

CALIFORNIA COASTAL COMMISSION

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

Th 20a

December 5, 2013



ADDENDUM

[Click here to go to original staff report](#)

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: SOUTH COAST DISTRICT STAFF

SUBJECT: ADDENDUM TO ITEM Th20A, APPEAL SUBSTANTIAL ISSUE / DE NOVO HEARING A-5-RPV-12-350 FOR THE COMMISSION MEETING OF December 12, 2013

Please find attached:

- 1) A presentation booklet by the applicant's representatives
- 2) Public comment letters, in support of, and in opposition to, the staff recommendation.
- 3) Ex-parte communication forms

A-5-RPV-12-350 (KHOSLA)

**3344 PALOS VERDES DRIVE WEST
CITY OF RANCHO PALOS VERDES,
LOS ANGELES COUNTY**

Item Th20a

December 12, 2013

CCC Hearing

A copy of these briefing materials has been provided to CCC District Staff.

Location

2

3344 Palos Verdes Drive West, RPV



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Microsoft Corporation, 2013

Proposed Project

3

Construction of a two story single-family residence with attached garage, grading, and four associated retaining walls on a one-acre vacant lot within a residential neighborhood.

Subject Site



California Coastal Records Project, Image 201310410

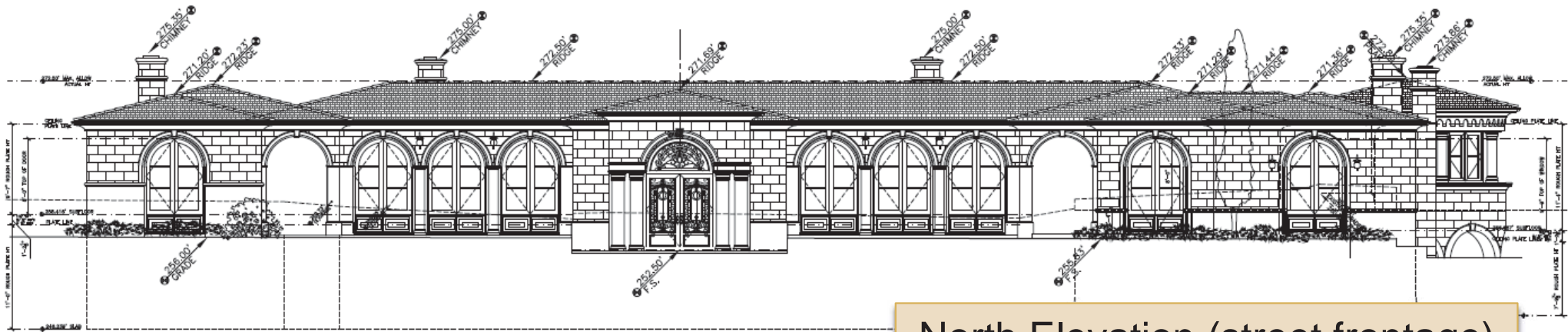


Subject Site

Southbound Palos Verdes Drive West

Proposed Project

4



North Elevation (street frontage)



East Elevation

Appeal Issues/Project Revisions

5

Conformance w/City's LUP View Protection Policies

- ▣ Specific protection of views along Palos Verdes Drive West required
- ▣ Many existing views blocked by development and/or vegetation
- ▣ As originally approved, structure would obstruct views from Palos Verdes Drive West

Project Revisions

In response to appeal concerns, applicant incorporated following revisions:

- ▣ Lowering finished floor elevation of residence through additional grading;
- ▣ Lowering finished floor elevation by moving residence towards rear of sloping lot; and
- ▣ Reductions in heights of roof and chimneys.

Height Reduction

6



Proposed Residence

7



Visual Simulation

Staff Recommendation

“...if the project is modified to lower the height of the proposed residence, and conditioned to ensure that the views of the coast are protected, the project would conform with the visual protection policies of the City’s certified Land Use Plan. Therefore, staff recommends that the Commission, after a public de novo hearing, approve the permit with special conditions that require the height of the proposed residence to be lowered in order to protect the public’s view of the coast. The applicants agree with the staff recommendation.”

P. 2, CCC Staff Report

Conclusion

9

- Project revised to address appeal concerns and will not result in adverse impacts to public views from Palos Verdes Drive West.
- Development consistent with scale and character of surrounding area.
- Applicant in **agreement** with staff recommendation and requests the Commission approve the project as conditioned.

John A. Schoenfeld

93 Laurel Drive, Rancho Palos Verdes, California 90275

November 27, 2013

John Del Arroz
CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Appeal No. A-5-RPV-12-350 (Khosla, Rancho Palos Verdes)

Dear Mr. Del Arroz:

I am writing to voice my support for the Kholsa's project.

We have resided in Rancho Palos Verdes since 1983 and in the Lunada Pointe neighborhood (which adjoins the Kholsa's property at 3344 Palos Verdes Drive West) since 1991. Our home of 22-plus years is only 600-to-700 feet from the Kholsa's property. The Kholsa's proposed new home is wholly compatible with our neighborhood in size and massing. Claims alleging the Kholsa's new home will substantially block views are false and misleading. In all fact, the Kholsa's new home will be of lesser height than was the home that previously occupied the property.

The Kholsa's new home as designed is a welcomed addition to our neighborhood and I support their project.

Very truly yours,

John A. Schoenfeld

cc: (Leza Mikhail, Associate Planner, RPV Community Development Dept)

Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

Th20a
Permit #: A-5-RPV-12-350
Bob Nelson
Favor project, deny appeal

John Del Arroz
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

DEC 02 2013

December 1, 2013

Ref: **Permit #: A-5-RPV-12-350** (3344 Palos Verdes Drive West)
Chairman, Coastal Commission, Appealed Project

CALIFORNIA
COASTAL COMMISSION

**Brief: RPV Planning Commission Found for Neighborhood Compatibility,
Next Door Neighbor Approves; Most Objectors Live Miles Away**

John,

*In accord with Rancho Palos Verdes Rules and Procedures for Commissions and Committees,
this is written as a private citizen, not as a member of our Planning Commission.*

**Summary: Appealed by Coastal Commission Chairman is Rancho Palos Verdes'
Planning Commission's 6 in favor, 1 against, decision of September 11, 2012.**

***I urge our Coastal Commission to deny our respected Chairman's appeal, thereby
letting this homeowner build the plans before you.***

Background:

1. On Sept. 11 two residents spoke against, one living up hill, looking down, the other living some distance away. The arguments were ocean views, project size and bulk. **However, this is a neighborhood of large, beautiful homes, hence RPV's Planning Commission found for neighborhood compatibility and approved the project 6-1.**
2. **Speaking briefly to ocean view blocking, bulk and mass: The project's block has 6 lots, 4 with homes.** The 1st lot is a two story that blocks ocean views (and has a vineyard as its front yard), next to it is another two story, then a large empty lot that is a park, then this lot, then two one story homes that block ocean views. Eastward are very large homes, recently built, and below ocean views. However, within a mile eastward both the city and the US Coast Guard have long time view blocking foliage. So this one story home has local neighborhood compatibility (Planning Commission 6-1).
3. Rancho Palos Verdes has a distinguished record of **environmentalism. In this case that is not the issue.** Lower than neighbors, this home only partially blocks ocean views.
4. **Expect further letters against this project. Most live 3-4 miles away in Sea View, opposite Trump National. I respect their becoming involved but realize, somehow, they always manage to testify to the effect their sky is falling! Remember, 42,000 live in RPV and how many oppose? Less than 1/20th of 1%!**

We appreciate our Chairman's concern but to deny this homeowner the ability to build a neighborhood compatible home, confirmed by his Planning Commission 6-1 on September 11, 2012, I hope is not the decision of the Commission as a whole.

Thank you for this opportunity.

Sincerely,

Bob Nelson

HAPPY HOLIDAYS, JOHN!

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

RECEIVED
South Coast Region

DEC 02 2013

November 29, 2013

CALIFORNIA COASTAL COMMISSION
ATTN: JOHN DEL ARROZ
200 OCEANGATE, 10th Floor
LONG BEACH, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

RE: ITEM NO: Th20a, December 12, 2013 Agenda 20 a. Appeal No. A-5-RPV-12-350
(Khosla, Rancho Palos Verdes)

Dear Commissioners,

I support your Staff's position that there is a "substantial issue" which needs to be addressed. The proposed project, as approved by the City of Rancho Palos Verdes, flies in the face of the goals of the RPV Coastal Specific Plan as well as revealing that local decision makers are manipulating the data in order to "interpret" the not clear measuring points in favor of increased view obstruction. Please determine to hear this appeal.

I do not support your Staff's recommendation on the "de novo" phase. The modified proposal does not obstruct the view as badly as the original but it still would obstruct the view of the horizon from the California Coastal Trail and persons seated in a sedan height vehicle going southbound on Palos Verdes Drive West. Please hear the "de novo" phase, immediately, and find that no coastal development permit should be issued for either proposal at this time.

Should you have any authority at all, please direct the City of Rancho Palos Verdes to establish Civil Engineering level criteria so that future applicants can be informed of them prior to spending thousands of dollars on Architects and such. The two percent down arc is just a concept without clearly defined start points based on feet and inches above something like the mean high tide line. People who can pass the AICP test are not taught how to do this. That does not mean they should feel free to ignore them.

I am crying "property owner abuse". People are willing to comply with Local Coastal Plans (LCP) when Staff discloses them in a timely fashion. This property owner has every right to have become "cranky". RPV should waive all future application fees but that is nothing compared with what these people have spent on designs based on the RPV Staff's lack of interest in the future of the California Coastal Zone. I am so embarrassed for my City.

Most sincerely,



From: Diane Stone [mailto:dianestonehomes@gmail.com]

Sent: Wednesday, November 27, 2013 8:24 AM

To: John.DelArroz@coastal.ca.gov

Cc: ezstevens .

Subject: Palos Verdes views - Coastal Commission Hearing - 3344 Palos Verdes Drive West

Hello John,

Palos Verdes needs to restore and preserve the area views. Many of the coastal areas are being blocked by overgrowth.

The magnificent views that people see as they are driving, walking, and biking around the hill are part of the beauty and pleasure of living in these areas. This includes many people who do not have views from their own homes, but still enjoy these stunning, ever-changing landscapes.

Visitors also enjoy the gorgeous cloud formations, sunsets, sunrises, and ocean and hillside vistas. Many people stop at various points along the road to take photographs, to capture what they experience. This is also part of the tremendous value of our area and distinguishes Palos Verdes from other areas.

I have lived in Palos Verdes for over 20 years, and lived in the Golden Cove area for 15 years. I am also a Realtor in the area. The ripple effect of the city's decisions is enormous.

I look to you and others in city leadership positions to take action now.

Sincerely,

Diane Stone

DIANE STONE
SRES,CNE, GREEN,CDPE, CIAS, PV Specialist,IRES
REALTOR®
RE/MAX Estate Properties
BRE #01823115
63 Malaga Cove Plaza
Palos Verdes Estates, CA 90274
Cell: [\(310\) 796-6140](tel:(310)796-6140)

DEC 3 2013

CALIFORNIA
COASTAL COMMISSION

DEC. 2, 2013

Agenda # Th20a, Permit #A-5-RPV-12-350

Edward Stevens opposes this project

**Subject: RE: Coastal Commission Hearing # A-5-RPV-12-350 –
Item # Th20a - 3344 Palos Verdes Drive West, Ranch Palos
Verdes – Local Govt. Permit# 2012-00141**

Dear Coastal Commissioners Brian Brennan & Mary Shallenberger,

I oppose this project @ 3344 Palos Verdes Drive West, Rancho Palos Verdes. I and a lot of people in Rancho Palos Verdes are very upset with The Coastal Commission & the City of Rancho Palos Verdes that you are not protecting what little is left of our Open Coastal View Corridor for the Public & future generations to enjoy.

I have lived here for over 45 years since 1968 & I have watched the open view slowly disappear right before my eyes. It is happening so slow that the public do not realize that the construction of new homes, the Trump Golf course, the Terranea Resort etc along PV DR. South & PV DR. West have turned our awesome Open View in to what I call A-Peek-A-Boo-View.

Rancho Palos Verdes & The Coastal Commission needs to restore and preserve the area views. Many of the coastal view areas are being blocked by overgrowth & construction.

The magnificent views that people see as they are driving, walking, and biking around the hill are part of the beauty and pleasure of living in these areas. This includes many people who do not have views from their own homes, but still enjoy these stunning, ever-changing landscapes.

Visitors also enjoy the gorgeous cloud formations, sunsets, sunrises, and ocean and hillside vistas. Many people stop at various points along the road to take photographs, to capture what they experience. This is also part of the tremendous value of our area and distinguishes Palos Verdes from other areas.

The City Of RPV & the Coastal Commission was formed to protect this wonderful Natural beauty of our Open Coastal View Corridor for future generations to enjoy & the both of you have fallen short.

There is no mechanism set up to follow thru with ordering the overgrown trees & shrubs to be removed by the home owners, the resorts or even the cities on public & private property .

The Coastal Commission & RPV City must step up to the plate & protect what little is left & attempt to restore the Public's open Coastal View Corridor.

I wish you & your staff would take a normal car ride not in an SUV along the coast from San Francisco to San Diego & you will see how much of the view has been lost to development such as the 3344 Palos Verdes Drive West project. This is very sad & I hope you & your staff will take a hard look at this terrible situation & you will enforce the existing rules or make new regulations.

Mr. & Mrs. Khosla can LOWER their 10,000 sq. ft. house so as not to block the view & plant trees & shrubs so as not to block the view.

What is happening is the City requires the developer to install an open Wrought iron fence along PV DR S & PV DR West to preserve the view, then the owners proceed to plant a hedge & trees on their property on the other side of the fence & in a few years there goes the view with no mechanism to protest this terrible thing from happening.

The ripple effect of the Coastal Commission's decisions is enormous.

I look to you and others in leadership positions to take action now.

Thanking you in advance for you & your staff for looking into this Very important View issue.

Edward Stevens
32418 Conqueror Dr.
Rancho Palos Verdes
90275

Edward J. Stevens Dec. 2, 2013

Del Arroz, John@Coastal

From: jessica <jessboop@cox.net>
Sent: Wednesday, December 04, 2013 3:17 PM
To: Del Arroz, John@Coastal; jessica
Subject: Agenda Item TH20A, Application A5RPV-12-350, 3344 Palos Verdes Drive West

Agenda Item No. TH20A, Application A5RPV-12-350, 3344
Palos Verdes Drive West, Rancho Palos Verdes

Dear Coastal Commissioners, My name is Jessica Leeds, I am a resident of Rancho Palos Verdes and I would like to submit the following to the Coastal Commission regarding the subject shown above:

The Coastal Specific Plan of Rancho Palos Verdes was written in December 1978 for the newly incorporated, as of September 1973, City of Rancho Palos Verdes, and the Coastal Act of 1976, as mandated.

There are approximately 1,100 miles of California Coastline and out of that we are privileged to have approximately 7.5 miles of beautiful undulating, varying terrain coastline jutting out into the ocean within the jurisdiction of Ranch Palos Verdes. In development of the Coastal Specific Plan, there was a lot of thought and input into why we all need to protect our coast. All of those concerns and reasons are in the Coastal Specific Plan.

In regards to this specific project and also other current and future coastal RPV projects, I feel we should always rely on the intent of the "Coastal Specific Plan" to protect the enjoyment of the public! So, as to this project, there is a concern about the impairment of views for the public from a pedestrian position on the walking trails, any public picnic sites, and viewpoints, plus from an automobile going past on Palos Verdes Drive (west, in this case).

The RPV Coastal Specific Plan adopted Resolution No. 78-8, Section 4, 1. states that the EIR identifies as a potential significant environmental effect the impact on views. This potential significant environmental effect will be mitigated or avoided as follows:

"View corridors will be created with restrictions on the height of structures."

Coastal Specific Plan, page C-9, Visual Corridors states in paragraph 2, states, "the greatest degree of visual value and interest to the greatest number of viewers; and are thus the function of "Palos Verdes Drive" as the primary visual corridor accessible to the greatest numbers of viewers with views of irreplaceable natural character and recognized regional significance." Continuing to:

Page C-9, paragraph 3: Public Viewing Stations...1. Continuous-viewed along the public corridor of Palos Verdes Drive, 2. Localized-As viewed from a specific site or turnout.

Coastal Specific Plan, page C-10, Vertical Boundaries-....A minimum 2 degree down-arc from Horizontal.

In conclusion: I support the substantial issue, and I oppose the project as presented or re-presented as the project and alternate project do not follow the basics of the Coastal Specific Plan. It's important to keep in mind the basic intent of the CSP, that views are to be protected, for the public, now and in the future from the main corridors of Palos Verdes Drive.

The rest of this is subject to interpretation; how tall a person is, the height of an automobile, etc. I am concerned

that if this were to be approved, it would set a precedent for other projects, big and small on the coast, which would then eliminate what little coastal views we now have left of our 7.5 mile coastline (RPV), plus the balance of our beautiful California Coast.

I feel that the original intent of the Coastal Specific Plan has been lost as new people have been hired or appointed who are not totally familiar with the reasoning behind the Coastal Act, and the RPV Coastal Specific Plan. We need to protect our coastline and maintain the original plan of the Coastal Specific Plan and the mandated California Coastal Act.

Please continue to protect our beautiful coast for now and for the benefit of those who will be here in the future. Thank you for your service.

Jessica Leeds
RPV Resident
310 377-9650

Del Arroz, John@Coastal

From: Mike and Louise <mandlinrpv@msn.com>
Sent: Wednesday, December 04, 2013 7:16 PM
To: Del Arroz, John@Coastal
Subject: 3344 PVDr. West view issue

Dear California Coastal Commissioners,

Over 40 years ago the City of Rancho Palos Verdes was born. The main impetus for its incorporation was the desire to protect the coastline from view obstruction and over development, not only for the benefit of its citizens but for all visitors and future generations.

Recently, we drove by the applicant's flagged property and noticed that indeed it would be an ocean view obstruction (we say ocean view as Catalina is rarely seen).

This letter is a plea that the Coastal Commission does not in any way dilute the ocean view protection of Palos Verdes Drive West and South (a public roadway). As you may know a major developer owns a large section of coastal property in RPV and has yet to finalize his plans. Please do not give him any legal ammunition for more ocean view obstruction from our scenic road and coastal trails in this process.

Thank you in advance for your consideration of this very important issue.

Sincerely,

Michael and Louise Shipman

3948 Admirable Drive

Rancho Palos Verdes, Ca 90275-6028

Del Arroz, John@Coastal

From: Lenée Bilski <leneebilski@hotmail.com>
Sent: Wednesday, December 04, 2013 11:53 PM
To: Del Arroz, John@Coastal
Cc: Lenée Bilski
Subject: CCC Appeal agenda item Th20a A-5-rpv-12-350
Attachments: 100_2459.JPG; 100_2463.JPG

Dec. 4, 2013

Th20a 12/12/2013
Lenée Bilski
opposed to project

To California Coastal Commission
ATTN: JOHN DEL ARROZ
RE: ITEM NO: Th20a, December 12, 2013 Agenda 20 a.
Appeal No. A-5-RPV-12-350 (Khosla, Rancho Palos Verdes)

Dear Coastal Commissioners,

I concur that there is Substantial Issue. I hope that you will honor the intent of the LCP and not approve either the original or the "de novo" request for a Coastal Development Permit at this time. Mistakes have been made and there is a lot of information missing.

I am opposed to approval of the proposed revision because the public's view from Palos Verdes Dr. West would be blocked by the structure. The proposed revision projects more than four vertical feet into the view corridor. If approved, this project would have a significant adverse impact not only on existing public views of Santa Catalina Island and the ocean available from Palos Verdes Drive but would also set precedent for future development on the adjacent and nearby lots, and elsewhere in the State.

You have the power to preserve and protect the public's views. If an applicant presented a project that projected 12 feet into the view and then revised it down to project 6 feet, which would still block the view, would you approve it just because the height had been lowered ? If an applicant has the resources to hire a consultant who specializes in advocating for a Coastal Permit even though the proposed project would block the view, would the Commission favor the applicant, dismiss the public's comments, find the proposal consistent and approve such a project? I hope that you would honor the intent of the LCP and not approve such a project.

No other appeals were filed because we were told this is in a non-appealable area!
The notice from the city was incorrect for this parcel and for others nearby. Therefore, the public was deprived of the opportunity to appeal this and other projects to the Coastal Commission.

Do two wrongs make a right? Or three? Mistakes have been made at the city level in the past, the Coastal Commission has missed or overlooked these mistakes, and proposals that obstruct the ocean view have

received approval in the past without allowing the public to appeal to the Coastal Commission. But that's no reason to continue to allow mistakes. Four feet projection into the view equals no blue water view and no view of Catalina from PVDrive. Please do not condone or perpetuate past mistakes.

In June 2000, the RPV staff wrote that the view in the southbound direction of Palos Verdes Dr. West is not considered a protected view. (P.C. Res. #2000-15 for # 6 Marguerite Dr.) That proposed project was approved, and it was noticed as located in a non-appealable portion of the coastal zone. So the public was deprived of correct information again. The RPV Coastal Specific Plan refers to PVDrive as a public viewing station (pg.C-9) and to the development controls needed to protect and enhance the identified corridors. (pg. C-10) . The areas which are not part of an identified vista corridor are to be protected (pg. C-12) by measuring a 2-degree down-arc.

Since the alternative "revised" project would be relocated farther away from the public right-of-way, the Rancho Palos Verdes Commissioners asked for the revised calculation of the 2-degree down-arc at the new location for this proposed project but those calculations had not been made. Therefore, we do not know what ridgeline elevation (at the new location) would comply with the 2-degree down-arc. However, the silhouette makes it clear that the proposed height would block the view of Catalina Island and the ocean from Palos Verdes Dr. West.

[see photos taken from a height of app. four ft. above the elevation of the coastal trail](#)



view of silhouette erected at 3344 Palos Verdes Dr. West, RPV 12/02/2013



view through wrought iron fence at 3344 Palos Verdes Dr. West, RPV 12/02/2013

I don't see anything in the CCC appeal that directs the owner to "minimize" the view obstruction, but the current staff report recommends approval of this alternative even though it would be view-obstructing. The view impact concerns raised by the CA Coastal Commission Appeal have not been resolved. Why not ask the applicant to come back with a project that will not block any Catalina & ocean view like the nearby projects in Oceafront Estates? Doesn't the Coastal Act apply equally to all development along the coast whether subdivided lots or individual lots?

The claim that further grading is infeasible is questionable as a previous project for this same site proposed excavating up to sixteen feet in depth and 4,320 cubic yards of grading. (pg. 11 of 15 RPV Var. No. 437, 10/27/1998). The 2012 proposed plans included grading cut of 8'-10 1/2' in order to accommodate the residence. Of course, a smaller structure is also feasible

I am very concerned because the view impact concerns raised by the CA Coastal Commission Appeal have not been resolved to the public's benefit. Although the Coastal Commission staff has not been out to the site to see the revised silhouette, views of the water and Catalina Island are what the Coastal staff is looking for in order for this project to be in compliance and consistent with the RPV Coastal Specific Plan. The support for the revision from the Coastal staff was based on the drawn plans and the applicants statements, not on visual assessment.

Coastal Program Analyst John DelArroz wrote: "After working with the applicant to address the view impacts raised by the appeal [by the CA Coastal Commissioners], the applicant has identified an alternative project plan (attached to this letter) that lowers the height of the proposed residence to offer views of the ocean from

Palos Verdes Drive West."

The fact is that the applicant's offer of views of the ocean is opinion, but it is not supported by facts. An ambiguous and questionable photo taken by the applicant to support his claim of a "horizon" view has been presented. I find nothing in the Commission Appeal about a view of just the horizon! Where did that term come from? In October 2013, from the trail path in front of the site, neither the City's planner, Leza Mikhail, nor RPV Planning Commissioner Tétreault, who visited the site, could even see the horizon line much less the ocean above the revised silhouette flagging. The Coastal Commission staff letter states that protecting the public's view of the ocean is the goal of the revision. For a previously approved project, RPV staff has stated: "the viewing (i.e. eye) level for motorists or pedestrians, from where the down-arc would be taken is approximately 3-feet higher than the street elevation." (staff report pg. 18 for #6 Marguerite Dr. P.C. Resolution 2000-16, Height Var. #898, Grading Permit #2150 Coastal Permit #160) .

Even a condition restricting the landscaping to 272' and 270' would exceed the staff's calculation of 268' and therefore would not preserve the view but block it.

I am a 50-year resident of Palos Verdes and find that little by little our public views of the ocean, for one reason or another, are being obscured by development and foliage even though the City of RPV was incorporated 40 years ago to prevent over-development of the coastline and since 1978 the City has had a certified Local Coastal Plan that should protect the views for the public. Nearby residences have been limited to ridgelines no higher than the elevation of the road to maintain the public's view. The revised proposal is at 272 feet elevation for the full width of the structure. That is five feet higher than the elevation of their roadside frontage property line. Do not set a bad precedent here.

Please deny both the original and the de novo "revised" proposal offered as an alternative to the original. Let's get all the facts in a timely manner. RPV Staff should be urged by the Coastal Commission to do due diligence during the pre-application phase for a coastal development permit.

Thank you for your service!

Sincerely,
Lenée Bilski

4255 Palos Verdes Dr. South
Rancho Palos Verdes, 90275



DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

December 3, 2013 at 1:00 pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe, Anne Blemker

Person(s) receiving communication:

Carole Groom

Description of project:

Th20a – Appeal No. A-5-RPV-12-350 (Khosla, 3344 Palos Verdes Drive West, Rancho Palos Verdes)

Description of communication:

Representatives of applicants provided background of project and indicated they have reduced the height of the project since its appeal to the Coastal Commission in order to protect public views. They are in support of staff's recommendation and conditions of approval.

Date: Dec 3 2013

Signature of Commissioner: _____

Carole Groom

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Appeal No. A-5-RPV-12-350 (Khosla, Rancho Palos Verdes) Appeal by Commissioners Shallenberger & Brennan of decision by City of Rancho Palos Verdes to grant permit with conditions to Mr. and Mrs. Khosla for construction of new 10,000 sq.ft., 2-story home with attached garage, grading, and 4 associated retaining walls, at 3344 Palos Verdes Dr. West, Rancho Palos Verdes, Los Angeles County.

Date and time of receipt of communication:

December 2, 2013 at 3:15pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe, Anne Blemker

Person(s) receiving communication:

Wendy Mitchell

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the applicant's representatives in which we went through an electronic briefing booklet that was also provided to Commission staff. The representatives described the project location, proposed development, and the contentions contained in the current appeal. The primary issues identified in the appeal include: maximization of public views and specific protection of views from Palos Verdes Drive West. The applicant's representatives explained how the applicant had worked extensively with Commission staff to identify ways the project could be re-designed to be sensitive to public views. In response to suggestions from staff, the project has been re-designed to incorporate a reduction in project height, increased side yard setback and vegetation height restrictions. As revised and conditioned by staff, the project is consistent with the view protection policies of the LCP and compatible with surrounding development. The applicant is in agreement with the staff recommendation and special conditions and asks the Commission to approve the project per staff.

Date:

Signature of Commissioner: _____

CALIFORNIA COASTAL COMMISSION

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

Th20a

Filed: 12/26/2012
49th Day: Waived
Staff: J. Del Arroz-LB
Staff Report: 11/26/2013
Hearing Date: 12/12/2013



STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE AND DE NOVO HEARING

Appeal Number: A-5-RPV-12-350

Local Government: City Of Rancho Palos Verdes

Local Decision: Approval With Conditions

Applicant: Mr. and Mrs. Khosla

Agent: McCabe and Company

Project Location: 3344 Palos Verdes Drive West, City of Rancho Palos Verdes, Los Angeles County

Project Description: Construction of a 10,000 square foot (approx.) two story single-family residence with attached garage, grading, and four associated retaining walls on a one-acre vacant lot.

Appellants: Coastal Commissioners Brian Brennan & Mary Shallenberger, Chair

IMPORTANT NOTE

The Commission will not take public testimony during the 'substantial issue' phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will immediately follow at this meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that the appeal raises a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed. The submitted appeal raises a substantial issue regarding the City-approved development's conformance with the visual resource protection policies of the City of Rancho Palos Verdes certified Local Coastal Program (LCP). The motion to carry out the staff recommendation is on page 4. (Continued on page 2).

SUMMARY OF STAFF RECOMMENDATION (continued)

The proposed project is the construction of a new single family residence on the seaward side of Palos Verdes Drive West, the first public road paralleling the sea, and the main thoroughfare for those travelling north towards Palos Verdes Estates. Palos Verdes Drive is used by both residents and visitors to access the coastal zone. The street offers sweeping, panoramic views of the ocean and coastline. These coastal views are protected by the City's certified Land Use Plan, which requires that new development not encroach into coastal views from Palos Verdes Drive. In this case, the City-approved project would extend into this viewshed and unnecessarily block protected scenic views. Therefore, the project, as approved by the City, is inconsistent with the view protection policies of the City's certified Land Use Plan.

However, if the project is modified to lower the height of the proposed residence, and conditioned to ensure that the views of the coast are protected, the project would conform with the visual protection policies of the City's certified Land Use Plan. Therefore, staff recommends that the Commission, after a public de novo hearing, approve the permit with special conditions that require the height of the proposed residence to be lowered in order to protect the public's view of the coast. The applicants agree with the staff recommendation. See page 12 for the motion to approve the coastal development permit.

Staff Note: The appeal of the City's September 25, 2012 approval of Local CDP 2012-00141 was filed by Commissioners Brennan and Shallenberger in December 2012. No other appeals were filed. Subsequent to the filing of the Commissioners' appeal, the applicants worked with Commission and City staff to identify an alternative project that would be more protective of shoreline views. In September 2013, the applicants requested a Revised Local CDP from the City for a revised project with a lower roof height. However, after the City's Planning Commission approved the Revised CDP, the Planning Commission's decision was appealed to the City Council. Subsequently, the applicants decided to withdraw their application with the City for the Revised CDP, and asked the Commission to proceed with the pending appeal by Commissioners Brennan and Shallenberger of the original Local CDP.

As stated above, there are persons who opposed the applicants' 2013 request for the Revised CDP when it was heard at the City. However, the Commission is acting on the permit that the City approved on September 25, 2012. Pursuant to Title 14 California Code of Regulations section 13117, only the applicant, persons who opposed the September 2012 application before the local government (or their representatives), and the local government are eligible to speak regarding the Substantial Issue portion of this hearing. All other persons may only submit comments in writing during the Substantial Issue portion of the hearing.

However, anyone who wishes to may participate in the De Novo portion of the hearing. Pursuant to Title 14 California Code of Regulations section 13016, all interested parties will be notified of the subject hearing, including any parties who participated in any local hearing for the original CDP or the Revised CDP.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 - Appeal by Commissioners Brian Brennan and Mary Shallenberger, Chair
Exhibit 2 - Vicinity Map
Exhibit 3 - Site Plans
Exhibit 4 - Photograph of Story Poles
Exhibit 5 - View Simulations
Exhibit 6 - Public Letters

I. MOTION AND RESOLUTION ON SUBSTANTIAL ISSUE

Motion:

I move that the Commission determine that Appeal No. A-5-RPV-12-350 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

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

Resolution:

The Commission hereby finds that Appeal No. A-5-RPV-12-350 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

Section 30603(a)(1) of the Coastal Act establishes the project site as being in an appealable area because it is located between the sea and the first public road paralleling the sea.

Section 30603 of the Coastal Act states, in part:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*

- (1) *Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
- (2) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

A. GROUNDS FOR APPEAL

The grounds for appeal of a local government action approving a Coastal Development Permit for development in the appealable area are stated in Section 30603(b)(1), which states:

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

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Title 14 California Code of Regulations section 13115(b) simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act. In previous decisions on appeals, the Commission has at times, on a case-by-case basis, used the following factors in determining the substantial issue question

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

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Title 14 California Code of Regulations sections 13110-13120 further explain the appeal hearing process.

The grounds for the current appeal include contentions that the approved development does not conform to the standards set forth in the certified LCP regarding protection of scenic views.

B. QUALIFICATIONS TO TESTIFY BEFORE THE COMMISSION

The Commission will not take public testimony during the ‘substantial issue’ phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. As noted in Title 14 California Code of Regulations section 13117, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

Upon the close of the public hearing regarding whether the appeal raises a substantial issue, the Commission will vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will immediately follow at this meeting, during which it will take public testimony. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act. Title 14 California Code of Regulations sections 13110-13120 further explain the appeal hearing process.

III. APPELLANTS' CONTENTIONS

1. The City-Approved Project Raises An Issue As To Consistency With The Visual Resources Protection Policies Of The LCP

Although the LCP requires the protection of ocean views from Palos Verdes Drive (PV Drive); the City-approved single-family residence has a significant adverse impact on existing protected ocean views available across the vacant 1-acre project site.

The project site, 3344 Palos Verdes Drive West, is located in Subregion 1 as identified in the City's Coastal Specific Plan. Policy No. 8 of Subregion 1 states:

Require proposed developments on lands affected by view corridors to maintain the resources.

According to the City, the project site is not identified as being within a specific visual corridor. Nevertheless, the City acknowledges that the Coastal Specific Plan also protects views of the ocean across sites that are not within a designated visual corridor. Specifically, the Plan states:

A large portion of the Palos Verdes Drive West / South / 25th Street Corridor has visual aspects which qualify as views. Those sections of the Drive which have ocean views qualify here... To protect this visual relationship between the Drive and ocean in those areas which are not part of an identified vista corridor, no buildings should project into a zone measured 2' down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline. (Page C-11, C-12, Corridors Element, Coastal Specific Plan.

According to the City's analysis, this policy would require that the ridgeline of the proposed residence be limited to an elevation of 268.0 as measured from PV Drive, the viewing station. However, the City approved the proposed single family residence with a height exceeding this height limit (by 8.73') thereby allowing the structure to project significantly into the public's existing view of the ocean.

2. There Is Insufficient Justification For Projecting Into The Viewshed

The City's findings state that the project as approved is consistent with the visual resources protection provisions of the City's LUP and that the project as sited and designed is the best alternative for the construction of a new home on the downslope lot. The City's rationale for exceeding the height limit included: (a) the Development Code allows a house with a maximum height of 16' (279' elevation); (b) the applicant has proposed a residence with a height that is less than the maximum height (276.73' elevation); (c) the applicant is proposing a large front yard setback; and (d) the applicant has proposed to grade the site to provide a single story façade from PV Drive. However, the City did not require the increased front yard setback.

The City's findings also state that additional grading to further lower the height of the structure is infeasible, requiring over 3,000 cubic yards (cy) of additional grading. However, the findings do not explain why this amount of additional grading would be necessary to remove the projection of the structure into the ocean views especially given that the project includes 3,206 cy of grading (2,988 cy of cut and 218 cy fill) which includes 1,044 cy of grading for a swimming pool, spa, and landscaped yard area in the rear yard and a level courtyard in the front yard. Of the 3,206 cy of approved grading, only 1,281 cy is for the home and an additional 633 cy is for a circular driveway in the front yard area.

3. Alternatives Exist That Would Reduce Impacts To Public Views.

Although the local approval included a brief discussion of additional grading to further lower the height of the structure, this alternative was dismissed as being infeasible. The local approval did not consider other feasible alternatives that could result in a project that is consistent with the visual resources protection policies of the certified Land Use Plan. The project site is a large vacant lot that slopes away from the frontage road. The proposed 10,382 sq. ft. home with a 1,027 sq. ft. garage (total size 11,409 sq. ft.) is larger than the average of the 20 closest homes in the area. Only one other home in the area is larger. Perhaps a smaller home would have less visual impact. The proposed home could also be sited further downslope or located elsewhere on the 1-acre site, thereby reducing the visual impact. These alternatives were not explored.

As approved by the City, the proposed development projects more than eight vertical feet into the view corridor and is therefore inconsistent with the visual protection policies of the certified LCP. The City-approved project would have a significant adverse impact on existing public views to the ocean available from PV Drive and sets precedence for future development on the adjacent and nearby lots.

IV. FINDINGS AND DECLARATIONS ON SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

1. Project Location

The subject site is a vacant 43,484 sq. ft. inland lot located between the sea and the first public road paralleling the sea, Palos Verdes Drive West (abbreviated below as PV Drive). PV Drive is a four lane roadway, with the Northbound and Southbound lanes separated by a sloping landscaped median approximately 40 feet wide. Due to sloping topography, the Northbound lane is approximately 4 feet higher than the Southbound lane. A public trail is located adjacent to the site, between the Southbound lane of PV Drive and the subject site.

The subject site was previously developed with a single family residence which was demolished pursuant to CDP 148 in January 1999, which also approved a new single family residence on the site that was never constructed. The site has a designated land use of Low Density Residential (1 dwelling unit per acre). The site is located in the northern part of Rancho Palos Verdes, approximately 0.25 miles from of the limits of the City of Palos Verdes Estates and located approximately 600 feet inland of the coastal bluff (Exhibit 2).

The vacant area located immediately to the north of the site was restricted by the City as open space during the development of the Lunada Pointe Tract. The two lots immediately to the south of the site are developed with two single family residences which were constructed prior to the Coastal Act. The nearest public access point is an overlook area at Calle Entradero, approximately 650 feet to the south of the site. Additionally, a use trail down the bluff edge to the rocky shore is located at Christmas Tree Cove, approximately 0.3 miles to the north.

2. Project Description

The project approved by the City consists of the construction of a new 10,382 square foot, two story residence with a maximum ridgeline elevation of 276.73' (i.e. the highest point of the residence is located at 276.73 feet above sea level). Also proposed is the construction of a circular driveway in the front yard leading to a 1,027 square foot garage, 2,988 cubic yards of cut and 218 cubic yards of fill, pool, spa, trellis, firepit, barbeque, landscaping, and four retaining walls.

3. Permit History

The following permits were approved by the City in the area of the subject site:

| <u>CDP No. and Date</u> | <u>Address</u> | <u>Ridgeline</u> | <u>Sq Ft</u> | <u>Lot Area</u> |
|---|-----------------------|-------------------------|---------------------|------------------------|
| CDP 160 – July 2000 | 6 Marguerite | 281 | 10,082 | 50,565 |
| CDP 113 – Aug. 1993 | 3300 PVDW | 281 | 13,736 | 48,684 |
| CDP 148 – Jan. 1999 | 3344 PVDW | 276 | 9697 | 43,484 |
| (Subject CDP) CDP ZON2012-00141 Sep. 2012 - | 3344 PVDW | 276.73 | 10,382 | 43,484 |

These previous City decisions resulted in the approval of residences which were as high or higher than the subject CDP. Although the existing residences at 6 Marguerite Drive and 3300 PV Drive appear to impact the public's view of the ocean, no appeals of the City's decision were filed. Commission staff pursues appeals of projects based on the available information, how consistent the project is with the LCP, the significance of the resource being affected, and considering workload constraints. In this case, an additional factor is that CDP Nos. 148 and 160 were incorrectly noticed by the City as consisting of development that was not appealable to the Commission, due to an incorrect

interpretation of the term ‘first public road paralleling the sea.’ Commission staff notified the City of the location of the correct appealable area in October 2012.

B. LOCAL GOVERNMENT ACTION

Local Coastal Development Permit 2012-00141 was approved by the City of Rancho Palos Verdes on September 25, 2012. Based on the date of receipt of the Notice of Final Action, the ten (10) working day appeal period for local Coastal Development Permit 2012-00141 began on December 13, 2012 and ran through December 27, 2012. An appeal of local Coastal Development Permit 2012-00141 was received from Commissioners Brian Brennan and Mary Shallenberger on December 26, 2012 (see Exhibit 1), within the allotted ten (10) working day appeal period. No other appeals were filed.

Since the filing of Appeal A-5-RPV-12-350 in late 2012, Commission staff has worked with the applicant to identify feasible alternatives to the residence approved by the City. In September 2013, after consultation with Commission and City staff, the applicant identified an alternative project which would minimize impacts to scenic views. Subsequently, the applicant asked the City to revise the City’s Coastal Development Permit to include the alternative project design.

On October 8, 2013, the City Planning Commission approved after public hearing Revised CDP 2012-00141. On October 22, 2013, opponents to the project filed an appeal of the Revised CDP to the City Council. On November 5, 2013, the applicant submitted a letter to the City and the Coastal Commission staff requesting the City withdraw the request for a Revised CDP, and asking the Commission staff to proceed with the pending appeal on the original Coastal Development Permit 2012-00141. Thus, the subject of this staff report is the appeal of Coastal Development Permit 2012-00141, approved by the City in September 2012, and appealed by Commissioners Brennan and Shallenberger in December 2012.

C. SUBSTANTIAL ISSUE ANALYSIS

The project site, 3344 PV Drive, is located in Subregion 1 as identified in the City’s Coastal Specific Plan. Policy No. 8 of Subregion 1 states:

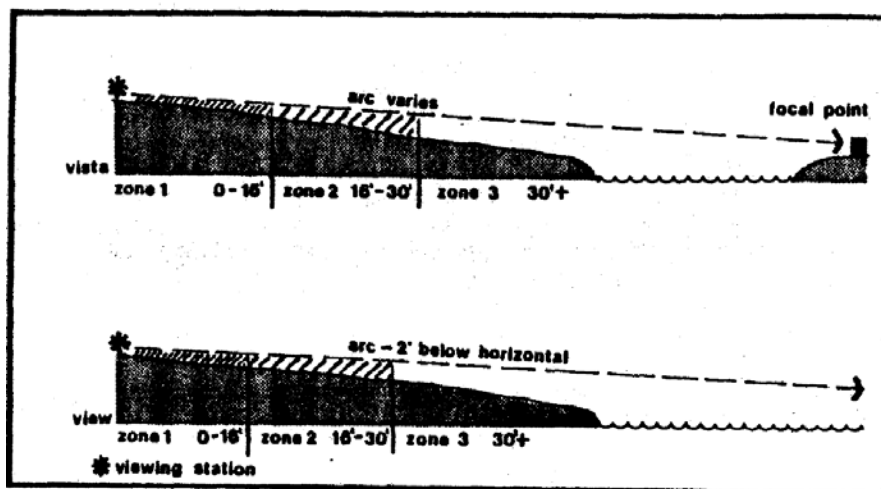
Require proposed developments on lands affected by view corridors to maintain the resources.

The Corridors Element of the City’s certified Land Use Plan states:

A large portion of the Palos Verdes Drive West / South / 25th Street Corridor has visual aspects which qualify as views. Those sections of the Drive which have

ocean views qualify here and a majority of the land on the offshore side falls within the foreground of some portion of the Drive which is a viewing station.

figure 28 typical sections



To protect this visual relationship between the Drive and ocean in those areas which are not part of an identified vista corridor, no buildings should project into a zone measured 2' down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline.

The City's Land Use Plan protects both: a) views located inside specific visual corridors identified by the LUP, and b) views from Palos Verdes Drive (PV Drive) located outside of specific visual corridors. For views located outside a specific corridor, such as the subject site, the LUP states that a viewer at PV Drive should be able to look horizontally, and then tilt their view 2 degrees down, and see clear views out towards the ocean.

Some of the most notable coastal resources within the City of Rancho Palos Verdes are the views available from the main thoroughfare, PV Drive. While views in some areas have been blocked by development or vegetation, most of PV Drive offers sweeping, panoramic views of the ocean and coastline. PV Drive is used by both residents and visitors to access and view the coastal zone, and as such the protection of these views rises to the level of statewide significance. In past Commission actions in the City, such as the Terranea development (CDP A-5-RPV-02-324), the Commission has included provisions such as restrictions on the height and location of development to ensure the protection of blue water views from PV Drive.

The project as approved by the City does not conform to the view protection requirement in the LUP. The viewing station, PV Drive, is located at elevation 268'. The City, in its action, identified a height of 268' as the elevation which would be consistent with the 2 degree down-arc standard. The residence approved by the City is not consistent with this standard. The proposed residence has a maximum elevation of 276.73', an encroachment of 8.73 feet into the protected view. Thus, the City's action raises a substantial issue regarding whether the project is consistent with the view protection policies of the City's certified Land Use Plan.

There are feasible alternative designs which would reduce the project's impacts to views. After discussions with staff after the filing of the appeal, the applicant has identified an alternative design which includes: 1) lowering the finished floor elevation of the residence through additional grading; 2) lowering the finished floor elevation by moving the residence towards the rear of the sloping lot; and 3) reductions in the heights of the roof and chimneys. These modifications, which would reduce the project's impacts on views, were not included in the City's action. Therefore, the City's action does not appear to be the least damaging feasible alternative, and the project's impacts on views could have been further avoided.

The City's action appears to conclude that the project's impacts to scenic views, though avoidable, are consistent with the visual protection policies of the City's certified Land Use Plan. This has the potential to prejudice future interpretations of the City's LCP, and result in the approval of other impacts to scenic views in the future. The protection of the magnificent coastal views in this region is of statewide interest. Therefore the City's approval of the development raises a substantial issue with regards to the view protection policies set forth in the City's certified Land Use Plan.

V. MOTION AND RESOLUTION ON THE DE NOVO HEARING

Motion:

I move that the Commission approve Coastal Development Permit #A-5-RPV-12-350 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.

Resolution:

*The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Certified City of Rancho Palos Verdes Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

VI. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. 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.

VII. SPECIAL CONDITIONS

1. **Local Approval.** Except as modified by the terms and conditions of this coastal development permit, all conditions imposed on the development by the City of Rancho Palos Verdes in connection with its action on Case No. ZON2012-00141 as approved on September 25, 2012, remain binding and enforceable by the City to the extent they would have been had the Coastal Commission not found the appeal to raise a substantial issue.

2. **Final Plans / Maximum Building Height**

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, two (2) full size sets of Final Project Plans (i.e. site plan, floor plans, elevations, cross-sections, grading, foundation, etc.). These final project plans shall substantially conform to the preliminary plans included as Exhibit 3 to the staff report dated November 21, 2013. The revised plans shall depict the ridgeline elevation of the house at an elevation no higher than 272.5.

B. In order to ensure that the public's view of the ocean (over the proposed project) is preserved from the public trail that abuts the landward edge of the project site, the final constructed ridgeline (maximum) elevation of the proposed residence shall not exceed the horizon line, as viewed from the center of the public trail as described in part C of this special condition, and shall extend no

higher into the ocean view than as depicted on the photograph attached as Exhibit 4 to the Staff Report for Appeal No. A-5-RPV-12-350.

C. At the completion of framing for the building, and prior to occupancy of the structure, the applicants shall submit for the review and approval of the Executive Director, and to the Director of Community Development of the City of Rancho Palos Verdes, a photograph of the proposed residence which verifies that the proposed residence is consistent with part B of this condition. The photograph shall be taken from the viewpoint defined as:

- a) the center of the public trail that abuts the landward edge of the project site (front property line),
- b) at the midpoint of the subject property's front property line, and
- c) at a height of 5 feet 7 inches above the level of the trail's surface.

If, after review of the submitted photograph, the Executive Director finds that the residence is not consistent with Part B of this condition, the applicant or their successor in interest agrees to submit a completed Coastal Development Permit Amendment application to the Commission's South Coast District office in order to reduce the height of the building to be consistent with Part B of this special condition.

D. The applicants shall undertake development in accordance with the final plans approved by the Executive Director. 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. **Landscaping and Fencing Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the written review and approval of the Executive Director, final landscape plans and fencing plans for the subject site that shall demonstrate the following:

A. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive, and shall include species which reflect the natural coastal sage scrub character of the peninsula, and the southern California coastline in general. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: www.water.ca.gov/)

B. The landscaping plan shall demonstrate that all species used, at maximum growth (width/height), will not reduce, obstruct, or in any way interfere with public views. The required Final Landscape Plans shall provide information regarding the maximum height and width of the proposed vegetation. Landscaping shall be trimmed/maintained such that impacts upon public views are avoided. Any replacement vegetation which is planted in the future shall be consistent with the terms of this Coastal Development Permit, and shall ensure the protection of views. Once planted, if the Executive Director determines that any landscaping is causing an impact upon public views, the applicant shall replace such landscaping with different plant species that meet the requirements of this special condition, as directed by the Executive Director.

C. Within the property's side yard corridors, defined as the first 10' measured from the south side property line or the first 15' measured from the north side property line, for the entire length of the lot, all landscaping shall be composed of low-growing plants which will not exceed an elevation of 270'.

D. All landscaping, located between the residence and Palos Verdes Drive West, not including the side yard areas defined in "c" above, shall be composed of species which do not exceed the ridgeline of the house, which is at a maximum elevation of 272.5, and shall be maintained at that height to preserve views from the street and public trail toward the ocean. All walls and structures located between the residence and Palos Verdes Drive West shall not exceed the ridgeline of the house, which is at a maximum elevation of 272.5.

E. To preserve views of the ocean from Palos Verdes Drive, in the side yard corridors and rear yard area, all landscaping, walls, and structures shall be in compliance with the restrictions on heights located in the City's Development Code, but in no case shall exceed a maximum elevation of 270'.

F. All fencing located throughout the subject property shall comply with the following requirements:

1. Fencing within the side yard corridor, defined in "c" above, may exceed elevation 270' and reach a maximum height of 6', provided the fencing is limited to visually permeable designs and materials, such as wrought iron. New fencing shall comply with the limits on height and design as set forth in this condition, and shall be consistent with the City's Development Code. All bars, beams, or other non-visually permeable materials used in the construction of a fence above elevation 270' shall be no more than one inch in thickness/width and shall be placed no less than 12 inches apart in distance. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views of the ocean.
2. The existing 6' tall, legal non-conforming wrought iron fence along the front property line is permitted to remain. In the event the existing front

property line fence is removed (including the replacement of 50% or more of the existing structure), the new fence will be required to comply with the requirements of this condition, and all current requirements of the City of Rancho Palos Verdes.

3. Pool fencing shall be located outside of the side yard corridors, as defined in 'b' above.

4. **Drainage And Polluted Runoff Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:
- A. BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
 - B. An efficient irrigation system based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design should be utilized for any landscaping requiring water application.
 - C. Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.
 - D. For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.
 - E. Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicants/landowners or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

- F. The final Drainage and Runoff Control Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
5. **Future Development.** This coastal development permit is only for the development described in Coastal Development Permit No. A-5-RPV-12-350. Pursuant to Title 14 California Code of Regulations Section 13250(b) (6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. A-5-RPV-12-350. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. A-5-RPV-12-350 from the Commission or shall require an additional coastal development permit from the Commission or from the City of Rancho Palos Verdes, unless the Executive Director determines that no coastal development permit or amendment is required.
6. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this 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 or parcels governed by this 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 permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

VIII. FINDINGS AND DECLARATIONS FOR DE NOVO HEARING

A. PROJECT DESCRIPTION AND LOCATION

1. Project Location.

The project location is hereby incorporated by reference from Section IV.A.1 of the Substantial Issue portion of this staff report beginning on page 8.

2. Project Description.

For the de novo hearing, the applicants have revised the proposed project. As revised, the proposed project consists of construction of a new, 10,382 sq. ft., two story single family residence with a maximum ridgeline elevation of 272.50'. A circular driveway is proposed, leading to an attached 4 space 977 sq. ft. garage. Proposed grading includes 3,884 cu. yds. of cut, and 96 cu. yds. of fill. Proposed cut consists of 1,737 cu. yds. of cut beneath the residence, 679 cu. yds. of cut for the new driveway, 237 cu. yds. for the front yard, and 1,231 cu. yds. of cut for the pool and landscaped rear yard. Four retaining walls are proposed on the site, a 5' retaining wall near the driveway, a 3' wall on the north side of the residence, a 3' to 6' wall on the south side of the residence, and a 2' to 3' wall on the rear of the residence. Also proposed is an infinity pool, spa, trellis, firepit, and landscaping. (Exhibit 3)

The main differences between the residence approved by the City, and the currently proposed residence include: 1) lowering the finished floor elevation of the residence by approximately 3.5 feet through additional grading; 2) lowering the finished floor elevation by moving the residence towards the rear of the sloping lot; and 3) reductions in the heights of the roof and chimneys by about 2.5 feet.

The subject site does not contain sensitive habitat, and the applicants have submitted a geologic report from NorCal Engineering dated June 5, 2012 stating that the site is stable

B. VISUAL RESOURCES

The City's certified LCP identifies the location of specific views and view corridors that shall be protected from Palos Verdes Drive (PV Drive). The certified LCP requires that development not encroach into those specific view corridors. The subject site is not located within one of the specific view corridors, which are the primary views identified for protection in the LCP. However, the LCP still requires that views in areas outside of the specific view corridors, such as the subject site, maintain the visual connection between PV Drive and the ocean. The relevant LCP policies are listed below.

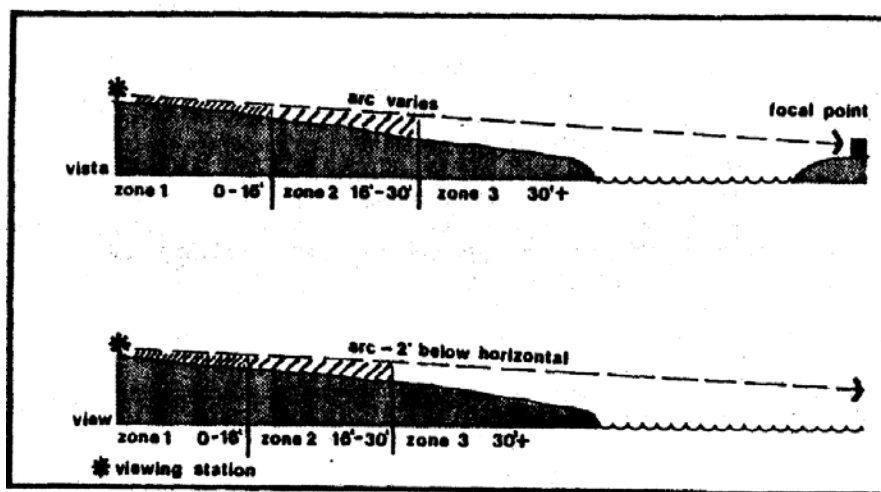
The Subregion Element of the City's certified Land Use Plan states in Policy 8 of Subregion 1:

Require proposed developments on lands affected by view corridors to maintain the resources.

The Corridors Element of the City's certified Land Use Plan states:

A large portion of the Palos Verdes Drive West / South / 25th Street Corridor has visual aspects which qualify as views. Those sections of the Drive which have ocean views qualify here and a majority of the land on the offshore side falls within the foreground of some portion of the Drive which is a viewing station.

figure 28 typical sections



To protect this visual relationship between the Drive and ocean in those areas which are not part of an identified vista corridor, no buildings should project into a zone measured 2' down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline.

The Urban Environment Element of the City's certified Land Use Plan states, in relevant part:

The following are guidelines and should be considered in structure design:

- Structures should conform, in height and site placement, to the requirements of the visual corridors design guidelines, in addition to those set by the City's Development Code.

The Urban Environment Element of the City's certified Land Use Plan states, in relevant part:

- Plant materials should be chosen which will not obstruct public or private views.

As stated above, the City's certified Land Use Plan identifies the location and width of certain specific views from PV Drive, and requires that development not encroach into those views. The subject site is not located within one of these specific view corridors, which are the primary views identified for protection in the LCP. However, the LCP still requires that views in areas outside of the specific view corridors, such as the subject site, maintain the visual connection between PV Drive and the ocean by providing that no buildings should encroach into a 2 degree down arc view. Notably, this LCP policy includes "should" and not "shall" in the view protection language, mandating a reasonable effort to avoid this view zone, but not an absolute requirement to avoid it at all costs—this criteria is simply one to consider when an applicant seeks to achieve consistency with the policy goal in the Corridors Element of the City's LUP of protecting the "*visual relationship between the Drive and ocean.*". While every effort should always be made to avoid encroachment of a building into the 2 degree down arc zone, there may be site specific factors that preclude complete avoidance of the encroachment into the 2 degree down arc zone.

Here, even after substantial revisions to the proposed design to maintain the visual relationship between Palos Verdes Drive and the ocean, the proposed residence would encroach into the 2 degree down arc zone because the site is subject to the following site-specific circumstances: a) the applicant has submitted a letter from NorCal Engineering, stating that bedrock is located just below existing grade, which would make any further reduction in finished grade elevation very difficult, b) the lot to the north of the site is restricted as open space, and will continue to provide significant ocean views from PV Drive, c) on each of the three main paths for the public traveling through this area, ocean views would be maintained. As explained in further detail below, the proposed project would, nonetheless, achieve the stated purpose of the Corridors Element of the City's certified Land Use Plan by protecting the "*visual relationship between the Drive and ocean.*" Therefore, as conditioned, the proposed project is consistent with the intent of the view protection policies of the LCP.

View Analysis

There are three main viewpoints for public views in the vicinity of the subject site: 1) the northbound lane of PV Drive (approximate elevation of 272.5); 2) the southbound lane of PV Drive (approximate elevation of 268); and 3) the public trail located between the southbound lane of PV Drive and the project site (approximate elevation of 268). The majority of the public will be traveling through the area by car on either the north or southbound lanes of PV Drive.

From a car traveling on northbound PV Drive, the residence would be partially obscured by vegetation on adjacent lots and the small berm and vegetation located in the landscaped median. The elevation of the northbound road, at 272.5, is the same height as the top of the proposed structure. A viewer traveling in a vehicle has an eye height of between 3.5 and 4.5 feet from the ground¹. Therefore a viewer in the northbound lane has a view elevation located 3.5 – 4.5 feet above the residence. From this perspective,

¹ Sivak, M., et. al. 1996. The Locations Of Headlamps And Driver Eye Positions In Vehicles Sold In The U.S.A. The University of Michigan Transportation Research Institute.

the viewer will be able to see both the horizon line and a small amount of the ocean over the roof of the proposed residence.

When traveling southbound by vehicle or foot, both a) the curved shape of PV Drive, and b) the adjacent area to the north of the residence, which is restricted as open space, alter how the viewer perceives the impact of the proposed residence on the scenic view.

When traveling towards the residence from the north, there is a wide open area which is located straight ahead of the viewer when going through the curve. When viewing the proposed residence, most of the public's view will be of the side of the residence, in a portion of the viewshed which is already blocked by the existing residence on the adjacent lot and vegetation located to the south of the site. Clear ocean views are available to the right of this area of currently blocked view, across the lot to the north of the site which is restricted as open space. Only when approaching within about 150 feet of the residence would the proposed residence begin to significantly impact the ability of the viewer to see the ocean. Exhibit 5 shows a series of photographs taken from the public trail traveling to the south.

When in front of the proposed residence on the southbound lane of PV Drive, views over the proposed structure will be impacted. Those traveling by car on southbound PV Drive would have a viewing elevation of 271.5 to 272.5. For a viewer in a car in the southbound lane of PV Drive, the top of the proposed residence would be located between 0 – 1 feet above the viewer, thus blocking the view of the horizon line and ocean.

When viewed by a pedestrian or cyclist from the public trail inland of the proposed residence, a blue water view of the ocean will be maintained over the proposed residence. A person with a height between 5 and 6 feet would have a viewing elevation of around 4.7 and 5.7 feet above the trail – an elevation between 272.7 to 273.7 feet. The residence has a maximum elevation of 272.5 – thus this viewer would be able to see the horizon line, and some amount of an ocean view over the top of the residence. Furthermore, the applicants have agreed that, as viewed from the public trail, the final project would be: a) below the horizon line, and b) would be no higher than the ridgeline elevation as shown by the story poles on Exhibit 4 to the staff report. Therefore, the applicants have proposed a design that will preserve blue water views over the proposed residence.

Conclusion

Although the proposed project would result in development which a) encroaches into the 2 degree down-arc zone, and b) would have some impact to scenic views from some vantage points, the project would not result in a significant adverse impact to views. Views from PV Drive to the ocean would be maintained after construction of the project from each of the public's viewpoints - with views to the right of the residence unaffected on the southbound lane, and views over the proposed structure maintained on the northbound lane and on the adjacent public trail. Therefore, after consideration of the site specific circumstances, and if conditioned to ensure the protection of these views, the proposed residence would maintain the visual connection between PV Drive and the

ocean, and would therefore be consistent with the view protection policies of the City's LCP.

The consistency of the proposed project with the City's LCP hinges on the ability of the project to provide these blue-water views. Therefore, the Commission imposes Three Special Conditions.

Special Condition 1 requires the submission of final project plans, and requires that, as viewed from the public trail, the final maximum elevation of the residence not exceed a) the horizon line, or b) extend higher into the ocean view than as indicated in Exhibit 4 to the staff report. Furthermore, Special Condition 1 requires the applicant to submit photographs during and at the end of construction to ensure that the finished residence is consistent with this requirement.

Special Condition 2 requires the applicant to submit final landscaping and fencing plans which ensures that no landscaping, fencing, or other accessory improvements will be constructed which result in impacts to scenic views over the site.

Finally, Special Condition 3 states that future development on the site, such as additions to the existing residence, construction of accessory structures, or any other development which has the potential to result in impacts to scenic views from PV Drive shall require a Coastal Development Permit or Amendment to Permit from the Commission or the City of Rancho Palos Verdes, unless the Executive Director determines that no amendment or new permit is required.

As conditioned, the proposed project would protect views from PV Drive to the ocean, and would therefore be consistent with the visual protection policies of the City's certified Land Use Plan.

C. NATURAL ENVIRONMENT / MARINE RESOURCES

The City's certified LCP sets forth policies that address erosion control and landscaping.

Policy 15 of the Natural Environment Element of the City's certified Land Use Plan states:

Provide mitigating measures where possible to control surface runoff that might be degrading to the natural environment.

Policy 2 of the Subregion 1 portion of the City's certified Land Use Plan states:

Encourage new developments to incorporate into their landscaping plan native plant materials, where such materials are fire retardant, beneficial to migratory and resident bird species.

The Urban Environment Element of the City's certified Land Use Plan states, in relevant part:

The Following are guidelines and should be considered in the use of landscape/hardscape materials in private developments within the Coastal Area:

...

- The use of plant materials and planting designs which reflect the natural coastal sage scrub character of the peninsula, and the southern California coastline in general, is encouraged for open and common areas within developments rather than the use of extensive decorative materials and plans requiring extensive maintenance/watering and which are in contrast with species/materials in remaining natural vegetation areas of the City.

...

- The use of plant materials within individual properties is subject to the guidelines for plant materials in common areas (use of natural/native materials) and the recommended Plant List in the Appendix, and should stress the use of low maintenance, low water-requirements materials, appropriate functional use (windbreaks, screens), as well as decorative use, recommendations are also included.

The City's certified Land Use Plan requires that new development incorporate features to a) control surface runoff which could be degrading to the environment, and b) incorporate into their landscaping plans species which reduce the need for irrigation and reflect the character of the Peninsula. Therefore, the Commission imposes Special Condition 2, requiring the applicant to submit final landscaping plans which consist of drought-tolerant, non-invasive species, and include species representative of the Peninsula, and Special Condition 3, requiring the submission of a final drainage plan which directs runoff to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize 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, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, 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 with the Natural Environment and Development Guidelines policies of the City's certified Land Use Plan.

D. DEED RESTRICTION

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 an additional condition requiring that the property owners record a deed restriction against the property, referencing all of the above 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.

E. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

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

Coastal Act Section 30211 states:

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

Coastal Act Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30221 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.

Coastal Act Section 30222 states:

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

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30252 states:

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.

The project site is an inland lot which does not provide public access to or along the shoreline. The proposed development will not affect the public's ability to utilize the public trail located landward of the residence. The subject site is not an oceanfront lot. The project site is located about 600 feet inland of the top of a coastal bluff, and is located landward of the residences located along Marguerite Drive, which is the closest street to the edge of the bluff. The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Rancho Palos Verdes is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). On September 25, 2012, the City determined that in accordance with CEQA, the project is Exempt from Provisions of CEQA because the project would not have an adverse effect on the environment. Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permit applications 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).

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.

Appendix A - Substantive File Documents:

- City of Rancho Palos Verdes Certified Local Coastal Program
- Appeal by Commissioners Brian Brennan and Mary Shallenberger, Chair
- City Permit Record for local Coastal Development Permit 2012-00141
- Local Coastal Development Permit 2012-00141
- The Locations Of Headlamps And Driver Eye Positions In Vehicles Sold In The U.S.A.
The University of Michigan Transportation Research Institute. Sivak, M., et. al. 1996.

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

DEC 26 2012

**CALIFORNIA
COASTAL COMMISSION****SECTION I. Appellant(s)**

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

Coastal Commissioners: Brian Brennan & Mary Shallenberger, Chair
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Rancho Palos Verdes
2. Brief description of development being appealed: Construction of a new, 10,382 square foot, two-story residence with a 1,027 square foot garage, which lies in the City's Coastal Specific Plan district. In addition, this approval allows 2,988 cubic yards of cut, 218 cubic yards of fill, and four (4) associated retaining walls.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 3344 Palos Verdes Drive West, Rancho Palos Verdes, Los Angeles County
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-RPV-12-350

DATE FILED:

December 26, 2012**COASTAL COMMISSION**

DISTRICT:

South CoastEXHIBIT # 1PAGE 1 OF 2

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: _____
 - b. City Council/Board of Supervisors: _____
 - c. Planning Commission: X
 - d. Other: _____
6. Date of local government's decision: 9/25/12
7. Local government's file number: ZON2012-00141

SECTION III. Identification of Other Interested Persons

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

1. Name and mailing address of permit applicant:
 Mr. & Mrs. Khosla

2. 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.
- a. Lunada Pointe Homeowners Association
60 Laurel Drive
Rancho Palos Verdes, CA 90275
 - b. Stiassni Family
3400 Palos Verdes Drive West
Rancho Palos Verdes, CA 90275
 - c. Marcel and Irmgard Bond
3333 Palos Verdes Drive West
Rancho Palos Verdes, CA 90275
 - d. Marcos Ehab
7416 Via Lorado
Rancho Palos Verdes, CA 90275

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e. Jason Sikola
7369 Berry Hill Drive
Rancho Palos Verdes, CA 90275

f. Lenee Bilski
4255 Palos Verdes Drive South
Rancho Palos Verdes, CA 90275

COASTAL COMMISSION

EXHIBIT # 1
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a. **SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The proposed project raises an issue as to consistency with the visual resources protection policies of the Rancho Palos Verdes certified LCP. Although the LCP requires the protection of ocean views from Palos Verdes Drive; the proposed project has a significant adverse impact on existing protected ocean views available across the vacant 1-acre project site.

The project site, 3344 Palos Verdes Drive West, is located in Subregion 1 as identified in the City's Coastal Specific Plan. Policy No. 8 of Subregion 1 states,

"Require proposed developments on lands affected by view corridors to maintain the resources".

According to the City, the project site is not identified as being within a specific visual corridor. Nevertheless, the City acknowledges that the Coastal Specific Plan also protects views of the ocean across sites that are not within a designated visual corridor. Specifically, the Plan states:

A large portion of the Palos Verdes Drive West/South/25th Street Corridor has visual aspects which qualify as views. Those sections of the Drive which have ocean views qualify here...To protect this visual relationship between the Drive and ocean in those areas which are not part of an identified vista corridor, no buildings should project into a zone measured 2' down-arc from horizontal as measured along the shortest distance between the viewing station and the coastline. (Page C-11- C-12, Corridors Element, Coastal Specific Plan)

According to the City's analysis, this policy would require that the ridgeline of the proposed residence be limited to an elevation of 268.0 as measured from Palos Verdes Drive West, the viewing station,. However, the City approved the proposed single family residence with a height exceeding this height limit (by 8.73') thereby allowing the structure to project into the existing ocean view. The findings state that the project as approved is however consistent with the visual resources protection provisions of the LUP and that the project as sited and designed is the best alternative for the construction of a new home on the downslope lot. The rationale for exceeding the height limit included: (a) the Development Code allows a house with a maximum height of 16' (279' elevation); (b) the applicant has proposed a residence with a height that is less than the maximum height (276.73' elevation); (c) the applicant is proposing a large

COASTAL COMMISSION

front yard setback; and (d) the applicant has proposed to grade the site to provide a single story façade from Palos Verdes Drive. However, a review of the City's conditions of approval indicates that the City did not require the increased front yard setback. While the local approval requires a maximum building height and a maximum square footage of the home and garage and requires certification by a licensed land surveyor or civil engineer (Conditions 20 and 21), Condition 13 requires the standard 20' setback. Additionally, Condition 14 references the 20-foot front-yard setback.

The findings state that additional grading to further lower the height of the structure is infeasible, requiring over 3,000 cubic yards of additional grading. However, the findings do not explain why this amount of additional grading would be necessary to remove the projection of the structure into the ocean views especially given that the project site is a large lot (1 acre) and is described as "gently sloping". The approved project includes 3,206 cubic yards of grading (2,988 cy cut and 218 cy fill) which includes 1,044 cy of grading for a swimming pool, spa, and landscaped yard area in the rear yard and a level courtyard in the front yard. Of the 3,206 cy of approved grading, only 1,281 cy is for the home and an additional 633cy is for a circular driveway in the front yard area.

Although the local approval included a brief discussion of additional grading to further lower the height of the structure, this alternative was dismissed as being infeasible. The local approval did not consider other feasible alternatives that could result in a project that is consistent with the visual resources protection policies of the certified Plan. The project site is a large vacant lot that slopes away from the frontage road. The proposed 10,382 sq. ft. home with a 1,027 sq. ft. garage (total size 11,409 sq. ft.) is larger than the average of the 20 closet homes in the area. Only 1 other home in the area is larger. Perhaps a smaller home would have less visual impact. The proposed home could also be sited further downslope or located elsewhere on the 1-acre site, thereby reducing the visual impact. These alternatives were not explored.

As approved, the proposed project projects into the view corridor and is therefore inconsistent with the visual protection policies of the certified LCP. The project also has a significant adverse impact on existing public views to the ocean available from Palos Verdes Drive West and sets precedence for future development on the adjacent and nearby lots.

COASTAL COMMISSION

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1

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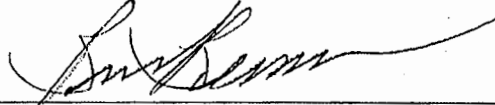
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

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: _____

12/24/12

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

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

COASTAL COMMISSION

EXHIBIT # 1

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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

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

SECTION V. Certification

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

Signed: Mary K. Challenberg
Appellant or Agent

Date: 12/26/12

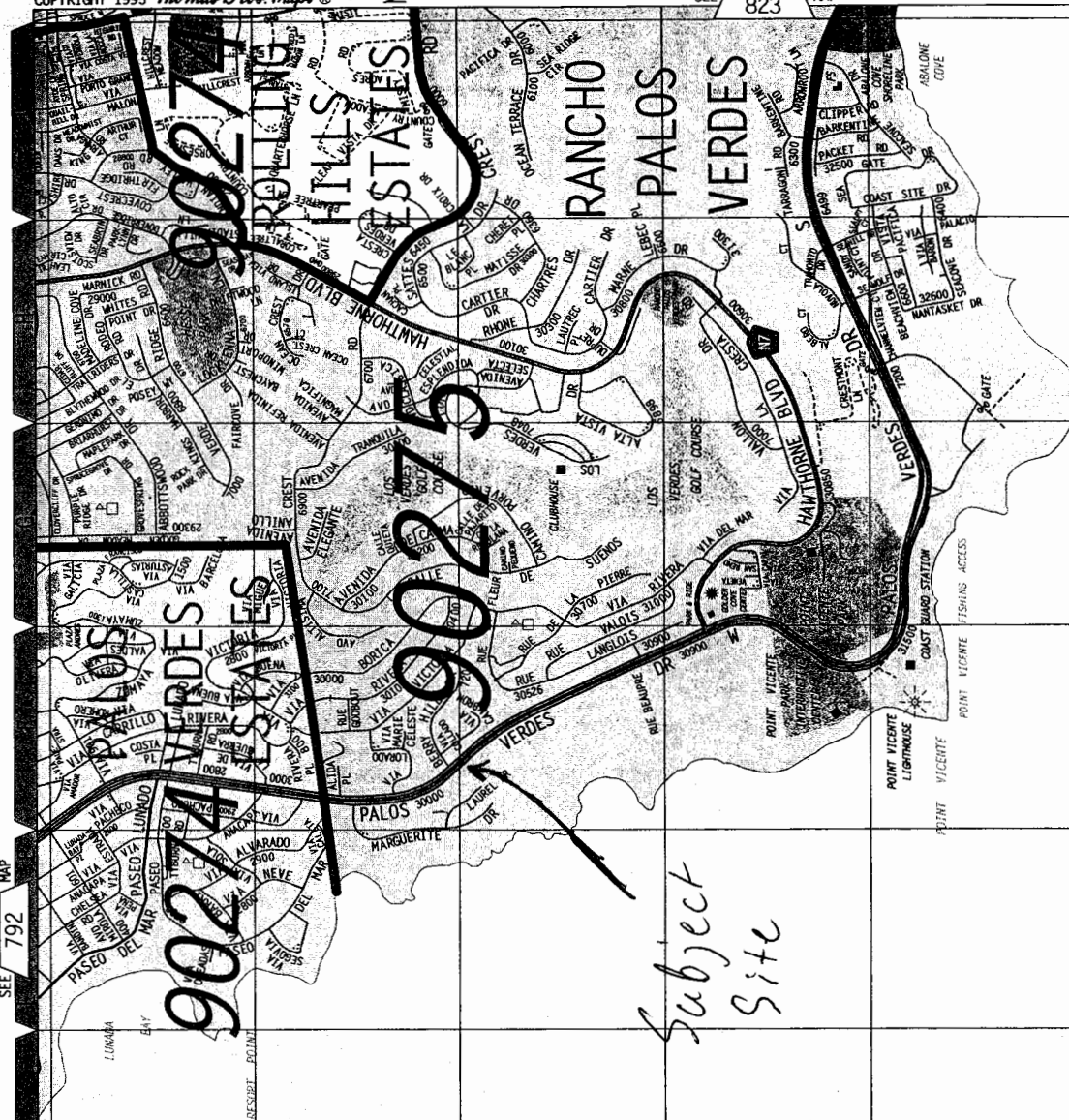
Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

COASTAL COMMISSION

EXHIBIT # 1
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COASTAL COMMISSION

EXHIBIT # 2

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TOMARO
DESIGN GROUP

267 N. SEPULVEDA BLVD
Suite No. 100

Manhattan Beach,
California 90266

Tel: 310.318.8089
Fax: 310.318.9400

www.tomaro.com
info@tomaro.com

KHOSLA
RESIDENCE
3440 S. SEPULVEDA BLVD
RANCHO PALOS VERDES
CALIFORNIA 90275

A-01

SITE PLAN
SCALE: 1"=40'

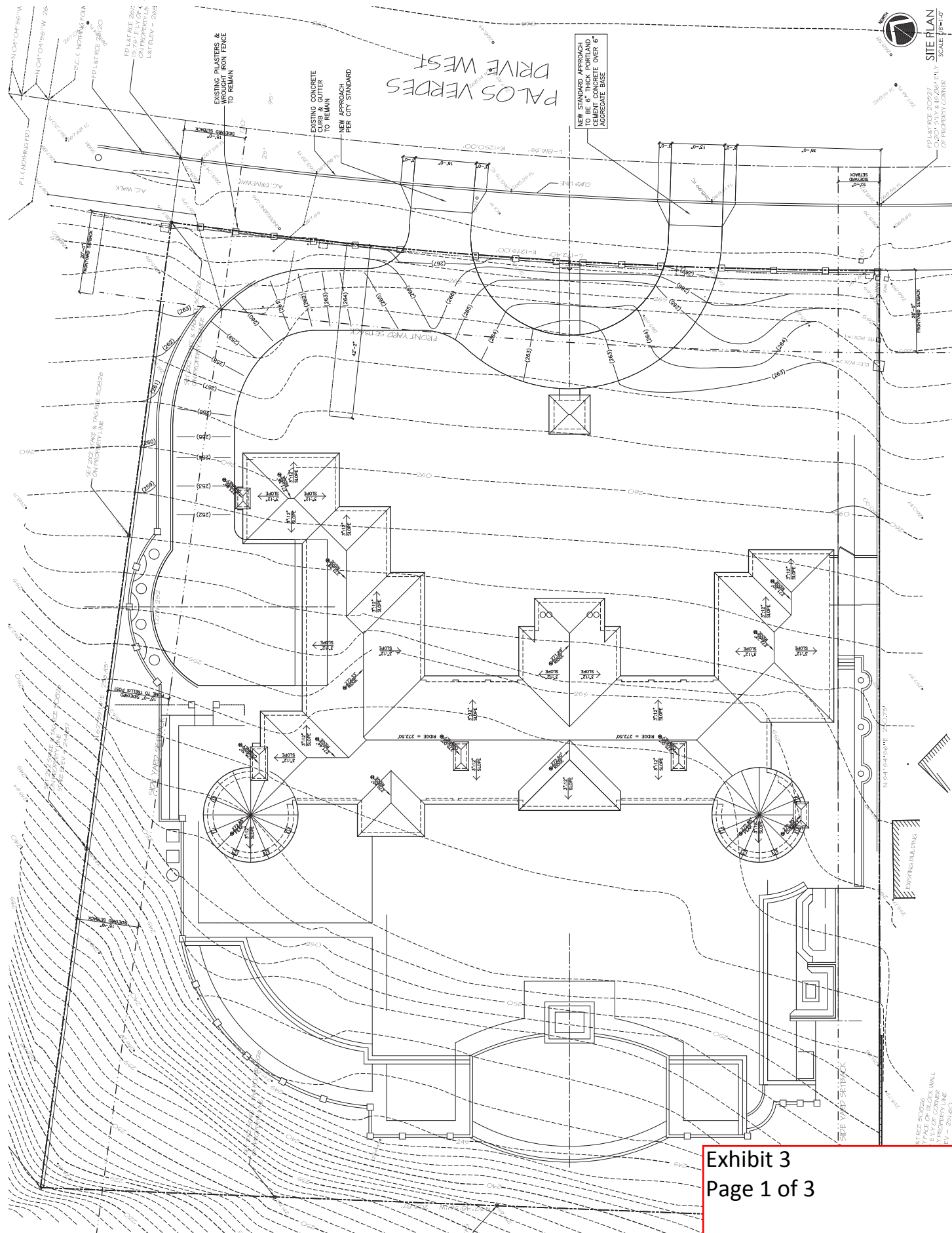
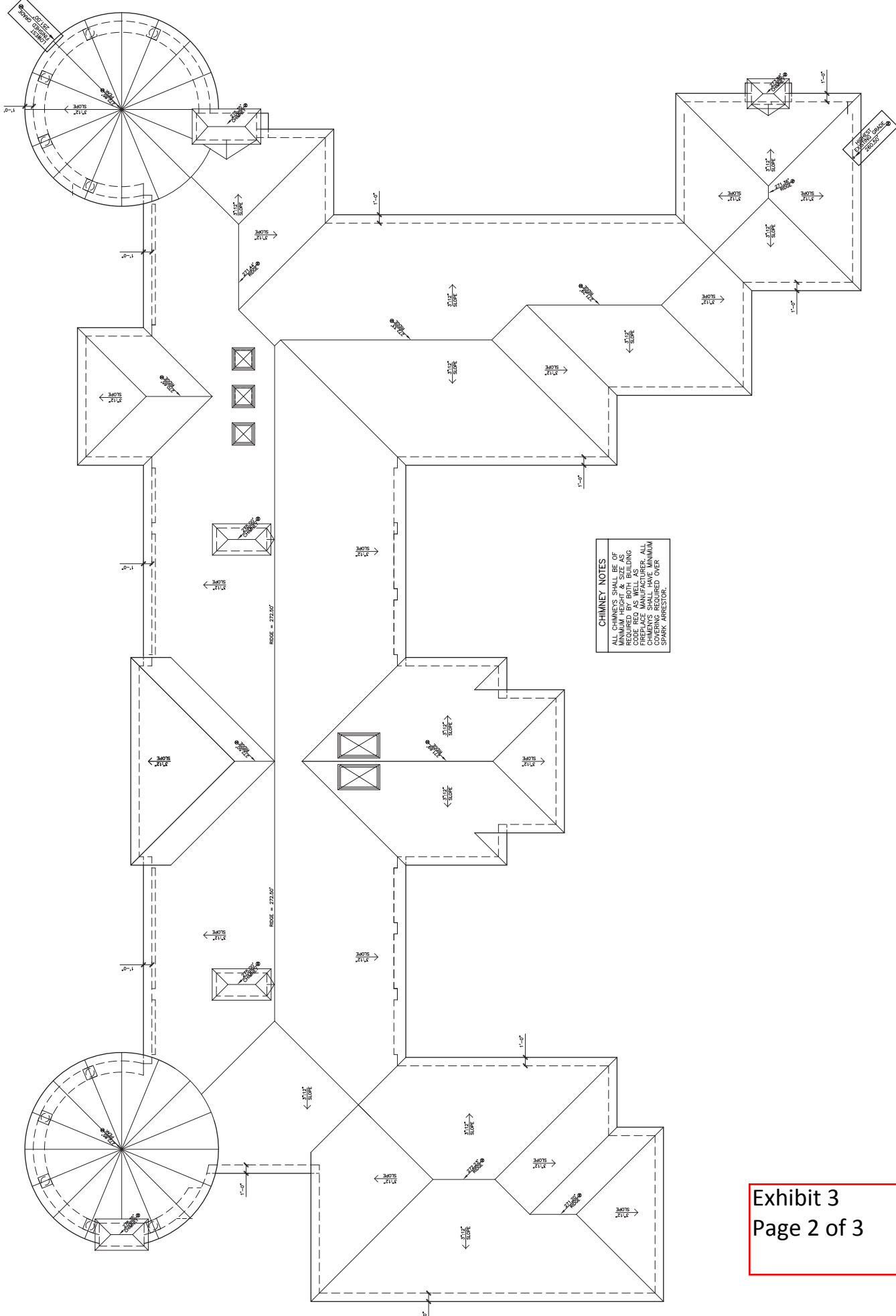


Exhibit 3
Page 1 of 3



CHIMNEY NOTES
 ALL CHIMNEYS SHALL BE OF
 MINIMUM HEIGHT & SPACING
 REQUIRED BY BOTH BUILDING
 CODE REQ. AS WELL AS
 FIRE DEPT. REQUIREMENTS. ALL
 CHIMNEYS SHALL HAVE MINIMUM
 COVERING REQUIRED OVER
 SPARK ARRESTOR.

Exhibit 3
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Note:
For color photographs, please see
Staff Report at:
www.coastal.ca.gov/mtgcurr

Exhibit 4
Page 1 of 1



Exhibit 5
Page 1 of 4







Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

also email: 'john.delarroz@coastal.ca.gov'

John Del Arroz
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

NOV 18 2013

CALIFORNIA
COASTAL COMMISSION

November 14, 2013

Ref: **Permit #: A-5-RPV-12-350 (3344 Palos Verdes Drive West)**
Chairman, Coastal Commission, Appeal

Thought: RPV Planning Commission and Next Door Neighbor Approved;
Most Objectors Live Miles Away!

John,

In accord with Rancho Palos Verdes Rules and Procedures for Commissions and Committees, this is written as a private citizen, not as a member of our Planning Commission.

Summary: Appealed is Rancho Palos Verdes' Planning Commission's 6 in favor, 1 against, decision of September 11, 2012 regarding a single family residence at this address, plans the next-door neighbor publicly welcomes. On Sept. 11th two residents spoke against the project, one living up hill, looking down, the other lives some distance away. The argument was size and bulk. However, this is a neighborhood of large homes and the Commission found for neighborhood compatibility.

I urge our Coastal Commission to deny our respected Chairman's appeal, thereby letting this homeowner build the plans before you.

Background: Rancho Palos Verdes has a distinguished record of environmentalism. In this case that is not the issue. The issue is bulk and mass and views. **In this block, all homes seaside of Palos Verdes Drive West (PVDW) are large, one neighbor has a vineyard in their front yard!** All block ocean views from the east bound lane of PVDW. Lower than the neighbors, this home would only partially block the view. Next door there is a substantial lot, undevelopable parkland, with clear views of the ocean.

I would expect additional letters against this project. A revised presentation of these plans, now null and void, was similarly approved 5-2 and many who testified against live some 3-4 miles away in Sea View, opposite Trump National. As such they have little skin in this game but I respect their becoming involved and realize, somehow, they always manage to testify their sky is falling! Remember, 42,000 live in RPV and __ oppose.

To deny this homeowner the ability to build a neighborhood compatible home, confirmed by his Planning Commission 6-1 on September 11, 2012, I would hope is not accepted by the Coastal Commission as a whole.

Thank you for this opportunity.

Sincerely,


Bob Nelson

cc: email: lezam@rpv.com

(Leza Mikhail, Associate Planner, RPV Community Development De

COASTAL COMMISSION

EXHIBIT # 6

PAGE 1 OF 5

Del Arroz, John@Coastal

From: ezstevens@cox.net
Sent: Wednesday, October 09, 2013 8:30 PM
To: Del Arroz, John@Coastal
Cc: Ainsworth, John@Coastal; Ainsworth, John@Coastal; Posner, Chuck@Coastal; mshallenberger@coastal.gov; bbrennan@coastal.ca.gov
Subject: RE: Commission Appeal No. A-5-RPV-12-350

Subject: Commission Appeal No. A-5-RPV-12-350

Dear California Coastal Commission ,

I wish to appeal the Construction of the home at 3344 PV Dr. West Rancho Palos Verdes. If this is approved as submitted by the owners representative the finished product will interfere with the Publics Open Coastal View Corridor for future generations to enjoy. I suggest that this owner lower the building pad a little more so as not to impair the Coastal View. He is building a 10,000 sq foot house a great expense so at a minimal additional expense he would be able to save the view. I do not think this is asking for too much. I trust you will give this some great consideration.

The Planning Commission of Rancho Palos Verdes has rushed approval of this project.

PS: At the present time there is a nice 4 to 5 foot wrought iron fence along the top of the property alongside PV Dr. W permitting a nice unobstructed view of the Coastal corridor. Sadly in a few years the landscaper will plant a hedge on both sides just like along the Trump Golf Course & numerous other projects along Palos Verde Dr. South & West blocking the view that was to be preserved for future generations to enjoy.

We all moved to this magical area called the Peninsula for the air, the closeness to the ocean, the quality of life, and yes, most of all for its magnificent Open Coastal view Corridor — city lights at night, and the ocean, Catalina, Santa Barbara Channel Islands and the Queen's Necklace with the snow-capped mountain ranges (in the winter anyway).

View owners paid in excess of hundreds of thousands of dollars to purchase a home with a view, and property values were priced accordingly. We all benefit monetarily from views whether we own a view property or not.

It was written in by builders many years ago into CC&R's that views were guaranteed, and that each adjacent lot was just a little higher than its neighbor, so that view access was not only from our property, but the view extended across your neighbor's property as well.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 5

When funds were available to the less fortunate among us, for solar hot water collectors, they were provided with the proviso by way of signed deed restrictions, recorded with the county, that the receiver swore an oath, that they would not block their neighbors' views with trees, shrubs or anything else that would interfere with an adjacent (or below) view owner's right to his view.

Sadly, this hasn't been honored by spiteful neighbors, hasn't been upheld and enforced by our cities or the California Coastal Commission, and the denied view owner has to pay. 1) to get a hearing with our cities (instead of the guilty tree planting neighbor), 2) has to pay for an arborist to trim the guilty tree, on a yearly basis at great expense to maintain a view, and if the neighbor is cooperative or 3) has to resort to devious methods of tree pruning, cutting or just chopping down foliage that was planted in the wrong place, and at a much smaller size by unknowing, uncaring, selfish people.

Barbara Stevens
45 Year resident
32418 Conqueror Dr.
Rancho PALOS Verdes
CA, 90275

From: ezstevens@cox.net [mailto:ezstevens@cox.net]

Sent: Wednesday, October 09, 2013 5:39 PM

To: 'John DelArroz'

Cc: 'cposner@coastal.ca.gov'; 'Charles.Posner@coastal.ca.gov'; 'jainsworth@coastal.ca.gov';
'John.Ainsworth@coastal.ca.gov'

Subject: Commission Appeal No. A-5-RPV-12-350

COASTAL COMMISSION

Subject: Commission Appeal No. A-5-RPV-12-350

EXHIBIT # 6
PAGE 3 OF 5

Dear California Coastal Commission ,

I wish to appeal the Construction of the home at 3344 PV Dr. West Rancho Palos Verdes. If this is approved as submitted by the owners representative the finished product will interfere with the Publics Open Coastal View Corridor for future generations to enjoy. The California Coastal Commission was set up to protect what was left of the Open Coastal view Corridor for everyone to enjoy & for future generations to enjoy. In the 45 years that I have lived here in RPV I have seen the open view disappear. The City of RPV & the California Coastal Commission have no backup plan to enforce the overgrown vegetation from taking away the view.

Everyone likes to see the trees & hedges grow but not at the expense of the Public's right to preserve this small area along the Coast in Perpetuity for future generations to enjoy.

I have driven from San Diego to Santa Barbara & I would guess since the California Coastal Commission has been in existence since 1976 to preserve the Coast, we have lost over 50% of the open view.

I suggest that a group of you get together & drive the Coast in a regular car not a bus or SUV & you will see how each little development that was permitted to build & agreed to protect the view has totally ignored their responsibility to protect the Public's view. We now have what I call a peek-a-boo view

I strongly suggest that the California Coastal Commission address this issue immediately & with careful consideration for all involved in Rancho Palos Verdes & surrounding coastal areas.

Thanking you in advance

Edward Stevens
45 Year resident
32418 Conqueror Dr.
Rancho PALOS Verdes
CA, 90275

Please forward to Mary K. Shallenberger & to Brian Brennan I do not have their email address

Below is a copy of my email to RPV Planning

City of Rancho Palos Verdes
Planning Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.palosverdes.com/rpv/planning/planning-zoning/index.cfm
(310) 544-5228 - (310) 544-5293

From: ezstevens@cox.net [ezstevens@cox.net]
Sent: Saturday, October 05, 2013 12:51 AM
To: PlanningCommission
Cc: CC
Subject: RE: P.C. Agenda Item # 3 - Public Hearing on 3344 PVDr. West-

Subject: suggestion on public view issue

Dear Rancho Palos Verdes Planning Commission,

Regarding your P.C. Agenda Item # 3 - Public Hearing on 3344 PVDr. West-

COASTAL COMMISSION

EXHIBIT # 6
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Why allow any intrusion into the public's view of the ocean from PV Drive West ?

I wish you would just have the Owner of 3344 PV Dr. West just grade lower to preserve the view for the public!

The Public is slowly losing our Magnificent Open Coastal View Corridor every year to these type of buildings & this must be stopped.

The next thing that happens is they agree to not let the trees get above 16 feet & then nobody polices the tree as it grows & no one trims it & there goes the view for future generations to enjoy.

The builders also install a nice 2 foot wrought iron fence that leaves a nice open view & then they plant a hedge on both sides to eventually block the view or they plant larger trees on the down side that are allowed to grow out of control & there goes the view.

This sort of disregard for the Public's right to protect the open view corridor for future generations to enjoy must be stopped.

So please Help and put some real teeth into the future agreements to preserve what little view remains along our 7 mile City Open Coastal View Corridor for future generations to enjoy.

Edward Stevens
45 Year resident
32418 Conqueror Dr.
Rancho PALOS Verdes
CA, 90275

COASTAL COMMISSION

EXHIBIT #

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