

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JULY 17, 2012
SUBJECT: TERRANEA RESORT – FOLLOW-UP REPORT ON THE 30-INCH HEIGHT LIMIT FOR ROADWAY AND MEDIAN VEGETATION
REVIEWED: CAROLYN LEHR, CITY MANAGER
Prepared By: Ara Michael Mihranian, Deputy Community Development Director

RECOMMENDATION

Receive and file a follow-up report on the effectiveness of the Council approved Condition that increased the maximum height limit to 30-inches for any vegetation that grows along the median and parkway of Palos Verdes Drive South adjacent to the Terranea Resort.

BACKGROUND:

According to the Conditions of Approval and the Maintenance Agreement, Terranea is responsible for maintaining the parkway and median vegetation along Palos Verdes Drive South. On June 21, 2011, the City Council conducted a 6-month review of the applicant's compliance with and adequacy of the Council adopted Conditions of Approval for the Terranea Resort. At the June 21st meeting, Terranea requested that the Council consider amending the Conditions to increase the maximum height limit of the vegetation, comprised of coastal sage scrub habitat, along the parkway and median of Palos Verdes Drive South, to improve the viability of the habitat. After hearing public testimony both for and against the proposal, the City Council adopted Resolution No. 2011-48, that among other things, amended Condition No. 100 allowing an increase to the maximum height limit of any vegetation in the roadway from 12-inches to 30-inches. However, in response to concerns from some members of the public that the vegetation height increase may adversely impact view corridors established by the City's Coastal

Specific Plan, the Council directed Staff to report back in one year on the effectiveness of this Condition.

DISCUSSION

The vegetation in the public parkway and median that fronts the Terranea Resort is comprised of coastal sage scrub, a sensitive habitat protected by state and federal laws. The coastal sage scrub was required to be planted by the Coastal Commission as part of the project's original approval. The coastal sage scrub is depicted as a Roadway Habitat Enhancement Area on the project's approved Landscape Plans. Council amended Condition No. 100 now allows the vegetation in the parkway and median along Palos Verdes Drive South, adjacent to Terranea, to grow up to 30-inches in height rather than the previously required 12-inch height limit. This is because both the Coastal Commission's biologist and the applicant's biologists stated that habitat could not successfully thrive at a 12-inch height limit. In doing so, the Council directed Staff to monitor to effectiveness of the amended conditions to ensure ocean views from the public roadway are not adversely impacted by the 30-inch height.

Pursuant to the Council's directive, City Staff worked closely with representatives from Terranea to ensure that the roadway vegetation was trimmed and maintained at the new maximum height of 30-inches. During the past year, the roadway vegetation was trimmed by Terranea's maintenance crews on at least four different (quarterly) occasions throughout the year. Because of the sensitive habitat, any trimmings during the gnatcatcher breeding season (February 15th through August 31st) can only occur after the vegetation is surveyed by a biologist for active nests.

Based on Staff's observations, maintaining the roadway vegetation at 30-inches has not adversely impacted ocean views from the public roadway. Staff believes that the 30-inch height limit for the roadway vegetation strikes a balance between preserving ocean views and preserving the viability of the habitat, as mandated by the Coastal Commission's conditions. As such, Staff does not recommend any further amendments to the maximum height limit for the roadway vegetation.

It should be noted that following the June 21, 2011 Council meeting, Coastal Staff indicated that if at some future time the Council decides to allow the sage scrub to be trimmed to a height of less than 30 inches it would threaten the viability of the coastal sage scrub and would trigger an amendment to the Commission's Coastal Development Permit which would not be supported by Coastal Staff.

ADDITIONAL INFORMATION

Public Notification

Although this item is not a scheduled public hearing, City Staff informed the public of this agenda item by updating the Terranea Homepage on the City's website and by issuing a list-serve message to the Terranea subscribers. Since the July 5th Council meeting, no public comments have been submitted to City regarding this matter. If public comments are received subsequent to the transmittal of this staff report, they will

be provided to the Council at the meeting as late correspondence.

CONCLUSION

Based on the foregoing discussion, Staff recommends that the City Council receive a file this status report on the roadway vegetation with no further amendments to the Conditions of approval.

ATTACHMENTS

- June 21, 2011 City Council Minutes Excerpt
- July 5, 2011 City Council Minutes Excerpt

City Clerk Morreale reported that notice of the public hearing was duly published, no written protests received, and there were no requests to speak on this item.

Mayor Long declared the public hearing open.

Senior Administrative Analyst Ramezani provided a brief staff report.

There were no requests to speak.

Mayor Long declared the public hearing closed.

Councilman Stern moved, seconded by Councilman Wolowicz, to: 1) Approve the maximum permissible rates that Universal Waste Systems, Inc. can charge single-family automated curbside customers in FY 11-12. These maximum rates to match EDCO Disposal Corporation's single-family automated carts maximum rates; 2) Approve the maximum permissible rates that Universal Waste Systems, Inc. can charge multi-family, manure backyard and manure customers in FY 11-12; and, 3) Match Universal Waste Systems, Inc.'s distribution of Collector Fee and Environmental Fee percentages among City funds, to EDCO Disposal Corporation's approved distribution percentages.

The motion passed on the following roll call vote:

AYES: Misetich, Stern, Wolowicz, and Mayor Long
NOES: Campbell
ABSENT: None
ABSTAIN: None

Terranea Resort and Spa – 6 Month Review of Conditions of Approval and an Amendment to the Public Amenities Plan to Allow the Installation of a Pelican Sculpture at the Public Park

City Clerk Morreale reported that notice of the public hearing was duly published, written protests were included in the staff report and late correspondence distributed prior to the meeting, and there were 10 requests to speak on this item.

Deputy Community Development Director Mihranian provided a staff report regarding the item.

Discussion ensued between Council Members and staff.

Mayor Long declared the public hearing open.

Bob Mucha, Rancho Palos Verdes, stated that there should be no wildlife habitat in the median and curbside roadway sections from Terranea Way to the east end of the Fisherman's Access Parking Lot; the wildlife migration path is a narrow funnel area flanked by the west end of Terranea Golf Course and the east end of the Fisherman's Access Parking Lot; and although the Coastal Commission condition states that the plant species are to be predominantly coastal sage scrub plants, that could include a mix of sage and deer grass.

Bob Lowe, Rancho Palos Verdes, stated that Terranea Resort was pleased and proud of the two-way partnership with the City and residents of the entire Peninsula, noting that Terranea Resort supports multiple community organizations and many local charities. He reported that Terranea Resort has benefited from the partnership with the community, and during the initial two-year period has paid \$5 million in Transient Occupancy Tax and approximately \$1 million in additional taxes to the City. He continued that as reflected in the staff report, there have been almost no issues regarding the operating conditions of Terranea, and noted that Terranea supports the biologist's recommendations regarding the coastal sage scrub native habitat along PVDS, but will comply with Council decision regarding that matter. He reported that he appreciated the City's cooperation in allowing Terranea's associates the use of the City parking lot on a few occasions each year when parking issues arise due to activities at the Resort. He reported on the recognition, multiple awards, and the Four Diamond Rating by Automobile Club of Southern California (AAA) received by Terranea Resort for its hotel facility and golf course.

Dave Emenhiser, Rancho Palos Verdes, President, Sea Bluff Homeowners Association (HOA), stated that he was present to speak in support of the Terranea Resort, and highlighted various examples regarding Terranea Resort's cooperation as a good neighbor.

Sharon Yarber, Rancho Palos Verdes, stated that she supports the enhancement of Terranea Resort to the community and inquired if the Coastal Commission has weighed in on the botanist's recommendations regarding the adequate height and density of the coastal sage scrub plants.

Deputy Community Development Director Mihranian noted that the Coastal Commission is in agreement with the biologist's recommendations.

Bob Nelson, Rancho Palos Verdes, stated that his HOA is a neighbor of Terranea Resort and suggested that Council consider the use of the Palos Verdes Peninsula Land Conservancy on an annual basis to review the height of the native plants to determine if there are view obstructions caused by the habitat.

Edward Stevens, Rancho Palos Verdes, stated that the coastal sage shrubbery will block the view of the Terranea Resort and the ocean and suggested that a second

biologist be consulted regarding the height of the native plants. He opined that birds will not migrate across the busy street or nest in that area due to the traffic of automobiles, bicycles and pedestrians. He read from the Coastal Commission general provisions regarding the maintenance of views through the view corridors and suggested a continuance of the matter for additional research.

Lenee Bilski, Rancho Palos Verdes, requested a continuance of the item to allow further time for the public to comment on the height of the habitat and conditions of approval for the development. She stated that the general provisions of the Coastal Commission conditions noted that planting will maintain views from PVDS along the bluffs through the view corridors, the landscape plan could be revised, and there were approximately 100 varieties of coastal sage scrub.

Al Sattler, Rancho Palos Verdes, stated that the height of the natural habitat in the PowerPoint slides seems to only obstruct the view of the Terranea Resort and not the ocean and commented on possible times and height of trimming of the coastal sage scrub.

RECESS AND RECONVENE:

Mayor Long called a brief recess from 9:27 P.M. to 9:35 P.M.

Discussion ensued between Council Members and staff.

Councilman Wolowicz moved, seconded by Councilman Stern, to: 1) Receive and file the 6-month review of the compliance and adequacy of the Council adopted Conditions of Approval for the Terranea Resort and Spa with direction to the applicant to take the following actions: a) Install additional trail markers along the Bluff Top Trail and b) Install additional trail markers along the Bluff Top Trail; and, b) Install an additional mutt mitt station at the trail entry point of Nantasket Drive; 2) Direct Staff to bring back a Resolution for adoption at its July 5, 2011 meeting amending Condition No. 100 to increase the maximum permitted height of vegetation along Palos Verdes Drive South from 1-foot to 30-inches; amending Condition Nos. 78 and 79 to establish a time period for trimming the vegetation along Palos Verdes Drive South; and making any other amendments to the conditions of approval directed by the City Council as a result of this 6-month review; and, 3) Approve, via minute order, an amendment to the Council adopted Public Amenities Plan to allow the installation of a Pelican Sculpture donated to the Palos Verdes Peninsula Land Conservancy by the Ginsburg family at the Terranea public park adjacent to the Fishing Access Parking Lot.

Mayor Pro Tem Misetich requested a split vote on the motion regarding the height of the habitat.

Mayor Long offered a friendly amendment to adopt staff recommendation regarding the height of the native habitat to be at 30 inches with a review of the condition after 1 year.

The maker and seconder of the motion accepted the friendly amendment.

Mayor Pro Tem Misetich stated that he would like a split vote on the motion regarding the height of the native habitat to be no higher than 24 inches to maintain a better view corridor.

Mayor Long declared the public hearing closed.

Mayor Long reiterated the first motion as the adoption of staff recommendation No. 2 regarding the height of the native habitat to be at 30 inches with a review of the condition after 1 year.

The motion passed on the following roll call vote:

AYES: Campbell, Stern, Wolowicz, and Mayor Long
NOES: Misetich
ABSENT: None
ABSTAIN: None

The motion regarding staff recommendation Nos. 1 and 3 passed on the following roll vote:

AYES: Campbell, Misetich, Stern, Wolowicz, and Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None

City Attorney Lynch added that a resolution commemorating Council's action will be placed on the next Council agenda.

REGULAR BUSINESS:

Code Amendment Initiation Request to Allow Ancillary Residential Use within Commercial Zoning Districts (Case No. ZON2011-00089); Applicant: Paris Zarrabian (Golden Cove Center); Property Address: Citywide

City Clerk Morreale reported that there was one request to speak regarding this item.

Associate Planner Mikhail presented a staff report regarding the item.

Approved the Fourth Amendment to the City Manager's Employment Agreement.

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ITEM REMOVED FROM THE CONSENT CALENDAR:

Terranea Resort and Spa – Revision “P” to Conditional Use Permit No. 215, et.al.

As there was no request for a staff report, Mayor Long asked for the speaker regarding this item.

Sunshine, Rancho Palos Verdes, stated that the proposal was for the coastal sage shrubbery to be allowed to grow to 30 inches in height in order to preserve a critter corridor along Palos Verdes Drive South. She opined that the habitat could be trimmed to 1 foot high in the median to preserve views.

Councilman Stern moved, seconded by Mayor Long, to: ADOPT RESOLUTION NO. 2011-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, APPROVING REVISION ‘P’ TO CONDITIONAL USE PERMIT NO. 215, ET. AL. BY AMENDING THE ADOPTED CONDITIONS OF APPROVAL AS FOLLOWS: 1) AMEND CONDITION NO. 100 TO INCREASE THE MAXIMUM HEIGHT LIMIT FROM 12-INCHES TO 30-INCHES FOR ANY VEGETATION THAT GROWS ALONG THE MEDIAN AND PARKWAY OF PALOS VERDES DRIVE SOUTH AS DETERMINED BY THE COMMUNITY DEVELOPMENT DIRECTOR; 2) AMEND CONDITION NO. 78 TO DESCRIBE THE ROADSIDE HABITAT ENHANCEMENT AREA AS REQUIRED BY “ZONE C” OF THE ADOPTED COASTAL COMMISSION CONDITIONS; AND 3) AMEND CONDITION NO. 79 TO ESTABLISH THE TRIMMING PERIOD OF THE MAINTENANCE OF THE COASTAL SAGE SCRUB LOCATED WITHIN THE ROADSIDE HABITAT ENHANCEMENT AREA (ZONE C OF THE COASTAL COMMISSION APPROVED PROJECT) TO NOT BE DURING THE BIRD BREEDING SEASON (SEPTEMBER 1 THROUGH FEBRUARY 14) UNLESS A QUALIFIED BIOLOGIST INSPECTS THE VEGETATION TO DETERMINE THAT NO NESTING BIRDS EXIST PRIOR TO TRIMMING.

The motion passed on the following roll call vote:

AYES: Campbell, Misetich, Stern, Wolowicz, and Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS: