

MEMORANDUM

CITY OF



RANCHO PALOS VERDES

PLANNING, BUILDING, & CODE ENFORCEMENT

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT
DATE: DECEMBER 5, 2006
SUBJECT: LONG POINT (TERRANEA) RESORT HOTEL
PROJECT: ZON2006-00615 (REVISION 'E' TO CUP 215, ET. AL.)

Prepared By: Ara Michael Mihranian, AICP, Principal Planner 

RECOMMENDATION

Adopt Resolution No 2006-_____, approving Revision 'E' to Conditional Use Permit No 215 et al, to allow an updated and revised site plan, grading plan and public amenities plan for the Long Point Resort Hotel and approving new and modified Conditions of Approval associated with the updated project plans.

EXECUTIVE SUMMARY

As the project proceeds towards breaking ground, the applicant has refined various components of the approved project to improve the overall success of the project and enhance the overall experience of the hotel. As a result, the applicant is requesting that the Council review and accept a number of design and operational refinements to the proposed project. In addition, Staff is taking this opportunity to improve certain facets of the approved Public Amenities Plan. All of the requested changes are being processed as the fifth revision to the original application package (CUP No. 215, et al. - Revision 'E'). Based on a review of the revised changes, Staff believes that all of the proposed improvements are generally consistent with the original approved site plan and conditions of approval. Therefore, Staff is recommending approval of the proposed modifications with the addition or modification of specific conditions of approval.

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, the applicant requested the Council's consideration of the following revisions:

②

- 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.

In addition to the above, on May 17, 2005 and on March 21, 2006, the City Council determined that modifications to the layout of the site plan, specifically in regards to the placement of certain buildings, were in substantial compliance with the original Council approved project. The Council approved minor modifications to the site plan were subsequently approved by the Coastal Commission. The site plan modifications approved by the Council 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 end 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

DISCUSSION

Proposed Amendments

As the project proceeds toward its final design in preparation for breaking ground, the applicant has refined various components of the approved project to improve the overall

success of the project and enhance the overall experience of the hotel. As a result, the applicant is requesting that the Council review and accept the following design and operation refinements to the proposed project:

1. Minor revisions to the overall layout of the project site,
2. Modifications to the 9-hole golf course approved by the City Council at its March 21, 2006 meeting, along with new minor improvements, such as pool pavilions and cabanas, trellises, garden walls.
3. The Placement of the Fire Access Road out of buffer area.
4. Revisions to the design grades and site contours, including cut and fill quantities, to reflect the refinements made to the project since the 2002 approval.
5. Revisions to the two elevator override towers to accommodate rooftop stair access for emergency fire personnel.
6. Allowance for outdoor events, such as weddings, banquets, charity events, to name a few, with amplified sound to occur at seven designated areas throughout the site.
7. The construction and operation of an entry drive "greeting kiosk."

In addition, as an eighth item, Staff is taking this opportunity to improve certain aspects of the approved Public Amenities Plan. Specifically, Staff is proposing that a 5-foot minimum width be established for all trails and that a sidewalk be provided along the western entry driveway between the villas and the hotel building.

Analysis

As stated below, Condition of Approval No. 17 sets the standard for reviewing subsequent changes to the approved project.

These approvals authorize the construction and operation of a resort hotel, a golf practice facility 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 golf practice facility; 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.

For simplicity, Staff is processing all of the applicant's requested changes as the fifth revision to the original application package (CUP No. 215, et al. - Revision 'E'). This allows the existing project conditions of approval to be modified for consistency with the refined site and grading plans. Staff's analysis and recommendations on the various proposed changes are contained on the following pages.

1. MINOR REVISIONS TO THE OVERALL SITE PLAN

The revised site plan submitted to the Planning Department identifies the major components of the project including, but not limited to, the hotel building, the villa buildings, the casita buildings, the spa building, the fine dining restaurant, the lookout bar, the lower pool facility, the building pad elevations, the public trails, the 2.2 acre bluff top park, the public and hotel parking lots, the 9-hole golf course, roadways, finished contours, habitat zones and other project related improvements. There are some new minor improvements, such as pool pavilions and cabanas, trellises, garden walls, and other improvements that Staff believes are consistent with the original approval.

Site Plan Consistency with Coastal Permit Findings

According to the City's Coastal Specific Plan, the City's Development Code, and the project conditions of approval, development within the Coastal Setback Zone and the Coastal Structure Setback Zone is highly restricted. The project approved by the City Council in 2002, specifically permitted certain uses and improvements, such as trails, paving, the lower pool facility, grading and garden walls, to name a few, within the Coastal Setback Zone and the Coastal Structure Setback Zone. Based on Staff's review of the revised site plan, new minor improvements are proposed and permitted within the Coastal Structure Setback Zone, such as trellises (less than 120 square feet), garden walls, and guardrails. A pool was identified within this zone in the initial submittal, but has subsequently been deleted from the revised site plan. Therefore, Staff believes the revised the site plan complies with the original Coastal Permit Findings.

Site Plan Consistency with View Protection Conditions

The project originally approved by the Council in 2002, contains specific conditions of approval ensuring that public and private views, particularly from the Point Fermin Vista Corridor and the Catalina View Corridor, are protected. Based on the proposed site plan layout and sections provided by the applicant, Staff believes that all the proposed modifications shown on the revised site plan are consistent with the project's existing conditions of approval, that are intended to avoid and/or minimize impacts to public and private views. This is because the design utilizes the natural down-sloping nature of the lot. Moreover, conditions are in place limiting the height of structures with the intent to protect public and private views. However, the Council adopted conditions do not establish maximum ridgeline elevations for structures other than the main hotel building. Therefore, in order to ensure that the revised site plan is consistent with the view protections intended through the original approval, Staff is recommending that the Council amend the Conditions of Approval to establish maximum ridgeline elevations for each structure (villas, casitas, bungalows, spa, restaurant, and etc.) based on the revised grading plan, as identified in the attached conditions.

In addition, Staff believes that there is some ambiguity to the intent of Condition of Approval No. 53 (see below) that addresses structures shown on the site plan. Due to

the varying elevation grade of Palos Verdes Drive South along the project frontage, there is a question as to the meaning of the "closest street curb" elevation. It is Staffs interpretation that the condition requires the height of any structure on the site plan not to exceed the closest street curb most parallel to the structure in question. Therefore, to clarify the intent, Staff is recommending that condition No. 53 be amended as follows (the underlined text represents new language and the strike-out text represents deleted language):

In no event shall any structure, including architecture features, exceed the elevation height of Palos Verdes Drive South adjacent to the Resort Hotel Area, as measured from the closest street curb most parallel to the structure adjacent to the Resort Hotel Area. This condition shall not apply to chimneys built to the minimum standards of the Uniform Building Code.

In summary, based on a review of the revised site plan, Staff believes that the proposed improvements are generally consistent with the original approved site plan and conditions of approval. Therefore, Staff recommends that the modifications to the site plan be approved with an amendment to existing condition of approval no. 51 to establish maximum ridgeline elevations for all the structures on the site plan and with an amendment to existing condition of approval no. 53.

2. MODIFIICATIONS TO THE 9-HOLE GOLF COURSE

At the March 21, 2006 City Council meeting, the Council considered Revision 'D' to Conditional Use Permit No. 215 to allow, among other things, a 9-hole short game golf course rather than a 3-hole practice facility. At the meeting, the neighboring property owners raised safety concerns with the close proximity of Hole No. 7 to their rear yards. After much discussion, the Council ultimately approved the applicant's proposed 9-hole golf course since the City's golf safety consultant concluded that the golf course design did not pose any safety concerns. However, the Council suggested that the applicant work with the neighbors and City Staff to address the safely concerns. In response, the applicant subsequently submitted a revised golf plan with the following changes:

1. Hole No. 1 was relocated from the eastern side of the entry driveway to the western side of the entry driveway to provide additional area for the relocation of Hole No, 7. The fairway was reduced from 140 yards to 127 yards.
2. Hole No. 2 was oriented towards the ocean and the fairway was reduced from 195 yards to approximately 108 yards.
3. The par 3 for Hole No. 7 was shortened from approximately 180 yards to 152 yards.
4. Hole No. 7 was shifted southward increasing the distance separation between the edge of the green and the rear property lines from approximately 150-feet to approximately 300-feet.
5. The grade for the tee for Hole No. 7 was reduced in elevation from 145-feet to 140-feet.

6. The grade for the green for Hole No. 7 was reduced in elevation from 170-feet to 168-feet.

The revised golf course plan was presented to the neighbors, who after reviewing the changes, found the revised plan acceptable. Additionally, the revised golf course plan was also given to the City's golf safety consultant, Mr. Kipp Schulties, who reviewed and approved the revisions to the golf course. He concluded that "*all reasonable considerations appear to have been meet relative to roads, pedestrians, and residential units.*" As such, Staff believes that the revised golf plan is consistent with the golf course plan approved by the City Council in 2006. Therefore, Staff recommends that the modified golf course be formally approved without the need for any additional conditions of approval.

3. THE PLACEMENT OF THE FIRE ACCESS ROAD OUT OF BUFFER AREA

In October 2005, the Coastal Commission administratively approved an Immaterial Amendment to the project's coastal permit to allow minor modifications to the project site plan. As part of the approval, the Commission allowed the encroachment of a fire access road into the designated 80-foot "habitat enhancement area" (also known as Zone B) by adjusting the final boundary line and requiring the developer to balance the net loss by increasing the habitat area elsewhere on the project site. This modification was recently observed by representatives from the Sierra Club and the California Native Plant Society (CNPS) during their review of the project plans. Both organizations raised a concern with the change, citing that such a change was inconsistent with the City's adopted conditions of approval and mitigation measures. Furthermore, they raised a concern that they were not properly noticed of this proposed amendment despite being active interested parties. As a result, the Sierra Club and the CNPS requested that the Coastal Commission revoke the project's coastal permit (see attached letters).

In response to this issue, City Staff met with the applicant and informed them that the placement of the fire access road within the 80-foot "habitat enhancement area" was inconsistent with both the City's conditions of approval and mitigation measures. After meeting with Staff and representatives from the Sierra Club and the California Native Plant Society, the applicant agreed to relocate the fire access road outside the 80-foot "habitat enhancement area." Revised plans reflecting this change were submitted to the City on November 20, 2006 (see attachment). Based on Staff's review of the revised project site plan, the fire access road in question has been relocated outside the 80-foot "habitat enhancement area" and thereby complies with the adopted conditions of approval and mitigation measures. In light of the revised site plan, the Council is no longer being asked to amend the respective conditions relating to the fire access road.

In order to relocate the fire access road, the applicant will need to revise several of the construction plans. Although the grading plan can be revised relatively quickly, other plans will require additional time to address issues such as relocating utilities under the new location of the fire access road. In order to meet the project schedule and begin rough grading, the applicant is requesting that they be allowed to pull a rough grading

(7)

permit while the final construction drawings are being revised to reflect the new location of the fire access road and related utilities. City Staff can support the applicant's request provided that the revised rough grading plan is reviewed and approved by the City Engineer prior to permit issuance.

4. GRADING PLAN REVISIONS

The project approved by the City Council in 2002 included a grading plan that identified earth work needed to prepare the project site for construction. According to Condition No. 130, the following maximum quantities and depths of grading were approved for the project based on the grading plans received by the City on May 21, 2002, and prepared by Incedon Kirk Engineers:

- a. Maximum Total Grading (Cut and Fill): 754,650 cubic yards.
- b. Maximum Cut: 411,889 cubic yards (292,276 cubic yards with 5% shrinkage).
- c. Maximum Fill: 392,275 cubic yards.
- d. Maximum Depth of Cut: 35 feet (located in the area of the western most bungalow units).
- e. Maximum Depth of Fill: 21 feet (located in the area of the more inland row of Western Casitas).

Furthermore, the above condition specifies that the project grading shall be balanced on-site with no export or import.

In the course of preparing the detailed construction plans, the applicant has had to revise the grading plan to address project modifications, such as the reconfiguration and the reduction of the main hotel building, the lowered Villa pad elevations, the reorientation of the casitas and bungalows, and the relocation of the spa building. Furthermore, the applicant has had to ensure that the grade changes remain balanced. These modifications to the overall project have reduced the amount of total grading by 16,950 cubic yards from 784,550 cubic yards to 767,600 cubic yards. In addition to the overall quantities, the depth of cut has been reduced from 35-feet (western most bungalows) to 31-feet (in the area of the villas). Despite the reduction in total grading, the amount of cut has increased by 611 cubic yards, from 411,589 cubic yards to 412,500 cubic yards. Furthermore, the finished grades and finished building pad elevations for several of the proposed structures, such as the casitas and the bungalows, have increased 3 to 6 feet in height. This is primarily due to the condition requiring that the earth movement be balanced on-site.

Staff has reviewed the revised grading plan in relation to the original grading plan to determine whether the changes are significant, specifically relating to the introduction of new impacts, such as views, and consistency with the grading findings made in 2002. Based on Staff's review of the revised grading plan, the overall change to the design of the final grades appear to be generally consistent with the grading findings made in 2002. The revised grades resemble the natural topography of the site by sloping downward towards the coast, and the revised grades and finished pad elevations do not

appear to adversely impact the surrounding environment, with the exception of potential impacts to views from three specific areas of the project site, as discussed below. These locations are identified as areas of concern because of the height of the finished contours when combined with the construction of a structure or landscaping.

Palos Verdes Drive South – Adjacent to Project Site

Staff has raised a concern to the applicant that the combined grading and landscaping along Palos Verdes Drive West, between the Fishing Access Parking Lot and the Villas, has the potential to impair public views. In response to Staff's concern, the applicant has revised the grading plans to include a 3:1 transition slope from the property line off Palos Verdes Drive South. Staff supports this change, but recommends that the Council amend existing Condition No. 100 to further clarify the height limit of landscaping within this area, as follows (the underlined text represents new language and the strike-out text represents deleted language):

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 along said fence in this general area, as determined by the Planning Director, shall be limited to 1-foot in height above the most parallel street curb.

Eastern Property Line Adjacent to Nantasket Drive

According to the revised grading plan, the finished pad elevations for the eastern casitas have increased between 3 and 7 feet in height from the 2002 Council approved grading plan. The current grading plan contemplates raising the building pad elevations above the existing grades by approximately 3 to 6 feet. Staff has identified a potential view concern with the increased building pad elevations for the eastern casitas. Furthermore, a comment letter from the adjoining property owner (Dana Ireland) expressed a potential view concern with the design of an earth berm paralleling the property line (see attachment).

In order to verify that the increase to the pad elevations would not intensify view impacts from surrounding properties, as studied in the project EIR, new visual simulations were prepared by the applicant. Based on the updated visual simulations, it appears that the increase in the finished building pads for the eastern casitas do not result in a significant change to the view. This is partly because of the distance between the casitas and the viewing point (Hard copies of the visual simulations will be transmitted to the Council prior to the December 5th meeting).

In addition to the pad elevation changes, another revision to the grading plan includes a berm along the eastern property line adjacent to the lot off Nantasket Drive. This change came about in May 2005 when the golf course was revised to no longer include a driving range. The berm located to the east of the driving range shifted further east, to its present location, when the driving range was eliminated. The berm, in its present

location, ranges in height from approximately 3 to 8 feet (14-feet in an isolated area) and is intended to serve as a safety barrier between Hole No. 8 and the neighboring property. In response to the neighbor's concern regarding the berm and potential view impacts, Staff researched the possibility of lowering the berm without introducing golf safety concerns. Staff contacted the City's Golf Safety Consultant, Kipp Schulties, for his recommendations on the berm. According to Kipp Schulties, a golf safety zone is typically 150-feet for a flat course (without consideration of wind and trees) and includes an additional 50-feet for the downhill nature of a golf shot. In this case, the distance between Hole No. 8 and the property line is nearly 200-feet. However, Mr. Schulties believes the berm in its present location adds to the overall safety of the golf course and should remain. However, he states that the berm can be reduced by 3-feet in height without compromising safety. In regards to potential view impacts, Staff believes that with the 3-foot reduction of the berm, the height of the berm will not significantly impair views from Mr. Ireland's neighboring vacant lot, as taken from a central location of the current lot (it should be noted that although an application is currently being processed to subdivide the neighboring lot into five lots for single-family residential development, the current lot is zoned commercial recreational and is not subject to the view protection of the City's View Ordinance is not applicable).

Therefore, Staff supports this change and recommends that the Council amend Condition of Approval No. 130, as identified in the following section, to require an overall 3-foot reduction of the berm and the elimination of the 14-foot landscape berm.

Northern Property Line at Channelview Court

Staff is concerned that the combination of grading and landscaping may potentially impair views from neighboring properties off Channelview Court. To ensure future views are not impaired by combined grading and landscaping, Staff is recommending that the Council amend existing condition No. 78 to clarify that landscaping shall not impair views, as follows (the underlined text represents new language and the strike-out text represents deleted language);

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. In no case shall trees exceed the highest roof ridgeline of a hotel, casita, or villa structure located within 50-feet of the tree. Trees located beyond 50-feet from a hotel, casita, or villa structure shall not exceed 16-feet in height, as measured from the bottom of the tree.

Based on the above analysis, Staff believes that the revised grading plan substantially complies with the original grading plan. In areas where the finished grades have increased, Staff believes that the change does not result in new significant impacts and therefore substantially complies with the Council's original approval. However, as stated above, Staff is recommending that the Council amend the conditions of approval to reflect the new grading quantities and to clarify the protection of views with grading and

landscaping. Additionally, as previously noted, Staff is recommending that the Council amend the conditions of approval to include ridgeline elevations for all proposed structures (villas, casitas, bungalows, spa, restaurant, and etc.) based on the new finished pad elevations. Furthermore, staff is recommending that condition of approval no. 130 be amended to require submittal of a final "as-built" grading plan prior to finalizing the precise grading permit. The following is the recommended amendment to condition of approval no. 130 (the underlined text represents new language and the strike-out text represents deleted language):

The following maximum quantities and depths of grading are approved for the Resort Hotel Area, as shown on the ~~approved~~ revised grading plans received reviewed and approved by the City Council at its December 5, 2006 meeting May 21, 2002, and prepared by Incedon Kirk Engineers :

- a. *Maximum Total Grading (Cut and Fill): ~~784,550~~ 767,600 cubic yards.*
- b. *Maximum Cut: ~~411,889~~ 412,500 cubic yards (~~392,275~~ 391,900 cubic yards with 5% shrinkage).*
- c. *Maximum Fill: ~~392,275~~ 391,900 cubic yards (includes 16,200 cubic yards of export to golf course).*
- d. *Maximum Depth of Cut: ~~35~~ 31 feet (located in the area of the villas ~~western-most bungalow units~~).*
- 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 shall be revised so that the berm located to the east of Golf Hole No. 8 is reduced in overall height by a minimum of 3-feet over the entire length of the berm and that 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.

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.

Staff believes that all of the proposed conditions of approval will assist City Staff and the applicant in understanding the maximum height limits for each structure, provide criteria for the building height certification, and document the final grading for consistency with the City approvals. The proposed changes to the conditions of approval are noted in the attached draft conditions of approval.

5. ELEVATOR TOWER REVISIONS

The project approved by the Council in 2002 limited the height of the main hotel building to a maximum ridgeline of 153-feet, with the exception of two elevator towers, which were permitted to exceed the maximum ridgeline height by approximately 7-feet for a maximum height of 160-feet. It was reported at the May 2005 meeting, that the two elevator towers would be lowered to 157-feet within the same general location as the 2002 approval. In March 2006, further design modifications resulted in another change to the elevator towers. Staff informed the Council that the elevator towers will be consolidated into one tower at a maximum height of 157' feet. The Council determined that the two revisions to the elevator towers were in substantial compliance with the original approval.

The applicant is now requesting that the Council consider a further revision to the elevator towers to address requirements set forth by the Los Angeles County Fire Department. According to the Fire Department, they are requiring that the main hotel building provide roof access on various levels of the structure, in particular to the upper most roof level, via stairs. In order to provide stair access to the roof, the applicant has had to redesign the southern tower to accommodate a staircase with the necessary vertical clearance from the staircase platform. According to the architectural plans, the southern tower will be approximately 638 square feet, measuring 29-feet by 22-feet. The applicant is requesting that the Council allow the expansion of the southern elevator override tower to accommodate the fire access staircase and to extend the maximum permitted height of 160-feet to 164-feet. It should be noted that the initial submittal of the southern elevator tower was designed at a maximum ridgeline of 166-feet, but the applicant was able to lower the ridgeline by 2-feet without compromising access. The northern tower will remain in its approved location, but is no longer designed as a tower, but rather disguised as four combined chimneystacks at a maximum height of 160-feet. The design change of the northern tower is to proportionally complement the design of the new southern elevator/stair tower.

In reviewing the applicant's request to modify the northern elevator tower and to allow the tower to exceed the maximum ridgeline of 160-feet, Staff contacted the Fire Department to see if there were any other viable options to access the roof without utilizing a tower, such a roof hatch. According to the Fire Department, a roof hatch is not an option because it would impede on efficient and unobstructed access to the roof in the event of an emergency. The Fire Department is requesting that the City Council allow the southern roof tower to exceed the maximum height up to 164-feet for public health and safety purposes (see attachment).

Staff supports the proposed revision to the southern elevator tower because it is in response to a requirement by the Fire Department for public health and safety. Staff does not believe that the change to both the southern and northern elevator towers will significantly impair views because they are in the previously approved locations, the

southern tower will be 4-feet taller than what the conditions permit and the northern tower will be within the permitted 160-foot maximum ridgeline. Furthermore, the applicant prepared a view study, as taken from the entry driveway at Palos Verdes Drive South, that demonstrates that the proposed revisions to the elevator towers will not adversely impact views. Hard copies of the view study are not available for attachment to this Staff Report. However, the view study will be shown at the December 5th meeting.

Therefore, Staff recommends that the City Council allow the proposed elevator tower by amending existing condition No. 51, under Hotel Building, as follows (the underlined text represents new language and the strike-out text represents deleted language):

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

6. ALLOWANCE OF OUTDOOR EVENTS

The project site plan approved by the City Council included lawn areas for gathering purposes. However, the adopted conditions of approval did not acknowledge the lawn areas as possible locations for outdoor events, such as weddings, banquets, holiday parties, charity events and other similar uses. The applicant is requesting that the Council allow outdoor events to occur only in seven specific locations throughout the project site. The seven areas, as identified on the site plan, are as follows (see attachment):

1. Main ballroom Lawn and Terrace
2. Amphitheater Lawn
3. Meeting Room Terraces
4. Multi-purpose Room Terrace
5. South Terrace Lawn
6. East Terrace Lawn
7. Upper Function Lawn

Staff believes that outdoor events are uses typically associated with the operation of a hotel. Furthermore, the City conditionally approved Conditional Use Permit No. 187 in 1995 to allow the operation of outdoor events at the former Catalina Room on the site. In order to ensure the operation of outdoor events does not adversely impact the surrounding environment, Staff recommends imposing conditions that regulate the operation of outdoor events. Therefore, Staff is recommending that the City Council allow the proposed outdoor events by amending existing condition No. 41 to limit outdoor events to the areas listed above, as follows:

b) Outdoor events, such as weddings, holiday parties, charity events and other similar uses, shall be permitted only within the seven designated lawn areas identified on the site plan approved by the City Council on December 5, 2006. The operation of said outdoor events shall comply with the following standards:

- Permitted Hours of Operation
 - Sundays through Thursdays 8:00 am to 9:00pm
 - Fridays and Saturdays 8:00 am to 11:00 p.m.
- Amplified Sound, whether recorded or live, shall be permitted during the permitted hours of operations, as stated above, provided that all speakers are oriented towards the ocean away from surrounding properties.
- No outdoor spot-lights, neon lights, or other specialty lighting shall be permitted to shine into the sky or onto neighboring properties.

A special use permit shall be obtained from the Planning Department for outdoor events that do not comply with the above standards.

7. CONSRUCTION AND OPERATION OF GREETING KIOSK

The applicant is requesting that the City Council allow the construction of a "greeting kiosk" at the intersection of the entry drive, adjacent to the hotel public parking lot entrance. According to the applicant, the proposed kiosk will be 75 square feet and have a total height of 12-feet, as measured from adjacent finished grade to the highest roof ridgeline. The "greeting kiosk" will serve multiple purposes, such as a greeting, arrival and check-in point for hotel guests, and to direct vehicle traffic to appropriate parking and valet areas. All vehicles will be required to stop at the "greeting kiosk" to receive a parking ticket or access card. The "greeting kiosk" will be the control point to assess parking fees, with the exception of the general public seeking to park at the public parking lot.

Staff believes the "greeting kiosk" could be compared to a guardhouse that controls vehicular ingress and egress. Staff is concerned that such a feature may discourage the public from approaching the public parking lot, because the "greeting kiosk" is located before the public parking lot entrance. Therefore, if the Council is inclined to allow a "greeting kiosk," Staff recommends that the City Council amend the Conditions of Approval to require the "greeting kiosk" to be located after the driveway leading to the public parking lot.

In addition, the hotel operators are to provide parking to the general public from one hour before dawn to one hour after sunset. Although it is implied that the public parking is to be free to the general public during these hours, Staff is recommending that the City Council amend existing condition No. 108 to specifically state that parking shall be

free to the public, as follows (the underlined text represents new language and the strike-out text represents deleted language):

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.

8. STAFF PROPOSED AMENDMENTS TO THE PUBLIC AMENITIES PLAN

On October 4, 2005, the City Council reviewed the project's public amenities plan and conceptually approved the plan with the understanding that minor refinements may occur at the administrative level. In the course of preparing the final construction plans, revisions to the public amenities were introduced by both the applicant and by Staff to address the design issues and rising construction costs. The following is a summary of the proposed revisions and the associated concerns.

Trails

In regards to trails, Condition No. 78 states:

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:

- f. *Pedestrian Only — 4 foot improved trail width, 6 foot dedication*
- g. *Pedestrian/Equestrian — 6 foot improved trail width, 8 foot dedication*
- h. *Pedestrian/Bike 6 foot improved trail width, 8 foot dedication*
- i. *Joint Pedestrian/Golf Cart — 10 foot improved trail, 12-foot dedication.*

According to the State of California, improved trails and sidewalks should be designed at a minimum width that provides access to all individuals. The State of California suggests that in order to provide access to all individuals, especially those with disabilities, the width of a new improved trail or sidewalk should be at a minimum of 5-feet or 4-feet with a turning refuge at reasonable intervals not to exceed 200-feet. In light of this information, City Staff requested that the public amenities plan be updated by increasing the minimum trail width to 5-feet. The applicant has agreed to increase the minimum width of the trails to 5-feet with the exception of the Long Point Bluff Top Trail, located along the western bluff of the subject property. The applicant would like to keep this trail at a 4-foot width with a turning refuge approximately every 200-feet so that the trail does not impact the native planting located within Zone B. Staff does not believe an increase to the minimum trail width will impact habitat calculations because both the City and the Coastal Commission are requiring the trails be placed within a minimum 10-foot wide trail corridor easement (Coastal Commission requirement). Therefore, Staff is recommending that the Council amend the above condition to reflect a minimum trail width of 5-feet for all project related trails.

Entry Driveway Sidewalk

The public amenities plan reviewed by the City Council in October 2005 included a sidewalk along the western side of the entry driveway and a public trail along the eastern side of the entry driveway. In order to minimize construction costs, the applicant is requesting that the western sidewalk between the villas and the hotel building be eliminated from the construction plans. Staff is concerned that such a change will compromise the overall design integrity of the project, specifically in regards to pedestrian circulation. Such a change will discourage visitors staying at the villas from walking to the hotel facilities (spa, restaurants, etc.) because there is no designated path. Moreover, for those visitors who prefer to walk, without the sidewalk, those individuals may end up walking in the street or crossing over the entry driveway to the trail on the eastern side of the entry road, thus introducing a safety concern. Staff finds this to be a safety concern because the entry driveway is the only vehicular access point to and from the project site. Therefore, based on pedestrian circulation benefits and potential safety concerns, Staff is recommending that the Council require the applicant to construct a minimum 5-foot wide sidewalk along the western side of the entry road in addition to the trail on the eastern side of the entry road.

Flower Field Trail

The public amenities plan reviewed by the Council placed a portion of the Flower Field Trail within the public sidewalk on the western side of Nantasket Drive. This specific route of the Flower Field Trail was relocated from the project site onto the sidewalk because of golf safety concerns. The Council accepted the relocation of the trail onto the sidewalk to address potential safety concerns and with the understanding that the sidewalk, would be improved to resemble the continuation of the Flower Field Trail. Additionally, the applicant has requested that the Flower Field Trail (the portion extending south of the sidewalk) connect to the Vanderlip Trail via the Los Angeles County Sanitation driveway easement. Staff has raised a concern to the applicant that placing the trail within this easement detracts from the overall trail experience envisioned by the plan because of limited improvements. Furthermore, placing a trail easement within the Los Angeles County Sanitation easement will require that the applicant obtain easement rights from the current landowner and there are no guarantees that such an easement will be granted. As such, Staff is recommending, and the applicant has agreed, to place the trail back onto the project site at the southern end of the sidewalk off Nantasket Drive. Staff is recommending that this trail width be constructed at a 5-foot minimum and be connected to the existing Vanderlip Trail.

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 impacts, with the exception of the impacts 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 impact, as noted in the Mitigation Monitoring Program.

As such, Staff believes that the proposed project revisions and revisions to the project conditions do not modify the scope of the project nor the related uses and amenities approved by the City Council. Staff is of the opinion that the proposed revision will not result in new significant environmental impacts, specifically including impacts relating to safety and views. As a result, no further environmental review will be necessary other than the adoption of Addendum No. 6 to Environmental Assessment No. 725.

ADDITIONAL INFORMATION

Public Noticing

Pursuant to the City's noticing procedures, the required public notice was published in the *Peninsula News* and circulated on November 18, 2008 to interested parties and property owners within a five hundred (500) foot radius of the subject property. Additionally, the public notice was transmitted electronically to list-serve subscribers. To date, the City has received one (1) public comment letter from a neighboring property owner, Dana and Paige Ireland (see attachment). In the event additional comment letters are submitted after the transmittal of this report, such letters will be distributed to the Council at the meeting.

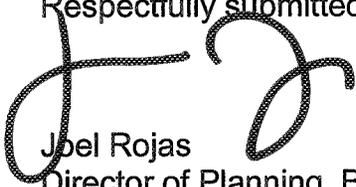
Project Plans

Attached to this Staff Report, are the narratives provided by the project applicant that explain the proposed changes to the project site plan and grading plan. Additionally, enclosed are plans that illustrate the changes to the site and grading plans. The applicant will be providing the City with updated visual simulations, building plans for the elevator tower, and a colored project approval overlay (comparing the 2002, 2005, 2006, and current projects) exhibit by the end of the week. As soon as Staff receives these exhibits, they will be transmitted to the Council. The illustrative plans attached to this Staff Report have been posted on the City's Website and a message was sent to list-serve subscribers on how to view the current project plans.

Project Timeline

According to the applicant, if the Council approves the current proposal this evening the applicant anticipates receiving its Coastal Development Permit and City grading permits in a few weeks, thus breaking ground soon after. At this time, the expected opening date for the project is December 2008.

Respectfully submitted,



Joel Rojas
Director of Planning, Building and
Code Enforcement

Reviewed by:



Les Evans
City Manager

ATTACHMENTS

- Draft Resolution No. 2006 —
 - Exhibit 'A' Addendum No. 6 to Environmental Assessment No. 725
 - Exhibit 'B' Conditions of Approval
- Applicant's Narratives
- Sierra Club and Californian Native Plant Society Comment Letters Regarding Fire Access Road
- Applicant's Response Letter to the Fire Access Road
- Fire Department's Letter regarding Roof Top Stair Access
- Project Plans
 - Illustrative Revised Site Plan
 - 9-Hole Short Game Golf Academy Plan (Golf Cart Path)
 - Site Sections
 - Resort Hotel Building Elevations
 - Villa Building Elevations

RESOLUTION NO. 2006-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION 'E' TO 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 AN UPDATED AND REVISED SITE PLAN, GRADING PLAN AND PUBLIC AMENITIES PLAN FOR THE LONG POINT RESORT HOTEL AND APPROVING NEW AND MODIFIED CONDITIONS OF APPROVAL ASSOCIATED WITH THE UPDATED PROJECT PLANS.

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 November 13, 2006, the project applicant filed a request to amend the adopted Conditions of Approval to ensure the project conditions are consistent with the revisions to the site plan and grading plan; 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 revision 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 proposed revision involves amendments to the adopted Conditions of Approval for consistency with the revised project site plan and grading plan. The City Council finds that the change to the conditions 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 will not be changed and that the golf amenity will be contained within the 32-acres of the project site originally set aside for golf. Furthermore, the

proposed revision 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, including the number of units to be sold to individual parties or private entities. As such, the City Council finds that the revised project conditions 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. 6 to the FEIR (the "Addendum") attached herein as Exhibit A; and

WHEREAS, on November 18, 2006, 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 December 5, 2006, 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 application for the revised project is to accept project revisions to the site plan and grading plan as being consistent with the original approved project. The proposed revision to the conditions 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 25,000 square foot 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 Revised 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 Addendum, the City Council hereby finds that the proposed project revision 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 project revision will not change or

20

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, and the following findings:

3.1 The proposed Revised Project is consistent with the General Plan and the Zoning Code for the City of Rancho Palos Verdes. The General Plan land use map designates the Project site as Commercial/Recreational. Further, the proposed Revised Project is consistent with the City's Official Zoning Map (adopted June 26, 1975) which designates the majority of the Project site as a Commercial Recreational (CR) zoning district, while the remainder of the Project site consists of coastal bluffs designated as an Open Hazard (OH) zoning district. Chapter 17.22 of the Municipal Code clearly defines the allowable uses in the CR zoning district and specifically permits the proposed resort hotel/conference center, golf uses, and related ancillary uses with a conditional use permit. (Section 17.22.030.) Moreover, the Revised Project, as designed, complies with all applicable restrictions for the OH zoning district. (Sections 17.32.030 and 17.32.040.) The proposed resort and ancillary uses are visitor serving and include transient occupancy facilities consisting of a 400 room Resort Hotel and freestanding bungalows, 50 multi-keyed casitas (for a maximum of 150 additional rooms), and 32 single-keyed Resort Villas, a 68,000 square foot conference/banquet facility, 3 to 4 restaurants, public recreational facilities, (including a 25,000 square foot spa/fitness center, public golf facilities, a network of public trails and vista points, and a public park), and parking. The Revised Project will provide public access to the bluffs and coastline, while still protecting the sensitive marine environment through a transitional planting area (ecotone) between the bluff edge and the adjacent public park to buffer the sensitive coastal bluff habitat from invasive non-native vegetation. These land uses are consistent with those specified in the Coastal Specific Plan in Section 17.22.030 (conditionally permitted uses in a CR zoning district).

3.2 The site is adequate in size and shape to accommodate the proposed Revised Project and all yards, setbacks, walls, fences, landscaping and other features required by Title 17 of the Municipal Code or by the conditions imposed pursuant thereto to integrate the Revised Project with adjacent land uses and the neighborhood. The Project site consists of approximately 102.1 acres along the seaward side of Palos Verdes Drive South and was formerly occupied by the Marineland Aquatic Park. The Project site is adequate in size and configuration to accommodate the required development standards, and the Revised Project, as modified by the City Council, complies with, or is conditioned to be consistent with, all setbacks, lot coverage restrictions, landscaping, parking, trails and public access requirements.

Specifically, all proposed structures are setback approximately 40 feet from the property line abutting Palos Verdes Drive South (the Villas and entry trellis), approximately 310 feet from adjacent nonresidential property (the Fishing Access); and at least 100 feet from adjacent residential property. Furthermore, there are no structures proposed within the required setbacks from residential property and residential streets, except for an entry trellis located at the main entrance, which is setback approximately 20 feet from the boundary line abutting residential property.

21

Pursuant to the authority set forth in Section 17.12.030, the City Council hereby approves the revisions to the grades of the proposed nine-hole golf course. Additionally, except as specifically permitted by the approval of Variance No. 489, the proposed Revised Project exceeds the required 25-foot coastal setback established by the Coastal Specific Plan and complies with the required setbacks for the CR and OH zoning district.

As proposed, the lot coverage on the Project site is within the maximum 30-percent lot coverage permitted by the Municipal Code (Section 17.12.030). Moreover, the Project provides ample landscaping on the Project site. Although the Municipal Code prohibits activity within the designated landscape setbacks, the City Council has approved the proposed golf activities within these setbacks, provided that no structures are erected within the 20-foot landscaping setback. The Revised Project only proposes to locate portions of the nine-hole golf course with no structures within the required landscape setback from Nantasket Road, the abutting commercially-zoned property, and from the abutting residentially-zoned properties.

Section 4. 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 makes the following findings with respect to GRP No. 2229:

4.1 The proposed grading associated with the Revised Project does not exceed that which is necessary for the permitted primary use of the Project site. The grading takes advantage of the natural topography and will be balanced on the site with no import or export of material. The quantity of grading proposed does not exceed that which is necessary to improve the Project site with the proposed commercial and recreational uses, which are part of the related conditional use permit application. As previously noted, the Project site will be developed with a multitude of commercial/recreational based uses ranging from the resort hotel building to a nine-hole golf course. The topography of the Project site was altered in the past to accommodate Marineland and its related retail and entertainment uses. The proposed grading is requested to further alter the site's topography to allow the Revised Project's proposed uses to capture views of the Pacific Ocean and Catalina Island from various vantage points of the Project site while not impeding off-site views. The grading will improve the existing dilapidated condition of the Project site. By allowing the grading, the proposed improvements will cohesively connect active and passive recreational uses with entertainment based commercial uses by creating natural transition zones within the Project site, thus minimizing the appearance of an over abundance of uses. The recontouring of the site's terrain to accommodate the proposed nine-hole golf course, hotel building, conference center, and parking lot is consistent with the uses conditionally permitted in the CR zoning district. Therefore, the grading associated with the Revised Project will serve the community, by providing continued commercial services and expanded recreational opportunities for the general public, in keeping with the uses that once occurred on the Project site. In fact, implementation of the Revised

22

Project and its required grading will enhance the general character of the surrounding area and provide the community with additional services and recreational opportunities.

4.2 The grading and/or related construction does not significantly adversely affect the visual relationships with, nor the views from, neighboring residentially zoned properties. The proposed grading will step the main hotel structure into the existing topographic depression on the southwest portion of the site, thereby reducing the visual impact of the Revised Project and preserving view corridors identified in the Coastal Specific Plan when viewed from Palos Verdes Drive South and adjacent properties. To further ensure that implementation of the Revised Project does not adversely impact identified view corridors on the Project site, the City Council has conditioned the Revised Project to limit the finished height of the villas to the grade of Palos Verdes Drive South adjacent to the curb. As proposed, the grading will actually return the Project site to a more natural topographic condition and will be used to disguise and minimize the scale and mass of the Revised Project.

4.3 The nature of grading minimizes disturbance to the natural contours and finished contours are reasonably natural. The Project site was extensively graded in the past to form the building pads and parking lots for the Marineland development. The grading associated with the Revised Project will actually return the Project site to a more natural, sloping topography. The quantity of earth movement has been balanced between the proposed cut and fill, which eliminates the need to transport earth to and from the site. The use of transitional slopes, as opposed to support structures, further enhances the natural appearance of the site by visually creating an undulating feeling of the site's terrain. Once completed, the visual appearance of the Project site will not appear as if substantial earth movement and site alterations occurred because the graded portions of the site will appear natural and landscaped accordingly. Thus, the proposed grading will minimize the disturbance of the natural contours, and finished contours will look more natural than the site's existing appearance.

The grading takes into account the preservation of natural topographic features and appearances by means of land sculpturing designed to blend any man-made or manufactured slope into natural topography. As previously noted, the Project site was once occupied by Marineland, which largely disturbed the natural condition of the site with the exception of the natural bluff faces. The grading will attempt to restore the site to a sloping condition that is more akin to its original topographic condition. This is achieved by respecting the natural grade of the Project site, which descends from Palos Verdes Drive South towards the coastal bluffs. To enhance the appearance of natural topographic features, the proposed earth movement has been balanced, requiring no earth to be transported to or from the Project site. The proposed grading has been designed to manipulate the existing disturbed contours of the Project site by creating a series of terraced building pads that will allow each of the proposed uses to maintain ocean and island views. The man-made or manufactured slopes are integrated into the existing contours through the use of transitional slopes that vary in height depending on the proposed grade differences between terraced building pads.

23

In order to visually simulate the site's natural condition, the proposed earth movement for the Project site is designed in a manner that manipulates the contours with the use of earth berms, earth mounds and earth depression. As previously noted, the main hotel building is designed as a stepped structure that follows the contours of the site. The fluid pattern of the grading plan with the use of undulating slopes further mimics the rolling hillside character of the Peninsula while achieving a condition that enhances public safety and visual appearance through the use of natural features. The proposed Revised Project will restore the natural sloped character of the site through the use of grading. Furthermore, the Revised Project will enhance the visual transition between the natural and improved contours, landscaping is proposed that will soften the site's overall appearance and proposed improvements.

4.5 The grading will not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation. The Project site was previously occupied by Marineland. Hence, much, if not all, of the natural environment of the site was impacted by this pre-existing development. The Revised Project, as conditioned or modified by the City Council, preserves 6.7 acres of existing rocky shore/coastal bluff scrub habitat on the Project site and will add 1.2 acres of enhanced coastal bluff habitat as part of the Revised Project's proposed conservation district. In addition, the Revised Project has been designed to avoid the 4.54 acres of coastal sage scrub habitat and the identified wetlands and mulefat scrub within riparian areas and drainages), existing on the Project site as indicated in the FEIR and the Addendum. Furthermore, since the proposed Revised Project will generate increased run-off and additional water usage for the maintenance of the on-site landscaping and golf facilities, the Project has been specifically conditioned to require a drainage plan designed to address irrigation and runoff in order to regulate the Revised Project's impacts on the surrounding environment, particularly with respect to the sensitive marine wildlife found in the coastal region abutting the Project site.

Section 5. 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 Addendum, the City Council hereby finds that the proposed project revision 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 6. 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 Addendum, the City Council hereby finds that the proposed project revision 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 7. 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

24

the Addendum, the City Council hereby finds that the proposed project revision will not change or alter the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to Variance No. 489, which are incorporated herein by this reference.

Section 8. 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 Addendum, the City Council hereby approves Revision 'E' 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 9: 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, because all of the units that will be privately owned still will be available to the general public to use as part of the hotel operation. The City Council further finds that this revision to the project will not have the potential for adverse impacts to coastal resources or public access.

Section 10. The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and other applicable short periods of limitation.

PASSED, APPROVED, AND ADOPTED this 5th day of December 2006.

Mayor

Attest:

City Clerk

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

I,Carolynn Petru, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2006-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on December 5, 2006.

25

City Clerk

26

RESOLUTION NO. 2006-__
EXHIBIT "A"

ADDENDUM NO. 6 TO FINAL ENVIRONMENT IMPACT REPORT /
ENVIRONMENTAL ASSESSMENT NO. 725
DECEMBER 5, 2006

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 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 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, and on March 21, 2006, the City Council adopted Resolution No. 2006-17, adopting Addendum No. 5 to the Final Environment 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 revised project site plan and grading plan to address project refinements resulting from the preparation of the final construction plans. Additionally, the Council has also reviewed and analyzed the proposed amendments to the project conditions for consistency purposes between the conditions and the revised site plan and grading plan. The revised site plan is generally consistent with the original approved site plan, specifically regarding the placement and orientation of buildings. The revised grading plan is designed to resemble the original project grades by utilizing the down-slope nature of the lot. Furthermore, the modified grades are generally consistent with the original approved grades, and are designed to minimize impacts to public and private views. The building revisions are at relatively similar elevations as the original project with specific architectural features, such as elevator override towers, exceeding the permitted height limits by four feet.

Having reviewed the proposed revisions, the City Council is of the opinion that the revisions to the site plan, grading plan and the respective conditions will not alter nor diminish the spirit and intent of the original project approved by the City Council in 2002. 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

27

Resolution No. 2006-__
Exhibit A

impacts that previously were identified and analyzed in the FEIR. In fact, the revisions result in less impact due to reductions in the amount of grading necessary to construct the project.

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. 6 to the FEIR.

28

**RESOLUTION NO. 2006-__ - EXHIBIT B
LONG POINT RESORT HOTEL
CONDITIONS OF APPROVAL
(REVISION 'E' – COUNCIL APPROVED DECEMBER 5, 2006)**

(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

Resolution No. 2006-__
Exhibit B
Page 1 of 45

29

“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 issuance of any grading or building permits, the applicant shall enter into an agreement 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, park benches and tables, public trails (pedestrian and bicycle), bicycle racks, public restrooms, 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.
- 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.
- 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-__ 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 any Certificate of Occupancy, 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)

- 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. 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)

- 23) All on-site construction and grading activities shall be limited to the hours between seven a.m. and seven p.m. Monday through Saturday. No construction shall occur on Sundays or legal holidays as set forth in RPVMC unless a special construction permit is first obtained from the Director of Planning, Building and Code Enforcement.
- 24) Construction and grading activities 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.
- 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.
- 27) A Certificate of Occupancy shall not be issued for the Villas or Casitas, unless a Certificate of Occupancy has been first issued for the main resort hotel building.

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 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)

Resolution No. 2006-____
Exhibit B
Page 8 of 45

36

COASTAL PERMIT NO. 166

- 32) All plans submitted to ~~the City for Building and Safety for plan check~~ 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-__ 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), 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.
- 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 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,

Resolution No. 2006-__
Exhibit B
Page 9 of 45

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 City (or, at the City's election, the applicant) shall create a new non-profit corporation or shall expand the powers of an existing non-profit corporation to undertake the duties specified in this condition. The non-profit 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, which are owned in fee or by easement or by license by the City.
- 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) Outdoor events, such as weddings, holiday parties, charity events and other similar uses, shall be permitted only within the seven designated lawn areas identified on the site plan approved by the City Council on December 5, 2006. The operation of said outdoor events shall comply with the following standards:
- i. Permitted Hours of Operation
- Sundays through Thursdays 8:00 am to 9:00pm
 - Fridays and Saturdays 8:00 am to 11:00 p.m.

40

- ii. Amplified Sound, whether recorded or live, shall be permitted during the permitted hours of operations, as stated above, provided that all speakers are oriented towards the ocean away from surrounding properties.
- iii. No outdoor spot-lights, neon lights, or other specialty lighting shall be permitted to shine into the sky or onto neighboring properties.

A special use permit shall be obtained from the Planning Department for outdoor events that do not comply with the above standards.

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

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

- 42) 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.
- 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)

- 44) Prior to issuance of any Certificate of Occupancy, 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

Resolution No. 2006-__

Exhibit B

Page 13 of 45

41

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)

- 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 surrounding the lower pool facility and the nearby shore, during City park hours, as specified in the RPVMC.
- 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 Facilities – 25,000 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) Lower Pool Facility – 1,400 square feet (hotel guest area: 680 square feet of restroom facilities, 350 square feet of pool kitchen area, 6,400 square feet of deck area including the 2,400 square foot pool / public area: to be no less than 2,900 square feet of deck area and 370 square feet of restroom room facilities
- h) *This condition was deleted*
- i) Golf School / Club house – 8,000 square feet.
- j) Golf Cart and Maintenance Facility – 4,000 square feet.
- 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 – 75 square feet

**(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)
 (REVISED PER RESOLUTION NO. 2006-__ ON DECEMBER 5, 2006)**

- 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 elevator override tower and 160-feet for the northern elevator override tower – plus fireplace chimney to the minimum height acceptable by the Uniform Building Code.

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

- b. Maximum height of 86 feet at eastern elevation, as measured from adjacent finished grade located in the middle of the elevation, 53 feet at the inland most end of the elevation, and 50 feet from the seaward most end of the elevation.

- c. Maximum height of 50 feet at northern elevation, as measured from adjacent finished grade, 30 foot maximum at western most end of the elevation, and 40 foot maximum at the eastern most end of the elevation.
- d. Maximum height of 85 feet, as measured from lowest finished grade at the highest point along the southern elevation, 40 feet at the eastern most end of the elevation, and 50 feet at the western most end of the elevation.
- e. Maximum height of 90 feet, as measured from lowest finished grade elevation along the western elevation, 60 feet at the seaward most end of the elevation, and 50 feet at the inland most end of the elevation.

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-__ 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'

Resolution No. 2006-__
 Exhibit B
 Page 16 of 45

44

BUILDING NUMBER	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
21	133.20'	159.20'	26'
22	136.60'	162.60'	26'
23	128.50'	145.00'	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-__ 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-__ ON DECEMBER 5, 2006)

Clubhouse – Maximum height of the clubhouse shall not exceed 16 feet as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline.

Golf Maintenance Facility - Maximum height of the maintenance facility shall not exceed 16 feet as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline.

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

Resolution No. 2006-__

Exhibit B

Page 17 of 45

45

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'	113.50'	16'

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

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-__ 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
57.25'	73.25'	16'

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

Spa and Fitness Facility – Maximum height of the spa facility shall not exceed 31 feet and the fitness facility shall not exceed 16 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'	79.50'	31'
Fitness Facility	48.50'	64.50'	16'

Resolution No. 2006-__
 Exhibit B
 Page 18 of 45

46

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-__ ON DECEMBER 5, 2006)

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 Resort Hotel Area, as measured from the closest street curb most parallel to the structure, ~~adjacent to the Resort Hotel Area.~~ This condition shall not apply to chimneys built to the minimum standards of the Uniform Building Code.

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

- 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)

Resolution No. 2006-__
Exhibit B
Page 19 of 45

47

- 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, Golf Clubhouse 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.
- 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 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.

- 63) Prior to the issuance of any Certificate of Occupancy 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 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.

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

- 64) The City encourages incorporation of a marine theme into the project's public trails and park area.
- 65) The applicant shall upgrade the Los Angeles County 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 County of Los Angeles or the subsequent landowner of the

Fishing Access, and shall be constructed prior to issuance of any Certificate of Occupancy for the resort hotel.

- 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 Los Angeles County Fishing Access to architecturally and aesthetically resemble the resort hotel buildings and related public amenities. Said improvements shall be reviewed and approved by the County of Los Angeles or the subsequent landowner of the Fishing Access, and shall be constructed prior to issuance of any Certificate of Occupancy for the resort hotel.
- 67) Prior to the issuance of any Certificate of Occupancy, 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.
- 68) Prior to issuance of any Certificate of Occupancy, 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.
- 69) Prior to issuance of any Certificate of Occupancy, 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.
- 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 any Certificate of Occupancy, the applicant shall construct a class II bikeways along Palos Verdes Drive South, adjacent to the project site, to the satisfaction of the Director of Public Works. In the event any drainage grates are required, all grates shall be installed in a manner that is perpendicular to the direction of traffic to the satisfaction of the Director of Public Works.

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

- 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 – 4 5 foot improved trail width, 6 10 foot dedication
 - 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.

(REVISED PER RESOLUTION NO. 2006-__ 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. In no case shall trees exceed the highest roof ridgeline of a hotel, casita, or villa structure located within 50-feet of the tree. Trees located beyond 50-feet from a hotel, casita, or villa structure shall not exceed 16-feet in height, as measured from the bottom of the tree. The Plan shall identify the plant and seed sources and the required lead time that will be needed to implement the plan. The plan shall also take into account protected view corridors as identified in the project EIR such that future impacts from tree or other plant growth will not result. 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-__ 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, 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, 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 any Certificate of Occupancy.

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

Utilities/Mechanical Equipment

- 87) Prior to issuance of any Certificate of Occupancy, 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.
- 88) Prior to issuance of any Certificate of Occupancy, 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.
- 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, spa, and golf clubhouse.
- 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 any Certificate of Occupancy. No entry gates shall be permitted.
- 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 ~~along said fence~~ in this general area, as determined by the Planning Director, shall be limited to 1-foot in height above the most parallel street curb.

Source Reduction and Recycling

- 101) Prior to issuance of any Certificate of Occupancy, 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.
- 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 any Certificate of Occupancy, 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.
- 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 any Certificate of Occupancy, 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 grading or building permit.
- 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.

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

- 109) Prior to issuance of any Certificate of Occupancy, 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.

- 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 any Certificate of Occupancy, 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
- 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.
- 119) Prior to the issuance of any Certificate of Occupancy, 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.
- 120) Prior to issuance of any Certificate of Occupancy, 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

60

species, except the permitted invasive species listed in Condition No. 78, as deemed acceptable by the Director of Public Works.

- 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 the issuance of any Certificate of Occupancy, 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.
- 125) Prior to the issuance of any Certificate of Occupancy, 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.
- 126) Prior to the issuance of any Certificate of Occupancy, 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.
- 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.

61

- 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 approved revised grading plans received reviewed and approved by the City Council at its December 5, 2006 meeting May 21, 2002, and prepared by Incedon Kirk Engineers :
- a. Maximum Total Grading (Cut and Fill): ~~784,550~~ 767,600 cubic yards.
 - b. Maximum Cut: ~~411,889~~ 412,500 cubic yards (~~392,275~~ 391,900 cubic yards with 5% shrinkage).
 - c. Maximum Fill: ~~392,275~~ 391,900 cubic yards (includes 16,200 cubic yards of export to golf course).
 - d. Maximum Depth of Cut: ~~35~~ 31 feet (located in the area of the villas ~~western most bungalow units~~).
 - 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 shall be revised so that the berm located to the east of Golf Hole No. 8 is reduced in overall height by a minimum of 3-feet over the entire length of the berm and that 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.

62

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-__ ON DECEMBER 5, 2006)

- 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 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 (Parking lots, sidewalks, ramps, grading) shall be bonded for with the appropriate improvement bonds in amounts to be deemed satisfactory by the Director of Public Works.
- 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

63

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) 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 the issuance of the Certificate of Occupancy, 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.
- 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.

67

- 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 the issuance of any Certificate of Occupancy, the Water Quality Management Plan Maintenance Agreement, outlining the post-construction Best Management Practices, shall be recorded with the Los Angeles County Recorders Office.
- 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 any Certificate of Occupancy, 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.

69

- 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 the issuance of any Certificate of Occupancy, 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.
- 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.

71

- 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

map that in any way conflict with a prior easement dedicated to the City, or any public utility. All existing easements shall remain in full force and effect unless expressly released by the holder of the easement.

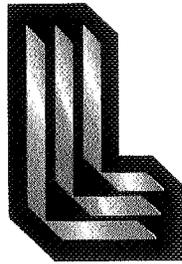
- 198) Any easement that lies within or crosses public rights-of-way propose to be deeded or dedicated to the City, shall be subordinated to the City prior to acceptance of the rights-of-way, unless otherwise exempted by the Director of Public Works.

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 the issuance of any Certificate of Occupancy, 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.
- 203) Prior to the issuance of any Certificate of Occupancy, the applicant shall pay the affordable housing fee required in accordance with the RPVMC.
- 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.



LOWE
DESTINATION DEVELOPMENT

November 13, 2006

Ara Michael Mihranian, AICP
Senior Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Terranea Resort – Design Update Submittal

Dear Ara:

This letter is submitted with respect to the ongoing finalization of design and refinement of the plans for the Terranea Resort Project. Since approval of the project by the City of Rancho Palos Verdes City Council in 2003, the site design, architecture and engineering have been advancing from conceptual designs to construction level documents. During this process, increased construction costs and the complex design and engineering required to construct a project which conforms to the requirements imposed by various agencies, has required certain adjustments to the plans.

During the finalization process, “substantial conformance” reviews of the site and architectural modifications were held and the modifications were approved by the City Council on May 17, 2005 and March 21, 2006.

Such approved design modifications, which we believe provide significant benefits to both the project and public, include:

- The design of roadways, pathways and surface parking configuration so as to comply with both the Americans with Disabilities Act and LA County Fire Department Standards;
- Finalizing the design of the Storm Water Management Plan;
- The redesign and elimination of specific nonessential buildings to reduce construction costs, lessen impact on the site and improve the overall design;
- The elimination of the proposed “Putting Course” adjacent to the building set-back line;
- The redesign of the Golf Practice Facility to create a nine hole golf course;
- The creation of a free-standing fine dining restaurant, with direct public access;
- The relocation of the Spa from an area off the main entry drive to an ocean view location adjacent to public walkways.

74

As the project has progressed through the compliance process, we have been working diligently to coordinate the various design elements so that they comply with the approved Conditions of Approval, LA County Fire Department Standards, the Americans with Disabilities Act, applicable Building Codes, and other City Ordinances, while still creating the high quality resort the community wants and expects.

This has necessitated specific refinements to the plans. Those design refinements are visible in following areas of the Resort:

- The redesign of Golf Academy seventh hole to mitigate and respond to comments provided at the March 21, 2006 RPV Council Meeting, as part of the of the Golf Course approval;
- The relocation of Spa front door;
- The addition of a 1200 square foot pavilion to the Main Pool deck;
- The addition of a shade trellis and transparent windscreen to the deck of the Lookout Bar;
- The addition of a small shade trellis to the front entrance to the fine dining restaurant;
- Adding a Greeting Kiosk to the Entry Drive at the first intersection, adjacent to the Public Parking Lot, so that visitors can be clearly directed to the appropriate parking or valet areas;
- The refinement of various outdoor venues.
- Adding an LA County Fire Department-required roof access stair to the eastern elevation of the Hotel;
- Dealing in an environmentally responsible way with the encroachment of the required LA County Fire Access Road into the 50' wide Native Enhancement Zone which is intended to provide a buffer to the 30' Coastal Sage Scrub Zone.
- Redesign of the approved 2003 design grades for all buildings and site contours to meet the above mentioned standards and codes and achieve the cut / fill requirements set forth in the Conditions of Approval;

Please note that modifications to the Grading Plans were made in 2005 and are consistent with the approved Water Quality Management Plans. Please also note that none of the refinements violate the View Corridor requirements or City View Ordinances. In addition, we note that the Council has approved at the meetings referenced above the revised footprints and locations of buildings and amenities including but not limited to: main hotel building, Villas, Casitas, Bungalows, Spa, Lookout Bar, Main Pool, Lower Pool, Specialty Restaurant, Resort Entry Drive, Fire Access Roads, Golf Academy, Public Paths and Amenities, Surface Parking configuration and Public Parking Lots.

In light of the final site revisions required to meet all regulatory requirements as noted above, including the fire road encroachment into the afore-mentioned buffer area, we hereby request that the City Council confirm that the current plans and exhibits for development of the Terranea Resort are in substantial conformance with the approved Conditions of Approval for the Long

75

Point Resort Project. The City of Rancho Palos Verdes Condition of Approval #17 for the Long Point Resort project states:

“These approvals authorize the construction and operation of a resort hotel, a golf practice facility 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 golf practice facility; number of guest rooms, (increases or decreases); size or operation of the conference center, banquet facilities, spa, restaurants, or other ancillary uses or significant alteration 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.”

The following is a detailed description of the refinements listed above.

Terranea Resort Golf Academy

Previously approved plans amended the Long Point Conditional Use Permit to permit development of a Nine Hole Short Game Golf Academy. This design improved golf safety, enhanced planting opportunities and provided a viable amenity for local community residents and guests of Terranea Resort.

In response to the City Council request in March, 2006 to revisit the design of the seventh hole, Todd Eckenrode redesigned the previously approved plan to accommodate nine par-three holes, while retaining the same acreage and doubling the safety zones indicated for the previously designed seventh hole.

This change was approved by RPV Planning Staff, Kip Shulties, the RPV Golf Safety Consultant, and local homeowners.

We believe that the nine-hole design is a significant improvement to the previous plan as it pertains to both enjoyment of use of the course and errant ball safety.

Terranea Resort Spa

Previously approved plans relocated the Spa from the main Hotel building front entry area to an area seaward of the main Hotel building. This amendment reduced lot coverage by 10,000 square feet, had no impact on views, caused no encroachment into the Coastal Setback Line, and had no impact on paths, trails or environmentally sensitive areas.

The current design remains consistent with this approval, but further reduces construction costs and provides a more clearly defined entry to the spa by moving the entrance approximately 50 feet to the west. This refinement does not change the approved footprint or location of the structure, and allows for less site disturbance and grading.

Terranea Main Pool Pavilion

Previously approved plans located the Main Pool for the Resort on the eastern side of the Hotel. The current design is consistent with this approval, but provides a 1200 square foot pavilion on the southeastern end of the pool deck. This additional area will provide food and beverage service for Hotel Guests and accommodate restroom facility requirements of the LA County Health Department.

The location of the pavilion is consistent with the location of previously approved impervious surfaces and has no impact on views, does not cause encroachment into the Coastal Setback Line, and has no impact on paths, trails or environmentally sensitive areas.

Terranea Lookout Bar

The approved site plan shows the Lookout Bar in the location of the existing Marineland structure on the Resort's southern point. No changes have been made to the location or design of this structure. However, to respond to the site's weather conditions and prevailing winds, the current design adds a small shade trellis and transparent windscreen to the seaward side of the building, within the existing limits of the approved footprint.

The location of the trellis and windscreen is consistent with the location of previously approved improvements and has no impact on views, causes no additional encroachment into the Coastal Setback Line, and causes no impact on paths, trails or environmentally sensitive areas.

Terranea Specialty Restaurant

The approved site plan shows the Specialty Restaurant on the eastern side of the main Hotel building, adjacent to the western-most of the Easterly Casitas. No changes have been made to the location and or design of this structure. However, as with the Lookout Bar, the current design responds to the site's weather conditions by providing a small shade trellis seaward of the building.

The location of the trellis is consistent with the location of previously approved improvements and has no impact on views, causes no additional encroachment into the Coastal Setback Line, and causes no additional impact on paths, trails or environmentally sensitive areas.

Terranea Greeting Kiosk

In response to recommendations from Ultimate Hotel Parking Solutions, the parking consultant retained for the project, a 75 square foot Greeting Kiosk has been located at the first intersection on the entry drive, adjacent to the entrance to the Public Parking Lot. The "Greeting Kiosk" is located at the center of this intersection. It will be used for multiple purposes, including as a greeting, arrival and check in point for guests, to remotely check in villa owners, and to direct

people to the most appropriate parking and valet areas. Guests and members of the public will be required to stop at this point and either take a ticket or use an access card. Signage will advise them accordingly, as well as set forth parking rates and the function of the automated equipment. To exit, parkers will need to either receive a validation, pay with credit card at the gate, or pay for their parking, with the exception of the validated Public Parking.

Once through the gate and past the kiosk, customers may turn left, but not right. Traffic coming from the right will be one way in the direction of the exit. Should the driver choose to turn left, he or she will enter the Public Parking Lot. As required, these spaces are free to the public from one hour before dawn until one hour after sunset. Signage will indicate that these spaces are complimentary during that period, and that they are for public use only.

Terranea Resort Outdoor Venues

Previously approved site plans in 2003, 2005 and 2006 showed several outdoor venues on the Resort Site. These include:

- an outdoor venue on the western side of the main Hotel building adjacent to the Ballroom with a trellis and small structure,
- a terrace on the eastern side of the main Hotel building adjacent to the Ballroom,
- a terrace space on the southern edge of the main Hotel building adjacent to the lower meeting rooms,
- a terrace space on the southern edge of the main Hotel building adjacent to the lower multi purpose meeting room,
- an outdoor formal lawn and trellis on the southern portion of the site adjacent to the southern guest wing,
- a pool and adjacent terrace area on the western side of the southern guest wing, and
- a terrace space adjacent to the northeastern guest wing.

The current plans are consistent with previous approvals and include the following refinements:

- an outdoor venue on the western side of the main Hotel building adjacent to the ballroom without the trellis and structure,
- a terrace on the eastern side of the hotel adjacent to the ballroom has been converted to turf,
- three individual, smaller breakout terrace spaces have been added on the southern edges of the main Hotel building adjacent to the lower meeting rooms,
- a terrace space on the southern edges of the main Hotel building adjacent to the lower multi-purpose meeting room has been converted to lawn,
- the outdoor formal lawn and trellis on the southern portion of the site adjacent to the southern guest wing remains unchanged,
- the pool and terrace space on the western side of the southern guest wing have been removed and replaced with turf,

- the terrace space adjacent to the northeastern guest wing remains, however it is no longer an impervious surface and has been converted to turf.

The location of the outdoor venues is consistent with the location and type of activity described in previously approved site plans and has no impact on views, causes no additional encroachment into the Coastal Setback Line and causes no impact on paths, trails or environmentally sensitive areas.

Terranea Resort Main Hotel Building

Site Plans approved in 2005 and 2006 responded to the extraordinary inflation of construction costs by reducing the massing and hotel support areas or "back of house", while maintaining the quality of the resort.

The latest refinement to the main Hotel building is in response to the Fire Access Plan approved by the Los Angeles County Fire Department and the elevator override requirements for the main Hotel building's Freight elevator.

After careful review of all viable options, the Fire Department determined that two roof stairway tower access points are necessary to meet life safety concerns. The installation of the two tower stairways would guarantee quick Fire Department access to the roof if an emergency were to occur.

Consequently, we have added two roof stairway towers to the main Hotel building design, one of which exceeds the current building height limitations by 13 feet. Its location is consistent with previously approved architectural features.

This modification has the benefit of allowing one of the two previously approved elevator overrides to be situated within the Fire Access Tower. The other override will remain in the location approved on the 2003 plans. The originally approved plans permitted these two towers to exceed the maximum building height by approximately 7 feet. We request approval to increase that the 12 feet as noted above.

Other heights remain unchanged and overall massing and appearance of the main Hotel building is consistent with previously approved drawings.

Terranea Resort Fire Access Roads

The LA County Fire Department requires every building constructed be accessible to Fire Department apparatus by way of unobstructed all weather surface access roads, each not less than 28' wide. In addition, the access roads are required to extend to within 150' of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

After careful review of all viable options, the Fire Department determined that compulsory Emergency Access was required to the Spa, Lookout Bar, Bungalows and Western Casitas.

Although previously approved drawings indicated the location of the emergency access roads, the impact of their encroachment into the 50 foot wide noninvasive plant zone, inland of the 30 foot Coastal Sage Scrub Zone, was not thought by us to be in violation of the Conditions of Approval.

This resulted in a 6000 square foot encroachment of the compulsory Fire Road into the 50 foot wide noninvasive plant zone. The 6000 square foot encroachment replaces the noninvasive plant zone with a paved fire road. To compensate for the loss of landscape area, more than 6000 square feet of additional noninvasive plant areas were added adjacent to the previous limits of the noninvasive plant zone.

We believe and are advised by our experts that the purpose of the 50 foot buffer zone was to provide an additional buffer to the bluffs and Coastal Sage Scrub planting by protecting them from the exotic landscaping of the hotel, and creating an irrigation break to discourage non-native ants and non-native plants from infiltrating the Coastal Sage Scrub recreated areas. The current design meet those objectives, albeit by use of paving rather than landscaping.

We believe and are advised that the environmental benefits of the 50 foot landscape buffer area will not be compromised by replacing one small area with the fire road. The fire road will adequately separate the bluff habitat from the non-native hotel landscaping. It will not require irrigation, thereby reducing the potential for non-native ants. Moreover, compensating acreage of drought-tolerant, noninvasive plants are added elsewhere on site.

Terranea Resort Grading Plans

Since approval of the Hotel in 2003, and continuing during the subsequent modifications in 2005 and 2006, the project has been further refining the grading plans. The current plans are consistent with the grades specified in the Long Point Water Quality Management Plans approved in October of 2005. The plans are now virtually final, and set all building pad grades, street, pathway, and surface parking grades and Golf Academy grades in compliance with the Cut / Fill requirements set forth in the Conditions of Approval, the Americans with Disabilities Act, LA County Fire Department standards, and required Golf Safety standards. Those grades are higher than originally contemplated, as set forth on the attached matrix.

The grades set forth in the attached exhibit are in conformance with the approved Conditions of Approval and do not change or detract from the operational nature or character of the project, the numbers or types of guestrooms and for sale units, or the area of approved conference, dining, meeting and other spaces.

We appreciate your assistance in bringing these final changes to the attention of the Council and in analyzing their conformance with previous Council actions. Should you have any questions or require any additional materials or explanation, please contact me at your earliest convenience so that we may respond as needed.

Thank you.

Sincerely,

Tim Richardson
Long Point Development, LLC

cc: Joel Rojas – Planning Director
Timi Hallem
Rob Lowe
Michael Hardisty

41059099.1

81

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 3/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
BUILDINGS AND STRUCTURES				
VILLAS	<ul style="list-style-type: none"> 8 buildings, 32 units on approx. 6.2 acre parcel west of main entry. 	<ul style="list-style-type: none"> Created 3-plex by deleting 1 unit from 2nd floor of each building to increase view opportunities Three additional buildings required to maintain 32 units. Improved site design, architecture and views. 11 buildings, 32 units on approx. 6.2 acre parcel west of main entry. 	<ul style="list-style-type: none"> 10 buildings, 32 units on approx. 6.2 acre parcel west of main entry. Eliminated a triplex and created three fourplexes Improved site design, architecture and views. Reduced Construction Costs 	<ul style="list-style-type: none"> Consistent with previously approved plan.
CASITAS	<ul style="list-style-type: none"> Two parcels of approx. 6.3 and 2.0 acres east and west of hotel south of parking lots with 13 buildings, 50 units and 150 keys. 	<ul style="list-style-type: none"> Two parcels of approx. 6.3 and 2.0 acres east and west of hotel south of parking lots with 13 buildings, 50 units and 150 keys. Reconfigured Eastern and Western Casitas to accommodate LA County Fire Department Access, ADA requirements and to balance Cut / Fill requirements. Grades adjusted to accommodate LA County Fire Department Access, ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Two parcels of approx. 6.3 and 2.0 acres east and west of hotel south of parking lots with 13 buildings, 50 units and 150 keys. Grades adjusted to accommodate ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Consistent with previously approved plan. <p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">NOV 15 2006</p> <p style="text-align: center;">PLANNING, BUILDING & CODE ENFORCEMENT</p>

82

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
BUILDINGS AND STRUCTURES				
MAIN HOTEL	<ul style="list-style-type: none"> Central location on site at termination of main entry drive, meeting, ballroom and banquet spaces to west of lobby core and guestroom wings running north south east of lobby core. 	<ul style="list-style-type: none"> Central location on site at termination of main entry drive, meeting, ballroom and banquet spaces to west of lobby core and guestroom wings running north south east of lobby core. Footprint reduced Spa removed from building Specialty restaurant removed from building. 	<ul style="list-style-type: none"> Central location on site at termination of main entry drive, meeting, ballroom and banquet spaces to west of lobby core and guestroom wings running north south east of lobby core. Footprint further reduced. Interior structure redesign to limit Cut. Guest wings reconfigured to reduce massing and construction costs. 	<ul style="list-style-type: none"> Consistent with previously approved plan. Central location on site at termination of main entry drive, meeting, ballroom and banquet spaces to west of lobby core and guestroom wings running north south east of lobby core. Stair tower added to provide fire access
GOLF CLUBHOUSE	<ul style="list-style-type: none"> Located south end of eastern portion of golf facility adjacent to parking lot. 	<ul style="list-style-type: none"> Relocated east of former site to conform to parking lot enhancements. 	<ul style="list-style-type: none"> Removed from plan pending redesign. 	<ul style="list-style-type: none"> Removed from plan pending redesign.
GREETING KIOSK	<ul style="list-style-type: none"> Not shown on plans 	<ul style="list-style-type: none"> Not shown on plans 	<ul style="list-style-type: none"> Not shown on plans 	<ul style="list-style-type: none"> Placement of a small 75 square foot greeting kiosk at first intersection of entry drive adjacent to public parking lot.

83

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
BUILDINGS AND STRUCTURES				
PARKING LOT AND DRIVE ISLES	<ul style="list-style-type: none"> 1075 spaces in total with 50 dedicated public spaces in main parking lot and 50 dedicated public spaces in the Fisherman's parking lot. 	<ul style="list-style-type: none"> 1075 spaces in total with 50 dedicated public spaces in main parking lot and 50 dedicated public spaces in the Fisherman's parking lot. Grades adjusted to accommodate LA County Fire Department Access, ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Reconfigure Surface Parking due to elimination of parking structure. Grades adjusted to accommodate LA County Fire Department Access, ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
PARKING GARAGE	<ul style="list-style-type: none"> Located due north of main hotel immediately adjacent to south edge of western portion of golf facility. 	<ul style="list-style-type: none"> Same location and size but rotated 90 degrees. 	<ul style="list-style-type: none"> Eliminated - spaces accommodated on site. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
FISHERMAN'S PARKING LOT	<ul style="list-style-type: none"> Located at northern and western most point of property adjacent to existing parking lot. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan. Due to erosion, wall added to seaward side to allow construction. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
TENNIS COURTS	<ul style="list-style-type: none"> Located east of parking garage 	<ul style="list-style-type: none"> Located south of parking garage 	<ul style="list-style-type: none"> Eliminated 	<ul style="list-style-type: none"> Consistent with previously approved plan.

84

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
BUILDINGS AND STRUCTURES				
GOLF COURSE	<ul style="list-style-type: none"> Approx. 42 acres located within primary view corridors east and west of main entry drive containing 3 golf holes (par 3, par 4, par 5), chipping and short game practice area, putting green, driving range. 	<ul style="list-style-type: none"> Consistent with previously approved plan. Grades adjusted to accommodate requirements to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Nine Hole Golf Course Academy located in the same footprint as previously approved golf amenity. Grades adjusted to accommodate requirements to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Golf Course redesigned to accommodate seventh hole. Elevations adjusted to accommodate requirements to balance site Cut / Fill requirements.
LOWER POOL AND PUBLIC FACILITIES	<ul style="list-style-type: none"> Located on existing graded bench seaward of the Coastal setback Line. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
BUNGALOWS	<ul style="list-style-type: none"> 5 buildings, 20 units, 40 keys located in bowl area south of the lobby and meeting room areas of the main hotel. 	<ul style="list-style-type: none"> 5 buildings, 20 units, 40 keys located in bowl area south of the lobby and meeting room areas of the main hotel. Grades adjusted to accommodate LA County Fire Department Access, ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> 5 buildings, 20 units, 40 keys located in bowl area south of the lobby and meeting room areas of the main hotel. Grades adjusted to accommodate LA County Fire Department Access, ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> Consistent with previously approved plan.

85

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
BUILDINGS AND STRUCTURES				
SPA	<ul style="list-style-type: none"> 25,000 sq. ft. single story building located off entrance drive. 	<ul style="list-style-type: none"> 25,000 sq. ft. 2-story building relocated to lower bowl area south of hotel lobby core. 	<ul style="list-style-type: none"> 20,000 sq. ft. 2-story building located in bowl area south of hotel lobby core + 5000 sq. ft. single story fitness building. Elevations adjusted to accommodate LA County Fire Department Access, ADA requirements and to balance site Cut / Fill requirements. 	<ul style="list-style-type: none"> 20,000 sq. ft. 2-story building located in bowl area south of hotel lobby core + 5000 sq. ft. single. Angle at northeast corner straightened for revised front entry footprint consistent with previously approved plan
MAIN POOL, POOL BAR, POOL DECK	<ul style="list-style-type: none"> Located in lower bowl area south of main lobby and meeting rooms. 	<ul style="list-style-type: none"> Relocated east of guestroom wings 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Location and size consistent with previously approved plan. 1200 square foot Pool Pavilion added to deck
LOOKOUT BAR	<ul style="list-style-type: none"> Located on footprint of existing structure close to southern point. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan. Shade Trellis and windscreens added within existing limits of concrete footprint.

86

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
OUTDOOR VENUES				
MAIN BALLROOM LAWN	<ul style="list-style-type: none"> A terrace on the eastern side of the hotel adjacent to the Ballroom. 	<ul style="list-style-type: none"> A terrace on the eastern side of the hotel adjacent to the Ballroom has been converted to lawn. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
AMPHITHEATRE	<ul style="list-style-type: none"> An outdoor venue on the western side of the Hotel adjacent to the Ballroom with a trellis and small structure 	<ul style="list-style-type: none"> An outdoor venue on the western side of the Hotel adjacent to the Ballroom with the trellis and structure removed from plans. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
MEETING ROOMS,	<ul style="list-style-type: none"> A terrace space on the southern limits of the Hotel building adjacent to the lower meeting rooms. 	<ul style="list-style-type: none"> Three individual, smaller breakout terrace spaces on the southern limits of the Hotel building adjacent to the lower meeting rooms 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.

87

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
OUTDOOR VENUES				
MULTI PURPOSE ROOM WEDDING TERRACE	<ul style="list-style-type: none"> A terrace space on the southern limits of the Hotel building adjacent to the lower multi purpose meeting room. 	<ul style="list-style-type: none"> A terrace space on the southern limits of the Hotel building adjacent to the lower multi purpose meeting room has been converted to lawn 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
SOUTH WEDDING LAWN	<ul style="list-style-type: none"> An outdoor formal lawn and trellis on the southern portion of the site adjacent to the southern guest wing 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
EAST TERRACE	<ul style="list-style-type: none"> A pool and terrace space on the western side of the southern guest wing. 	<ul style="list-style-type: none"> The pool and terrace space on the western side of the southern guest wing have been removed and replaced with a lawn area 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.
UPPER FUNCTION LAWN	<ul style="list-style-type: none"> A terrace space adjacent to the northeastern guest wing. 	<ul style="list-style-type: none"> A terrace space adjacent to the northeastern guest wing remains, however it has been converted to lawn 	<ul style="list-style-type: none"> Consistent with previously approved plan. 	<ul style="list-style-type: none"> Consistent with previously approved plan.

88

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/29/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
NUMBER OF GUESTROOMS				
MAIN HOTEL	360 Rooms	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.
BUNGALOWS	20 units, 40 rooms	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.
CASITAS	50 units, 150 keys	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.
VILLAS	32 units	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.
SIZE OR OPERATION OF CONFERENCE, MEETING, OTHER FACILITIES				
CONFERENCE & MEETING FACILITIES	60,000 SF	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.
RESTAURANTS & BANQUET FACILITIES	3-Meal Dining, Fine Dining, Lobby Bar, Conference Dining	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.
SPA	25,000 SF	* Consistent with previously approved plan.	* Consistent with previously approved plan.	* Consistent with previously approved plan.

89

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
PUBLIC BENEFITS				
PATHS AND TRAILS	<ul style="list-style-type: none"> • Long Point Bluff Top Trail - 4 ft. width in a 6 ft. corridor. • Long Point Bluff Top to Vanderlip Link- 4 ft. width in a 6 ft. corridor • Marineland Trail - Class I bike trail - Palos Verdes Drive; 10 ft. pedestrian trail • Flowerfield Trail - 4ft. width in a 6 ft. corridor • ADA Public Trail a. - 10 ft. width path in a 12 ft. corridor. • Resort Entry Trail - Class I 5 ft. bike trail - entry road; 4 ft. wide trail in 6 ft. corridor • Shoreline Access Trail 4 ft. trail in a 6 ft. corridor. • Shoreline Access - 2 ft. width path in a 6 ft. corridor 	<ul style="list-style-type: none"> • Long Point Bluff Top Trail - 4 ft. width in a 10 ft. corridor • Long Point Bluff Top to Vanderlip Link- 6 ft. width in a 10 ft. corridor - • Marineland Trail - Class II 5 ft. bike trail - Palos Verdes Drive; 10 ft. pedestrian trail • Flowerfield Trail - 4 ft. width in a 10 ft. corridor • ADA Public Trail a. - 28 ft. width path in a 100 ft. corridor. • ADA Public Trail b - 6 ft. width path in a 100 ft. corridor. • ADA Public Trail c - 20 ft. width path in a 100 ft. corridor. • Resort Entry Trail - Class II 5 ft. bike trail - entry road; 6 ft. wide trail in 16 ft. corridor • Shoreline Access Trail 6 ft. trail in a 10 ft. corridor • Existing asphalt sidewalk • Shoreline Access - 2 ft. width path in a 10 ft. corridor 	<ul style="list-style-type: none"> • Consistent with previously approved plan. 	<ul style="list-style-type: none"> • Long Point Bluff Top Trail - 4 ft. width in a 10 ft. corridor - 5x5 ft. rest areas every 200 ft. - 3" deep stabilized decomposed granite. • Long Point Bluff Top to Vanderlip Link- 6 ft. width in a 10 ft. corridor - 3" stabilized decomposed granite • Flowerfield Trail - 5 ft. width in a 10 ft. corridor - 5x5 ft. rest areas every 200 ft.

90

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
PUBLIC BENEFITS				
HABITAT ENHANCEMENT	<ul style="list-style-type: none"> * 30' Buffer - 60,629 sq. ft. * 50' Buffer - 111,739 sq. ft. * Coastal Bluff Scrub Planting - 172,366 sq. ft. * Enhanced Native Planting - 345,653 sq. ft. 			<ul style="list-style-type: none"> * 30' Buffer - 64,918 sq. ft. * 50' Buffer - 114,527 sq. ft. * Coastal Bluff Scrub Planting - 244,588 sq. ft. * Enhanced Native Planting - 312,350 sq. ft.
PUBLIC RESTROOMS	<ul style="list-style-type: none"> * Lower Pool public restroom, snack bar, outdoor shower. * Renovate existing Fisherman's public restroom 	<ul style="list-style-type: none"> * Lower Pool public restroom, snack bar, outdoor shower and drinking fountain * Renovate existing Fisherman's public restroom: <ul style="list-style-type: none"> o New plumbing fixtures o Roof tile to match hotel o New tile on interior floors and walls o General paint and repair o Existing utilities to remain expansion of building structure or footprint 	<ul style="list-style-type: none"> * Consistent with previously approved plan. 	<ul style="list-style-type: none"> * Consistent with previously approved plan.
PUBLIC PARKING	<ul style="list-style-type: none"> * Public Parking - 100 spaces: ADA parking provided 	<ul style="list-style-type: none"> * Consistent with previously approved plan. 	<ul style="list-style-type: none"> * Consistent with previously approved plan. 	<ul style="list-style-type: none"> * Consistent with previously approved plan.
PUBLIC PARK	<ul style="list-style-type: none"> * Bluff top public park: 2.2 acres 	<ul style="list-style-type: none"> * Consistent with previously approved plan. 	<ul style="list-style-type: none"> * Consistent with previously approved plan. 	<ul style="list-style-type: none"> * Consistent with previously approved plan.

19

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006

OPERATIONAL CHARACTERISTIC	APPROVED SITE PLAN 8/28/02	APPROVED SITE PLAN 4/07/05	APPROVED SITE PLAN 3/21/06	CURRENT PLAN 11/09/06
GRADING				
LOT COVERAGE	* No more than 30% lot coverage	* Consistent with previously approved plan	* Consistent with previously approved plan	* Consistent with previously approved plan
MAXIMUM TOTAL GRADING (CUT AND FILL)	* 784,560 cubic yards			* 767,600 cubic yards Export to golf course = 16,200 cy Golf course acreage = 1,455,935 sf The export would raise the golf course 0.3 feet
MAXIMUM CUT	* 411,889 cubic yards (392,275 cubic yards with 5% shrinkage.)			* 412,500 cubic yards (391,900 cubic yards with 5% shrinkage.)
MAXIMUM FILL	* 392,275 cubic yards			* 375,700 cubic yards
MAXIMUM DEPTH OF CUT	* 35 feet (located in the area of the western most bungalow units.)			* 30.8 feet (located in the area of the Villas.)
MAXIMUM DEPTH OF FILL	* 21 feet (located in the area of the more inland row of Western Casitas.)			* 21 feet (located in the area of the more inland row of Western Casitas.)

92

* For precise location of Buildings, Structures, Outdoor Venues and Grades refer to attached drawing Amendment E, dated November 13, 2006



**SIERRA
CLUB**
FOUNDED 1892

Palos Verdes - South Bay Group / Angeles Chapter

RECEIVED

OCT 31 2006

PLANNING, BUILDING &
CODE ENFORCEMENT

October 30, 2006

Ara Michael Mhuranian, AICP
City of Rancho Palos Verdes
30940 Hawthorne Blvd
Rancho Palos Verdes, CA 90275

Pam Emerson
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Violation of Mitigation Measures in current Long Point / Terranea Plans

Dear Mr. Mhuranian and Ms. Emerson,

The Palos Verdes South Bay Group of the Sierra Club has just been made aware of a serious violation of the habitat Mitigation Measures required in the Conditions of Approval for the Long Point / Terranea project.

It has come to our attention that the project now includes an access road that intrudes significantly into the Habitat Buffer Area along the western section of the site. This buffer area was intentionally set aside, as a result of the environmental review, to protect sensitive bluff species. A violation of an established Mitigation Measure that was specifically addressed in the project's Conditions of Approval is absolutely unacceptable.

It is our understanding that this road was approved by the Rancho Palos Verdes City Council on May 17, 2005, and subsequently also approved by the California Coastal Commission, in conjunction with additional structural reconfigurations of the property that included the enlargement and relocation of several proposed buildings on the project site. The Sierra Club understands that access required by the fire department is critical and has no argument with the inclusion of a suitable access road on the project site. Had the road been added to the originally approved project design, there would have been no problem in keeping the road well outside of the designated Habitat Buffer Zone. It is the reconfiguration of the project structures that pushed the road simultaneously into what had been previously approved as a protected habitat area.

The Sierra Club regrets the delay in addressing this serious violation. It was only when map LP-3 recently became available this October that it was possible to visually compare the project changes in relationship to the habitat protection zoning on a readable map. When the changes were approved at the May 17, 2005 hearing, the only relevant maps available to us were very small black and white copies of "Tentative Parcel Map No. 26073" dated March 2005 showing the "View Corridor Exhibit" and the "Coastal Setback Exhibit". Although in retrospect it might be possible to identify the road on those maps, the road was not distinct or labeled and was therefore difficult to discern at that time, especially since the scale is so reduced that the entire project width fits within 7 inches. The Habitat Zones are not delineated at all on those maps. Furthermore, at that time, we were reassured by City Staff that the fire road would not intrude into the habitat buffer area. On that basis, in May of 2005, it was the Sierra Club's understanding that the proposed changes were primarily changes in the structures and in the occupancy agreements which were not significantly related to any of the environmental resources we have been concerned about protecting.

P.O. Box 2464 • Palos Verdes Peninsula, California 90274

 Printed on Recycled Paper

93

The Conditions of Approval established by the City of Rancho Palos Verdes include Condition 33, which forbids any new structural improvements or grading involving more than 20 cubic yards of earth movement on the seaward side of the Coastal Setback Line; and Condition 78, which calls for a 50 foot wide planting area inland of the 30 foot wide Habitat Enhancement Area, as specified in Mitigation Monitoring Program (5.3-2c) which is attached to the Conditions of Approval. California Coastal Commission Condition 7B(2) requires an 80 foot wide "buffer" and "enhancement" area. No public hearings were held regarding amendments to these Conditions of Approval, and the Conditions should be upheld as written.

The Palos Verdes South Bay Group of the Sierra Club hereby requests that the project design be corrected in order to remove any intrusion into the designated Habitat Protection Buffer established as a Mitigation Measure for the environmental impacts of this Project.

Yours truly,



Barry W. Hoichin
Conservation Chair
Palos Verdes-South Bay Group
Angeles Chapter, Sierra Club





**SIERRA
CLUB**
FOUNDED 1892

Palos Verdes - South Bay Group / Angeles Chapter

RECEIVED

NOV 14 2006

**PLANNING, BUILDING &
CODE ENFORCEMENT**

November 9, 2006

Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Re: Request for Revocation of Coastal Commission Permit No. A-RPV-02-324-A2

Dear Mr. Douglas:

The Palos Verdes-South Bay Group of the Sierra Club hereby requests the Revocation of Coastal Commission Permit No. A-RPV-02-324-A2, otherwise known as Amendment 2, for the Long Point / Terranea project in the City of Rancho Palos Verdes (RPV). We also request the Revocation of any and all parts of subsequent project Amendments and any changes to the Conditions of Approval which may reflect or support the encroachment into the habitat buffer which is included in Amendment 2.

It should be noted that our concerns and objections to Amendment 2 are specific to the encroachment of the fire access road and other infrastructure into the previously established Habitat Buffer area and that we are not protesting other changes to project amenities incorporated within Amendment 2, or within Amendments 3 through 6, except to the extent that their inclusion, expanded footprint, and/or position on the project site contribute to encroachment into the Habitat Buffer zone above the western bluffs. Furthermore, the Sierra Club understands that access required by the fire department is critical and has no argument with a suitable access road on the project site. Our objection is solely to any encroachment into the habitat buffer area prescribed by the original project Conditions of Approval and Mitigation Monitoring Program 5.3-2c, either by the road, or by any other element of infrastructure such as sewer lines, water lines, and storm drains.

Background

The Sierra Club has actively participated throughout the environmental review of the Long Point / Terranea project, and was an Appellant to the Coastal Commission in September 2002 regarding this project. The Sierra Club, along with other environmental groups and private individuals, is known to be an Interested Party in regards to this project. However, we have no record of having received any notice of Coastal Commission review of Permit No. A-RPV-02-324-A2, otherwise known as Amendment 2. Furthermore, when we recently became aware of problems associated with this Permit, we were unable to find any Agenda Item or Staff Report for Amendment 2 on the Coastal Commission website despite a lengthy and diligent search. It was only with the assistance of Coastal Commission Staff that a copy of the Coastal Commission Staff Report pertaining to Permit No. A-RPV-02-324-A2 was finally made available on November 2, 2006.

The approved Final Environmental Impact Report (FEIR) for the project confirmed the presence of

P.O. Box 2464 • Palos Verdes Peninsula, California 90274

 Printed on Recycled Paper

95

several sensitive species on the project site and determined that project impacts to these species had the potential to be Significant, but that those impacts could be reduced to Insignificance by certain Mitigation Measures. Therefore, the FEIR established Mitigation Measure 5.3-2c in order to provide mitigation for potential impacts to: (1) Coastal Bluff Scrub; (2) the Federally Listed Endangered El Segundo Blue Butterfly; and (3) nesting and roosting birds on the coastal bluffs and rocky shore. Mitigation Measure 5.3-2c specifically calls for the 50 foot wide planted area immediately inland of the 30 foot wide habitat area to provide mitigation for potential impacts to these resources. This 50 foot area was thus mandated as part of a habitat buffer.

In order to comply with the determinations and mitigation requirements of the FEIR, the City established numerous Conditions of Approval for the project, including Condition 78 which specifically requires a 50 foot wide vegetated area inland of the 30 foot wide "Habitat Enhancement Area" defined by Condition 77. It is the Sierra Club's position that the intrusion of a road into this 50 foot area is in conflict with both the wording and the intent of the Conditions of Approval for the project. There have been no public hearings to amend these Conditions or to amend the Mitigation Program.

Incomplete Information

May 17, 2005 Rancho Palos Verdes City Council Decision

Inadequate Materials Provided by Project Applicant

In April, 2005 the project applicants announced their intention to revise the project. The only maps available for public review prior to the May 17 City Council Hearing were those included in a package of plans provided by the applicant. That package consisted predominantly of Building Elevations and Floor Plans; however, three small site maps on 11x14" paper - "Coastal Setback Exhibit T.P.M. 26073," "View Corridor Exhibit T.P.M. 26073" and "Proposed Roof Plan" - were also included. (We note that none of those plans include any engineering stamp.)

The entire project width is less than 7 inches on each of these small black and white maps. The Coastal Setback and View Corridor maps include some topography lines as well as a number of other elements, some of which are superimposed upon each other. On the Coastal Setback and View Corridor maps the proposed road is shown with a cross hatched pattern, unlike any other roads on the site. It is therefore not even easily recognizable as a road. Some sections of the proposed road cannot be distinguished from topography lines. A significant portion of the proposed road is obscured by the Coastal Setback lines and one of the "Zone B" lines. The depiction of the road on these two maps is so illegible that it is not possible to discern how far south on the project site the road extends.

Labeling of the elements included on the maps is limited and small enough to require a magnifying glass. The labels that are shown include a miscellaneous mix of sewer lines, water drains, abbreviations and numbers, leading one to assume that most of the labeling is an artifact of a prior use and irrelevant to the actual map titles. The road is not labeled as such. In fact, the labels pointing towards it refer to "proposed sewer," "proposed water main," and "proposed storm drain." If indeed those other elements of infrastructure occur in this location, we request that they also be relocated well outside of the habitat buffer zone. Project Plans associated with these elements should accordingly be modified and brought into conformance.

The exhibit package did not include any maps specifically focused on the road modification in relationship to habitat and habitat buffer areas, despite the fact that the requirement for both of these areas is clearly spelled out in the City Conditions of Approval. There is no clear labeling of habitat areas or habitat buffer areas on any of the maps.

The "Coastal Setback Exhibit" map does include labels reading "Zone 'A'" and "Zone 'B'", each radiating two lines leading to other lines, which might possibly be the boundary lines for these zones. However, the meaning of Zones "A" and "B" is not defined anywhere on that map, and the use of these designations is not consistent with the terminology used by the City of Rancho Palos Verdes to identify the Habitat Enhancement Area and the 50 foot wide planting area immediately inland of the Habitat Enhancement Area. It cannot be assumed that the meaning of "Zone 'A'" and "Zone 'B'" would be readily understood unless a reviewer was also quite familiar with the project map presented only to the Coastal Commission in 2003 which was used as the baseline reference for the Coastal Commission Conditions of Approval. That baseline map was never made available to the public by the project applicant, despite a direct personal request to the project representative at the 2003 Appeal Hearing. In fact, in the summer of 2006, RVP City Staff stated that even the City of RPV did not have a copy of that essential reference map.

The third map in the packet, labeled "Proposed Roof Plan," includes no labels other than some superimposed viewing triangles. On examining that map in retrospect, the proposed road is actually visible; however, it is not in a context that would allow review of its relationship to the buffer area. It certainly did not occur to us at the time to check a "Roof Plan" for details about the proposed road.

It is therefore the Sierra Club's position that the maps provided by the Project Applicant were inadequate and incomplete and did not clearly demonstrate the relationship of the proposed road to the habitat and habitat buffer areas.

Rancho Palos Verdes City Staff Report and City Council Hearing

The Staff Report for the May 17, 2005 RPV City Council Meeting stated, "Based on Staff's review of the modified site plan, the new fire roads do not adversely impact sensitive habitat areas as they are located outside of the required habitat buffer area." [Emphasis added] The Staff report goes on to say that, "The project conditions require the City to approve a Parking Plan and Public Amenities Plan, at which time the details of these improvements will be further analyzed by the City."

The overwhelming emphasis of the presentation provided by the applicant was on view corridors, highly detailed structural changes to the buildings (including interior details), and building elevations. The applicant's entire project team - including the project manager, project representative and project attorney - was present at the hearing. It is reasonable to assume that they must have examined the City Staff Report. However, there is no evidence that they made any effort to correct any misrepresentation either on the maps or in the Staff Report, regarding the relationship of the road to the buffer area during that hearing.

Based on the scope of the changes described in the Public Notice; the Staff Report; the focus of the materials provided by the applicant; and the lack of maps clearly depicting the relationship of the proposed road to the required habitat buffer area, the Sierra Club was under the impression that the proposed changes were solely to details of the building structures and occupancy agreements and were not relevant to the habitat buffer areas of the site. Therefore we did not comment.

This combination of: (1) inadequate maps; (2) discrepancy between the Staff analysis and the proposal maps; (3) failure of the applicant's project team to correct any misrepresentation; and (4) the concentrated focus on only a limited aspect of the proposed project changes led the City Council to approve modifications while entertaining some misconceptions. The City Council Minutes report that Councilman Wolowicz "noted that Council had been assured that none of the changes would encroach into the coastal setback areas." Councilman Long declared that "the size of the hotel footprint was actually being

reduced,” when lot coverage had actually increased from 22% to 30%.

Inadequate Public Notice

Unlike the City Staff Report, the Coastal Commission Staff Report, A-5-RPV-02-324-A2, did recognize that the proposed road would encroach into the bluff top buffer. That Coastal Commission Staff Report listed various “adjustments” proposed by the applicant to “balance these reductions.” However, the Coastal Commission Staff Report failed to address the fact that the buffer is required as a Mitigation Measure by the project FEIR and serves to mitigate impacts not because of its total square footage alone, but also because of its geographical relationship to the habitat areas it is intended to protect.

The Sierra Club does not recall nor do we have any record of having received a copy of the *Notice of Proposed Permit Amendment A-5-RPV-02-324-A2* which revealed that the road would indeed impact the habitat buffer. The lack of notice denied us the opportunity to oppose the placement of the road and other infrastructure encroaching into the pre-established habitat buffer area.

Had we been given the opportunity, we would have opposed the Amendment for two reasons:

1.) The new road and other infrastructure, which are included in Amendment 2, encroach into a habitat buffer specified by both the RPV Conditions of Approval and the Coastal Commission Conditions of Approval. Those Conditions were established in response to the Environmental Review of the proposed project which listed Mitigations Measures required to avoid Significant Impacts to Sensitive Species. Mitigation Measure 5.2-2c specifically requires the 50 foot wide habitat buffer in order to mitigate indirect impacts to the Coastal Bluff Scrub community; to the Federally Listed Endangered El Segundo Blue Butterfly; and to bird species that may roost or nest along the cliffs and rocky shore of the project site. Such mitigation is obviously location-dependent and cannot be offset by square footage in other areas of the project site. Furthermore, this plan modification not only removes a buffer intended to provide mitigation for impacts, but the placement of a road in this location will further exacerbate impacts to these sensitive biological resources.

2.) The intrusion of the new road into the habitat buffer area will also greatly diminish the public’s trail experience. Walking along a trail surrounded by natural vegetation on both sides is a far more pleasant experience than walking on a very short section of trail which soon becomes a large paved road. In fact, the public may well even get the impression that the trail ends at the road.

New Information

It was not until this October that a large color map became available clearly showing the zoning of the project both as it had been originally submitted to the Coastal Commission in 2003, and as revised in 2006. This map (“LP-3”) was included in a revised set of proposed Landscape plans which the City stamped as “Received” from the applicant on October 11, 2006. Suddenly, this new map made the road encroachment into the buffer area clearly visible.

Therefore, on October 30, 2006 the Palos Verdes South Bay Group of the Sierra Club submitted a letter to City of RPV stating that the road encroachment was in conflict with the Conditions of Approval that the City had established for the project, specifically: Condition 78, which requires the 50 foot wide planted buffer in reference to Mitigation Measure 5.3-2c of the project FEIR; and Condition 33, which prohibits new structural improvements seaward of the Coastal Setback Line and grading of more than 20 cubic yards of earth.

Request

For the reasons stated above, the Palos Verdes South Bay Group of the Sierra Club hereby requests Revocation of Coastal Commission Permit No. A-RPV-02-324-A2, otherwise known as Amendment 2, for the Long Point / Terranea project.

It should be noted that our objections to this Amendment are specifically to the encroachment of the new access road and any infrastructure - such as sewer lines, water lines, or storm drain lines - into the habitat buffer area. Our objections to the Amendment are also to any modifications made to the footprint of the project which may have forced that road or infrastructure into the habitat buffer area.

The Sierra Club wishes to make it very clear that we are NOT requesting any changes to other approved project amenities EXCEPT insofar as the location or footprint of such amenities on the project site map encroaches into the habitat buffer area and/or extends seaward of the Coastal Setback Line or EXCEPT when the location or footprint of the revised project amenities pushes other amenities, structures or roads into the habitat buffer area and/or seaward of the Coastal Setback Line.

We believe that project site plan adjustments could be made to the casita location, road configuration, ornamental landscaping and/or turf which would allow the entirety of the fire access road and other infrastructure to be placed completely outside of the habitat buffer area without any need to otherwise modify other approved project amenities.

We note that subsequent to Coastal Commission Amendment 2, there have been multiple other Amendments to the project, including Amendments which incorporate changes to the Coastal Commission Conditions of Approval for the project. Thus, we hereby also request that any and all such changes which may be related to or support the encroachment into the habitat buffer also be revoked.

Yours truly,



Barry W. Holchin
Conservation Chair
Palos Verdes-South Bay Group
Angeles Chapter, Sierra Club

✓ cc: Ara Mihranian, AICP
Pam Emerson

California Native Plant Society

South Coast Chapter

RECEIVED

NOV 14 2006

PLANNING, BUILDING &
CODE ENFORCEMENT

Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street, suite 2000
San Francisco, CA 94105-2219

November 8, 2006

Re: Request for Revocation of Permit A-5-RPV-02-324-A2, for the Long Point / Terranea Project

Dear Mr. Douglas,

The South Coast Chapter of the California Native Plant Society (CNPS) hereby requests the Revocation of Permit A-5-RPV-02-324-A2, also known as Amendment 2, for the Long Point / Terranea project on the following basis:

1. Incomplete information provided by Applicant for the May 25, 2005 Rancho Palos Verdes (RPV) City Council Meeting

The South Coast Chapter of CNPS was provided with a packet of project drawings and maps, stamped by the RPV Planning Department as "Received May 9, 2005" sometime before the May 25, 2005 City Council Meeting. The Agenda Item was noticed as:

LONG POINT RESORT HOTEL: A request to review minor revisions to the project site plan originally approved by the City Council in 2002. The proposed revisions include modifications to the footprint of the hotel building, the reconfiguration of the villa, casita and bungalow building units, the relocation of the specialty restaurant, the reconfiguration of the parking structure, and the relocation of the spa facility.

The bulk of the plans and drawings provided to us illustrated building modifications; particularly floor plans, roof lines, and building elevations. We reviewed the material, which also included a few very small black and white site maps provided as exhibits for the "Coastal Setback", "Site Profile", "View Corridor", and "Proposed Roof Plan". The road was not mentioned in the Public Notice or labeled on any of the exhibit maps. Furthermore, none of the maps clearly delineated or labeled the habitat and habitat buffer areas. We thus had no indication that the relationship of the road to the habitat buffer might be an issue.

The small maps were essentially illegible and confusing regarding these pertinent details. On reexamination we find that although the "Coastal Setback Exhibit" did not label the proposed road; it did label "proposed water main", "proposed storm drain" and "proposed sewer". The "Coastal Setback Exhibit" also labeled "Zone 'A'" and "Zone 'B'", but did not provide any key explaining those designations. "Zone 'A'" and "Zone 'B'" would be understood by the Coastal Commission, but those names were inconsistent with the designations used by the City of RPV, and therefore could not be assumed to be recognizable in a City Council Meeting context. To compound the problem of enigmatic labeling, the black lines depicting various designations on the maps converged upon or crossed over each other, making interpretation of the small maps extremely difficult.

Shortly before the Council hearing, we were verbally advised by City Staff that potential problems relating to extension of the Lookout Bar into the habitat area were being addressed and that a road was required by the Fire Department, but that the road would be outside the habitat buffer area. The Staff Report, in fact, specifically stated that "the new fire roads do not adversely impact sensitive habitat areas as they are located outside of the required habitat buffer area."

100



Dedicated to the preservation of California native flora



It should be noted that the applicant's project team was present at the Council Meeting, but made no effort to address any discrepancy between the Staff Report and their project maps.

Had the information been clearly presented to show that the road intruded upon the habitat buffer zone, we would have protested at that City Council Meeting.

2. Lack of Notice to the California Native Plant Society of the Coastal Commission Review of Amendment 2

CNPS is on record as an Interested Party in this matter. However, we did not receive any notice of the Coastal Commission's review of Amendment 2. CNPS was thus deprived of the right to comment to the Coastal Commission in timely manner regarding this Amendment.

Furthermore, because CNPS never received the Coastal Commission Staff Report for Amendment 2, we were never informed that the road intrudes into the habitat buffer area. Therefore, this intrusion was not apparent to us until we were provided with Map LP-3 in October 2006. Thus, the lack of notice regarding Amendment 2 also impeded our ability to address this encroachment earlier in the permitting process.

3. If Notified properly, CNPS would have stated:

- 1) CNPS opposes a road and /or any other infrastructure (including, but not limited to, water mains, sewer lines, and storm drain lines) encroaching into the established habitat buffer area above the western bluffs. Such an encroachment violates Mitigation Monitoring Program 5.3-2c established in the project FEIR, as well as City Condition 78 and Coastal Commission Condition 7.B(2) for the project. A road in this location would introduce additional impacts, not mitigate impacts.
- 2) CNPS opposes the applicant's suggestion to substitute an "equivalent" square footage of native landscaping elsewhere on the property as wholly inadequate to serve the function of providing a buffer against impacts to the bluff top and bluff face.
- 3) CNPS requests the relocation of the fire access road and all infrastructure that may be associated with it to a project site outside of the habitat and habitat buffer areas. We also request adjustment of the footprints of any other buildings or amenities that may be required to relocate the fire road completely outside of the habitat buffer.
- 4) CNPS strongly supports the Rancho Palos Verdes Coastal Specific Plan which forbids new structures seaward of the Coastal Setback Line. The extension of the road and / or any other infrastructure seaward of the Coastal Setback Line violates Coastal Commission Condition 1.A 1 for this project.

4. Recent information

Our Chapter has actively contributed to the review of the Landscape Plan for this project. The first version of that plan was severely flawed and difficult to interpret. We therefore only noted the encroachment into the habitat buffer zone after we were provided with map "LP3" in October 2006 in conjunction with a second version of a proposed Landscape Plan.

It should be noted that in their August 18, 2006 review of the first version of the Landscape Plan, the City Biologist, David Magney Environmental Consulting objected to the lack of delineation of the Plant Zones in that version of the Plan, and in particular stated that, "... Condition 78 involves Plant Zones B and B1 and they are not delineated on Sheets 1.01, 1.09, 1.10, and 1.22. Zone B on Sheet 1.20 is recognizable but it is not clearly labeled as such."

101

5. Additional Concerns

Multiple plans have been submitted and reviewed for various aspects of this project. Some previously approved plans for this project may therefore reflect or depend upon this encroachment into the habitat buffer area. CNPS therefore requests that the project plans in their entirety be reviewed and modified as necessary so that no plan for the Long Point / Terranea project shows or supports any structures or infrastructure intruding into the habitat buffer zone and so that all plans are in conformity with each other.

6. Conclusion

The information provided by the project applicant was incomplete and inadequate for a clear and thorough review of the full scope of impacts of the project revisions included in Amendment 2. The project is specifically conditioned by both the City of Rancho Palos Verdes and the Coastal Commission to protect habitat areas and to provide habitat buffers, yet the applicant failed to clearly and unambiguously disclose the impacts of the Amendment 2 project revisions to those habitat buffers.

Furthermore, although the Coastal Commission was able to determine that those impacts would occur, CNPS did not receive Notice of Amendment 2 and was therefore denied the opportunity to comment on these impacts at an earlier date.

Therefore, the South Coast Chapter of the California Native Plant Society (CNPS) hereby requests the Revocation of Permit A-5-RPV-02-324-A2 for the Long Point / Terranea project.

Please contact us if you have any questions regarding these concerns.

Sincerely,



Barbara Sattler
President, South Coast Chapter
California Native Plant Society

1904 Avenida Aprenda
Rancho Palos Verdes, CA 90275
bsattler@igc.org

Attachment: "Coastal Setback Exhibit T.P.M. 26073" (copied as 3 overlapping pages)

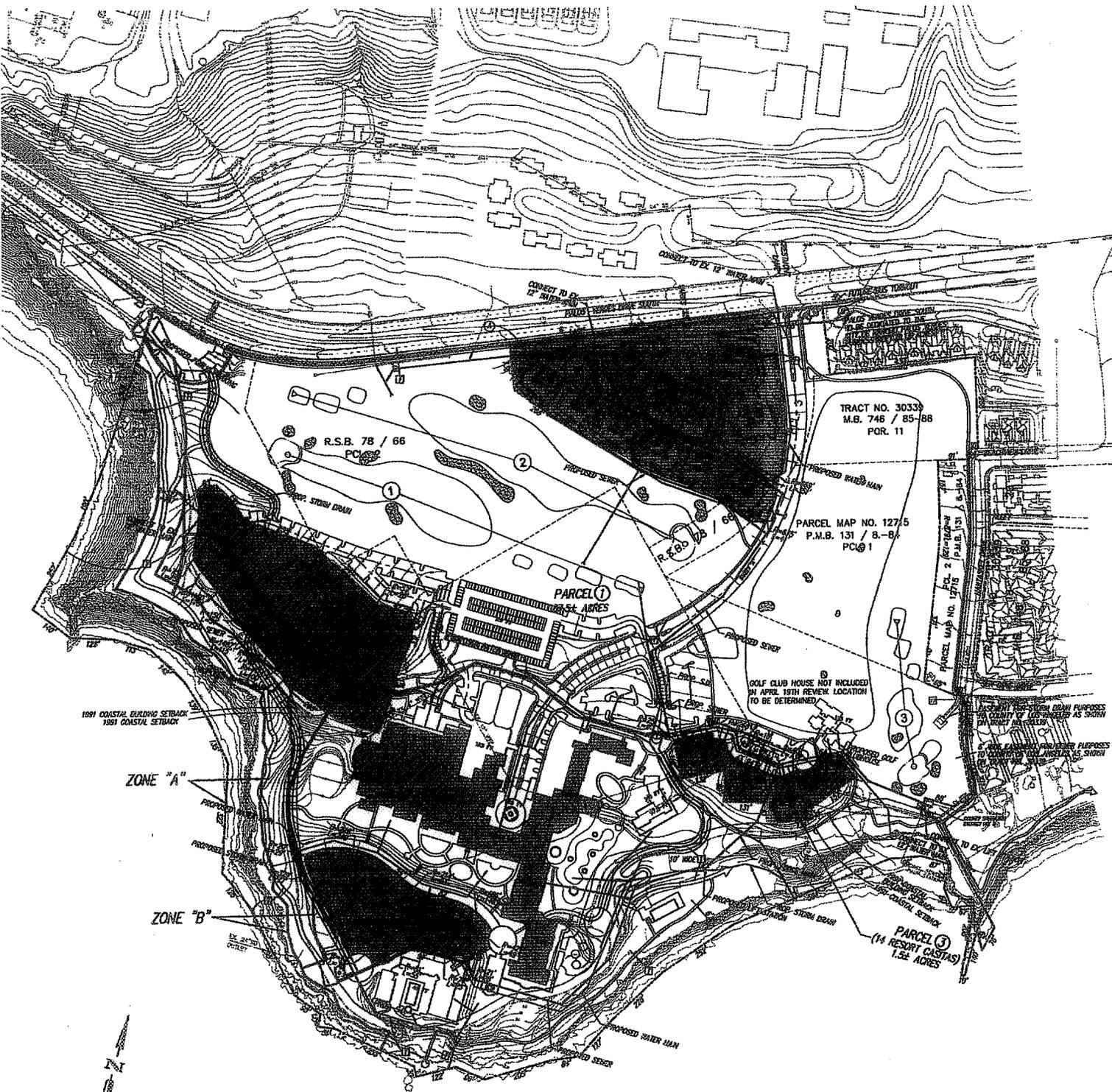
Cc:
Pam Emerson, Coastal Commission
Ara Mihranian, City of Rancho Palos Verdes

102

TENTATIVE PARCEL MAP NO. 26073

CITY OF RANCHO PALOS VERDES COUNTY OF LOS ANGELES STATE OF CALIFORNIA

PARCELS 1, 2 AND 3 PER MAP FILED IN BOOK 78 PAGE 85 OF RECORDS OF SURVEY, PARCEL 1 OF PARCEL MAP NO. 12775 PER MAP FILED IN BOOK 131 PAGES 83 AND 84 OF PARCEL MAPS TOGETHER WITH THAT PORTION OF LOT 11 OF TRACT NO. 30333 PER MAP RECORDED IN BOOK 716 PAGES 85 THROUGH 88 INCLUSIVE OF MAPS AND TOGETHER WITH THOSE PORTIONS OF LOTS 107 AND 108 AS SHOWN ON LOS ANGELES COUNTY ASSESSOR'S MAP NO. 51, AS PER MAP RECORDED IN BOOK 1 OF ASSESSOR'S MAPS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



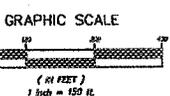
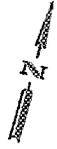
1981 COASTAL BUILDING SETBACK
1981 COASTAL SETBACK

ZONE "A"

ZONE "B"

GOLF CLUB HOUSE NOT INCLUDED
IN APRIL 19TH REVIEW LOCATION
TO BE DETERMINED

PARCEL 3
(1.52 ACRES)
1.52 ACRES



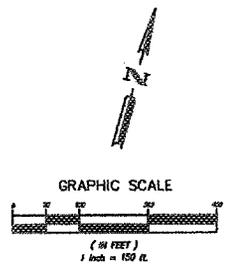
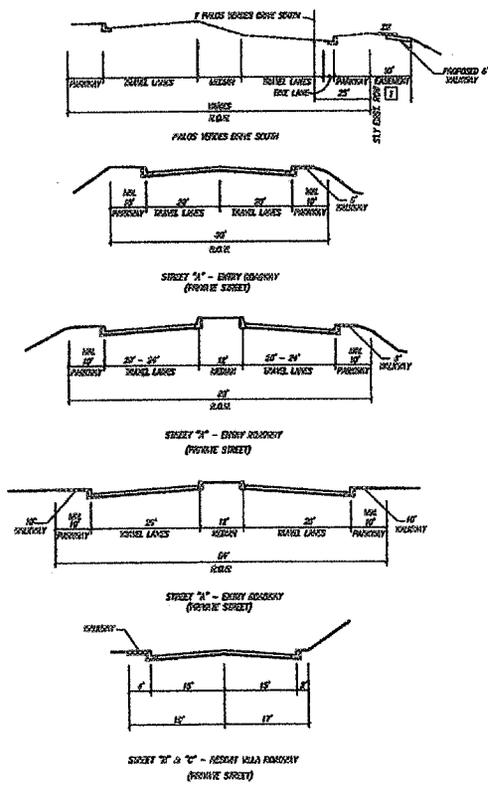
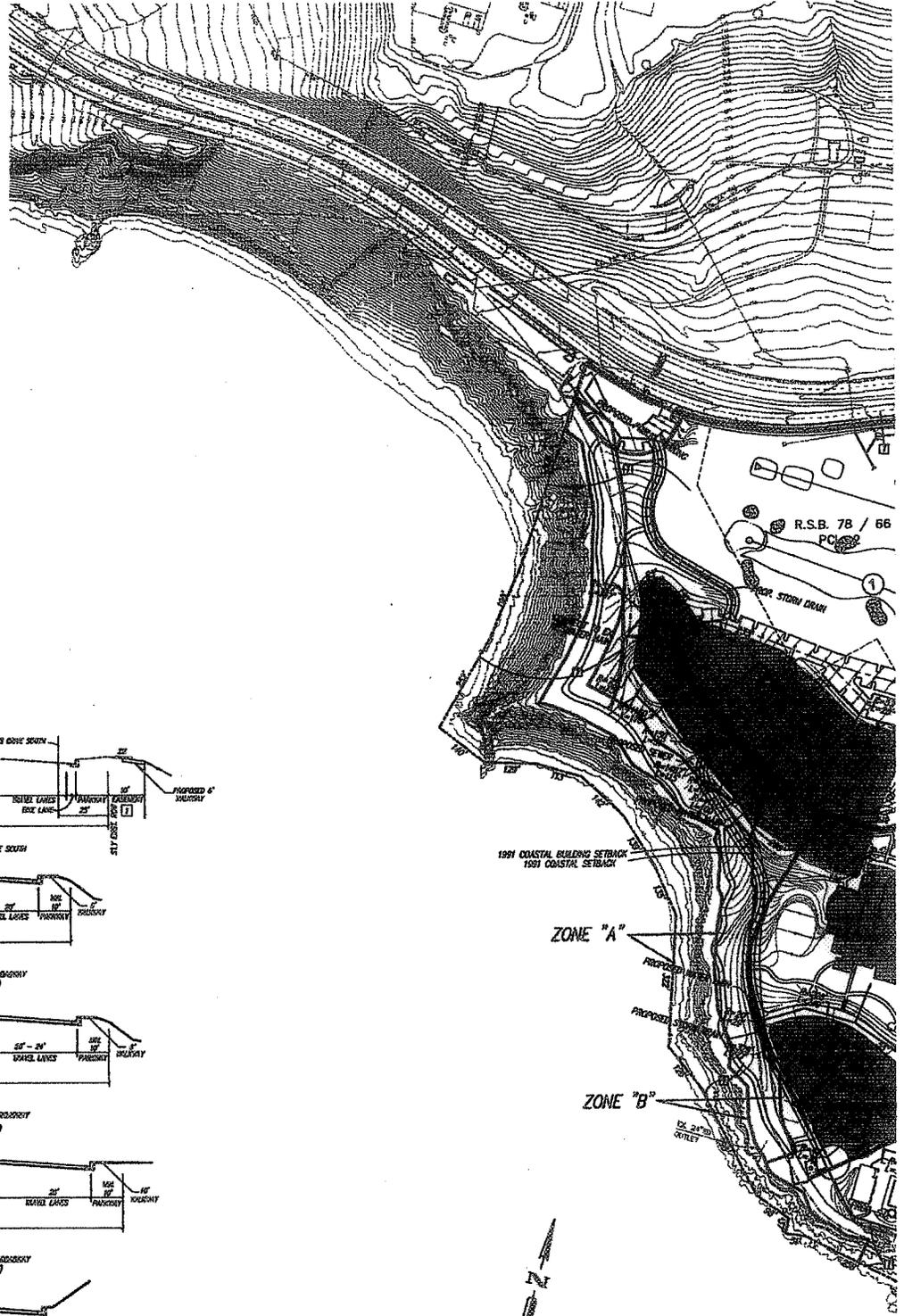
<p>BENCH MARK:</p> <p>COUNTY OF LOS ANGELES DEPT. MAP NO. CY 8025; ROAD DEPARTMENT BENCH MARK TAP IN NW CORNER OF CATCH BASIN 25 FEET NORTH OF EXTREME PALOS VERDES DRIVE SOUTH (IN BARREL) AND 773 FEET WEST OF ENTRANCE TO SAINTFATHERS CHAPEL. (PAL. MDS - 1950) ELEVATION: 101.575</p>	<p>PREPARED BY:</p> <p>THE KEITH COMPASSER 19 TECHNOLOGY DRIVE IRVINE, CA 92618 949.923.6100</p>	REVISION		
		NO.	DATE	DESCRIPTION
		▲		
		▲		
		▲		
		▲		
		▲		

103

TENTATIVE PA

CITY OF RANCHO PALOS VERDES

PARCELS 1, 2 AND 3 PER MAP FILED BY BOOK 78 PAGE 66 OF RECORDS OF
 PARTIAL OF LOT 11 OF TRACT 140, 3000 FEET MAP RECORDED BY BOOK 748
 ANGELES COUNTY ASSESSORS MAP NO. 51, AS PER MAP RECORDED BY BOOK



105

**LONG POINT DEVELOPMENT, LLC
11777 SAN VICENTE BLVD., SUITE 900
LOS ANGELES, CALIFORNIA 90049**

November 28, 2006

Mr. Barry W. Holchin
3949 Via Valmonte
Palos Verdes Estates, CA 90274-1153

RE: Terranea Resort 50-foot Native Plant Buffer Zone

Dear Mr. Holchin,

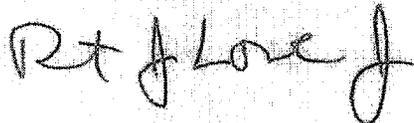
Destination Long Point, LLC, owner of the Terranea Resort, is confirming that in addition to the relocation of the fire access road outside of the 50-foot native plant buffer zone which is adjacent to the 30-foot habitat enhancement area, all storm drains and gas, electrical, telephone and cable lines will be relocated so that they, too, are outside of the entire 80-foot area.

Very Truly Yours,

LONG POINT DEVELOPMENT, LLC

by: Long Point Holdings, LLC,
its Sole Member

by: LDD Long Point, LLC,
its Manager



Robert J. Lowe, Jr.,
President

106

From: "Mark Nelson" <mnelson@lacofd.org>
To: <aram@rpv.com>
Cc: "Claudia Soiza" <CSoiza@lacofd.org>
Subject: Long Point Hotel Stairway Towers

Ara,

The Los Angeles County Fire Department is requesting the City of Rancho Palos Verdes allow the Long Point Development to build two roof stairway towers into their proposed Hotel design that will exceed the City's current building height requirements.

After careful review of all the viable options available, the Fire Department has determined that these two roof stairway tower access points are necessary life safety components. The installation of the two tower stairways would guarantee quick Fire Department access to the proposed Hotel's roof if an emergency were to occur.

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

Thank you,

Battalion Chief Mark Nelson
Los Angeles County Fire Department
Fire Prevention Division
Special Units II
323-890-4135

107

From: "Dana Ireland" <iedygo@gmail.com>
 To: "Ara M" <aram@rpv.com>
 Subject: Long Point Rev E

Hi Ara,

Please accept this email as our formal response to the Long Point Rev E revisions. Based on our conversations on this topic and the points contained in your public notice letter, the following reflects our position.

1. Emergency Access Road. We have no concerns on this item and remain supportive.
2. Grading, We have had several conversation with Staff and two meeting with the applicant on the grading proposal. Our concerns are with the grading as it relates to the golf holes 8 and 9 and the proposed berm which is adjacent to our property line. The results of these conversations and a consensus of these meeting was to reduce the property line berm 3 feet in height. As the berm runs 900' along our property boundary and measures from 5 feet to 17 feet in height a 3 foot reduction does not provide the measure of relief we are seeking.

The intended purpose of the berm is to provide a golf safety factor for our property from errant golf shots. We support this concept 100% and would expect nothing less from a neighbor of Mr. Lowe's stature. The revised berm design provides a 3 foot berm on the fair way side of the berm. This will be planted in native habitat which should effective in collecting errant shots. The berm on our side will be between 2 feet and 14 feet above existing grade and also planted with native habitat. The delta difference in the berm height from the golf side to our side ranges from -1 foot to +11 feet. This is a result of the golf course being placed on fill grade above the existing grade at up to 9 feet.

The fill in question is being disproportionately placed on the boundary of the site. Our review of the grading plans showed no other open area concentrated with fills of this magnitude. During our conversation with the applicant we asked that the tee box height on holes 8 and 9 not be elevated with fill and be placed on existing grades. By elevating the tees it increases the size of the berms intended to collect errant shots. Additionally we asked that the putting surface on hole 8 be held at existing grades and not be allowed to have @ 8' feet of fill.

If the council accepts the conditions of lowering the tee boxes on 8 and 9 by 5 feet and lowering of the green on hole 8 we would accept this finding as a fair and balanced approach to the grading of the site.

Ridge line Elevations We have been supportive of the building envelope of 153' above sea level for ridge lines resulting in building heights of 67' from finished grade. While this is the tallest building in the city and on the bluff top in our view line. We remain supportive. The addition of the elevator tower on the EAST elevation adds to size of the building in our direct view. The max entitlement for building height is currently at 157' above sea level for chimneys and towers. The request in rev E exceeds this height by 9 feet to 168' above sea level and creates a building height of 82' above finished grade.. While this is a concern we understand the requirement and as such reserve the right to appeal this height.

Buildings, Ancillary Structures. We have no issue with this request provided that they do not exceed 26' in height. It should be noted that we are concerned that no Golf club house is included in this revision. We have a concern as to how the golf course can be operated without

such a facility,

Operations We have no concerns with the operations of outdoor events as long as they are conditioned as events were at the Catalina room.

We are somewhat concerned the phrase " The Amendments proposed involve ,but are not limited to , the following issues". This is a very open end phrase that could entail other items of concern but not listed . Given the scope and weight of the proposed plans we are not able to compare and and contrast to identify other changes if any. We are relying on staff to highlight all the substance changes while the language in quotes provides for no readdress of missed items.

Thank you for all your diligent work on this project. We are eager to see it completed so that we as residents can begin to enjoy the wonderful amenities included in the plan.

Respectfully

Dana & Paige Ireland
1 Seacove Drive
Rancho Palos Verdes
California 90275,

109