



RANCHO PALOS VERDES

PUBLIC HEARING

Date: April 21, 2009

Subject: Terranea Resort and Spa – ZON2009-00100 (Revision 'K' to Conditional Use Permit No. 215, et. al.)

Subject Property: 6610 Palos Verdes Drive South

1. **Declare the Hearing Open:** Mayor Clark
2. **Report of Notice Given:** City Clerk Morreale
3. **Staff Report & Recommendation:** Principal Planner Mihranian
4. **Public Testimony:**

Appellants: N/A

Applicant: Long Point Development, LLC

5. **Council Questions:**
6. **Rebuttal:**
7. **Declare Hearing Closed:** Mayor Clark
8. **Council Deliberation:**
9. **Council Action:**



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, AICP, DIRECTOR OF PLANNING,
BUILDING AND CODE ENFORCEMENT
DATE: APRIL 21, 2009
SUBJECT: TERRANEA RESORT AND SPA – ZON2009-00100
(REVISION 'K' TO CUP 215, ET. AL.)
REVIEWED: CAROLYN LEHR, CITY MANAGER
Project Manager: Ara Michael Mihranian, AICP, Principal Planner

RECOMMENDATION

1. Adopt Resolution No. 2009-___, approving Revision 'K' to Conditional Use Permit No. 215, et. al. by amending the Council adopted Conditions of Approval to allow:
 - a. The installation of one 35-foot tall flag pole and two 30-foot tall flag poles adjacent to the main hotel building near the motor courtyard with a revision to the existing Variance Permit to allow the flag poles to exceed the 16-foot height limit for flag poles;
 - b. The deferment of the construction of the required bus shelter at the entry driveway on the eastbound leg of Palos Verdes Drive South to June 1, 2010; and,
 - c. The clarification of the deadline for performing the required undergrounding of existing utility poles on Palos Verdes Drive South;
2. Execute a Maintenance Agreement between the City and Long Point Development, LLC. requiring the hotel operator to maintain the public amenities associated with the project;
3. Receive a status update on the installation of the public amenities and continue the applicant's request to accept the public amenities and the public easements to May 5, 2009; and,
4. Authorize Staff to release the public amenities bond.

EXECUTIVE SUMMARY

The applicant is requesting the Council's approval of the installation of three flagpoles (one flagpole is at a height of 35-feet and the other two flagpoles are at a height of 30-feet) adjacent to the main hotel building; to allow the deferral of the construction of the bus shelter at the southeast corner of Terranea Way and Palos Verdes Drive South to June 1, 2010; and the clarification of the timing for the undergrounding of the project related utility poles along Palos Verdes Drive South.

Additionally, the applicant is requesting that the City Council execute a Maintenance Agreement that requires the hotel operator to maintain the project related public amenities including, but not limited, to the Fishing Access Parking Lot, public restrooms, landscaping and habitat areas, bluff top park, public trails, viewing nodes, beach area, and street parkway and median to name a few. If accepted, the executed Maintenance Agreement will be recorded against the property. Furthermore, Staff is providing the Council with a status update on the completion of the public amenities to date for the Council's consideration to accept the public amenities and public easements at its May 5th meeting and, at the request of the applicant, to direct Staff to release the public amenities bond and replace the bond with a \$50,000.00 cash deposit to cover the public amenities not completed to date.

In reviewing the applicant's request, Staff is in support of the proposed amendments to the conditions. As for the Maintenance Agreement, at this time, City Staff (Planning and Public Works Staff and the City Attorney) and the applicant are finalizing its review of the document. The Maintenance Agreement will be transmitted to the Council as late correspondence before the April 21st meeting. In regards to the applicant's request to release the public amenities bond, Staff supports this request because a majority of the public amenities are completed and that a cash deposit, in the amount of \$50,000.00, will be posted to cover items not completed to date. As an added measure to ensure the completion of the public amenities, the Council adopted Conditions of Approval do not allow the issuance of the Final Certificate of Occupancy for the main hotel building until all the public amenities are completed and accepted by the City Council. The City Council is not being asked to accept the public amenities at this time because the public amenities have not been completed or inspected by Staff. Rather, Staff is providing the Council with a status update on the completion of the public amenities. Staff anticipates bringing the matter regarding the acceptance of the public amenities and the related public easements to the Council at its May 5th meeting.

BACKGROUND

On August 28, 2002, the Long Point Resort project was unanimously approved by the City Council. Subsequently, the City's decision was appealed to the Coastal Commission. On August 7, 2003, after conducting an appeal hearing, the Coastal Commission approved the project with modified conditions of approval. On October 7, 2003, the modified conditions were accepted by the City Council marking the Council's decision as the final project approval date. Subsequent to the Council's final approval of the original project, the Council has approved the following revisions:

- Revision 'A' – On September 7, 2004, the City Council amended the conditions of approval to allow a mix of 50 guest rooms or guest suites (maximum 66 keys) and 20 bungalow units (maximum 40 keys) to be sold to individual persons or private entities with deed restrictions limiting the duration of use. In addition, the Council agreed to establish a 1% Property Transfer Fee payable to a nonprofit organization when the units are sold.
- Revision 'B' – On April 19, 2005, the City Council amended Condition No. 40a to clarify the subdivision process available to the applicant for satisfying the State Subdivision Map Act requirements relating to the sale of the villas, casitas, bungalows, and hotel suites.
- Revision 'C' – On October 4, 2005, the City Council amended the conditions of approval to allow for limited valet and compact stall parking standards, and to eliminate the requirement for the construction of a Class I bicycle path.
- Revision 'D' – On March 21, 2006, the City Council amended the conditions of approval to change the approved project from a 3-hole golf practice facility with a driving range to a 9-hole short game golf academy.
- Revision 'E' – On December 5, 2006, the City Council amended the conditions of approval by further clarifying the landscape conditions regarding view protection from Palos Verdes Drive South, establishing maximum roof ridgeline elevations for each of the proposed structure, establishing conditions for outdoor events, and other miscellaneous clean-up items.
- Revision 'F' – On April 17, 2007, the City Council amended Condition No. 10 to defer the timing of when the applicant is to enter into a maintenance agreement with the City for maintenance of the required public amenities from “prior to the issuance of any grading or building permit” to “prior to the issuance of any Certificate of Occupancy.”
- Revision 'G' – On March 4, 2008, the City Council amended Condition No. 51 to correct the maximum roof ridgelines called out in the conditions for the main hotel building, spa and fitness buildings and to allow minor modifications to the building heights for the lower pool facility and the specialty restaurant. Furthermore, Council amended Condition No. 49 to correct the maximum square footage limits for the spa and fitness buildings and to modify the maximum square footage limit for the greeting kiosk.
- Revision 'H' – On May 6, 2008, the City Council amended Variance No. 489 to approve construction hours beyond the times permitted by the Municipal Code; amended Condition No. 23 to extend the permitted hours of construction performed in the enclosed interiors of the main Hotel, Spa, and Fitness buildings between 6 a.m. and 10 p.m.; amended Condition No. 49g to clarify the total square footage limit for the lower pool facility; and Approved a Special Construction Permit to allow construction on the following legal holidays: Columbus Day 2008, Veterans Day 2008, Martin Luther King Day 2009, Presidents Day 2009, and Memorial Day 2009.
- Revision 'I' – On October 7, 2008, the City Council amended the adopted Conditions of Approval to allow specific improvements to the lower beach area consisting of importing 1,500 cubic yards of sand to the area landward of the extreme-high tide line, installing security fencing adjacent to the toe of the bluff edge, constructing a vegetated drainage channel with native plantings to divert storm water, and constructing a pedestrian bridge over the proposed drainage channel.

- Revision 'J' – On November 18, 2008, the City Council amended the adopted Conditions of Approval to allow the issuance of Temporary Certificates of Occupancy by Building and Safety. Additionally, the City Council also amended Condition No. 40 so that the applicant can form a nonprofit organization pursuant to the requirements that must be completed for any of the “for-sale” units (villas, casitas, bungalows, and some hotel rooms) and amended Condition No. 27 to allow the “soft-opening” of the resort hotel prior to the issuance of Final Certificates of Occupancy or August 1, 2009, whichever occurs first.

In addition to the above, on May 17, 2005, March 21, 2006, and December 5, 2006, the City Council determined that modifications to the layout of the site plan, specifically in regards to the placement of certain buildings and ancillary improvements, were in substantial compliance with the original Council approved project. All of the minor modifications to the site plan approved by the City Council were subsequently approved and/or accepted by the Coastal Commission. The site plan modifications to the originally approved project approved by the City Council and the Coastal Commission are as follows:

- Hotel Building - reduced building footprint
- Specialty Restaurant - relocated as a new stand alone building
- Villa Units - reconfigured floor plan and reduced the number of buildings (no change to the number of room accommodations)
- Casita Units - reoriented buildings
- Bungalow Units - reoriented buildings
- Parking Structure - eliminated the parking structure
- Tennis Courts - eliminated the two tennis courts
- Spa Building - relocated and revised building footprint (two separate structures fitness building / spa building)
- Lookout Bar - expanded structure landward of the coastal setback line
- Parking Lot and Emergency Access Roads - reconfigured and widened emergency vehicle access
- Hotel Pools - reduced and relocated pool facilities

The project applicant is now requesting certain amendments to the conditions of approval to address three specific issues discussed below. Additionally, the applicant is requesting that the City Council execute a Maintenance Agreement with Long Point Development, LLC. requiring the hotel operator to maintain the related public amenities, to accept the public amenities and the public easements for the related public amenities including public trails, access areas, overlooks / vista areas, parking, park area, and habitat areas, and to authorize Staff to release the public amenities bond.

DISCUSSION

Amendments to the Conditions of Approval

The following discussion analyzes the applicant’s request to amend the Council adopted conditions of approval to allow:

1. The installation of three flag poles that exceed the 16-foot height limit;
2. The deferment of the construction of the required bus shelter on Palos Verdes Drive South to June 1, 2010; and,
3. The modification of the deadline for performing the undergrounding of existing utility poles on Palos Verdes Drive South.

1. Installation of Three Flag Poles

The applicant is proposing to install three flag poles near the entry motor courtyard to the main hotel building (see attached plans). One of the flag poles will be installed at a maximum height of 35-feet (140' elevation) and the other two flag poles will be installed at a maximum height of 30-feet (135' elevation). The height of the three flagpoles will be well below the maximum roof ridgeline of the main hotel building (153' elevation). In deciding where to place the flagpoles, great attention was taken to make sure that the flagpoles do not result in an impairment of ocean views as depicted in the attached photo simulation (see attachment).

Section 17.48.050.D of the Rancho Palos Verdes Municipal Code (RPVMC) establishes the height limits for accessory structures, such as the flagpoles, as follows:

*Decks, playhouses, detached garages, pools or bathhouses, dressing rooms, saunas, jacuzzi and pool enclosures, gazebos, **flag poles (emphasis added)** or any structures or buildings which are physically detached and incidental to the use of the main building are considered accessory structures. Such accessory structures shall be limited to twelve feet in height, as measured from the lowest preconstruction grade adjacent to the foundation wall to the ridge. In cases of uncertainty, the director shall determine whether a structure is detached and incidental. The director's decision may be appealed to the planning commission and the planning commission's decision may be appealed to the city council pursuant to Chapter 17.80 (Hearing Notice and Appeal Procedures). Upon a finding by the director that a detached garage or a flag pole will have no significant impact on views, the garage or pole may be exempted from the twelve-foot height limitation, but shall comply with any other height limitations of this Code.*

Based on the above Code section and the height limits for the Commercial Recreation (CR) zoning district, flagpoles can be allowed on the property up to a maximum height of 16-feet provided that no significant view impact occurs. As such, the applicant's request to exceed 16-feet for the proposed flagpoles requires a Variance Permit. Furthermore, a revision to the existing Conditional Use Permit is also required because the Council adopted Condition No. 51 establishes maximum heights for building and accessory structures for this project.

Staff believes that allowing the installation of the three flagpoles will not adversely impact the surrounding neighborhood, especially in regards to views of the ocean. Therefore, Staff recommends amending Variance No. 489 to allow the installation of the three flagpoles and to amend Condition No. 51 approving specific height limits for the flagpoles, as discussed below:

Variance No. 489 Findings-of-Fact:

Variance No. 489 was originally approved by the City Council under Resolution No. 2002-71 to allow construction of the Pacifica Pool Building (previously referred to as the Lower Pool Facility) within the City's designated Coastal Setback Zone. A revision to the Variance Permit was approved by the City Council on May 6, 2008 to allow construction hours to be extended from the regular hours stated in the Municipal Code.

In order to approve the applicant's Variance request to allow the flagpoles in excess of 16-feet in height, the City Council will have to make the following findings-of-fact to approve an amendment to Variance No. 489:

- a. **That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district.**
- b. **That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district.**
- c. **That the granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located.**
- d. **That the granting of such a variance will not be contrary to the objectives of the General Plan.**

Staff believes the above findings can be positively made for the request to allow the installation of three flagpoles that exceed the 16-foot height limit for the following reasons: a) The use of the subject property is extraordinary as it is the only property within the City that is designated as Commercial Recreational (CR) visitor serving and the proposed heights of the three flagpoles, 35-feet and 30-feet respectively, is not uncommon for a resort complex of this type; b) The subject property is located on 102-acres surrounded by ocean and open space to the north and west, and single- and multi-family residences, to the south and east, which are greater than 800-feet from the proposed flagpoles; c) The flagpoles are proposed to be located near the motor courtyard (main entrance to the hotel building) in area of the site that is screened by the existing hotel building; d) The flagpoles are proposed at a height (135' and 140' elevations) that does not exceed the maximum roof ridgeline elevation (153') of the adjacent hotel building resulting in minimal impacts to neighboring properties especially in regards to an impairment of ocean views; and e) The proposed flagpoles are not contrary to the objectives of the City's General Plan in that the maximum height of the flagpoles are lower than the maximum building height of the adjacent hotel building approved by the City Council and that the maximum height of the flagpoles will also be consistent with the height limitations established for the Point Fermin Vista Corridor and the Catalina View Corridor as described in the City's Local Coastal Plan.

Amendments to Condition No. 51:

In addition to a Variance, in order to allow the flagpoles to exceed the 16-foot height limit, Condition No. 51 originally adopted by the City Council will have to be amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Accessory Structures – Maximum height of all accessory structures, including but not limited to pool cabanas, pool pavilions, trellises, and other stand alone accessory structures, shall not exceed 12 feet, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline.

Flagpoles – three flagpoles shall be permitted adjacent to the main hotel building, as shown on the plans dated April 2009, at a maximum of 35-feet for one flagpole and 30-feet for two flag poles.

Architectural Features – architectural elements (cupolas, rotundas, and towers) may exceed the foregoing height limits with the prior written approval of the Director of Planning, Building and Code Enforcement, provided that such elements are generally consistent with the plans reviewed by the City Council.

Chimneys - Fireplace chimneys shall be limited to the minimum height acceptable by the Uniform Building Code

If the proposed modifications described above are acceptable to the City Council, Staff recommends that the Council adopt the attached Resolution approving an amendment to Variance No. 489 and an amendment to Condition No. 51 of Conditional Use Permit No. 215, et. al., as well as the corresponding environmental addendum. The attached resolution contains the proposed language amendments to Condition No. 51, as noted above.

2. The Construction of a Required Bus Shelter on Palos Verdes Drive South

As part of the Council adopted Conditions of Approval, the applicant is required to, among other things, construct a bus shelter at the entry driveway and Palos Verdes Drive South as part of the public street improvements. Specifically, Condition No. 118 states that:

Prior to the recordation of a final map or issuance of any building or grading permits, whichever comes first, the applicant shall construct or enter into an agreement and post security guaranteeing the construction of the following public and/or private improvements in conformance with the applicable City Standards: street improvements, medians, sidewalks, drive approaches, bus turnouts and shelters, bikeways, trails, signing, striping, storm drain facilities, sub-drain facilities, landscape and irrigation improvements (medians, slopes, parks, and public areas including parkways), sewer, domestic water, monumentation, traffic signal systems, trails, and the undergrounding of existing and proposed utility lines. If security is posted it shall be in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and materials. The amount of such security shall be determined by the Director of

Public Works. The security referred to in this condition may be grouped into one of the following categories, provided that all of the items are included within a category: 1) Landscape and Irrigation; 2) On-site Street Improvement Plans and Parking, and 3) Palos Verdes Drive South Improvements.

At the time the applicant was preparing the street improvement plans and the related security bond, the preparation of the City's Vision Plan document was underway. Since the design guidelines identified in the Vision Plan included a suggested design concept for bus shelters, Staff determined that the construction of the bus shelter should be deferred until the City Council completes its review of the Vision Plan.

In September 2008, the City Council adopted the Rancho Palos Verdes Coast Vision Plan which included a new bus shelter design scheme, as shown on Page 5-16 of the document (see attachment). The applicant agreed to construct the bus shelter in accordance to the design scheme called out in the Council adopted Vision Plan. However, although the Vision Plan identifies a design scheme for the bus shelter, it stops short of providing actual construction specifications (this also applies to other areas in the Vision Plan Design Guidelines). As such, in order for this bus shelter or future bus shelters to be constructed, the City will need to prepare construction specifications that are consistent with the approved Vision Plan.

While the City prepares the specifications for the new bus shelter, in order to avoid delays, the applicant has suggested that the City accept a cash deposit, in the amount of \$10,000.00, as a security to ensure the future construction of the bus shelter by the applicant. The cash deposit would be held by the City until the applicant constructs the required bus shelter, at which time, the City will release the funds. As an added measure, the applicant is agreeing to construct the bus shelter by June 1, 2010. Staff supports the proposal as deferral of the construction of the bus shelter will allow City Staff the needed time to hire an engineering firm to develop the bus shelter construction specifications.

Based on the above, Staff recommends the following amendment to Condition No 118 (new text shown as underlined, deleted text shown as ~~striketrough~~).

Prior to the recordation of a final map or issuance of any building or grading permits, whichever comes first, the applicant shall construct or enter into an agreement and post security guaranteeing the construction of the following public and/or private improvements in conformance with the applicable City Standards: street improvements, medians, sidewalks, drive approaches, ~~bus turnouts and shelters~~, bikeways, trails, signing, striping, storm drain facilities, sub-drain facilities, landscape and irrigation improvements (medians, slopes, parks, and public areas including parkways), sewer, domestic water, monumentation, traffic signal systems, trails, and the undergrounding of existing and proposed utility lines. If security is posted it shall be in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and materials. The amount of such security shall be determined by the Director of Public Works. The security referred to in this condition may be grouped into one of the following categories, provided that all of the items are included within a

category: 1) Landscape and Irrigation; 2) On-site Street Improvement Plans and Parking, and 3) Palos Verdes Drive South Improvements.

The construction of the bus shelter at the southeast corner of the entry driveway and Palos Verdes Drive South shall be constructed by the applicant by June 1, 2010. The applicant shall post a security cash deposit with the City in the amount of \$10,000 prior to the issuance of the Certificate of Occupancy for the main hotel building or August 1, 2009, whichever occurs first.

If the proposed modifications described above are acceptable to the City Council, Staff recommends that the Council adopt the attached Resolution approving an amendment to Condition No. 118 of Conditional Use Permit No. 215, et. al., as well as the corresponding environmental addendum. The attached resolution contains the proposed language amendments to Condition No. 118, as noted above.

3. Clarification of the Deadline for Performing the Required Undergrounding of the Utility Poles on Palos Verdes Drive South.

On November 18, 2008, the City Council adopted Revision "J" to Conditional Use Permit No. 215, et. al. to, among other things, allow the issuance of Temporary Certificates of Occupancy and to allow the "soft-opening" of the hotel prior to the issuance of the Final Certificate of Occupancy for the main hotel building or August 1, 2009 whichever comes first. Essentially, the Council decision set the timing for condition compliance to be tied to the completion of the main hotel building or August 1, 2009 whichever occurs first. The Council's decision was partially based on the applicant's stated intent to have the hotel open and operating by the summer of 2009.

At that time, the Council also amended Condition No. 88 to allow the applicant additional time beyond August 1, 2009 to underground the utility poles along Palos Verdes Drive South. This is because the applicant was having difficulty coordinating the undergrounding with the respective utility companies, including mobile phone carriers who have equipment on the utility poles. As such, Condition No. 88 was amended with the intent to allow the applicant up to December 31, 2009 to underground the utilities. However, the intent was not adequately captured in the condition. As written, the undergrounding would have to occur before December 31, 2009 or the opening of the main hotel building (June 2009), whichever occurs first. As such, in order to allow the additional time previously agreed to by the City Council, Staff Recommends that Condition No. 88 be amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~).

~~Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to December 31, 2009, whichever occurs first, all existing above ground utilities serving the project site within the public right-of-way adjacent to the property frontage of the project site shall be placed underground by the applicant. In addition, the two (2) power poles on either side of Palos Verdes Drive South, and the lines thereon, shall be placed underground.~~

As an added measure to ensure the undergrounding of the utility poles occurs by December 31, 2009, but after the opening of the main hotel building, the City Council

may wish to require that a bond be posted to cover costs associated with the undergrounding.

If the proposed modifications described above are acceptable to the City Council, Staff recommends that the Council adopt the attached Resolution approving an amendment to Condition No. 88 of Conditional Use Permit No. 215, et. al., as well as the corresponding environmental addendum. The attached resolution contains the proposed language amendments to Condition No. 88, as noted above.

Execution a Maintenance Agreement Between the City and Long Point Development, LLC

The Council adopted Conditions of Approval require the applicant enter into a maintenance agreement calling for the hotel operator to maintain the public amenities related to the project. Specifically, Condition No. 10 states:

Prior to the issuance of a final Certificate of Occupancy for the main hotel building or by August 1, 2009 or the dedication of any public amenity to the City, the applicant shall enter into a maintenance agreement, approved by the City Council, that requires the owner of the property to have the hotel operator maintain to the City's satisfaction the public amenities, including, but not limited to the bluff-top park, the lower beach area, park benches and tables, public trails (pedestrian and bicycle), bicycle racks, public restrooms (including the Fishing Access restroom facilities), landscaping, habitat protection, general public parking lot near the resort hotel building, fences, irrigation, and signs to name a few, as long as a hotel is operated on the property. Furthermore, the applicant shall specify in the agreement how funding will be provided to maintain the public improvements constructed as part of the project which are not maintained by the City, County or other governmental agency.

City Staff from the Planning Department, Public Works Department and the City Attorney's office are currently reviewing the Maintenance Agreement with the applicant, including their attorney, to be certain that all aspects of the project related public amenities are addressed in the Agreement. At this time, the Maintenance Agreement will be transmitted to the Council, for review, as late correspondence before the April 21st meeting.

Notwithstanding, the Maintenance Agreement requires the hotel operator to maintain all project related approved public amenities, whether on-site or off-site, to the City's satisfaction. The costs associated with the on-going maintenance of the public amenities are to be at the owner's expense, as specified in the Agreement. Furthermore, the Agreement specifies that the hotel operator is to maintain the listed public amenities while the hotel is in operation.

Included in the Agreement are two exhibits. Exhibit A is the legal description of the project site. Exhibit B itemizes all the public amenities that are to be maintained by the hotel operator. In summary, these items include, but are not limited to, the following:

- Fishing Access and Hotel Public Parking Lots

- Parking Lot Sweeping
- Beach Improvements
- Fencing
- 2.2 acre Public Bluff Park
- Trails and Walkways
- Public Restroom Facilities including the Fishing Access Restrooms
- Landscaping including the street median and parkway along Palos Verdes Drive South
- Weed Abatement
- Irrigation systems
- Seating areas including benches, boulders and picnic tables
- Trash Pick-up and Collection
- Viewing Nodes including furniture such as trash bins and binoculars
- Bicycle Racks and Mutt Mitt Stations
- Drinking Fountains including dog bowls
- Graffiti Control

The Maintenance Agreement specifies the frequency of the maintenance of the public amenities that range from daily, weekly, monthly, to an as-needed basis. The Agreement also specifies the time period for the hotel operator to respond to the City's request to maintain all or some of the public amenities and possible penalties that may be incurred as a result of non-compliance to the Agreement.

If the Council finds the Maintenance Agreement to be acceptable, Staff recommends that the Council execute the Agreement. The final signed document will be recorded against the property.

Status Update on the Public Amenities

According to Condition Nos. 67, 68, and 69, prior to issuance of a Final Certificate of Occupancy for the main hotel building or August 1, 2009, whichever occurs first, the applicant shall dedicate public easements over all public trails, habitat areas, vista points, bluff top park area, public parking lots and other related public amenities. The easements shall be dedicated to the City of Rancho Palos Verdes. Furthermore, prior to the issuance of the Coastal Development Permit in 2007, by the Coastal Commission, one of several items completed was the preparation of Irrevocable Offers to Dedicate (IOD) for public easements associated with the public amenities and habitat areas for this project. The IOD states that the public easements shall be dedicated to the People of California, which is equivalent to the City of Rancho Palos Verdes.

On March 27, 2009, the City received a request from the applicant for the City Council to consider at its April 21st meeting acceptance of the Irrevocable Offers to Dedicate (IOD) for the public easements. The request includes acceptance of the IOD that were recorded prior to the issuance of the Coastal Development Permit. It also includes acceptance of the public amenities originally conditioned by the City Council for all the public trails, public access areas, public parking lots, and habitat areas, to name a few, for the project.

In order for the City Council to accept the public amenities and related easements, it is customary practice for City Staff to inspect the public amenities prior to acceptance. The purpose of the inspection is to ensure that the public amenities have been completed per the City Council approved Public Amenities Plan and to the satisfaction of City Staff. Furthermore, the inspection is to confirm that all public amenities are in a condition for the City Council to accept. As stated above, it was the applicant's intent to have the public amenities completed for the Council's acceptance at the April 21st meeting. Great efforts were made by the applicant to meet this timeline which is considered a critical path item for releasing the public amenities bond and for the issuance of the Final Certificate of Occupancy for the main hotel building. However, at the time of the preparation of this Staff Report, the public amenities were not substantially completed for Staff to inspect in time for the April 21st Council meeting. As such, Staff and the applicant have agreed to continue the request to accept the public amenities and related easements to the May 5, 2009 meeting. This additional time will allow the applicant to complete the public amenities and will allow Staff the time needed to properly inspect the public amenities and report back to the Council.

Therefore, rather than considering the acceptance of the public amenities and related easements this evening, Staff is providing the Council with a status update on the public amenities installed to date. As of the delivery of this Staff Report, the following public amenities have been completed by the applicant but not reviewed and inspected by Staff.

- Decomposed Granite Trails
- Bluff Park Landscaping and Native Habitat Areas.
- Boulder Seats at Viewing Nodes
- Fishing Access Restrooms
- Fishing Access Parking Lot Improvements (including landscaping)
- Signs including information, direction, and interpretative signs
- Drinking Fountains
- Picnic Tables and Benches
- Shade Structure
- Binoculars at Viewing Nodes
- Bicycle Racks
- Trash Bins
- Mutt Mitt Stations
- Pacifica Pool (Lower Pool Facility) Public Snack Shop and Public Restrooms
- Public Showers
- Fencing

In addition to the above noted items, the following public amenities will be installed and reviewed by Staff prior to the May 5th Council Hearing:

- Drinking Fountains (Point Bar fountain is not installed due to potential damage from ongoing construction in this area)
- Trash Bin (Point Bar trash bins are not installed due to potential damage from ongoing construction in this area)

- Bike Rack (Point Bar bicycle rack is not installed due to potential damage from ongoing construction in this area)
- Beach Improvements and Trail to Lower Beach

The applicant has indicated that all of the public amenities provided as part of the approved Public Amenities Plan will be completed in time for Council's consideration at the May 5, 2009 meeting. However, as the Lower Beach was approved recently by Council and has permits pending from Staff, the applicant has indicated that there may be a few outstanding items related to the Lower Beach that may not be completed by the May 5th meeting. This is due to the on-going review by the City's Geologist and Engineer, specifically in regards to the trail and the pedestrian bridge.

Authorize Staff to Release the Public Amenities Bond

According to Condition No. 9 of the Council adopted Conditions of Approval:

The Resort developer shall be responsible for constructing the public amenities required by these conditions of approval. A bond, letter of credit or other security acceptable to the Director of Public Works and the City Attorney shall be provided to secure completion of such Public Amenities.

Pursuant to the above condition, the applicant posted a public amenities bond in April 2007 in the amount of \$4,405,000.00 to cover costs associated with the completion of the required public amenities, such as the trails, the bluff top park, parking lot improvements, habitat enhancements, the lower pool improvements and other related amenities. The required bond was posted prior to the City's issuance of a grading permit and the bond amount was based on an itemized list of the improvements and their estimated costs (see attachment). The bond was reviewed and accepted by the City Engineer and the City Attorney prior to posting.

According to the applicant, the public amenities bond is subject to an annual premium, which is estimated to cost approximately \$180,000.00 to renew. The public amenities bond is scheduled for annual renewal this month (according to the applicant the surety has indicated that if the bond is released by April 21st no additional premium payment will be required). Since the bond can only be renewed on a yearly basis (pro-rating is not allowed) and the public amenities will be completed in their entirety by May 5th, the applicant is requesting that the City Council authorize Staff to release the public amenities bond. By releasing the public amenities bond at this time, the applicant will not have to spend an additional \$180,000.00 beyond what has been currently allocated for this cost. However, understanding that the bond is intended to ensure that the public amenities have been completed to the City's satisfaction and since all the required public amenities have not been inspected or accepted yet, the applicant is offering to replace the bond with a cash deposit.

As proposed, the cash deposit offered by the applicant to replace the public amenities bond is based on a cost estimate for the public amenities that will not be completed by April 21, 2009. The value of the cash deposit is \$50,000.00. Staff has reviewed this amount and believes that the cash deposit is adequate to cover the outstanding items. Furthermore, as an added measure to ensure the completion of the public amenities,

the Council adopted Conditions or Approval do not allow the City to issue the Final Certificate of Occupancy for the main hotel building until the public amenities have been completed and accepted by the City Council. As noted in the previous section, this is expected to occur at the May 5, 2009 City Council meeting.

Based on the above, if the Council finds the applicant's request to be acceptable, Staff recommends that the Council direct Staff to release the public amenities bond at the time the \$50,000.00 cash deposit is received.

ENVIRONMENTAL ASSESSMENT

In accordance with the provisions of the California Environmental Quality Act (CEQA), Staff has determined that the proposed revision to the City Council approved conditions of approval will require an addendum to the Environmental Impact Report prepared and approved by the City Council under Resolution No. 2002-70 that allows the construction of a 400-room resort hotel with a golf academy/practice facility on the 102-acre Long Point parcel (6610 Palos Verdes Drive South). At the time the City Council adopted the Environmental Impact Report and Statement of Overriding considerations, it found that the Project's cumulative impacts, with the exception of the impacts to Noise and Air Quality, are not significant or that potential impacts could be mitigated to a less than significant impact, as noted in the Mitigation Monitoring Program.

Addendum No. 11 has been prepared for the proposed amendments to the conditions of approval to allow the installation of three flagpoles at a height that exceeds 16-feet, respectively 30-feet and 35-feet, with an amendment to Condition No. 51 and a revision to Variance No. 489, to amend Condition No. 118 to defer the construction of the bus shelter at the southeast corner of Palos Verdes Drive South and Terranea Way, and to amend Condition No. 88 to clarify the timing for the undergrounding of the utility poles along Palos Verdes Drive South related to the project. Staff believes that the proposed amendments to the conditions will not introduce new environmental impacts nor intensify environmental impacts previously analyzed in the project EIR. This is because the proposed flagpoles, as described in detail in the analysis in this Staff Report will not result in impacts to neighboring properties because the overall height is lower than the maximum roof ridgeline of the hotel building, where the flagpoles will be located. Furthermore, the deferral of the construction of the bus shelter and the clarification regarding the timing for undergrounding the utilities will not result in new impacts, but rather clarify the timing of condition compliance. As a result, no further environmental review will be necessary other than the adoption of Addendum No. 11 to Environmental Assessment No. 725.

ADDITIONAL INFORMATION

Grand Opening

At this time, the applicant has indicated that the anticipated opening of the resort will be on June 1, 2009. The opening will include the main hotel building, restaurants, spa and gym facilities, the public amenities, a portion of the retail center, conference and banquet facilities, the pools, the lookout bar and the beach. The golf course is tentatively scheduled to open by July 1st, subject to the continuing grow-in process for

fairways, greens, and tee areas. If possible, the applicant has indicated they will open the golf course earlier if ready for play.

It should be pointed out that pursuant to the Council adopted Conditions of Approval, the City Staff issued the Final Certificates of Occupancy for all of the Villas and Casitas earlier this month. By doing so, this allowed the applicant to complete the transactions for the sale of these units.

Hour of Operation for the Snack Shop

While reviewing the Maintenance Agreement, it came to light that the Council adopted conditions do not specify the hours of operation for the public snack shop attached to the Pacifica Pool Bar (previously referred to as the Lower Pool Facility). As such, Staff is interpreting the hours of operation for the snack shop to be similar to the City Park hours specified in the Municipal Code which is closed one hour after sunset and open one hour before sunrise. When this interpretation was conveyed to the applicant, a concern was raised regarding the realistic use of the snack shop during City park hours and the cost burden to the hotel operator to have an employee at the snack shop during these hours. As a result, the applicant has indicated an interest in defining the hours of operation for the public snack shop to be based on anticipated public use of the trails and related amenities during various seasons of the year.

As such, Staff will be seeking the Resort operator's input as to the desired hours of operation for the public snack shop. The applicant will present a proposed operation schedule at the May 5th Council meeting. Because this matter was not noticed in accordance to the Municipal Code, Staff will place this matter on the May 5th agenda for Council discussion.

Public Noticing

Pursuant to the Development Code, a public notice was published in the *Peninsula News* and sent to list-serve subscribers on April 2, 2009 inviting public comments on the proposed amendments to the project conditions. At this time, no public comment letters were received by the City. In the event the City receives any public comment letters after the transmittal of this Staff Report, Staff will present those comments at the April 21st public hearing.

ATTACHMENTS

- Resolution No. 2009-____
 - Exhibit "A" – Addendum No. 11
 - Exhibit "B" - Conditions of Approval
- Applicant's Requests Letter
- Flagpole Plans including Visual Simulation
- Public Amenities Bond
- Bus Shelter Design Scheme from the Council Adopted Vision Plan
- Maintenance Agreement (to be transmitted prior to the April 21st meeting as late correspondence)

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION 'K' TO CONDITIONAL USE PERMIT NO. 215, GRADING PERMIT NO. 2229, COASTAL DEVELOPMENT PERMIT NO. 166, VARIANCE NO. 489, AND TENTATIVE PARCEL MAP NO. 26073 BY AMENDING CONDITION NO. 51 TO ALLOW THE INSTALLATION OF THREE FLAGPOLES AT A HEIGHT OF 35-FEET AND 30-FEET, AMENDING CONDITION NO. 118 TO DEFER THE CONSTRUCTION OF THE BUS SHELTER AT THE CORNER OF TERRANEA WAY AND PALOS VERDES DRIVE SOUTH TO JUNE 1, 2010 WITH A CASH DEPOSIT OF \$10,000.00, AND AMENDING CONDITION NO. 88 TO CLARIFY THE TIMING OF THE UNDEGROUNDING OF THE PROJECT RELATED UTILITY POLES BY DECEMBER 31, 2009.

WHEREAS, on August 28, 2002, the City Council conditionally approved Conditional Use Permit No. 215, Grading Permit No. 2229, Coastal Development Permit No. 166, Variance No. 489, and Tentative Parcel Map No. 26073 to allow the construction of a 400-room resort hotel and bungalows with banquet and retail facilities, 50 casitas (3-keys for 150 total units), 32 villas, and a driving range with a 3-hole golf practice facility on property located at 6610 Palos Verdes Drive South; and

WHEREAS, the City Council's decision was subsequently appealed to the Coastal Commission which, after conducting several public hearings, approved the hotel project on August 7, 2003, with minor modifications to the City Council approved conditions; and

WHEREAS, on October 7, 2003, the City Council accepted the conditions of approval as modified by the Coastal Commission as the final approval and directed the applicant (Destination Development) to provide the Council with future updates on the status of the project; and

WHEREAS, on March 19, 2009, the project applicant filed a request to amend the Council adopted Conditions of Approval to allow the installation of three flagpoles, respectively at a height of 30-feet and 35-feet, with a revision to Variance No. 489 to allow the flagpoles to exceed the 16-foot height limit, to defer the construction of the bus shelter at the corner of Terranea Way and Palos Verdes Drive South to June 1, 2010 with a cash deposit of \$10,000.00, and to clarify the timing for the undergrounding of the project related utility poles; and,

WHEREAS, the City Council reviewed and analyzed the applicant's request in accordance with the California Environmental Quality Act ("CEQA") and determined that the proposed revisions to the project conditions of approval will require an Addendum to the Final Environmental Impact Report ("FEIR"), which was certified by the City Council on May 7, 2002 under Resolution No. 2002-38, and which determined

that the project's impacts, with the exception of the impacts related to Noise and Air Quality for which a statement of overriding considerations was adopted, are not significant or that the potential impacts could be mitigated to a less than significant impact. The City Council finds that the proposed amendments to the conditions of approval will not alter nor diminish the spirit and intent of the original project approved by the City Council in 2002 because the project design and amenities, including the public amenities, will not be changed. Furthermore, the proposed amendments will not result in a deviation to the findings made by the Council when the project was approved, and does not modify the scope of the project nor the related uses and amenities. As such, the City Council finds that the amendments to the conditions of approval will not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the FEIR; Furthermore, the City Council also finds that there are no changed circumstances or new information, which was not known at the time the FEIR was certified, that would require the preparation of a subsequent EIR or major revisions to the FEIR pursuant to CEQA Guidelines Section 15162, and, in accordance with Section 15164 of the State CEQA Guidelines, the City has prepared Addendum No. 11 to the FEIR (the "Addendum") attached herein as Exhibit A; and

WHEREAS, on April 2, 2009, pursuant to the City's Municipal Code, a public notice was published in the *Peninsula News* and mailed to property owners within a 500-foot radius of the project site and to interested parties, inviting public comments on the proposed project revision; and

WHEREAS, on April 21, 2009, the City Council held a duly noticed public hearing to consider the revised project;

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

Section 1. The proposed amendments to the conditions of approval will not amend the approved project that allows the construction of a resort hotel with 400 rooms within the main hotel structure and freestanding bungalows and 50 privately-owned, multiple-keyed casita units for a maximum aggregate of 150 additional accommodations, 32 privately-owned resort villas, a 68,000 square-foot conference/banquet facility, a spa and fitness center, 3 to 4 restaurants with an aggregate total of 22,500 square feet, and various public amenities, including public trails, a public park, 825 parking spaces for the Project, including 100 parking spaces for the general public.

Section 2. Pursuant to Section 17.60.050 of the Rancho Palos Verdes Municipal Code (the "Municipal Code"), and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the Addendums, the City Council hereby finds that the proposed amendments to the conditions of approval will not change the findings made for the approved project, adopted under Resolution

No. 2002-71, with respect to CUP No. 215, which are incorporated herein by this reference.

Section 3. Pursuant to Section 17.76.040, and based upon the evidence presented in the record, including staff reports, oral and written testimony, and the FEIR, the City Council hereby finds that the proposed amendments to the conditions of approval will not change or alter the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to GRP No. 2229, which are incorporated herein by this reference.

Section 4. Pursuant to Section 17.72.090, and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the Addendums, the City Council hereby finds that the proposed amendments to the conditions of approval will not change or alter the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to CDP No. 166, which are incorporated herein by this reference.

Section 5. Pursuant to the requirements of the Subdivision Map Act (commencing with Section 66410 of the California Government Code), and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the Addendums, the City Council hereby finds that the proposed amendments to the conditions of approval will not change or alter the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to TPM No. 26073, which are incorporated herein by this reference.

Section 6. Pursuant to Section 17.64.050, and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the Addendums, the City Council hereby finds that the proposed amendments to the conditions of approval will not change or alter the findings made for the original approved project, adopted under Resolution No. 2002-71.

Section 7. Based upon the evidence presented in the record, the findings adopted under Resolution No. 2002-71, which are incorporated herein by reference, the FEIR and the Addendums, the City Council hereby approves Revision "K" to Conditional Use Permit No. 215, Grading Permit No. 2229, Coastal Development Permit No. 166, Variance No. 489, and Tentative Parcel Map No. 26073 subject to the conditions set forth in Exhibit "B," attached hereto and incorporated herein by this reference.

Section 8: Based upon the evidence presented in the record, the City Council finds that the proposed revision will not "lessen or avoid the intended effect" of the approved project with respect to providing coastal access and visitor serving use. The City Council further finds that the proposed amendments to the conditions of approval will not have the potential for adverse impacts to coastal resources or public access.

Section 9. The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought as governed by Section 1094.6 of the California Code of Civil Procedure and other applicable short periods of limitation.

PASSED, APPROVED, AND ADOPTED this 21st day of April 2009.

Mayor

Attest:

City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2009-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on April 21, 2009.

City Clerk

RESOLUTION NO. 2009-__
EXHIBIT "A"
ADDENDUM NO. 11
TO FINAL ENVIRONMENT IMPACT REPORT
/ ENVIRONMENTAL ASSESSMENT NO. 725
APRIL 21, 2009

On May 7, 2002, the City Council adopted Resolution No. 2002-34, thereby adopting the Final Environment Impact Report for Environmental Assessment No. 725 to allow the construction of 400-room hotel and bungalows with banquet and retail facilities, 50-casitas (3-keys for 150 total units), 32 villas, and a driving range with a 3-hole golf practice facility. On August 28, 2002, the City Council adopted Resolution No. 2002-70, adopting Addendum No. 1; on September 7, 2004, the City Council adopted Resolution No. 2004-78, adopting Addendum No. 2; on April 19, 2005, the City Council adopted Resolution No. 2005-39, adopting Addendum No. 3; on October 4, 2005, the City Council adopted Resolution No. 2005-107, adopting Addendum No. 4; on March 21, 2006, the City Council adopted Resolution No. 2006-17, adopting Addendum No. 5; on December 5, 2006, the City Council adopted Resolution No. 2006-92, adopting Addendum No. 6; on April 17, 2007, the City Council adopted Resolution No. 2007-38, adopting Addendum No. 7; on March 4, 2008 the City Council adopted Resolution No. 2008-17, adopting Addendum No. 8; on May 6, 2008 the City Council adopted Resolution No. 2008-31, adopting Addendum No. 9, and on November 18, 2008 the City Council adopted Resolution No. 2008-112, adopting Addendum No. 10 to the Final Environmental Impact Report. In adopting the Final Environmental Impact Report and Statement of Overriding Considerations, the City Council found that the Project's cumulative impacts, with the exception of the impacts related to Noise and Air Quality for which the Statement of Overriding Considerations was adopted, are not significant or that potential impacts could be mitigated to a less than significant level.

The City Council has reviewed and analyzed the proposed amendments to the conditions of approval, by amending Condition No. 51 to allow the installation of three flagpoles (one flagpole is at a height of 35-feet and the other two flagpoles are at a height of 30-feet) with a revision to Variance No. 489 to allow the flagpoles to exceed the 16-foot height limits, by amending Condition No. 118 to allow the deferral of the construction of the bus shelter at the southeast corner of Terranea Way and Palos Verdes Drive South to June 1, 2010, and by amending Condition No. 88 to clarify the timing for the undergrounding of the project related utility poles along Palos Verdes Drive South pursuant to the provisions of the California Environmental Quality Act (CEQA). Having reviewed the applicant's request, the City Council is of the opinion that the revisions to the respective conditions will not alter nor diminish the spirit and intent of the original project approved by the City Council in 2002 nor the project revisions approved by the City Council in recent years. The proposed revisions will not result in any significant change that would effect the findings made by the Council when the project was approved, and does not modify the scope of the project nor the related uses and amenities.

Furthermore, the proposed revisions will not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the FEIR.

Therefore, the City Council finds that there are no changed circumstances or new information, which were not known at the time the FEIR was certified, that would require the preparation of a subsequent EIR or major revisions to the FEIR pursuant to CEQA Guidelines Section 15162. In accordance with Section 15164 of the State CEQA Guidelines, the City Council has independently reviewed and considered and hereby adopts this Addendum No. 11 to the FEIR.

RESOLUTION NO. 2009-__ - EXHIBIT “B”
LONG POINT RESORT HOTEL
CONDITIONS OF APPROVAL
(REVISION ‘K’ – COUNCIL APPROVED APRIL 21, 2009)

(Coastal Permit No. 166, Conditional Use Permit No. 215,
Grading Permit No. 2229, Variance No. 489, and Tentative Parcel Map No. 26073)

GENERAL CONDITIONS

- 1) The approvals granted by this resolution shall not become effective until the applicant and property owners submit a written affidavit that each has read, understands and accepts all conditions of approval contained herein. Said affidavits shall be submitted to the City no later than ninety (90) days from the date of approval of the project by the City Council. If the applicant and/or the property owner fail to submit the written affidavit required by this condition within the required 90 days, this resolution approving Coastal Development Permit No. 166, Conditional Use Permit No. 215, Grading Permit No. 2229, Variance No. 489 and Tentative Parcel Map No. 26073 shall be null and void and of no further effect.
- 2) In accordance with the provisions of Fish and Game Code §711.4 and Title 14, California Code of Regulations, §753.5, the applicant shall submit a check payable to the County of Los Angeles in the amount of \$875.00 for the Fish and Game Environmental Filing Fee. This check shall be submitted to the City within five (5) business days of City Council approval of this project. If required, the applicant shall also pay any fine imposed by the Department of Fish and Game.
- 3) Each and every mitigation measure contained in the Mitigation Monitoring program attached as Exhibit “C” of Resolution No. 2002-34 is hereby incorporated by reference into the Conditions of Approval for Coastal Development Permit No. 166, Conditional Use Permit No. 215, Grading Permit No. 2229, Variance No. 489 and Tentative Parcel Map No. 26073.
- 4) The applicant shall fully implement and continue for as long as the hotel is operated the Mitigation Monitoring Program attached as Exhibit “C” to Resolution No. 2002-34 and execute all mitigation measures as identified and set forth in the Final Environmental Impact Report for the project as certified in said Resolution No. 2002-34.
- 5) The owner of the resort hotel and the property upon which the hotel is located shall be responsible for implementing and ensuring compliance with all of the conditions of approval stated herein. Accordingly, as used herein, the term “applicant” shall include the owner of the resort hotel and the property upon which the hotel is located.

- 6) The conditions set forth in this Resolution are organized by application type for ease of reference. Regardless of such organization, each condition is universally applicable to the entire project site, unless a condition clearly indicates otherwise. Said conditions shall be applicable as long as a hotel is operated on the property, unless otherwise stated herein.
- 7) In the event that a condition of approval is in conflict or is inconsistent with any mitigation measure for this project, the more restrictive shall govern.
- 8) The applicant shall pay the Environmental Excise Tax in accordance with the Rancho Palos Verdes Municipal Code (RPVMC).
- 9) The Resort developer shall be responsible for constructing the public amenities required by these conditions of approval. A bond, letter of credit or other security acceptable to the Director of Public Works and the City Attorney shall be provided to secure completion of such Public Amenities.
- 10) Prior to the issuance of a final Certificate of Occupancy for the main hotel building or by August 1, 2009 or the dedication of any public amenity to the City, the applicant shall enter into a maintenance agreement, approved by the City Council, that requires the owner of the property to have the hotel operator maintain to the City's satisfaction the public amenities, including, but not limited to the bluff-top park, the lower beach area, park benches and tables, public trails (pedestrian and bicycle), bicycle racks, public restrooms (including the Fishing Access restroom facilities), landscaping, habitat protection, general public parking lot near the resort hotel building, fences, irrigation, and signs to name a few, as long as a hotel is operated on the property. Furthermore, the applicant shall specify in the agreement how funding will be provided to maintain the public improvements constructed as part of the project which are not maintained by the City, County or other governmental agency.

(REVISED PER RESOLUTION NO. 2007-38 ON APRIL 17, 2007)

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 11) The Resort owner shall maintain all on-site drainage facilities not accepted by Los Angeles County, including but not limited to structures, pipelines, open channels, retention and desilting basins, mechanical and natural filtering systems, and monitoring systems, so long as the property is operated as a resort hotel. A bond, letter of credit or other security acceptable to the City shall be provided to secure completion of such drainage facilities. A bond to cover the cost of their maintenance for a period of 2 years after completion shall also be provided to the City.

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Exhibit B

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- 12) Subject to the agreement of Los Angeles County, the applicant shall turn over all eligible drainage facilities to the Los Angeles County Public Works Department upon completion and acceptance of the facilities by the County of Los Angeles.
- 13) The applicant shall be required to pay 110% of the estimated amount of the cost of services to be provided on behalf of the City by outside consultants that have been retained by the City to render services specifically in connection with this project, in the form of a trust deposit account, prior to commencement of such services (e.g. golf safety consultant, geotechnical consultants, biologist, and landscape architect to name a few.). Services provided by the City Attorney and other consultants that routinely provide services to the City shall be exempt from this condition. However, in such cases, the applicant shall adequately fund said trust deposit accounts prior to the commencement of services, in amounts reasonably requested by the City, based upon an estimate of the cost of services for the period of at least 90 days to which services are rendered. In addition, the trust deposits shall be replenished within thirty days of receipt of notice from the City that additional funds are needed.
- 14) All costs associated with plan check reviews and site inspections for the Department of Public Works shall be incurred by the applicant through the establishment of a trust deposit with the Director of Public Works at the time of plan check submittal or site inspection request.
- 15) All City Attorney costs associated with the review and approval of the conditions stated herein shall be incurred by the applicant in the form of a trust deposit established with the City.
- 16) No later than six (6) months after the issuance of the Certificate of Occupancy for the main resort hotel building or no later than 3 months after the commencement of the operation of the 9-hole golf course, or as frequently as the Director of Planning, Building and Code Enforcement deems necessary, the City Council shall review the Conditions of Approval contained herein at a duly noticed public hearing. As part of said review, the City Council shall assess the applicant's compliance with the conditions of approval and the adequacy of the conditions imposed. At that time, the City Council may add, delete or modify any conditions of approval as evidence presented at the hearing demonstrates are necessary and appropriate to address impacts resulting from operation of the project, including golf safety. Said modifications shall not result in substantial changes to the design of the hotel structures or to the ancillary structures. Notice of said review hearing shall be published and provided to owners of property within a 500' radius of the site, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance the RPVMC. As part of

the review, the City Council shall consider such items as the parking conditions, circulation patterns (pedestrian, bicycle, and vehicular), lighting, landscaping, noise, the operation of outdoor events, and golf safety. The Council may also consider other concerns raised by the Council, Planning Commission, Finance Advisory Commission, Traffic Committee and/or interested parties. The City Council may require such subsequent additional reviews, as the City Council deems appropriate. This provision shall not be construed as a limitation on the City's ability to enforce any provision of the RPVMC regarding this project.

If any safety issues arise concerning the operation of the 9-hole golf course, the safety issues shall be immediately addresses by the applicant to the satisfaction of the Director of Planning, Building and Code Enforcement.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 17) These approvals authorize the construction and operation of a resort hotel, a 9-hole golf course and other related amenities. Any significant changes to the operational characteristics of the development, including, but not limited to, significant changes to the site configuration or the 9-hole golf course; number of guest rooms (increases or decreases); size or operation of the conference center, banquet facilities, spa, restaurants, or other ancillary uses or significant alterations shall require an application for revision to this Conditional Use Permit pursuant to the provisions stated in the RPVMC. At that time, the City Council may impose such conditions, as it deems necessary upon the proposed use resulting from operations of the project. Further, the Council may consider all issues relevant to the proposed change of use.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 18) These approvals shall expire twenty-four (24) months from the date of the City Council approval unless building permits for the main hotel structure have been applied for and are being diligently pursued. Extensions of up to one (1) year may be granted by the City Council, if requested prior to expiration. Such a time extension request shall be considered by the City Council at a duly noticed public hearing, pursuant to the provisions stated in the RPVMC.
- 19) The hotel spa facility, and all the amenities therein, including the pool, shall be made available to the general public for a reasonable fee for use basis. Appropriate promotions shall be offered to encourage use of the spa facility by non-hotel guests, including area residents.

- 20) The 9-hole golf course shall be made available to the general public for a reasonable fee for use basis. Appropriate promotions shall be offered to encourage use of the 9-hole golf course by non-hotel guests, including area residents

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 21) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the 9-hole golf course, public trails, public parks and public areas shall be designed to protect golfers and the general public in accordance with common safety standards and practices in the industry, subject to review and approval by the City's duly assigned Golf Safety Consultant. The final golf course design shall incorporate the recommendations provided by the City's Golf Safety Consultant. The applicant shall establish a trust deposit account with the City to cover all costs associated with the Golf Safety Consultant's review, as required in Condition No. 13.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 22) Temporary construction fencing and temporary public trail fencing shall be installed in accordance with RPVMC. The beach access trail and associated parking area shall remain open to the public during City park hours during project construction with limited closures, as approved by the Director of Planning, Building and Code Enforcement, to address safety issues that are directly related to grading or other construction activities, including the importation of sand to the lower beach area. Signs notifying the public of the closure of the beach access trail and parking area shall be posted in a visible public location at least 30-days in advance of the closure. The closure of the beach access trail and the associated parking area, the designation of temporary beach trail access and a temporary associated parking area and the language and placement of public notice signs shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval at least 45-days before said closure.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 23) All on-site construction and grading activities, including the importation of sand to the lower beach area, shall be limited to the hours between seven a.m. and seven p.m. Monday through Saturday. However, the permitted hours of construction for the interior work on the Hotel, Spa and Fitness buildings shall be between six a.m. and ten p.m. Monday through Saturday ("extended hours of construction"), provided that said buildings are entirely enclosed with walls, roofs,

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doors and windows. The extended hours of construction, as expressly permitted herein, shall be monitored by City Staff or independent consultants hired by the City with associated expenses to be borne by the applicant through the establishment of a trust deposit. Monitoring shall include, at a minimum, noise and light impacts. The approval of the extended hours of construction shall be subject, at any given time, to cancellation or further restrictions as deemed appropriate by the Director of Planning, Building and Code Enforcement based on the ability of the applicant to make adjustments due to public complaints or monitoring reports.

No construction shall occur on Sundays or legal holidays as set forth in RPVMC unless a special construction permit, allowing construction work on legal holidays between the hours of 7:00 am and 7:00 pm, is first obtained from the Director of Planning, Building and Code Enforcement. A Special Construction Permit shall not be issued by the City for Veteran's Day 2008 and Memorial Day 2009.

Pursuant to Condition No. 140, an updated Construction Management Plan shall be reviewed and approved by the Director of Public Works and the Planning Director prior to conducting interior work during the extended hours of construction. The updated Construction Management Plan shall address, but not limited to, parking, noise, vehicle ingress and egress, lighting, equipment staging, and delivery of materials.

(REVISED PER RESOLUTION NO. 2008-31 ON MAY 6, 2008)
(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 24) Construction and grading activities, including the importation of sand to the lower beach area, within the public right-of-way shall be limited to the days and hours approved by the Director of Public Works at the time of permit issuance.

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 25) No on-site repair, maintenance or delivery of equipment and/or materials shall be performed before seven a.m. or after seven p.m. Monday through Saturday, nor on any Sunday or legal holiday, unless otherwise specified in the conditions stated herein or a Special Construction Permit is obtained from the City. Emergency repairs are exempt from this condition.
- 26) All construction activity shall generally adhere to the phasing scheme identified in the Addendum to the Certified Environmental Impact Report shown in Resolution No. 2002-70 Any significant changes to the construction activity schedule shall be reviewed and approved by the Director of Planning, Building and Code Enforcement.

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- 27) Temporary Certificates of Occupancy shall be issued by the City's Building Official to allow the use and occupancy of all or a portion of the Terranea Resort, including by employees and paying guests (for overnight occupancy) prior to the issuance of any Final Certificate of Occupancy. Issuance of a Temporary Certificate of Occupancy is contingent on first obtaining final inspections and sign-offs by the City's Building Official and the Los Angeles County Fire Department for items such as, but not limited to, Building, Electrical, Mechanical, and Plumbing permits, building-related egress conditions including sidewalks and ADA compliant clearances, and the completion of all life and safety measures. The City's Building Official may revoke or suspend any or all of the Temporary Certificates of Occupancy if any public safety issue arises.

Any Temporary Certificate of Occupancy shall expire when a final Certificate of Occupancy is issued for a particular structure or by August 1, 2009, whichever occurs first. On or before August 1, 2009 the developer shall obtain Final Certificates of Occupancy for the entire resort, including ancillary resort amenities such as the golf course, restaurants, and spa/fitness building.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

Indemnification/Insurance

- 28) The owner of the property upon which the project is located shall hold harmless and indemnify City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense, including but not limited to death or injury to any person and injury to any property, resulting from willful misconduct, negligent acts, errors or omissions of the owner, the applicant, the project operator, or any of their respective officers, employees, or agents, arising or claimed to arise, directly or indirectly, in whole or in part, out of, in connection with, resulting from, or related to the construction or the operation of the project approved by this resolution.
- 29) The applicant shall defend, with counsel satisfactory to the City, indemnify and hold harmless the City and its agents, officers, commissions, boards, committees and employees from any claim, action or proceeding against the City or its agents, officers, commissions, boards, committee or employees, to attack, set aside, void or annul this resolution or one or more of the approvals set forth in this resolution and PC Resolutions 2001-37, 2001-39, and 2001-40. Alternatively, at the City's election, the City may choose to defend itself from any claim, action or proceeding to attack, set aside, void or annul this resolution or

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one or more of the approvals set forth in this resolution. In that case, the applicant shall reimburse the City for all of its costs, including attorney fees, arising from such claim, action or proceeding. The obligations set forth in this condition include the obligation to indemnify or reimburse the City for any attorney fees that the City becomes obligated to pay as a result of any claim, action or proceeding within the scope of this condition.

The City shall promptly notify the applicant of any claim, action or proceeding within the scope of this condition and the City shall cooperate fully in the defense of any such claim or action.

- 30) The applicant shall submit to the City Attorney for review and approval an agreement whereby the applicant shall indemnify, defend and hold the City and members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), harmless from any claim, demand, damage, liability, loss, cost or expense, including, but not limited to, death or injury to any person and injury to any property, caused by golf balls or any other golf-related equipment.

- 31) The applicant shall procure and maintain in full force and effect during the operation of the hotel and/or 9-hole golf course primary general liability insurance, which is applicable to, and provides coverage for only this hotel and 9-hole golf course, in an amount of \$5 million dollars, which amount shall be increased on each fifth anniversary of the commencement of operation of the hotel to reflect increases in the consumer price index for the Los Angeles County area. Such insurance shall insure against claims for injuries to persons or damages to property that may arise from or in connection with the operation of the subject resort hotel and 9-hole golf course authorized by this resolution. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, shall be issued by an insurer that is admitted to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's, and shall comply with all of the following requirements:
 - (a) The coverage shall contain no limitations on the scope of protection afforded to City, its officers, officials, employees, volunteers or agents serving as independent contractors in the role of city or agency officials which are not also limitations applicable to the named insured.

- (b) For any claims related to the project, applicant's insurance coverage shall be primary insurance as respects City, members of its City Council, boards, committees, commissions, officers, employees, attorneys, volunteers and agents serving as independent contractors in the role of city or agency officials.
- (c) Applicant's \$2 million primary insurance shall apply separately to each insured against whom claim is made or suit is brought. Additionally, the limits of applicant's \$2 million primary insurance shall apply separately to the project site.
- (d) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be canceled except after 30-days prior written notice by first class mail has been given to City.
- (e) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be materially modified except after 5-business days prior written notice by first class mail has been given to City.
- (f) Each insurance policy required by this condition shall expressly waive the insurer's right of subrogation against City and members of its City Council, boards and commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials.
- (g) Copies of the endorsements and certificates required by this condition shall be provided to the City when the insurance is first obtained and with each renewal of the policy.
- (h) No golf course facilities may be operated unless such general liability insurance policy is in effect.

The applicant also shall procure and maintain in full force and effect during the operation of the hotel and/or 9-hole golf course additional general liability insurance in the amount of \$3 million dollars to insure against claims for injuries to persons or damages to property which may arise from or in connection with the operation of the resort hotel and 9-hole golf course authorized by this resolution. Such insurance shall likewise name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, may at applicant's option, be in the form of a separate excess insurance policy and may be issued

by a non-admitted carrier so long as the insurer is authorized to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's and shall comply with all of the requirements of paragraphs a, b, d, e, f and g of this Condition 33.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

COASTAL PERMIT NO. 166

- 32) All plans submitted to the City for review shall identify the location of the Coastal Setback Line and the Coastal Structure Setback Line in reference to the proposed structure. Furthermore, all plans shall identify the Habitat Enhancement Area, including the 50' planting transitional areas, as described in Condition No. 78.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- 33) Except as provided herein as part of the Conditional Use Permit and Variance (allowing the construction of the Lower Pool Facility within the Coastal Setback Zone and the lower beach improvements), pursuant to the RPVMC, no new uses or structural improvements shall be allowed in the area seaward of the Coastal Setback Line including, but not limited to, slabs, walkways, decks 6" or more in height, walls or structures over 42" in height, fountains, irrigation systems, pools, spa, architectural features, such as cornices, eaves, belt courses, vertical supports or members, chimneys, and grading involving more than 20 cubic yards of earth movement, or more than three feet of cut or fill.

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 34) All proposed structures within the Point Fermin Vista Corridor and Catalina View Corridor shall be constructed in accordance with the height limitations as identified in the City's Coastal Specific Plan and the project's certified EIR.

CONDITIONAL USE PERMIT NO. 215

Hotel Operations

- 35) A. The main hotel building and the freestanding bungalow units shall consist of no more than an aggregate total of 400 rooms (360 hotel rooms and 20 bungalow units, two keys per bungalow) and shall not be designed for multiple keys for a configuration exceeding 400 rooms. A main hotel room, for purposes herein, shall consist of any of the following: a typical guest room, a two-bay suite, one or more multiple-bay rooms with a single key, or a

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hospitality suite, as shown in Exhibit 7.14 of the Long Point Resort Permit Documentation dated June 23, 2000. Furthermore, the bungalow units shall consist of two-keyed accommodations with one or more bedroom areas which may contain a living room area as shown in Exhibit 7.15 of the Long Point Resort Permit Documentation dated June 23, 2000.

- B. A maximum total of 50 hotel suites and guestrooms may be sold to individual persons or private entities, subject to the following restrictions: An owner of a unit may utilize that unit for no more than sixty (60) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. When not being used by the owner, the hotel suite or guestroom shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit. The 50 hotel suites and guestrooms that may be sold to individual persons or private entities will consist of a mix of single-key suites, suites with two-keys, and single-key guestrooms. The precise location and mix of these units shall be described in detail at the time the tract map is processed by the City, but in no event shall the number of keys exceed 66 keys.

- C. The bungalow units shall consist of no more than 20 bungalow units, with a maximum keying configuration of two (2) keys per bungalow unit resulting in a maximum possible 40 accommodations. The bungalow units may be sold to individual persons or private entities, subject to the following restrictions: An owner of a unit may utilize that unit for no more than sixty (60) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. When not being used by the owner, the bungalow unit shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit.

(REVISED PER RESOLUTION NO. 2004-78 ON SEPTEMBER 7, 2004)

- 36) The casita units shall consist of no more than 50 casita units, with a maximum keying configuration of three (3) keys per casita unit resulting in a maximum possible 150 accommodations. The casita units may be sold to individual persons or private entities, subject to the following restriction: An owner of a unit may utilize that unit for no more than sixty (60) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven

(7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. When not being used by the owner, the casitas unit shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit.

- 37) The resort villa units shall consist of no more than 32 single keyed units. The resort villa units may be sold to individual persons or private entities, subject to the following restriction: An owner of a unit may utilize that unit for no more than ninety (90) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. The Villas shall be fully managed by the resort hotel operator when not used by the owners, and made available for rental by the general public. When not being used by the owner, the villa shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit.

(REVISED PER RESOLUTION NO. 2004-78 ON SEPTEMBER 7, 2004)

- 38) If any villa unit, casita unit, bungalow unit, hotel suite or guestroom is not sold or made available for sale, the unit shall be available as a hotel accommodation which shall be fully managed by the resort hotel operator.

(REVISED PER RESOLUTION NO. 2004-78 ON SEPTEMBER 7, 2004)

- 39) Any person or entity ("hotel guest") who pays the hotel operator for the privilege of occupying one or more rooms, bungalows, villas or casitas ("unit") shall not occupy or have the right to occupy any unit for more than twenty-nine (29) consecutive days. On or before the twenty-ninth day, the hotel guest shall be required to check out of the unit(s).

- 40) Prior to issuance of building permits for the resort villa units, casita units, bungalow units, and hotel suite or guestrooms that may be sold to individual persons or private entities, the following shall be completed:

- a) The applicant shall process a parcel map or tract map in accordance with the Subdivision Map Act.

(REVISED PER RESOLUTION NO. 2005-39 ON APRIL 19, 2005)

- b) Deed Restrictions, which restrict the use and operation of all of the privately owned units and are in a form that is acceptable to the City Attorney, shall be recorded against all of those units, including, without limitation, the bungalow units, resort villas, casitas and the fifty hotel guest suites or guest rooms.
- c) The applicant shall create a new nonprofit corporation with a seven-member board of directors to undertake the duties specified in this condition. Three members of the nonprofit corporation shall be appointed by the City, and three members of the nonprofit corporation shall be appointed by applicant or its successor in interest. The six members of the Board who have been appointed by the City and the applicant shall select the seventh Board Member. The nonprofit corporation will be charged with spending its resources (net of its operating expenses) for only the following purposes: the maintenance, repair, replacement and enhancement of trails, parks, open space areas and streets within the City of Rancho Palos Verdes (other than on the project site), which are owned in fee or by easement or by license by the City. The first priority for the expenditure of the funds will be on trails, parks and other areas that abut or are in proximity to the project site.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- d) The applicant shall record against all of the condominium owned units, including, without limitation, the bungalow units, resort villas, casitas and fifty hotel guest suites or guestrooms a Declaration of Covenants, Conditions and Restrictions and Notice of Transfer Fee. Such document(s) shall set forth the obligation to pay a 1% transfer fee upon each transfer of ownership of a unit, which 1% shall be assessed against the sale price for the unit. The transfer fee is not applicable on the initial sale from the master developer to the first owner. The fee shall be required to be paid through the escrow for the sale or, if no escrow is used, at the time of recordation of the deed transferring title. The fee will be paid to the non-profit corporation. The recorded documents shall provide a lien right in favor of the nonprofit corporation to secure the payment obligations and any costs of collection, including, without limitation, attorney's fees and court costs

(REVISED PER RESOLUTION NO. 2004-78 ON SEPTEMBER 7, 2004)

- 41) a) The Resort Hotel building, ancillary structures, including but not limited to the Lower Pool Facility, and all accessory buildings associated with the 9-hole golf course shall substantially conform to the plans approved by the

City Council and stamped by the Planning Department with the effective date of this approval.

- b) The Resort Hotel may conduct outdoor events, in compliance with the following standards:
- i. Amplified Sound, whether recorded or live, shall be permitted during the hours set forth in (iii), and speakers for amplified sound shall be, oriented towards the ocean away from surrounding properties.
 - ii. No outdoor spot-lights, neon lights, or other specialty lighting shall be permitted to shine into the sky, habitat areas, or onto neighboring properties, except during the hours set forth in (iii).
 - iii. Hours for (i) and (ii) use:
 - Sundays through Thursdays 8:00 am to 10:00 p.m.
 - Fridays and Saturdays 8:00 am to midnight

A special use permit shall be obtained from the Planning Department for uses of (i) and (ii) outside of such hours.

No later than six (6) months after the issuance of the Certificate of Occupancy for the main hotel building, the operation of the outdoor events shall be reviewed by the City Council pursuant to the criteria set forth in Condition No. 16.

**(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)
(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)**

- 42) The lower beach area approved by the City Council on October 7, 2008 and the public section of the Lower Pool Facility, which consists of public restroom facilities and a viewing deck area, as shown on the plans approved by the City Council on the effective date of the adoption of these conditions, shall be open and made available to the general public during City park hours, as specified in the RPVMC.

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 43) Approval of this conditional use permit is contingent upon the concurrent and continuous operation of the primary components of the project, which are the hotel, villas, casitas, banquet facilities, spa facilities, retail facilities, and the 9-hole golf course.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

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- 44) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the use of gardening equipment for the 9-hole golf course and landscape areas shall be controlled by a Golf and Hotel Landscape Maintenance Plan which is subject to review and approval by the Director of Planning, Building and Code Enforcement, based on an analysis of equipment noise levels and potential impacts to neighboring residents. The implementation of the Plan shall be formally reviewed by the Director of Planning, Building and Code Enforcement three (3) months after the first day of operation of the 9-hole golf course, and shall be subsequently reviewed on an annual basis thereafter. At the three (3) month review, the Director may determine that the Plan needs to be revised to address potential noise impacts. The Director may also determine that additional review periods and/or other conditions shall be applied to the Maintenance Plan.

Furthermore, if the City receives any justified noise complaints that are caused by the maintenance of the golf or hotel landscaped and lawn areas, as verified by the Director of Planning, Building and Code Enforcement, upon receipt of notice from the City, the operators of the hotel and the 9-hole golf course shall respond to said verified complaint by notifying the City and implementing corrective measures within 24 hours from the time of said notice.

The Director's decision on any matter concerning the Landscape Maintenance Plan may be appealed to the City Council. Any violation of this condition may result in the revocation of the Conditional Use Permit.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 45) All deliveries utilizing vehicles over forty (40) feet in length shall be limited to the hours of 5:00 a.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 9:00 p.m. on Saturday and Sunday. Other vehicles shall be allowed to make deliveries 24 hours a day.
- 46) No heliport operations are approved or permitted for the Resort Hotel Area. If in the future such operations are desired, a revision to this Conditional Use Permit shall be required. Any such revision shall be reviewed by the City Council subject to the provisions stated in the RPVMC.
- 47) The applicant shall provide twenty-four (24) hour monitoring by appropriately trained hotel personnel of the project site throughout the calendar year. The monitoring shall include observation of all parks, trails and habitat areas. Additionally, the resort hotel shall provide regular monitoring of the area

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surrounding the lower pool facility and the nearby shore (including the lower beach area), during City park hours, as specified in the RPVMC.

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 48) The Maintenance Building and associated maintenance repairs shall be conducted in an area that is visually screened with landscaping from public view.

Building Design Standards

- 49) The resort hotel shall contain the following principal visitor-serving structures and uses, and shall substantially comply with, and not to exceed, the following square footage numbers:
- a) Conference Center / Banquet Facilities – 60,000 square feet
 - b) Restaurant, bar and lounge - approximately 22,500 square feet
 - c) Resort related retail, visitor services and guest amenities – approximately 20,000 square feet.
 - d) Spa Building - 21,077 square feet
Fitness Building – 4,797 square feet
 - e) Swimming pools - Three for the resort hotel (including the lower pool facility), one for the West Casitas, one for the Resort Villas, and one within the spa facility
 - f) Pool Cabanas: - commensurate with size of adjacent pool
 - g) Pacifica Pool Building – 1,400 square feet (Hotel Guest Area: consisting of 496 square feet of restroom facilities, 36 square feet of storage closet space, 431 square feet of pool kitchen area, 6,500 square feet of deck area excluding the 960 square foot pool. Public Area: consisting of no less than 3,600 square feet of deck area and 409 square feet of restroom facilities)
 - h) *This condition was deleted*
 - i) *This condition was deleted*
 - j) *This condition was deleted*
 - k) *This condition was deleted*
 - l) Lookout Bar – 3,500 square feet
 - m) Resort Hotel Entry Trellis – 250 square feet of roof area
 - n) Greeting Kiosk – 110 square feet

(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

(REVISED PER RESOLUTION NO. 2008-31 ON MAY 6, 2008)

- 50) A Square Footage Certification prepared by a registered surveyor shall be submitted to the Director of Planning, Building and Code Enforcement, prior to a framing inspection, indicating that the buildings, as identified in the previous condition, do not exceed the permitted square footages.
- 51) The maximum heights of the buildings approved for the project site shall not exceed the following criteria:

Hotel Building

- a. Maximum roof ridgeline 153 feet above sea level with a maximum roof ridgeline of 164-feet for the southern fire access and elevator override tower and 160-feet for the northern elevator override tower plus fireplace chimneys to the minimum height acceptable by the Uniform Building Code.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- b. Eastern Elevation (Guest Room Wing) – Maximum Building Height as measured from the lowest adjacent finished grade for Level 1 (75.50') to the highest roof ridgeline (132.50') shall not exceed 57'; Level 2 (85') to the highest roof ridgeline (143') shall not exceed 58'; and Level 4 (104.5') to the highest roof ridgeline (152') shall not exceed 47.5'.

(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

- c. Northern Elevation – Maximum building height as measured from the lowest adjacent finished grade for Level 4 (104.5') of the hotel guest room wing at the far northeast corner to the highest roof ridgeline (142.50') shall not exceed 38'; Level 4 (104.5') of the hotel guest wing near the hotel motor courtyard to the highest roof ridgeline (152') shall not exceed 47.5'; Level 4 (105') at the hotel lobby to the highest roof ridgeline (144') shall not exceed 39'; and Level 4 (104.5') at the hotel banquet facilities to the highest roof ridgeline (142') shall not exceed 37.5'.

(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

- d. Southern Elevation - Maximum building height as measured from the lowest adjacent finished grade for Level 1 (75.50') of the hotel guest wing to the highest roof ridgeline (132.50') shall not exceed 57'; Level 1 (75.50') of the hotel guest wing to the highest roof ridgeline (143') shall not exceed 67.5'; Level 4 (85') at the hotel lobby to the highest roof ridgeline

(144') shall not exceed 59'; and Level 2.4 (89') of the hotel banquet facilities to the highest roof ridgeline (142') shall not exceed 53'.

(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

- e. Western Elevation - Maximum building height as measured from the lowest adjacent finished grade for Level 4 (104.5") at the hotel banquet facilities to the highest roof ridgeline (142') shall not exceed 37.5'; Level 2 (85') of the hotel guest wing to the highest roof ridgeline (143') shall not exceed 58'; and Level 1(75.50') of the hotel guest wing to the highest roof ridgeline (132.50') shall not exceed 57'.

(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

Resort Villas – Maximum height shall not exceed 26 feet, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline for those villa structures located outside of the visual corridor of Vertical Zone 1. If any Villa structure is located within the visual corridor of Vertical Zone 1, as identified on the site plan, it shall not exceed a maximum height of 16 feet, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to each villa building:

BUILDING NUMBER	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
10	179.10'	195.60'	16'
11	162.50'	187.92'	25.42'
12	164.80'	190.22'	25.42'
13	166.20'	191.62'	25.42'
14	154.00'	179.92'	25.92'
15	149.20'	175.12'	25.92'
16	149.00'	174.42'	25.42'
17	152.30'	178.22'	25.92'
18	156.60'	182.52'	25.92'
19	161.50'	187.42'	25.92'

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Casitas - Maximum height of the casitas located outside of the visual corridor of Vertical Zone 1 shall not exceed 26 feet as measured from the lowest adjacent finished grade. The Casitas located within the Coastal Specific Plan's Vertical Zone 1 shall not exceed 16 feet in height, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to each casita building:

BUILDING NUMBER	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
Western Casitas			
20	130.40'	156.35'	26'
21	133.20'	159.20'	26'
22	136.60'	162.60'	26'
23	128.50'	154.50'	26'
24	122.50'	148.50'	26'
25	119.50'	145.50'	26'
26	116.40'	142.40'	26'
27	111.30'	137.30'	26'
28	106.90'	132.90'	26'
Eastern Casitas			
30	108.50'	134.50'	26'
31	111.50'	137.50'	26'
32	113.80'	139.80'	26'
33	114.50'	130.50'	16'

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Bungalows - Maximum height of the bungalows shall not exceed 26 feet as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to each bungalow building:

BUILDING NUMBER	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
40	69.50'	95.50'	26'
41	66.50'	92.50'	26'
42	55.50'	81.50'	26'
43	59.50'	85.50'	26'
44	58.90'	84.90'	26'

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Clubhouse – *This Condition was deleted*

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Golf Maintenance Facility — *This Condition was deleted*

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Fine Dining Restaurant – Maximum height of the fine dining restaurant shall not exceed 16-feet as measured from the lowest adjacent finished grade to the top of

the highest roof ridgeline. The following elevation benchmarks shall apply to the fine dining restaurant building:

LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
97.50'	118.50'	21'

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

Lookout Bar – Maximum height of the Lookout Bar shall not exceed 19 feet as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to the lookout bar building:

LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
52.00'	71.00'	19'

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Lower Pool Facility – Maximum height of the lower pool facility shall not exceed 16 feet, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to the lower pool facility building:

LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
57.73'	73.73'	16'

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)

Spa and Fitness Facility – Maximum height of the spa building shall not exceed 32 feet and the fitness building shall not exceed 20.5 feet. Both structures shall be measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to the spa and fitness facility:

BUILDING	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
Spa Facility	48.50'	80.50'	32'
Fitness Facility	48.50'	69'	20.50'

**(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-17 ON MARCH 4, 2008)**

Parking Structure – *This condition was deleted.*

(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)

Accessory Structures – Maximum height of all accessory structures, including but not limited to pool cabanas, pool pavilions, trellises, and other stand alone accessory structures, shall not exceed 12 feet, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Flagpoles – three flagpoles shall be permitted adjacent to the main hotel building, as shown on the plans dated April 2009, at a maximum of 35-feet for one flagpole and 30-feet for two flag poles.

(REVISED PER RESOLUTION NO. 2009-__ ON APRIL 21, 2009)

Architectural Features – architectural elements (cupolas, rotundas, and towers) may exceed the foregoing height limits with the prior written approval of the Director of Planning, Building and Code Enforcement, provided that such elements are generally consistent with the plans reviewed by the City Council.

Chimneys - Fireplace chimneys shall be limited to the minimum height acceptable by the Uniform Building Code

- 52) A Building Pad Certification shall be prepared by a licensed engineer and submitted to Director of Planning, Building and Code Enforcement prior to final inspection of grading activities. A Roof Ridgeline Certification, indicating the maximum height of each building, shall be prepared by a licensed engineer and submitted to Director of Planning, Building and Code Enforcement prior to the final framing certifications for each building.
- 53) In no event shall any structure, including architectural features, exceed the elevation height of Palos Verdes Drive South adjacent to the project site, as measured from the closest street curb adjacent to the structure in question and the ridgeline of the proposed building. This condition shall not apply to chimneys built to the minimum standards of the Uniform Building Code.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

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54) Glare resulting from sunlight reflecting off building surfaces and vehicles shall be mitigated by such measures as incorporating non-reflective building materials and paint colors into the design of the hotel architecture, as well as landscaping around the buildings and parking lots.

55) *This condition was deleted.*

(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)

56) The applicant shall submit an Architectural Materials Board for review and approval by the Director of Planning, Building and Code Enforcement prior to issuance of building permits. The Materials Board shall identify, at the least, a sample of the proposed exterior building materials, such as roof tile materials and paint colors.

57) The hotel buildings, and ancillary structures, shall be finished in a muted earth-tone color, as deemed acceptable by the Director of Planning, Building and Code Enforcement during the review of the Materials Board.

58) The roof materials for all pitched roofs of the hotel buildings, including but not limited to the Villas, Casitas, Bungalows and all other ancillary structures, shall be tile, consisting of a muted color, as deemed acceptable by the Director of Planning, Building and Code Enforcement during the review of the Materials Board. The material for all flat roofs shall be a color that is compatible with the color of the tiles used on the pitched roofs throughout the resort hotel, as deemed acceptable by the Director of Planning, Building and Code Enforcement.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

59) All trash enclosure areas shall be designed with walls six (6) feet in height with the capability of accommodating recycling bins. The enclosures shall be consistent with the overall building design theme in color and material, and shall include self-closing / self-latching gates. The enclosures shall integrate a trellis type roof cover to visually screen and to reduce their visibility from all public rights-of-way and surrounding properties.

60) In accordance with the Commercial Recreational zoning district, the Resort Hotel Area shall not exceed a maximum lot coverage of thirty (30%) percent. For the purpose of this project, the definition of Lot Coverage shall adhere to the residential standards set forth in Section 17.02.040(A)(5) of the RPVMC.

- 61) In addition to the Coastal Setback line, as required by the RPVMC, all other building setbacks shall comply with the Commercial-Recreational zoning requirements, unless otherwise noted herein. A Setback Certification shall be prepared by a licensed engineer and submitted to Building and Safety prior to the framing inspection on each structure.

Public Amenities (Trails and Parks)

- 62) Prior to the issuance of any building or grading permits for the hotel, casitas, spa, villas, or clubhouse, the applicant shall submit and receive approval for a Public Amenities Plan which shall include specific design standards and placement for all trails, vista points, parking facilities, signs, and park areas, including the lower beach area, within the project site, as specified in the conditions herein. Additionally, the Plan shall include the size, materials and location of all public amenities and shall establish a regular maintenance schedule. City Staff shall conduct regular inspections of the public amenities. The Plan shall be reviewed and approved by the City Council at a duly noticed public hearing, as specified in the RPVMC.

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 63) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, or the operation of the 9-hole golf course, whichever occurs first, the applicant shall complete the construction of the following public access trails, public parks and other public amenities within the project site, except for the lower beach area (constructed after obtaining approvals from the Coastal Commission and the State Lands Commission) and the Lookout Bar, which shall be constructed within six (6) months after the issuance of the first Certificate of Occupancy for the resort hotel:
- a. Implementation of the Public Amenities Plan (such as benches, drinking fountains, viewing telescopes, bicycle racks, fences, signs, irrigation, and landscaping)
 - b. Public trails and trail signs to the satisfaction of the City (The Marineland Trail Segment (C5), Long Point Trail Segment (D4), Flowerfield Trail Segment (E2), and Café Trail Segment (J2) improvements).
 - c. Bicycle paths along southern lane of Palos Verdes Drive South adjacent to the project site.
 - d. The coastal public parking area within the resort hotel project area serving the coastal access points.
 - e. The expansion of the Fishing Access Parking Lot.
 - f. Improvements to the existing Fishing Access Parking lot.
 - g. Improvements to the Public Restroom facility at the Fishing Access site.

- h. Public section of the Lower Pool Facility (consisting of outdoor tables and seating, men and women restroom and changing facilities, planter boxes with trees that provide shaded seating areas, access to the pool kitchen facility, outdoor showers and drinking water fountains).
- i. The 2.2 acre Bluff-Top park.
- j. Habitat Enhancement Area.
- k. The lower beach improvements, including the drainage channel and the importation of sand, shall not be constructed until the applicant can demonstrate that approvals have been obtained from the California Coastal Commission and the State Lands Commission.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)
(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 64) The City encourages incorporation of a marine theme into the project's public trails and park area.
- 65) The applicant shall upgrade the City's Fishing Access parking lot, fencing, signs, and landscaping to be consistent with the proposed 50 space parking lot expansion on the project site. Said improvements shall be reviewed and approved by the City, and shall be constructed prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 66) The applicant shall improve, to the satisfaction of the Director of Planning, Building and Code Enforcement and Public Works Director, the existing public restroom facility located at the City's Fishing Access to architecturally and aesthetically resemble the resort hotel buildings and related public amenities. Said improvements shall be reviewed and approved by the City, and shall be constructed prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 67) Prior to the issuance of a final Certificate of Occupancy for the main hotel building, or prior to August 1, 2009, or prior to recordation of Final Parcel Map No. 26073, whichever occurs first, the applicant shall dedicate easements over

all public trails, habitat areas, vista points, and public amenities to the City of Rancho Palos Verdes.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 68) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall dedicate the 2.2-acre Bluff-Top Park and 1.0 acre adjacent Fishing Access parking lot expansion (50 parking spaces) to the City. Maintenance of the trails, park grounds and landscaping, including but not limited to the landscaping located within the Fishing Access Parking Lot shall be maintained by the applicant as long as a hotel is operated on the property.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 69) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall dedicate an easement to the City and construct two Public Vista Points along the Long Point Trail Segment (D4) in locations to be approved by the Director of Planning, Building, and Code Enforcement in the review of the Public Trails Plan. Habitat fencing, as well as habitat protection signs shall be posted in and around any vista point. The square footage of any Habitat Enhancement Area or the 50-foot transitional area that is used for the vista points shall be replaced at a ratio of 1:1.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 70) Prior to recordation of any final map or issuance of any building or grading permits, the applicant shall submit to the Director of Public Works a Public Trails Plan which identifies the on-site and off-site pedestrian and bicycle trails proposed for the project for review and approval by the City Council. The plan shall include details regarding trail surface, trail width, and trail signage. Furthermore, all trail segments shall be constructed with appropriate trail engineering techniques, as approved by the City's Director of Public Works, to avoid soil erosion and excessive compaction. The public trails, as identified in the city's Conceptual Trails Plan shall include: the Marineland Trail Segment (C5); the Long Point Trail Segment (D4); the Flower Field Trail Segment (E2); and the Café Trail Segment (J2). Furthermore, the beach access trail at the southeast corner of the project site shall also be kept open to the public and shall be maintained by the applicant.

- 71) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall construct a class II bikeways along Palos Verdes Drive South, adjacent to the project site, to

**(REVISED PER RESOLUTION NO. 2005-107 ON OCTOBER 4, 2005)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)**

- 72) All project related trails, as identified in the City's Conceptual Trails Plan, shall be designed to the following minimum standards for trail widths, with easements extending an additional foot on either side of the trail:
- a. Pedestrian Only – 5-foot improved trail width within a 10-foot dedication area, except for the Bluff Top Trail. The Bluff Top Trail shall be a minimum of 4-feet wide, with 5-foot by 5-foot areas of refuge located along the trail at maximum intervals of 200 feet, within a 10-foot dedication area.
 - b. Pedestrian/Equestrian – 6-foot improved trail width, 8-foot dedication
 - c. Pedestrian/Bike – 6-foot improved trail width, 8-foot dedication
 - d. Joint Pedestrian/Golf Cart – 10-foot improved trail, 12-foot dedication.

Standard golf cart-only paths, if constructed, shall be 6-feet wide, and require no easement dedication.

If a golf cart path is parallel, but not immediately abutting, a pedestrian path, a 2-foot minimum separation between the two paths shall be incorporated into the design of the paths in question and shall be maintained at all times thereafter. If a golf cart path is immediately abutting a pedestrian path without separation, the golf cart path shall be curbed.

All sidewalks and pathways throughout the project site shall be designed to comply with the minimum width standards set forth in the 2002 California Disabled Accessibility Guidebook.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- 73) Where feasible, the applicant shall design, to the satisfaction of the Director of Planning, Building, and Code Enforcement, public trails, public restrooms and public park facilities that are in compliance with the American Disabilities Act requirements.
- 74) The Lower Pool Facility and the trail from the public parking lot nearest the hotel building to the Lower Pool Facility shall be constructed in compliance with all the standards established by the American with Disabilities Act (ADA).

- 75) Where feasible, the applicant shall design trails, to the satisfaction of the Director of Planning, Building and Code Enforcement, that do not exceed a maximum gradient of twenty (20%) percent.

Landscaping/Vegetation

- 76) Prior to issuance of any building or grading permits, the applicant shall record a conservation easement covering the Bluff-face/Habitat Enhancement Area. The conservation easement shall be recorded in favor of the City of Rancho Palos Verdes, and shall first be reviewed and accepted by the City Attorney.
- 77) The Habitat Enhancement Area shall extend from the Los Angeles County Fishing Access Parking Lot to the toe of the slope immediately north of the Lookout Bar. The Habitat Enhancement Area shall be thirty (30) feet wide, as measured from the inland limits of the coastal bluff scrub, as specified in the Mitigation Measures adopted by the City Council by Resolution No. 2002-34. All public trails in this portion of the site shall not encroach into the Habitat Enhancement Area.
- 78) A Landscape Plan shall be prepared by a qualified Landscape Architect in accordance with the standards set forth in RPVMC. The Landscape Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement, a qualified Landscape Architect and a qualified botanist, hired by the City, prior to the issuance of any building or grading permits. The applicant shall establish a Trust Deposit account with the City prior to the submittal of Landscape Plans to cover all costs incurred by the City in conducting such review. During the Director's review, the Landscape Plan shall also be made available to the public, including but not limited to representatives from the California Native Plant Society, for review and input.

The Ornamental Landscape Plan shall comply with the water conservation concepts, the View Preservation Ordinance, the planting requirements, the irrigation system design criteria, and all other requirements of the RPVMC. Notwithstanding the proceeding, a tree or other foliage that is located adjacent to a structure that already impairs a view from a surrounding property may grow to the ridgeline of that structure so that the foliage screens the structure but does not increase the degree of view impairment. Except as specified in these conditions and except for trees adjacent to the Villas which will not be higher than the adjacent street curb of Palos Verdes Drive South or the maximum ridgeline of the adjacent Villa, whichever is lower, all other trees and foliage located within the City's Coastal Specific Plan's View Corridors (Catalina and Point Fermin)

shall not exceed the permitted height limits of the Coastal Specific Plan's View Corridors or if not located in a View Corridor shall not exceed the height limit of the street curb at the Fishing Access Parking Lot, defined at 158-feet above sea level. In no event shall any foliage allowed pursuant to this condition impair visibility through a protected view corridor, as identified in the project EIR. The Plan shall identify the plant and seed sources and the required lead time that will be needed to implement the plan. A colorful plant palette shall be utilized in the design of the hotel landscaping where feasible, provided that impacts to native and protected vegetation will not occur. No invasive plant species shall be included in the plant palette, except for the following species which exist on-site or within the immediate area: Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Shinus Molle (California Pepper Tree), Shinus Terebinthifolius (Florida Pepper Tree).

The Habitat Enhancement Area, which serves as a plant buffer for the El Segundo Blue Butterfly and the Bluff Habitat shall consist of suitable, locally native plants. In addition, the 50-foot wide planting area inland of the Habitat Enhancement Area, as specified in the adopted Mitigation Monitoring Program (5.3-2c) attached as Exhibit "C" of Resolution No. 2002-34, shall also be planted with suitable, locally native plants and grasses. When available, it is recommended that seeds and plants for both areas come from local sources.

The applicant shall submit for review and approval by the Director of Planning, Building and Code Enforcement and a qualified biologist, at the expense of the applicant, a Habitat Enhancement Management Plan that shall ensure regular maintenance to prevent propagation of invasive plants into the Habitat Enhancement or buffer areas and that any invasive plants that do propagate into the Habitat Enhancement Area will be immediately removed. Said Management Plan shall be submitted for review and approval at the same time as the Landscape Plan.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- 79) Landscaping proposed surrounding the Resort Villas shall be situated in a manner that, at maturity, visually screens the buildings from Palos Verdes Drive South, as well as visually separates the dense appearance of the Villas. Said landscaping shall also be permitted to grow beyond the maximum height of the Villas' roof ridgeline, only when such landscaping is able to screen the roof materials and not block a view corridor, as determined by the Director of Planning, Building and Code Enforcement at the time the Landscape Plan is reviewed.
- 80) Reasonable efforts shall be made by the applicant to preserve and replant existing mature trees, as deemed acceptable by the Director of Planning,

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Building and Code Enforcement. Any replanted trees, if invasive, shall not be located in the native plant area (30-foot Habitat Enhancement Area and 50-foot transition area). Any such replanted or retained trees shall be noted on the required landscape plans.

- 81) Where practical, landscaping shall screen the hotel building, ancillary structures, and the project's night lighting as seen from surrounding properties and/or public rights-of-way, as depicted on the Landscape Plan.

Lighting

- 82) The applicant shall prepare and submit a Lighting Plan for the Resort Hotel Area in compliance with the RPVMC. The Lighting Plan shall clearly show the location, height, number of lights, wattage and estimates of maximum illumination on site and spill/glare at property lines for all exterior circulation lighting, outdoor building lighting, trail lighting, parking lot lighting, landscape ambiance lighting, and main entry sign lighting. The Lighting Plan shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement prior to issuance of any building permit for the Resort Hotel Area. Furthermore, prior to the Director's review, the Lighting Plan shall be reviewed and approved by a qualified biologist for potential impacts to wildlife.

- 83) Parking and Security lighting shall be kept to minimum safety standards and shall conform to City requirements. Fixtures shall be shielded so that only the subject property is illuminated; there shall be no spillover onto residential properties or halo into the night sky. A trial period of ninety (90) days from the installation of the project exterior lighting for the hotel, spa, west casitas, east casitas, villas, clubhouse, the 9-hole golf course, and surface parking lots shall be assessed for potential impacts to the surrounding environment. At the end of the ninety (90) day period, the Director of Planning, Building and Code Enforcement may require additional screening or reduction in the intensity or number of lights which are determined to be excessively bright or otherwise create adverse impacts.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 84) *This condition was deleted.*

(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)

- 85) No golf course lighting shall be allowed other than safety lighting for the use of trails through the 9-hole golf course areas and lighting for the clubhouse and adjacent parking lot.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

Signs

- 86) Prior to the issuance of any building permit, a Uniform Sign Program shall be submitted to the Planning Department for review and approval by the City Council, at a duly noticed public hearing. The Sign Program shall include all exterior signs including resort identification signs, spa identification signs, golf course signs including routing signs and any warning signs, public safety signs for trails and park areas, educational signs about habitat or wildlife and any other proposed project signs. Furthermore, the Sign Program shall indicate the colors, materials, locations and heights of all proposed signs. Said signs shall be installed Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

Utilities/Mechanical Equipment

- 87) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to December 31, 2009, whichever occurs first, all utilities exclusively serving the project site shall be placed underground including cable television, telephone, electrical, gas and water. All appropriate permits shall be obtained for any such installation. Cable television, if utilized, shall connect to the nearest trunk line at the applicant's expense.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 88) ~~Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to December 31, 2009, whichever occurs first,~~ all existing above ground utilities serving the project site within the public right-of-way adjacent to the property frontage of the project site shall be placed underground by the applicant. In addition, the two (2) power poles on either side of Palos Verdes Drive South, and the lines thereon, shall be placed underground.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

(REVISED PER RESOLUTION NO. 2009-__ ON APRIL 21, 2009)

- 89) No above ground utility structures cabinets, pipes, or valves shall be constructed within the public rights-of-way without prior approval of the Director of Public Works.
- 90) Mechanical equipment, vents or ducts shall not be placed on roofs unless the applicant demonstrates, to the satisfaction of the Director of Planning, Building and Code Enforcement, that there is no feasible way to place the equipment elsewhere. In the event that roof mounted equipment is the only feasible method, all such equipment shall be screened and/or covered to the satisfaction of the Director of Planning, Building, and Code Enforcement so as to reduce their visibility from adjacent properties and the public rights-of-way. Any necessary screening or covering shall be architecturally harmonious with the materials and colors of the buildings, and shall not increase any overall allowed building height permitted by this approval. This condition shall apply to all buildings in the Resort Hotel Area, including but not limited to, the hotel, bungalows, casitas, villas, and spa.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- 91) Use of satellite dish antenna(e) or any other antennae shall be controlled by the provisions set forth in the RPVMC. Centralized antennae shall be used rather than individual antennae for each room, building or accommodation.
- 92) Mechanical equipment, regardless of its location, shall be housed in enclosures designed to attenuate noise to a level of 65 dBA at the project site's property lines. Mechanical equipment for food service shall incorporate filtration systems to eliminate exhaust odors.
- 93) All hardscape surfaces, such as the parking area and walkways, shall be properly maintained and kept clear of trash and debris. The hours of maintenance of the project grounds shall be restricted to Mondays through Fridays from 7:00 a.m. to 5:00 p.m., and on Saturdays from 9:00 a.m. to 4:00 p.m. Said maintenance activities shall be prohibited on Sundays and National holidays.
- 94) The storage of all goods, wares, merchandise, produce, janitorial supplies and other commodities shall be permanently housed in entirely enclosed structures, except when in transport.

Fences, Walls, and Gates

- 95) No freestanding fences, walls, or hedges shall be allowed, unless a Uniform Fencing Plan is reviewed and approved by the Director of Planning, Building, and

Code Enforcement, except as otherwise required by these conditions or the mitigation measures set forth in the Mitigation Monitoring Plan attached as Exhibit "C" to Resolution No. 2002-34. Said Fencing Plan shall be reviewed and approved prior to issuance of any building permit and shall be installed prior to issuance of a final Certificate of Occupancy for the main hotel building or by August 1, 2009 or prior to use of the Resort by the public, including paying guests, whichever occurs first. No entry gates shall be permitted.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 96) The design of the fencing required along the bluff top park, bluff top trails, and the Habitat Preserve Areas shall be included in the Public Amenities Plan, as required herein. Said fencing shall be modeled to generally resemble the wood / cable fence installed in City parks, such as Shoreline Park and Ocean Trails.
- 97) All pools and spas shall be enclosed with a minimum 5' high fence, with a self-closing device and a self-latching device located no closer than 4' above the ground.
- 98) All fencing surrounding the Lower Pool Facility, including pool and spa security fencing, shall be constructed in a manner that meets the minimum fence standards for pool safety, as noted in the above condition, and shall minimize a view impairment of the coastline as determined by the Director of Planning, Building and Code Enforcement.
- 99) No safety netting for the 9-hole golf course shall be permitted.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 100) Any on-site fencing along Palos Verdes Drive South shall be no higher than two (2) feet in height and shall be modeled to generally resemble the fencing installed along Palos Verdes Drive West for the Ocean Front Estates project. The landscaping on the project side of Palos Verdes Drive South in this general area, as determined by the Planning Director, shall be limited to 1-foot in height above the closest street curb adjacent to the project site.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

Source Reduction and Recycling

- 101) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive

Integrated Waste Management Plan that addresses source reduction, reuse and recycling. The Plan shall include a description of the materials that will be generated, and measures to reduce, reuse and recycle materials, including, but not limited to, beverage containers, food waste, office and guest room waste. The Plan shall also incorporate grass cycling, composting, mulching and xeriscaping in ornamental landscaped areas. Grass cycling, composting, or mulching shall not be used in the Habitat Areas. It is the City's intention for the project to meet Local and State required diversion goals in effect at the time of operation. The specifics of the Plan shall be addressed by the applicant at the time of review by the Director of Public Works.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 102) Prior to issuance of any building or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP or the Plan) shall be prepared and submitted to the Director of Public Works for approval. The CDMMP shall include all deconstruction, new construction, and alterations/additions. The CDMMP shall document how the Applicant will divert 85% of the existing on-site asphalt, base and concrete, through reuse on-site or processing at an off-site facility for reuse. The Plan shall address the parking lots, concrete walkways, and other underground concrete structures. The Plan shall also identify measures to reuse or recycle building materials, including wood, metal, and concrete block to meet the City's diversion goal requirements as established by the State Integrated Waste Management Act (AB 939). In no case shall the Plan propose to recycle less than the state mandated goals as they may be amended from time to time.
- 103) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, a Construction and Demolition Materials Disposition Summary (Summary) shall be submitted to the Director of Public Works upon completion of deconstruction and construction. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 104) Where possible, the site design shall incorporate for solid waste minimization, the use of recycled building materials and the re-use of on-site demolition debris.
- 105) The project site design shall incorporate areas for collection of solid waste with adequate space for separate collection of recyclables.

Street and Parking Improvements

- 106) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, emergency vehicular access shall be installed at the project site, specifically to the hotel, villas, casitas, and the golf club house and golf practice facilities. A Plan identifying such emergency access shall be submitted to the Fire Department and the Director of Public Works for review and approval prior to issuance of any building permit.

**(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)**

- 107) Prior to issuance of any building permit, the applicant shall prepare an Emergency Evacuation Plan for review and approval by the Director of Planning, Building and Code Enforcement. Said plan shall comply with the City's SEMS Multihazard Functional Plan.
- 108) The applicant shall construct and retain no fewer than 875 parking spaces on the resort property, of which 50 parking spaces shall be dedicated for public use, at no cost to the users of the public parking lot, during City Park Hours, which are from one hour before sunrise until one after sunset. The 50 dedicated public parking spaces on the resort hotel property nearest to the hotel building may be used by the hotel to accommodate its overflow valet parking needs when the City parks are closed for those wishing to use hotel amenities but who are not staying overnight. Additionally, these 50 public parking spaces may be used by the operator of the resort hotel for special events during City park hours, provided that a Special Use Permit is obtained from the Planning Department, which shall be processed pursuant to the provisions of the RPVMC. The applicant shall install signs in the public parking lot nearest to the hotel building stating that additional public parking is available at the Fishing Access parking lot.

The applicant shall also expand the Fishing Access Parking Lot by constructing 50 additional public parking spaces that shall be deeded to the City as a public parking area.

Vehicular ingress and egress to the property and the parking lots, including the public parking lot, shall be via a "greeting kiosk", as shown on the site plan approved by the City Council on December 5, 2006. The operation of the "greeting kiosk" shall not result in the refusal or discouragement of the use of the free public parking within the designated public parking lot during City Park Hours, as specified herein. Signs shall be posted along the entry driveway to the hotel, between Palos Verdes Drive South and the "greeting kiosk" indicating that public parking is available during City Park Hours. The hotel operator shall

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provide the Planning Director with annual reports (January 1 - December 31) specifying the daily use of the public parking so as to ensure that the operation of the "greeting kiosk" is not impeding public access to the designated public parking lot. The operation of the "greeting kiosk," as it relates to vehicular access to the designated public parking lot, shall be monitored by the Planning Director, who shall have the ability to modify the operation of the "greeting kiosk" to ensure that public access to the designated public parking lot occurs during City Park Hours.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- 109) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, an appropriate public access easement in favor of the City across the resort entry drive from Palos Verdes Drive South to the designated public parking area adjacent to the main hotel building, in a form acceptable to the City Attorney, shall be recorded.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 110) A Parking Lot Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of project-related grading permits. The Parking Lot Plan shall be developed in conformance with the parking space dimensions and parking lot standards set forth in RPVMC or allowed in this condition of approval, and shall include the location of all light standards, planter boxes, directional signs and arrows. No more than 20% of the total parking spaces shall be in the form of compact spaces. The filing fee for the review of the Parking Plan shall be in accordance to the City's Fee Schedule as adopted by Resolution by the City Council.

Valet parking shall be permitted as part of the hotel operation provided it is operated and managed 24-hours a day by the hotel operators. No more than 203 (23%) of the required 875 parking spaces shall be designated as valet parking spaces. Each valet parking stall shall be a minimum of 8½' wide by 18' deep. Tandem parking stalls for use by a maximum of three vehicles, shall be permitted for the designated valet parking lot. All valet employees who operate a motor vehicle shall have in their possession a valid driver's license.

(REVISED PER RESOLUTION NO. 2005-107 ON OCTOBER 4, 2005)

(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)

- 111) Prior to the recordation of any final map, or issuance of any grading permit, the applicant shall submit security, in a form reasonably acceptable to the City, to

cover any damage caused to existing public roadways during construction. The amount of said security shall be determined by the Director of Public Works.

- 112) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall replace all damaged curbs, gutters, and sidewalks along the project's Palos Verdes Drive South frontage, as determined by the Director of Public Works. Prior to approval of the Street Improvement Plan, the applicant shall post a security bond in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and material. The amount of such security shall be determined by the Director of Public Works.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 113) All proposed driveways shall be designed in substantially the same alignment as shown on the approved site plans, subject to final design review and approval by the Los Angeles County Fire Department and the Director of Public Works.
- 114) Any on-site raised and landscaped medians and textured surfaces shall be designed to standards approved by the Director of Public Works.
- 115) Handicapped access ramps shall be installed and or retrofitted in accordance with the current standards established by the Americans with Disabilities Act. Access ramps shall be provided at all intersections and driveways.
- 116) If excavation is required in any public roadway, the roadway shall be resurfaced with an asphalt overlay to the adjacent traffic lane line to the satisfaction of the Director of Public Works.
- 117) Prior to commencing any excavation within the public rights-of-way, the applicant shall obtain all necessary permits from the Director Public Works.
- 118) Prior to the recordation of a final map or issuance of any building or grading permits, whichever comes first, the applicant shall construct or enter into an agreement and post security guaranteeing the construction of the following public and/or private improvements in conformance with the applicable City Standards: street improvements, medians, sidewalks, drive approaches, ~~bus turnouts and shelters~~, bikeways, trails, signing, striping, storm drain facilities, sub-drain facilities, landscape and irrigation improvements (medians, slopes, parks, and public areas including parkways), sewer, domestic water, monumentation, traffic signal systems, trails, and the undergrounding of existing and proposed utility lines. If security is posted it shall be in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and

materials. The amount of such security shall be determined by the Director of Public Works. The security referred to in this condition may be grouped into one of the following categories, provided that all of the items are included within a category: 1) Landscape and Irrigation; 2) On-site Street Improvement Plans and Parking, and 3) Palos Verdes Drive South Improvements.

The construction of the bus shelter at the southeast corner of the entry driveway and Palos Verdes Drive South shall be constructed by the applicant by June 1, 2010. The applicant shall post a security cash deposit with the City in the amount of \$10,000 prior to the issuance of the Certificate of Occupancy for the main hotel building or August 1, 2009, whichever occurs first.

(REVISED PER RESOLUTION NO. 2009-__ ON APRIL 21, 2009)

- 119) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall complete the street improvements to Palos Verdes Drive South as identified in the Mitigation Measures set forth in the Mitigation Monitoring Plan attached as Exhibit "C" to Resolution No. 2002-34. The improvements shall include the following: Installation of a new traffic signal on Palos Verdes Drive South at the project entrance, a right turn lane for south-bound traffic to facilitate ingress into the project and a lengthened left turn lane for north-bound traffic to facilitate ingress into the project.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 120) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall improve with landscaping and irrigation the median and parkway along Palos Verdes Drive South, in the area generally located in front of the project site's entrance driveway, including the portion of the median that is to be improved with an expanded left-turn pocket, up to the eastern most driveway of the Fishing Access Parking Lot. If available, said landscaping shall consist of non-invasive plant species, except the permitted invasive species listed in Condition No. 78, as deemed acceptable by the Director of Public Works.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 121) The design of all interior streets shall be subject to review and approval by the Director of Public Works.

- 122) The applicant shall dedicate vehicular access rights to Palos Verdes Drive South to the City, except as provided for private driveways and emergency access as shown on the site plan.
- 123) Prior to the approval of Street Improvement Plans, the applicant shall submit detailed specifications for the structural pavement section for all streets, both on-site and off-site including parking lots, to the Director of Public Works for review and approval.

Traffic

- 124) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall pay the City of Los Angeles for its fair share of the following improvements to the intersection of Western Avenue (NS) at 25th Street (EW): Provide east leg of 25th Street with one left turn lane, two through lanes, and one right turn lane.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 125) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall pay the City of Rolling Hills Estates for its fair share of the following improvements to the intersection of Hawthorne Boulevard (NS) at Palos Verdes Drive North (EW): Provide west leg with one left turn lane, one shared left and through lane, one through lane, and one right turn lane.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 126) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall pay The City of Rolling Hills Estates for its fair share of the following improvements to the intersection of Silver Spur Road (NS) at Hawthorne Boulevard (EW): Provide north leg with one left turn lane, two through lanes, and one right turn lane; and re-stripe south leg with two left turn lanes, one through lane, and one right turn lane.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 127) Prior to issuance of building or grading permits, the applicant shall provide security, in a form reasonably acceptable to the Director of Public Works, in the amount of \$100,000 to cover the cost of mitigating any impacts caused by this project that would require the installation of any new traffic signal that may be required along Hawthorne Boulevard, Palos Verdes Drive South, or Palos Verdes

Drive West. This security will be held by the City in accordance with the provisions of Government Code Section 66001 for a minimum five-year period, from the date of the main hotel building's Certificate of Occupancy.

- 128) Upon the opening of the resort hotel or 9-hole golf course, whichever occurs first, the hotel operators shall implement a shuttle service between the Long Point Resort Hotel and the Ocean Trails Golf Course. The use of low emissions vehicles shall be used for the shuttles. The hotel operators shall design the schedule of the shuttles so as to encourage and maximize its use by hotel guests.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 129) The applicant shall comply with all applicable provisions of the City's Transportation Demand Management and Trip Reduction Ordinance as set forth in RPVMC Section 10.28.

GRADING PERMIT NO. 2229

Grading

- 130) The following maximum quantities and depths of grading are approved for the Resort Hotel Area, as shown on the grading plan reviewed and approved by the City Council at its December 5, 2006 meeting:
- a. Maximum Total Grading (Cut and Fill): 784,550 cubic yards.
 - b. Maximum Cut: 411,889 cubic yards (392,275 cubic yards with 5% shrinkage).
 - c. Maximum Fill: 392,275 cubic yards.
 - d. Maximum Depth of Cut: 31 feet (located in the area of the villas).
 - e. Maximum Depth of Fill: 21 feet (located in the area of the more inland row of Western Casitas).

Prior to issuance of a grading permit by Building and Safety, the grading plan reviewed by the City Council on December 5, 2006 shall be revised so that the berm located to the east of Golf Hole No. 8 is reduced by a minimum of 3-feet over the entire length of the berm, as measured from the eastern side of the berm, but notwithstanding the foregoing, shall not be reduced below 3-feet in height over its entire length. The 14-foot tall landscape mound be deleted from the grading plan.

Any modifications resulting in additional grading in excess of the above amounts shall require approval of an amendment to the grading permit by the City Council. This is a balanced grading project. No import or export of earth shall be permitted, except as provided in Condition No. 155, and except for fine grading materials, such as select fill.

The importation of sand for the lower beach improvements shall not exceed 1,500 cubic yards, as depicted on the site plan reviewed and approved by the City Council on October 7, 2008. The loss of sand resulting from extreme weather conditions, such as storm surges, or other unique circumstances, shall be replenished on a case-by-case basis with the approval of a Grading Permit pursuant to criteria set forth in Section of 17.48.020 of the RPVMC. In cases where more than 1,000 cubic yards of sand shall be replenished, said grading application shall be reviewed by the City Council rather than the Planning Council.

Prior to the final inspection of the precise grading, the applicant shall provide the Building Official with a certified as-built grading plan prepared and wet-stamped by a licensed engineer. The as-built grading plan shall identify all revisions to the Council approved grading plan.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)

- 131) All recommendations made by the City Geologist, the City Engineer, and the Building and Safety Division during the ongoing review of the project shall be incorporated into the design and construction of the project.
- 132) All recommendations made by the project's geologist, as modified by comments from the City's reviewers, shall be incorporated into the design and construction of the project.
- 133) If applicable, as determined by the City Geologist, prior to the issuance of grading permits, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works.
- 134) Prior to issuance of a grading permit by Building and Safety, the applicant shall submit to the City a Certificate of Insurance demonstrating that the applicant has obtained a general liability insurance policy in an amount not less than five million dollars per occurrence and in the aggregate to cover awards for any death, injury, loss or damage, arising out of the grading or construction of this project by the applicant. Said insurance policy must be issued by an insurer that is

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authorized to do business in the State of California with a minimum rating of A-VII by Best's Insurance Guide or a rating of at least A by Standard & Poors. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. A copy of this endorsement shall be provided to the City. Said insurance shall be maintained in effect for a minimum period of five (5) years following the final inspection and approval of said work by the City and shall not be canceled or reduced during the grading or construction work without providing at least thirty (30) days prior written notice to the City.

- 135) All on-site public improvements shown on the approved Public Amenities Plan including necessary irrigation, landscaping, and support facilities shall be bonded for, or shall have a cash deposit or other City-approved security posted for, in bonds or amounts to be deemed satisfactory by the Director of Public Works.

Prior to recordation of the Final Map or prior to issuance of grading permits, whichever occurs first, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works. The bond, cash deposit, or other City-approved security, at a minimum, shall be sufficient to pay for the cost of restoring the project site to an acceptable condition, as determined by the Building Official and the Director of Public Works, in the event that the project is not completed and shall include, but not be limited to, stabilizing and hydro-seeding all slopes, completing all retaining walls that are required to maintain the slopes, installing erosion control improvements, and filling in grade depressions or holes.

(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)

- 136) Prior to issuance of a grading permit, the applicant shall provide the Director of Planning, Building and Code Enforcement a plan that demonstrates how dust generated by grading activities will be mitigated so as to comply with the South Coast Air Quality Management District Rule 403 and the City's Municipal Code requirements which require watering for the control of dust.
- 137) Prior to the issuance of a grading permit, the applicant shall prepare a plan indicating, to scale, clear sight triangles, which shall be maintained at each roadway and driveway intersection. No objects, signs, fences, walls, vegetation, or other landscaping shall be allowed within these triangles in excess of three feet in height.
- 138) Prior to the issuance of a grading permit, the following improvements shall be designed in a manner meeting the approval of the Director of Public Works: 1)

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all provisions for surface drainage; 2) all necessary storm drains facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and 3) all water quality related improvements. Where determined necessary by the Director of Public Works, associated public street and utility easements shall be dedicated to the City.

- 139) Prior to the issuance of any precise grading permit, the applicant shall submit to the Director of Public Works, a plan for the placement of traffic signing, pavement delineation, and other traffic control devices.
- 140) Prior to the issuance of grading permits, the applicant shall submit to the Director of Public Works, for his review and approval, a construction traffic management plan. Said plan shall include the proposed routes to and from the project site for all deliveries of equipment, materials, and supplies, and shall set forth the parking plan for construction employees. All construction related parking must be accommodated on-site. No construction related parking shall be permitted off-site.
- 141) If applicable, as determined by the City Geologist, prior to the issuance of a grading permit, all geologic hazards associated with this proposed development shall be eliminated, or the City Geologist shall designate a restricted use area on the Final Parcel Map where the erection of buildings or other structures shall be prohibited.
- 142) Prior to the issuance of building permits, an independent Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites shall be submitted for review and approval by the City Geologist in conformance with the accepted City Practice.
- 143) Prior to the issuance of a building permit, an as-built geological report shall be submitted for structures founded on bedrock, and an as-built soils and compaction report shall be submitted for structures founded on fill as well as for all engineered fill areas.
- 144) Prior to the issuance of a grading permit, the applicant's project geologist shall review and approve the final plans and specifications and shall stamp and sign such plans and specifications.
- 145) Prior to the issuance of a grading permit, a grading plan review and geologic report, complete with geologic map, shall be submitted for review and approval by the City's Geotechnical Engineer.

- 146) Except as specifically authorized by these approvals, foundations shall be set back from the Coastal Setback Line in accordance with the RPVMC and shall extend to such a depth as to be unaffected by any creep-prone surficial soil and/or weathered bedrock. Field review and certification by the project geologist is required.
- 147) All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with the applicable provisions of the RPVMC and the recommendations of the City Engineer. Written reports, summarizing grading activities, shall be submitted on a weekly basis to the Director of Public Works and the Director of Planning, Building, and Code Enforcement.
- 148) The project shall comply with all appropriate provisions of the City's Grading Ordinance, unless otherwise approved in these conditions of approval.
- 149) Grading activity on site shall occur in accordance with all applicable City safety standards.
- 150) Prior to final grading inspection by Building and Safety, the graded slopes shall be properly planted and maintained in accordance with the approved landscaping plan. Plant materials shall generally include significant low ground cover to impede surface water flows, and shall be non-invasive, except the permitted invasive species listed in Condition No. 78
- 151) Prior to final grading inspection by Building and Safety, all manufactured slopes shall be contour-graded to achieve as natural an appearance as is feasible.
- 152) Any water features (lakes, ponds, fountains, and etc.) associated with the 9-hole golf course, excluding the bioswales used in the water quality treatment train, shall be lined to prevent percolation of water into the soil. Designs for all water features shall be included on the grading plans submitted for review by the City's Building Official and Geotechnical Engineer.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)

- 153) The City's Building Official, Geotechnical Engineer and Biologist shall determine in their review of the grading plans whether water features associated with the water quality treatment train, such as the bioswales or catch basins, shall be lined to prevent water percolation into the soil, and potential impacts to nearby sensitive habitat areas.

- 154) The proposed swimming pool and spa for the Lower Pool Facility shall be double lined and shall contain a leak detection system, subject to review and approval by the City's Building Official.
- 155) Should the project require removal of earth, rock or other material from the site, the applicant shall first obtain City approval in the form of a revised Conditional Use Permit and Grading Permit application. Said review shall evaluate potential impacts to the surrounding environment associated with export or import. If the revised grading impacts are found to be greater than identified in the Certified EIR that cannot be mitigated to an insignificant level, a Supplemental EIR shall be prepared and reviewed by the City, at the expense of the applicant. Furthermore, the applicant shall prepare and submit a hauling plan to the Public Works Department for review and approval prior to issuance of grading permits.
- 156) The use of a rock crusher on-site shall be conducted in accordance with the project's mitigation measures and shall be contained to the area analyzed in the project's Environmental Impact Report.
- 157) During the operation of the rock crusher, a qualified biologist shall monitor noise levels generated by the activity for potential impacts to nearby wildlife. Said specialist shall be hired by the City at the cost of the applicant, in the form of a trust deposit account provided by the applicant.
- 158) Retaining walls shall be limited in height as identified on the grading plans that are reviewed and approved by the City. Any retaining walls exceeding the permitted heights shall require the processing of a revised grading permit for review and approval by the Director of Planning, Building and Code Enforcement.

Drainage

- 159) The irrigation system and area drains proposed shall be reviewed and approved by the City's Geotechnical Engineer and Director of Public Works.
- 160) A report shall be prepared demonstrating that the grading, in conjunction with the drainage improvements, including applicable swales, channels, street flows, catch basins, will protect all building pads from design storms, as approved by the Director of Public Works.
- 161) All drainage swales and any other at-grade drainage facilities, including gunite, shall be of an earth tone color, as deemed necessary by the Director of Building Planning and Code Enforcement.

- 162) Prior to issuance of any building or grading permits, the applicant shall submit a Local Grading and Drainage Plan identifying how drainage will be directed away from the bluff top, natural drainage courses and open channels to prevent erosion and to protect sensitive plant habitat on the bluff face. Said Plan shall be reviewed by the Director of Public Works and the Director of Planning, Building and Code Enforcement. Said review shall also analyze whether potential impacts to the bluff top or bluff face may be caused by the proposed drainage concept.
- 163) Drainage plans and necessary supporting documents that comply with the following requirements shall be submitted for review and approval by the Director of Public Works prior to the issuance of grading permits: A) drainage facilities that protect against design storms shall be provided to the satisfaction of the Director of Public Works and any drainage easements for piping required by the Director of Public Works shall be dedicated to the City on the Final Map; B) sheet overflow and ponding shall be eliminated or the floors of buildings with no openings in the foundation walls shall be elevated to at least twelve inches above the finished pad grade; C) drainage facilities shall be provided so as to protect the property from high velocity scouring action; and D) contributory drainage from adjoining properties shall be addressed so as to prevent damage to the project site and any improvements to be located thereon.
- 164) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall upgrade the drainage facility that currently is located on the Fisherman's access property and construct a pipe that will convey this water to the proposed drainage system terminating at Outlet No. 2 to the satisfaction of the Director of Public Works.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 165) Prior to the issuance of any grading or building permit, the applicant shall prepare and submit a Master Drainage Plan for review and approval by the Director of Public Works. The Plan shall demonstrate adequate storm protection from the design storm, under existing conditions, as well as after the construction of future drainage improvements by the City along Palos Verdes Drive South immediately abutting the project site.
- 166) Prior to the issuance of any grading permit, the applicant shall demonstrate to the satisfaction of the Director of Public Works that the design storm can be conveyed through the site without conveying the water in a pipe and without severely damaging the integrity of the Urban Stormwater Mitigation Plan (USMP), especially the bioswale system. If such integrity cannot be demonstrated, the applicant shall redesign the USMP to the satisfaction of the Director of Public

Works, which may require offsite flows to be diverted into a piped system and carried though the site. If the piped system is used, the applicant shall dedicate a drainage easement to the City to the satisfaction of the Director of Public Works.

- 167) Prior to the issuance of a grading permit that proposes to convey off-site drainage through the subject property, the applicant shall execute an agreement with the City that is satisfactory to the City Attorney that defending, indemnifying and holding the City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees") harmless from any damage that may occur to the subject property or any improvements, persons or personal property located thereon due to the conveyance of offsite design storm flows through the site.

NPDES

- 168) Prior to acceptance of the storm drain system, all catch basins and public access points that cross or abut an open channel, shall be marked with a water quality message in accordance with City Standards.
- 169) Prior to the issuance of any grading or building permits, the applicant shall furnish to the Director of Public Works, for review and approval, the project's Water Quality Management Plan and Maintenance Agreement outlining the post-construction Best Management Practices (BMPs).
- 170) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works a Storm Water Pollution Prevention Plan (SWPPP) describing the construction phase Best Management Practices (BMPs) to ensure compliance with the NPDES General Permit for Storm Water Discharges associated with construction activity (Grading Permit), No. CA s000002.
- 171) Prior to issuance of any building or grading permit, the applicant shall submit to the Director of Public Works a Water Quality Management Plan ("Plan"), for review and approval by the City Council at a duly noticed public hearing. The Water Quality Management Plan, which shall remain in effect for the life of the project, shall identify the Best Management Practices (BMPs) used to minimize and reduce project storm water and runoff pollutants. The Plan shall include project water quality parameters that meet the objectives of the California Ocean Plan for non-point discharges in receiving water bodies. Additionally, all storm water treatment systems shall be designed in accordance with the Los Angeles County Department of Public Works "Manual for the Standard Urban Stormwater

Mitigation Plan(SUSMP)". The specific BMP design criteria in the SUSMP (May 2002), as developed by the U.S. EPA and American Society of Civil Engineers, shall be followed.

The Plan shall contain the operation, maintenance and monitoring procedures, including Fire and Argentine ant management. The Plan shall indicate potential impacts of the storm water treatment train to surrounding plants and wildlife. The monitoring of the treatment train shall include the bioswales and catch basins for the accumulation of pollutants through sampling and testing of both soil material and vegetation. The Plan shall indicate the frequency of the required monitoring and the frequency of the removal and replacement of plant material and soil from the bioswale. Said report shall be reviewed and approved by the City's Biologist and/or Chemists. Said monitoring shall be required for the life of the project. All costs associated with the review, installation and maintenance of the Plan and project related BMPs shall be the responsibility of the applicant. If the plan requires construction of improvements, such plans shall be reviewed and approved by the Director of Public Works.

- 172) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the Water Quality Management Plan Maintenance Agreement, outlining the post-construction Best Management Practices, shall be recorded with the Los Angeles County Records Office.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 173) Prior to issuance of any building or grading permits, the applicant shall file any required documents, including the Notice of Intent, and obtain all required permits from the California Regional Water Quality Control Board.
- 174) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works an Erosion Control Plan. Said Plan shall be designed in conformance with the City standards and the requirements of the Regional Water Quality Control Board.
- 175) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall implement the project in full compliance with the standard urban storm water mitigation plan adopted by the Regional Water Quality Control Board.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 176) Prior to the City Council's review of the Water Quality Management Plan, the City's Geotechnical Engineer shall review and approve the Plan. In the event the

City's Geotechnical Engineer determines that additional improvements need to be constructed, the applicant shall revise the Plan accordingly.

Sewers

- 177) Prior to issuance of any building or grading permits, the applicant shall prepare sewer plans in accordance with the Countywide Sewer Maintenance District. The applicant shall be responsible for the transfer of sewer facilities to the Countywide Sewer Maintenance District for maintenance.
- 178) A sewer improvement plan shall be prepared as required by the Director of Public Works and the County of Los Angeles.
- 179) Prior to issuance of building or grading permits, the applicant shall submit to the Director of Public Works, a written statement from the County Sanitation District accepting any new facility design and/or any system upgrades with regard to existing trunk line sewers. Said approval shall state all conditions of approval, if any.
- 180) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall dedicate sewer easements to the City, subject to review and approval by the Director of Building, Planning and Code Enforcement and the Director of Public Works with respect to the final locations and requirements of the sewer improvements.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 181) Sewer Improvement plans shall be approved by the County of Los Angeles, the County Sanitation Districts, and the Director of Public Works.
- 182) A sewer connection fee shall be paid to the County Sanitation Districts of Los Angeles County prior to the issuance of a permit to connect to the sewer line.

Water

- 183) Prior to the construction of any water facilities, the Director of Public Works shall review and approve the water improvement plan. Any water facilities that cannot be constructed below ground shall be located on the subject property and screened from view from any public rights-of-way, to the satisfaction of the Director of Public Works and the Director of Planning, Building and Code Enforcement. In addition, an easement to California Water Service shall be dedicated prior to issuance of any grading or building permits.

- 184) The project site shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the City Engineer. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los County Fire Department is required prior to issuance of building permits.
- 185) Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate fire fighting water and access available to said structures.
- 186) The applicant shall file with the Director of Public Works an unqualified "will serve" statement from the purveyor serving the project site indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be dated no more than six months prior to the issuance of the building permits for the main hotel structure. Should the applicant receive a qualified "will serve" statement from the purveyor, the City shall retain the right to require the applicant to use an alternative water source, subject to the review and approval of the City, or the City shall determine that the conditions of the project approval have not been satisfied.
- 187) Prior to the issuance of building or grading permits, the applicant shall file with the Director of Public Works, a statement from the purveyor indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that under normal operating conditions the system will meet the needs of the project.

TENTATIVE PARCEL MAP NO. 26073

- 188) The proposed parcel map shall result in the creation of four (4) parcels (resort hotel parcel, west casita parcel, east casita parcel, and villa parcel). The 2.2 acre Bluff Top park and Fishing Access Expansion Parking Lot shall be separately deeded to the City prior to recordation of the Final Map.
- 189) The applicant shall record a restrictive covenant or other document that is satisfactory to the City Attorney that requires all of the various parcels that are within the boundaries of the parcel map to be fully managed by the resort hotel operator.

- 190) The applicant shall supply the City with one mylar and ten copies of the map no later than thirty (30) days after the final map has been filed with the Los Angeles County Recorders Office.
- 191) All improvement plans shall be as-built upon completion of the project. Once the as-built drawings are approved, the applicant shall provide the City with a duplicate mylar of the plans.
- 192) The improvement plans shall be prepared by a Registered Civil Engineer, and shall be prepared on standard city size sheets. Plans shall be in substantial conformance with the approved tentative map and site plan as approved by the City Council and stamped by the Planning Department with the effective date of this approval.
- 193) This approval expires twenty-four (24) months from the date of approval of the parcel map by the City Council, unless extended per Section 66452.6 of the California Government Code and Section 16.16.040 of the RPVMC. Any request for extension shall be submitted to the Planning Department in writing at least sixty (60) days prior to the expiration of the tentative map.
- 194) This development shall comply with all requirements of the various municipal utilities and agencies that provide public services to the property.
- 195) According to Section 16.20.130 of the RPVMC and the Subdivision Map Act (California Government Code Section 66410 *et seq.*), at the time of making the survey for the final parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Subdivision Map Act. Prior to recording the final map, the exterior boundary of land being subdivided shall be adequately monumented with no less than a two (2) inch iron pipe, at least eighteen (18) inches long, set in dirt and filled with concrete at each boundary corner. The parcel lot corners shall be monumented with no less than one-half inch iron pipe for the interior monuments. Spikes and washers may be set in asphalt pavement and lead and tacks may be set in concrete pavement or improvements in lieu of pipes. All monuments shall be permanently marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.
- 196) The applicant shall be responsible for repair to any public streets which may be damaged during development of the subject parcels.
- 197) Easements shall not be granted within easements dedicated or offered for dedication to the City until after the final map is filed and recorded with the County Recorder. No easements shall be accepted after recording of the final

- 198) Any easement that lies within or crosses public rights-of-way propose to be deeded or dedicated to the City, shall be subordinated to the City prior to acceptance of the rights-of-way, unless otherwise exempted by the Director of Public Works.

Prior to Submittal of the Final Map

- 199) Prior to submitting the final map to the City Engineer for examination, the applicant shall obtain clearance from all affected departments and divisions, including a clearance from the City Engineer for the following items: mathematical accuracy, survey analysis, correctness of certificates and signatures.

Prior to Approval of the Final Map

- 200) Prior to approval of the final map, any off-site improvements, such as rights-of-way and easements, shall be dedicated to the City.
- 201) Prior to approval of the final map, all existing public or private easements, including utility easements, shall be shown on the final parcel map.
- 202) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the parkland dedication requirement shall be fulfilled by the applicant in the form of either dedication of land for park purposes or the payment of in-lieu fees, or a combination thereof, as determined by the City Council pursuant to the RPVMC.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)

- 203) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall pay the affordable housing fee required in accordance with the RPVMC.

(REVISED PER RESOLUTION NO. 2008-11 ON NOVEMBER 18, 2008)

- 204) The final map is subject to review and approval by the City Engineer. The applicant shall establish a trust deposit with the City to cover any costs incurred by the City in conducting this review.

- 205) The proposed parcel map shall adhere to all the applicable dedications and improvements required per Chapter 16.20 of the RPVMC.



March 27, 2009

Ara Mihranian
Principal Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Terranea Resort – CUP Amendment K

Dear Ara,

This letter is to request a revision to the Conditional Use Permit (CUP) Conditions of Approval for Terranea Resort to allow for the following:

- The installation of a three Flag Poles adjacent to the main Hotel structure,
- To defer the date of required completion for the Palos Verdes Drive South Bus Shelter to June 1, 2010.
- To resolve to conflicting condition regarding the undergrounding of utilities on PV drive, per Condition 88.

As part of our weekly project review with City Staff it has become apparent that small revisions to the CUP are required to finalize the project. The intent of these immaterial revisions is to provide an arrival experience that parallels the caliber of the Hotel, defer the construction of a bus shelter until the City finalizes the design and provide clarification to conflicts found within the Conditions of Approval. While immaterial in nature these items are critical to maintaining our completion schedule and ultimately opening the resort to the Public in June.

Terranea Flag Poles:

As Terranea nears completion and we begin to finalize the exterior of the Hotel, it has become apparent that the specified flag poles, designed to sit below the Hotel ridgeline and fit within the Hotels architectural massing are taller than the 16' allowed by the current Municipal Code.

Consequently, we are requesting the City grant a revision to the CUP for Terranea Resort to allow for the construction of three flag poles; one 35' flag pole and two 30' flag poles. In addition to the CUP Amendment we are requesting a variance to the RPV Municipal Code to allow for these flag poles.

As shown in the attached Elevation and Visual Simulation these flag poles will be located in front of the Hotel Structure adjacent to the main entry. The top of the 35' flag pole will sit approximately 3'-15' below the Hotels ridgeline elevations. The top of the two 30' flag poles will sit approximately 8'- 20' below the Hotels ridgeline elevations.

It must be noted that the great care was taken to insure that the flag poles have been situated such that they will not impair views to the ocean or the horizon and will blend into the other vertical elements of the Hotel Architecture.

Palos Verdes Drive South Bus Shelter:

As part of the agreed upon Public Improvements being provided by Terranea Resort for the City of Rancho Palos Verdes we are providing a Bus Shelter approximately 150' east of the Resort entry driveway on the eastbound leg of Palos Verdes Drive South.

While we remain committed to providing this improvement the timing of it's construction must be coordinated with the provision and details set forth in the RPV Public Use Master Plan (PUMP). The current document provides very schematic conceptual illustration of a typical bus shelter but provides no specification or construction detailing. Per our discussions with Staff we have agreed that we should defer the construction of the shelter until the City has had an opportunity to provide detailed specifications.

Therefore we are requesting that we defer the construction of the shelter until June 1, 2010. In lieu of the current Offsite Improvements Bond tied to all of the improvements in the right of way we are requesting that we be allowed to provide a \$10,000 cash bond.

Condition Conflicts:

Per Condition 88 of the Terranea Conditions of approval we are required to underground the utilities on the west side of the property adjacent to the Fisherman's Parking Lot. The Condition states:

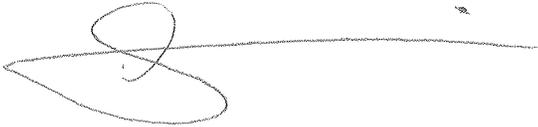
- 118) *Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to December 31, 2009, whichever occurs first, all existing above ground utilities serving the project site within the public right-of-way adjacent to the property frontage of the project site shall be placed underground by the applicant. In addition, the two (2) power poles on either side of Palos Verdes Drive South, and the lines thereon, shall be placed underground.*

While we continue to endeavor to complete this work and are coordinating with the City to have Joint Pole Authority claims abandoned, SCE work orders completed and agreements established with the cellular providers currently using the pole this work will not be completed by the Certificate of Occupancy of the Hotel. The current Coastal Commission Special Conditions require this work be complete by December 31, 2009 and the RPV Conditions were revised to reflect this in Amendment J. However we neglected to remove the "*Prior to issuance of a final Certificate of Occupancy for the main hotel building*" language from the Condition at that time.

We are requesting that the Condition be revised to reflect the intent of the Amendment J revision and that of the California Coastal Commission Special Condition. See attached Letter from the CCC.

We are very excited to be nearing the completion of this project. The amendment request described in this narrative is an integral component in Terranea's completion as well as providing for a safe, smooth and seamless transition from the construction process to the operation of the Resort. We are requesting this item be reviewed at the April 21st, 2008 Council Hearing. Please call me with any questions you may have regarding this letter.

Sincerely,

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

Todd Majcher
Vice President
Long Point Development, LLC

cc: Bob Lowe
Michael Tande

Flag Pole Location



CALIFORNIA COASTAL COMMISSION

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



January 5, 2008

Todd Majcher
Long point Development LLC
6610 Palos Verdes Drive South
Rancho Palos Verdes, CA 90275

Re: Condition Subsequent Requirements – Coastal Development Permit # A-5-RPV-02-324

Dear Mr. Majcher,

This letter is in response to your request for a one year extension of time to complete the condition subsequent placed on CDP# A-5-RPV-02-324. The referenced condition required the removal of an existing utility pole located along Palos Verdes Drive on the subject property with a deadline of December 31, 2008.

After review of the materials supplied by the City of Rancho Palos Verdes and Southern California Edison we understand that at this point in time complications exist that prevent the removal of the utility pole by the established condition deadline. These complications are related to the joint ownership claim by T-Mobile of a utility pole located across Palos Verdes Drive from the utility pole referenced in the condition subsequent. This landward located pole is directly supported by the pole to be removed and therefore T-Mobile is actively blocking the removal of the pole until a resolution can be reached.

The condition subsequent for this permit provides for the extension of the approved deadline in instances where The Executive Director finds that with good cause an extension is warranted. In this case, the joint pole authority claim by T-Mobile is an unforeseen complication that warrants an extension of the deadline for the condition subsequent on this permit. Therefore the Executive Director agrees to extend the deadline for completion of the condition subsequent until December 31, 2009.

If you have any questions or would like additional clarification, please feel free to contact me (562) 590 5071.

Sincerely,

Gabriel Buhr
Coastal Program Analyst

STOP

Main Hotel Building

Proposed flag poles:
1 @ 35'
2 @ 30'

28' BTH

28' BTH

28' BTH

11

11

11

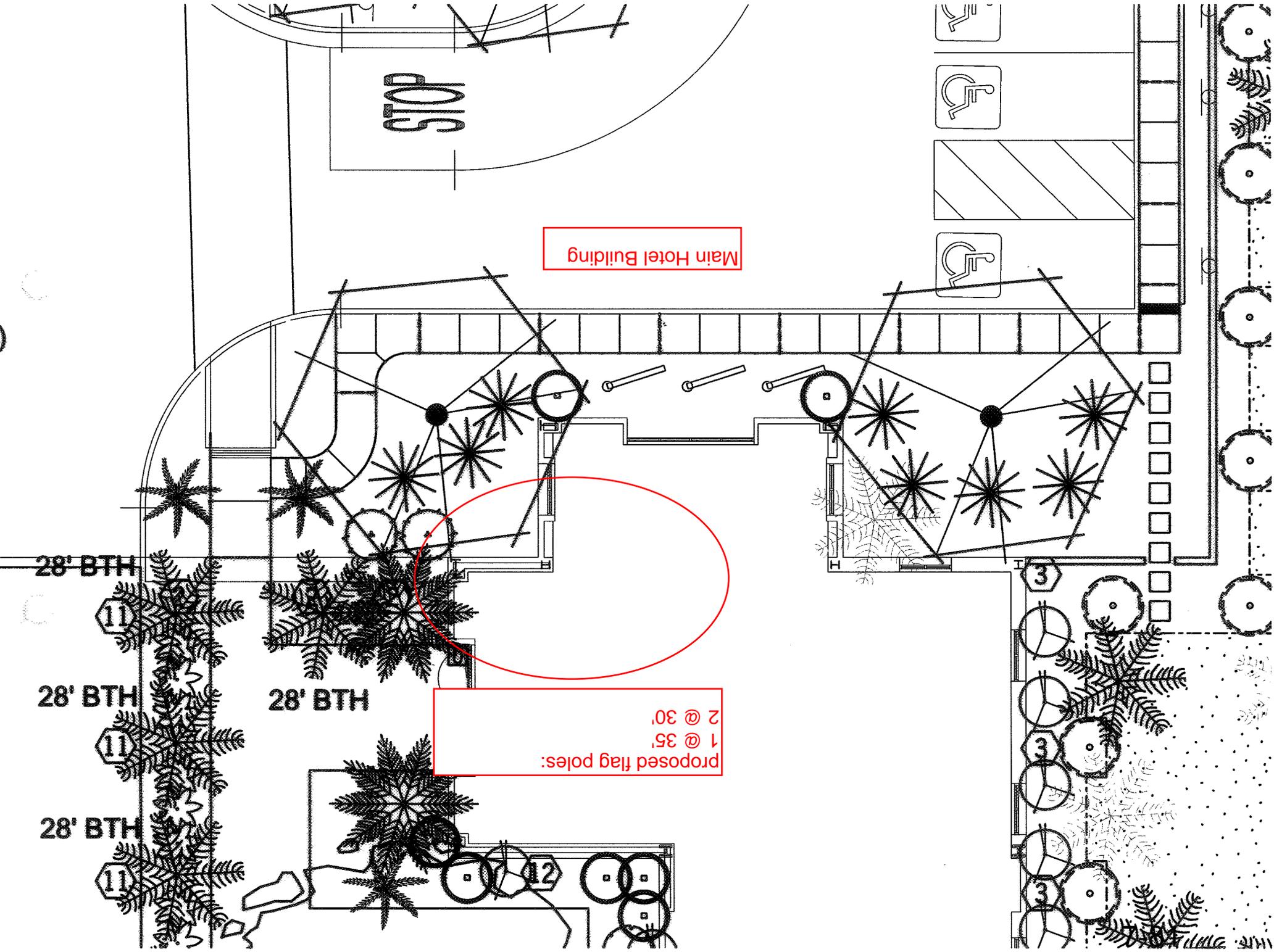
28' BTH

12

3

3

3





March 27, 2009

Ara Mihranian
Principal Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Terranea Resort – Rancho Palos Verdes Acceptance of Public Amenities.

Dear Ara,

This letter is to request the City of Rancho Palos Verdes accept the Irrevocable Offers to Dedicate (IOD) for the public use easements associated with the Public Amenities for Terranea Resort. These include easements for all the Public Trails, Public Access Areas, Public Parking Lots and Habitat Areas.

In addition to the IOD's, we are also requesting the City accept the completion of the Public Amenities identified on the approved Public Amenities Plan, authorize Staff to release the public amenities bond, and execute a Maintenance Agreement between the City and Long Point Development, LLC. requiring the hotel operator to maintain the related public amenities.

These amenities include, but not limited to, Decomposed Granite Trails, Viewpoints, Interpretive Signage, Way finding Signage, Benches, Trash Bins, Viewing Stations, Boulder Seating Areas, Mutt Mitt Stations, 2.2 acre Public Park, extending the existing Fisherman's Parking Lot by 50 Spaces, Improving the Existing Fisherman's Parking Lot, a 50 space Onsite Parking Lot, approximately 14 acres of Native Habitat.

While 95% of the amenities provided for in the Public Amenities Plan will be complete at the time of council acceptance, some small punch list will remain outstanding. These items will be complete prior to receiving the final Certificate of Occupancy for the main Hotel Building,

however, due to construction schedule implications created by the recent City Engineer approval of the Lower Beach, the manufacturing of handrails and the receipt of final Building and Safety signoff approximately 5% will remain.

We are requesting the following areas identified on the attached Public Amenities Plan drawing to be completed prior to the Final Certificate of Occupancy for the main Hotel Building:

These include:

1. Area 4 –
 - Handrails on Trail Stairs will be completed by May 3rd.
2. Area 5 -
 - Final lift of Fire Lane / Public Trail Paving will be completed by April 25th.
 - Handrails on Trail Stairs will be completed by May 3rd.
3. Area 6 –
 - Public Restrooms. While these will be completed a C of O will not yet be issued due to the entire building being completed until May 5th.
4. Area 7–
 - The ADA access ramp located in this area will be complete with the exception of the handrails May 3rd.
 - The final lift of Fire Lane / Public Trail Paving will be complete by April 17th.
4. Area 9–
 - The ADA access ramp located in this area will be complete with the exception of the handrails which will be installed by May 3rd.
5. Area 10–
 - The bridge across the drainage will not be in place until April 21st.
 - Habitat Area Planting will be completed by April 29th.
 - In addition, the mesh to be placed in the fence designed to protect the Public Trail from falling rock will not be available until April 29th.

In addition to the City's acceptance of the Public Amenities we are also requesting that Council authorize Staff to release the Public Amenities Bond. To avoid the significant costs tied to the payment of the annual bond premium, that cannot be returned at a prorated valuation, we are requesting that the City release the \$4.5 Million bond and a cash bond be posted for completion of the remaining items. As noted above, 95% of the work will be complete, and we need the City's cooperation in releasing the bond in its entirety. We are proposing that Long Point Development post a cash bond of roughly \$50,000.00 for until the remaining work is completed.

For more detail regarding this breakdown we have attached Schedule A of the Public Amenities Bond.

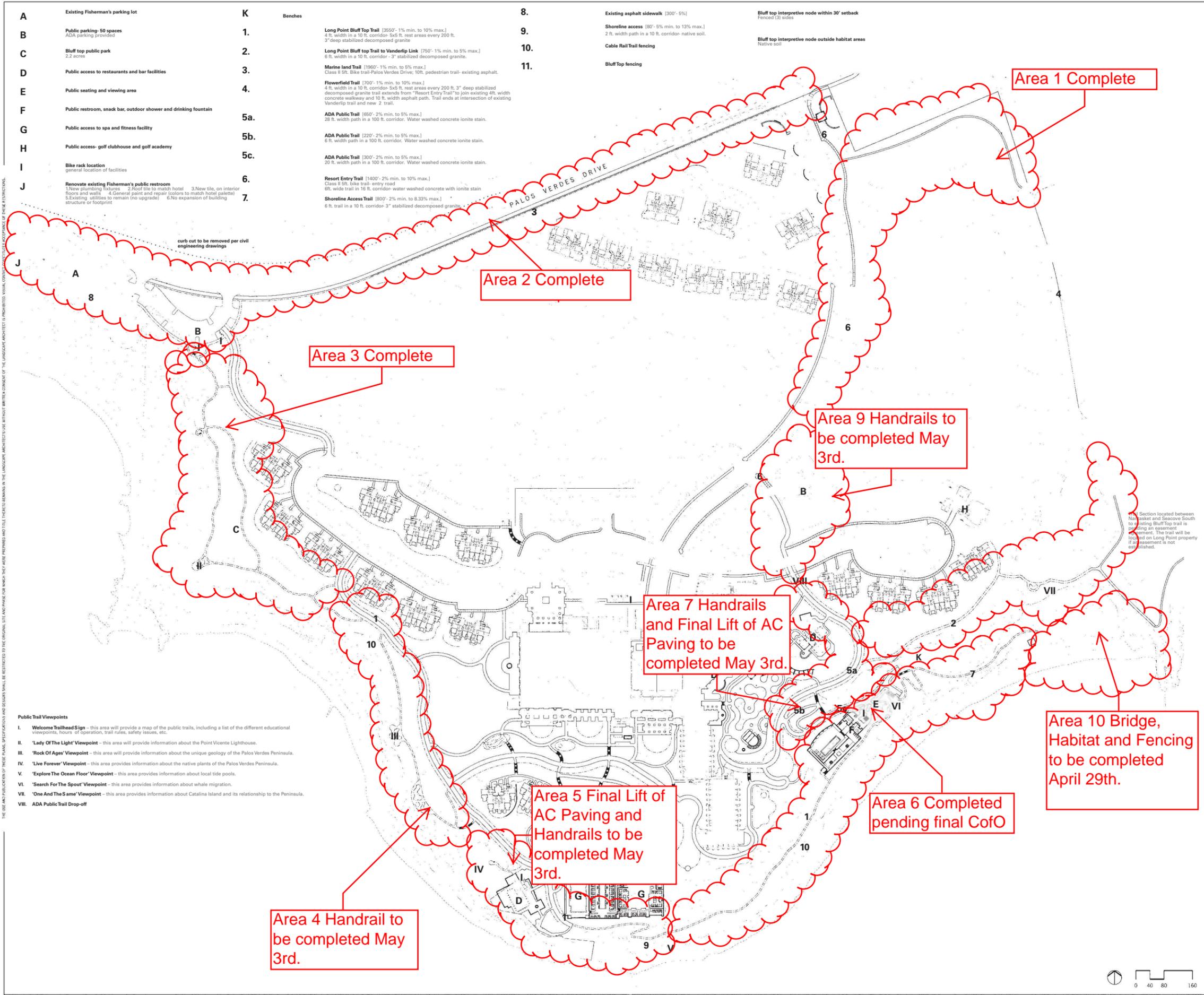
We are very excited to be nearing the completion of this project. The request described in this narrative is very important in maintaining both our construction schedule and managing our costs. We are very committed to providing the community these amenities and look forward to opening the resort in June. Council's acceptance of the amenities will help us achieve a safe, smooth and seamless transition from the construction process to the operation of the Resort. We are requesting this item be reviewed at the April 21st, 2008 Council Hearing. Please call me with any questions you may have regarding this letter.

Sincerely,



Todd Majcher
Vice President
Long Point Development, LLC

cc: Bob Lowe
Michael Tande



THE USE AND PUBLICATION OF THESE PLANS, SPECIFICATIONS AND DESIGNS SHALL BE RESTRICTED TO THE ORIGINAL SITE AND PHASE FOR WHICH THEY WERE PREPARED AND TITLE THEREON REMAINS IN THE LANDSCAPE ARCHITECTS' USE WITHOUT WRITTEN CONSENT OF THE LANDSCAPE ARCHITECTS. ARCHITECTS' USE WITHOUT WRITTEN CONSENT OF THE LANDSCAPE ARCHITECTS.

- A Existing fisherman's parking lot
- B Public parking- 50 spaces
ADA parking provided
- C Bluff top public park
2.2 acres
- D Public access to restaurants and bar facilities
- E Public seating and viewing area
- F Public restroom, snack bar, outdoor shower and drinking fountain
- G Public access to spa and fitness facility
- H Public access- golf clubhouse and golf academy
- I Bike rack location
general location of facilities
- J Renovate existing fisherman's public restroom
1. New plumbing fixtures 2. Roof tile to match hotel 3. New tile, on interior
floors and walls 4. General paint and repair (colors to match hotel palette)
5. Existing utilities to remain (no upgrade) 6. No expansion of building
structure or footprint

- K Benches
- 1. Long Point Bluff Top Trail [3550'- 1% min. to 10% max.]
4 ft. width in a 10 ft. corridor- 5x5 ft. rest areas every 200 ft.
3" deep stabilized decomposed granite
- 2. Long Point Bluff top Trail to Vanderlip Link [750'- 1% min. to 5% max.]
6 ft. width in a 10 ft. corridor- 3" stabilized decomposed granite.
- 3. Marine land Trail [1960'- 1% min. to 5% max.]
Class B SR, bike trail- Palos Verdes Drive; 10ft. pedestrian trail- existing asphalt.
- 4. Flowfield Trail [700'- 1% min. to 10% max.]
4 ft. width in a 10 ft. corridor- 5x5 ft. rest areas every 200 ft. 3" deep stabilized
decomposed granite trail extends from "Resort Entry Trail" to join existing dirt. width
concrete walkway and 10 ft. width asphalt path. Trail ends at intersection of existing
Vanderlip trail and new 2' trail.
- 5a. ADA Public Trail [650'- 2% min. to 5% max.]
28 ft. width path in a 100 ft. corridor. Water washed concrete ionite stain.
- 5b. ADA Public Trail [220'- 2% min. to 5% max.]
6 ft. width path in a 100 ft. corridor. Water washed concrete ionite stain.
- 5c. ADA Public Trail [300'- 2% min. to 5% max.]
20 ft. width path in a 100 ft. corridor. Water washed concrete ionite stain.
- 6. Resort Entry Trail [1400'- 2% min. to 10% max.]
Class B SR, bike trail- entry road
6ft. wide trail in 16 ft. corridor- water washed concrete with ionite stain
- 7. Shoreline Access Trail [800'- 2% min. to 8.33% max.]
6 ft. trail in a 10 ft. corridor- 3" stabilized decomposed granite

- 8. Existing asphalt sidewalk [300'- 5%]
- 9. Shoreline access [80'- 5% min. to 13% max.]
2 ft. width path in a 10 ft. corridor- native soil.
- 10. Cable Rail Trail fencing
- 11. Bluff Top fencing

- Bluff top interpretive node within 30' setback
Fenced (3) sides
- Bluff top interpretive node outside habitat areas
Native soil

- Public Trail Viewpoints**
- I. Welcome Trailhead Sign - this area will provide a map of the public trails, including a list of the different educational viewpoints, hours of operation, trail rules, safety issues, etc.
 - II. 'Lady Of The Light' Viewpoint - this area will provide information about the Point Vicente Lighthouse.
 - III. 'Rock Of Ages' Viewpoint - this area will provide information about the unique geology of the Palos Verdes Peninsula.
 - IV. 'Live Forever' Viewpoint - this area provides information about the native plants of the Palos Verdes Peninsula.
 - V. 'Explore The Ocean Floor' Viewpoint - this area provides information about local tide pools.
 - VI. 'Search For The Spout' Viewpoint - this area provides information about whale migration.
 - VII. 'One And The Same' Viewpoint - this area provides information about Catalina Island and its relationship to the Peninsula.
 - VIII. ADA Public Trail Drop-off

burton

Landscaper Architectural Studio
407 S. Wilton Avenue
Santa Monica, CA 90405
310.316.7284

Long Point Resort Hotel
Landscape Improvement Plans

Project Location: Rancho Palos Verdes CA
Client: Lowe Enterprises

Date	Revisions
30 Jun 05	DD Set 1
30 Aug 05	50% DD Set
12 Sep 05	per City comments
29 Mar 06	CCD submittal
30 Jun 06	CCD submittal
12 Feb 09	Record Drawing

Project 04.053
Scale 1" = 80'

Title
Public Access /
Trail Amenities Plan

Sheet
L-1

SCHEDULE A

**PUBLIC AMENITIES / PUBLIC IMPROVEMENTS PLAN
COSTS TO COMPLETE**

Description of Work

Estimate

Vanderlip Link, Marineland Trail, Flowerfield Trail, ADA Public Trail

	1,052,000	Approximately 30,000 remains for the completion paving and handrails
Trails		
Vista Points & Interpretive Nodes	325,000	COMPLETED
Landscaping	950,000	COMPLETED
Irrigation	316,000	COMPLETED
	255,000	Approximately 20,000 remains for the completion of Lower Beach Trail Fencing
Fencing		
Signage	10,000	COMPLETED
Benches	10,000	COMPLETED
Water Fountains	25,000	COMPLETED
Bike Racks	5,000	COMPLETED
Viewing Telescopes	3,000	COMPLETED
	<hr/>	
subtotal	2,951,000	

Bluff Top Park and Trails

Landscaping	165,000	COMPLETED
Irrigation	215,000	COMPLETED
Fencing	75,000	COMPLETED
Signage	10,000	COMPLETED
Benches	6,500	COMPLETED
Water Fountains	10,000	COMPLETED
Bike Racks	2,500	COMPLETED
Viewing Telescopes	10,000	COMPLETED
	<hr/>	
subtotal	494,000	

Fisherman's Access Parking Lot

Parking Lot Expansion	85,000	COMPLETED
Improvements to Existing Lot	35,000	COMPLETED
Improvements to Public Restroom Facilities	100,000	COMPLETED
Fencing	25,000	COMPLETED
Signage	7,500	COMPLETED
Landscaping / Irrigation	35,000	COMPLETED
	<hr/>	
subtotal	287,500	

Public Facilities at Lower Pool

Outdoor Tables and Seating	10,000	COMPLETED
Men and Women Restrooms and Changing Facilities	185,000	COMPLETED pending final Cofo
Planter Boxes with Trees (Shaded Seating Area)	45,000	COMPLETED
Outdoor Showers	25,000	COMPLETED

Drinking Fountains		7,500	COMPLETED
	subtotal	272,500	

Habitat Enhancement Area

Landscaping		225,000	COMPLETED
Irrigation (for start-up)		100,000	COMPLETED
Fencing		65,000	COMPLETED
Signage		10,000	COMPLETED
	subtotal	400,000	

GRAND TOTAL PUBLIC AMENITIES IMPROVEMENTS	4,405,000	50,000 Remains
--	-----------	-----------------------

TOTAL PERFORMANCE SECURITY: \$ 4.405,000

TOTAL PAYMENT SECURITY: \$ 4.405,000

NOTE: IF CORPORATE SURETY BONDS ARE TO BE USED, A SINGLE FAITHFUL PERFORMANCE BOND AND A SINGLE PAYMENT BOND MUST BE SUBMITTED FOR ALL OF THE REQUIRED CATEGORIES OF IMPROVEMENTS.

PAYMENT BOND
(LABOR AND MATERIALS)

Bond No. 8195-79-44
Executed in Duplicate

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS, the City of Rancho Palos Verdes, a municipal corporation ("City"), by the adoption of Resolution No. 2006-92 dated December 5, 2006, has approved Revision "E" to Conditional Use Permit No. 215, Grading Permit No. 2229, Coastal Development Permit No. 166, Variance No. 487, and Tentative Parcel Map No. 26073 to allow an updated and revised site plan, grading plan, and public amenities plan for the project identified as the "Long Point Resort Hotel," subject to new and modified conditions of approval set forth in Exhibit B to Resolution No. 2006-92; and

WHEREAS, Resolution No. 2006-92, including all exhibits thereto, are incorporated herein by this reference and are collectively referred to as the "Development Entitlement Resolution"; and

WHEREAS, Long Point Development, LLC, 11777 San Vicente Blvd., #900, LA, CA 90049
(Name and address of Developer)

("Principal"), is required under the terms of the Development Entitlement Resolution and the California Civil Code to secure the payment of claims of laborers, mechanics, materialmen, and other persons as provided by law in connection with the performance of work on those public improvements and public amenities that are more specifically identified in Schedule A and Schedule B, attached hereto and incorporated by this reference;

NOW, THEREFORE, we, the undersigned Principal, and
Federal Insurance Company

801 S. Figueroa St., LA, CA 90017

(Name and address of Surety)

("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the Public Agency in the penal sum of Four Million Four Hundred Five Thousand and NO/100

Dollars (\$ 4,405,000.00), this amount being not less than the estimated total cost of the public improvements and public amenities specified in Schedule A and the public improvements and public amenities specified in Schedule B, in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, or subcontractors shall fail to pay any of the persons named in Section 3181 of the California Civil Code, or any amounts due under the Unemployment Insurance Code with respect to work or labor performed under the Development Entitlement Resolution, which set forth requirements with respect to the specific public improvements and public amenities described on Schedule B attached hereto, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Principal and subcontractors pursuant to Section 13 020 of the Unemployment Insurance Code, with respect to work or labor performed under the Development Entitlement Resolution, the Surety will pay for the same in an amount not exceeding the penal sum specified in this bond; otherwise, this obligation shall become null and void.

This bond shall inure to the benefit of any of the persons named in Section 3181 of the California Civil Code so as to give a right of action to such persons or their assigns in any suit brought upon the bond. In case suit is

brought upon this bond, Surety further agrees to pay all court costs and reasonable attorneys' fees in an amount fixed by the court.

Further, the Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, addition or modification to the terms of the Development Entitlement Resolution, or of the work to be performed thereunder, or the specifications for the same, shall in any way affect its obligations under this bond, and it does hereby waive notice of any such change, extension of time, alteration, addition, or modification to the terms of the Development Entitlement Resolution or to the work or to the specifications thereunder. Surety hereby waives the provisions of California Civil Code Sections 2845 and 2849.

IN WITNESS WHEREOF, two (2) identical counterparts of this instrument, each of which shall for all purposes be deemed an original hereof, have been duly executed by Principal and Surety, on the date set forth below, the name of each corporate party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: April 2, 2007

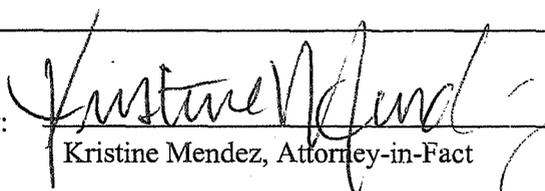
"Principal"

"Surety"

Long Point Development, LLC

Federal Insurance Company

By: See Attached
Its

By: 
Kristine Mendez, Attorney-in-Fact

By: _____
Its

By: _____
Its

(Seal)

(Seal)

APPROVED AS TO SURETY AND
PRINCIPAL AMOUNT

APPROVED AS TO FORM:

RICHARDS, WATSON & GERSHON
A Professional Corporation

By: _____
Director of Public Works

By: _____
City Attorney

Note: This bond must be executed in duplicate and dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached.

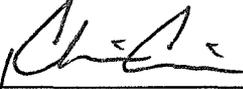
R6876-0001\954658v3

Signature block for Long Point Development, LLC

Long Point Development, LLC, a Delaware limited liability company

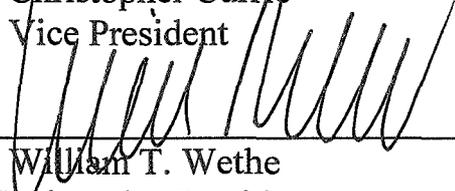
By: LDD Long Point, LLC, a Delaware limited liability company, its
Manager

By: Lowe Destination Development, Inc., a California corporation,
its Managing Member

By:  _____

Name: Christopher Currie

Title: Vice President

By:  _____

Name: William T. Wethe

Title: Senior Vice President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

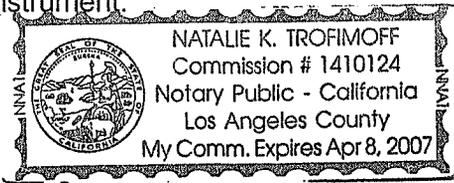
State of California

County of Los Angeles

On APR 02 2007 before me, Natalie K. Trofimoff, Notary Public

personally appeared Kristine Mendez

personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.



Notary Public Seal

WITNESS my hand and official seal

Natalie K. Trofimoff
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

DESCRIPTION OF ATTACHED DOCUMENT:

TITLE OR TYPE OF DOCUMENT: _____

DOCUMENT DATE: _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name: _____

Signer's Name _____

- INDIVIDUAL
- CORPORATE OFFICER
Title(s) _____

- INDIVIDUAL
- CORPORATE OFFICER
Title(s) _____

PARTNER(S) LIMITED GENERAL

PARTNER(S) LIMITED GENERAL

ATTORNEY-IN-FACT

ATTORNEY-IN-FACT

TRUSTEE(S)

TRUSTEE(S)

GUARDIAN/CONSERVATOR

GUARDIAN/CONSERVATOR

OTHER: _____

OTHER: _____

Signer is representing:

NAME OF PERSON(S) OR ENTITY(IES)

Signer is representing:

NAME OF PERSON(S) OR ENTITY(IES)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

} ss.

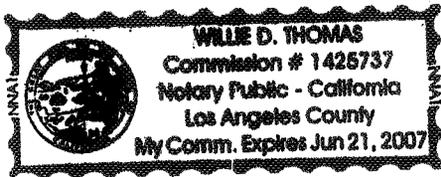
On April 16, 2007, before me, Willie D. Thomas
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Christopher Currie
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

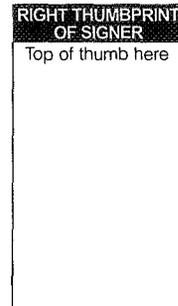
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



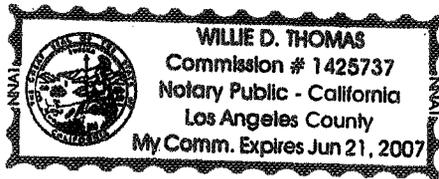
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles } ss.

On April 16, 2007, before me, Willie D. Thomas,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared William T. Wethe,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Willie D. Thomas
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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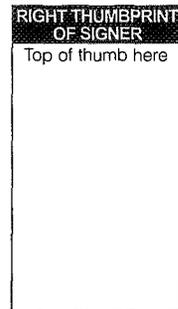
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

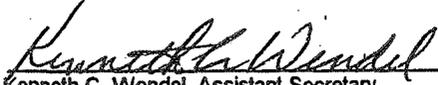
Signer Is Representing: _____



Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Jeffrey Strassner, Cesar F. Javier, Christina Turman, B.A. Matson, Kristine Mendez and Adriana Valenzuela of Los Angeles, California-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

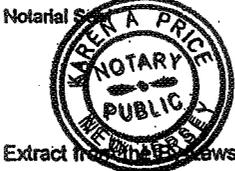
In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 7th day of November, 2002


Kenneth C. Wendel, Assistant Secretary

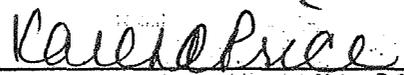

Frank E. Robertson, Vice President

STATE OF NEW JERSEY }
County of Somerset } ss.

On this 7th day of November, 2002, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with Frank E. Robertson, and knows him to be Vice President of said Companies; and that the signature of Frank E. Robertson, subscribed to said Power of Attorney is in the genuine handwriting of Frank E. Robertson, and was thereto subscribed by authority of said By-Laws and in deponent's presence.



No. 2231647
Commission Expires Oct. 28, 2004


Notary Public

CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U. S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U. S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this APR 02 2007 day of




Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903-3485 Fax (908) 903-3656 e-mail: surety@chubb.com

SCHEDULE A

**PUBLIC AMENITIES / PUBLIC IMPROVEMENTS PLAN
COSTS TO COMPLETE**

<u>Description of Work</u>	<u>Estimate</u>
Vanderlip Link, Marineland Trail, Flowerfield Trail, ADA Public Trail	
Trails	1,052,000
Vista Points & Interpretive Nodes	325,000
Landscaping	950,000
Irrigation	316,000
Fencing	255,000
Signage	10,000
Benches	10,000
Water Fountains	25,000
Bike Racks	5,000
Viewing Telescopes	<u>3,000</u>
subtotal	2,951,000
Bluff Top Park and Trails	
Landscaping	165,000
Irrigation	215,000
Fencing	75,000
Signage	10,000
Benches	6,500
Water Fountains	10,000
Bike Racks	2,500
Viewing Telescopes	<u>10,000</u>
subtotal	494,000
Fisherman's Access Parking Lot	
Parking Lot Expansion	85,000
Improvements to Existing Lot	35,000
Improvements to Public Restroom Facilities	100,000
Fencing	25,000
Signage	7,500
Landscaping / Irrigation	<u>35,000</u>
subtotal	287,500
Public Facilities at Lower Pool	
Outdoor Tables and Seating	10,000
Men and Women Restrooms and Changing Facilities	185,000

Planter Boxes with Trees (Shaded Seating Area)	45,000
Outdoor Showers	25,000
Drinking Fountains	<u>7,500</u>
subtotal	272,500

Habitat Enhancement Area	
Landscaping	225,000
Irrigation (for start-up)	100,000
Fencing	65,000
Signage	<u>10,000</u>
subtotal	400,000

GRAND TOTAL PUBLIC AMENITIES IMPROVEMENTS	4,405,000
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TOTAL PERFORMANCE SECURITY: \$ 4,405,000

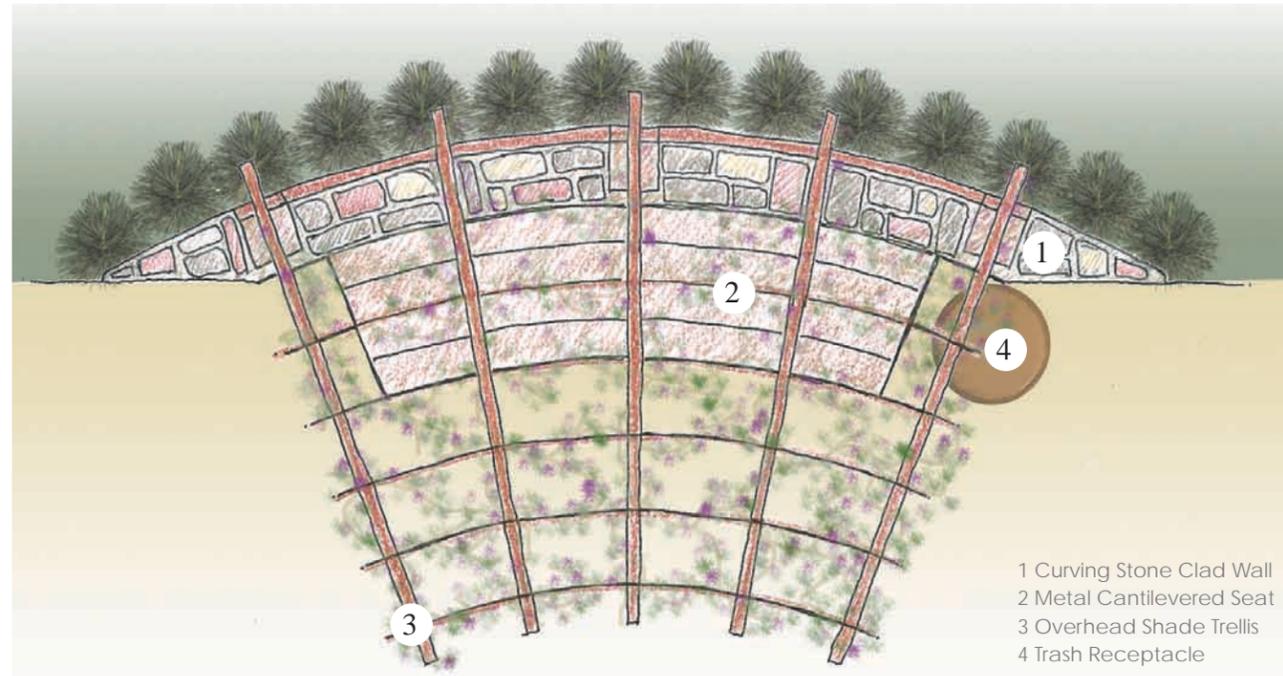
TOTAL PAYMENT SECURITY: \$ 4,405,000

NOTE: IF CORPORATE SURETY BONDS ARE TO BE USED, A SINGLE FAITHFUL PERFORMANCE BOND AND A SINGLE PAYMENT BOND MUST BE SUBMITTED FOR ALL OF THE REQUIRED CATEGORIES OF IMPROVEMENTS.

SCHEDULE B

All work pertaining to this Bond will be performed in accordance with the governing documents listed below. These documents represent the full and complete scope of work required to fulfill the obligations of this Bond and have been reviewed and approved by the City of Rancho Palos Verde. Upon successful completion of the work represented by these governing documents, the City of Rancho Palos Verde will immediately release all Bonds associated with this work.

<u>Governing Document</u>	<u>Revision Date</u>	<u>Prepared by</u>
Public Amenities Plan Sheet L-1: Public Access / Trails Amenities Plan	12.15.06	Burton Landscape Architects
Public Amenities Plan Sheet L-2: Public Access / Trails Amenities Enlargements & Sections	12.15.06	Burton Landscape Architects
Public Amenities Plan Sheet L-3: Public Access / Trails Amenities Enlargements	12.15.06	Burton Landscape Architects
Final Landscape Improvement Plans	11.20.06	Burton Landscape Architects



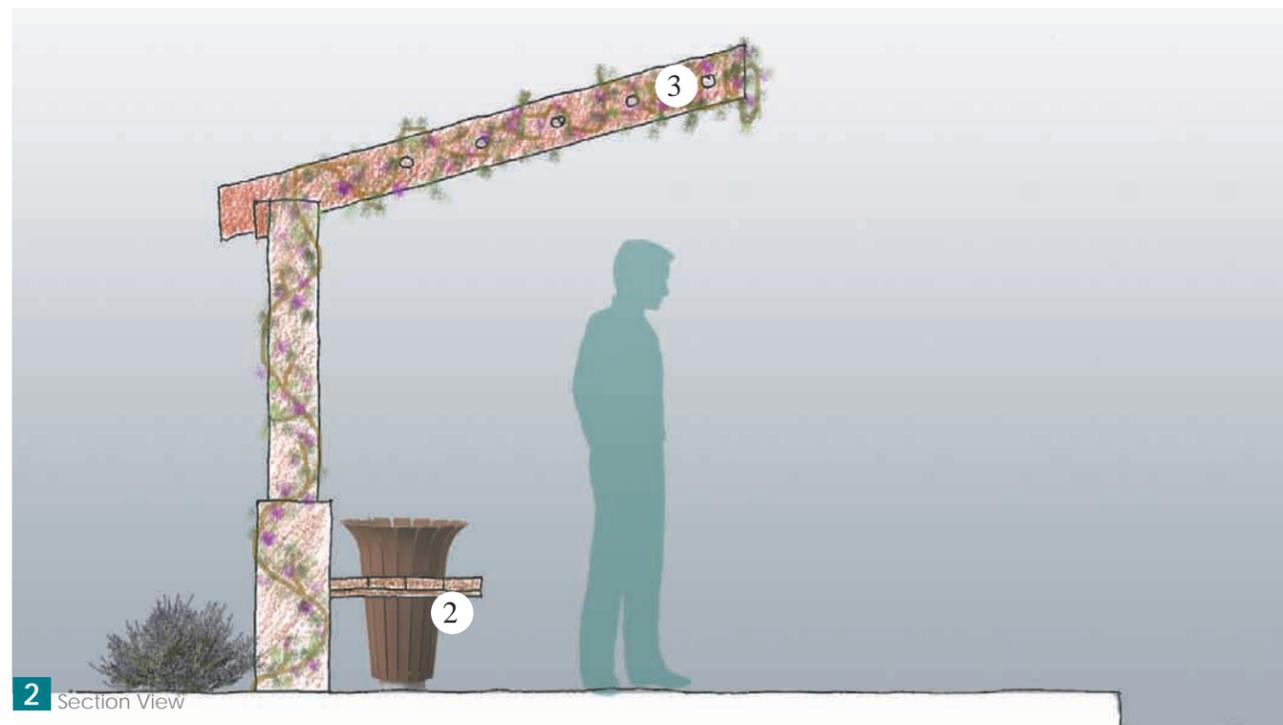
1 Plan View

- 1 Curving Stone Clad Wall
- 2 Metal Cantilevered Seat
- 3 Overhead Shade Trellis
- 4 Trash Receptacle

BUS STOP

Given the special natural environment within the Rancho Palos Verdes Coast, and its visibility within the City, it is appropriate to replace the existing standard bus shelters with a new, consistent design. The suggested design, illustrated conceptually at left, draws on the palette of materials incorporated throughout this design guidance, is intended to be unobtrusive in its setting, and to minimize disruption of views. It consists of the following elements [1] [2]:

- A curving stone clad wall with cantilevered metal seat.
- An overhead shade trellis, covered with vines, and with posts set into the stone clad wall. If necessary, the shade structure could incorporate solid roof panels for rain protection.



2 Section View