

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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Long Beach, CA 90802-4302
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W14d & W14e

**A-5-RPV-21-0076 & A-5-RPV-21-0077
(Flock Safety)**

DECEMBER 15, 2021

EXHIBITS

Table of Contents

EXHIBIT 1 – PROJECT LOCATION	2
EXHIBIT 2 – CALENVIROSCREEN 4.0 MAP	3
EXHIBIT 3 – SYSTEM RENDERING.....	4
EXHIBIT 4 – CITY STAFF REPORT	5
EXHIBIT 5 – APPEALS.....	16



Exhibit 2 – CALENVIROSCREEN 4.0

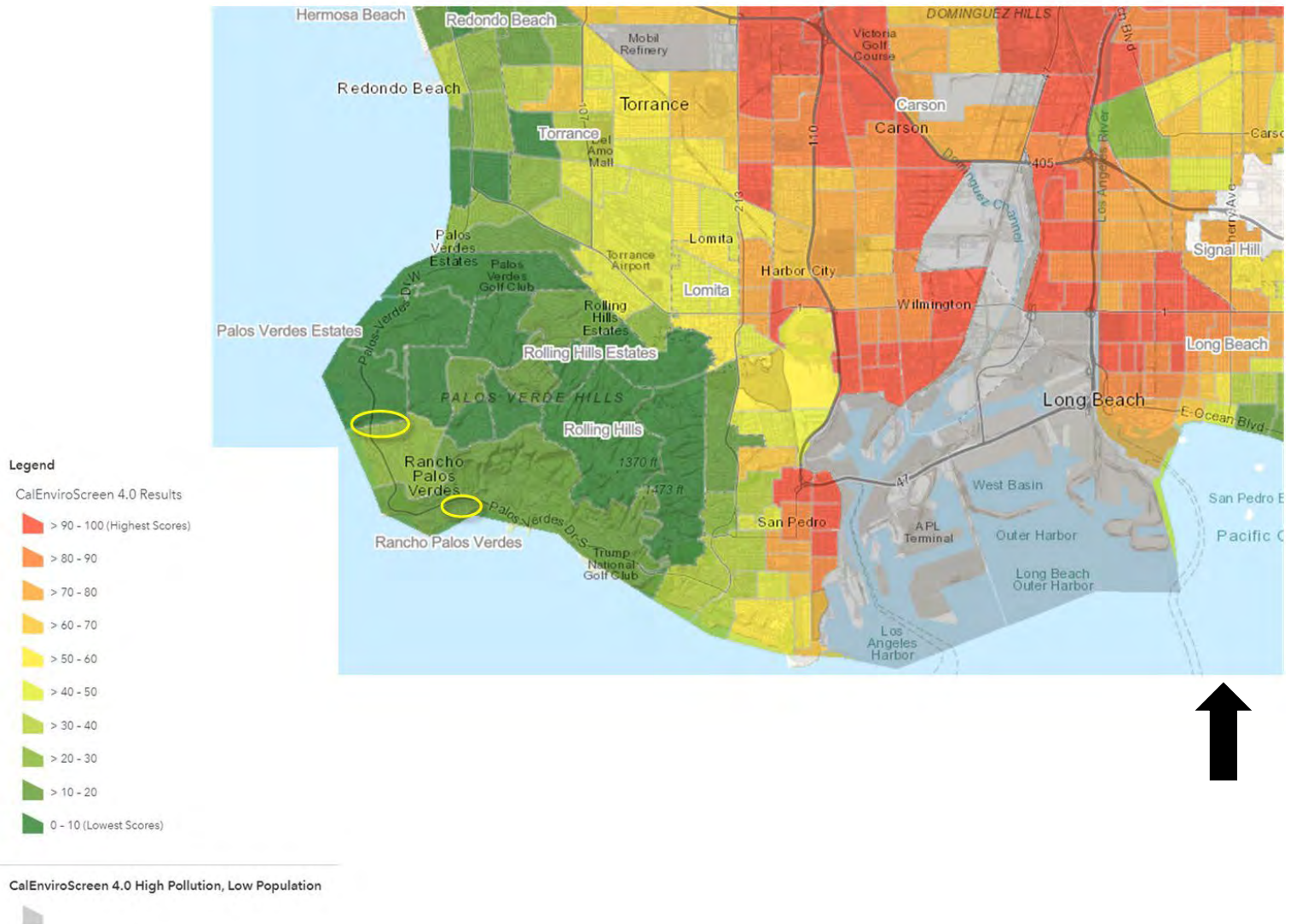


Exhibit 3 – SYSTEM RENDERING



Exhibit 4 – CITY STAFF REPORT

CITY OF RANCHO PALOS VERDES STAFF REPORT



TO: COASTAL HEARINGS OFFICER

FROM: KEN RUKAVINA, PE, DIRECTOR OF COMMUNITY DEVELOPMENT *KJR*

DATE: OCTOBER 26, 2021

SUBJECT: ENCROACHMENT PERMIT & COASTAL PERMIT
(CASE NO. PLCP2021-0002 & PLCP2021-0003)

PROJECT ADDRESS: VARIOUS LOCATIONS IN THE PUBLIC RIGHT-OF-WAY

APPLICANT: FLOCK SAFETY

LANDOWNER: CITY OF RANCHO PALOS VERDES

STAFF COORDINATOR: JAEHEE YOON, SENIOR PLANNER *JY*

REQUESTED ACTION: INSTALL SIX SETS OF FLOCK SAFETY AUTOMATED LICENSE PLATE READER CAMERA SYSTEMS UP TO 12 FEET IN HEIGHT WITHIN THE CITY'S PUBLIC RIGHT-OF-WAY, AT THE ENTRANCE OF THE LUNADA POINTE HOMEOWNERS ASSOCIATION AND THE WEST PORTUGUESE BEND HOMEOWNERS ASSOCIATION.

RECOMMENDATION: CONDITIONALLY APPROVE, VIA MINUTE ORDER, THE ENCROACHMENT PERMIT & COASTAL PERMIT TO INSTALL SIX SETS OF FLOCK SAFETY AUTOMATED LICENSE PLATE READER (ALPR) CAMERA SYSTEMS UP TO 12 FEET IN HEIGHT WITHIN THE CITY'S PUBLIC RIGHT-OF-WAY AT THE FOLLOWING LOCATIONS:

- TWO AT THE ENTRANCE OF THE LUNADA POINTE HOMEOWNERS ASSOCIATION NEAR THE INTERSECTION OF PALOS VERDES DRIVE WEST AND MARGUERITE DRIVE (CASE NO. PLCP2021-0002); AND
- FOUR AT THE ENTRANCES OF THE WEST PORTUGUESE BEND HOMEOWNERS ASSOCIATION NEAR THE INTERSECTIONS OF PALOS VERDES DRIVE SOUTH AND SEACOVE DRIVE/BARKENTINE ROAD/CLIPPER ROAD/PACKET ROAD (CASE NO. PLCP2021-0003).

ZONING: PUBLIC RIGHT-OF-WAY, NATURAL (OC-1), SOCIO-CULTURAL (OC-2), AND URBAN APPEARANCE (OC-3) OVERLAY CONTROL DISTRICTS

LAND USE: PUBLIC RIGHT-OF-WAY

**COASTAL HEARING STAFF REPORT – (CASE NO. PLCP2021-0002 & PLCP2021-0003)
OCTOBER 26, 2021**

CODE SECTIONS: 17.72 AND CITY COUNCIL POLICY NO. 31

TRAILS PLAN: CHRISTMAS TREE COVE SEGMENT (SECTION 1, SEGMENT A1)
TARRAGON SEGMENT (SECTION 3, SEGMENT C7)

SPECIFIC PLAN: COASTAL SPECIFIC PLAN

ACTION DEADLINE: NOVEMBER 29, 2021

BACKGROUND

The following is a list of application milestones:

- August 9 and August 27, 2021 - The Applicant submitted the requested project applications, at which time additional information was requested to clarify the proposed project locations and height of the camera systems.
- September 30, 2021 - Staff deemed the application complete for processing and mailed to all property owners within a 100-foot radius from the project sites, providing a 15-day time period to submit comments.
- October 15, 2021 - Staff re-issued the notice announcing a new hearing date and time as the original notice inadvertently missed including the California Coastal Commission when it was mailed out.

SITE & PROJECT DESCRIPTION

The Applicant has applied for two separate sets of an Encroachment Permit and Coastal Permit to install six ALPR camera systems up to 12 feet in height as summarized in Table No. 1 below:

Homeowners Association (HOA)	Location	Project Description
1. Lunada Pointe	Entrance of Lunada Pointe near the intersection of Palos Verdes Drive West and Marguerite Drive	Two camera systems and solar panels
2. West Portuguese Bend	Entrances to West Portuguese Bend Community at the following intersections: <ul style="list-style-type: none">• Palos Verdes Drive South & Seacove Drive• Palos Verdes Drive South & Barkentine Road• Palos Verdes Drive South & Clipper Road• Palos Verdes Drive South & Packet Road	Four camera systems and solar panels

The security camera systems are composed of cameras that capture images of vehicle license plates, make, model, and color at any time of day. The cameras are solar-powered and provide 24-hour video footage day and night, and can capture images of vehicles that are up to 75 feet away, traveling up to 75 miles per hour. It should be noted that specific locations of the HOA security camera systems are provided as an attachment to this Staff Report.

CODE CONSIDERATION AND ANALYSIS

In granting an Encroachment Permit for Homeowners' Association security cameras, the Coastal Hearings Officer (Director of Community Development) must find the following pursuant to the City Council Policy No. 31(111)(4):

- a) The encroachment is not detrimental to the public health/safety, and that the Public Works Director has made a written determination that the encroachment does not pose a hazard to vehicular traffic, pedestrians, or equestrians; and further that all other requirements for issuance of a Public Works Department encroachment permit are met. The Community Development Department review shall be concurrent with the Public Works Department review to the greatest degree possible.**

The Public Works Director reviewed the proposed security camera systems and determined that the proposals are not detrimental to the public health/safety and does not pose a hazard to vehicular traffic, pedestrians, or equestrians (see attached Public Works Department Memo). Therefore, this criterion can be met.

- b) The encroaching structure cannot be reconfigured or relocated due to practical difficulties or unnecessary hardship, including economic hardship, so as to either:**
 - i. Locate the structure on the applicant's property in accordance with provisions of the Municipal Code; or,**
 - ii. Adhere to the criteria set forth for an encroachment requiring Director-level review.**

The City Manager's office is working with HOAs to deter crime by implementing safety programs throughout the City. As part of the City's Safety Strategic Plan, incentives are available for HOAs wishing to install security cameras at the entry/exit points of their neighborhood. Specifically, the City revised City Council Policy No. 31 pertaining to structures within the public right-of-way to reduce burdensome obstacles and streamline the request. As the purpose of the HOA security cameras are to capture a wider range of views from the neighborhood's entry/exit points, relocating the poles onto private property may not be the most effective placement and cause practical difficulties for the Applicant. Therefore, this criterion can be met.

- c) The encroaching structure is not inconsistent with the general intent of the Development Code.**

Since the proposed security camera systems are located within the City's public right-of-way, the Public Works Department will require the Applicant to comply with the City's encroachment standards prior to issuing the Encroachment Permits. It should be noted that security cameras owned by an HOA shall be exempt from size and height limitations when located within the public right-of-way, with the approval of the Director of Public Works and Director of Community Development. Therefore, this criterion can be met.

- d) Illuminating elements associated with and a part of the proposed security camera are configured in a manner that minimizes impacts to neighboring properties or vehicular traffic, and prevents direct or indirect illumination of a property other than the public right-of-way intended to be illuminated in order to enhance the night time use of the security camera, as determined by the Director of Community Development.**

There are no illuminating elements proposed as part of the HOA security camera systems. Therefore, this criterion is not applicable.

- e) The encroaching structure does not significantly impair a protected view from any surrounding property.**

Staff is of the opinion that the proposed security camera systems affixed to 12-foot-tall poles will not significantly impair protected views from surrounding properties because of the structure's narrow features. Therefore, this criterion can be met.

Coastal Permit

The project sites are located within the City's Coastal Zone in which all of the locations are within the appealable area, with the exception of two locations at the intersections of Palos Verdes Drive South/Barkentine Road and Palos Verdes Drive South/Clipper Road, which are within the non-appealable area. Nonetheless, as all locations are within the City's Coastal Zone, the project requires processing a Coastal Permit for the proposed security camera systems. Pursuant to Rancho Palos Verdes Municipal Code (RPVMC) §17.72.090, the Coastal Hearings Officer may grant a Coastal Permit, if the following findings can be made (in **bold** font):

- 1. That the proposed development is consistent with the Coastal Specific Plan.**

Within the City's Coastal Specific Plan, the infrastructure corridor guideline indicates, "all future infrastructure corridors involving utilities or communications ... should be undergrounded where necessary to mitigate any adverse impacts on coastal resources, including scenic resources" (p. C-8). The project sites encompass views that are observed by the community along the public right-of-way at Palos Verdes Drive West and Palos Verdes Drive South. Although the proposed security camera system cannot be undergrounded due to the nature of the infrastructure that must capture images from above, it will not have an adverse impact to coastal resources nor scenic views along the view corridors identified in the Coastal Specific Plan. This is due to the fact that the

security camera system consists of a slender pole up to 12 feet in height that will appear similar to street signs on poles located throughout the City's public right-of-way. Therefore, this criterion can be met.

2. That the proposed development, when located between the sea and the first public road, is consistent with applicable public access and recreation policies of the Coastal Act.

The project sites lie along the border of the City's Coastal Specific Plan, between the sea and the first public road (i.e., Palos Verdes Drive West and Palos Verdes Drive South). The proposed locations of the six security camera systems do not impact the public's access to the sea or public paths of the City's segment of the California Coastal Trail, nor will they impact any of the recreational marine activities as the project will be a negligible installation within the public right-of way.

ADDITIONAL INFORMATION

Overlay Control Districts

The project sites are subject to the Natural (OC-1), Socio-Cultural (OC-2), and Urban-Appearance (OC-3) Overlay Control Districts, pursuant to §17.40.040, §17.40.050, and §17.40.060, respectively, of the RPVMC.

Natural Overlay Control District (OC-1) - The purpose of the OC-1 District is to maintain and enhance land and water areas necessary for the survival of valuable land and marine-based wildlife and vegetation; enhance watershed management, control storm drainage and erosion; and control the water quality of both urban run-off and natural water bodies within the City.

The proposed installations will occur on previously improved public right-of-way where there will be no impacts to natural resources. As such, this performance criteria is not applicable to the proposed project.

Socio-Cultural Control District (OC-2) - The purpose of the OC-2 District is to preserve, protect and maintain land and water areas, structures and other improvements which have significant historical, archaeological, or cultural importance; and to provide for the designation, protection and maintenance of land and water areas and improvements which may be of unique scientific or educational value.

As previously stated, the proposed security camera systems are located within the public right-of-way with no known or expected historical, archeological, or cultural importance that will be impacted by the proposed project. As such, this performance criteria is not applicable other than the fact that the proposed project will benefit the community by increasing security and deterring crime.

Urban Appearance Overlay Control District (OC-3) - The purpose of the OC-3 District is to:

- Preserve, protect and maintain land and water areas, structures and other improvements which are of significant value because of their recreational, aesthetic and scenic qualities, as defined in the Visual Aspects portion of the General Plan and the Corridors Element of the Coastal Specific Plan;
- Preserve, protect and maintain significant views and vistas from major public view corridors and public lands and waters within the City which characterize the City's appearance as defined in the Visual Aspects portion of the General Plan and the Corridors Element of the Coastal Specific Plan;
- Ensure that site planning, grading and landscape techniques, as well as improvement planning, design and construction will preserve, protect and enhance the visual character of the City's predominant landforms, urban form, vegetation and other distinctive features, as identified in the General Plan and the Coastal Specific Plan; and,
- Preserve, protect and maintain significant views of and from slope areas within the community which characterize the City's dominant landform appearance.

Due to the slim features of the pole and equipment associated with the security camera systems, which will closely resemble street signs and associated poles found in the immediate area, there will be no significant view impairments caused by the proposed project. Therefore, the proposed project will generally be consistent with the performance criteria.

Environmental Assessment

Staff has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Article 19, §15303 of the California Guidelines for Implementation of the CEQA. Specifically, the project involves installing new accessory structures (security camera systems) in the public right-of-way.

Conceptual Trails Plan

The City's Conceptual Trails Plan identifies a pedestrian/equestrian trail (*Christmas Tree Cove Segment near the entrance of Lunada Pointe*) and a pedestrian trail (*Tarragon Segment adjacent to the West Portuguese Bend Community*), near the project sites. Although the proposed installations may be visible from the trails, similar to a public right-of-way signage on a pole, the specific locations of both trails are outside of where the security camera systems will be placed. Therefore, the project will not cause adverse impacts or impediments to the trail.

Public Notice

Staff received a call-in response to the public notice issued on September 30, 2021, from a neighboring property owner within 500 feet of the project site

in the West Portuguese Bend Community. The interested party raised concerns with potential light pollution from the cameras when operating in the dark. Staff clarified that the security camera system is designed to capture the light reflecting off of a license plate at night and does not emit any lights.

CONCLUSION

Based upon the discussion and evidence above, staff recommends that the Coastal Hearings officer conditionally approve, via minute order, the Encroachment Permit and Coastal Permit to install six sets of Flock Safety Automated License Plate Reader (ALPR) camera systems up to 12 feet in height within the City's public right-of-way at the following locations:

- Two at the entrance of the Lunada Pointe Homeowners Association near the intersection of Palos Verdes Drive West and Marguerite Drive (Case No. PLCP2021-0002); and
- Four at the entrances of the West Portuguese Bend Homeowners Association near the intersections of Palos Verdes Drive South & Seacove Drive/Barkentine Road/Clipper Road/Packet Road (Case No. PLCP2021-0003).

ALTERNATIVES

In addition to staff's recommendation, the following alternatives are available for the Coastal Hearings Officer's consideration:

1. Identify any issues of concern with the proposed project, provide staff and/or the Applicant with direction in modifying the project and continue the item to a date certain;
2. Deny, without prejudice, the Encroachment Permit and Coastal Permit (Case No. PLCP2021-0002 & PLCP2021-0003)

ATTACHMENTS

- Exhibit "A"- Conditions of Approval
- Project Locations
- Public Works Department Memo

**EXHIBIT “A”
CONDITIONS OF APPROVAL
ENCROACHMENT PERMIT & COASTAL PERMIT
CASE NO. PLCP2021-0002 & PLCP2021-0003**

General Conditions:

1. Prior to the submittal of plans into Building and Safety plan check, the Applicant and/or the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this Exhibit “A”. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
2. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project.
3. Prior to conducting any work in the public right of way, such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the Applicant shall obtain an encroachment permit from the Director of Public Works.
4. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code (RPVMC) shall apply.
5. Pursuant to RPVMC §17.78.040, the Director of Community Development is authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Substantial changes to the project shall be considered a revision and require approval by the final body that approved the original project, which may require new and separate environmental review and public notification.

6. The project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, shall conform to the residential development standards of the RPVMC, including but not limited to height, setback and lot coverage standards.
7. Failure to comply with and adhere to all of these conditions of approval may be cause to revoke the approval of the project pursuant to the revocation procedures contained in RPVMC §17.86.060 or administrative citations as described in RPVMC Chapter 1.16.
8. If the Applicant has not submitted an application for a building permit for the approved project or not commenced the approved project as described in RPVMC §17.86.070 within 180 days of the final effective date of this Notice of Decision, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Community Development Department and approved by the Director.
9. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
10. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this approval.
11. This approval is only for the items described within these conditions and identified on the stamped APPROVED plans and is not an approval of any existing illegal or legal non-conforming structures on the property, unless the approval of such illegal or legal non-conforming structure is specifically identified within these conditions or on the stamped APPROVED plans.
12. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
13. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Building Official. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner. Existing or temporary portable bathrooms shall be provided during construction. Portable bathrooms shall be placed in a location that will minimize disturbance to the surrounding property owners, to the satisfaction

of the City's Building Official.

14. Construction projects that are accessible from a street right-of-way or an abutting property and which remain in operation or expect to remain in operation for over 30 calendar days shall provide temporary construction fencing, as defined in RPVMC §17.56.050(C). Unless required to protect against a safety hazard, temporary construction fencing shall not be erected sooner than 15 days prior to commencement of construction.
15. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in RPVMC §17.96.920. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7:00 AM Monday through Friday and before 9:00 AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the Building Official.
16. Exterior residential lighting shall comply with the standards of RPVMC §17.56.030. All exterior lighting shall be so arranged and shielded as to prevent direct illumination of abutting properties and of vehicles passing on the public right-of-way. Luminaries shall be of a low-level indirect and diffused type. All fluorescent bulbs or other lighting under canopies or on the building shall be covered with diffusing lenses and shielded.
17. For all grading, landscaping and construction activities, the Applicant shall employ effective dust control techniques, either through screening and/or watering.

Project Specific Conditions:

18. This approval shall allow the following installation and operation of HOA security camera systems on poles up to 12 feet in height:

Homeowners Association (HOA)	Location	Project Description
3. Lunada Pointe	Entrance of Lunada Pointe near the intersection of Palos Verdes Drive West and Marguerite Drive	Two camera systems and solar panels
4. West Portuguese Bend	Entrances to West Portuguese Bend Community at the following intersections:	Four camera systems and solar panels

Homeowners Association (HOA)	Location	Project Description
	<ul style="list-style-type: none">• Palos Verdes Drive South & Seacove Drive• Palos Verdes Drive South & Barkentine Road• Palos Verdes Drive South & Clipper Road• Palos Verdes Drive South & Packet Road	

19. All associated wires shall be properly encased into the pole and shall not be visible from public view.
20. Prior to construction of the security camera system, the Applicant shall submit to the City an "Indemnification and Hold Harmless" agreement for recordation, to the satisfaction of the City Attorney.
21. Prior to installation of the security camera system, the HOA shall submit to the City a License Agreement agreeing to remove the encroachment within ten (10) days of notice given by the Director of Public Works, except in case of an emergency where less notice may be required. The Owner shall also acknowledge that failure to remove the encroachment within the specified time will result in removal of the structure by the City, and that the owner shall be billed by the City for the costs of removal of the encroaching structure.
22. Prior to issuance of the Encroachment Permit, the Applicant shall comply with all City recommendations and requirements.
23. The Applicant for the proposed security camera system shall obtain an Encroachment Permit from the Department of Public Works and, if applicable, any permit from the Building and Safety Division.
24. The security camera system shall be installed in accordance with the approved plans, and the Applicant shall comply with all conditions and requirement that are imposed on the Encroachment Permit.

Exhibit 5 – APPEALS

STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY

RECEIVED

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
 301 E. OCEAN BLVD., SUITE 300
 LONG BEACH, CA 90802
 (562) 590-5071
 SOUTHCOAST@COASTAL.CA.GOV

South Coast Region

NOV 30 2021

CALIFORNIA
COASTAL COMMISSION**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: A-5-RPV-21-0076Date Filed: 11/30/21Appellant Name(s): Coastal Commissioner Linda Escalante**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Coastal Commissioner ~~1~~ / and ~~2~~ Linda Escalante
Mailing address: 455 Market Street, Suite 300 / San Francisco, CA 94105
Phone number: (415) 904-5202
Email address: _____

How did you participate in the local CDP application and decision-making process?

☒ Did not participate ☐ Submitted comment ☐ Testified at hearing ☐ Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: Coastal Commissioner appeal, local participation not required

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Coastal Commissioner appeal, local participation not required

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: City of Rancho Palos Verdes
Local government approval body: Coastal Hearings Officer
Local government CDP application number: PLCP2021-0003
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: October 26, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Installation of four sets of automated license plate reader camera systems,
including poles up to 12 feet in height, and signage, within the City's
public right-of-way, at West Portuguese Bend Homeowner Association near
the intersection of Palos Verdes Drive South & Seacove Drive/Barkentine Road/
Clipper Road/Packet Road, Rancho Palos Verdes, Los Angeles County.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Linda Escalante

DocuSigned by:

Signature AB2AB80584C8...

Date of Signature 11/30/2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CONTINUED FROM PAGE 4:

The City-approved automated license plate reader cameras on 12-foot high poles, with signage "NOTICE / 24/7 VIDEO RECORDING / FLOCK SAFETY" capture 24-hour video footage day and night, and can capture images of vehicles that are up to 75 feet away, traveling up to 75 miles per hour.

The applicant is listed as Flock Safety and the proponents are a homeowners association, but the homeowners associations does not own the land upon which the development is proposed. All development would occur on the public right of way. In fact, the homeowners association does not own any common land; the streets are public and lead to public trails, public parks, coastal bluffs, and public Tidelands between the first public road and the sea.

The streets around Portuguese Bend, near where the development is proposed, provide access to the Coastal Trail and public parks. Rancho Palos Verdes coastal resources are popular visitor destinations for hiking, tide-pooling, fishing, and surfing. The City operates some parking lots, but they charge fees, have gates that restrict access at night, tend to fill up on weekends, and thus coastal visitors utilize street parking for access to the coast. There was previously an appeal of a proposed preferential parking district in the vicinity of Portuguese Bend, for which the Coastal Commission denied a permit.

The City's findings for approval of the local CDP state that the purpose of the cameras is crime deterrence based on the City's Safety Strategic Plan without any further explanation or evidence of how these would deter crime, what crime it would deter, or what crimes have been committed that necessitate the need for the development. However, these automated license plate readers are not just security cameras posted on private property. Additionally, it is not identified in the City's record how the data gathered from the automated license plate readers will be used, or by whom. The system would have the capacity to monitor every vehicle that travels along the public right of way and would include intimidating signage that would deter some visitors from accessing the coast (and potentially deter visitors from visiting the City at all since the automated license plate reader cameras would be located on both ends of the main street that travels through the City, Palos Verdes Drive).

The automated license plate reader cameras would adversely affect public access because they would give the appearance that the street is a private road for a private community, even though the streets are public and available for public parking. Some coastal visitors would not feel comfortable driving or parking along streets where they are under constant surveillance, even if those streets are public. The City's LCP states: *The shoreline is a public resource which could be denied through the gating or restricting of coastal roads.*

Specifically, the City-approved development is inconstant with the following LCP policies:

- Compatibility of the Coastal Region with Adjacent Activity (Page U-2)

- 1. Strive to eliminate existing conflicts associated with regionally oriented activities*
- 2. Continue to facilitate regional and statewide programs and activities within the coastal region in a manner which will mitigate adverse impacts to the neighboring community and City as a whole.*

-Coastal-Dependent Activity (Page U-18)

- 3. Facilitate justifiable coastal-dependent development in a manner that is compatible with the City and surroundings, while allowing a positive utilization of coastal resources.*

-Public Recreational Activity Areas (Page U-28)

- 3. Encourage new development to provide both active and passive recreational facilities within specifically controlled land areas (view corridors, RM districts, etc.).*

The City-approved development is also inconsistent with the public access and recreation policies of the Coastal Act:

Coastal Act Section 30210: 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: 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: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Finally, the visual impact of the eight poles up to 12 feet in height, with associated cameras, signs, and power systems has not been adequately analyzed by the local government and may not be consistent with the visual resources policies of the LCP, specifically the Coastal Specific Plan and Urban Appearance Overlay District policies requiring the City to preserve, protect, and enhance the visual character of the City's predominant landforms, protect views from public view corridors, and preserve vegetation as a visual and natural resource. The poles would be higher than most adjacent vegetation and have the potential to detract from coastal views from Palos Verdes Drive, which is the first public road inland of the coast.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV

**APPEAL FORM**

Appeal of Local Government Coastal Development Permit

RECEIVED
South Coast Region

NOV 30 2021

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: A-5-RPV-21-0076Date Filed: 11/29/21Appellant Name(s): Coastal Commissioner Effie TurnbullCALIFORNIA
COASTAL COMMISSION**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

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Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Coastal Commissioners ___ and Effie Turnbull
Mailing address: 455 Market Street, Suite 300 / San Francisco, CA 94105
Phone number: (415) 904-5202
Email address: _____

How did you participate in the local CDP application and decision-making process?

☒ Did not participate ☐ Submitted comment ☐ Testified at hearing ☐ Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: Coastal Commissioner appeal, local participation not required

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Coastal Commissioner appeal, local participation not required

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: City of Rancho Palos Verdes

Local government approval body: Coastal Hearings Officer

Local government CDP application number: PLCP2021-0003

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: October 26, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Installation of four sets of automated license plate reader camera systems,
including poles up to 12 feet in height, and signage, within the City's
public right-of-way, at West Portuguese Bend Homeowner Association near
the intersection of Palos Verdes Drive South & Seacove Drive/Barkentine Road/
Clipper Road/Packet Road, Rancho Palos Verdes, Los Angeles County.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

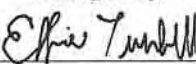
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Effie Turnbull

DocuSigned by:

Signature 11BE425...

Date of Signature 11/24/2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

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The City-approved automated license plate reader cameras on 12-foot high poles, with signage "NOTICE / 24/7 VIDEO RECORDING / FLOCK SAFETY" capture 24-hour video footage day and night, and can capture images of vehicles that are up to 75 feet away, traveling up to 75 miles per hour.

The applicant is listed as Flock Safety and the proponents are a homeowners association, but the homeowners associations does not own the land upon which the development is proposed. All development would occur on the public right of way. In fact, the homeowners association does not own any common land; the streets are public and lead to public trails, public parks, coastal bluffs, and public Tidelands between the first public road and the sea.

The streets around Portuguese Bend, near where the development is proposed, provide access to the Coastal Trail and public parks. Rancho Palos Verdes coastal resources are popular visitor destinations for hiking, tide-pooling, fishing, and surfing. The City operates some parking lots, but they charge fees, have gates that restrict access at night, tend to fill up on weekends, and thus coastal visitors utilize street parking for access to the coast. There was previously an appeal of a proposed preferential parking district in the vicinity of Portuguese Bend, for which the Coastal Commission denied a permit.

The City's findings for approval of the local CDP state that the purpose of the cameras is crime deterrence based on the City's Safety Strategic Plan without any further explanation or evidence of how these would deter crime, what crime it would deter, or what crimes have been committed that necessitate the need for the development. However, these automated license plate readers are not just security cameras posted on private property. Additionally, it is not identified in the City's record how the data gathered from the automated license plate readers will be used, or by whom. The system would have the capacity to monitor every vehicle that travels along the public right of way and would include intimidating signage that would deter some visitors from accessing the coast (and potentially deter visitors from visiting the City at all since the automated license plate reader cameras would be located on both ends of the main street that travels through the City, Palos Verdes Drive).

The automated license plate reader cameras would adversely affect public access because they would give the appearance that the street is a private road for a private community, even though the streets are public and available for public parking. Some coastal visitors would not feel comfortable driving or parking along streets where they are under constant surveillance, even if those streets are public. The City's LCP states: *The shoreline is a public resource which could be denied through the gating or restricting of coastal roads.*

Specifically, the City-approved development is inconstant with the following LCP policies:

- Compatibility of the Coastal Region with Adjacent Activity (Page U-2)

- 1. Strive to eliminate existing conflicts associated with regionally oriented activities*
- 2. Continue to facilitate regional and statewide programs and activities within the coastal region in a manner which will mitigate adverse impacts to the neighboring community and City as a whole.*

-Coastal-Dependent Activity (Page U-18)

- 3. Facilitate justifiable coastal-dependent development in a manner that is compatible with the City and surroundings, while allowing a positive utilization of coastal resources.*

-Public Recreational Activity Areas (Page U-28)

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Coastal Act Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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**APPEAL FORM**

Appeal of Local Government Coastal Development Permit

RECEIVED
South Coast Region**Filing Information (STAFF ONLY)**

NOV 30 2021

District Office: South Coast

**CALIFORNIA
COASTAL COMMISSION**Appeal Number: A-S-PVE-21-0077Date Filed: 11/30/21Appellant Name(s): Coastal Commissioner Linda Escalante**APPELLANTS**

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Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Coastal Commissioner ~~§~~ / and Linda Escalante
Mailing address: 455 Market Street, Suite 300 / San Francisco, CA 94105
Phone number: (415) 904-5202
Email address: _____

How did you participate in the local CDP application and decision-making process?

☒ Did not participate ☐ Submitted comment ☐ Testified at hearing ☐ Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: Coastal Commissioner appeal, local participation not required

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Coastal Commissioner appeal, local participation not required

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name:	<u>City of Rancho Palos Verdes</u>
Local government approval body:	<u>Coastal Hearings Officer</u>
Local government CDP application number:	<u>PLCP2021-0002</u>
Local government CDP decision:	<input checked="" type="checkbox"/> CDP approval <input type="checkbox"/> CDP denial ³
Date of local government CDP decision:	<u>October 26, 2021</u>

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Installation of two sets of automated license plate reader camera systems,
including poles up to 12 feet in height, and signage, within the City's
public right-of-way, at Lunada Pointe Homeowners Association near the
intersection of Palos Verdes Drive West and Marguerite Drive,
Rancho Palos Verdes, Los Angeles County.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Linda Escalante

DocuSigned by:

Signature 05F8AB2AB80584C8...

Date of Signature 11/30/2021

7. Representative authorizations

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The applicant is listed as Flock Safety and the proponents are a homeowners association, but the homeowners association does not own the land upon which the development is proposed. All development would occur on the public right of way. In fact, the homeowners association does not own any common land; the streets are public and lead to public trails, public parks, coastal bluffs, and public Tidelands between the first public road and the sea.

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The automated license plate reader cameras would adversely affect public access because they would give the appearance that the street is a private road for a private community, even though the streets are public and available for public parking. Some coastal visitors would not feel comfortable driving or parking along streets where they are under constant surveillance, even if those streets are public. The City's LCP states: *The shoreline is a public resource which could be denied through the gating or restricting of coastal roads.*

Specifically, the City-approved development is inconstant with the following LCP policies:

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- 1. Strive to eliminate existing conflicts associated with regionally oriented activities*
- 2. Continue to facilitate regional and statewide programs and activities within the coastal region in a manner which will mitigate adverse impacts to the neighboring community and City as a whole.*

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RECEIVED
South Coast Region

NOV 30 2021



APPEAL FORM CALIFORNIA
COASTAL COMMISSION

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: A-5-PVE-21-0077

Date Filed: 11/29/21

Appellant Name(s): Coastal Commissioner Effie Turnbull

APPELLANTS

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Appeal of local CDP decision

Page 2

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Name: Coastal Commissioners ____ and Effie Turnbull
Mailing address: 455 Market Street, Suite 300 / San Francisco, CA 94105
Phone number: (415) 904-5202
Email address: _____

How did you participate in the local CDP application and decision-making process?

☒ Did not participate ☐ Submitted comment ☐ Testified at hearing ☐ Other

Describe: _____

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Appeal of local CDP decision
Page 3

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Appeal of local CDP decision
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I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Effie Turnbull

DocuSigned by:

Signature 5F99FEF3C11BE425...

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