

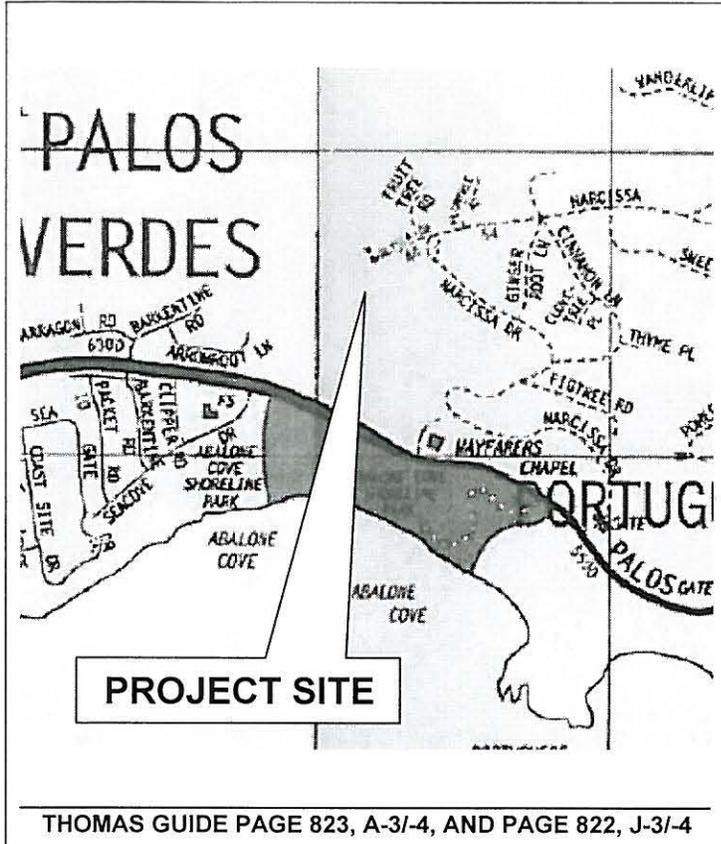
# STAFF REPORT

CITY OF



RANCHO PALOS VERDES

COMMUNITY DEVELOPMENT DEPARTMENT



THOMAS GUIDE PAGE 823, A-3/-4, AND PAGE 822, J-3/-4

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: MAY 22, 2012

SUBJECT: *POINT VIEW* MASTER PLAN  
CASE NO. ZON2010-00087  
(ENVIRONMENTAL ASSESSMENT;  
CONDITIONAL USE PERMIT & SITE  
PLAN REVIEW)

PROJECT ADDRESS: 6001 PALOS VERDES DRIVE SOUTH  
(AKA: *POINT VIEW* PROPERTY)  
(THOMAS GUIDE PAGE 823, A-3/-4,  
AND PAGE 822, J-3/-4)

APPLICANT: YORK POINT VIEW PROPERTIES  
ATTN: JIM YORK  
550 SILVER SPUR ROAD, #250  
RANCHO PALOS VERDES, CA 90275  
(310) 544-6177

PHONE: (310) 544-6177

LANDOWNER: SAME

PHONE: NONE

STAFF COORDINATOR: EDUARDO SCHONBORN, AICP, SENIOR PLANNER

REQUESTED ACTION: APPROVAL OF A MASTER USE PLAN TO ADDRESS USES AND ACTIVITIES ON THE 94-ACRE *POINT VIEW* PROPERTY. THE MASTER USE PLAN INCLUDES THREE DISTINCT COMPONENTS: THE EXPANSION OF AGRICULTURAL USES ON THE PROPERTY TO ALLOW APPROXIMATELY 25 ACRES OF ORCHARDS, VINEYARDS AND GARDENS; DEVELOPMENT OF AN EXECUTIVE GOLF COURSE COMPRISED OF 5 TEE LOCATIONS AND 2 GREENS, CREATING THE EQUIVALENT OF 9 HOLES; IMPROVEMENTS TO AN EXISTING EVENT GARDEN WHICH WOULD INCLUDE A TRELLIS AND FOUNTAIN, AND THE ALLOWANCE OF UP TO 30 PUBLIC OR PRIVATE EVENTS PER YEAR; AND, THE PROVISION OF A PAVED INTERNAL DRIVEWAY THROUGH THE PROPERTY TO CONNECT THE COOK SHACK AREA WITH PALOS VERDES DRIVE SOUTH.

RECOMMENDATION: OPEN THE PUBLIC HEARING AND TAKE PUBLIC TESTIMONY ON THE PROJECT, IF NECESSARY DIRECT STAFF AND/OR THE APPLICANT TO ADDRESS ANY ISSUES, AND CONTINUE THE PUBLIC HEARING TO THE JUNE 12, 2012 PLANNING COMMISSION MEETING.

**Planning Commission Staff Report  
Case No. ZON2010-00087 (EA, CUP, & SPR)  
May 22, 2012**

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**REFERENCES:**

**ZONING:** RS-1 & RS-2 (SINGLE-FAMILY RESIDENTIAL)  
**LAND USE:** NON-RESIDENTIAL ACCESSORY BUILDINGS  
**CODE SECTIONS:** 17.02, 17.14, 17.40, 17.60, 17.70  
**GENERAL PLAN:** RESIDENTIAL  
**TRAILS PLAN:** ANNIE'S FLOWER STAND TRAIL (J2)  
**SPECIFIC PLAN:** N/A  
**CEQA STATUS:** MITIGATED NEGATIVE DECLARATION  
**ACTION DEADLINE:** OCTOBER 14, 2012  
**P.C. MEMBERS  
WITHIN 500' RADIUS:** COMMISSIONER LEON

**BACKGROUND**

**Moratorium Exclusion & Development Proposal (1996 – 2008)**

Proposals to develop and improve the subject property date back to 1996 when the original application for Moratorium Exclusion No. 10 and Environmental Assessment No. 684 was submitted to the City, which requested the exclusion of the *Point View* property from the City's Landslide Moratorium Area (LMA). For the next several years, the application remained incomplete as the property owner (York Long Point Associates, which is now Point View Properties, LLC) prepared the geologic and geotechnical studies in support of the requested moratorium exclusion. The original application for Moratorium Exclusion No. 10 was deemed complete on December 18, 2001, but YLPA subsequently submitted a revised application to the City on February 27, 2003. The geologic and geotechnical studies for the proposed moratorium exclusion were conceptually approved by the City's geotechnical consultant on March 3, 2003, and the revised application for Moratorium Exclusion No. 10 was deemed complete on March 26, 2003.

Based upon the project proposal, which included the removal of up to 60 acres of the *Point View* property from the from the LMA and subsequent development of 84 single-family residences, a Draft EIR was prepared and circulated in the summer of 2005. The EIR consultant had been working on completing the Final EIR for the project when in June 2006 the property owner requested that the processing of their Landslide Moratorium Exclusion (No. 10) be placed on hold while they conducted additional geologic borings on the site. The purpose of the additional investigation was to better validate the location of the ancient landslide boundary through Lower Filiorum. At that time, the property owner also noted their intent to submit a modified development project that would be located entirely outside

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

of the verified limits of the ancient landslide. By doing so, the number of proposed housing units and total grading could be reduced to 72 units and 770,000 cubic yards, respectively.

Throughout 2007 and 2008, additional geologic studies were completed by the applicant's geologist. Although the applicant's studies concluded that the City's current landslide moratorium boundary does not accurately reflect the limits of the ancient landslide, the property owner formally withdrew the Moratorium Exclusion application that had been on hold.

*Event Garden Proposal (2009)*

On February 20, 2009, the property owner submitted a Conditional Use Permit application to use a 5-acre portion of his *Point View* property (known as the Cook Shack area) exclusively for an "Event Garden" to conduct private parties, receptions, charity events and the like. After review of the application and associated information, Staff determined that the application could not be accepted and/or processed since the subject property is within a Residential zoning district and the proposed use is not a use allowed by right or by conditional use permit in said residential zoning district. As such, on March 13, 2009, Staff returned the submitted conditional use permit application to the applicant.

As a result of Staff's determination, and since the City's Development Code allows for an Interpretation Procedure to further define or enumerate the uses permitted in the various zoning districts, the property owner submitted a request for a formal use determination for the proposed *Point View* "Event Garden" use pursuant to the City Development Code's Interpretation Procedure. The application requested a formal interpretation as to the basis of Staff's conclusion of why the proposed "Event Garden" does not qualify as a permitted or conditionally permitted use in a Residential zoning district. As a result, an official Interpretation was issued by the Director stipulating that "a Conditional Use Permit application cannot be accepted for use of the *Point View* property or other Residentially Zoned property to conduct a commercial enterprise whereby Residentially zoned property is used by a person or organization that is not the property owner for the sole purpose of renting the property to conduct events, meetings, parties or other similar commercial activities on an on-going basis." The Director's Interpretation was subsequently appealed to the Planning Commission; however, the Planning Commission adopted PC Resolution No. 2009-41 (attached), upholding the Director's determination. Although the Planning Commission's decision to uphold the Director's Interpretation was appealed to the City Council by the *Las Candalistas* organization, the appeal was subsequently withdrawn and the Interpretation became final.

*Moratorium Boundary Line Adjustment (2011)*

On March 9, 2011, the property owner submitted a request to adjust the moratorium boundary line that traverses the *Point View* property. After reviewing all appropriate site specific geotechnical reports, information and data, the City's consulting Geologist

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

approved the requested Moratorium Boundary Line adjustment pursuant to Section 15.20.120 of the City's Municipal Code. The adjustment resulted in 12.82 acres removed from the moratorium area, thus increasing the area of the property located outside of the LMA to 46.82 acres, and decreasing the area of the property located within the LMA to 48.18 acres.

Master Use Plan Proposal (2010 – present)

On February 28, 2010, Conditional Use Permit and Site Plan Review applications (Case No. ZON2010-00087) were submitted to the Community Development Department for processing. Since that time, additional information was submitted and the applications revised to include additional components. In summary, the proposed project includes an agricultural component, a golf course use, an ancillary event garden use, and additional miscellaneous improvements to the property.

On January 18, 2011, the City Council authorized executing a professional services agreement with PCR Services Corporation to prepare a Mitigated Negative Declaration (MND) for the proposed *Point View Agriculture, Golf Course and Event Garden Master Plan* project. As a result, a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) to assess the project's environmental impacts. On April 17, 2012, the MND was circulated to the California State Clearing House for a posting and comment period of thirty days (as required by CEQA), and circulated to all appropriate public agencies for comment. Further, the City mailed notices to 114 property owners within a 500-foot radius from the subject property, and subsequently published the notice in the *Peninsula News* on April 19, 2012. Lastly, the notice was posted on the City's website, and emailed to the 157 email addresses that are registered on the *listserve* for this project.

Miscellaneous Background

Over the last several years, the property owner has constructed several improvements on the property, primarily in the "cook shack" area. Pursuant to Municipal Code Chapter 15.20 (Moratorium on Land Use Permits), the property owner has received Landslide Moratorium Exception permits (and building permits, when necessary) to remodel the existing bathroom facility, storage structure, fireplace and barbecue, to construct a new wall encircling the cook shack area, and most-recently for a new greenhouse structure. In addition to the aforementioned improvements, the property owner also installed a paved entry driveway along Palos Verdes Drive South, and has planted a one-acre avocado orchard in accordance with Section 17.02.020(H) at the northern portion of the property. Lastly, the property owner has hosted events on the property for personal friends and family that have not required a Special Use Permit, and for organizations (such as the LA County Sheriff's Department Family Picnic) that have been allowed through Special Use Permits. It is important to note that when a Special Use Permit was submitted, public

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

notice was provided to the property owners within 500-feet of the property, as well as to the homeowner's associations with that radius.

In 2009, the property owner paved an existing dirt roadway located between Narcissa Drive (on the east) and the cook shack area of the *Point View* property. The property owner did not obtain the necessary approvals from the City prior to paving that portion of the dirt roadway. However, since the current proposal includes paving the existing dirt roadway that connects to the existing at Palos Verdes Drive South, the project applications also include after-the-fact approval for the portion of paved driveway that was paved in 2009.

**SITE DESCRIPTION**

The 94-acre subject property (also referred to as the *Point View* site) consists of largely undeveloped hillside terrain that ranges from areas that are generally flat to areas with slopes in excess of 35-percent. There are limited areas of the site that have been improved. These include a paved entry driveway at PV Drive South; and two small ancillary buildings that have been remodeled, which include a restroom building and a storage building (these buildings are known locally as the "Cook Shack"). These structures are surrounded by freestanding walls between 3-feet to 6-feet high, an outdoor fireplace and a built-in barbecue, and are located along the eastern side of the *Point View* site. This area is referred to as the "Event Garden" area. Approximately 86 acres of the *Point View* property is zoned RS-1, and 8 acres is zoned RS-2. Lastly, approximately 46.82 acres of the property are outside of the LMA and approximately 48.18 acres of the property are inside the LMA.

**PROJECT DESCRIPTION**

The project applications related to Case No. ZON2010-00087 include a Conditional Use Permit, Site Plan Review, and Environmental Assessment. The project includes an agricultural use, golf course use, an ancillary events use, and other miscellaneous improvements. The following offers a more detailed account of the requested uses.

Agricultural Use – The project includes an organic avocado orchard on the northern portion of the site, measuring 11.5-acres in area; a secondary organic avocado orchard on the eastern side of the site measuring 6-acres in area; a separate citrus/non-organic avocado orchard on the eastern side of the site measuring 1.5-acres in area; and two vineyard areas in the middle and western side of the site, measuring 5.5-acres and 3-acres in area, respectively. Section 17.02.025 of the Municipal Code establishes that the growing of crops and/or fruits on more than one acre, or for commercial purposes is a conditionally permitted use. The total acreage of agricultural use is proposed to be approximately 25-acres.

Golf Course Use – The project also includes a uniquely designed golf use that does not function like or resemble a traditional golf course. Unlike a traditional golf course, the 2.5-

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

acre *Point View* Golf Course will consist of two greens, traps, and 9 holes facilitated from 5 tee locations. The proposed golf course will function similar to a 9-hole executive golf course. The golf course will be operated and maintained by the landowner; will not have designated employees; will not be open to the general public; will not have regular operating hours; will not have an enclosed clubhouse; and will not be operated as a commercial venture as no green fees will be collected. Instead, the golf course will be limited to guests of the landowner and to those who are at the site for an event; play will be limited to daylight hours only; and, access to the golf course will be via the existing roads on the property. Section 17.02.025(G) of the Municipal Code establishes that a golf course is a conditionally permitted use in the single-family residential zoning district.

Event Garden Use – The Event Garden is planned as an ancillary use on the flat terrace located in the north-central portion of the 94-acre *Point View* property (referred to as the event garden area, or the “cook shack” area). It is important to make the distinction between the current proposal and the property owner’s 2009 request that resulted in the Director’s Interpretation. The 2009 request was for the sole purpose of using the property to conduct events throughout the year. In this instance, the proposal includes a CUP application for a golf course, with the event garden functioning as an ancillary use, similar to operations at Trump National. A comparative analysis of this is provided later in this report.

With regards to this use, the *Point View* property has been used in the past for fundraising events by the Las Candalistas (Walk On The Wildside) and the U.S. Pony Club; for filming of motion pictures, television shows and commercials; and, for private parties hosted by the owner. As part of the current proposal, the property owner proposes to rent out the event garden area to private entities and organizations to conduct no more than 30 events per year, which include:

- Fund raising and charity events
- Private parties
- Public and community events
- Weddings and wedding receptions
- Corporate parties
- Outdoor conferences
- Educational events

Attendance will be limited to 300 people per event (not including event staff, security/safety personnel, etc.), with an occasional special charity event that could generate up to 750 people. The applicant proposes the hours of operation to be limited to 8:00 a.m. until 10:00 p.m., with the typical event lasting approximately five hours. The event garden area would be made available for such activities throughout the year on an ongoing basis. Visitors to the site would access the *Point View* property via the existing paved driveway approach along Palos Verdes Drive South, which currently transitions to an unpaved access road that traverses the site and leads to the event garden area and a flat open area

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

that would accommodate parking for up to 140 vehicles. The parking area would be composed of an unimproved surface overlain with crushed rock to ensure an adequate parking lot surface.

Miscellaneous – To improve on-site circulation and access, the proposal includes legalizing an after-the-fact roadway segment that was paved to provide emergency/back-up access to the site from the Narcissa Drive gate. Further, a new paved roadway is proposed to provide main access to the property via Palos Verdes Drive South. The after-the-fact roadway is a 700-foot segment constructed of impervious asphalt; while the new main roadway is currently an unpaved dirt road measuring 1,880-feet in length, and is proposed to be paved with impervious asphalt.

**CODE CONSIDERATIONS AND ANALYSIS**

**ENVIRONMENTAL ASSESSMENT**

In accordance with the provisions of the California Environmental Quality Act (CEQA), an Initial Study was prepared of the project's environmental impacts (see attached Draft Initial Study/Mitigated Negative Declaration). Although CEQA identifies a number of categorical exemptions that would exempt a proposed project from the preparation of environmental documents, the Initial Study and subsequent Mitigated Negative Declaration (MND) were prepared since the proposed project did not qualify for a CEQA exemption. As a result of the Initial Study, it was determined that the proposed project would not have a significant effect on the environment if appropriate mitigation measures were incorporated, resulting in the preparation of a MND. The MND was circulated to the State Clearinghouse on April 17, 2012 for a posting and comment period of thirty days prior to consideration of the MND (as required by CEQA), and was also circulated to all applicable public agencies. Although the formal comment period ended on May 18, 2012, public comments will continue to be accepted until a decision is made on the project. A public notice was also mailed to the 114 property owners within a 500-foot radius from the subject property, and a notice was published in the *Peninsula News* on April 19, 2012. Lastly, the notice was posted on the City's website, and emailed to the 157 email addresses that are registered on the *listserve* for this project. As of the preparation of this report, Staff has received several items of written correspondence in response to the proposed project.

As shown in the attached Initial Study, the project will not result in or create any significant impacts, or have less than significant impacts to Agricultural Resources, Air Quality, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems. However, the Initial Study identified that the project may create potentially significant impacts to Aesthetics, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Traffic, unless mitigated with appropriate measures. These potential impacts and the associated mitigation measures are discussed below. Incorporation of the mitigation measures will result in a less than significant impact.

**Aesthetics:** It was identified that the project may result in an aesthetic impact with regards to the visual character of the site, and the creation of light. The potential aesthetic impacts to the visual character of the site have resulted in incorporating a mitigation measure that requires the portion of the paved internal driveway that is visible from along Palos Verdes Drive South to be paved with an earth-tone-colored surface material. The applicant has indicated a disagreement this aspect of the Initial Study analysis, citing that the visual character of the proposed driveway would not represent a potentially significant impact. The applicant believes that the design of the proposed driveway includes a rural design standard since it would not include a curb and gutter, would be curvilinear, and would be bordered by vegetative buffer strips and ornamental planting on both sides that will help mitigated the aesthetic concerns. Thus, the applicant believes that the mitigation measure in not warranted. Nonetheless, Staff believes that an asphalt/concrete driveway with a black hue would be apparent as it meanders up the slope of the natural hillside, and creates an aesthetic impact. As a result, Staff believes that the mitigation measure to pave the internal driveway that is visible from along Palos Verdes Drive with an earth-tone-colored surface material is necessary to mitigate the aesthetic impact.

The potential lighting impact from vehicle headlights has resulted in incorporating a mitigation measure that requires vegetative screening along the driveway. Staff believes that incorporation of these mitigation measures will result in a less than significant impact upon the issue of aesthetics.

**Biological Resources:** It was identified that the project may result in an impact with regards to special status species. It is important to note that no portion of the *Point View* property is included within the City's NCCP Preserve. However, the property does abut the Three Sisters Reserve, which is part of the City's NCCP Preserve. While there is on-site coastal sage scrub (CSS) habitat on the subject property that is suitable for the coastal California Gnatcatcher, the proposed project does not impact any CSS habitat. Annual focused Gnatcatcher surveys have been conducted by the property owner since 2006. These surveys have found a single pair of gnatcatchers present on site each year in 2006, 2009, and 2011, while no gnatcatchers were present in 2007, 2008 and 2010. Thus, due to these past observances and the property's location abutting the Preserve, it is reasonable to expect to find the gnatcatcher on-site. Although the proposed activities would not affect the bird's behavior, initial construction of the project, such as roadway grading or ripping of the soils in preparation of planting can potentially be disruptive. To ensure no indirect significant impacts occur to gnatcatchers during construction-related activities, mitigation measures have been incorporated. Additional mitigation measures have also been incorporated to address potential impacts to the white-tailed kite, the cactus wren and the Palos Verdes Blue Butterfly, which are species that have an albeit low potential for being on-site due to the presence of potentially suitable habitat. In summary, the mitigation measures limit construction activities to be conducted outside of the nesting bird season, and require a minimum setback from any active nesting birds should construction activities be done during the breeding season.

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

A comment was received from the Sierra Club citing that the proposed project is not consistent with the City's NCCP. It is important to note that, as indicated above, the subject property is not part of the City's NCCP Preserve, but the City's NCCP document does identify development of the subject property as a project covered by the City's NCCP. Specifically, the NCCP document approved by the City in 2004 identifies coverage for a residential development project proposed in 2004 that was expected to result in a loss of 7.3-acres of CSS and 59-acres of non-native grassland. These losses of habitat would be mitigated by the project proponent dedicating 40, on-site, acres to the City's Preserve. As noted earlier in this report, the proposed residential development was eventually withdrawn.

The current proposed project does not result in an impact or loss of CSS habitat, nor does it result in an impact to any sensitive species. As a result, no mitigation in the form of land dedication or habitat restoration is required as there is no nexus for such dedication or restoration. While the *Point View* property does serve as a habitat connection between the Filiorum Reserve and Abalone Cove Reserve portions of the City's NCCP Preserve, 99% of the 94-acre property will remain as open space; as such, Staff believes that the property functions as a de-facto wildlife corridor (although not required to so do by the NCCP). Therefore, Staff believes that the proposed project is consistent with the City's NCCP.

**Cultural Resources:** It was identified that the proposed project may result in an impact to cultural resources, specifically an archaeological resource. The potential impact results from ground-disturbing activities associated with the paving of the driveway, soil modification for the tee areas, greens and the agricultural uses. Although these activities would primarily be conducted in areas that have been previously disturbed by past grading efforts, previous archaeological investigations found that the subject property contains prehistoric archaeological sites within its boundaries. To ensure that impacts are reduced to a less than significant level, mitigation measures have been incorporated to require an archaeologist be consulted prior to project implementation to investigate, and be present during ground-disturbing activities. Staff believes that incorporation of these mitigation measures will result in a less than significant impact upon the issue of Cultural Resources.

**Geology and Soils:** It was identified that the project may result in potential adverse effects involving landslides, soil erosion and its location on a geologic unit. Although the proposed project would not involve major grading or sizeable structural improvements that might induce landsliding, the proposed project would introduce an agricultural irrigation system to the site. If not properly designed, maintained and operated, the irrigation system could exacerbate landslide conditions by increasing groundwater infiltration. This potential impact has resulted in the incorporation of mitigation measures that require a monitoring program, and require that all water and irrigation lines be above ground to facilitate visual inspection.

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

With regards to soil erosion, site preparation for project implementation would expose soils for a limited time, allowing for possible erosion. The potential impact has led to incorporating mitigation measures that implement standard erosion control in accordance with Best Management Practices (BMPs). To further reduce this impact, mitigation also requires NPDES approval from the City's consultant prior to issuance of any grading and/or building permit. Lastly, it is important to note that the City Geologist has reviewed the appropriate geotechnical reports, and concurs with the findings of the information and concludes with the mitigation measures resulting from the Initial Study. Staff believes that incorporation of these mitigation measures will result in a less than significant impact to geology and soils.

**Hydrology and Water Quality:** It was identified that the project may result in potentially significant impacts with regards to quality of the discharged wastewater, and its discharge into downstream receiving waters. Runoff from the agricultural operations could include nutrients, pesticides, herbicides, and sediment. Any increase in the amount of pollutants in runoff leaving the site is considered a potentially significant impact. As a means to control storm water runoff and any pollutants that may enter the storm drain system, two sets of mitigation measures are incorporated; those to treat runoff from the proposed internal driveway, and those to treat runoff from the agricultural areas. Among the mitigation measures for the driveway, a vegetated buffer strip along the driveway would be included, which has a high removal effectiveness rating for petroleum hydrocarbons and metals. Among the mitigation measures for the agricultural uses, a combination of crop cover, straw mulch, and fiber rolls would be required in the areas around and downslope of the agriculture areas to capture any pollutants in storm water flows. Staff believes that incorporation of these mitigation measures will result in a less than significant impact to hydrology and water quality.

**Land Use/Planning:** It was identified that the project may possibly conflict with the adopted regulations for the Landslide Moratorium Area. However, Section 15.20.040.M allows for the "*submittal of applications for discretionary planning permits for structures or uses which...there is no possibility of any adverse impact upon soil stability. Examples of these types of applications include conditional use permits for the establishment of a use or activity at or on an existing structure where no structural modifications are required and such other uses, activities and structures that the city geotechnical staff determines to have no potential for adverse impact on landslide conditions.*" As specified in the Geology and Soils section, the City Geologist has reviewed the appropriate geotechnical reports, and concurs with the findings of the information and concludes with the mitigation measures resulting from the Initial Study. As such, Staff believes that incorporation of these mitigation measures will result in a less than significant impact.

**Noise:** It was identified that the project may result in a potentially significant impact with regards to periodic or temporary increase in noise levels as a result of construction and event activities.

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

The proposed project includes seven types of noise-generating activities, including: 1) construction noise; 2) parking noise; 3) roadway noise (i.e., mobile source); 4) event-related music; 5) crowd noise; 6) golf-related activities; and, 7) agricultural activities. Since the nature of the noise sources are different, separate thresholds were used for these noise-generating activities to determine whether there would be a significant impact. Further, to quantify the existing noise environment, long-term (117-hours) measurements were conducted at four locations along the property line of the *Point View* property, closest to existing residences and deemed to be noise-sensitive receptor locations. In summary, the proposed project would have a significant noise impact if one or more of the following occurs:

- Construction – Noise levels during construction exceed 65 dBA at a noise-sensitive receptor location.
- Parking – Noise generated from the operation of a parking area (i.e., automobile movements) exceeds 65 dBA at a noise-sensitive receptor location.
- Mobile-Source (Roadway) Noise - Noise attributable to project-related traffic volumes, or cumulative traffic volumes cause a 5 dBA increase in Community Noise Event Level (CNEL) along a roadway segment with existing noise sensitive uses.
- Event-Related Music - Project event activities such as music exceed the existing average ambient noise levels by 5 dBA at a noise-sensitive receptor location.
- Crowd cheering and applause – Crowd cheering and applause noise exceeds the existing average ambient noise levels by 10 dBA at a noise-sensitive receptor. This was selected as the most applicable significance level for this noise-generating activity because crowd cheering and applause is not expected to occur for more than 15 minutes in any one hour.
- Golf-related Activities – Golf-related activity noise levels exceed the existing average ambient noise levels by 10 dBA at a noise-sensitive receptor location. This was selected as the most applicable significance level for this noise-generating activity because peak noise from golf-related activities is not expected to occur for more than 15 minutes in any one hour.
- Agricultural Activities - Agricultural equipment noise levels exceed 65 dBA at a noise-sensitive receptor location.

Of the noise-generating activities, the noise impacts resulting from parking, roadway (mobile-source), golf-related activities, and agricultural activities noise would be less than significant. With regards to construction noise, the threshold of significance for the CEQA analysis was based upon Municipal Code Section 17.12.030, which limits noise from mechanical equipment, deliveries of commercial goods and supplies, trash pick-up, etc. to 65dBA, as measured from the closest property line to such noise generating activity. Parking activities will not reach such thresholds. However, construction activities and agricultural maintenance vehicles/equipment have the likelihood to exceed the 65dBA threshold. As such, mitigation has been incorporated that will reduce construction noise levels during grading, paving and planting phases to less than significant, and by limiting the distance of agricultural maintenance equipment.

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

With respect to event-related music and crowd noise, these two noise generators result from the proposed “Event Garden” use. However, since these noise sources differ in nature, they were analyzed independently. Further, since the City’s Municipal Code does not specifically address noise from these sources, the CEQA analysis was based on the existing ambient noise level to determine that the impacts would be significant unless mitigation measures were incorporated. The ambient noise levels were further bifurcated by establishing existing daytime ambient noise and existing evening ambient noise levels from data obtained at the noise-sensitive receptor locations.

Event-related music and crowd noise were found to exceed the evening ambient noise levels at two of the four noise-sensitive receptor locations. As a result, mitigation measures have been recommended to reduce the potential significant noise impacts to less than significant for event-related music and crowd noise. The mitigation measures are listed on pages B-101 and B-102 of the Initial Study/Mitigated Negative Declaration. In summary, the mitigation measures include installation of foam board, insulation and other sound absorption material at key locations on-site; a 12-foot tall wall adjacent to the cook shack structure; use of specified speakers at predetermined locations and directions; prohibiting amplified music at the ceremony lawn area; and, prohibiting event activities at the ceremony lawn area after 6pm.

As such, the CEQA analysis has concluded that with mitigation, the project’s noise impacts would be less than significant.

**Transportation and Circulation:** It was identified that the project may result in a potentially significant transportation and circulation impact, specifically in regards to a design feature with the driveway. The driveway is positioned such that it could result in a hazardous left-turn entrance onto PV Drive South. To mitigate such hazards, mitigation measures have been included that would prohibit left-turns, and by appropriately striping the driveway apron to be perpendicular to PV Drive South to provide better visibility for motorists as they turn onto PV Drive South. With the concurrence from the City’s Public Works Department, Staff believes that incorporation of these mitigation measures will result in a less than significant impact.

As such, Staff has concluded that a Mitigated Negative Declaration can be approved for this project since mitigation measures have been incorporated to result in a project with less than significant impacts.

**CONDITIONAL USE PERMIT**

Pursuant to Development Code Section 17.02.025, approval of a Conditional Use Permit is required for “The growing of crops and/or fruits on more than one acre or for commercial purposes”...and for “Golf courses, driving ranges and related ancillary uses”. The components of the project being analyzed in this section include the proposed orchards,

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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the golf course, and the ancillary Event Garden use. The first two are specifically stated as conditionally permitted uses within the City's Development Code, and would be considered the primary uses of the property. To that end, the proposed Event Garden use is considered an ancillary use of the golf course. As such, the Conditional Use Permit analysis will address each of the three proposed uses individually.

In considering a conditional use permit application, Development Code Section 17.60.050 requires the Planning Commission to make six findings in reference to the property and uses under consideration. (Development Code language is **boldface**, followed by Staff's analysis in normal type):

- 1. The site is adequate in size and shape to accommodate said use and for all of the yards, setbacks, walls or fences, landscaping and other features required by this title [Title 17 "Zoning"] or by conditions imposed under this section [Section 17.60.050] to adjust said use to those on abutting land and within the neighborhood.**

As indicated above in the Site Description, the subject property measures 94-acres, and consists of largely undeveloped hillside terrain that ranges from areas that are generally flat to areas with slopes in excess of 35-percent. There are limited areas of the site that have been improved. Approximately 86 acres of the *Point View* property is zoned RS-1, and 8 acres is zoned RS-2; while approximately 46.82 acres of the property are outside of the LMA and approximately 48.18 acres of the property are inside the LMA.

Agricultural Use – The proposed agriculture use would be distributed throughout the subject property, and would cumulatively account for approximately 25-acres of the site. The agricultural areas would be located at the northern portion of the property, the eastern portion of the site between the proposed Event Garden area and the *Portuguese Bend* community, and on the western side near the single-family residences located at the end of the Arrowroot Lane cul-de-sac. Further, since portions of the agricultural use would be within the limits of the LMA, the irrigation system would be conditioned to be located above-ground, and monitoring of the soil would be conducted to ensure that irrigation does not cause an over-watering situation. As such, Staff believes that the size of the site is adequate to accommodate the proposed agricultural uses on the site.

Golf Course Use – The proposed golf course would be located below the northern agricultural area, northwest of the proposed Event Garden area, and would account for approximately 2.5-acres of the *Point View* property. The golf course would consist of two greens with artificial turf and 5 tee locations that would also consist of artificial turf surface, which results in no grading, no watering, fertilizers, pesticides or herbicides. These features would create a 9-hole golf course. Further, no lights are proposed and the course would be limited to event garden users and guests of the property owner, and would not be open to the general public. The golf course area would be located sufficiently away from any residences and would be concentrated near the center of the *Point View* property. As

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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such, Staff believes that the size of the site is adequate to accommodate the proposed golf course use on the site.

Event Garden Use – The proposed Event Garden use would be limited to the improved area of the site, which is currently improved with a restroom and storage buildings. This portion of the site has alternatively been known as the “Cook Shack” area, referring to its past use as a cooking facility. New development at this location would be limited to a new trellis structure to create a more formal ceremony area approximately 50-feet southeast of the restroom building. In general, the Event Garden would be located over 300-feet from the nearest residence. However, according to the CEQA analysis, the noise associated with the proposed Event Garden use would exceed the evening ambient noise levels. As a result, mitigation includes limiting the hours of operation to no later than 6pm. Staff believes that with this limitation, the site is adequate to accommodate the proposed Event Garden Use.

Based upon the above discussion, the Initial Study, and the fact that the subject property is large in enough in size and shape to accommodate the proposed project, Staff believes that this finding can be made as conditioned.

**2. The site for the proposed use relates to streets and highways sufficient to carry the type and quantity of traffic generated by the subject use.**

Traffic and circulation issues were analyzed in the Initial Study, and was based upon a traffic impact study that accounted for each of the proposed uses, as well as current and future projects. As evidenced by the Initial Study, the proposed uses will not generate a level of traffic that would impact the street system.

Agricultural Use – The proposed agricultural use would generate up to 20 workers on site during harvest seasons, which could occur up to five times during the year for up to two weeks each. Further, three workers would also visit the site several times during the week for regular maintenance. The Initial Study concluded that the traffic generation resulting from the proposed agricultural use would result in 5 peak hour trips on Friday and Saturday. However, due to the nature of the operation where up to 20 workers would only be on-site during harvest seasons, the proposed use would not impact the levels of service of the roadway network. As such, Staff believes that the proposed agricultural use relates to streets and highways sufficient to carry the type and quantify of traffic generated by the use.

Golf Course Use – The proposed golf course would generate a minimal, sporadic, amount of trips. The operation of the golf course will be limited to daylight hours only with no regular operating hours; would be operated and maintained by the property owner; would not have designated employees, and would not be open to the general public. The Initial Study concluded that the traffic generation from the golf course use could result in 1 peak hour trip on Friday and 2 peak hour trips on Saturday, which would not impact the levels of

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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service of the roadway network. As such, Staff believes that the proposed use relates to streets and highways sufficient to carry the type and quantify of traffic generated by the golf course use.

Event Garden Use – The proposed use would generate pre-event and post-event trips related to event planning, set-up and tear down. However, these trips would be negligible and would not impact the roadway network or the levels of service. The project traffic would be driven by the arrival and departure patterns of the attendees and staff. The proposed Event Garden use could generate up to 300 attendees, and up to 50 event staff (security, catering, florists, etc.).

Based upon the above discussion, the Initial Study, and concurrence by the City's Public Works Department, Staff believes that the proposed project will not adversely impact off-site traffic patterns. As such, the street and highways are sufficient to carry the type and quantity of traffic generated by the proposed use, and this finding can be made and adopted as conditioned.

**3. In approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof.**

Agricultural Use – As indicated above, the agricultural use would be concentrated in three areas of the *Point View* property. These areas are located with sufficient distance from adjacent residences, and the nature of the operation will not result in any impacts to adjacent property. Even though the agricultural use would require the occasional maintenance workers and harvest seasons, these periods would not create activities that would effect adjacent property. As such, Staff believes that the agricultural use will not cause a significant adverse effect to the surrounding area.

Golf Course Use – As indicated above, the golf course would be located near the center of the *Point View* property. The use, as proposed with operating hours being limited to daylight hours, no grading, no watering, fertilizers, pesticides or herbicides, etc. would result in a low intensity use in a location that does not impact adjacent property. As such, Staff believes that the proposed golf course use will not cause a significant adverse effect to the surrounding area.

Event Garden Use – There are other facilities in the City that conduct similar events that result in event-related music and crowd noise. For example, Trump National golf Course, where the underlying zoning is Residential, holds events similar to that proposed at the *Point View* Event Garden area. However, Trump National is improved with a clubhouse building that is designed to accommodate large events within the enclosed structure. The proposed Event Garden, however, would be located outdoors. In general, the Event Garden would be located over 300-feet from the nearest residence. However, according to the CEQA analysis, the noise associated with the proposed Event Garden use (specifically, the ceremony area) would exceed the evening ambient noise levels. Although it was

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

identified that incorporating mitigation measures will reduce the impact to less than significant for purposes of the environmental assessment, Staff believes that limiting the hours of operation to no later than 6:00pm is reasonable.

Currently, noise in the vicinity of the project site is primarily the result of automobile traffic, prevailing on-shore winds, incidental noise from existing residential and religious uses, distant aircraft over-flights and landscaping maintenance activities at nearby residential uses. Staff believes that the Event Garden will introduce a new noise source, including crowd noise and event-related music. The noise studies conducted for the site used daytime and evening ambient noise levels as thresholds to determine whether the proposed project would cause a significant impact. The studies concluded that the noise produced from crowd and event-related music at the Event Garden area would exceed the evening ambient noise levels. Although it minimally exceeds the threshold, Staff believes that any amount above the threshold is significant because it is a result of a noise source that is being introduced to the area. As a result, Staff believes that allowing the Event Garden use to continue into the evening would cause a significant adverse impact to the surrounding area. As such, with incorporation of conditions, including a condition that limits the hours of operation to no later than 6:00pm, the proposed project will result in a use that would not cause a significant adverse impact.

Based upon the discussion above, the Initial Study, and noise analysis, Staff believes that the proposed project will not cause a significant adverse impact to the surrounding area, and this finding can be made as conditioned.

**4. The proposed use is not contrary to the General Plan.**

The three components of the proposed project (i.e., Agriculture, Golf Course and Event Garden uses) will not be contrary to the General Plan goals and policies, as specified and elaborated in Table B-6 on pages B-66 thru B-73 of the Initial Study/Draft Mitigated Declaration for the *Point View* Master Use Plan. The following is a short list of several General Plan policies in which the project is found to be consistent:

Natural Environment Policy: Stringently regulate irrigation, natural drainage, and other water-related considerations, in both new development and existing uses affecting existing or potential slide areas.

Socio/Cultural Element Policy – Cultural Resources: Require all projects for new construction, subdivisions, conditional use permits, and variances that occur in archaeologically sensitive areas to have a special archaeological component in their EIRs.

Urban Environment Element Policy – Agricultural Activity: Encourage implementation techniques for preservation of agricultural activities.

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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Urban Environment Element Policy – Infrastructure (Disposal/Recovery System):  
Encourage the investigation of methods to reduce pollution impacts generated by development runoff.

Urban Environment Element Policy – Infrastructure (Transportation Systems):  
Require adequate off-street parking for all existing and future development.

Urban Environment Element – Sensory Environment (Visual Aspect): Require developers, as developments are proposed within areas which impact the visual character of a corridor, to address treatments to be incorporated into their projects, which enhance a corridor's imagery.

As indicated by the information presented above, along with the discussion in the Initial Study, Staff believes that the proposed project will be consistent with the goals and policies of the General Plan, and this finding can be made and adopted.

**5. If the site of the proposed use is within any of the overlay control districts established by Chapter 17.40 (Overlay Control Districts) of this title [Title 17 “Zoning”], the proposed use complies with all applicable requirements of that chapter.**

The *Point View* property is located within both the Natural Overlay Control (OC-1) district and the Urban Appearance Overlay Control (OC-3) district. With the exception of one Performance Criteria, Staff believes that the three components of the proposed project (i.e., Agriculture, Golf Course and Event Garden uses) are consistent with the applicable performance criteria of the Overlay Control Districts as specified and elaborated in Table B-7 on pages B-75 thru B-77 of the Initial Study/Draft Mitigated Declaration for the *Point View* Master Use Plan.

Performance Criteria No. 6 of the Natural Overlay Control district states, “the project shall not use herbicides to control or kill vegetation”. Although herbicides would be used for the agricultural uses on the project site, they would primarily be organic and designed not to result in harm to the surrounding environment. However, it is important to note that herbicides would only be applied as necessary, and that the crops chosen for the project site are those that thrive in the Rancho Palos Verdes climate and underlying soil conditions without the need for excessive herbicides or fertilizers. Further, the areas proposed for the agricultural uses do not contain protected vegetation, and the herbicides would be used to control weeds that could compromise the crops. Lastly, the project contains agricultural BMPs to ensure that herbicides do not enter stormwater flows leaving the project site.

As such, although the use of herbicides would be used, Staff believes that the proposed project furthers the purpose of the OC-1, as it was “... established to maintain and enhance land and marine-based wildlife and vegetation” in that no vegetation that enhances wildlife would be impacted. As a result, Staff believes that this finding can be made and adopted.

6. **Conditions regarding any of the requirements listed in this paragraph, which the Planning Commission finds to be necessary to protect the health, safety and general welfare, have been imposed [including but not limited to]: setbacks and buffers; fences or walls; lighting; vehicular ingress and egress; noise, vibration, odors and similar emissions; landscaping; maintenance of structures, grounds or signs; service roads or alleys; and such other conditions as will make possible development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title [Title 17 “Zoning”].**

As previously mentioned in this report, the Initial Study and Staff’s analysis have determined that the proposed project may potentially impact the surrounding environment. Therefore, a Mitigated Negative Declaration was prepared, which includes mitigation measures to avoid significant adverse impacts to the physical, built and natural environments. Furthermore, conditions recommended by Staff have been identified that will ensure that the proposed project is regulated so that it is developed in a manner that preserves the character of the community. The following discussion pertains to conditions and/or changes to the project recommended by Staff to protect public health, safety, and general welfare:

- A. Setback and Buffer – As proposed, the agriculture and golf course uses will be situated in areas of the property that provide for sufficient setback from adjacent residences. Further, the nature of these uses do not result in the need to provide additional setback or buffering. With regards to the Event Garden use, said use will be located over 300-feet from the closest residence; however, due to the associated crowd noise and event-related music, the evening ambient noise level would be exceeded. Thus, the Event Garden use has been conditioned such that event activities shall not be allowed after 6:00pm. A further discussion relating to this is provided within the analysis above and within the Initial Study for the project.
- B. Fences and Walls – As proposed, the applicant is not requesting to construct any new perimeter fences or walls adjacent to surrounding residential properties. As a condition to mitigate noise impacts, a wall would be constructed in the Event Garden area, adjacent to the restroom building. Further, existing seatwalls would be required to incorporate sound-absorbing materials.
- C. Lighting – Lighting is not proposed for the agricultural and golf course uses. Low-voltage lighting will be used throughout the Event Garden area and along the internal driveway to delineate the driveway’s alignment. The proposed lighting would be low-voltage and would not be intense; as a result, the lighting would not spill-over onto adjacent properties. The Initial Study found a potential impact to off-site residential uses resulting from vehicle headlights, resulting in mitigation. This potential impact, however, was largely due to the proposal by the property owner to allow events to cease at 10:00pm. Since Staff is recommending that event activities

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

---

not be allowed after 6:00pm, Staff believes that impacts from vehicle headlights are minimized since (with the exception of the winter months) sunset typically occurs after 6:00pm. Notwithstanding, consistent with the mitigation measure identified in the Initial Study, a condition has been included to monitor any complaints and require vegetation at key locations to minimize vehicle headlight spill-over.

- D. Vehicular Ingress and Egress – As specified above in the Environmental Assessment section, the Initial Study concluded that a potential impact results from the access driveway along PV Drive South, specifically in regards to its design. Since the driveway is positioned such that it could result in a hazardous turning situation, mitigation has been incorporated to prohibit left-turns. Additional mitigation requires appropriately striping the driveway entrance to be perpendicular to PV Drive South to provide better visibility for motorists as they turn onto the street.
- E. Noise, Vibration, Odors, and Similar Emissions – due to the nature of the proposed uses, there are no vibration, odor or emissions impacts. As specified in Conditional Use Permit finding no. 3, above, in the Initial Study, the crowd noise and event-related music was found to be a significant impact as it would exceed the evening ambient noise levels. In summary, the mitigation measures include installation of foam board, insulation and other sound absorption material at key locations on-site; a 12-foot tall wall adjacent to the cook shack structure; use of specified speakers at predetermined locations and directions; prohibiting amplified music at the ceremony lawn area; and, prohibiting event activities at the ceremony lawn area after 6:00pm. Further, since the project would introduce a new noise source to the area, Staff has included a condition that events at the Event Garden not be allowed after 6:00pm.
- F. Landscaping – No ornamental landscaping is proposed with the project. The new agricultural use will, by its nature, introduce landscaping onto the *Point View* property. Since the agricultural uses will not result in a significant impact, no conditions or mitigation measures have been incorporated.
- G. Maintenance of Structures, Grounds and Signs – To ensure that landscaping and the property are properly maintained, the project includes 3 workers to be on-site several times during the week. Further, since the irrigation lines are required to be above-ground (except at road crossings), maintenance of the irrigation system is facilitated.
- H. National Pollutant Discharge Elimination System (NPDES) – The Federal Clean Water Act requires that developers and contractors reduce the amount of pollutants in storm water runoff to the maximum extent practical. Pursuant to the requirements set forth in the Federal Clean Water Act, an Urban Stormwater Mitigation Plan shall be reviewed and approved by the City prior to the issuance of any building and/or plumbing permits. The property owner submitted a preliminary mitigation plan that

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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is in the early stages of development, which was reviewed and approved in concept by the City's consultants. However, building and/or plumbing permits will not be issued, as conditioned, until a final mitigation plan that incorporates all mitigation measures identified in the Initial Study is approved.

- I. Height and Design – The only new structure proposed on-site includes a new trellis structure to create a more formal ceremony area approximately 50-feet southeast of the restroom building. The height will be limited to the Development Code's 12-foot maximum height and would be designed to be compatible with the existing improvements in the Event Garden area.

Therefore, Staff believes that all relevant conditional use permit findings can be made in a positive manner to warrant approval for the proposed project, subject to the incorporation of the conditions and mitigation measures identified in the Staff Report and the Initial Study for the project.

**SITE PLAN REVIEW**

Miscellaneous improvements on the site include paving the unpaved driveway from the existing driveway approach along PV Drive South, a new trellis, a pre-fabricated fountain, two water tanks, after-the-fact approval of a portion of the driveway that was paved, adjacent to Narcissa Drive. These additional improvements relate to the overall operation of the proposed uses on-site. The existing dirt roadway that extends from the existing paved driveway approach will be paved and will not require grading. A condition to this effect will be included by Staff. The areas will be smoothed to ensure proper installation of the paving material and will be designed to ensure proper drainage. The proposed trellis and pre-fabricated fountain will be ancillary structures, and will be within the amount of square footage allowed within the LMA. The water tanks will be installed in the middle of the site and will be screened with foliage. Lastly, the after-the-fact paved roadway adjacent to Narcissa Drive will connect to the newly paved driveway and will ensure a continuous paved driveway to the Event Garden area. Access from Narcissa Drive will not be used by the public, as this was a limitation resulting from a court decision. A condition to this effect will be included by Staff. As such, Staff believes that the Site Plan Review for the aforementioned improvements can be approved.

**ADDITIONAL INFORMATION**

*Public Correspondence:*

A variety of comments were received during the comment period in response to the public hearing notice. Although most comments were in support of the proposed project, some comments raised issues of concern. Some issues have been addressed within this report, including biological issues, pesticide use and resulting water quality, noise, and traffic.

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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Staff also received comments regarding trails and trail connectivity through the site, access to the site via Narcissa Drive, and consistency with the City's NCCP.

*Trails:*

The Conceptual Trails Plan several trail segments in the vicinity of the project site, or traversing the project site. According to the Administrative Procedures for Trail Implementation (adopted January 22, 1990), "All trails in the Conceptual Trails Plan are conceptual...their inclusion in the document does not legally grant their use or guarantee their implementation." As such, since there is no nexus between the proposed *Point View* Master Use Plan and requiring the trail segments, the City cannot mandate nor require that the applicant dedicate a trail easement as part of this project. Nevertheless, Staff met with the property owner and asked if he was willing to voluntarily provide an easement through the property to implement the CTP. The property owner stated that he is not interested in providing an easement at this time.

Similarly, a trail connection was identified that traverses the *Point View* property outside the current perimeter fence on the northern periphery. During the meeting, Mr. York expressed no interest in adjusting the mutual property line or granting an access easement on his property; however, he agreed to enter into a permissive use agreement with the City to allow the desired trail connection provided that the City incurs the preparation and recording costs of such an agreement that indemnifies the property owner from any liability. Once the City Council approves the updated Trails Plan, City Staff will work with the City Attorney and the City Engineer, along with the PVPLC, to execute said permissive use agreement with Mr. York.

*Narcissa Drive Access:*

Public comments have raised a concern with visitors using Narcissa Drive, through the *Portuguese Bend* community, to access the *Point View* property at an existing gate along Narcissa Drive. This issue has been raised as a result of a court decision rendered in 2001, which limits the use of this entry gate along Narcissa Drive to only the property owner and maintenance personnel, and shall not be used by the general public to access the *Point View* property. A condition of approval to this effect will be added. It is important to note that the proposed project does not include access to the *Point View* site by any visitors to the site through the Narcissa Drive gate. Rather, all visitors and guests will be required to access the *Point View* property through the entrance along Palos Verdes Drive South.

*Consistency with the NCCP:*

Public comments have also raised a concern with the project's consistency with the City's Natural Communities Conservation Plan (NCCP). For reasons explained earlier, Staff believes that the project is consistent with the City's NCCP. Nonetheless, Staff reached

**Planning Commission Staff Report**  
**Case No. ZON2010-00087 (EA, CUP, & SPR)**  
**May 22, 2012**

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out to the resource agencies (i.e., California Department of Fish and Game [DFG], and Fish and Wildlife Services [FWS]) for their concurrence on this issue. The resource agencies are looking into this issue and plan to express their position through forthcoming correspondence.

**CONCLUSION**

Based on the analysis above, and based upon the analysis in the Initial Study and the mitigation measures identified, Staff believes that all of the necessary findings can be made to support the project. Notwithstanding, Staff recommends that the Planning Commission open the public hearing and take public testimony on the project, if necessary direct Staff and/or the applicant to address any issues, and continue the public hearing to the June 12, 2012 Planning Commission meeting.

**ALTERNATIVES**

In addition to Staff's recommendation, the following alternatives are available for consideration by the Planning Commission:

1. Approve Case No. ZON2010-00087 and direct Staff to prepare and return to the next Planning Commission meeting with appropriate Resolutions; or
2. Deny Case No. ZON2010-00087 and direct Staff to prepare and return to the next Planning Commission meeting with the appropriate Resolutions.

Please note that in the event that this item is continued beyond the October 14, 2012 action deadline, the applicant must agree to a one-time 180-day extension of that deadline, and extend the time limits of the Permit Streamlining Act.

**ATTACHMENTS**

- Letters in response to the Public Notice
- PC Resolution No. 2009-41, Planning Commission's decision upholding the Director's Determination
- Initial Study/Mitigated Negative Declaration (distributed to the Planning Commission under separate cover on May 8, 2012)

**Eduardo Schonborn**

**From:** Leanne Twidwell [leetwid@yahoo.com]  
**Sent:** Tuesday, May 15, 2012 10:53 PM  
**To:** Eduardo Schonborn  
**Subject:** re: Point View Agriculture and Golf Course Project

Dear Mr. Schonborn,

I am writing to voice my opposition to this latest project presented by Mr. York. He can call this project whatever he wants, but a reading of his proposal shows it to be his previously proposed Event Center, wrapped in avocado trees and an organic garden. I, among many other residents of Portuguese Bend, objected to this project when he presented it a year ago and we will continue to do so, no matter what label Mr. York applies to it.

Thirty events a year, with between 300 and 700 guests, as called for in the proposal, means between 300 and 700 people partying in Portuguese Bend every weekend between April and September. It means noise, music, wandering drunks, flipped cigarettes and at worst, 700 shouting people doing the Chicken Dance at top volume in our community every weekend. We do not need the noise, the invasion of our private community or the fire danger.

Furthermore, Mr. York is asking for legalization of an after-the-fact roadway to provide secondary access to the site from the Narcissa gate. The records will show, I believe, that a law suit some years back, settled the question of Mr. York's access to the Narcissa gate. The court said "no." I certainly don't see any reason to re-visit this decision. Do you?

I understand that Mr. York wants to make money on his considerable investment. However, his acreage is non-commercial, and as far as I know, it has not been re-zoned. So I don't understand how your office or the Planning Commission could even consider allowing this project to proceed any further than the May 22 meeting. I hope you agree with me. If I have any of my facts wrong, I would appreciate hearing from you.

Sincerely,

Leanne Twidwell  
32 Sweetbay Road  
Rancho Palos Verdes, CA  
310 541-1003

**Eduardo Schonborn**

**From:** Marva Burt [marvabrt@cox.net]  
**Sent:** Tuesday, May 15, 2012 4:22 PM  
**To:** Eduardo Schonborn

**Subject:** Point View Conditional Use Permit Hearing

We live adjacent to Point View Property in Portuguese Bend and support Jim York's CUP and all his plans for his Point View Property. There have been parties in the past and the traffic and sound level issues are minimal. We would rather see open space with agriculture, habitat for animals and birds and deal with a few parties than 86 homes built impairing the views and adding more traffic on the PBCA roads. In the past few years the communication with Jim York has greatly improved with PBCA and the Board Members have been advised of any events that have occurred so far. His property is well maintained for fire prevention and accessible for fire trucks and emergency vehicles which benefit our Community.

Sincerely, Pat and Marva Burt  
31 Sweetbay Rd., RPV  
310-541-5127



May 14, 2012

Eduardo Schonborn  
Senior Planner  
City of Rancho Palos Verdes  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Re: Point View Agriculture and Golf Course Project

Dear Eduardo,

This letter is in regards to the proposed Point View Agriculture and Golf Course Project, scheduled to be reviewed by the Planning Commission on May 22, 2012.

We have read the Mitigated Negative Declaration (MND) dated April 2012, reviewing the potential impacts of the Point View Master Plan, and agree with Staffs determination. While we cannot opine upon the technical aspects of the MND, we have determined that York Point View Properties plan will not have a negative impact on Terranea or its business. Furthermore, we believe that the proposed uses specified in the Point View Master Plan are consistent with the goals established in the City's' General Plan, are in accord with Rancho Palos Verdes long agricultural history and represent a very significant gesture to protect open space.

We appreciate the consideration of our letter by both Staff and the Planning commission.

Should you have any questions or require any additional explanation, please feel free to contact me at your earliest convenience so that we may respond as needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Todd Majcher', with a long horizontal stroke extending to the right.

J. Todd Majcher  
Vice President  
Resort Development and Design

A handwritten signature in blue ink, appearing to read 'Terri Haack', with a stylized, flowing script.

Terri A. Haack  
Executive Vice President  
Managing Director

**Eduardo Schonborn**

**From:** suzanne black [suzannejoyblack@yahoo.com]  
**Sent:** Tuesday, May 15, 2012 11:16 AM  
**To:** pc@rpv.com; Eduardo Schonborn  
**Cc:** Suzanne Griffith  
**Subject:** Opposition to Conditional Use Permit Application - Point View  
 May 15, 2012; 11:15 a.m.

To whom it may concern:

I am respectfully writing in opposition to the Conditional Use Permit application for the "Point View Agriculture and Golf Course Project." I live at 13 Fruit Tree Road, Portuguese Bend. Our Street is perpendicular to the property in question.

I have been a resident of Portuguese Bend for over 43 years. My parents moved to Portuguese Bend because of the tranquil nature of the area and the privacy it provides. The private gates furthered the privacy and peacefulness of the place they chose for their home.

I find it very interesting that the project is now called "Point View Agriculture and Golf Course Project" with no mention of an Event Center. If we are all honest, this is a CUP for the York Event Center Project. The applicant wishes to make a profit on his investment of residential property. As he isn't building homes at the moment, he would like to have an Event Center on his property to earn income. While I can understand that desire, it is not appropriate for the residential area where his property is located. Mr. York knew of the zoning constraints when acquiring the property.

The biggest issue is the Noise. Interestingly, I noticed that the Noise Study did not even test on our street. Fruit Tree Road is probably one of the most affected areas due to the unique "tunnel" from the location of the Event Center. A few examples of the noise issues:

Mr. York held a personal Wedding reception at the Event Center site for his friend's daughter in 2011. I had the opportunity to speak to Mr. York that evening and invited him to walk up to my home so he could hear what it sounded like from my perspective. His comment to me was **"this is too loud."** While I appreciate his honesty, I am still concerned that the mitigation he proposes (Mr. York has promised that only Bands and DJs adhering to site-specific controls would be utilized to entertain guests) will not provide the deterrent needed to stop a DJ from "turning the volume up" at the request of a beautiful young bride. Mr. York will not be in attendance for each party and will not be able to control the situation.

Mr. York recently (in the last couple of weeks) held a party/wedding at the Point View location. I don't know whether he was in attendance, but the noise was again – TOO LOUD. I could not be outside. I had to close all of my doors and all of my windows. I heard the screams of the guests .... I heard the DJ's announcements ... I heard conversations ... and most of all, I heard all of the Wedding Songs – very clearly. As a result, again, I am not confident that Mr. York's method of dealing with the noise will be successful. I may be forced to call the police each weekend if the noise is too loud. I should be able to enjoy the outdoor living of our home without having to hear KC and the Sunshine Band.

5/15/2012

If the Planning Commission votes to approve the CUP, I strongly request that the number of events be reduced. Thirty Events each year represents approximately two parties each weekend for four months. That is simply too many.

While I may be more affected than others in our community, the majority of residents in Portuguese Bend are not in favor of the Event Center Project. Please note that in 2009, a petition was circulated in Portuguese Bend with 80 percent of the residents in opposition to the Event Center Project. Having an Event Center near our homes will devalue our property and decrease our enjoyment of our homes.

I ask you to consider the following questions. Would you want an Event Center in your neighborhood? Do you want to hear loud music, screaming, laughter and talking until 10:00 pm every weekend in the spring/summer/fall? Shouldn't Rancho Palos Verdes citizens be allowed to enjoy the tranquility of their home and neighborhood, especially since it is all zoned residential? I invite all of you to come to our home to hear what these parties sound like. You will be amazed at the noise.

I respectfully request that you deny the CUP in question. Thank you for your time and consideration.

Best Regards,  
Suzanne Black Griffith

RECEIVED

MAY 15 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

May 14, 2012

Rancho Palos Verdes Planning Commission  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, California 90275  
Senior Planner Eduardo Schonborn

Re: York's Point View Conditional Use permit.

Dear Commissioners,

My name is Mike Cooper I live at 3 Ginger Root Lane in Portuguese Bend with my wife Sharon and our four children. I am writing this letter in support for Jim York's proposed development at his Point View site. I served on the Portuguese Bend Community Assoc. board from 2004 – 2010 and worked with Jim York on issues that were sensitive to the Portuguese Bend Community, I found Jim York to be very agreeable and accommodating in working with the community and willing to alter and sometime completely change his plans when having private events on his property.

When Jim York proposed his plans to develop his property into residential homes a few years ago I wrote and spoke before the City Counsel in opposition to this plan on a grading stand point. In looking at the development potential of his property and recent rulings by the appellate courts concerning building in the Portuguese Bend area, I find his new proposal to be very modest to say the least, allowing the city to permit use of the property but still keeping with the rural nature of the property, which is very important to many in the Portuguese Bend Community.

I know there are some in my community that are opposed to any development of the Point View property, I would like to share one observation I noticed while serving on the board. Jim York would always inform the board when he was having an event on his property, on some occasions the board would inform the community via email of these events which always resulted in complaints of noise, traffic etc. on the occasions the board didn't inform the community of York's events we didn't receive any complaints of noise, traffic etc. I feel the proposed event center will have little effect on the quality of life in Portuguese Bend especially with the access being from Palos Verdes Drive South and not Narcissa Drive. Thank You for your consideration.

Sincerely,



Mike Cooper

**Eduardo Schonborn**

**From:** Dr. Theresa Tarcha [olliver8@msn.com]  
**Sent:** Tuesday, May 15, 2012 8:00 AM  
**To:** Eduardo Schonborn; pc@rpv.com  
**Subject:** FW: Opposition to York Point View Plan: ZON2010-00087

Dear Staff and Planning Commission,

I am opposed to allowing the York Point View Project to proceed, because it definitely will have a significant negative impact on the residents of Portuguese Bend. Mr. York's event center is the main objective of his plan, which basically is an outdoor nightclub. That will destroy the quality of life of many residents of Portuguese Bend and Barkentine, and negatively impact the property values of the homes that are subjected to the obnoxious noise.

His parties over the past 2 years have angered a significant number of residents, as documented in the signatures that were obtained opposing this and submitted to you, and the large turnout of residents at the last city council meeting regarding this issue. His plan was ultimately defeated.

I live close to Mr. York's event center, and he recently had a party on April 21, 2012. The noise was so loud, the windows and French doors of my house were reverberating. The pounding noise from the base in the sound system was unbearable. It finally stopped because a neighbor on the next road over from me called the sherriff.

His planting of organic fruit and vegetables is a fine idea, and compatible with the semi-rural nature of the area. The proposed golf course appears to be a ruse. Revenue from renting out the area for wedding receptions and parties is his main objective. Please don't allow our property values and the serene quality of life of our community be destroyed.

Sincerely,

Dr. Theresa Tarcha  
RPV Resident.

**Eduardo Schonborn**

**From:** Lee Jester [leejester@verizon.net]  
**Sent:** Monday, May 14, 2012 11:26 PM  
**To:** Eduardo Schonborn  
**Subject:** Point View Agriculture and Golf Course Project

May 14, 2012

Planning Commission  
City of Rancho Palos Verdes

Dear Sirs:

I am opposed to the golf course component and the ancillary Event Garden of the Conditional Use Permit application of the Point View Agriculture and Golf Course Project.

On September 22, 2009, the Planning Commission upheld the Community Development Department's interpretation that an application for a conditional use permit cannot be submitted to conduct a commercial enterprise on any Residentially-zoned property for the purpose of holding events.

The Event Garden with its proposal to conduct 30 events per year would adversely affect the semi-rural nature of the Portuguese Bend neighborhood. Noise, traffic and nighttime lights would disrupt the tranquility of the community, with attendance at events of possibly 300 to as many as 750 people. Additionally, the potential of a fire occurring through carelessness should be considered.

I would like the Planning Commission to deny the Conditional Use Permit for the components other than agricultural use and roadway improvement.

Sincerely,

Lois Jester  
20 Narcissa Dr.  
Rancho Palos Verdes, CA

## Eduardo Schonborn

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**From:** Marlene Black [marleneblack@yahoo.com]  
**Sent:** Monday, May 14, 2012 11:02 PM  
**To:** pc@rpv.com; Eduardo Schonborn  
**Subject:** Point View CUP

To Whom it May Concern:

This is in regard to the Point View CUP petition. I have lived on Fruit Tree Road in the Portuguese Bend area for almost 40 years. Every time there was a party in the stable area or the pony club area, the noise level was unbelievable. You would swear the party was in our front yard. Thank heaven there weren't very many, so we never complained. The thought of having something every weekend is almost unbearable. The value of my home will be definitely negatively impacted. Who would want to buy a home near an Event Center with the amount of noise it produces? I plead with you to deny this Petition.

Thank you.

Marlene C. Black  
13 Fruit Tree Road  
Rancho Palos Verdes, CA 90275

## Eduardo Schonborn

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**From:** Mike Griffith [mikegrif@aol.com]  
**Sent:** Monday, May 14, 2012 10:04 PM  
**To:** planning@rpv.com; Eduardo Schonborn; pc@rpv.com  
**Subject:** Point View CUP

TO WHOM IT MAY CONCERN:

I am writing in opposition to the Conditional Use Permit (CUP) applied for by the Point View Agriculture and Golf Course Project. I am the property owner of 11 Fruit Tree Rd., in Portuguese Bend and feel that my property will be negatively impacted if this development is allowed to proceed.

Mr. York bought his Point View property many years ago with the understanding that it was zoned residential (R2) and was not for use as a commercial venture. Over the past few years, he has tried to submit plans and develop his property for commercial use. The entire community of Portuguese Bend is impacted by having this proposed commercial venture being allowed to exist so close to houses that have made up a tranquil neighborhood for more than 40 years. During all of the testing and the parties he has held at the location, the level of noise experienced in my neighborhood has been unacceptable.

This application for a CUP is a pathetic and last-ditch effort to force a project into an area that was never zoned for such activity. The only acceptable use of this property was supposed to be houses. Then it was for an organic vineyard. Then it was for a wedding and event center. When all of these were rejected for not conforming to the current rules, a "golf course" was proposed to allow development. The "golf course" does not conform to any standard of a regulation course as recognized by the Professional Golf Association, will not be open to the public and will not even have regular hours. This is an obvious attempt of a scofflaw who has been told so many times before that this type of development is not wanted. Remember, this development is between the Trump Course and the Terranea golf courses and there does not need to be a fake golf course added to the mix in such a short distance on Palos Verdes Drive.

I urge you to vote NO on this CUP for the reasons above, and the obvious illegitimate reasons of trying to force a commercial venture into a residential neighborhood.

Thank you.

Michael Griffith  
11 Fruit Tree Road  
Rancho Palos Verdes, CA 90275

**Eduardo Schonborn**

**From:** Claire Monks [b.claire.m@gmail.com]  
**Sent:** Monday, May 14, 2012 10:01 PM  
**To:** Eduardo Schonborn  
**Subject:** York Long Point Support

Dear Mr. Schonborn,

Mr. York's property is visible from our property on Plumtree Road (RPV) and because it is, we have felt it necessary to pay close attention to his plans for the outdoor venues.

On balance, we feel Mr. York is making a great effort to be a good neighbor locally by listening to our concerns about excessive noise being detrimental to our at home enjoyment and to our property values. We observed his professional noise testing and have read the contract he will use with organizations/parties to mitigate abuse of noise limits during evening events. (During the day, the machinery noise from the Stables is so loud, all else is not noticeable.) He proposes control of lighting as well—another issue we care about.

Further, creating road access from the front of his property ensures that unnecessary traffic through Portuguese Bends roads is eliminated and for us to have emergency egress over his roads is a great benefit.

We therefore support Mr. York's use permit application.

The Monks Family  
4 Plumtree Road

To: The Planning Commission via [pc@rpv.com](mailto:pc@rpv.com)  
From: Victoria Pinkham  
Date: 5/14/2012

**Comments on the York Event Garden/Orchard/Golf Course application request before the Planning Commission 5-22-2012**

**1) There is a problem within the Project description within the MND**

A) The MND clearly states that Mr. York paved this section of gravel road without permits and is now seeking with this proposal to formally permit this driveway.

The project description is misleading when it describes this road as an "Existing paved road off of Narcissa" and does not clarify that this is part of the proposed improvements in which the project seeking approval. For the reasons below, a full analysis of the impacts of creating an impervious surface may in fact be cause for this Planning Commission to require DG or some other pervious surface to be required. By describing this as "existing" conditions misleads the Planning Commission in to believing that this component of the application is not discretionary.

B) There is an incorrect description of the Event garden and Avocado orchard as "existing". When was either the "event garden" or the "avocado orchard" approved by this City? The MND as well as the staff report must be clear as to what is existing and what is under the project description so that the Planning Commission can make a clear, consistent decision.

**2) Drainage issue onto Narcissa Dr.**

The above described hardscape road is sloped to drain onto Narcissa Rd. Narcissa Rd. is part of the storm drain system for the PBCA community.

A) The PBCA storm drain system has suffered flooding as well as severe property damage in the Altimira Cyn. areas. There is no analysis of the contribution of storm drain runoff from this project and its impact to the PBCA.

B) The area of Narcissa across from where this newly paved road on York's project site has created a flooding situation into the neighboring PB Horse Club that did not exist before when there was a porous gravel road. Sand bags have had to be used during rain events to prevent flooding. There has been no hydrologic study to determine the impact of this hardscaping has to the PBCA storm drain system and/or contribution to water infiltration into the Horse Club's open corrals, its impact to the PB Horse Club and what contribution this water might have by shifting the site of infiltration into this landslide area.

**3) Definition of "public" verses "private" events**

How will the CUP distinguish between public or private? The project description includes Mr. York's "invited guests" to the golf course. When does "invited guests" become "the public" for any proposal here, including the event garden? The limit set on "events" needs to be clearly defined.

There is proposed 119 parking stalls. How many would that allow?

The project now proposes a commercial operation of agricultural uses. Is the community being subjected now to an unprecedented heavy use of Narcissa Dr. as a result of this project including this commercial operation? Where is the impact analysis for this?

#### **4) Court decision – Access on Narcissa Dr.**

The Courts have ruled that York cannot have access to his Filiorum property via the PBCA private streets (including Narcissa Dr.) for public use. He only has access for his own personal use.

Figure A-9 shows the main entrance to the entry fountain coming off of the Narcissa Dr. with no other planned road entrance for the parking lot. It appears by the map, and some description, that Narcissa will be used as an entrance for public events and/or commercial operations. There needs to be clarification that access to this site for either events and/or commercial agricultural operations must come from PVDS only.

#### **5) Previous Planning Commission decision**

The Planning Commission denied a previous application for an event garden on this same site. This decision must be consistent with that decision. The Planning Commission does not want to open the door for other RS-1 residents to make their properties an “event” center.

#### **6) Fire hazards**

There have been numerous fire incidents on this site and fire trucks have had difficulty accessing those fires on this site. For this reason, increasing public use of this site places the public to additional risks. In addition, by increasing public use, a greater risk is being passed along to the local residents in terms of both increased fires and impeding emergency evacuation.

#### **7) Geological issues**

In 2011 the Abalone Cove Landslide Abatement District (ACLAD) noticed an unprecedented increase of well production on WW14 on this site. Mr. York indicated he had checked his irrigation system and there were not leaks. The well production increase continued until Mr. York had discovered the leak.

This clearly indicates two problems:

- 1) a mitigation of the owner monitoring for leaks may not be enough prevention for this to occur in the future and
- 2) the addition of a commercial scale water component of this proposed project could have serious effects on infiltration of water into a known landslide area.

This 2011 leak occurrence was significant enough to show a huge amount of water infiltrating to the landslide planes below despite the installation of drip irrigation. It was the main supply for that drip irrigation that has the potential of causing serious problems in triggering a known landslide in this area that could affect many homeowners. Drip irrigation as a mitigation does

not address the large quantities of pressurized water in the supply lines to the drip irrigation system.

**8) Point View DEIR dated July 2005**

There are many issues raised with a previous development on this same site that were discussed in a DEIR in July of 2005. Any applicable concerns and/or mitigations must be addressed in this MND.

**9) Compliance with other city or government agency documents**

The project must be in compliance with any city documents or policies such as the Conceptual Trails Plan, and must comply with any other government documents affecting this property such as the NCCP.

Thank you for your time in thoroughly addressing this application and the potential impacts it may have on the general public and the PBCA residents.

A handwritten signature in black ink that reads "Victoria Pinkham". The signature is written in a cursive, flowing style.

Victoria Pinkham  
#1Narcissa Drive  
Rancho Palos Verdes, CA 90275

The City of Rancho Palos Verdes

May 14, 2012

Attn: Mr. Eduardo Schonborn

Subject: Point View Agriculture and Golf Course Project  
Conditional Use Permit Application ZON2010-00087

Planning Commission Staff;

The Portuguese Bend Community Association Board of Directors, in accordance with community member's comments in open board meeting, offers the following comments:

\* We oppose any access to the Point View property, other than that defined in the California State Superior Court Judgment of July 27, 2001, regarding case No. YC036521.

\* As previously communicated to the RPV Planning commission, after the initial submission of this application in 2010, a significant faction of community residents object to the request to allow large public events the existing event garden. Recent private events of this type of activity have proven to be more disquieting than that associated with normally accepted residential activities.

Respectfully submitted;

Robert Cumby

President

PBCA Board of Directors

**Eduardo Schonborn**

**From:** Elaine [erahn@earthlink.net]  
**Sent:** Monday, May 14, 2012 9:42 AM  
**To:** Eduardo Schonborn  
**Subject:** In support of Mr. York  
Agriculture/Special Activities

I support the agricultural uses by Mr. York on his Point View property. Where else in our community can young people experience real vegetable gardens, an avocado orchard or pick their own artichoke? Mr. York has always welcomed visitors interested in what he is growing (especially kids) and shares his knowledge about the various gardens. It seems to me that the Palos Verdes community will benefit a great deal from agricultural uses over more houses.

We should welcome, encourage and support more efforts like those of Mr. York into our community.

E. Rahn

28846 Crestridge Road

RPV

**Eduardo Schonborn**

**From:** meridian [dimensional.3@gmail.com]

**Sent:** Monday, May 14, 2012 8:00 AM

**To:** Eduardo Schonborn

**Subject:** York Event Garden

Dear Mr. Schonborn,

Although we do not live in Rancho PV, we have benefitted from use of the York Event Garden through his willingness to allow local non-profit or charity organizations to use this property at very little or no cost. What this has meant is that the funds raised for our children's programs goes to the programs and not to overhead.

Please accept this letter of support for York Point View.

LM Dennen  
813 Via Somonte  
PVE

May 01, 2012  
Mr. Eduardo Schonborn  
30940 Hawthorne Blvd  
[eduardos@rpv.com](mailto:eduardos@rpv.com)  
City of Rancho Palos Verdes, CA 90275

RECEIVED  
MAY 14 2012  
COMMUNITY DEVELOPMENT  
DEPARTMENT

RE: Point View-Master Use Plan

Mr. Schonborn,

Based on the review of the Point View Master Use Plan and my personal knowledge of the past use of the subject property, I am in favor of the continued use of Point View with all main access for use through the all-weather, paved driveway from the Palos Verdes Drive South Gate to the Event Garden area.

The Assets for the community:

- Emergency road
- Environmental friendly by restoring the agricultural uses of the property
- Maintaining of the Ocean View
- Securing the concern of the neighborhood that no homes will be built in the Point View area

The agricultural use of plantings of Avocado orchards, Olive trees and two vineyards keeps the land open as it has been for years

The historic use by the U.S. Pony club and camping on the grounds for one week each year with their horses, as well as Walk on the Wild side were some of the events that utilized this beautiful piece of land.

The proposed all weather road from PV Drive south to Point View is an advantage to the neighborhood as long as it is used as the "main access" road. The road will provide emergency access as well as keep additional traffic off the sub-standard road of Narcissa.

In my opinion the "**Planned neighborhood garage sale day**" that opens our roads to the public is more concerning than allowing the construction of an all weather road that will assist in keeping traffic off of our private roads.

Corinne Gerrard  
22 Narcissa Drive  
Rancho Palos Verdes  
CA. 90275

RECEIVED

MAY 14 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

4101 Torrance Boulevard  
Torrance, CA 90503  
t: 310.303.5340  
f: 310.540.8664  
www.providence.org



May 10, 2012

Mr. Eduardo Schonborn  
Senior Planner  
City of Rancho Palos Verdes - Planning Department  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Subject: Point View Agriculture and Golf Course Property

Dear Mr. Schonborn,

Providence Little Company of Mary Foundation is honored to have an on-going relationship with York Properties. Jim and Kathy York have generously shared their hillside patio and gardens on Palos Verdes Drive South on multiple occasions.

This "one of a kind" meticulously landscaped hillside is a profound benefit to the community. Point View Property should be shared and used in ways that would allow others to enjoy its magnificent beauty. We urge you to consider approving the use permit for Point View – the ability to continue hosting events on this property would greatly benefit local charities and the community at large.

We look forward to continuing our partnership with York Properties and we truly appreciate all the York family does to enhance and support the South Bay.

Sincerely,



Steven W. Wallace  
Vice President of Development

MAY 14 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT***Y*** ***ORK POINT VIEW PROPERTIES, LLC***

550 SILVER SPUR RD., SUITE 250, RANCHO PALOS VERDES, CA 90275 (310)544-6177

May 11, 2012

VIA U.S. MAIL &amp; E-MAIL

Mr. Eduardo Schonborn, AICP  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

**RE: POINT VIEW MASTER USE PLAN - MITIGATED NEGATIVE DECLARATION**

Dear Mr. Schonborn:

Pursuant to the Public Notice issued on April 17, 2012, York Point View Properties (YPVP) has reviewed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Point View Master Use Plan. Based on a thorough examination of this comprehensive document, we believe the City, PCR Services, and its technical consultants have prepared an accurate and adequate description of our proposed project and its potential impacts.

While we believe the document is both adequate and accurate as required by CEQA, we offer the following comments and questions:

- Page A-1, paragraph B.1, fourth sentence (Project Location and Surrounding Uses): There is a reference to the "*Portuguese Bend Riding Club, a private commercial recreational facility*". We believe it would be instructive to note that this private commercial recreational facility is zoned for residential single family uses, which is comparable to the zoning on the Point View property.
- Page A-1, paragraph B.1 (Project Location and Surrounding Uses): Please note that the land to the west of Point View also includes the Barkentine portion of the NCCP Reserve, in addition to the Upper Abalone Cove Community.
- Page A-5, fourth full paragraph (Existing Conditions): Note that a revised plan for the Greenhouse was approved in April 2012 (not a part of this CUP).
- Page A-25, first paragraph (amplified sound): The reference that speakers will be set for a "maximum sound level of 85 dB" should be changed to "dBA". We also recommend that the noise level needs to be specified at a location or distance from the speakers. Finally, and most important, the reference to setting the speakers to 85 dBA isn't really

consistent with mitigation measure NOISE-6 (page B-102) which limits the speaker setting to "8".

- Page A-26, second full paragraph, last sentence (amendments): In addition to adding fertilizers and amendments to the tanks or injected at valve stations, some fertilizers and amendments may be added by hand at individual trees, vines, etc.
- Page A-29, first full paragraph, last sentence (irrigation): Irrigation in the evening is not planned. We anticipate that irrigation will be limited to daylight hours, when watering can be accurately monitored.
- Page A-33, paragraph 7, third sentence (Noise Containment): Note that the speakers will be tilted "downward" at 7.5 degrees.
- Page A-35, paragraph E (Project Construction): While some plantings may occur this year, we anticipate that a majority of the avocado trees and vines will be planted in the Spring of 2013.
- Page B-7, third full paragraph, third sentence (vine height): It is anticipated that the mature grape vines will reach an average height of about 7 feet.
- Page B-8, first full paragraph and Mitigation Measure AES-1 (driveway): . While it is clear that the driveway will be visible and will contrast to some extent with the existing semi-rural character, we disagree that the visual character of the proposed driveway would represent a "potentially significant impact". The driveway has been designed to rural standards (20 feet wide, no concrete curbs/gutters, curvilinear character, etc.). Moreover, it will be bordered by vegetated buffer strips and ornamental plants/trees (citrus, avocados, etc.) on both sides that will help mitigate any aesthetic concerns.
- Page B-40, paragraph E (septic tank): Please note that the Point View restroom and cook shack are served by the Abalone Cove Sewer System, not a septic system. The structures were connected to the public sewer in 2007, pursuant to a permit (PLM2007-00115) issued by the City. This error also occurs on pages B-129, B-130, B-133, etc.
- Page B-50, paragraph B (hazardous materials): The cook shack and restrooms were originally constructed in the late 1960s. In 2008-9, the restroom was remodeled, pursuant to permits issued by the City.
- Page B-66, Policy 4 (Natural Environment): Policy 4 is not applicable since no part of the property is located in the active landslide (RM4). This policy statement should be deleted or the "Analysis of Project Consistency" should state that no portion of the property is in the active landslide.
- Page B-71, Policy 2 (Urban Environment): The "Analysis of Project Consistency" should also state that the property is served by the Abalone Cove Sewer, a public infrastructure facility.
- Page B-84, first full paragraph, third sentence (existing noise environment): The reference to Table B-9 should be changed to Table B-10.

- Page B-84, second full paragraph, first sentence (existing noise environment): The reference to Table B-9 should be changed to Table B-10.
- Page B-89, Mitigation Measure NOISE-2: This mitigation measure would unnecessarily preclude the periodic use of a mid-size tractor from mowing the grass and cover crops adjacent to Vineyard #2 and Orchard #2. We request, that the mitigation measure be modified to allow use of a mid-size tractor for limited mowing operations within 120 feet of residential areas during mid-day hours and a maximum of three times a year.
- Page B-93, second full paragraph, second to last sentence (site cleanup): Please note that in some cases site cleanup or "take down" may occur on the following Monday, at the direction of the owner.
- Page B-94, first paragraph, last sentence (site access): We generally concur with the last sentence, but for clarity and to avoid future misunderstandings, we request that the statement be expanded to permit event guests access to the primary and overflow parking areas, the vegetable garden, the future greenhouse, and golf course (by invitation only).
- Page B-97, last paragraph (speaker test): There is a statement that during speaker tests increasing the speaker loudness "did not noticeably increase levels at R1 through R4". However, the data in Table B-14 shows that the noise did increase from 44 dBA to 51 dBA for R2. Given the location of R2 and the large increase, we doubt that the increase was due to the speakers.
- Page B-101, Mitigation Measure NOISE-5: The mitigation measure should be modified to allow the sound absorption panels or blankets to be placed on the pony wall temporarily for any event authorized by the CUP.
- Page B-101, Mitigation Measure NOISE-6: A Draft Entertainment Agreement (*York Point View Properties, LLC (YPVP) Entertainment Vendor Policies and Code of Conduct Agreement*) is attached for discussion purposes.
- Page B-102, last paragraph and Mitigation Measure NOISE-7: This mitigation measure is unclear. We request that the narrative and mitigation measure be modified to allow activities on the "ceremony" lawn until 8:00 p.m. on weekend evenings (Friday, Saturday, and Sunday). In addition, we request that the mitigation measure be modified to permit amplified sound during weddings for clergy and ceremonial music (e.g., recorded music, string quartet, guitar, vocalist, etc.). All sound equipment would be provided by the Owner and speakers would be directed toward the ocean.
- Page B-102, Mitigation Measure NOISE-8: We concur with the mitigation measure, but it is unclear whether we are required to provide two reports per year or one report that would cover both sets of measurements during the year.
- Page B-106 (Public Services) and Page B-128, paragraph E (Emergency Access): We agree with the overall conclusions in these sections regarding emergency access, however, we believe it should be noted that with the construction of the all-weather driveway, emergency access for fire, police and public utilities will be greatly enhanced. In fact, we believe that proposed driveway will benefit the Portuguese Bend Community by providing an additional egress from the community during times of emergencies.

- Page B-134, paragraph F, second sentence (compost): For clarification, there is no formal composting program contemplated nor is there any composting being done on the property at this time. Currently, green waste is "mulched" and spread in select areas on the property or disposed of by a private disposal company. We anticipate that these practices will continue in the future.

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink that reads "GARY S. WEBER". The signature is written in a cursive style with a long horizontal stroke at the end.

Gary S. Weber

*C: Jim York  
Attachment*

# DRAFT

Client Name: \_\_\_\_\_  
Event Date: \_\_\_\_\_

## YORK POINT VIEW PROPERTIES, LLC ("YPVP") ENTERTAINMENT VENDOR POLICIES AND CODE OF CONDUCT AGREEMENT

This agreement between YPVP and \_\_\_\_\_  
is made with reference to the following facts.

- 1) \_\_\_\_\_, has authority to enter into contracts/agreements on behalf of the musical group \_\_\_\_\_ (hereinafter "PERFORMER").
- 2) YPVP (YPVP also refers to the property owned by York Point View Properties, LLC) is located in a residential environment and is subject to noise restrictions.
- 3) Violation of the noise restrictions could jeopardize YPVP's ability to remain in business.
- 4) As a material condition of YPVP permitting live or amplified music, PERFORMER must agree to abide by all direction or instruction of YPVP, regarding all aspects of any musical performance.

### IT IS HEREBY AGREED:

- 1) When performing at YPVP, PERFORMER will adhere to the instructions of the management of YPVP. Although PERFORMER is not the direct client of YPVP, PERFORMER agrees that YPVP has the absolute right to specify the types of music performed, the noise level and the location of any set up, including, but not limited to the following:
  - a) The noise level shall never exceed 84dBA, and all speakers must face the south and be pointed towards the Pacific Ocean.
  - b) PERFORMER shall utilize YPVP sound system, which include the decorative "rock" speakers and other on-site fixed speakers, and the QSC-8 stand-mounted sound-minimizing speakers.
  - c) PERFORMER shall use all pre-approved settings and speaker direction.

## DRAFT

- d) When within the assembly area of the event garden PERFORMER shall ensure that stand-mounted movable speakers shall be oriented towards the existing pony wall and the top of the speakers shall be no higher than 5 feet above the ground.
  - e) Stand-mounted, sound-minimizing speakers (QSC-8 or similar) shall be tilted downward at 7.5 degrees and be directed away from the Portuguese Bend Community
  - f) The volume of the stand-mounted movable speakers shall be set no greater than "8" at the volume controller of the speakers.
  - g) All amplified sound and/or musicians shall be limited to the hours when events are permitted.
  - h) PERFORMER shall calibrate sound equipment or musical instruments for low bass and for volumes not to exceed 85 dBA (volume setting of "6") at the source.
  - i) YPVP shall approve all musical instruments and singer(s), including but not limited to acoustic instruments, string instruments, woodwinds, piano, tambourine, choir etc.
- 2) PERFORMER has been made aware of the noise restriction and agrees that if approved to play at YPVP, PERFORMER will respect the residential environment of YPVP.
- 3) Any and all amplified music must be pre-approved and played only through the YPVP sound system and speakers. PERFORMER understands and agrees that PERFORMER is not allowed to furnish any additional amplifiers or speakers. If PERFORMER is approved to utilize amplification, PERFORMER will provide line level feeds either directly from a single instrument, through a non-amplified mixer or by use of a single free standing YPVP microphone.
- 4) It is understood and agreed that the PERFORMER must leave the YPVP premises in a neat and orderly condition, free of debris or refuse. If the YPVP staff must remove materials or debris during, throughout or at the close of any event, additional charges may be charged to PERFORMER, and PERFORMER agrees to pay same directly to YPVP.
- 5) PERFORMER must have its equipment set and ready to perform at least one-half hour before the designated start time. Tardiness will not be tolerated and may be subject to a price reduction or additional charge to PERFORMER if the performance is late.
- 6) All functions are private; non-performing guests are not allowed to accompany any PERFORMER or entertainer.
- 7) YPVP is a place of business and as such, proper behavior and language must be observed. Loud or obscene language, rough housing and horseplay will not be tolerated.
- 8) Absolutely no alcoholic beverages or illegal drugs are to be consumed by PERFORMER (or its staff) while on the YPVP premises. PERFORMER (or any of its staff) appearing to be under the influence of these substances will not be permitted to perform or remain on the YPVP premises.

## DRAFT

- 9) Smoking of tobacco products is not permitted at the YPVP premises.
- 10) All decorations and lighting must be approved by YPVP.
- 11) PERFORMER shall not affix any item whatsoever to surfaces including with the use of tape, wire, staples, nails, glue and/or similar damaging adhesives, without approval by YPVP staff. PERFORMER shall in no event penetrate any existing improvements at the YPVP premises.
- 12) Failure to adhere to any of the above will result in the following:
  - a) PERFORMER will be banned from YPVP, including any event already contracted for with a client. Since said banning is due to breach of this agreement, PERFORMER agrees to waive any and all rights, financial or otherwise, to hold YPVP or its/their clients responsible for these events.
  - b) The performance will be shut down and PERFORMER will be required to vacate the premises.
  - c) If the Sheriff and or police are contacted, PERFORMER assumes liability for any legal action by the City of Rancho Palos Verdes.
  - d) PERFORMER's client may have to pay part or all of their \$\_\_\_\_\_ security deposit.
- 13) PERFORMER hereby agrees to hold YPVP harmless from all accidents, injuries or damages arising wholly or partially due to the negligence of YPVP, its agents or employees. In addition, PERFORMER hereby releases YPVP from any and all claims of liability that may occur while in, on or about the YPVP premises.

# DRAFT

I have read and agree to all of the above mentioned terms and conditions of this Entertainment Vendor Policies and Code of Conduct Agreement.

Business Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Signed \_\_\_\_\_

: \_\_\_\_\_

Date: \_\_\_\_\_

Agreed by Client

Signed \_\_\_\_\_

Date \_\_\_\_\_

Approved by Owner

Signed \_\_\_\_\_

Date \_\_\_\_\_



SIERRA  
CLUB  
FOUNDED 1892

Palos Verdes - South Bay Group / Angeles Chapter

May 11, 2012

Eduardo Schonborn, AICP  
Senior Planner, Community Development Department  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

**Re: Mitigated Negative Declaration for the Point View Master Use Plan**

Dear Mr. Schonborn,

The Mitigated Negative Declaration (MND) for the Point View Master Use Plan should not be approved at this time without substantial modifications.

The Point View Master Use Plan is inconsistent with the Rancho Palos Verdes Natural Communities Conservation Plan (NCCP) as approved by the City in 2004. The project site, also known as Lower Filiorum, is very specifically addressed in the NCCP, but the MND both fails to acknowledge that fact and fails to address the requirement established by the NCCP that *any* project on the site dedicate a wildlife habitat corridor to the Palos Verdes Nature Preserve (Preserve).

Furthermore, the MND fails to provide mitigation for numerous direct and indirect impacts to wildlife and wildlife habitat quality that would be incurred by this project plan.

**Background**

The following considerations need to be made in evaluating impacts to the project site:

1. The Non-native Grassland, Coastal Sage Scrub (CSS), and disturbed Coastal Sage Scrub that exist on the Point View / Lower Filiorum property have important habitat value for Sensitive Species including Gnatcatchers, Cactus Wrens and the Palos Verdes Blue Butterfly which exist, or are likely to exist, on the project site.
2. The California Department of Fish and Game and the United States Fish and Wildlife Service require mitigation for impacts to Coastal Sage Scrub at a 3:1 ratio and mitigation for impacts to Non-native Grassland at a 0.5:1 ratio.
3. Wildlife habitat is most functional when it is in large contiguous blocks and where disturbances are minimized. It is a goal of the approved NCCP to preserve large contiguous areas of natural wildlife habitat.

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4. Fragmentation of habitat areas by project elements, motorized and non-motorized traffic, trails, clearing of vegetation, noise, lighting, and various other human activities can all be considered impacts to habitat areas.
5. Buffer areas need to be provided around impact areas to mitigate impacts to wildlife and habitat.
6. It is a goal of the approved NCCP to restore disturbed and non-native areas to the appropriate mix of native vegetation in order to improve habitat function for native wildlife species.

#### **Inconsistencies with the Rancho Palos Verdes Natural Communities Conservation Plan (NCCP)**

The NCCP has always incorporated a functional wildlife habitat corridor through the Lower Filiorum site as an important part of the overall Preserve design in order to insure adequate biological connectivity for the Preserve as a whole. The failure of this MND to designate such a habitat corridor is in direct conflict with that intent of the NCCP.

The entire Point View site is mapped in the NCCP as a Regionally Important Habitat Area and Linkage Planning Area (NCCP Figure 2-4) and as a Priority Habitat Restoration Area within the Reserve (NCCP Figure 6-1). Because of those important habitat values, Section 3.1.2 of the NCCP specifically addresses mitigation required at the Lower Filiorum / Point View project site as follows:

*...at a minimum the Reserve area must be at least 40 acres in size and the minimum reserve corridor width should be no less than 300 feet in width at its narrowest location. The 40 acres of dedicated Reserve include 1.5 acres to be provided as mitigation for previous brush clearing activities and 38.5 acres of mitigation for CSS and grassland losses resulting from **any** future development of the 95-acre Lower Filiorum parcel.*

*The inclusion of Lower Filiorum acreage in the Reserve will be a condition of approval for **any** development project subsequently approved for the Lower Filiorum property. [Emphasis added]*

The MND completely ignores this relevant Section of the NCCP and instead pretends that the site should be considered a "Neutral Land" because "similar grasslands in the adjacent Barkentine Canyon are designated by the NCCP as being 'Neutral Land', not accessible for active habitat management and not included in the NCCP Reserve area". (p.B-29) The MND's argument is completely illogical for three reasons: Barkentine is not mapped as Neutral Land (NCCP Figure 4.3); Barkentine Canyon is indeed included in the Preserve; and the Point View property does not meet the criteria for the definition Neutral Lands as stated in Section 4.1.3 of the NCCP:

*The Neutral Lands designation has been applied to privately owned properties in the City that contain development constraints due to existing City zoning code restrictions. .... By definition "Neutral Lands" are those areas that are considered to be extreme slopes (35% or greater slope), are zoned Open Space Hazard or exist as deed restricted open space belonging to a Homeowners Association.*

Thus the MND has failed to properly address several inconsistencies of the proposed Point View Master Use Plan with the approved Rancho Palos Verdes NCCP.

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### **Inadequate Mapping**

This MND does not provide adequate mapping of the boundaries of project elements or any mapping of the existing grassland vegetation on site. There are verbal references to such site elements as existing unpaved roads and paths, a 500 foot fuel modification area, and tents for events, but their locations are not mapped. Designated staging areas are not mapped. It is impossible to completely evaluate project impacts without such mapping.

In order to better visualize the footprint of the project elements in relationship to the vegetation and habitat on site, we combined the data from the project map with the *Lower Filiorum.pdf* map which is found on the city's website. We have attached the resulting composite map, entitled "*Estimated Minimum Impacts to Vegetation*".

It should be noted that there are some discrepancies in the mapping of Coastal Sage Scrub between the city's map and the project maps. Areas depicted in yellow on the composite map were mapped as CSS on the city map, but have lost that designation on the developer's map.

It can be easily seen from the composite map that the project would indeed significantly impact Grassland and that there would also be some impacts to CSS at the northeastern and southwestern corners. The proposed irrigation line bisects and thus impacts the largest intact CSS remnant in the center of the property. The proposed paved road divides the wildlife habitat corridor.

The MND fails to acknowledge or provide mitigation for these impacts.

### **Project Impacts**

The project would entail direct and indirect impacts which would be detrimental for native wildlife and Sensitive Species. Unless the wildlife corridor is actually dedicated to the Preserve, the "undeveloped" parts of the site will have no protection as wildlife habitat or as a wildlife corridor and would be subject to continued impacts and degradation. Furthermore, without such a dedication to the Preserve, there is no assurance that the corridor, which the NCCP identifies as a First Priority Habitat Restoration Area, would ever be restored.

The following impacts are of particular concern:

#### On site vehicular use

The project proposes a 20 foot wide road (referred to as a "driveway") which would bisect any configuration for a habitat corridor. The effective disturbance of such a road would actually be greater than its paved width, since roads require routine fuel modification and vegetation clearance along their edges. We are concerned that the intensified development and use of this proposed road would significantly impact the wildlife corridor.

The MND also refers to routinely traversing the site on mid-sized tractors; a "four-wheel-drive John Deere Gator"; and a range of other vehicles required for commercial agricultural work and events to be

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staged on site. Usage of existing or new roads or paths would be greatly intensified in order to support these commercial uses. Therefore, the MND should map any such roads and paths, evaluate their impacts and provide mitigation for those impacts. Extraneous roads and paths should be closed, and all roads and paths should avoid the wildlife corridor.

#### Event staging

The MND states that *"Improvements to the existing landscaped patio / event garden area at the central portion of the site would complement the proposed golf course, which would be used as an "Event Garden".* (p.A-9) This statement implies that events would actually be staged on the golf course and needs to be clarified.

#### Parking and Tents

The MND fails to identify where the proposed temporary tents would be allowed on the site and fails to establish any restrictions for their placement. Likewise, locations for delivery vehicles and other event support vehicles or structures are not specified or restricted in the MND. Locations and restrictions for these elements need to be identified in order to determine potential impacts and the need for mitigation.

#### Fuel Modification

The MND states that vegetation would be trimmed within 500 feet of the event garden for fire prevention but fails to map that fuel modification area or to evaluate impacts to vegetation or wildlife from such trimming. 500 feet seems to be well beyond what is normally required by the fire department.

#### Landscaping, Cover Crops, Vegetated Buffers

The proposed project includes new landscaping which incorporates plant species which are considered Invasive by the California Invasive Plant Council (Cal IPC). Invasive plant species which are listed by Cal IPC should not be used on the project site for landscaping, cover crops or vegetated buffers. These include, but are not limited to, pepper trees, eucalyptus, myoporum, and rye grass.

#### Conventional Agriculture

The avocado and olive groves are proposed to be grown organically, however the remaining citrus, grapes and vegetables are proposed to be grown with conventional agricultural practices. Such practices potentially include the use of pesticides.

Sensitive wildlife species including the California Gnatcatcher, Coastal Cactus Wren and the Palos Verdes Blue Butterfly occur or potentially occur on the project site. The Gnatcatcher and Cactus Wren are both insectivorous birds. We are concerned that the use of insecticides on the project site could be



detrimental to those sensitive bird species. The Palos Verdes Blue Butterfly could also be vulnerable to insecticides used on the project site. In order to avoid potential impacts to these Sensitive Species, pesticides should not be used on the project site.

#### Irrigation

A proposed irrigation line bisects the largest intact patch of Coastal Sage Scrub on the project site. Locating project infrastructure through sensitive habitat is not acceptable as it will cause impacts both during installation and for maintenance. This irrigation line should be re-routed through less sensitive Non-native Grassland or eliminated entirely.

#### Lighting and Noise

The MND fails to evaluate impacts from event lighting and noise on wildlife.

#### **Analysis of Mitigation due for Project Impacts**

Section 3.1.6 of the NCCP analyzes mitigation requirements for any development on the Point View site. Prior disturbances to sensitive vegetation and habitat require 1.5 acres of mitigation. The NCCP analysis calculated an additional total of 51.4 acres of mitigation needed for an anticipated project impacting 7.3 acres of Coastal Sage Scrub (mitigated at 3:1) and 59 acres of Non-native Grassland (mitigated at 0.5:1.)

A new tally of total acreage of impacts might differ somewhat from the initial NCCP total because of the change in the project configuration. Nonetheless, project impacts to vegetation and wildlife would still be significant. (See attached map.) The obligation also remains for the project to dedicate a habitat corridor as specified by the NCCP in order to preserve biological functionality for wildlife. The Point View MND fails to acknowledge these mitigation obligations.

The MND claims that the *"improvements proposed as part of the project would only effect [sic] approximately 31 acres"*, but does not identify the impacted areas. The MND fails to provide any mapping documenting the project impacts to the onsite vegetation; fails to quantify impacts to Grasslands, Coastal Sage Scrub, and a necessary habitat connection corridor; and fails to provide mitigation for those impacts.

The Grassland and CSS areas which are shown as impacted on the composite map we have attached are only part of the impact areas which must be mitigated. The impacts of project elements including roads, developed and unpaved; overflow parking; tents; and unrestricted event or agricultural uses should be added. Allowances for adequate buffers around each of the project elements should also be added to mitigate "edge effects" of these disturbances on wildlife. It is likely that a large proportion of the vegetation and habitat of the project site will need to be considered impacted by these multiple project elements and activities and will require mitigation.



**Conclusion**

The Sierra Club requests that the Rancho Palos Verdes Planning Commission deny approval for this MND for the Point View Master Use Plan. The Sierra Club requests the following changes:

- The MND needs to be substantially revised to correctly acknowledge the property's obligations under the NCCP.
- The MND needs to fully address and acknowledge project impacts to vegetation and wildlife.
- The Mitigated Negative Declaration needs to provide real and appropriate mitigation for the impacts of the proposed project elements by formally dedicating an appropriate wildlife habitat corridor to the NCCP Preserve as specified by section 3.1.2 of the approved Rancho Palos Verdes NCCP.
- Project impacts to that corridor should be prohibited in order to truly protect that portion of the site for wildlife and habitat covered by the NCCP and to provide an opportunity for the improvement and restoration of optimal habitat value.
- Additional project modifications should be required to reduce impacts to wildlife and habitat:
  - Relocate the irrigation line outside of the remnant Coastal Sage Scrub.
  - Minimize the width of the main access road.
  - Formally designate and restrict all other paths and roads and staging areas to areas outside of the wildlife habitat/corridor
  - Prohibit the use of insecticides on site.
  - Remove any plants listed as Invasive by the California Invasive Plant Council from the Landscape Plan

Very truly yours,

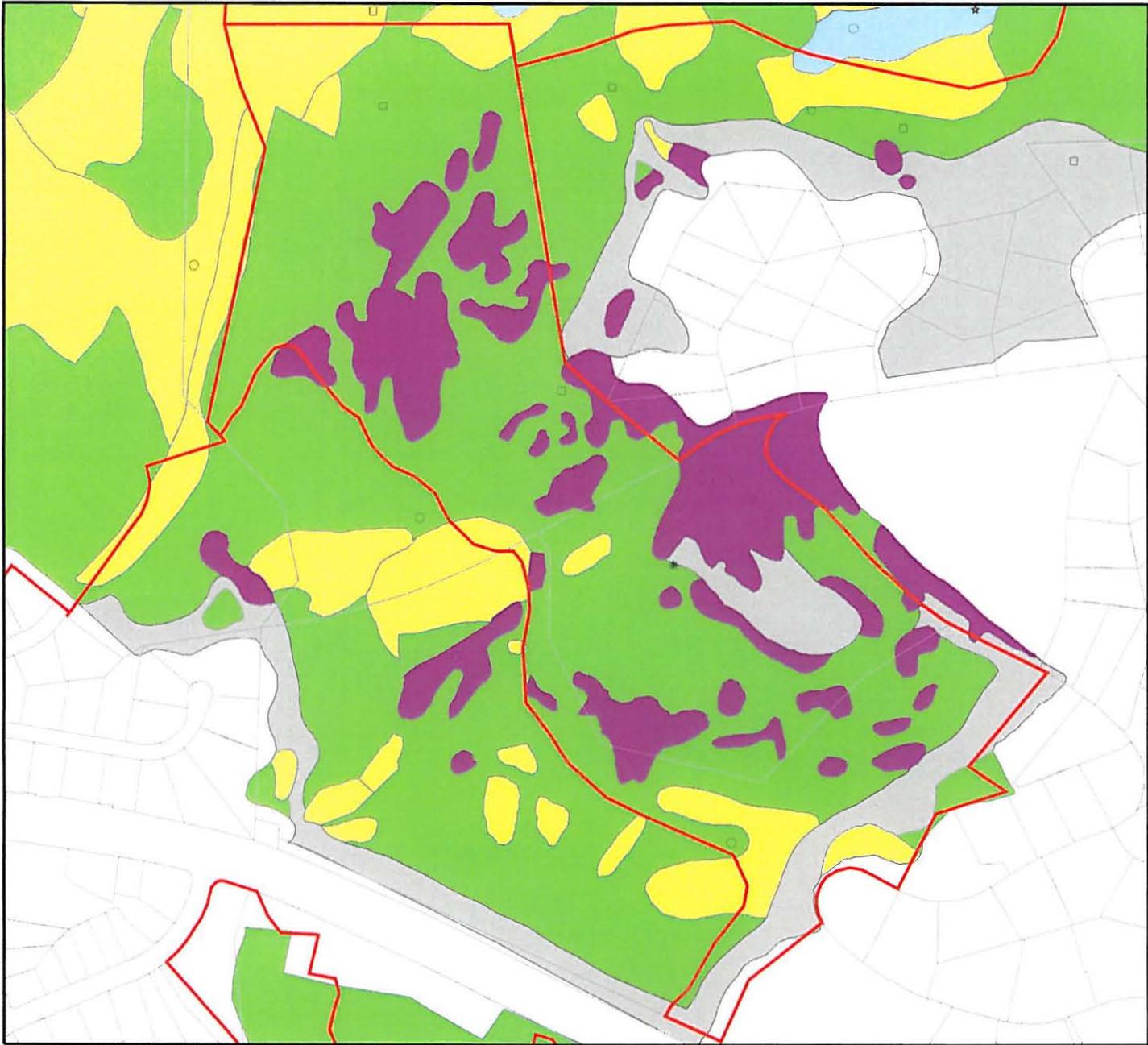


Alfred Sattler  
Chair, Executive Committee  
Palos Verdes – South Bay Regional Group  
Sierra Club

Attachments:  
Estimated Minimum Impacts to Vegetation (composite map)  
NCCP Preserve Properties, Lower Filiorum Potential Preserve

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## NCCP Preserve Properties Lower Filiorum Potential Preserve

- NCCP Preserve Properties
- Parcels
- City Boundary
- Sensitive Species**
- \* Palos Verdes Blue Butterfly(Historic Sighting)
- Palos Verdes Blue Butterfly(Host Plant)
- ♦ El Segundo Blue Butterfly (2000 sighting)
- † El Segundo Blue Butterfly (Host Plant)
- △ Aphanisma blitoides
- ▲ Atriplex pacifica
- Crossosoma californicum
- Dudleya virens
- Lycium brevipes var hessei
- Coastal Cactus Wren
- ★ California Gnatcatcher
- Vegetation**
- Cliff Face
- Southern Coastal Bluff Scrub
- Grassland
- CSS - Undifferentiated
- CSS - Artemisia Dominated
- CSS - Eriogonum Dominated
- CSS - Salvia Dominated
- CSS - Rhus Dominated
- CSS - Encelia Dominated
- Southern Cactus Scrub
- Riparian Scrub
- Ruderal Habitat
- Developed
- Disturbed
- Exotic Woodland
- Saltbrush Scrub
- CSS - Baccharis Dominated
- Rocky Shore/Intertidal



Point View  
Master Use Plan  
**ESTIMATED  
MINIMUM  
IMPACTS TO  
VEGETATION**

- CSS
- Grassland
- CSS Impacts
- Grassland Impacts
- CSS missing from project map

**Additional impacts** must be calculated to provide buffers for habitat areas; and to mitigate fuel modification; roads; staging areas; etc.

**THESE IMPACTS MUST  
BE MITIGATED**

Composite map of Master Plan map and map of NCCP Preserve Properties Lower Filliorum Potential Preserve



May 10, 2012

Eduardo Schonborn  
Planning Department  
City of Rancho Palos Verdes  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Officers

Ann Goodhart  
President

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Sue Spellacy  
Parliamentarian

Directors

Mary Sloper  
Chairman

Janie Woodburn  
Secretary

Jan Raymond

Barbara Smith

Sherry Granstrom

Dear Mr Schonborn,

The members of Las Candalistas would like to express support for Jim York's application for a Conditional Use Permit for the property located at 6001 Palos Verdes Drive South, Rancho Palos Verdes.

Over 40 years ago Las Candalistas presented its first *Walk on the Wild Side* in Portuguese Bend at the very site which is now part of York Point View Properties. It was a perfect setting for our fundraiser benefiting South Bay Charities. We have proven that events can be held on the property without adversely affecting the neighbors. Both our guests and members loved the beauty of the area and the beauty helped make *The Walk* a truly memorable event.

It has been twelve years since we had an event at that site and would like to return. Mr. York has generously offered to let us do that depending on your approval of his CUP application to hold events on the property. We expect our event to involve approximately 600 people. We are sensitive to the concerns of the neighbors and will abide by the restrictions Mr. York has outlined in the application.

Las Candalistas would also provide traffic control with the Lomita Sheriff's Station at the Palos Drive South entry to the property. If required we would obtain a separate permit for our event from the Rancho Palos Verdes City Planning Department.

Mr. York has always been more than generous to our philanthropic group and has shown support for in many ways over the years. We are delighted that he would allow us to use his property for our event.

If there is any other information we can provide, please contact me at 310 373-2874 or [mary@sloper.org](mailto:mary@sloper.org).

Sincerely yours,

Mary Sloper,  
Chair, Board of Directors

c: Jim York

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MAY 10 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT



May 9, 2012

The Honorable Anthony Misetich, Mayor  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

The Planning Commission  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RE: Proposed Master Use Plan for the Point View Property  
Interpretation Hearing Request (Case NO. ZON2010-00087),  
6001 Palos Verdes Drive South, Rancho Palos Verdes

Dear Mayor Misetich and Members of the Planning Commission:

On behalf of the Board of Directors for the Palos Verdes Peninsula Chamber of Commerce, we are writing in support of the York Point View Properties' proposed Conditional Use Permit application to implement a Master Use Plan on their 94-acre Point View Property.

The Chamber's Board of Directors has reviewed the current proposal and has concluded that the suggested development will be of direct economic benefit to our local economy. In addition, the "Event Garden" has the potential to bring additional business to surrounding properties, including Terranea Resort, Trump National Golf Club and Wayfarers Chapel. We are confident that Mr. York will address any questions that local residents may have regarding this development.

We support the York Point View Properties request before the Planning Commission for a Conditional Use Permit for the proposed "Event Garden", executive golf course, and agriculture. Thank you for your consideration.

Sincerely,

Marilyn Lyon  
Chairman of the Board

Eileen Hupp  
President & CEO

**Palos Verdes Peninsula Chamber of Commerce & Visitors' Center**

707 Silver Spur Road, Suite 100 • Rolling Hills Estates, CA 90274

310.377.8111 • 310.377.0614 fax • Office@palosverdeschamber.com • www.palosverdeschamber.com

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MAY 10 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

Jeanne Smolley  
56 Limetree Lane  
Rancho Palos Verdes, CA 90275

May 8, 2012

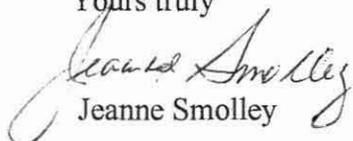
Eduardo Schonborn,  
Senior Planner  
City of Rancho Palos Verdes  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Subject. Point View Agriculture and Golf Course Project

With respect to the miscellaneous section the following should be removed. "To improve on-site circulation and access, the proposal includes legalizing an after-the-fact roadway segment that was paved to provide a secondary access to the site from the Narcissa Drive gate." As per the court ruling Mr. York's property cannot have public access to Narcissa Drive. Nor do I believe that the City has the authority to "legalize" what is actually a driveway for the limited use spelled out in said ruling.

Roads for access to this property must come from a public road, i.e. Palos Verdes Drive South. A circulation route could be provided by a second access to PVDS at the eastern end near the Wayfarer's Chapel.

Yours truly

  
Jeanne Smolley



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**MAY 10 2012**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

May 9, 2012

City of Rancho Palos Verdes  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, Ca 90275

To the Members of the Rancho Palos Verdes Planning Commission:

For over 15 years, Jim York has been a strong supporter of our Palos Verdes Peninsula schools and many other important causes on the Peninsula and around the South Bay area. He has donated his time to serve as a Board member at the Peninsula Education Foundation, and has given monetary donations as well as donations for our auctions.

I am writing in support of his newly developed event garden and hope you will grant him permission to have up to 30 events on the property, five of which will benefit local non-profit organizations like ours. I also support developing 30 acres of agricultural land which will keep those acres beautiful and pristine. Jim has always been a consummate gardener and I have witnessed first-hand how he maintains his land. The venue is a beautiful vista of our wonderful coastline and will offer new opportunities for Jim to support groups on the Peninsula.

If approved, this site will provide a high quality public and private venue that will complement the existing venues in Palos Verdes and provide an alternative, less expensive location.

For over 30 years, the Peninsula Education Foundation has supported important programs for the Palos Verdes Peninsula Unified School District (PVPUSD) such as elementary music and world language, intermediate and high school counseling and STEM programs, and the high school academic counselors and College Career Centers. This year we are also raising vital funds to keep teachers in the classroom. We have pledged to donate over \$2.7 million to the District for the 2011-2012 school year.

Please feel free to contact me with any questions or if you need further information.

Kind regards,

A handwritten signature in cursive script, appearing to read "Andrea Sala".

Andrea Sala  
Executive Director

[www.pvpef.org](http://www.pvpef.org)

310.378.2278  
Tax I.D. # 95-3498211

[help@pvpef.org](mailto:help@pvpef.org)



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401

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MAY 10 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

May 8, 2012

Eduardo Schonborn, Senior Planner  
City of Rancho Palos Verdes  
Community Development Department  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Dear Mr. Schonborn:

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE POINT VIEW MASTER USE PLAN, THREE DISTINCT COMPONENTS, 1 THE EXPANSION OF THE AGRICULTURAL US; 2 DEVELOPMENT OF A PRIVATE EXECUTIVE GOLF COURSE; 3 IMPROVEMENTS TO AN EXISTING LANDSCAPED PATIO/EVENT GARDEN AREA; 6001 PALOS VERDES DRIVE SOUTH, RANCHO PALOS VERDES (FFER #201200055)**

The Notice of Intent has been reviewed by the Planning Division, Land Development Unit, Forestry Division and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

**PLANNING DIVISION:**

1. We have no comments at this time.

**LAND DEVELOPMENT UNIT:**

1. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.
2. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of and comment on, all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues.

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

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENDORA	IRWINDALE	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within Contract Cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities, located within non-contract cities.

The County of Los Angeles Fire Department, Land Development Unit may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment.

3. This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met.
4. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
5. Access roads shall be maintained with a minimum of 10 feet of brush clearance on each side. Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet 6 inches.
6. The maximum allowable grade for private fire apparatus access roads shall not exceed 15.0%. Where grades exceeding 15.0% are necessary due to topographical conditions, a grade percentage of 15.1% - 20.0 % is allowed for a maximum length of 150 feet, the overall average grade shall not exceed 17%. Private fire apparatus access roads with a grade percentage of 15.1% - 20.0% and greater in length than 150 feet shall provide a 100 lineal foot grade break area that does not exceed a 10% differential for each 150 foot length. The overall average grade shall not exceed 17.0%. When determining the average grade, the entry apron, fire apparatus turnaround area, garage driveway area, etc. shall not be considered in the percentage calculation. The maximum fire apparatus access road cross slope shall not exceed 2.0%. The maximum cross slope within any change of direction of the road shall not exceed 5.0 %.
7. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines and types of construction used. The fire flow for this permit will be determined upon submittal of the Conditional Use Permit review by Fire Prevention Land Development.
8. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
  - a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

- b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
  - c) Additional hydrants will be required if hydrant spacing exceeds specified distances.
  - d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid block.
  - e) A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.
9. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.
10. All access devices and gates shall meet the following requirements:
- a) Any single gated opening used for ingress and egress shall be a minimum of 26 feet in-width, clear-to-sky.
  - b) Any divided gate opening (when each gate is used for a single direction of travel i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.
  - c) Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.
  - d) All limited access devices shall be of a type approved by the Fire Department.
  - e) Gate plans shall be submitted to the Fire Department, prior to installation. These plans shall show all locations, widths and details of the proposed gates.
11. The roundabout shall provide a 32 foot turning radius with a minimum drive aisle width of 20 feet.
12. The County of Los Angeles Fire Department, Land Development Unit comments are only general requirements. Specific fire and life safety requirements will be addressed at the building and fire plan check phase. There may be additional requirements during this time.
13. Submit three sets of water plans to the County of Los Angeles Fire Department, Land Development Unit. The plans must show all proposed changes to the fire protection water system, such as fire hydrant locations and main sizes. The plans shall be submitted through the local water company.
14. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Joseph Youman at (323) 890-4243.

Eduardo Schonborn, Senior Planner  
May 8, 2012  
Page 4

15. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

**FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance.
2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

**HEALTH HAZARDOUS MATERIALS DIVISION:**

1. Based on the submitted documents, the Health Hazardous Materials Division has no objection to the proposed project.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

Handwritten signature of Michael J. Tackett for Frank Vidales.

FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

FV:ij

RECEIVED

MAY 10 2012

May 9, 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

Planning Commission,

I am directing my written comments to the Public Notice Proposed Mitigated Negative Declaration regarding the York Point View Properties.

While I realize that property owners have a right to develop the land they own, what I don't see is this development compromising the hiking routes established years ago through the nature preserve. It's those fences that were erected years ago. East to west trails have been blocked off with the only way through is on public streets or through deep mostly impassable canyons inaccessible to many.

This is one of the most beautiful natural recreational areas on our Peninsula, so with that in mind, I ask that when considering any future development that Mr. York has in mind, public access passing through his property becomes a high priority in the master plan.

An excellent example is how the Trump (Ocean Trails) Organization actually improved public access with their network of trails and paths along the coastline making it enjoyable for everyone.

Please include my comments as you consider the approval of the conditional use permit and site plan review.

Respectfully,



Bill Schurmer  
32468 Searaven Dr,  
Rancho Palos Verdes, CA 90275  
(310) 377-0913

## Eduardo Schonborn

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**From:** candsons@aol.com  
**Sent:** Tuesday, May 08, 2012 11:45 AM  
**To:** Eduardo Schonborn  
**Subject:** Point View

Re: Point View

We support the Event Garden and agriculture at Point View. This peninsula has a storied history of agriculture and with the end of much of the farming community here, the opportunity Mr York presents to bring some agriculture back is most welcome. In addition, an event garden would be a welcome location to hold special events. La Venta Inn has proven that an event location can co-exist in a residential area. The fact that Pt View has more open surrounding space makes this proposed location a good one.

Sincerely,

John and Janine Colich  
4115 Maritime Rd, RPV

RECEIVED

May 8, 2012

MAY 08 2012

COMMUNITY DEVELOPMENT

Planning Commission,

I'm responding to the Public Notice Proposed ~~MIRATED~~ Negative Declaration relative to York Point View Properties. Mr. York erected chain link fences with threatening signs blocking well used trails that had been in existence for many years. I was under the impression that there was an implied right-of-way under the circumstances, but apparently I'm wrong. We have a beautiful nature preserve thanks to RPV and the Land Conservancy with an impenetrable fortress in the middle. The only passage East and West is either the McBride Trail near the top of the peninsula or PV Drive South by the ocean. RPV has generally done an excellent job of assuring public access via trails and paths as an integral part of large parcel land development. I urge you to consider some reasonable means of public access. In many respects, York's proposal isn't much different from the Trump golf course. Both have or will have a golf course, a club house or structure and public use of facilities for a fee. As you know, the Trump property is not enclosed by a fence and provides many trails for public use.

Respectfully,

Jeff Grant  
3212 Barkentine Rd  
Rancho Palos Verdes, CA 90275  
310-377-9693

**Susie Beall  
Number Four Thyme Place  
Rancho PalosVerdes  
California 90275**

May 7, 2012

Rancho Palos Verdes City Council  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

To whom it may concern,

In the last twenty-five years I have been involved in and planned many community fund raising events. It is always a lot of work but because of our communities involmment and spirit the events are always rewarding.

Jim Yorks proposal for his beautiful property would be such a great option for those of us who struggle to find appropriate venues. I urge you to consider granting Mr. York the opportunity to use his property as proposed.

Sincerely,

*Susie Beall*

RECEIVED

MAY 03 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

To Jim York

From Jim La Barba

As a Rancho Palos Verdes resident and one who also has a vineyard I am pleased to see you have finally been allowed to present your proposal to the planning commission for their approval.

I have visited your property and have discussed with you your plans for developing it a number of times over the last few years and I think it will be great to see this finally come to fruition.

Good luck with your presentation and I'm sure the city will also see the benefits that will be derived by everyone once you complete your development.

Your Friend

A handwritten signature in cursive script that reads "Jim La Barba". The signature is written in dark ink and is positioned to the right of the typed name "Jim La Barba".

Jim La Barba

**Eduardo Schonborn**

**From:**Carolynn Petru  
**Sent:** Tuesday, May 01, 2012 11:16 AM  
**To:** Eduardo Schonborn  
**Cc:** Joel Rojas  
**Subject:** FW: Attention: Senior Planner, Eduardo Schonborn  
Hi Ed –

Just in case you didn't already receive this....

CP

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**From:** Marianne Hunter [mailto:2hunter@cox.net]  
**Sent:** Tuesday, May 01, 2012 10:12 AM  
**To:** City Council  
**Subject:** Attention: Senior Planner, Eduardo Schonborn

**Attention: Senior Planner, Eduardo Schonborn**

Dear Mr. Schonborn,

We have read the proposals for the York property and have some comments, with which we will be very brief.

1. RE: organic farming. We have no problem with this agricultural use PROVIDING the use of water is limited by good farming practices for 2 reasons:
  - a. Water is a limited resource and
  - b. WATER IS THE ENEMY OF THOSE LIVING ON BENTONITE LANDSLIDE.
2. RE: NON- ORGANIC FARMING. We are opposed to the use of chemical on this land in general but for 3 specific reasons
  - a. this land drains into the ocean and more specifically into a marine preserve.
  - b. It is known that various chemicals used in agriculture are harmful to humans, can cause birth defects and kill or damage wildlife.
  - c. The land abuts a nature preserve striving to rebalance the natural cycle of plants, insects and wildlife including endangered species.
3. RE : Event Garden; We are opposed to this facility. It is inappropriate for it's location.

William and Marianne Hunter  
1 cinnamon Lane RPV 90275

## Eduardo Schonborn

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**From:** Mike Griffith [MikeGrif@aol.com]  
**Sent:** Tuesday, May 03, 2011 4:24 PM  
**To:** cc@rpv.com; pc@rpv.com; eduardoS@rpv.com; joelr@rpv.com  
**Subject:** Proposed Point View Development

TO WHOM IT MAY CONCERN:

As a resident of Portuguese Bend I have a definite opinion about what will be allowed by this body to be put in my front yard...literally.

Expanding the scope of the Point View Environmental Review was a good place to start. But, allowing a noise study conducted, planned, and controlled by the applicant as the only measure of possible noise from this development is sheer folly!

There have been many parties hosted at Point View and the noise from them was FAR greater than the small amount of noise measured by the applicant under his controlled mock event. In fact, the Sheriff Department has been called multiple times due to complaints of noise from events "hosted" by the applicant. One of the noisiest parties hosted on the site was actually a party by the applicant for the Sheriff's department; funny if it wasn't the truth.

I am against the Point View property being developed as an event center which, I am sure, will be called an ancillary building as part of a golf course just so the applicant can come into conformity on his application. If you check the plans of any ancillary building to the golf course, I am sure they will VERY closely resemble the original plans for the event center that were voted down by the Planning Commission on the first attempt. This is a farce and the City Council is being duped into approving a site plan that will negatively impact the surrounding community. Between both Trump and Terranea do we REALLY need another golf course...think about it.

Please expand the Environmental study to include an un-biased noise study that correctly reflects what the applicant wants to do in our quiet neighborhood. Thank you.

Michael Griffith  
13 Fruit Tree Rd  
Rancho Palos Verdes, CA 90275

**Eduardo Schonborn**

**From:** twoyags@aol.com  
**Sent:** Monday, May 02, 2011 5:36 PM  
**To:** EduardoS@rpv.com  
**Subject:** Fwd: Proposed Point View Event Center

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

From: twoyags <twoyags@aol.com>  
To: CC <CC@rpv.com>; pc <pc@rpv.com>; EduardoS <EduardoS@rpv.cm>; joelr <joelr@rpv.com>  
Sent: Mon, May 2, 2011 5:31 pm  
Subject: Proposed Point View Event Center

I have serious concerns about the scope of the environmental review re the Point View Event Center. First, this is an issue that doesn't fit within the city zoning laws, and now seems to be downplaying the scope of the studies necessary particularly with regard to noise and traffic. Palos Verdes Drive South is incessantly undergoing construction and reconstruction. I believe that's directly due to the increase in traffic. Traffic is endless these days on PV Drive South; hence, the endless construction and reconstruction that goes on. The traffic noise alone has greatly compromised quality of life. Whenever I open a window, I can hear the roar of traffic from Palos Verdes Drive South at all hours. This is not what our City needs, more traffic, more noise from a party event center. It seems that the city is compromising the quality of residential living our community rather than working towards maintaining the quality of life here. I urge the City council to consider these factors in its review of an event center and I further urge the City Council to consider quality of life for the residents here. The City should not compromise the rights of enjoyment of its residents for the sake of allowing a magnate to make yet more money in another venture. This is not in the best interest of our fair city.

Sincerely,

Da'ad Makhoulf  
25 Narcissa Drive  
RPV

**P.C. RESOLUTION NO. 2009-41**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES UPHOLDING THE DIRECTOR'S INTERPRETATION THAT A CONDITIONAL USE PERMIT APPLICATION CANNOT BE ACCEPTED FOR THE USE OF THE POINT VIEW PROPERTY OR OTHER RESIDENTIALLY ZONED PROPERTY TO CONDUCT A COMMERCIAL ENTERPRISE WHEREBY RESIDENTIALLY ZONED PROPERTY IS USED BY A PERSON OR ORGANIZATION THAT IS NOT THE PROPERTY OWNER FOR THE PURPOSE OF CONDUCTING EVENTS, MEETINGS, PARTIES OR OTHER SIMILAR COMMERCIAL ACTIVITIES ON AN ON-GOING BASIS.**

WHEREAS, on February 20, 2009, the property owner submitted a Conditional Use Permit application to use a 5-acre portion of his *Point View* property (known as the Cook Shack area) for an "Event Garden" to conduct private parties, receptions, charity events and the like; and,

WHEREAS, after review of the application and associated information, Staff determined that the application could not be accepted and/or processed since the subject property is within a Residential zoning district and the proposed use is not a use allowed by right or by conditional use permit in said residential zoning district. Thus, on March 13, 2009, Staff returned the submitted conditional use permit application to the applicant; and,

WHEREAS, as a result of Staff's determination, and since the City's Development Code allows for an Interpretation Procedure to further define or enumerate the uses permitted in the various zoning districts, the property owner submitted a request for a formal use determination (Case No. ZON2009-00146) for the proposed Point View "Event Garden" on April 21, 2009; and,

WHEREAS, on May 21, 2009, within the prescribed 30 days of initiating a request for an Interpretation, the Director of Planning, Building and Code Enforcement issued a formal Interpretation establishing that within a Residential zoning district a Conditional Use Permit application cannot be accepted for the types of commercial uses that are proposed to be conducted in the "Event Garden"; and that a Special Use Permit should be submitted for each non-commercial use that is proposed to be conducted at the "Event Garden"; and,

WHEREAS, on June 1, 2009 Gary Weber, representing the property owner, submitted a request for a Planning Commission hearing on the Director's Interpretation; and,

WHEREAS, on June 23, 2009, the Planning Commission continued the hearing to August 11, 2009; and,

WHEREAS, on August 11, 2009, the Planning Commission held a hearing on Case No. ZON2009-00146, a Director's Interpretation, at which time all interested parties were given an opportunity to be heard and present evidence. At the hearing, the Planning Commission voted 3-2 in favor of the appellant and directed Staff to prepare a resolution for approval at the next Planning Commission meeting; and,

WHEREAS, on August 25, 2009, the Planning Commission did not adopt a Resolution and instead agreed to re-notice the item to allow additional public testimony; and,

WHEREAS, on September 3, 2009, a notice of the hearing was published in the *Palos Verdes Peninsula News*, and notices were mailed to the 72 interested parties that submitted a letter and/or signed a petition in reference to the appellant's request. Further, the public was notified via an electronic mail message to those registered on the City's *listserve* for the "Point View" Development project proposed for the same property as the proposed "Event Garden"; and,

WHEREAS, on September 22, 2009, the Planning Commission held a hearing on Case No. ZON2009-00146, a Director's Interpretation, at which time all interested parties were given an opportunity to be heard and present evidence;

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

**Section 1:** A Conditional Use Permit application cannot be accepted for use of the Point View property or other Residentially Zoned property to conduct a commercial enterprise whereby Residentially zoned property is used by a person or organization that is not the property owner for the purpose of renting the property to conduct events, meetings, parties or other similar commercial activities on an on-going basis.

**Section 2:** According to the City's Development Code, *"the purpose of the single-family residential district (RS) is to provide for individual homes on separate lots...and to provide for other uses that are associated and compatible with residential uses designated in this title."* The City's Development Code lists specific uses that are allowed and conditionally allowed on Residentially zoned property (Chapter 17.02); and also allows for commercial filming through a film permit, and temporary events through a Special Use Permit. In light of these specified uses and the purpose and intent of the single-family residential district, the proposed Event Garden is a commercial use that does not qualify as a permitted or conditionally permitted use in the Single-Family Residential zone.

**Section 3:** Although churches, City parks, and the Trump National Golf Course rent their facilities for weddings, receptions, fund raisers, private parties, etc., there are differences among these properties. Churches and City parks have different zoning designations (i.e., Institutional and Open Space, respectively) and these properties are improved with structures that were designed to accommodate those permitted uses and activities; thus, the events that are held at these properties are deemed to be ancillary

uses. In contrast, the Point View property is a parcel that is not developed with a primary residential use (i.e., a single-family residential structure), which would result in the proposed “Event Garden” activities being the primary uses that are conducted outdoors and thereby are inconsistent with the purpose of the Single-Family Residential District.

**Section 4:** The underlying zoning of the Trump National Golf Course is Residential; however, the property is developed with a conditionally permitted use (i.e., a golf course and ancillary clubhouse). The clubhouse was specifically designed to accommodate gatherings of people, and is subject to conditions that eliminate impacts upon adjacent residential properties from such gatherings and events. Thus, the renting of the clubhouse facility for private parties, weddings, and receptions is considered a use that is ancillary to the property’s conditionally permitted primary golf course use. Further, Special Use Permits have been issued to the Trump National Golf Course property to conduct larger outdoor temporary events, such as the Concours d’ Elegance.

**Section 6:** Any interested person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Chapter 17.80 of the Rancho Palos Verdes Municipal Code, any such appeal must be filed with the City, in writing, and with the appropriate appeal fee, no later than October 7, 2009.

**Section 7:** For the foregoing reasons and based on information and findings contained in the Staff Reports, minutes, and records of the proceedings, the Planning Commission hereby upholds Case No. ZON2009-00146, an Interpretation Procedure establishing that a Conditional Use Permit application cannot be accepted for use of the Point View property or other Residentially Zoned property to conduct a commercial enterprise whereby Residentially zoned property is rented for use by a person or organization that is not the property owner for the purpose of conducting events, meetings, parties or other similar commercial activities on an on-going basis; rather, a Special Use Permit can be submitted for certain of the proposed “Event Garden” noncommercial uses as they occur.

PASSED, APPROVED, and ADOPTED this 22<sup>nd</sup> day of September 2009 by the following roll call vote:

AYES: Knight, Lewis, Perestam, Tetreault, Tomblin

NOES: Gerstner, Ruttenberg

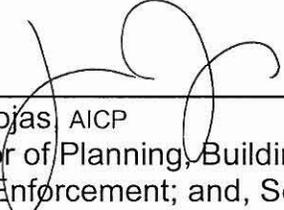
ABSTENTIONS: None

ABSENT: None

RECUSALS: None



Jeff Lewis  
Chairman



Joel Rojas, AICP  
Director of Planning, Building and  
Code Enforcement; and, Secretary  
to the Planning Commission