. 166. (Appealed)
3. City of Rancho Palos Verdes, Variance No. 489
4. City of Rancho Palos Verdes, Tentative Parcel Map No. 26073, as amended October, 2005 to permit four parcels and 152 condominium units Coastal Development Permit A-5-RPV-02-324
5. Revision 'G' to Conditional Use Permit #215 Staff Report, City of Rancho Palos Verdes (Council approved March 4, 2008)
6. *Terranea Resort Parking Development Planning, The Hospitality and First Responder Kiosk*, prepared by Ultimate Hotel Parking Solutions, dated May 9, 2008.

### **LOCAL APPROVALS RECEIVED:**

Approval in Concept from the City of Rancho Palos Verdes City Council dated December 5, 2006, Resolution No. 2006-92

**EXHIBITS:**

1. Vicinity Map
  2. Parcel Map
  3. Site Plan with Kiosk Location
  4. Kiosk Design Schematics
  5. Application A-5-RPV-234-A7-EDD
  6. Application Rejection Letter
  7. Appeal Letter for Executive Director's Determination
  8. Letter from County of Los Angeles Fire Department
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**I. STAFF RECOMMENDATION**

**CONCUR WITH EXECUTIVE DIRECTOR'S DETERMINATION**

**MOTION:**     *I move that the Commission overturn the Executive Director's decision to reject Coastal Development Permit Amendment Application No. A-5-RPV-02-324-A7.*

**STAFF RECOMMENDATION:**

Staff recommends a **NO** vote on the motion, thus rejecting it. Following the staff recommendation to reject this motion will result in the Commission upholding the Executive Director's determination and rejecting the amendment application and in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

**RESOLUTION TO CONCUR WITH THE E.D.'S DETERMINATION:**

The Commission hereby concurs with the Executive Director's determination to reject Coastal Development Permit Amendment Application No. A-5-RPV-02-324-A7 on the grounds that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit and that there is no newly discovered material information which, in the exercise of reasonable diligence, could not have been discovered and produced before the permit was granted.

**II. STANDARD OF REVIEW**

The standard of review for the appeal of the Executive Director's rejection of an amendment application requires the Commission to overturn the Executive Director's rejection of the amendment application if the Commission finds that either: (1) the proposed amendment would not lessen or avoid the intended effect of an approved or conditionally approved permit or (2) the applicant has presented newly discovered material information that could not, with reasonable diligence, have been discovered and produced before the permit was granted. (14 C.C.R, Section 13166(a)(1))

### **III. AUTHORITY FOR EXECUTIVE DIRECTOR DETERMINATION AND PROCEDURAL PROVISIONS**

The authority for the Commission's determination is provided by California Code of Regulations (C.C.R.), Title 14, Section 13166(a) (Amendments to Permits Other Than Administrative Permits), which states:

***(a) The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.***

***(1) An applicant may appeal the executive director's determination to the commission. The appeal must be submitted in writing and must set forth the basis for appeal. The appeal must be submitted within 10 working days after the executive director's rejection of the amendment application. If timely submitted, the executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable and shall provide notice of the hearing to all persons the executive director has reason to know may be interested in the application.***

***(2) If the commission overturns the executive director's determination, the application shall be accepted for processing in accordance with subsection (c) below.***

After Commission approval of a coastal development permit, Title 14 of the C.C.R., Section 13166 requires the Executive Director to reject any amendment application that would lessen or avoid the intended effect of the permit unless the applicant presents newly discovered material information that he could not, with reasonable diligence, have discovered and produced before the permit was granted. Rejection of an amendment application discontinues any further processing of the amendment application.

Within 10 working days after the Executive Director's rejection of an amendment application, the applicant may appeal the Executive Director's determination. If the applicant appeals this determination, the Executive Director is required to schedule a hearing on the appeal at the next Commission hearing or as soon thereafter as practicable. If the Commission overturns the Executive Director's determination, the application shall be accepted for processing.

In this case, the Executive Director notified the applicants in a letter dated August 5, 2008 (Exhibit 6), that coastal development permit amendment application A-5-RPV-02-324-A7 (Exhibit 5), to construct an entryway greeting kiosk that would also house a first responder unit must be rejected pursuant to Commission regulations, 14 C.C.R. Section 13166. The applicants responded within the 10 working day appeal period in a letter dated August 14, 2008, that the applicants do not agree with the Executive Director's determination and therefore request the Commission follow the procedures provided by Section 13166(a)(1) of Title 14 of the California Code of Regulations and schedule a hearing to appeal the determination (Exhibit 8).

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. Project Location and History**

The project site is located at 6610 Palos Verdes Dr. South, in the City of Rancho Palos Verdes (Exhibit 1 and 2). The site forms a triangular peninsula that is seaward of Palos Verdes Drive South. It is the former Marineland Aquatic Park property that closed down in 1985. The site consists of flat graded areas and steep cliffs that support coastal bluff scrub habitat areas for the endangered El Segundo blue butterfly. A small cove with a sandy beach exists along the southern boundary of the property that provides access for the public to the shoreline. The site had some existing development including large surface parking lots, vacant buildings and the Catalina Room banquet facility. Construction is now underway for the approved development with an estimated completion date of some time during the 2009 calendar year.

Urgency Ordinances adopted by the Rancho Palos Verdes City Council upon the closure of Marineland established a requirement for coastal access and public parking on the Long Point property. The parking and coastal access remain open during daytime hours from one hour before sunrise to one hour after sunset.

### **B. Past Commission Action**

The project site has been the subject of past Commission actions regarding the commercial and residential development. The principal actions taken by the Coastal Commission with respect to the subject property are summarized below. The original 2003 coastal development permit for the subject site and the subsequent amended coastal development permits (A1 – A6) are described below.

#### **Description of Project Originally Approved:**

Construction of a 582 room resort: (400 hotel rooms and 82 units consisting of 50 three-keyed “casitas”, and 32 “villas”, golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces, open space and 784,550 cubic yards of grading on a 102.1 acre site. The proposed project includes Tentative Parcel Map No. 26073, which creates four parcels.

#### **Description of Amendment 1 withdrawn June 2005 (A-5-RPV-02-324-A1):**

Authorize the conversion of 70 units (106 hotel guestrooms) in a 582-room resort hotel to limited occupancy resort condominiums, which will be operated by the hotel.

#### **Description of Amendment 2 approved September 2005 (A-5-RPV-02-324-A2):**

Modifications to the project site plan including a reduction of the hotel building footprint and relocation of the specialty restaurant and adjustment of the boundary of the bluff top “Habitat Enhancement Area,” Zone B, an “80 foot wide Coastal Bluff Scrub and Coastal Sage Scrub Zone” adjacent to the top of the bluff. The applicant proposed to provide a narrower buffer adjacent to a public parking lot at the northwest corner of the property, and adjacent to an

emergency access road. The applicant proposed to balance these reductions in width by increasing the width of Zone B in areas adjacent to these modified areas to up to 150 feet. The applicant also proposed to widen an existing drainage in the southeast corner of the property in order to protect existing willows.

Description of Amendment 3 Approved August 2005 (A-5-RPV-02-324-A3):

Authorize the conversion of 82 units (50 three-keyed “casitas” and 32 “villas”) into 82 separate condominiums (with a total of 182 rentable spaces), enabling each of the 82 units to be sold as an independently owned condominium, which would be operated by the hotel as limited occupancy resort condominiums.

Description of Amendment 4 Approved November 2005 (A-5-RPV-02-324-A4):

Request to amend A-5-RPV-02-324 in order to provide funding to partially offset the Commission's costs for its consideration of the permit application and condition compliance. This funding will provide additional temporary personnel so that a team of permanent Commission staff can expedite the review of documents prior to issuance of documents for Appeal A-5 RPV-02-324.

Description of Amendment 5 Approved May 2006 (A-5-RPV-02-324-A5):

Conversion of 70 units (106 hotel guestrooms) in a 582-room resort hotel to limited-occupancy resort condominiums, which will be operated by the hotel. Conversion will include 66 guestrooms located in the main hotel building, and 40 guestrooms located in twenty two-guestroom “bungalows.” After conversion, the 70 units will continue to provide 106 rentable units (guestrooms). The hotel now provides 182 guestrooms within 82 for-sale units and 400 hotel-owned guestrooms. After the conversion, the hotel developer will continue to own 294 guestrooms.

Description of Amendment 6 Approved June 2006 (A-5-RPV-02-324-A6):

Modify the site plan, including reducing the hotel building footprint, reducing the number of Villa buildings, eliminating the parking structure and reconfiguring the surface parking area, eliminating the two tennis courts, changing the golf amenity from a 3-hole practice facility to a 9-hole short game golf academy, extending a 28-foot wide (20 feet paved) fire road to the lower pool area on a graded bench below the bluff top, and modifying the Marineland Trail, ADA-Compliant Coastal Access For Disabled Trail, Resort Entry Trail and Shoreline Access Ramp.

**C. Amendment Request A-5-RPV-02-234-A7**

The proposed amendment to Coastal Development Permit A-5-RPV-02-234-A7 received in the California Coastal Commission’s Long Beach office on July 25, 2008, requested an amendment to allow for the construction of a greeting kiosk with a first responder unit to be located in the center of the sole public street providing access to the site. (Exhibit 3, 4 and 5)

The amendment did not seek to eliminate or alter Special Condition 2-E which placed development restrictions on the original approved project that would impact public access across the site. More specifically within this condition, in reference to public streets and parking

areas, permanent physical obstruction and public entry controls (including gate/guard houses) were prohibited.

#### **D. Executive Director's Determination**

In response to amendment request A-5-RPV-02-234-A7, a letter transmitting the Executive Director's Determination, dated August 5, 2008, explained that the proposed amendment must be rejected pursuant to Section 13166 of the California Coastal Commission Regulations (California Code of Regulations, Title 14, Division 5.5) because construction of a greeting kiosk/guard house in the center of the sole public road providing access to the site would avoid the intended effect of the permit and no newly discovered information was submitted as part of the amendment application that could not, with reasonable diligence, have been produced before the permit was granted (Exhibit 6).

The subject site must comply with several relevant public access policies in the Coastal Act and the City of Rancho Palos Verdes certified Local Coastal Program (LCP), including the following:

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.*

The City's certified LCP reflects the linear nature of the City's coastal zone, which is a flat coastal plain that ends in unstable cliffs. The unstable cliffs often have sensitive habitat and throughout the City, the public jogs/walks along the tops of the cliffs and gains access to the beach over steep trails. The LCP addressed this by identifying corridors for access, habitat and views.

The Corridors (Access Corridor) Element of the Land Use Plan portion of the certified LCP states:

*Continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments, but designed so as to retain privacy for adjacent residences within these developments.*

The Corridors Element of the certified LCP states:

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



Policy No. 2 of the Urban Environment Element of the certified LCP states:

*It is the policy of the City to encourage new developments adjoining public trails to design internal trails to link with the public trails.*

The Executive Director's Determination explained the permit history of the site and the requirement that development comply with the public access policies of the Coastal Act and the City's certified LCP. More specifically the Executive Director's Determination referenced the requirement that no new amendment application could be accepted if it lessened or voided the intent of the original approved permit. Special Condition 2-E Development Restrictions of the original permit states:

- (3) *Long term or permanent physical obstruction of streets, roads and parking areas discussed in 2.D.(2) above, located within Tentative Parcel Map No. 26073, dated May 24, 2006 shall be prohibited. Public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by general public (e.g. preferential parking districts, guest-only parking periods/permits, etc.) associated with any street or public parking areas shall be prohibited.*

Although the amendment application describes the new development as a "greeting kiosk", the structure as designed has the potential to function as a public entry control device in the manner of a guard house and therefore is in direct conflict with the Commission approved Special Condition 2-E. The placement of a structure in the center of the only public street that provides access to the site has the potential to hinder public access across the subject site. As described in the application, the kiosk would be manned by trained security personnel 24 hours, and require all persons entering the site to stop and be directed by the staff to available parking and public access trails.

The original permit required that the subject site maintain 100 public parking spaces to be available for the general public during the hours of one hour before dawn to one hour after dusk, and that the applicant offer a public easement over the public parking areas present on site. In reference to this requirement, the Findings for the original permit described that:

*"Pursuant to this requirement the applicant is required to submit a legal description of these parking areas and that **no development occur that impedes the access and availability by the public** from one hour before dawn to one hour after dusk. Ensuring that ten percent of the on-site parking remains free and open to the public is consistent with the certified LCP and the public access policies of the Coastal Act.*

*Since there is no on-street parking available on Palos Verdes Drive South, the provision of public parking is necessary to assure continued public access to the beach on the eastern end of the property."*

The Findings from the original permit emphasize the fact that for the public parking areas on site to remain a viable component of the public access corridors available within the project site, it is imperative that no hindrance of public access be placed between Palos Verdes Drive South and these parking areas. Any structure that could possibly deter the public from accessing these parking areas decreases their value and service to the general public interested in accessing the public trails and beach present on the subject property. While the intentions of the greeting

kiosk may be beneficial to the general operations of the development as a whole, it also has the opportunity to intimidate the general public and to convey a feeling of privatization of the interior portions of the site including the trails and beach, therefore excluding these recreational opportunities from the general public whether that is the designed intention of the structure or not. Additionally, if a specific set of conditions was approved to allow for the operation of a greeting kiosk, enforcement of such conditions would be near impossible and would again present a situation where the public could either intentionally or unintentionally be excluded from the public amenities located throughout the subject site.

The Executive Director's Determination also addressed the First Responder Graphic Display Panel component of the proposed greeting kiosk application. The County of Los Angeles Fire Department required that the applicant include a First Responder Graphic Display Panel as a part of its approved Fire Access plan. The Fire Department required that the Panel be staffed 24 hours a day, and approved the greeting kiosk as an effective location for the Panel within the subject site. No information was provided stating that the location of the proposed greeting kiosk was the only available option for the placement of the panel. The Executive Director's Determination requested additional alternatives to be presented where the panel could be effective in supporting safety across the subject site as required in the Fire Access Plan.

As a result of the above facts, the Executive Director rejected CDP Amendment Application A-5-RPV-02-234-A7.

#### **E. Applicants' Appeal of Executive Director Determination**

The applicants appealed the Executive Director's Determination in a letter from their representative, Michael Hardisty, dated August 14, 2008, requesting that the Commission follow the procedures provided by Section 13166 of Title 14 of the California Code of Regulations ("14 C.C.R.") and schedule a hearing on the determination (Exhibit 7). Attached to the letter was a Parking Development Planning Report prepared by HVS/Ultimate Hotel Parking Solutions and dated May 9, 2008, which was previously submitted as a part of the original amendment application packet.

The applicant's appeal argues the fact that the greeting kiosk as submitted in the proposed amendment would not function as an entry control device as described in Special Condition 2-E of the original permit, and therefore does not lessen or avoid the intent of the original permit. Also they contend that not allowing construction of a kiosk to monitor parking and distribute parking fees conflicts with Special Condition 2-D and 4 which requires that the public parking lots be reserved for the general public and with Special Condition 5-D which allows for the resort to charge resort guests parking fees. Additionally they present the requirement of the Fire Department to maintain a staffed First Responder Graphic Display Panel as newly discovered material information.

First, the applicant presents that the overall project will function as a public resort, completely dependent on an open and welcoming relationship with the public and therefore an entry control point that would hinder public access would be directly in conflict with the spirit of the development. The appeal letter goes so far as to stress this point that the applicant now describes the greeting kiosk/guard house as a "cottage" and the trained personnel as "greeters". The letter also stresses that the development is not a private community. In reality the project as amended has 582 units/rooms located on-site, of which only 294 of these rooms are hotel owned, and the remaining 288 units are privately owned. The applicant describes that the

“cottage” will function as an extension of the front desk assisting visitors with hotel, restaurant, golf and spa reservations, as well as directing them to parking areas and public access points.

Special Condition 2-E of the underlying permit clearly prohibits the construction of any public entry control and goes on to list relevant examples of these controls including gates and guard houses. While the applicant does not propose to construct a gate, any structure constructed in the center of the only public road accessing the site, and requiring all persons visiting the site to stop, functions essentially as a means to control and direct public entry. Whether this structure is defined as a cottage, a greeting kiosk or a guard house is irrelevant to the fact that they all essentially perform the same function of stopping and directing all entrants to the property. This function may and in most instances will provide a benefit to resort guests, however other members of the general public interested solely in accessing the public trails and beaches available on-site may be intimidated by the requirement to be stopped by hotel security staff thereby hindering their access to the coast. Additionally, although the applicant provides assurances that it will always graciously greet and direct the general public and in no way will hinder public access, there is no real way for the Commission to enforce this assertion once the structure is operational. Special Condition 2-E was specific in regards to the prohibition of any public control devices associated with any public street on the subject site, and the amendment application acts to lessen or avoid the intent of this condition and therefore must be rejected as submitted.

Secondly, the applicant argues that the permit, as currently written, restricts the resort from being able to comply with all of the approved conditions of the permit. Special Condition 2-D and Special Condition 4 require the applicant to maintain and reserve 165 public parking spots on-site. Fifty of these parking spaces are located along the northwestern property perimeter at the Point Vicente fishing access trail and parking lot, another 50 are to be reserved at the parking lot located directly east of the proposed kiosk, and the remaining 65 spaces are to be reserved within the adjacent private 223 space lot, in the case that both previously described parking lots are full. Additionally, Special Condition 5-D allow for the resort to collect parking fees from hotel guests. The applicant contends that without a greeting kiosk it would be impossible for the resort to maintain availability to the parking spaces for the general public and to collect parking fees from their clients. Resort staff has stated that they expect parking revenues to generate over one million dollars annually for the resort.

In accepting the terms of the original permit, the applicant agreed to the restrictions placed on the development via the Special Conditions attached to the original permit. No new information has been presented that would warrant the construction of a greeting kiosk/guard house to help facilitate the operation of the resort and its parking requirements under the permit as first issued. Other options certainly are available to monitor and enforce the Special Conditions of the permit related to public parking while at the same time generating revenue from the sale of parking passes to resort guests. The added incentive of the large amount of potential revenue to be generated by the resort from the private parking on-site should provide ample incentive to investigate other functional alternatives to the proposed greeting kiosk/guard house. No other alternatives were attached to application A-5-RPV-02-324-A7 when it was submitted and subsequently rejected.

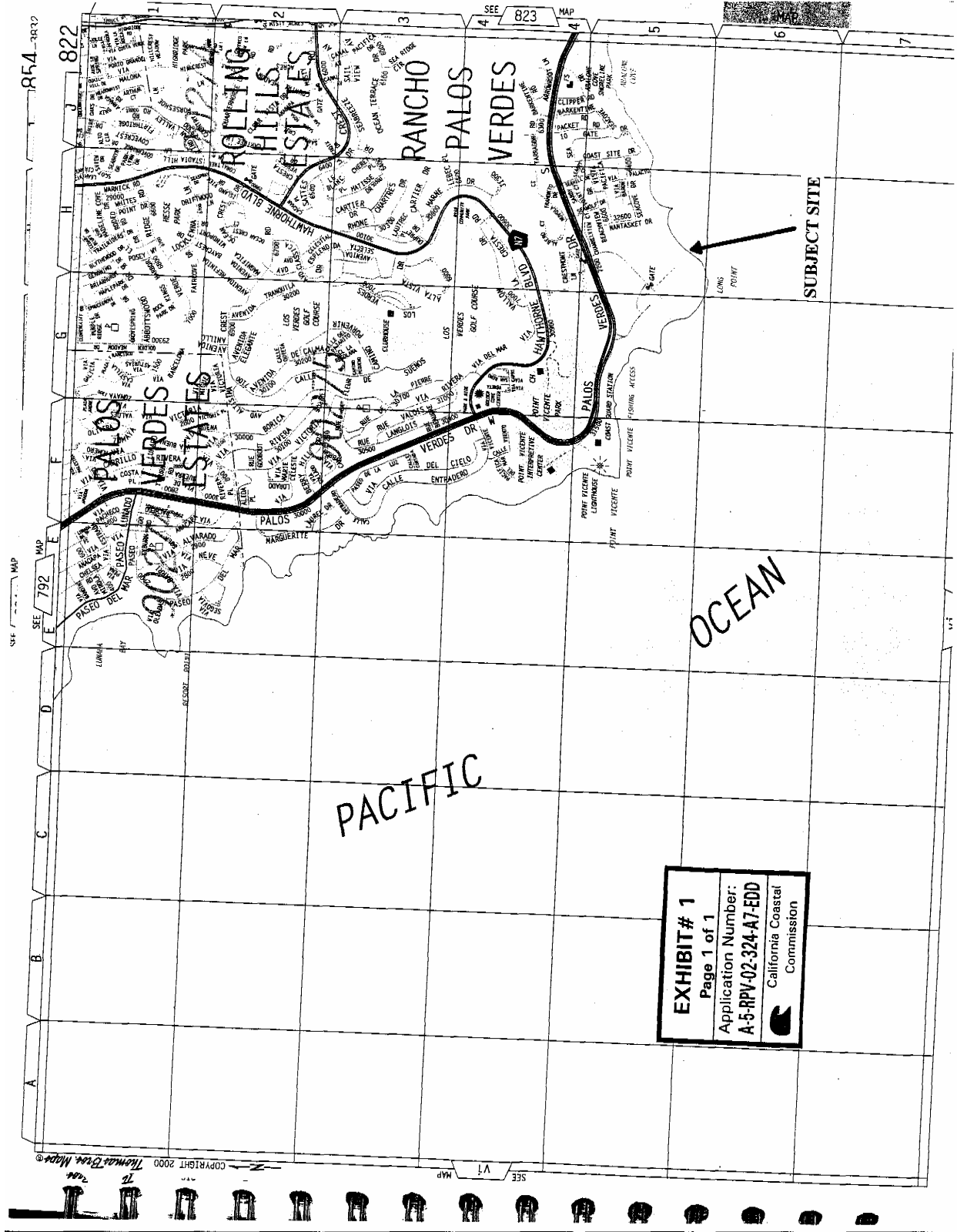
It should also be noted that in reference to both claims made by the applicant above, the original permit contained provisions (Special Condition 4 and 10) to require the resort to install sufficient signage that would illustrate and direct the public and resort guests to the available parking options on-site, therefore again eliminating the need for a greeting kiosk to provide this already available information.

Finally, the applicant has submitted the requirement from the County of Los Angeles Fire department to include a First Responder Graphic Display Responder on-site as a part of the Fire Access plan for the Terranea Resort as another justification for the construction of the greeting kiosk/guard house. In a letter from the Fire Department (Exhibit 8), the Fire Marshall requests that a First Responder Panel be installed on-site and that the panel be manned 24 hours a day. The Fire Marshall also approves the location of the proposed kiosk as an adequate place to house the required emergency device. The Fire Department however, did not require the First Responder Panel to be located specifically within a kiosk at this particular location. While the applicant stresses that this is yet another important reason for the greeting kiosk to be installed as proposed, they have not provided sufficient information to describe why the First Responder Panel must be located in a kiosk located in the center of the only public road providing access to the site, directly in conflict with the Commission approved original permit. They again have not provided any potential alternatives for the location of the First Responder Panel on-site, although they also comment that other alternatives may exist.

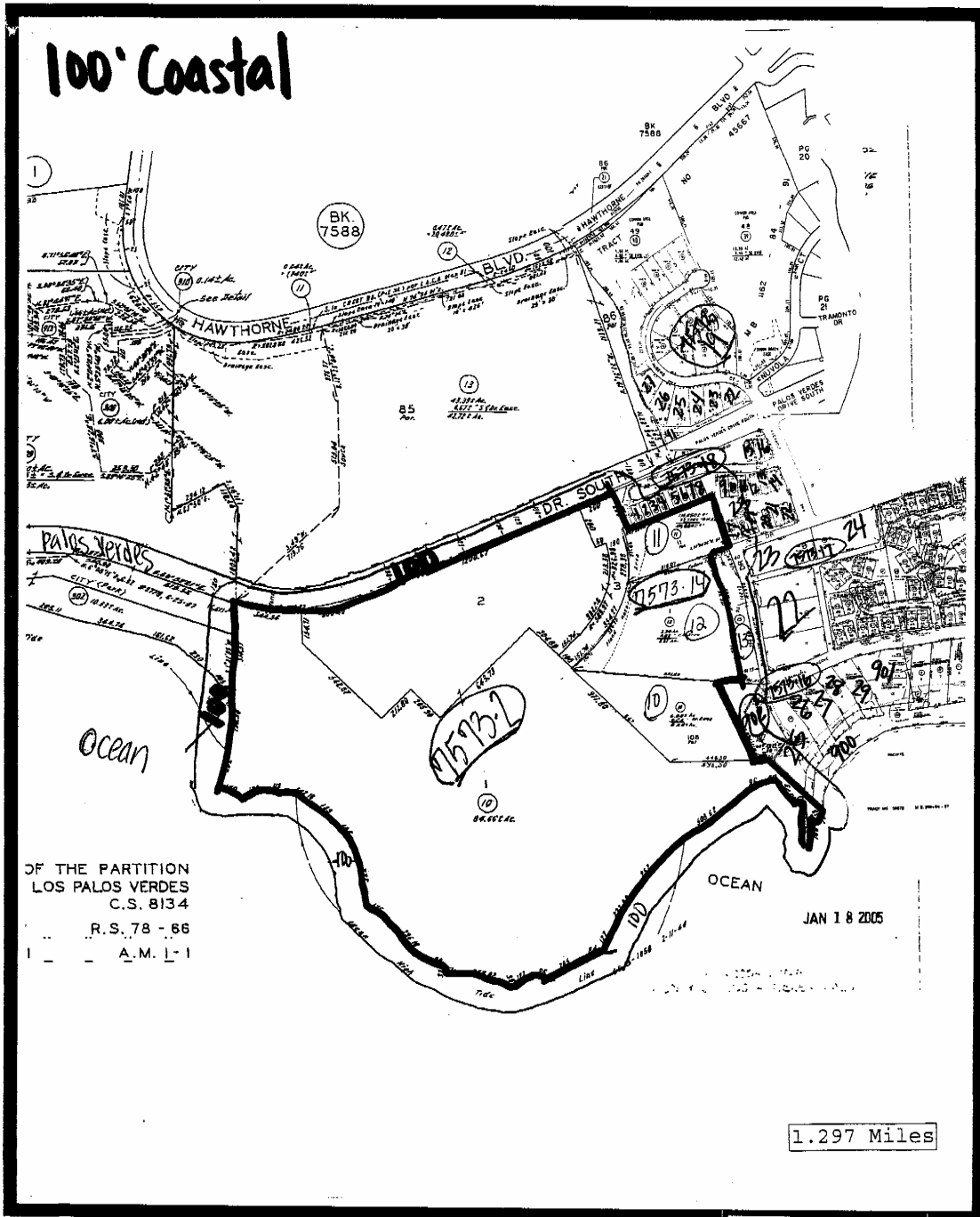
## **F. Conclusion**

This appeal of the Executive Director's rejection of CDP Amendment Application A-5-RPV-02-324-A7 to allow for the construction of a greeting kiosk with a first responder unit to be located in the center of the sole public street providing access to the site does not demonstrate that there are any changed circumstances on the site. The original permit as approved included provisions to ensure public parking and access is maintained on the site while also specifically prohibiting the construction of any public entry control devices on the main streets and sidewalks providing access to the site. The requirement by the Fire Department to have a manned First Responder Panel on-site does not specifically describe the proposed greeting kiosk as the only option for the location of the emergency information device. No alternative locations for the proposed greeting kiosk/guard house were included as apart of the amendment application.

The Commission finds that the appeal must be denied because: (1) the proposed amendment would lessen or avoid the intended effect of Special Condition 2-E of CDP A-5-RPV-03-324 and (2) the applicants have not presented any newly discovered material information that could not, with reasonable diligence, have been discovered and produced before the permit was granted. In addition, construction of the kiosk for entry control cannot be found consistent with PRC Sections 30210 and 30211 concerning the protection and provision of public access and the public access policies of the City's certified LCP. Thus, the grounds necessary for overturning the Executive Director's rejection of an amendment application under Section 13166 of the Commission's regulations have not been satisfied.



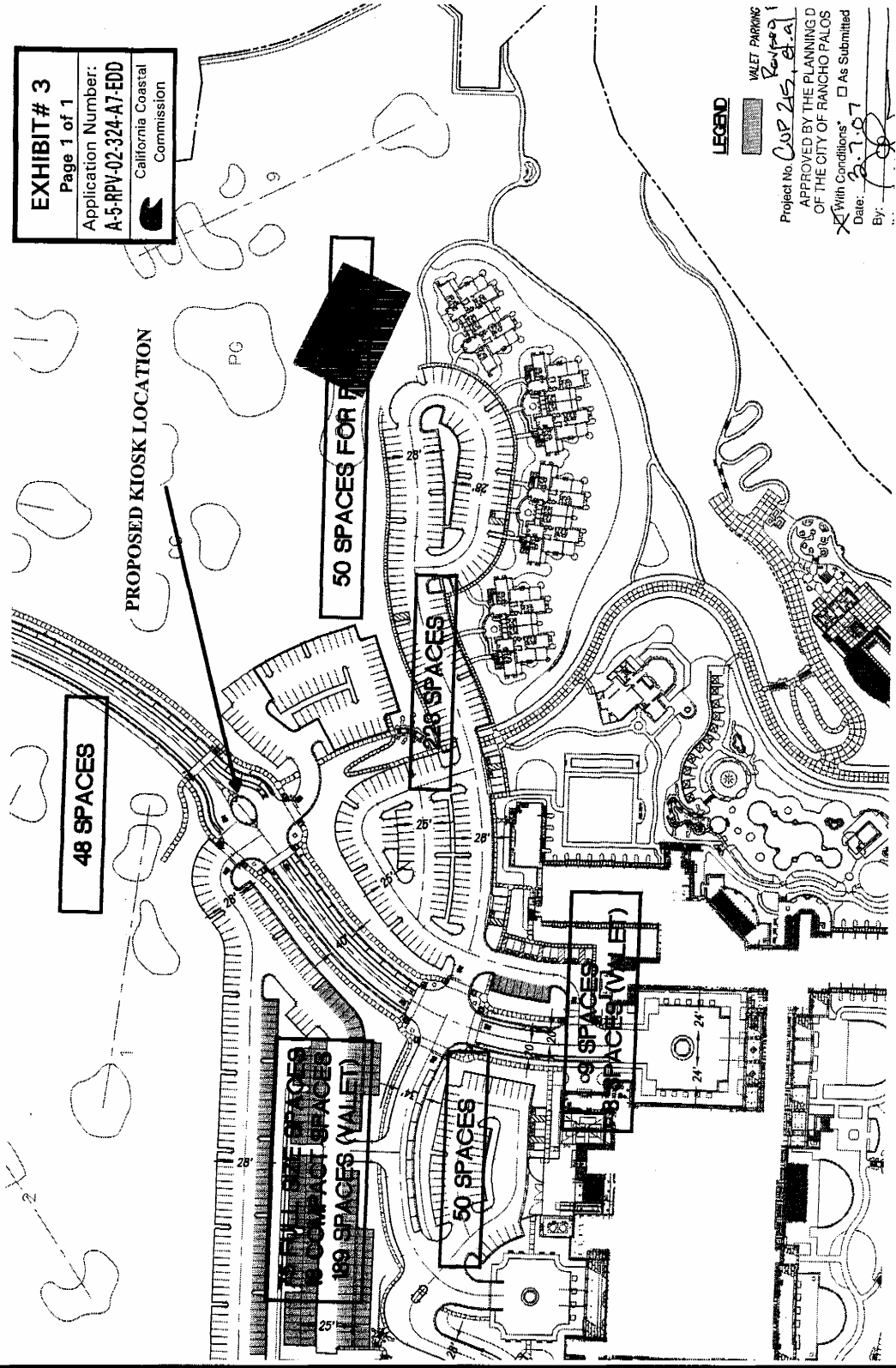
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**Ownership Map**

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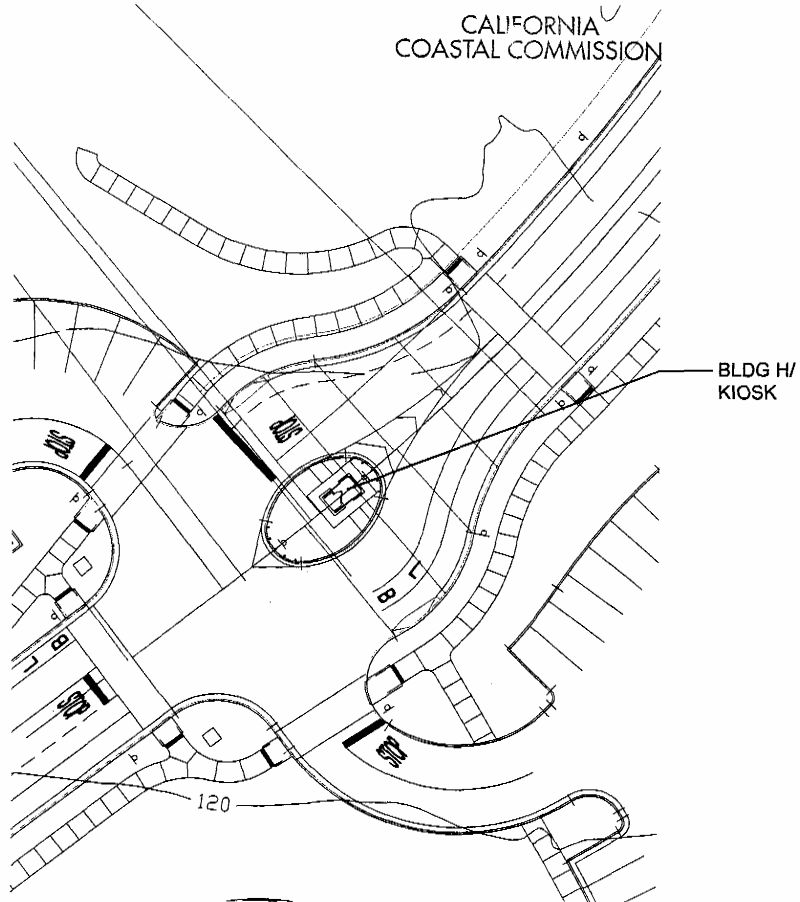
**LEGEND**  
VALET PARKING  
Project No. COP 25-01A  
APPROVED BY THE PLANNING D  
OF THE CITY OF RANCHO PALOS  
Verdes  
Date: 2-7-07  
By: [Signature]

**TERRANEA - KIOSK BUILDING**  
SCHEMATIC DESIGN

**RECEIVED**  
South Coast Region

AUG 26 2008

CALIFORNIA  
COASTAL COMMISSION



SITE PLAN

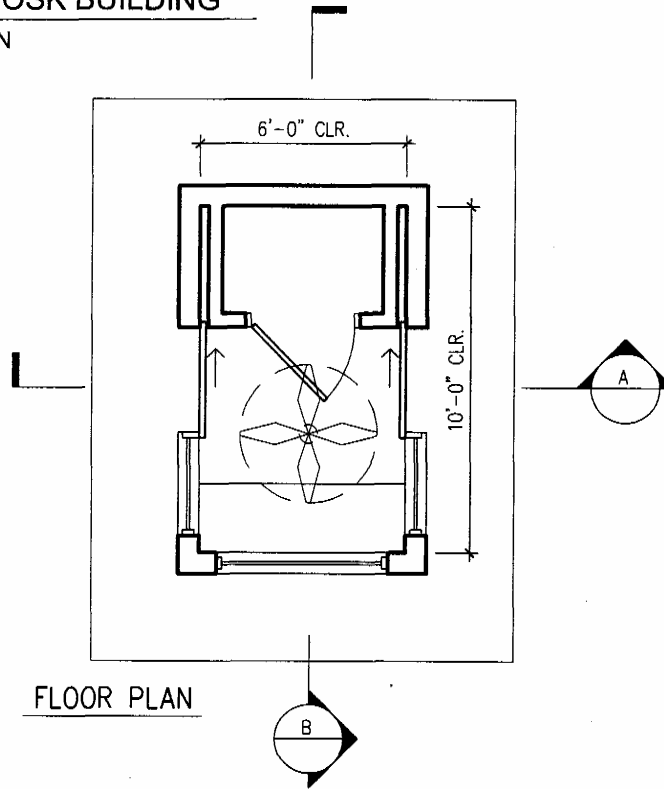
HKS-HILL GLAZIER

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Application Number: <b>A-5-RPV-02-324-A7-EDD</b>
California Coastal Commission

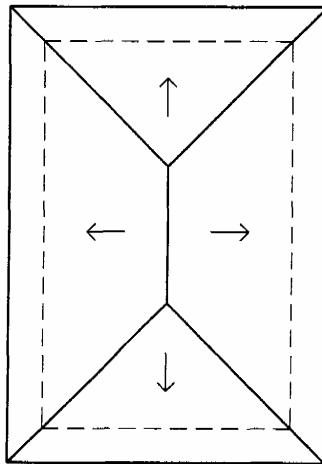


TERRANEA - KIOSK BUILDING

SCHEMATIC DESIGN




FLOOR PLAN

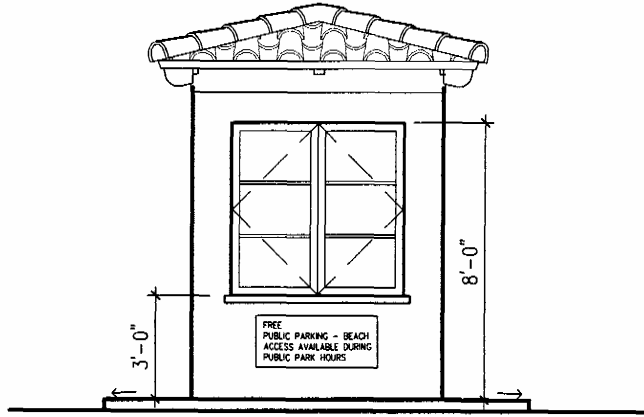


ROOF PLAN

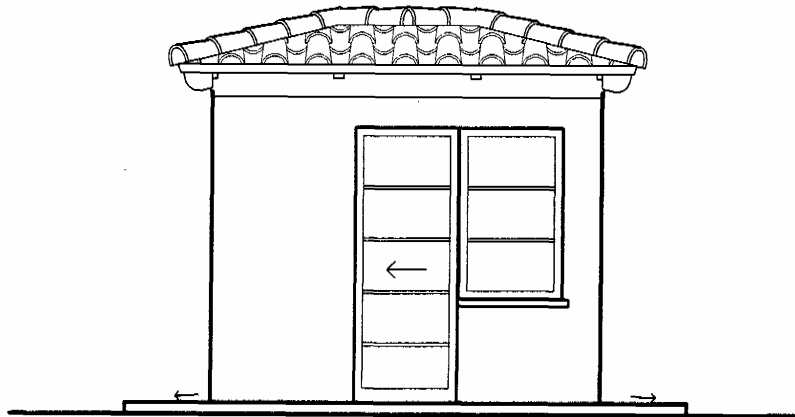
HKS-HILL GLAZIER

<b>EXHIBIT# 4</b>
Page 2 of 4
Application Number: A-5-RPV-02-324-A7-EDD
 California Coastal Commission

**TERRANEA - KIOSK BUILDING**  
SCHEMATIC DESIGN




FRONT ELEVATION

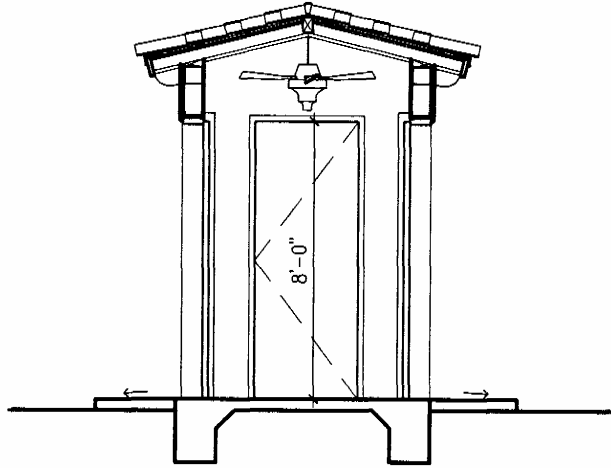


SIDE ELEVATION

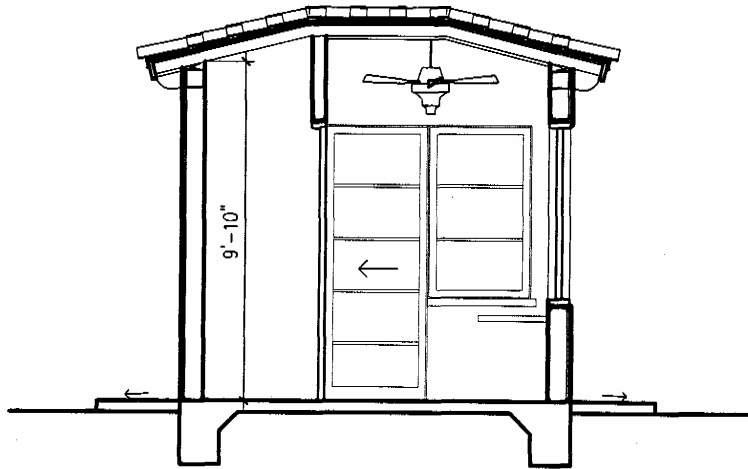
HKS-HILL GLAZIER

<b>EXHIBIT # 4</b>
Page 3 of 4
Application Number: A-5-RPV-02-324-A7-EDD
 California Coastal Commission

TERRANEA - KIOSK BUILDING  
SCHEMATIC DESIGN




SECTION-A



SECTION-B

HKS-HILL GLAZIER

<b>EXHIBIT # 4</b>
Page 4 of 4
Application Number: A-5-RPV-02-324-A7-EDD
 California Coastal Commission

Jun-27-08 03:35pm From-California Coastal

+5625905084

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South Coast Region

JUL 25 2008

CALIFORNIA  
COASTAL COMMISSION

AMENDMENT REQUEST FORM

1. Permit Number A-5-RPV-02-324-A7(A7)
2. Applicant's Name  
LONG POINT DEVELOPMENT LLC.

310-802-7400

(area code and phone no.)

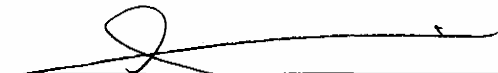
Name, mailing address and telephone number of applicant's representative, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.

TODD MAXHER, 100 TERRENEA WAY, RANCHO PALOS VERDES CA  
90275.

OTHER REPRESENTATIVES: MIKE TANDE, MICHAEL HARDISTY.

Describe Proposed Amendment

PLEASE SEE ATTACHED SUBMITTAL FOR TERRENEA  
HOSPITALITY (GABRIEL) + FIRST RESPONDER KIOSK.

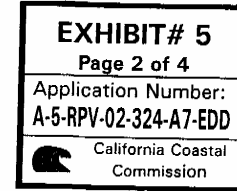
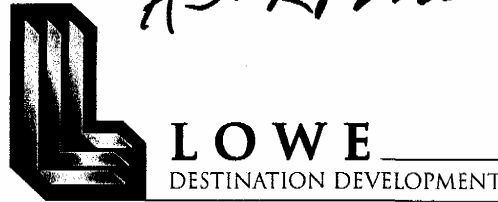
  
Applicant's / Agent Signature

6-20-08

Date

<b>EXHIBIT # 5</b>
Page 1 of 4
Application Number: A-5-RPV-02-324-A7-EDD
 California Coastal Commission

A5-RPV-02-324-A7



December 6, 2006

Ms. Teresa Henry  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, California 90802-4416

Re: Long Point Resort – Greeting Kiosk

**RECEIVED**  
South Coast Region  
JUL 25 2008  
CALIFORNIA  
COASTAL COMMISSION

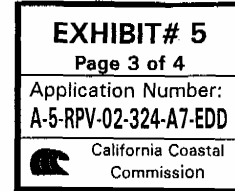
Dear Ms. Henry,

This letter is in regards to the Greeting and First Responders Kiosk (“Kiosk”), approved by the City of Rancho Palos Verdes, proposed to be located at the first intersection on the Resort Entry Drive which will perform several functions essential to the overall operation, success and life safety of Terranea Resort.

Since the Cities approval of the Kiosk, the Los Angeles County Fire Department, has required that Terranea install a First Responder Graphic Display Panel, to be staffed twenty four hours a day, inside the Kiosk. This panel will advise firefighters and paramedics of the location of any emergencies immediately upon entry to the resort, enabling them to dispatch themselves directly to the impacted area quickly without having to track down hotel security staff to do so. This feature has the potential to save both lives and property. (See attached letter from Fire Chief.) Upon receipt of the LACoFD letter we directed our Life Safety Consultant Ralph Jensen Associates to analyze the requirement. They determined that due to the size of the resort and the difficulties that may occur responding to an emergency situation, that the Information and First Responder Kiosk will be beneficial in providing assistance to the Los Angeles County Fire Department. (See Attached Letter)

In addition to the requirements outlined above, the City of Rancho Palos Verdes and the California Coastal Commission both have responsibility for protecting the public’s interest and access to the Resort and its amenities. Both parties have already approved Terranea’s parking management plan and the Coastal Development Permit indicates that Terranea provide 1075 parking spaces. However, the language of the Coastal Development Permit makes it impossible for Terranea to comply with the life safety requirements levied by the Los Angeles County Fire Department. In addition, the Special Conditions allow Terranea to charge Resort Hotel Guests for parking. However, other Special Conditions of the Coastal Development Permit make it

First Responder and Greeting Kiosk Narrative  
May, 2006  
Page 2 of 3



difficult for Terranea do so, or to monitor and enforce the free public parking requirements which have been established.

As such, Long Point Development has retained HVS/Ultimate Hotel Parking Solutions (UHPS) to assist with the planning of the operation. There report is attached to this submittal. The goals of this plan are as follows:

1. Maximizes the resort's potential to deliver both adequate life safety as required by the Los Angeles County fire Department,
2. Protect the public's interest in the facility by complying with all requirements of the public agencies having jurisdiction over the property,
3. Maximizes the resort's potential to deliver luxury service to its clients and achieve financial success,
4. Satisfies all of these needs in a method that is operationally feasible.

Included in the information provided in this submittal, our analysis indicates that the concept which we are proposing is not a new idea and typical of resort Properties. The "greeting" aspect of the kiosk will perform as an extension of the front door, with doorman trained to direct First Responders, welcome visitors, direct the public to free parking and provide information. The Kiosks intent is to not act as an impediment to public access but rather insure it's success. The Commission has already set precedents for kiosks at several hotels that are very similarly situated in regards to beach access. We have identified a host of hotel and other commercial/municipal parking facilities inside the Coastal Zone that are fully gated and even charge the public for access. Terranea has no wish to go this far, and as such we see our kiosk plan as something that is consistent with the intent of the Coastal the Commission and the Developer.

It should be noted that having no direction or guidance at the entrance to the facility makes it extremely challenging for Long Point to enforce the Commission's requirements for reserved public spaces. The hospitality and first responder kiosk provides an answer to all three of the goals stated above by assisting the life safety process, protecting public access and enjoyment of the coastal amenities, by allowing the hotel to offer luxury service and generate parking income from non-public parkers, and to fulfill all of these needs in a feasible manner.

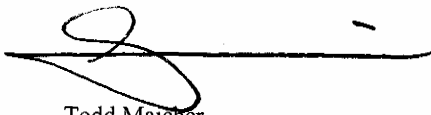
As Conditioned signage at the Resorts main entry and signage at the Kiosk will clearly delineate public access. In addition, public parking, public access and public amenity signage will be appropriately displayed at the kiosk, to insure that all public amenity and beach users have free

First Responder and Greeting Kiosk Narrative  
May, 2006  
Page 3 of 3

access to parking. By placing the greeting kiosk as shown at the northern most four way intersection we are assured that either the 65 car public parking area and eastern parking lots in their entirety are available for public spaces during the period one hour before sunrise and one hour after sunset.

Please contact me at your earliest convenience if anything here is contrary to your understanding so that we may remedy the matter.

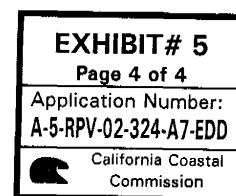
Sincerely,



Todd Majcher  
Long Point Development, LLC

cc:

Michael Hardisty  
Mike Tande  
Bob Lowe  
Ara Mihranian



**A-5-RPV-02-234-A7-EDD**  
**(Long Point Development LLC)**  
**Page 23**

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA COASTAL COMMISSION**

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



August 5, 2008

Todd Majcher  
11355 W. Olympic Boulevard  
Los Angeles, CA 90064

Re: Coastal Development Permit Amendment  
A-5-RPV-02-324-A7 (Long Point Development LLC)

Dear Mr. Majcher,

We are in receipt of your application which was submitted on July 25, 2008, to amend Coastal Development Permit (CDP) A-5-RPV-02-324 for the construction of a hospitality kiosk and first responder unit. The underlying CDP authorizing construction of the resort hotel and condominiums, golf course practice facility, club house, conference center and restaurants as well as public amenities including trails and public parking spaces on the property was approved by the Commission subject to several special conditions, specifically including the provision that physical obstruction of streets, roads and public parking be prohibited. The Commission found that the proposed development could only be approved subject to the above referenced special conditions regarding the provision of public access.

Pursuant to Section 13166 of the California Coastal Commission Regulations (Title 14, Division 5.5) Article Five, the Executive Director shall reject an application for an amendment to a previously approved permit if such amendment would serve to lessen or avoid the intended effect of those conditions. Section 13166 states, in relevant part:

*The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.*

The recently submitted amendment application is for the construction of a new hospitality kiosk located in the center of the sole street that accesses the subject property. The application proposes that the kiosk will function as a greeting kiosk for resort guests, as an aid in managing the public and private parking lots on-site, and as a first responder unit for the fire department. Special Condition 2-E Development Restrictions states:

- (3) *Long term or permanent physical obstruction of streets, roads and parking areas discussed in 2.D.(2) above, located within Tentative Parcel Map No. 26073, dated May 24, 2006 shall be prohibited. Public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by general public (e.g. preferential parking districts, guest-only parking periods/permits, etc.) associated with any street or public parking areas shall be prohibited.*

While the new application describes the proposed development as a greeting kiosk, the structure as designed has the potential to function as a public entry control device in the manner



**A-5-RPV-02-234-A7-EDD**  
**(Long Point Development LLC)**  
**Page 24**

*CDP Amendment Application A-5-RPV-02-324-A7*  
*Page 2 of 2*

of a guard house. The structure as proposed could present both a physical and emotional barrier to the public as they enter the property to access the on-site public parking spaces, trails and beach access. A traffic control point, manned by trained security personnel 24 hours a day, would restrict or hinder public access in direct conflict with the Special Conditions approved by the Commission for the original permit.

Additionally, although described as a suitable location for the proposed First Responder Graphic Display Panel by the Fire Department, no information presented describes the entry kiosk as the only location on the subject site where the Panel could be effective.

Thus, the Executive Director determines that the proposed amendment request to construct an entry kiosk would avoid the intended effect of the permit and that no newly discovered information has been submitted as part of the submitted application which could not, with reasonable diligence, have been produced before the permit was granted. Accordingly, pursuant to Section 13166 of the California Code of Regulations and for the reasons stated above, CDP Amendment Application A-5-02-324-A7 is rejected. You may appeal this determination in accordance with Section 13166(a)(1) that states in part:

*An applicant may appeal the executive director's determination to the commission. The appeal must be submitted in writing and must set forth the basis for appeal. The appeal must be submitted with 10 working days after the executive director's rejection of the amendment application...*

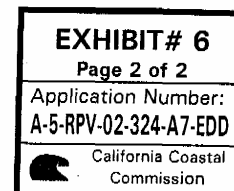
Thank you for your inquiry into this matter. If you have any further questions regarding this matter, please contact me at (562) 590-5071.

Sincerely,



Gabriel Buhr  
Coastal Programs Analyst

cc: Gary Timm  
Teresa Henry  
Jack Ainsworth

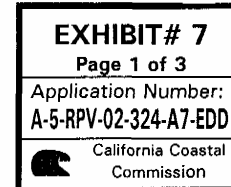


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South Coast Region

AUG 26 2008



**LOWE** CALIFORNIA  
DESTINATION DEVELOPMENT COASTAL COMMISSION



August 14, 2008

Mr. Gabriel Buhr  
Coastal Programs Analyst  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, California 90802-4416

Re: Coastal Development Permit Amendment A-5-RPV-02-324-A7

Dear Mr. Buhr,

This letter is in regard to our recently submitted amendment application for the construction of a Greeting and First Responders Kiosk at Terranea Resort. Per your letter dated August 5, 2008 our amendment application has been rejected by the Executive Director pursuant to Section 13166 of the California Coastal Commission Regulations (Title 14, Division 5.5) Article 5; which states in relevant part that:

*The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.*

Pursuant Section 13166, your August 5<sup>th</sup> letter cites the following reasons for this rejection. Firstly, that the Greeting and First Responders Kiosk has the potential to function as a public entry control device in the manner of a guard house. Secondly, The structure as proposed could present both a physical and emotional barrier to the public as they enter the property to access the on-site public parking spaces, trails and beach access and that a traffic control point, manned by trained security personnel 24 hours a day, would restrict or hinder public access in direct conflict with the Special Conditions approved by the Commission for the original permit.

We disagree with the Executive Director's determination that the proposed Greeter and First Responder Cottage presents a "physical obstruction of streets, roads and public parking" as described in CDP A-5-RPV-02-324 and as such would "avoid the intended effect of the permit". The Director further states that "the structure as proposed could present both a physical and

CDP Amendment Rejection Appeal  
August 14, 2008  
Page 2 of 3

emotional barrier to the public". We contend that this is speculation and without merit given the fact that Terranea is a public resort, completely dependent on not only free and unobstructed public access but access that is enhanced by a gracious welcome upon arrival. This is consistent with the majority of first class resorts similar to Terranea in size, scope and complexity including several located within the California Coastal Zones. Terranea is not a private community.

To the contrary we contend that the proposed "cottage" and the operational plan underlying it will serve to enhance and support the intended effect of the permit as follows;

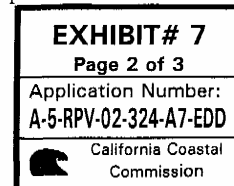
All visitors will be greeted, welcomed and assisted with directions depending on their desires which will range from those seeking free public parking and coastal access, hotel, restaurant, golf and spa guests, and guests and participants of special events among others. It is only appropriate for all the above to be welcomed and assisted in such a fashion. The "Greeters" assigned this responsibility will be professionally trained and scripted in exactly the same manner as the Doorman, Guest Reception and all Hospitality functions within the Hotel. It is important to remember a resort depends totally on public access and is driven by a culture of hospitality that is graciously extended to all visitors all of the time. It is not a private community and has no element of exclusivity.

We are required by Special Condition 2.D (1) (b) and Special Condition 4. A to reserve 50 spaces for free public/coastal access parking from the hours of one hour before sunrise and one hour after sundown and when those spaces are fully occupied to reserve the remainder of the 65 spaces and 223 space eastern parking lot in it's entirety to serve this requirement. In order to comply with these requirements management and monitoring is required and will be enabled by the greeter cottage. While the condition is clear in outlining our responsibilities there is an inherent conflict in subsequent language in providing the basis or operational platform on which we can execute our responsibilities and comply.

In addition, Special Condition 5. D (1) (a) provides for charging hotel guests, restaurant, golf, spa and special event guests parking, including the use of the spaces referenced above during the hours of one hour after sundown to one hour before sunrise. Management and monitoring is essential to operate under these conditions.

The above relates to the ability to serve the public, meet the requirements of the conditions and to optimize parking revenue where and when appropriate. What could be far more important in the event of a medical or other emergency is the First Responder function of the proposed Greeter's Cottage.

In responding to this new information and requirement by Los Angeles County Fire Department it was determined that the optimum location for a graphic display panel would be the Greeter Cottage which will be manned twenty four (24) hours per day seven days per week. It is indisputable that an alternate location could be determined but none that would provide the advantages of the current proposal. This is not an area where compromise is appropriate or acceptable.



**A-5-RPV-02-234-A7-EDD**  
**(Long Point Development LLC)**  
**Page 27**

CDP Amendment Rejection Appeal  
August 14, 2008  
Page 3 of 3

The Executive Directors determination appears to be based on how the proposed program would be operated rather than on the physical characteristics of the structure. Similar arguments were overcome when the proposal was approved by the City of Ranch Palos Verdes. It is just illogical that a resort would present a "physical and emotional barrier to the public" in any form whatsoever. There will be nothing intimidating about the arrival sequence to Terrance regardless of the intent of the arriving party.

It is with this information provided as a basis for appeal and in accordance with Section 13166 (a) (1) of the California Coastal Commission Regulations, we are requesting that Executive Director schedule our appeal with the Commission at the soonest available hearing.

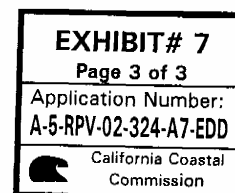
For your convenience we have attached the supporting information and illustrations previously provided with the amendment request.

We appreciate your time and attention to this matter to date and we look forward to an opportunity to present our position to the Commission at the October meeting.

Sincerely,

Michael Hardisty  
Executive Vice President  
Lowe Destination Development, Inc.

CC: Bob Lowe  
Todd Majcher  
Mike Tande





COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
323 890-4144

P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN

November 8, 2007

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South Coast Region

AUG 26 2008

CALIFORNIA  
COASTAL COMMISSION

Mr. J. Todd Majcher, Vice President  
Long Point Development  
6610 Palos Verdes Drive South  
Rancho Palos Verdes, CA 90277

Dear Mr. Majcher:

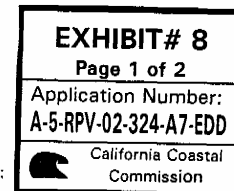
This letter is in regard to the Fire Access Plan for Terranca Resort approved by the Los Angeles County Fire Department, and as follow-up to previous meetings with both Chief Poster and me. Based upon these discussions, the Los Angeles County Fire Department is requesting that Long Point Development provide a First Responder Graphic Display Panel at the location defined on the attached plan. This panel will provide emergency personnel with an illuminated map delineating the specific locations of emergency incidents on the property. In addition to the Graphic Display Panel, the location provided will be staffed 24 hours a day to provide First Responders unfettered access.

Please feel free to contact me if you wish to discuss this matter further.

Sincerely,

ASSISTANT FIRE CHIEF MARK NELSON  
FIRE MARSHAL

MN:pm



SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

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ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
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CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY

DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
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LYNWOOD

MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
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PARAMOUNT  
PICO RIVERA

POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
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