



RANCHO PALOS VERDES

PUBLIC HEARING

Date: June 21, 2011

Subject: 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

Subject Property: 100 Terranea Way

1. **Declare the Hearing Open:** Mayor Long
2. **Report of Notice Given:** City Clerk Morreale
3. **Staff Report & Recommendation:** Deputy Community Development Director
Mihranian
4. **Public Testimony:**

Appellants:

Applicant: Terranea/
Long Point Development, LLC

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

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JUNE 21, 2011
SUBJECT: 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

REVIEWED: CAROLYN LEHR, CITY MANAGER

Prepared By: Ara Michael Mihranian, Deputy Community Development Director

RECOMMENDATION

- 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 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.

BACKGROUND

On August 28, 2002, the Terranea Resort project was unanimously approved by the City Council. Subsequently, the City's decision was appealed by the Coastal Commission, and after conducting an appeal hearing, the Coastal Commission approved the project on August 7, 2003 with modified conditions of approval. The modified conditions were accepted by the City Council at its October 7, 2003 meeting, marking the Council's decision as the final project approval date. Over the course of the past eight years, the City Council approved various amendments to the project entitlements (Conditional Use Permit No. 215, et. al.). The most recent amendment was adopted by the City Council on April 20, 2010 pursuant to Resolution No. 2010-29 as Revision "O" to Conditional Use Permit No. 215, et. al. Thus, Resolution No. 2010-29 serves as the current set of governing conditions for the project.

Terranea officially opened for business on June 12, 2009. Included in the opening were the hotel room accommodations, banquet and conference facilities, restaurants, the spa and fitness center, and the 9-hole golf course. Additionally, the approved public amenities were opened to the public including two free public parking lots (the Fishing Access parking lot and the on-site Coastal Access parking lot), public trails, overlooks, sandy beach, public snack shop, and public restrooms (including an outdoor shower for beach goers) to name a few. However, due to some outstanding issues at the time of opening, the City's Building Official issued a Temporary Certificate of Occupancy for the main hotel building to allow Terranea to address the outstanding issues so all conditions could be met. On November 11, 2010, complete condition compliance was achieved by Terranea and the City issued the Final Certificate of Occupancy, which triggered the beginning of the 6-month review clock.

DISCUSSION

1. Six Month Review of Conditions of Approval

According to Council adopted Conditions of Approval, the City Council is to conduct a review of the applicant's compliance with and adequacy of the conditions of approval with regards to the on-going operations of the resort. Specifically, Condition No. 16 of the Council adopted Conditions of Approval states:

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.

For the purpose of this six month review analysis, Staff relied on input from each of the City Departments, including the City Attorney's office, on the operations of the resort. Additionally, Staff inspected the current facility and met with the project applicant on numerous occasions to review the compliance and adequacy of the conditions of approval. Staff was not made aware of any issues raised by any of the City's Commissions and Committees on the adequacy and compliance with the conditions of approval.

In addition to the above Condition No. 16, several other conditions require the City Council to review specific operational aspects of the project, including such things as landscaping, lighting, noise, special events, parking, traffic and circulation, and public amenities to name a few. As such, the following discussion analyzes the various conditioned topic areas to be reviewed by the City Council at a duly noticed public hearing. Pursuant to Condition No. 16, the City Council may wish to add, delete or modify any Conditions of Approval demonstrated by the information presented herein and at the public hearing. In order to facilitate the discussion below, attached for reference are the Council adopted Conditions of Approval (see attachment).

General Operations

Condition No. 17 authorizes the construction and operation of a resort, a 9-hole golf course and other related amenities such as a spa, restaurants, and retail shops to name a few. Condition No. 17 states that any significant changes to the configuration, structures, and operations approved by the City Council shall require a revision to the Conditional Use Permit. Terranea is operating a resort and spa that is consistent with Council approved project. As such, Staff is of the opinion that Terranea is in compliance with this condition.

Promotions and Discounts for Local Area Residents

Condition Nos. 19 and 20 require that the applicant provide reasonable fees through the use of appropriate promotions to encourage the use of the spa and golf course by non-

hotel guests (local area residents). According to the applicant (see attachment), since the hotel's opening, incentives have been offered to local residents to encourage the use of the hotel facilities including the golf course, spa, restaurants and banquet facilities. Promotions are advertised in local papers, including the *Peninsula News*, to list-serve subscribers, and on the Terranea website. The following is a summary of incentives Terranea offers local area residents (see attached letter from the applicant for a detailed description):

- Spa Membership – For an annual fee (the initiation fee is \$2,000 for singles and \$3,000 per couples with a monthly fee of \$325 for singles and \$575 for couples) this membership offers local residents access to the following:
 - Terranea's Spa and Fitness facility
 - 15% off hotel accommodations
 - 15% off Kids Camp
 - 15% off food and beverages at all resort dining outlets (excludes alcohol)
 - 15% off catering events
 - 15% off Tide Pool kids programs
 - Complimentary Links Card for discounts at the Terranea fee
 - Complimentary valet parking
- Local patrons can use the spa pool and fitness center for a daily fee of \$60.00.
- Links Golf Card – For a fee of \$159.00, card holders receive the following:
 - one round of golf,
 - four 50% guest passes,
 - one 30 minute PGA golf lesson/TPI fitting
 - 10% discount off golf merchandise
- Catalina Kitchen offers a free birthday dinner to members of the local community
- Hotel Room Rates – Terranea offers discounted hotel room accommodations through its "Vacation in Your Backyard" or its "Terra-neighbors" promotion. The average hotel room rate discount is 25%.

In addition to the above, Terranea has reported that since opening, it has supported a variety of local charities, non-profits and volunteer organizations, such as:

- Peninsula Education Foundation
- Palos Verdes Peninsula Land Conservancy
- Palos Verdes Library
- Peninsula Chamber of Commerce
- Kiwanis
- Norris Center
- Freedom 4U Jazz Festival
- Shakespeare by the Sea
- Palos Verdes Art Center
- The Rotary Club
- Children's Hospital of Los Angeles

- Marine Mammal Care center

Terranea also either sponsored or hosted several community events over the past two years, such as:

- 2010 Marineland Reunion
- Palos Verdes Marathon
- Palos Verdes Street Fair
- Palos Verdes Concours d'Elegance
- Freedom 4U Jazz Festival

Based on the above, Staff is of the opinion that Terranea is compliance with Condition Nos. 19 and 20 in that promotions are being offered to local area residents for the use of the golf and spa facilities. City Staff will continue to work with Terranea to ensure promotions are continued to be offered to local area residents.

Vehicular Circulation and Parking

Condition Nos. 106 through 110 address issues pertaining to on-site parking, such as the free public parking lots, guest parking and valet parking standards. Condition No. 108 requires that the applicant construct and provide no fewer than 875 parking spaces, of which 100 spaces are to be dedicated as free public parking spaces for visitors using the public amenities, including the lower beach, during City park hours (one hour before sunrise to one hour after sunset). Of the 100 public parking spaces, 50 spaces are located within the hotel grounds nearest to the public coastal access trail, and the remaining 50 public parking spaces are made available as part of the expanded Fishing Access Parking Lot. In addition to the City Council's parking requirements, the Coastal Commission conditioned the project so that no fewer than 1,075 parking spaces are provided on-site, which is an increase of 200 parking spaces from the Council adopted Conditions.

At the time the planning entitlements were being processed by the City, the applicant was required to provide the City with a parking study to determine the project's parking demand. In summary, the applicant's parking study, that was reviewed and approved by the City's Traffic Engineer, factored all things associated with the operation of a resort, such as hotel room accommodations, restaurants, retail space, banquet and conference facilities, golf operations, and employee parking. The parking study concluded that with 825 parking spaces (50 parking spaces less than what was required by the City), Terranea would maintain a ratio of 1.5 parking spaces per hotel guest room. However, with 1,084 actual parking spaces (the amount required by the Coastal Commission), the parking ratio is approximately 1.8, which according to the applicant's parking study exceeds the industry standard for other resorts and hotels, such as Hotel del Coronado, La Costa, Marriott (Newport Beach), and Hyatt at Hilton Head.

Since the opening of Terranea, Staff has observed a few occasions where on-site parking was not sufficient. In fact, on a few occasions, Terranea has obtained permission from the City to allow its employees to park at City Hall with shuttle service to and from the hotel. To date, Terranea has used the City Hall parking lot for its employees approximately 10 times since June 2009. Staff has met with the applicant

on numerous occasions to discuss this parking situation. As stated in the attached letter, the applicant does not believe that the on-site parking supply is deficient for its guests and visitors, nor does the applicant believe the original parking study to be inaccurate. The applicant believes that the parking demand during special occasions that fall on weekends or holidays exceeds the parking supply because of unique circumstances, such as the combination of full occupancy, special events (i.e. Jazz Festival), restaurant patrons as non-hotel guests, simultaneous weddings and receptions, locals using the public amenities, and of course warm weather. The applicant believes that the popularity of the public amenities and restaurants at Terranea by local residents exceeds the original estimated projections. This, coupled with the special occasions listed above, results in a few occasions throughout the year when the parking demand at Terranea exceeds the parking supply.

Terranea is requesting that the City Council continue to allow them to use the parking lot at City Hall for employee parking on those few special occasions throughout the year. Terranea will continue to coordinate with the City Manager and pay the fees required by City Council Resolution for use of the parking lot. As such, with the exception of those few occasions throughout the year, Staff believes that the on-site parking currently provided at Terranea is adequate and complies with the Conditions for the general operation of the resort and golf course.

It should be noted that on December 5, 2006, the City Council amended Condition No. 108 to allow the construction of a "greeting kiosk." The intent of the "greeting kiosk" was to help control hotel guest and visitor parking, but not to impede the public's access to the free public parking lot adjacent to the hotel building. Despite the Council's approval, the applicant was unable to obtain approval for the "greeting kiosk" from the Coastal Commission for reasons relating to public access. As such, the "greeting kiosk" has not been constructed and the related conditions are not applicable at this time.

Shuttle Service between Terranea Resort and Trump National Golf Course

Condition No. 128 requires the applicant to provide shuttle service, using low emission vehicles, to and from the Trump National Golf Course to its hotel guests. The schedule of the shuttle service is to be designed to encourage and maximize its use by hotel guests. According to the applicant, the shuttle service between Terranea and Trump National is based on hotel occupancy and golf course demand, but on an average runs approximately 60 times a month (4 times an hour). Terranea also occasionally runs the shuttle service in the evening when hotel guests are attending weddings at Trump National. The vehicles that Terranea uses for the shuttle services are either a hybrid Chevy Tahoe or a low emission diesel Sprinter Van. As such, Staff is of the opinion that Terranea is in compliance with this condition.

Pedestrian Circulation

Condition Nos. 62, 63, 67, 69, 70, and 72 require the applicant to construct and maintain public trails throughout the hotel property. Prior to the City issuing the Final Certificate of Occupancy in November 2010, the applicant constructed and dedicated public access easements for the trails that traverse Terranea. The public can access the pedestrian trails from a variety of entry points to the property including the Fishing

Access parking lot, the entry driveway, and the neighborhood off Nantasket Drive. The trails are constructed from decomposed granite and are approximately 4-feet in width. The trails are identified with trail markers that resemble the design of other on-site wayfinding signs.

Staff has walked the trails on numerous occasions and has observed the condition of the trails and the popularity of the trails by the public, especially on the weekends. However, Staff believes that in order to improve the identification of the on-site trail circulation system, the applicant should install additional trail markers to better identify the following:

- Access Points to the Bluff Top Trails at the following locations:
 - Nelsons Restaurant
 - Emergency Access Road
- The east and west trail entry points at Nantasket Drive

The applicant is aware of Staff's request and is in the process of installing the additional trail markers at the locations listed above. As such, with the installation of the added trail markers, it is Staff's opinion that the trails are constructed and maintained in compliance with the Council adopted Conditions of Approval.

Public Amenities

Condition Nos. 62 through 75 describe the public amenities that Terranea constructed and maintains, such as the 2.2 acre public park, pedestrian trails, bicycle path along Palos Verdes Drive South, viewing stations, public restroom facilities, and the public beach to name a few. In accordance with Condition No. 62, on October 4, 2005, the Public Amenities Plan for Terranea was reviewed and approved by the City Council, which identifies the location of the public amenities constructed by the applicant. Based on field observations, it is Staff's opinion that the public amenities provided at Terranea are used regularly by the public. However, Staff recommends that the applicant install an additional mutt mitt station at the western access point to the Bluff Top Trail off Nantasket Drive to better serve dog walkers entering the trail system from this entry point.

Additionally, in accordance with Condition No. 10, on May 4, 2009, the Council approved the Maintenance Agreement for the Public Amenities Plan. The Maintenance Agreement describes the maintenance responsibilities, including the frequency and the protocol for responding to City requests to maintain the public facilities. To date, the City has not experienced any significant issues with Terranea's maintenance of the public amenities. However, a maintenance issue does exist regarding the height of the vegetation along Palos Verdes Drive South. This issue is addressed under the Landscape topic later in this discussion. As such, it is Staff's opinion that Terranea is in compliance with the Conditions of Approval pertaining to the public amenities.

Public Snack Shop

The Council adopted Conditions of Approval sets operational standards for the public snack shop located adjacent to the public viewing deck area at the Lower Pool Facility.

As conditioned, the operation of the public snack shop is subject to a one year trial period to verify that the hours of operation correspond to the public demand so as to minimize labor costs for Terranea. In accordance with Condition No. 42, the applicant states that the public snack shop is open and made available to the public concurrently with the hours of operation of the hotel guest food service component of the same structure. The public snack shop and the poolside bar and grill, both located at the Lower Pool Facility, are typically open during the resort's high season which ranges between May and September. To date, the City has not received any public complaints regarding the hours of operation for the snack shop. The applicant has indicated that the public snack shop is not used by the public as much as originally anticipated. Nonetheless, the applicant is not requesting to amend the hours of operation requirement. As such, it is Staff's opinion that Terranea is in compliance with this Condition.

Outdoor Events

Condition No. 41(b) establishes standards for conducting outdoor events. Specifically, this condition sets standards for the permitted hours of said events, amplified sound (whether recorded or live), and outdoor lighting. Additionally, this condition requires the City Council to review the operation of outdoor events to ensure that impacts are adequately mitigated. Since its opening, Terranea has held outdoor events, such as weddings, parties, and jazz festivals, on a regular basis based on the standards set forth under Condition No. 41(b). To date, the City has not received any complaints regarding the operation of said outdoor events, including events with amplified sound. As such, Staff is of the opinion that Terranea is operating its outdoor events in compliance with this condition.

Golf Safety

Condition Nos. 16 and 21 pertain to safety issues relating to the operation of the golf course. At the time the golf course was graded and constructed, the City's Golf Safety Consultant, Kipp Shulties, reviewed the final as-built plans and inspected the golf course for compliance with the recommended safety conditions. The golf safety conditions incorporated into the golf course design are intended to minimize potential hazards to pedestrians and vehicles. According to Mr. Shulties, the project golf course has been built in accordance with the approved project plans. Furthermore, to date, the City has not received any complaints regarding the golf course, nor is the City aware of any reports of incidents or injuries resulting from the operation of the golf course. As such, Staff is of the opinion that the golf course is designed and operating in compliance with the Council adopted Conditions of Approval.

Landscape and Hardscape

Condition No. 78 sets specific requirements for on-site landscaping, such as the types of permitted plants (ornamentals and natives), the permitted tree heights, and the establishment of a coastal bluff top Habitat Enhancement Area. At the time the Coastal Commission reviewed the project, additional landscape conditions were imposed on the project, increasing the Habitat Enhancement Area established by the City to include the entire coastal bluff top, the area in and around the Palos Verdes Drive South parkway

and median, and along the northern end of the golf course adjacent to the roadway. The purpose of the Coastal Commission's increase to the Habitat Enhancement Area was to protect the flora and fauna along the coastal bluff top and to enhance the connectivity to the coastal sage scrub habitat located at Upper Point Vicente portion of the City's NCCP Preserve (around the City's Civic Center), currently known as the Alta Vicente Reserve.

In accordance with the conditions set forth by the City and the Coastal Commission that require the native plants to come from local seeds, the applicant purchased the native plants from the Palos Verdes Peninsula Land Conservancy (PVPLC). The native plants used throughout the Habitat Enhancement Area are primarily from the coastal sage scrub family and were planted as soon as on-site grading was completed to allow the plants to establish in time for the opening of the resort. At this time, it is Staff's opinion that the on-site landscaping, especially the native habitat, is established and appears to be thriving. However, there are a few patches along the Coastal Bluff Top Trail and at the Fishing Access Parking Lot where added attention needs to be given to the native plants. Staff has conveyed this to the applicant who is addressing this concern.

In terms of the on-site trees, Condition Nos. 78 and 79 set height standards to ensure that the Coastal Specific Plan View Corridors (Catalina and Point Fermin View Corridors) are not impacted while still allowing the resort buildings to be properly screened from Palos Verdes Drive South. Based on Staff's recent field observations, the on-site trees appear to be in compliance with the conditions of approval, as the view corridors are not impaired by the on-site trees. Moreover, the trees, including the replanted coral and pine trees, appear to be thriving.

Condition Nos. 25, 44, 68, 78, 79, 93, and 100 establish standards for maintaining the hotel grounds, including the parking lots, walkways, trails, landscaped areas (native and ornamentals), and golf course. Specifically, these conditions set the permitted hours to use mechanical equipment such as leaf blowers, lawn mowers, gardening equipment, and parking lot sweepers. Additionally, some of these conditions indicate the height landscaping is permitted to grow around buildings, within the view corridors, and along the median and parkway. It is Staff's opinion that the on-site landscape and hardscape is being properly maintained and in compliance with the Council adopted Conditions of Approval with the exception of the vegetation along Palos Verdes Drive South.

As previously stated, the City has received complaints over the past two years from Mr. Stevens regarding the applicant's non-compliance with Condition No. 100 as it pertains to the 1-foot height limit for the plantings along the Palos Verdes Drive South parkway and median. Mr. Stevens asserts that the overgrowth of the vegetation is impairing the public's view of the Pacific Ocean and Catalina from the Palos Verdes Drive South roadway. From the onset of Mr. Stevens' initial complaint, Staff requested that the applicant address this matter.

The vegetation planted along the Palos Verdes Drive South parkway and median is based on a condition by the California Coastal Commission that requires the vegetation in this area to be coastal sage scrub. The Coastal Commission identified this area as "Zone C - Roadside Enhanced Habitat Native Planting Zone" to enhance the habitat connectivity to the NCCP Preserve property across the street surrounding the City's

civic center. Coastal Commission Special Condition No. 7.B.6 states (see attachment):

The applicant shall install plants adjacent to Palos Verdes Drive South that provide food and cover for wildlife, including gnatcatchers, migration between the nearby offsite habitat areas to the northeast and northwest under consideration for inclusion in the City's Natural Communities Conservation Plan (NCCP) program as depicted in Exhibit 24. Species outside of expected shade canopies shall be predominantly coastal sage scrub plants. Tree canopies shall be limited to ten percent of the area. All plant materials shall be native to the Palos Verdes Peninsula.

Since the adoption of the above condition by the Coastal Commission, the areas identified as being under consideration for inclusion in the City's NCCP are now part of the City's Palos Verdes Nature Preserve. Specifically, the area west of the Fishing Access Parking Lot is referred to as the Vicente Bluffs Reserve and the area across Palos Verdes Drive South (Upper Point Vicente) is referred to as the Alta Vicente Reserve.

When the project was approved by the City Council in 2002, it was envisioned that the roadway and median landscaping would be ornamental plantings similar to other coastline developments. As such, the vegetation in this area was restricted to a maximum height of 1-foot to help protect views for motorists along Palos Verdes Drive South. However, as noted above, the Coastal Commission subsequently imposed Condition No. 7.B.6 on the project which required the landscaping along the roadway and median to be coastal sage scrub. In speaking to wildlife biologists on this issue, Staff understands that coastal sage scrub will not thrive nor be considered viable habitat for the dispersal and foraging of the California gnatcatcher if it is limited to 1-foot in height. In fact, according to the applicant's biologist (see attachment), "trimming these plants to 12 inches from the ground would reduce the opportunity for successful foraging and remove cover provision altogether, which would be out of compliance with the intent of the resource agency conditions listed above." Thus the applicant's biologist recommends that if trimming is to occur, "a minimum plant height for maintaining foraging and cover opportunity in this area would be 30-inches from the ground and, most importantly, trimming should only occur outside of the California gnatcatcher breeding season (February 15 through August 30)." Staff also consulted with PVPLC biologists who are currently working on a coastal sage scrub re-vegetation project at the Alta Vicente Reserve, on viable height limits for coastal sage scrub. According to the PVPLC's Conservation Director, it is recommended by various biologists that coastal sage scrub maintain a minimum 3-foot height limit to provide adequate habitat for dispersal.

The Coastal Commission conditions were adopted in 2003 subsequent to the Council's project approval in 2002 and were accepted by the City Council on October 7, 2003. At the time the Council reviewed and accepted the Coastal Commission's Conditions, Staff reported there may be cases where the City's conditions and the Coastal Commission's conditions will both address a particular aspect of the project. In such cases, the stricter condition or mitigation measure shall govern. This was based on Council adopted Condition No. 7.B.6 which states that "in the event that a condition of approval is in conflict or is inconsistent with any mitigation measure for this project, this stricter shall

govern.” Therefore, in this case, the Coastal Commission Condition is stricter than the City’s condition and shall govern in terms of the permitted plant species and the lack of a specified height limit.

In order for the Council adopted Conditions of Approval to accurately correspond to the Coastal Commission’s conditions for the planting along parkway and median of Palos Verdes Drive South, Staff recommends that the City Council amend Condition No. 100 to change the height limit of the vegetation along the Palos Verdes Drive South parkway and median from 1-foot to 30-inches, as recommended by the applicant’s biologist. This new maximum height would be 6-inches lower than the maximum height recommended by the PVPLC, and would still provide adequate views of the Pacific Ocean and Catalina Island from Palos Verdes Drive South (views from the roadway trail are not impaired by the vegetation in question). In addition, Staff recommends that City imposed Condition Nos. 78 and 79 be amended to include a description of the roadside habitat area required by the Coastal Commission and the trimming period for maintenance to occur (September 1 through February 14). In the event trimming is required to occur during the bird breeding season, it is recommended that a condition be added that requires a qualified biologist inspect the vegetation to ensure no nests exists. With this recommendation, Staff believes that the landscape and hardscape conditions are being met.

Lighting

Condition Nos. 82 through 85 establish standards for outdoor lighting, including prohibiting outdoor lighting, aside from safety lighting, for the golf course. The approved Lighting Plan identifies the type of lighting fixtures, the location, the height, the number, and wattage for the outdoor light fixtures. Additionally, the approved Lighting Plan includes a photometric plan that describes the lateral span of the lighting source. At the time the hotel opened for business, the City received a compliant from a neighbor upslope from Terranea regarding the intensity of the lighting at the loading dock. Upon receipt of this compliant, the City immediately contacted the applicant, who addressed this issue by replacing the light bulbs. Other than this compliant, the City has not received any complaints regarding lighting. Furthermore, Staff has observed the outdoor lighting and is of the opinion that Terranea is in compliance with these conditions.

Noise

In accordance with Condition No. 16, the City Council is to consider, among other things, issues pertaining to operational noise. As discussed earlier under the topics of Parking, Outdoor Events, and Landscape Maintenance, the City has not observed nor received complaints pertaining to excessive noise and adverse impacts to neighboring properties. As such, it is Staff’s opinion that Terranea is operating in compliance with this Condition.

2. Amendments to Conditional Use Permit No. 215

As stated in Condition No. 16, the Council may add, delete or modify any Conditions of Approval based on its review of the current operations of Terranea and demonstrated

by the information presented herein and at the public hearing. Based on the foregoing discussion, Staff recommends that the following conditions be amended to address issues pertaining to the native plants located in the median and parkway of Palos Verdes Drive South:

- Condition No. 100 – increase the maximum height limit from 1-foot to 30-inches for any vegetation that grows along the median and parkway of Palos Verdes Drive South.
- Condition No. 78 – Clarify the description of the Roadside Habitat Enhancement Area as required by “Zone C” of the adopted Coastal Commission conditions
- Condition No. 79 - Clarify 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 be during the non-breeding bird season (September 1 through February 14). Furthermore, add language that in the event trimming is required during the breeding season, a qualified biologist should inspect the vegetation to determine that no nesting birds exist.

If the Council agrees with the above recommended amendments, it is recommended that the Council direct Staff to bring back a resolution adopting these amendments at its July 5, 2011 meeting. In addition, any other amendments required by the City Council as a result of this 6-month review will also be incorporated into said resolution.

3. The Ginsburg Family’s Donated Pelican Sculpture at Terranea

Dr. Allan and Charlotte Ginsburg contributed a charitable monetary donation to the Palos Verdes Peninsula Land Conservancy (PVPLC) as part of its capital campaign for the land purchase of Upper Filiorum which the City acquired in December 2009. As part of the donation, the Ginsburgs requested the installation of a sculpture at the public park at Terranea off the Fishing Access parking lot. The proposed sculpture would be of a pelican in-flight intending to celebrate the open space acquisitions in Rancho Palos Verdes through the symbolism of the endangered brown pelican and its recovery along the coastline (see attachment). The California pelican will be cast in bronze and colored with a natural colored patina that matches the native stone pedestal. It will be life size with an 8-foot wing span. The sculpture will be mounted onto a natural Palos Verdes stone boulder. The total height of the sculpture and stone base will be 13-feet, with the actual pelican sculpture measuring 8-feet in height and the stone base measuring 5-feet in height as measured from grade. The grade adjacent to the sculpture will be raised approximately 5-feet in height and surrounded by native plants and Palos Verdes stone boulders to create a rock cliff that resembles the coastline. The sculpture will also have a plaque acknowledging the significant contributions made by Dr. and Mrs. Ginsburg toward the preservation of open space in Rancho Palos Verdes.

Since the proposed location for the sculpture is on property owned by Terranea, but within a public park easement dedicated to the City, Staff instructed the PVPLC to first obtain permission from Terranea to install the sculpture on their property. Additionally, Staff indicated that if permission is granted by Terranea, then the City Council would have to amend the Public Amenities Plan to include the sculpture since it will be located in an area dedicated as a public park. Lastly, Staff indicated that the maintenance responsibility of the sculpture would also have to be addressed similar to the other

public amenities located at Terranea.

On May 11, 2011, the PVPLC and Terranea executed an Installation and Maintenance Contract Agreement that grants permission to install the Pelican Sculpture and calls out the various duties and responsibilities associated with the installation and maintenance of the sculpture. The executed contract between the PVPLC and Terranea specifically states that the PVPLC will have sole responsibility for the maintenance and upkeep of the sculpture. According to a letter to Terranea from the PVPLC, the maintenance and responsibility should be minimal, but the PVPLC will be responsible for responding to any vandalism of the sculpture and will also annually re-wax the sculpture to preserve its aesthetic integrity (see attachment).

Attached for the Council's approval is an updated Public Amenities Plan prepared by Terranea that includes the location and description of the Pelican sculpture. Based on the maintenance responsibilities described in the executed agreement between the PVPLC and Terranea, Staff does not believe that the Council adopted Maintenance Agreement needs to be updated. This is because neither Terranea nor the City will be responsible for the maintenance and upkeep of the sculpture. In the event the City or the PVPLC determine that maintenance or upkeep of the sculpture is needed in the future, the PVPLC will be responsible for responding to such requests in a reasonable and timely manner.

Based on the foregoing discussion, Staff recommends that the City Council accept the installation of the proposed Pelican Sculpture at Terranea. By adopting the amended Public Amenities Plan, the PVPLC understands and accepts that upon notification from the City or Terranea the maintenance and upkeep of the Pelican Sculpture is solely the responsibility of the PVPLC and should be completed in a reasonable and timely manner.

ADDITIONAL INFORMATION

Public Noticing

Pursuant to the Council adopted Conditions of Approval, a public notice was published in the *Peninsula News* and sent to list-serve subscribers on May 26, 2011 announcing the public hearing and inviting public comments on the project's compliance with, and the adequacy of, the Conditions of Approval imposed by the City Council since it has been six months since the final Certificate of Occupancy was issued for the project.

At this time, two public comment letters were received by the City. One supporting the project and the other expressing a concern with the non-compliance of the landscaping along Palos Verdes Drive South (see attachment). In the event the City receives additional public comment letters after the transmittal of this Staff Report, Staff will present those comments at the June 21st public hearing.

ATTACHMENTS

- Most Recent set of Council Adopted Conditions of Approval (Resolution No. 2010-29)
- Applicant's Letter

- Applicant's Biologist's Letter on Roadside Habitat Area
- Coastal Commission Special Condition No. 7
- PVPLC Request to Install Pelican Sculpture
- Ginsburgs' Proposed Pelican Sculpture
- Amended Public Amenities Plan
- Public Comment Letters

**Most Recent set of Council Adopted
Conditions of Approval
(Resolution No. 2010-29)**

RESOLUTION NO. 2010-29 - EXHIBIT "B"
LONG POINT RESORT HOTEL
CONDITIONS OF APPROVAL
(REVISION 'O' – COUNCIL APPROVED APRIL 20, 2010)

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

GENERAL CONDITIONS

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

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

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

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

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

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

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- 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.
- 13A) The applicant shall be required to pay 100% of the estimated amount of the cost of the services that were provided to date and hereafter by the City Attorney's Office and by outside consultants that were retained by the City Attorney's Office to render services on behalf of the City specifically in connection with the creation of the any TOT Rebate Program and Ordinance and the due diligence analysis performed to date or hereafter pertaining to Terranea itself and the ability to repay the TOT to the City, in response to the applicant's request for the establishment of the TOT Rebate Program and the Ordinance. The funds that are received from the applicant for this purpose shall be held in, and disbursed from, a City trust account that is established for this purpose. The balance owed to the City pursuant to trust deposit requests dated June 19, 2009, July 21, 2009, October 29, 2009, and January 14, 2010 in the amount of \$ \$155,716.67 shall be paid to the City on or before April 9, 2010. The applicant shall replenish the trust deposit within thirty days of receipt of notice from the City that additional funds are needed to pay for said services. The City shall refund to the applicant any excess amount that is remaining in the trust account after all such disbursements are made.

(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

- 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

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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. 2006-17 ON MARCH 21, 2006)

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

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center, banquet facilities, spa (including outcall massages and chair massages conducted on the Resort premises only), 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)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

- 18) These approvals shall expire twenty-four (24) months from the date of the City Council approval unless building permits for the main hotel structure have been applied for and are being diligently pursued. Extensions of up to one (1) year may be granted by the City Council, if requested prior to expiration. Such a time extension request shall be considered by the City Council at a duly noticed public hearing, pursuant to the provisions stated in the RPVMC.
- 19) The hotel spa facility, and all the amenities therein, including the pool, shall be made available to the general public for a reasonable fee for use basis. Appropriate promotions shall be offered to encourage use of the spa facility by non-hotel guests, including area residents.
- 20) The 9-hole golf course shall be made available to the general public for a reasonable fee for use basis. Appropriate promotions shall be offered to encourage use of the 9-hole golf course by non-hotel guests, including area residents

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

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

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

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

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

- 23) All on-site construction and grading activities, including the importation of sand to the lower beach area, shall be limited to the hours between seven a.m. and seven p.m. Monday through Saturday. However, the permitted hours of construction for the interior work on the Hotel, Spa and Fitness buildings shall be between six a.m. and ten p.m. Monday through Saturday ("extended hours of construction"), provided that said buildings are entirely enclosed with walls, roofs, doors and windows. The extended hours of construction, as expressly permitted herein, shall be monitored by City Staff or independent consultants hired by the City with associated expenses to be borne by the applicant through the establishment of a trust deposit. Monitoring shall include, at a minimum, noise and light impacts. The approval of the extended hours of construction shall be subject, at any given time, to cancellation or further restrictions as deemed appropriate by the Director of Planning, Building and Code Enforcement based on the ability of the applicant to make adjustments due to public complaints or monitoring reports.

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

Pursuant to Condition No. 140, an updated Construction Management Plan shall be reviewed and approved by the Director of Public Works and the Planning Director prior to conducting interior work during the extended hours of

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construction. The updated Construction Management Plan shall address, but not limited to, parking, noise, vehicle ingress and egress, lighting, equipment staging, and delivery of materials.

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

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

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

- 25) No on-site repair, maintenance or delivery of equipment and/or materials shall be performed before seven a.m. or after seven p.m. Monday through Saturday, nor on any Sunday or legal holiday, unless otherwise specified in the conditions stated herein or a Special Construction Permit is obtained from the City. Emergency repairs are exempt from this condition.
- 26) All construction activity shall generally adhere to the phasing scheme identified in the Addendum to the Certified Environmental Impact Report shown in Resolution No. 2002-70 Any significant changes to the construction activity schedule shall be reviewed and approved by the Director of Planning, Building and Code Enforcement.
- 27) Temporary Certificates of Occupancy shall be issued by the City's Building Official to allow the use and occupancy of all or a portion of the Terranea Resort, including by employees and paying guests (for overnight occupancy) prior to the issuance of any Final Certificate of Occupancy. Issuance of a Temporary Certificate of Occupancy is contingent on first obtaining final inspections and sign-offs by the City's Building Official and the Los Angeles County Fire Department for items such as, but not limited to, Building, Electrical, Mechanical, and Plumbing permits, building-related egress conditions including sidewalks and ADA compliant clearances, and the completion of all life and safety measures. The City's Building Official may revoke or suspend any or all of the Temporary Certificates of Occupancy if any public safety issue arises.

Any Temporary Certificate of Occupancy shall expire when a final Certificate of Occupancy is issued for a particular structure or by June 30, 2010, whichever occurs first. On or before June 30, 2010 the developer shall obtain Final Certificates of Occupancy for the entire resort, including ancillary resort amenities such as the golf course, restaurants, and spa/fitness building.

**(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)
(REVISED PER RESOLUTION NO. 2010-29 ON APRIL 20, 2010)**

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

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contractors in the role of city or agency officials, (collectively, "Indemnitees"), harmless from any claim, demand, damage, liability, loss, cost or expense, including, but not limited to, death or injury to any person and injury to any property, caused by golf balls or any other golf-related equipment.

- 31) The applicant shall procure and maintain in full force and effect during the operation of the hotel and/or 9-hole golf course primary general liability insurance, which is applicable to, and provides coverage for only this hotel and 9-hole golf course, in an amount of \$5 million dollars, which amount shall be increased on each fifth anniversary of the commencement of operation of the hotel to reflect increases in the consumer price index for the Los Angeles County area. Such insurance shall insure against claims for injuries to persons or damages to property that may arise from or in connection with the operation of the subject resort hotel and 9-hole golf course authorized by this resolution. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, shall be issued by an insurer that is admitted to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's, and shall comply with all of the following requirements:
- (a) The coverage shall contain no limitations on the scope of protection afforded to City, its officers, officials, employees, volunteers or agents serving as independent contractors in the role of city or agency officials which are not also limitations applicable to the named insured.
 - (b) For any claims related to the project, applicant's insurance coverage shall be primary insurance as respects City, members of its City Council, boards, committees, commissions, officers, employees, attorneys, volunteers and agents serving as independent contractors in the role of city or agency officials.
 - (c) Applicant's \$2 million primary insurance shall apply separately to each insured against whom claim is made or suit is brought. Additionally, the limits of applicant's \$2 million primary insurance shall apply separately to the project site.
 - (d) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be canceled except after 30-days prior written notice by first class mail has been given to City.

- (e) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be materially modified except after 5-business days prior written notice by first class mail has been given to City.
- (f) Each insurance policy required by this condition shall expressly waive the insurer's right of subrogation against City and members of its City Council, boards and commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials.
- (g) Copies of the endorsements and certificates required by this condition shall be provided to the City when the insurance is first obtained and with each renewal of the policy.
- (h) No golf course facilities may be operated unless such general liability insurance policy is in effect.

The applicant also shall procure and maintain in full force and effect during the operation of the hotel and/or 9-hole golf course additional general liability insurance in the amount of \$3 million dollars to insure against claims for injuries to persons or damages to property which may arise from or in connection with the operation of the resort hotel and 9-hole golf course authorized by this resolution. Such insurance shall likewise name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, may at applicant's option, be in the form of a separate excess insurance policy and may be issued by a non-admitted carrier so long as the insurer is authorized to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's and shall comply with all of the requirements of paragraphs a, b, d, e, f and g of this Condition 33.

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

COASTAL PERMIT NO. 166

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

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

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

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

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

CONDITIONAL USE PERMIT NO. 215

Hotel Operations

35)

- A. The main hotel building and the freestanding bungalow units shall consist of no more than an aggregate total of 400 rooms (360 hotel rooms and 20 bungalow units, two keys per bungalow) and shall not be designed for multiple keys for a configuration exceeding 400 rooms. A main hotel room, for purposes herein, shall consist of any of the following: a typical guest room, a two-bay suite, one or more multiple-bay rooms with a single key, or a hospitality suite, as shown in Exhibit 7.14 of the Long Point Resort Permit Documentation dated June 23, 2000. Furthermore, the bungalow units shall consist of two-keyed accommodations with one or more bedroom areas which may contain a living room area as shown in Exhibit 7.15 of the Long Point Resort Permit Documentation dated June 23, 2000.
- B. A maximum total of 50 hotel suites and guestrooms may be sold to individual persons or private entities, subject to the following restrictions: An owner of a unit may utilize that unit for no more than sixty (60) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. When not being used by the owner, the hotel suite or guestroom shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit. The 50 hotel suites and guestrooms that may be sold to individual persons or private entities will consist of a mix of single-key suites, suites with two-keys, and single-key

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guestrooms. The precise location and mix of these units shall be described in detail at the time the tract map is processed by the City, but in no event shall the number of keys exceed 66 keys.

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

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

- 36) The casita units shall consist of no more than 50 casita units, with a maximum keying configuration of three (3) keys per casita unit resulting in a maximum possible 150 accommodations. The casita units may be sold to individual persons or private entities, subject to the following restriction: An owner of a unit may utilize that unit for no more than sixty (60) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. When not being used by the owner, the casitas unit shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit.
- 37) The resort villa units shall consist of no more than 32 single keyed units. The resort villa units may be sold to individual persons or private entities, subject to the following restriction: An owner of a unit may utilize that unit for no more than ninety (90) days per calendar year, and no more than twenty-nine (29) consecutive days at any one time. A minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner. The Villas shall be fully managed by the resort hotel operator when not used by the owners, and made available for rental by the general public. When not being used by the owner, the villa shall be available as a hotel accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit.

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

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

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

- 39) Any person or entity ("hotel guest") who pays the hotel operator for the privilege of occupying one or more rooms, bungalows, villas or casitas ("unit") shall not occupy or have the right to occupy any unit for more than twenty-nine (29) consecutive days. On or before the twenty-ninth day, the hotel guest shall be required to check out of the unit(s).
- 40) Prior to issuance of building permits for the resort villa units, casita units, bungalow units, and hotel suite or guestrooms that may be sold to individual persons or private entities, the following shall be completed:
- a) The applicant shall process a parcel map or tract map in accordance with the Subdivision Map Act.

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

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

expenditure of the funds will be on trails, parks and other areas that abut or are in proximity to the project site.

**(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-24 ON MAY 4, 2009)**

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

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

- 41) a) The Resort Hotel building, ancillary structures, including but not limited to the Lower Pool Facility, and all accessory buildings associated with the 9-hole golf course shall substantially conform to the plans approved by the City Council and stamped by the Planning Department with the effective date of this approval.
- b) The Resort Hotel may conduct outdoor events, in compliance with the following standards:
- i. Amplified Sound, whether recorded or live, shall be permitted during the hours set forth in (iii), and speakers for amplified sound shall be, oriented towards the ocean away from surrounding properties.
 - ii. No outdoor spot-lights, neon lights, or other specialty lighting shall be permitted to shine into the sky, habitat areas, or onto neighboring properties, except during the hours set forth in (iii).
 - iii. Hours for (i) and (ii) use:
 - Sundays through Thursdays 8:00 am to 10:00 p.m.
 - Fridays and Saturdays 8:00 am to midnight

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

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

- c) The Resort may conduct, as part of the spa operations, outcall massages and chair massages within the premises of the 102-acre Resort property, including but not limited to the lower beach area, the golf course, the villas, the casitas, the bungalows, and hotel rooms. Such spa and massage services shall be operated in compliance with Chapter 5.24 of the RPVMC and State licensing requirements, including but not limited to hours of operation and food, beverages, alcohol, and drugs requirements.

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)
(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

- 42) The lower beach area approved by the City Council on October 7, 2008 and the public section of the Lower Pool Facility, which consists of public restroom facilities and a viewing deck area, as shown on the plans approved by the City Council on the effective date of the adoption of these conditions, shall be open and made available to the general public during City park hours, as specified in the RPVMC. The public snack shop, located within the Lower Pool Facility, shall be open and made available to the public concurrent with the hours of operation of the hotel guest component of the structure, with a trial period of one year from the date of the opening of the snack shop, at which time the City Council will review the hours of operation of the public snack shop.

(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)
(REVISED PER RESOLUTION NO. 2009-24 ON MAY 4, 2009)

- 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 a final Certificate of Occupancy for the main hotel building or prior to April 9, 2010, whichever occurs first, the use of gardening equipment for the 9-hole golf course and landscape areas shall be controlled by a Golf and Hotel Landscape Maintenance Plan which is subject to review and approval by the Director of Planning, Building and Code Enforcement, based on an analysis of equipment noise levels and potential impacts to neighboring residents. The implementation of the Plan shall be formally reviewed by the Director of Planning, Building and Code Enforcement three (3) months after the first day of operation of the 9-hole golf course, and shall be subsequently reviewed on an annual basis thereafter. At the three (3) month review, the Director may determine that the Plan needs to be revised to address potential noise impacts. The Director may also determine that additional review periods and/or other conditions shall be applied to the Maintenance Plan.

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

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

(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)
(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

- 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

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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 (including the lower beach area), during City park hours, as specified in the RPVMC.

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

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

Building Design Standards

- 49) The resort hotel shall contain the following principal visitor-serving structures and uses, and shall substantially comply with, and not to exceed, the following square footage numbers:

- a) Conference Center / Banquet Facilities – 60,000 square feet
- b) Restaurant, bar and lounge - approximately 22,500 square feet
- c) Resort related retail, visitor services and guest amenities – approximately 20,000 square feet.
- d) Spa Building - 21,077 square feet
Fitness Building – 4,797 square feet
- e) Swimming pools - Three for the resort hotel (including the lower pool facility), one for the West Casitas, one for the Resort Villas, and one within the spa facility
- f) Pool Cabanas: - commensurate with size of adjacent pool
- g) Pacifica Pool Building – 1,400 square feet (Hotel Guest Area: consisting of 496 square feet of restroom facilities, 36 square feet of storage closet space, 431 square feet of pool kitchen area, 6,500 square feet of deck area excluding the 960 square foot pool. Public Area: consisting of no less than 3,600 square feet of deck area and 409 square feet of restroom facilities)
- h) *This condition was deleted*
- i) *This condition was deleted*
- j) *This condition was deleted*
- k) *This condition was deleted*
- l) Lookout Bar – 3,500 square feet
- m) Resort Hotel Entry Trellis – 250 square feet of roof area
- n) Greeting Kiosk – 110 square feet

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

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

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

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

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

Hotel Building

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

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

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

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

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

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

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

exceed 67.5'; Level 4 (85') at the hotel lobby to the highest roof ridgeline (144') shall not exceed 59'; and Level 2.4 (89') of the hotel banquet facilities to the highest roof ridgeline (142') shall not exceed 53'.

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

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

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

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

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

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

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

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

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

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

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

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

Clubhouse – *This Condition was deleted*

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

Golf Maintenance Facility — *This Condition was deleted*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parking Structure – *This condition was deleted.*

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

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

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

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

(REVISED PER RESOLUTION NO. 2009-24 ON MAY 4, 2009)

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

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

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

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

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

55) *This condition was deleted.*

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

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

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

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

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

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

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

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

Public Amenities (Trails and Parks)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landscaping/Vegetation

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

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

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

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

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

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

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

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

Lighting

- 82) The applicant shall prepare and submit a Lighting Plan for the Resort Hotel Area in compliance with the RPVMC. The Lighting Plan shall clearly show the location, height, number of lights, wattage and estimates of maximum illumination on site and spill/glare at property lines for all exterior circulation lighting, outdoor building lighting, trail lighting, parking lot lighting, landscape ambiance lighting, and main entry sign lighting. The Lighting Plan shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement prior to issuance of any building permit for the Resort Hotel Area. Furthermore, prior to the Director's review, the Lighting Plan shall be reviewed and approved by a qualified biologist for potential impacts to wildlife.
- 83) Parking and Security lighting shall be kept to minimum safety standards and shall conform to City requirements. Fixtures shall be shielded so that only the subject property is illuminated; there shall be no spillover onto residential properties or halo into the night sky. A trial period of ninety (90) days from the installation of the project exterior lighting for the hotel, spa, west casitas, east casitas, villas, clubhouse, the 9-hole golf course, and surface parking lots shall be assessed for potential impacts to the surrounding environment. At the end of the ninety (90) day period, the Director of Planning, Building and Code Enforcement may require additional screening or reduction in the intensity or number of lights which are determined to be excessively bright or otherwise create adverse impacts.

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

- 84) *This condition was deleted.*

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

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

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

Signs

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

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

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

Utilities/Mechanical Equipment

- 87) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to April 9, 2010, whichever occurs first, all utilities exclusively serving the project site shall be placed underground including cable television, telephone, electrical, gas and water. All appropriate permits shall be obtained for any such installation. Cable television, if utilized, shall connect to the nearest trunk line at the applicant's expense.

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

(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)

(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

- 88) Prior to June 30, 2010 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 applicant shall deposit with the City the amount that would be charged by Southern California Edison to remove the two (2) utility poles on either side of Palos Verdes Drive South. Upon such deposit, this condition shall be deemed satisfied. If the two (2) utility poles are not removed within five (5) years from the date such funds have been deposited with the City, and if the City Council does not make the findings required by Government Code Section 66001(d) to allow the City to retain the funds for additional five-year periods, then once the Council does not

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make those findings, the funds shall be reimbursed to the applicant and the applicant shall have no further obligations with respect to such utility poles.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-24 ON MAY 4, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)
(REVISED PER RESOLUTION NO. 2010-29 ON APRIL 20, 2010)

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

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

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

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- 94) The storage of all goods, wares, merchandise, produce, janitorial supplies and other commodities shall be permanently housed in entirely enclosed structures, except when in transport.

Fences, Walls, and Gates

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

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

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

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

- 100) Any on-site fencing along Palos Verdes Drive South shall be no higher than two (2) feet in height and shall be modeled to generally resemble the fencing installed along Palos Verdes Drive West for the Ocean Front Estates project. The landscaping on the project side of Palos Verdes Drive South in this general area,

as determined by the Planning Director, shall be limited to 1-foot in height above the closest street curb adjacent to the project site.

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

Source Reduction and Recycling

- 101) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to November 1, 2009, whichever occurs first, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive Integrated Waste Management Plan that addresses source reduction, reuse and recycling. The Plan shall include a description of the materials that will be generated, and measures to reduce, reuse and recycle materials, including, but not limited to, beverage containers, food waste, office and guest room waste. The Plan shall also incorporate grass cycling, composting, mulching and xeriscaping in ornamental landscaped areas. Grass cycling, composting, or mulching shall not be used in the Habitat Areas. It is the City's intention for the project to meet Local and State required diversion goals in effect at the time of operation. The specifics of the Plan shall be addressed by the applicant at the time of review by the Director of Public Works.

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

(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

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

Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

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

Street and Parking Improvements

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

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

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

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

Vehicular ingress and egress to the property and the parking lots, including the public parking lot, shall be via a "greeting kiosk", as shown on the site plan approved by the City Council on December 5, 2006. The operation of the "greeting kiosk" shall not result in the refusal or discouragement of the use of the free public parking within the designated public parking lot during City Park Hours, as specified herein. Signs shall be posted along the entry driveway to the hotel, between Palos Verdes Drive South and the "greeting kiosk" indicating that public parking is available during City Park Hours. The hotel operator shall provide the Planning Director with annual reports (January 1 - December 31) specifying the daily use of the public parking so as to ensure that the operation of the "greeting kiosk" is not impeding public access to the designated public parking lot. The operation of the "greeting kiosk," as it relates to vehicular access to the designated public parking lot, shall be monitored by the Planning Director, who shall have the ability to modify the operation of the "greeting kiosk" to ensure that public access to the designated public parking lot occurs during City Park Hours.

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

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

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

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

Valet parking shall be permitted as part of the hotel operation provided it is operated and managed 24-hours a day by the hotel operators. No more than

203 (23%) of the required 875 parking spaces shall be designated as valet parking spaces. Each valet parking stall shall be a minimum of 8½' wide by 18' deep. Tandem parking stalls for use by a maximum of three vehicles, shall be permitted for the designated valet parking lot. All valet employees who operate a motor vehicle shall have in their possession a valid driver's license.

(REVISED PER RESOLUTION NO. 2005-107 ON OCTOBER 4, 2005)
(REVISED PER CITY COUNCIL MINUTE ORDER ON MARCH 21, 2006)

- 111) Prior to the recordation of any final map, or issuance of any grading permit, the applicant shall submit security, in a form reasonably acceptable to the City, to cover any damage caused to existing public roadways during construction. The amount of said security shall be determined by the Director of Public Works.
- 112) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to April 9, 2010, whichever occurs first, the applicant shall replace all damaged curbs, gutters, and sidewalks along the project's Palos Verdes Drive South frontage, as determined by the Director of Public Works. Prior to approval of the Street Improvement Plan, the applicant shall post a security bond in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and material. The amount of such security shall be determined by the Director of Public Works.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

- 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.

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- 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, bikeways, trails, signing, striping, storm drain facilities, sub-drain facilities, landscape and irrigation improvements (medians, slopes, parks, and public areas including parkways), sewer, domestic water, monumentation, traffic signal systems, trails, and the undergrounding of existing and proposed utility lines. If security is posted it shall be in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and materials. The amount of such security shall be determined by the Director of Public Works. The security referred to in this condition may be grouped into one of the following categories, provided that all of the items are included within a category: 1) Landscape and Irrigation; 2) On-site Street Improvement Plans and Parking, and 3) Palos Verdes Drive South Improvements.

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

(REVISED PER RESOLUTION NO. 2009-24 ON MAY 4, 2009)

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

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

- 120) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall improve with landscaping and irrigation the median and parkway along Palos Verdes Drive

South, in the area generally located in front of the project site's entrance driveway, including the portion of the median that is to be improved with an expanded left-turn pocket, up to the eastern most driveway of the Fishing Access Parking Lot. If available, said landscaping shall consist of non-invasive plant species, except the permitted invasive species listed in Condition No. 78, as deemed acceptable by the Director of Public Works.

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

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

Traffic

- 124) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to June 30, 2010, whichever occurs first, the applicant shall pay the City of Los Angeles for its fair share of the following improvements to the intersection of Western Avenue (NS) at 25th Street (EW): Provide east leg of 25th Street with one left turn lane, two through lanes, and one right turn lane.

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

(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)

(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

(REVISED PER RESOLUTION NO. 2010-29 ON APRIL 20, 2010)

- 125) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to April 9, 2010, whichever occurs first, the applicant shall pay the City of Rolling Hills Estates for its fair share of the following improvements to the intersection of Hawthorne Boulevard (NS) at Palos Verdes Drive North (EW): Provide west leg with one left turn lane, one shared left and through lane, one through lane, and one right turn lane.

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

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(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

- 126) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to April 9, 2010, whichever occurs first, the applicant shall pay The City of Rolling Hills Estates for its fair share of the following improvements to the intersection of Silver Spur Road (NS) at Hawthorne Boulevard (EW): Provide north leg with one left turn lane, two through lanes, and one right turn lane; and re-stripe south leg with two left turn lanes, one through lane, and one right turn lane.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)
(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)
(REVISED PER RESOLUTION NO. 2010-5 ON JANUARY 19, 2010)

- 127) Prior to issuance of building or grading permits, the applicant shall provide security, in a form reasonably acceptable to the Director of Public Works, in the amount of \$100,000 to cover the cost of mitigating any impacts caused by this project that would require the installation of any new traffic signal that may be required along Hawthorne Boulevard, Palos Verdes Drive South, or Palos Verdes Drive West. This security will be held by the City in accordance with the provisions of Government Code Section 66001 for a minimum five-year period, from the date of the main hotel building's Certificate of Occupancy.

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

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

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

GRADING PERMIT NO. 2229

Grading

130) The following maximum quantities and depths of grading are approved for the Resort Hotel Area, as shown on the grading plan reviewed and approved by the City Council at its December 5, 2006 meeting:

- a. Maximum Total Grading (Cut and Fill): 784,550 cubic yards.
- b. Maximum Cut: 411,889 cubic yards (392,275 cubic yards with 5% shrinkage).
- c. Maximum Fill: 392,275 cubic yards.
- d. Maximum Depth of Cut: 31 feet (located in the area of the villas).
- e. Maximum Depth of Fill: 21 feet (located in the area of the more inland row of Western Casitas).

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

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

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

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

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

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

Prior to recordation of the Final Map or prior to issuance of grading permits, whichever occurs first, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works. The bond, cash deposit, or other City-approved security, at a minimum, shall be sufficient to pay for the cost of restoring the project site to an acceptable condition, as determined by the Building Official and the Director of Public Works, in the event that the project is not completed and

shall include, but not be limited to, stabilizing and hydro-seeding all slopes, completing all retaining walls that are required to maintain the slopes, installing erosion control improvements, and filling in grade depressions or holes.

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

- 136) Prior to issuance of a grading permit, the applicant shall provide the Director of Planning, Building and Code Enforcement a plan that demonstrates how dust generated by grading activities will be mitigated so as to comply with the South Coast Air Quality Management District Rule 403 and the City's Municipal Code requirements which require watering for the control of dust.
- 137) Prior to the issuance of a grading permit, the applicant shall prepare a plan indicating, to scale, clear sight triangles, which shall be maintained at each roadway and driveway intersection. No objects, signs, fences, walls, vegetation, or other landscaping shall be allowed within these triangles in excess of three feet in height.
- 138) Prior to the issuance of a grading permit, the following improvements shall be designed in a manner meeting the approval of the Director of Public Works: 1) all provisions for surface drainage; 2) all necessary storm drains facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and 3) all water quality related improvements. Where determined necessary by the Director of Public Works, associated public street and utility easements shall be dedicated to the City.
- 139) Prior to the issuance of any precise grading permit, the applicant shall submit to the Director of Public Works, a plan for the placement of traffic signing, pavement delineation, and other traffic control devices.
- 140) Prior to the issuance of grading permits, the applicant shall submit to the Director of Public Works, for his review and approval, a construction traffic management plan. Said plan shall include the proposed routes to and from the project site for all deliveries of equipment, materials, and supplies, and shall set forth the parking plan for construction employees. All construction related parking must be accommodated on-site. No construction related parking shall be permitted off-site.
- 141) If applicable, as determined by the City Geologist, prior to the issuance of a grading permit, all geologic hazards associated with this proposed development shall be eliminated, or the City Geologist shall designate a restricted use area on the Final Parcel Map where the erection of buildings or other structures shall be prohibited.

- 142) Prior to the issuance of building permits, an independent Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites shall be submitted for review and approval by the City Geologist in conformance with the accepted City Practice.
- 143) Prior to the issuance of a building permit, an as-built geological report shall be submitted for structures founded on bedrock, and an as-built soils and compaction report shall be submitted for structures founded on fill as well as for all engineered fill areas.
- 144) Prior to the issuance of a grading permit, the applicant's project geologist shall review and approve the final plans and specifications and shall stamp and sign such plans and specifications.
- 145) Prior to the issuance of a grading permit, a grading plan review and geologic report, complete with geologic map, shall be submitted for review and approval by the City's Geotechnical Engineer.
- 146) Except as specifically authorized by these approvals, foundations shall be set back from the Coastal Setback Line in accordance with the RPVMC and shall extend to such a depth as to be unaffected by any creep-prone surficial soil and/or weathered bedrock. Field review and certification by the project geologist is required.
- 147) All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with the applicable provisions of the RPVMC and the recommendations of the City Engineer. Written reports, summarizing grading activities, shall be submitted on a weekly basis to the Director of Public Works and the Director of Planning, Building, and Code Enforcement.
- 148) The project shall comply with all appropriate provisions of the City's Grading Ordinance, unless otherwise approved in these conditions of approval.
- 149) Grading activity on site shall occur in accordance with all applicable City safety standards.
- 150) Prior to final grading inspection by Building and Safety, the graded slopes shall be properly planted and maintained in accordance with the approved landscaping plan. Plant materials shall generally include significant low ground cover to impede surface water flows, and shall be non-invasive, except the permitted invasive species listed in Condition No. 78

- 151) Prior to final grading inspection by Building and Safety, all manufactured slopes shall be contour-graded to achieve as natural an appearance as is feasible.
- 152) Any water features (lakes, ponds, fountains, and etc.) associated with the 9-hole golf course, excluding the bioswales used in the water quality treatment train, shall be lined to prevent percolation of water into the soil. Designs for all water features shall be included on the grading plans submitted for review by the City's Building Official and Geotechnical Engineer.

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

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

permitted heights shall require the processing of a revised grading permit for review and approval by the Director of Planning, Building and Code Enforcement.

Drainage

- 159) The irrigation system and area drains proposed shall be reviewed and approved by the City's Geotechnical Engineer and Director of Public Works.
- 160) A report shall be prepared demonstrating that the grading, in conjunction with the drainage improvements, including applicable swales, channels, street flows, catch basins, will protect all building pads from design storms, as approved by the Director of Public Works.
- 161) All drainage swales and any other at-grade drainage facilities, including gunite, shall be of an earth tone color, as deemed necessary by the Director of Building Planning and Code Enforcement.
- 162) Prior to issuance of any building or grading permits, the applicant shall submit a Local Grading and Drainage Plan identifying how drainage will be directed away from the bluff top, natural drainage courses and open channels to prevent erosion and to protect sensitive plant habitat on the bluff face. Said Plan shall be reviewed by the Director of Public Works and the Director of Planning, Building and Code Enforcement. Said review shall also analyze whether potential impacts to the bluff top or bluff face may be caused by the proposed drainage concept.
- 163) Drainage plans and necessary supporting documents that comply with the following requirements shall be submitted for review and approval by the Director of Public Works prior to the issuance of grading permits: A) drainage facilities that protect against design storms shall be provided to the satisfaction of the Director of Public Works and any drainage easements for piping required by the Director of Public Works shall be dedicated to the City on the Final Map; B) sheet overflow and ponding shall be eliminated or the floors of buildings with no openings in the foundation walls shall be elevated to at least twelve inches above the finished pad grade; C) drainage facilities shall be provided so as to protect the property from high velocity scouring action; and D) contributory drainage from adjoining properties shall be addressed so as to prevent damage to the project site and any improvements to be located thereon.
- 164) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall upgrade the drainage facility that currently is located on the Fisherman's access property and

construct a pipe that will convey this water to the proposed drainage system terminating at Outlet No. 2 to the satisfaction of the Director of Public Works.

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

- 165) Prior to the issuance of any grading or building permit, the applicant shall prepare and submit a Master Drainage Plan for review and approval by the Director of Public Works. The Plan shall demonstrate adequate storm protection from the design storm, under existing conditions, as well as after the construction of future drainage improvements by the City along Palos Verdes Drive South immediately abutting the project site.
- 166) Prior to the issuance of any grading permit, the applicant shall demonstrate to the satisfaction of the Director of Public Works that the design storm can be conveyed through the site without conveying the water in a pipe and without severely damaging the integrity of the Urban Stormwater Mitigation Plan (USMP), especially the bioswale system. If such integrity cannot be demonstrated, the applicant shall redesign the USMP to the satisfaction of the Director of Public Works, which may require offsite flows to be diverted into a piped system and carried through the site. If the piped system is used, the applicant shall dedicate a drainage easement to the City to the satisfaction of the Director of Public Works.
- 167) Prior to the issuance of a grading permit that proposes to convey off-site drainage through the subject property, the applicant shall execute an agreement with the City that is satisfactory to the City Attorney that defending, indemnifying and holding the City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees") harmless from any damage that may occur to the subject property or any improvements, persons or personal property located thereon due to the conveyance of offsite design storm flows through the site.

NPDES

- 168) Prior to acceptance of the storm drain system, all catch basins and public access points that cross or abut an open channel, shall be marked with a water quality message in accordance with City Standards.
- 169) Prior to the issuance of any grading or building permits, the applicant shall furnish to the Director of Public Works, for review and approval, the project's Water Quality Management Plan and Maintenance Agreement outlining the post-construction Best Management Practices (BMPs).

- 170) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works a Storm Water Pollution Prevention Plan (SWPPP) describing the construction phase Best Management Practices (BMPs) to ensure compliance with the NPDES General Permit for Storm Water Discharges associated with construction activity (Grading Permit), No. CA s000002.
- 171) Prior to issuance of any building or grading permit, the applicant shall submit to the Director of Public Works a Water Quality Management Plan ("Plan"), for review and approval by the City Council at a duly noticed public hearing. The Water Quality Management Plan, which shall remain in effect for the life of the project, shall identify the Best Management Practices (BMPs) used to minimize and reduce project storm water and runoff pollutants. The Plan shall include project water quality parameters that meet the objectives of the California Ocean Plan for non-point discharges in receiving water bodies. Additionally, all storm water treatment systems shall be designed in accordance with the Los Angeles County Department of Public Works "Manual for the Standard Urban Stormwater Mitigation Plan(SUSMP)". The specific BMP design criteria in the SUSMP (May 2002), as developed by the U.S. EPA and American Society of Civil Engineers, shall be followed.

The Plan shall contain the operation, maintenance and monitoring procedures, including Fire and Argentine ant management. The Plan shall indicate potential impacts of the storm water treatment train to surrounding plants and wildlife. The monitoring of the treatment train shall include the bioswales and catch basins for the accumulation of pollutants through sampling and testing of both soil material and vegetation. The Plan shall indicate the frequency of the required monitoring and the frequency of the removal and replacement of plant material and soil from the bioswale. Said report shall be reviewed and approved by the City's Biologist and/or Chemists. Said monitoring shall be required for the life of the project.

All costs associated with the review, installation and maintenance of the Plan and project related BMPs shall be the responsibility of the applicant. If the plan requires construction of improvements, such plans shall be reviewed and approved by the Director of Public Works.

- 172) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to January 4, 2010, whichever occurs first, the Water Quality Management Plan Maintenance Agreement, outlining the post-construction Best Management Practices, shall be recorded with the Los Angeles County Recorders Office.

(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)
(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)

Resolution No. 2010-29
Exhibit B
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(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)

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

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

- 176) Prior to the City Council's review of the Water Quality Management Plan, the City's Geotechnical Engineer shall review and approve the Plan. In the event the City's Geotechnical Engineer determines that additional improvements need to be constructed, the applicant shall revise the Plan accordingly.

Sewers

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

Planning and Code Enforcement and the Director of Public Works with respect to the final locations and requirements of the sewer improvements.

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

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

Water

- 183) Prior to the construction of any water facilities, the Director of Public Works shall review and approve the water improvement plan. Any water facilities that cannot be constructed below ground shall be located on the subject property and screened from view from any public rights-of-way, to the satisfaction of the Director of Public Works and the Director of Planning, Building and Code Enforcement. In addition, an easement to California Water Service shall be dedicated prior to issuance of any grading or building permits.
- 184) The project site shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the City Engineer. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los Angeles County Fire Department is required prior to issuance of building permits.
- 185) Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate fire fighting water and access available to said structures.
- 186) The applicant shall file with the Director of Public Works an unqualified "will serve" statement from the purveyor serving the project site indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be dated no more than six months prior to the issuance of the building permits for the main hotel structure. Should the applicant receive a qualified "will serve" statement from the purveyor, the City shall retain the right to require the applicant to use an alternative water source, subject to the review and approval of the City, or the City shall determine that the conditions of the project approval have not been satisfied.

- 187) Prior to the issuance of building or grading permits, the applicant shall file with the Director of Public Works, a statement from the purveyor indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that under normal operating conditions the system will meet the needs of the project.

TENTATIVE PARCEL MAP NO. 26073

- 188) The proposed parcel map shall result in the creation of four (4) parcels (resort hotel parcel, west casita parcel, east casita parcel, and villa parcel). The 2.2 acre Bluff Top park and Fishing Access Expansion Parking Lot shall be separately deeded to the City prior to recordation of the Final Map.
- 189) The applicant shall record a restrictive covenant or other document that is satisfactory to the City Attorney that requires all of the various parcels that are within the boundaries of the parcel map to be fully managed by the resort hotel operator.
- 190) The applicant shall supply the City with one mylar and ten copies of the map no later than thirty (30) days after the final map has been filed with the Los Angeles County Recorders Office.
- 191) All improvement plans shall be as-built upon completion of the project. Once the as-built drawings are approved, the applicant shall provide the City with a duplicate mylar of the plans.
- 192) The improvement plans shall be prepared by a Registered Civil Engineer, and shall be prepared on standard city size sheets. Plans shall be in substantial conformance with the approved tentative map and site plan as approved by the City Council and stamped by the Planning Department with the effective date of this approval.
- 193) This approval expires twenty-four (24) months from the date of approval of the parcel map by the City Council, unless extended per Section 66452.6 of the California Government Code and Section 16.16.040 of the RPVMC. Any request for extension shall be submitted to the Planning Department in writing at least sixty (60) days prior to the expiration of the tentative map.

- 194) This development shall comply with all requirements of the various municipal utilities and agencies that provide public services to the property.
- 195) According to Section 16.20.130 of the RPVMC and the Subdivision Map Act (California Government Code Section 66410 *et seq.*), at the time of making the survey for the final parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Subdivision Map Act. Prior to recording the final map, the exterior boundary of land being subdivided shall be adequately monumented with no less than a two (2) inch iron pipe, at least eighteen (18) inches long, set in dirt and filled with concrete at each boundary corner. The parcel lot corners shall be monumented with no less than one-half inch iron pipe for the interior monuments. Spikes and washers may be set in asphalt pavement and lead and tacks may be set in concrete pavement or improvements in lieu of pipes. All monuments shall be permanently marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.
- 196) The applicant shall be responsible for repair to any public streets which may be damaged during development of the subject parcels.
- 197) Easements shall not be granted within easements dedicated or offered for dedication to the City until after the final map is filed and recorded with the County Recorder. No easements shall be accepted after recording of the final 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 issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the parkland dedication requirement shall be fulfilled by the applicant in the form of either dedication of land for park purposes or the payment of in-lieu fees, or a combination thereof, as determined by the City Council pursuant to the RPVMC.

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

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

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

- 204) The final map is subject to review and approval by the City Engineer. The applicant shall establish a trust deposit with the City to cover any costs incurred by the City in conducting this review.
- 205) The proposed parcel map shall adhere to all the applicable dedications and improvements required per Chapter 16.20 of the RPVMC.

Applicant's Letter



June 1, 2011

Ara Mihranian
Deputy Planning Director
Community Development Department
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Terranea Resort –Post Certificate of Occupancy Review of the Conditions of Approval

Dear Ara,

This letter is sent for your consideration in the pending review of the Terranea Resort Conditions of Approval, which is required to occur six months after issuance of the Final Certificate of Occupancy (CofO) for the main hotel building. While this event is an important tool for the City to use in insuring that the Conditions of Approval are functioning as intended; it is also an opportunity for Terranea and Long Point Development to express their gratitude to the local community for its support of the Hotel, and to reflect on the past two years of operations and provide to Council and Staff our thoughts about the programs, events and amenities Terranea provides to local residents.

In mid-June of 2009, Terranea opened its doors in the midst of the most significant global financial crises since the Great Depression. Two years later, despite these conditions, Terranea has become the world class Resort it was designed to be, and has been rated a ‘high 4 diamond’ property for two years in a row by AAA.

Terranea now employs 899 people, and the hotel is a significant economic driver for Rancho Palos Verdes, the Palos Verdes Peninsula and the South Bay.

Moreover, as of May, 2011 the Resort has paid directly to the City of Rancho Palos Verdes \$4.2 million in Transient Occupancy Taxes; with taxes for all of calendar year 2011 projected to be \$6.3 million. This, of course, does not take into account the additional new sales taxes paid to the City because of Terranea.

COMMUNITY SUPPORT:

The support of the local community and the City of Rancho Palos Verdes has been overwhelming and integral in helping Terranea succeed. We have become neighbors to many, a

backyard playground to others, a welcoming place in which the community feels it belongs, and a weekend destination for those who live in the area.

In gratitude, we have established several programs, packages and specials designed specifically for the local community. These currently include:

The Spa Membership: This membership includes access to Terranea's Spa and Fitness facility and also provides 15 % off overnight hotel accommodations and Kids Camp, 15% off food & beverage at all resort dining outlets (excluding alcohol), 15% off Catering events (excluding alcohol), 15% off Tide Pool kids program, a complimentary Links Card good for one year of discounted golf at The Links of Terranea, and complimentary VIP valet parking for all visits. The monthly fee is \$325 for singles and \$575 for couples.

We have also established a daily fee for local patrons and non guests to enjoy spa pool and fitness.

The Links Golf Card: Provided to local resident for \$159.00 card holders receive one round of golf, four 50 % guest passes, one complimentary 30 minute PGA golf lesson/TPI Fitting, and a coupon for 25 % off a one- time purchase of \$ 100.00 or more. Card holders also receive 10 % discount on merchandise year round. They also receive discount Green Fees Monday – Thursday – 30 % Off/ Friday 45 % off/ Saturday and Sundays – 35 % off. We currently have 400 Links Card Holders. The Links also offers the local community free PGA Clinics several times a year, Junior Golf Programs for young players, Junior Passes for local children, and hosts both Peninsula High School and Palos Verdes High School for golf practices and team instruction.

Catalina Kitchen: Offers a free birthday dinner to members of the local community.

The Tide Pool Kids Club: The Kids Club and its many wonderful programs is available for residents' children, whether or not they are guests of the hotel.

Hotel Room Rates: We seasonally offer discounted "vacation in your own backyard" room night specials and Terra-neighbor rates on our web site, both offered specifically for members of the local community. These discount are often as much as 25%.

Trump National Golf Course: We run shuttles to and from Trump National golf course in low emissions vehicles, and refer all catering business we cannot accommodate to its facility, helping to keep business in the community.

Support of Local Organizations in the Arts: From the moment we opened our doors, we embraced local non profits and organizations in the arts. These include:

- Norris Center for the Performing Arts, which showcased their children's music group at our Opening Ceremony
- The annual Summer Jazz Concert produced by a local non profit – Freedom 4U. Over 1,000 local residents attended on July 25, 2010

- In July of 2010 we sponsored Shakespeare by the Sea, which performed on our Meadows – a free event attended by over 400 residents.
- We have a strong relationship with The Palos Verdes Art Center – we display children’s art 5 times a year.

Partnerships with Local Charities, Non Profits & Volunteer Organizations : We often sponsor or offer special rates for fundraisers and events, and have become a place for local non profits to host their special occasions, events and meetings. In turn, the organizations we support they have seen their attendance at these events grow significantly and funds raised as a result increase. Organizations we work with include:

- | | |
|---|--|
| • Childrens Hospital Los Angeles, | • Daedalians Veterans, |
| • The Palos Verdes Land Conservancy | • Dance Peninsula Ballet, |
| • The Peninsula Education Foundation, | • Harbor Interfaith, |
| • The Manhattan Beach Education Foundation, | • Palos Verdes Library, |
| • Art at Your Fingertips, | • Palos Verdes Symphony, |
| • Vistas for Children, | • Palos Verdes Coordinating Council, |
| • Children’s Miracle Network, | • Peninsula Committee Children’s Hospital, |
| • Peace for Kids, | • Providence Little Company of Mary, |
| • Walk with Sally, | • PV Juniors, |
| • The Rotary Club, | • Rainbow Services, |
| • The Chamber of Commerce, | • The Rotary Club, |
| • Harbor Interfaith Services, | • The Wellness Center, |
| • PV Juniors, | • Torrance Memorial Foundation, |
| • Rainbow Services | • Vistas for Children |
| • Kiwanis, | |
| • LA Biomed, | |
| • Local schools (public & private), | |

Terranea and Environmental Organizations: Before we opened, we began our outreach to the environmental community with initiatives to develop strong partnerships with environmental organizations who share our culture and ethics, including the Algalita Marine Foundation, the Marine Mammal Care Center, and the Palos Verdes Land Conservancy.

Important Community Events : We either sponsored and or hosted several important community events at Terranea. Those include:

- Hosted Marineland Reunion in 2010
- PV Marathon
- South Bay Paddleboard Race
- PV Street Fair
- Shakespeare by the Sea
- Freedom 4U Jazz Festival

- Palos Verdes Concours d'Elegance
- Celebration of the Season

Terranea Community Donations: Our donations committee manages donations in excess of \$7,000 per month “in kind” to local charitable causes. Donations range from 1 room night, dinner or golf for 4, to weekend packages.

REVIEW OF CONDITONS:

In addition to the strong community outreach and support Terranea provides, we continue to work within the commitments and conditions required in the Conditional Use Permit (CUP). As discussed previously, the pending June 21st review is also an important tool to insure that the Conditions of Approval contained in the CUP are functioning as intended.

Four specific conditions require a post occupancy review. They are as follows;

Condition 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.

Condition 11

a) The Resort Hotel building, ancillary structures, including but not limited to the Lower Pool Facility, and all accessory buildings associated with the 9-hole golf course shall substantially conform to the plans approved by the City Council and stamped by the Planning Department with the effective date of this approval.

b) The Resort Hotel may conduct outdoor events, in compliance with the following standards:

i. Amplified Sound, whether recorded or live, shall be permitted during the hours set forth in (iii), and speakers for amplified sound shall be, oriented towards the ocean away from surrounding properties.

ii. No outdoor spot-lights, neon lights, or other specialty lighting shall be permitted to shine into the sky, habitat areas, or onto neighboring properties, except during the hours set forth in (iii).

iii. Hours for (i) and (ii) use:

Sundays through Thursdays 8:00 am to 10:00 p.m

Fridays and Saturdays 8:00 am to midnight

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

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

Condition 44

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

Furthermore, if the City receives any justified noise complaints that are caused by the maintenance of the golf or hotel landscaped and lawn areas, as verified by the Director of Planning, Building and Code Enforcement, upon receipt of notice from the City, the operators of

the hotel and the 9-hole golf course shall respond to said verified complaint by notifying the City and implementing corrective measures within 24 hours from the time of said notice.

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

Condition 42

*The lower beach area approved by the City Council on October 7, 2008 and the public section of the Lower Pool Facility, which consists of public restroom facilities and a viewing deck area, as shown on the plans approved by the City Council on the effective date of the adoption of these conditions, shall be open and made available to the general public during City park hours, as specified in the RPVMC. The public snack shop, located within the Lower Pool Facility, shall be open and made available to the public concurrent with the hours of operation of the hotel guest component of the structure, **with a trial period of one year from the date of the opening of the snack shop, at which time the City Council will review the hours of operation of the public snack shop.***

Post Certificate of Occupancy Review:

The June 21st City Council review focuses on the requirements of the Conditions of Approval. Those include: parking conditions, circulation patterns (pedestrian, bicycle, and vehicular), lighting, landscaping, noise, the operation of outdoor events, and golf safety, golf and hotel landscape maintenance and Public Snack Shop hours of operation.

This letter will address each of those items individually.

Parking Conditions:

As discussed previously, the support of the local community has been overwhelming and integral in helping Terranea succeed. The resort's many public amenities, including the trails, beach area, golf course, restaurants, retail and frequent community events have made Terranea the local community's primary weekend destination. This popularity has occasionally tested the resort's on-site parking. Upon analysis, we have concluded that there have been occasions approximately every two to three months since opening that the parking demand exceeded the 1075 spaces provided at the resort. All of those occasions coincided with a high hotel occupancy, a significant community event at the Resort, great weather and a heightened demand on the Resort's public amenities. In most instances, we anticipated the potential parking issues and, with the cooperation of Staff and the City's Managers Office, we utilized the City lot for our associates to park, providing a shuttle to and from Terranea. This provided the parking needed to accommodate the demands on the Resort.

These occasional events are a testament to the success of the Resort and its amenities, as the 1075 spaces provided on-site at Terranea are well above industry standards, with a ratio of 1.8 spaces per hotel guest room.

- **Hotel del Coronado - Coronado, California – 689 rooms, 0.99 spaces per room**
- **La Costa - San Diego County, California – 376 rooms, 1.39 spaces per room**
- **Marriott Hotel - Newport Beach, California - 400 rooms, 0.81 spaces per room**
- **Hyatt at Hilton Head - South Carolina - 359 rooms, 0.80 spaces per room**

The amenities of these resorts are very similar to Terranea. The hotels described above all include conference and meeting facilities, restaurants, gift shops, spas, and golf on site. We assume that the difference at Terranea is our use by, and cooperation with the local community.

For resort/convention hotels, the ITE Parking Generation manual cites a range of 0.73 to 1.33 parking spaces per room, the Resort Hotel Traffic Study cites a range of 0.80 to 1.39, the reference book Hotel Planning and Design suggests 0.8 to 1.4 parking spaces per room and the existing Waterfront Hilton Beach Resort has a parking supply of 1.47 spaces per room. Again, the parking ratio at Terranea is 1.8 spaces per room, far more than is needed to satisfy on-site demand. We welcome the additional community use of the Resort, and are grateful to the City for working with us to meet the occasional peak demand.

Circulation Patterns:

No issues to date.

Lighting:

The Resort received one complaint in June of 2009 regarding the intensity of lighting at the Loading Dock. This issue was remedied immediately and we have not received any subsequent complaints.

Landscaping:

On several occasions we have been copied on correspondence to the City by Mr. Edward Z. Stevens commenting on the height of native plant material planted in the City Right of Way and maintained by Terranea. Mr. Stevens has requested that the Coastal Sage Scrub Habitat planted along the median and boulevard adjacent to Terranea be pruned to 1 foot. This is not possible, as it is inconsistent with the requirements of the California Coastal Commission (CCC) accepted by the City of Rancho Palos Verdes.

As noted in the attached letter from the Resort's biologist, Glen Lukos Associates, the plant material along PV Drive is currently at maturity levels that provide suitable foraging habitat and cover for the California gnatcatcher. Trimming these plants to 12 inches from the ground would reduce the opportunity for successful foraging and remove cover provisions altogether, which would be out of compliance with the CCC approvals.

Our Biologist notes that if trimming must occur for safety or other essential causes, a minimum plant height for maintaining foraging and cover opportunities in this area would be 30 inches from the ground, and most importantly, trimming should only occur outside of the California gnatcatcher breeding season (February 15 – August 30).

For background, the federally-listed threatened Coastal California Gnatcatcher has been known to occupy habitat to the north of the Resort. As conditioned by the Coastal Development Permit, the intent of Plant Zone C is to “provide food and cover for wildlife, including the California gnatcatcher, which may use this re-created habitat in dispersing between nearby off-site habitat areas to the northwest and northeast that are under consideration for inclusion in the City’s Natural Communities Conservation Plan (NCCP) program.”

We remain committed to maintaining the integrity of the restored native habitat at Terranea, and have demonstrated this through our very successful habitat restoration project. However, the one foot maintenance requirements outlined in Condition 100 of the Conditions of Approval are contradictory to the Coastal Commission requirements. We propose that the plant material be revised to be maintained to from 24”-30”, and that trimming occur outside of the California gnatcatcher breeding season (February 15 – August 30).

Noise:

No issues to date.

Operation of Outdoor Events:

No issues to date

Golf Safety:

No issues to Date

Golf and Hotel Landscape Maintenance:

No issues to date.

Public Snack Shop Hours of Operation:

As required by the Conditions of approval, the Discovery Trails Snack Shop located at the Lower Pool Facility is open and made available to the public concurrent with the hours of operation of the Pool Facility. We have received no complaints about these hours of operation.

We are very proud to part of Rancho Palos Verdes. Terranea Resort is quickly becoming known one of the premier destinations in the Country. Since opening we have been awarded several accolades which we share with the City. These include: *Los Angeles Business Journal* (2011) Hospitality Project of the Year Award, *Shape Magazine* “Most Kid-Friendly Resort” Feb 2011, “2010 Best Retail/Service Business” by Palos Verdes Peninsula Chamber of Commerce, *AAA Four Diamond Rating*, *Condé Nast Traveler* (2010) “Best in the World” Reader’s Choice Awards -Top 100 Best Resorts of the Mainland U.S. list, *Condé Nast Traveler* (2010) “Hot List” – Terranea Resort, *Genlux Magazine* (2009) named Terranea “One of the Most Romantic

Getaways”, *Southern California Meetings & Events* named Terranea Resort “Editor’s Pick” for New Coastal Resort in the 1st Annual Reader’s Choice Best of Awards, Terranea Resort placed 2nd in *Estates West* online contest “What is the Best Seaside Resort in Southern California?” (2010), *Condé Nast Traveler* (2010) “Hot List” – The Spa at Terranea, *American Spa Magazine* (2010) – Favorite New U.S. Spa, *Shape Magazine* (2009) named The Spa at Terranea Best Destination Spa in annual "Best Of" spa lineup, *Golf Inc. Magazine* (2010) selected The Links at Terranea as the 1st Place winner in the "U.S. Courses" category of the 2009 Development of the Year Awards, *LINKS Magazine* (2010) featured The Links at Terranea as one of Best New Courses for 2009, *Daily Breeze* (2010) South Bay’s Favorite Golf Course – The Links at Terranea. Recently Terri Haack, Terranea’s Executive Vice President and Managing Director received the National General Manager/Managing Director of the Year Award for large properties, from the American Hotel and Lodging Association.

We sincerely appreciate the support of the City of Rancho Palos Verdes in the development and construction of Terranea, but perhaps moreover, its ongoing operation. The assistance of Council, Staff and the local community continues to help Terranea weather current economic conditions and look to the future with optimism. As noted in this letter we continue to work diligently to insure that the 205 Conditions of Approval are functioning as intended and express our gratitude to the local community for its support of the Hotel. 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.

Sincerely,



Todd Majcher
Vice President
Long Point Development, LLC

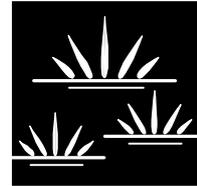
cc: Terri A. Haack
Robert Lowe Jr.
Robert Lowe

300266254.2

**Applicant's Biologist's Letter
on Roadside Habitat Area**

GLENN LUKOS ASSOCIATES

Regulatory Services



June 9, 2011

Todd Majcher
Vice President
Long Point Development, LLC
100 Terranea Way
Rancho Palos Verdes, CA 90275

SUBJECT: Compliance with the Coastal Bluff Scrub Conservation and Restoration Plan at Terranea Resort, City of Rancho Palos Verdes, Los Angeles County, California

Dear Mr. Majcher:

The purpose of this letter is to reiterate resource agency conditions that are intended to: (1) maintain and enhance the native character of the existing coastal bluff and (2) provide a means of integrating preserved areas and enhancement areas into the overall landscape plan for the Terranea Resort. These specific resource agency conditions are found in Coastal Development Permit No. A-5-RPV-02-324, Conditional Use Permit No. 215, Grading Permit No. 2229, Variance No. 489, and Tentative Parcel Map No. 26073. Specific Rancho Palos Verdes City conditions include Condition of Approval 76, Condition of Approval 77, and Condition of Approval 78. All of these conditions have been met through implementation of the *Long Point Resort Hotel Biological Resources Management Program*, prepared by Natural Resources Consultants, dated September 28, 2005.

The recent request by the public to reduce the height of planted vegetation along Palos Verdes Drive South to 12 inches above ground level is inconsistent with the intent of the resource agency conditions listed above. The planted area along Palos Verdes Drive South is referred to in the BRMP as Plant Zone C – Native Plant Transition Area [Exhibit 1]. Plant Zones A & B consist of preserved and enhanced coastal bluff scrub habitats on site. For background, the federally-listed threatened coastal California gnatcatcher (*Polioptila californica californica*) has been known to occupy habitat to the north of the Resort. As conditioned by the Coastal Development Permit, the intent of Plant Zone C is to “provide food and cover for wildlife, including the California gnatcatcher, which may use this re-created habitat in dispersing between nearby off-site habitat areas to the northwest and northeast that are under consideration for inclusion in the City’s Natural Communities Conservation Plan (NCCP) program.”

The vegetation in Plant Zone C comprises coastal bluff scrub species (predominantly *Eriogonum cinereum*) and native coastal sage scrub plants (predominantly *Artemisia californica*), both of

29 Orchard
Telephone: (949) 837-0404

▪ Lake Forest

▪ California 92630-8300
Facsimile: (949) 837-5834

Todd Majcher
Long Point Development, LLC
June 9, 2011
Page 2

which are currently at maturity levels that provide suitable foraging habitat and cover for the California gnatcatcher. Trimming these plants to 12 inches from the ground would reduce the opportunity for successful foraging and remove cover provisions altogether, which would be out of compliance with the intent of the resource agency conditions listed above. If trimming must occur for safety or other essential cause, a minimum plant height for maintaining foraging and cover opportunities in this area would be 30 inches from the ground and most importantly, trimming should only occur outside of the California gnatcatcher breeding season (February 15 – August 30).

Should you have any questions, please contact me at (949) 837-0404 x34.

Sincerely,

GLENN LUKOS ASSOCIATES, INC.

A handwritten signature in cursive script, appearing to read "Thienan Ly Pfeiffer".

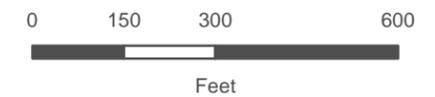
Thienan Ly Pfeiffer
Regulatory Specialist

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Legend

- Zone A
- Zone B
- Zone C



TERRANEA RESORT

Planting Zone Map

GLENN LUKOS ASSOCIATES

Exhibit 1



**Coastal Commission
Special Condition No. 7**

cuttings of coastal bluff scrub species native to Rancho Palos Verdes. No *Eriogonum fasciculatum* shall be used.

- (4) Existing drainage channel in southeastern corner of site: Invasive plants as identified on the "Ocean Trails list" shall be removed within 30 feet of the drainage. The applicant shall install riparian species native to Rancho Palos Verdes obtained, as feasible, from local cuttings.
- (5) Eastern Bluff Area: that part of the Eastern Bluff Area formerly identified as "Naturalized Coastal Grass Planting Zone with Native Accents" (also known as "Zone D") and the portions of "Zone H" or "turf zone" located seaward of the coastal setback line, with the exception of the portion of "Zone H" located adjacent to the lower pool facility, on the Long Point Resort Landscape Plan dated March 26 and 27, 2003, shall be restored with coastal bluff scrub (CBS) including *Eriogonum cinereum*; a 1.5 acre area of adjacent bluff face slopes also within the Eastern Bluff Area shall be restored with coastal sage scrub species native to Rancho Palos Verdes and suitable to El Segundo blue butterfly, from local seed and cuttings. No trees, no turf and no *Eriogonum fasciculatum* shall be employed.
- (6) Zone C Roadside Enhanced Native Planting Zone. Applicant shall install plants adjacent to Palos Verdes Drive South that provide food and cover for wildlife, including gnatcatchers, migration between the nearby offsite habitat areas to the northeast and northwest under consideration for inclusion in the City's Natural Communities Conservation Plan (NCCP) Program as depicted in Exhibit 24. Species outside of expected shade canopies shall be predominantly coastal sage scrub plants. Tree canopies shall be limited to ten percent of the area. All plant materials shall be native to the Palos Verdes peninsula.

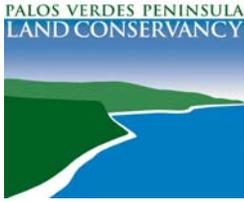
C. General Provisions for the Project Site

- (1) Planting will maintain views from Palos Verdes Drive South and to and along the bluffs and shall be consistent with the preservation of public views through the view corridors identified in the certified LCP for the project site.
- (2) Time limits for installation and completion of re-vegetation and enhancement of the bluff face, bluff ADA Compliant Trail and coastal bluff scrub and coastal sage scrub enhancement areas (includes Zones A, B, C and areas expected to be disturbed by grading.): The applicant shall provide a timetable consistent with the following: consistent with the experience of other projects in the area; for review and approval of the Executive Director; the surveys conducted as a result of the

APPENDIX A
RECOMMENDED STANDARD AND SPECIAL CONDITIONS

A-5-RPV-02-324-A6
Page 23 of 49

**PVPLC REQUEST TO INSTALL
A PELICAN SCULPTURE**



PRESERVING LAND AND RESTORING HABITAT FOR THE EDUCATION AND ENJOYMENT OF ALL

February 1, 2011

Todd Majcher
Vice President
Lowe Enterprises
100 Terranea Way
Rancho Palos Verdes, CA 90275

Dear Todd,

It has been a great pleasure to coordinate with you and Terranea's recommended art consultants regarding the installation of a bronze sculpture at Terranea Resort in Rancho Palos Verdes.

The Palos Verdes Peninsula Land Conservancy is pleased to request permission to install a bronze sculpture, created by David Clemons, to be located in the portion of turf near the discovery trailhead adjacent to the "Fishing Access" parking area.

Aesthetics

This sculpture would be of a pelican, intending to celebrate the open space acquisitions in Rancho Palos Verdes through the symbolism of the endangered Brown Pelican and its recovery on our coast. The sculpture would also have a plaque celebrating the significant community contributions made by Allen and Charlotte Ginsberg toward the preservation of open space on the Peninsula.

The California pelican will be cast in bronze and colored with a natural colored patina that matches the native stone pedestal. It is proposed to be life size (8ft. wingspan). Bronze is time-honored, vandal resistant medium for public art. The bronze artwork would be welded to a 2 foot long section of 4 inch diameter pipe.

Installation

From our coordination meetings to date, we discussed working together to select and place and core as necessary, native boulders as the proposed sculpture location. The sculpture would be mounted onto a natural boulder that has a cored hole in the stone to receive the pipe. The rock is placed upon a 1 foot thick, reinforced concrete slab with epoxied pins in stone to be sealed and cured in the concrete.

In addition, we discussed that Terranea would create a modified contour line, forming the border between the grass and the native planting area adjacent to the picnic table. This contour would be gradually raised to 5' at its highest point.

Maintenance

The art should require minimal maintenance. The bronze and steel of which it will be constructed should remain structurally sound for decades. Vandalism is always a concern but unless determined efforts are made to deface the work it should remain sound. The bronze structure will be treated with a non-acid patina. The art will be delivered with a coat of wax.

The sculpture should be re-waxed annually, which is a simple process. The Palos Verdes Peninsula Land Conservancy would be the responsible party for the annual waxing, unless Terranea specifies otherwise. On a hot, summer day the bronze will heat up and the wax will be easy to apply with a soft cloth. We recommend Sculpt Nouveau Clear Wax with UV inhibitor for bronze wax and copper.

The color of the patina should not change over time. Please note that the bronze highlights may be subject to some oxidation and color change over time in Palos Verdes's unique climate.

The waxing products can be obtained from:

Sculpt Nouveau

1347 Borden Road

Escondido CA 92026

(760) 432-8242(800) 728 5787

www.sculptnouveau.com

Information and instruction is also available at www.ronyoungpatina.com.

Request

If the descriptions in this letter are acceptable to you, please respond with a letter granting permission to install the sculpture addressed to the Palos Verdes Peninsula Land Conservancy.

Please don't hesitate to contact me if I can provide any additional information or clarification. I look forward to working with you on this project.

Sincerely,



Andrea Vona

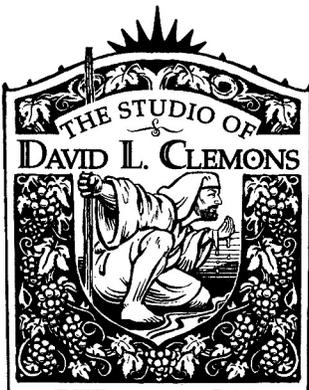
Enclosures: renderings from David Clemons

Ginsburgs' Proposed Pelican Sculpture

DAVID CLEMONS
 8137 W. CLEMETSON RD.
 COEUR D'ALENE, ID 83814

davidc@imaxmail.net
 PublicArtybyClemons.com
 davidlclemons.com
 208 667 5198

Art Proposal for the
PalosVerdesLand
Conservancy &
Terranea
RESORT
 RANCHO PALOS VERDES
 CALIFORNIA



Dear Palos Verdes Peninsula Land Conservancy,

Thank you for your welcome last week. I have prepared the following to help visualize some thoughts that we shared for the concept of the statue and the site. The existing site is approximated in a plan view in A and shown as a photo in B.



We discussed the idea of a new organic contour line where the native plants join the grass shown in C and D. I am presenting a contour line that places the art away from the congestion at the picnic tables.

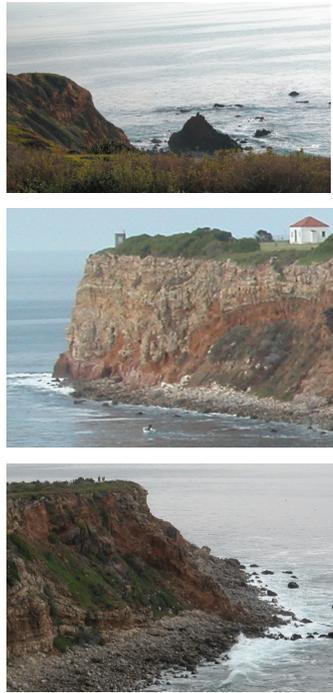
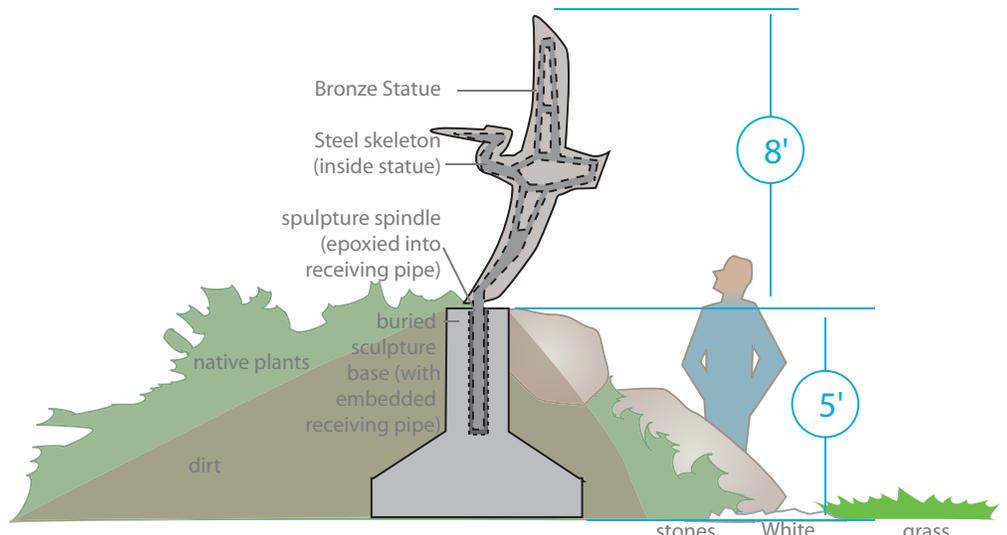
We also discussed the idea of gradually raising the contour to 5' at its highest point to create a rock cliff that suggests the Palos Verdes coastline. The 5' point is where the art would be mounted. The raised contour would be made of native stone mixed and native plants. Dirt and native plants would ramp up and fill the new contour from behind.

My initial idea of how this might look is shown in E.

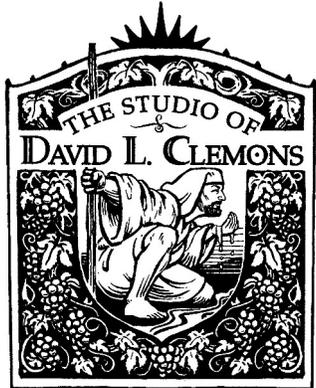
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 208 667 5198

Art Proposal for the
Palos Verdes Land Conservancy & Terranea RESORT
 RANCHO PALOS VERDES
 CALIFORNIA



Palos Verdes is characterized by dramatic changes in elevation. We discussed how to create a “cliff” “with the landscape elements above an “ocean” of grass and a pelican soaring around the point. As there are stones jutting up out of the surf, I have placed stone sitting stools in the grass. Where the grass meets the new landscape elements I have indicated white pebbles or flowers to suggest the surf. The stones or the sitting rocks could display bronze plaques that match the pale patina of the pelican. These images are presented in hopes of capturing everyone’s words with a visual and I hope they are helpful to you as a starting place for in preparing the site.



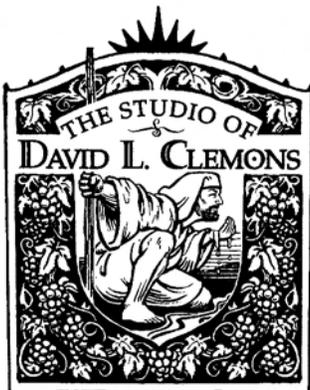
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davidc@imaxmail.net
PublicArtyClemons.com
davidclemons.com
208 667 5198

Art Proposal for the

Terranea RESORT

RANCHO PALOS VERDES
CALIFORNIA



1

Dear Mr. and Mrs. Ginsberg and Palos Verdes Peninsula Land Conservancy Artist Selection Committee,

I propose to create for the Terranea Resort a bronze statue celebrating the pelicans found in the region. My work for public commissions is representational and often figurative. The designs I create have a strong intellectual and poetic dimension that attract wide audiences in all social and economic levels. My work is timeless, bears repeated viewing, and often creates a place where community members gather for picture opportunities and cultural events. I have used traditional and unique media in creating permanent art works for patrons while at the same time being sensitive to the vandalism and maintenance issues that all committees and governmental groups are concerned about. An important part of the public art process is the partnership that develops when working with committees, stakeholders, and governmental authorities throughout the design and completion of those works.

I propose that a monumental pelican in flight be sculpted and cast in bronze and colored with a natural colored patina that matches the stone pedestal. Bronze is a time-honored, vandal-resistant medium for public art. The bronze artwork is welded to 2 foot long section of 4 inch diameter pipe. The sculpture is mounted onto a natural boulder that has a cored hole in the stone to receive the pipe. The rock has a flat bottom and is placed upon a reinforced concrete slab 1 foot thick, epoxied pins in the stone are sealed in the cured concrete.

I believe that representational art makes the most immediate and impacting impression with viewers. When artists use universal conceptual and visual tools to create an impression with an audience, and extend themselves, articulating their work in ways that all can understand there is less chance of ambiguity, misunderstanding or apathy. My work will blend traditional themes and sensibilities in ways that will extend and enhance the experience of patrons of the Terranea Resort. Possessing the technical and conceptual skills to realize those ideals, I enthusiastically avail myself for the project. Please allow me to serve you with my ideas and abilities.

My work is always an act of service in which I am only pleased if a commission meets the expectations of the people who entrust me to employ my skills in the privileged pursuit we call the arts. If you would honor me with the opportunity, I will do everything in my power to insure that this project would please guests and citizens, set a high standard for artwork and for the working relationship between community and artists. I will not disappoint you if given the opportunity to continue with you in realizing the high vision before us.

Most sincerely,

A handwritten signature in black ink, appearing to read 'David Clemons', with a long, sweeping horizontal stroke at the end.

David Clemons

DAVID CLEMONS
 8137 W. CLEMETSON RD.
 COEUR D'ALENE, ID 83814

davidc@imaxmail.net
 PublicArtbyClemons.com
 davidlclemons.com
 208 667 5198

EDUCATION:

I possess excellent written and verbal communication skills, creativity, strong strategic and creative project planning and management abilities, organizational skills, poise under pressure, ability to multi-task, diplomacy and tact, resourcefulness, and knowledge of print production. You will find in me a high energy level, a clean and clear design sense, an ability to work with junior designers, excellent knowledge of graphic design principles, art, advertising, marketing and an eye for good visual communications. I devote great attention to detail in all areas of work, and am a creative problem solver with proven leadership skills.

Art Center College of Design, Pasadena, California
 B.F.A., ILLUSTRATION
 GRADUATION WITH HONORS, 1984
 Boise State University, Boise, Idaho
 DEANS LIST, 1981
 United States Air Force Academy, Colorado Springs, Colorado
 COMMANDANTS LIST, 1980
 Borah High School, Boise, Idaho
 VALEDICTORIAN, 1979
 Foreign Study League, Spain
 Overseas study of Spanish language, art and culture, 1976

EXPERIENCE:
 ARTIST

Illustrator and Designer, 1984 to present, Clients include:

WARNER BROTHERS	FOCUS ON THE FAMILY	I.B.M.
WALT DISNEY	THE LOS ANGELES TIMES	M.G.M.
MICHAEL JACKSON	THE HOLLYWOOD REPORTER	N.F.L.
NINTENDO	STRANG COMMUNICATIONS	PEPSI COLA
ISUZU MOTORS	SHEARSON LEHMAN HUTTON	AT&T

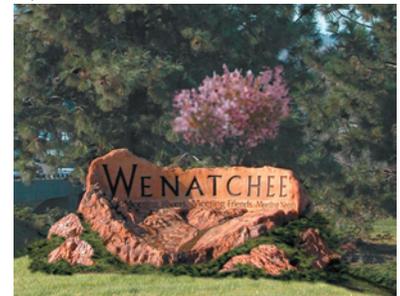
SCULPTOR
 PUBLIC ART



Will Johnson Memorial Statue, Harrells, North Carolina, 2003
 I was commissioned to go to North Carolina and create a full size memorial statue of Will Johnson for Harrells Christian Academy. Johnson, a former student and leader at the school, tragically died in a football game before a home crowd. I captured his likeness by using old school photos and talking to friends and relatives. I sculpted and cast the figure myself at the school. I built relationships with students, friends and family while I created the statue in the foyer of the school's gym over the course of 6 weeks. The project was finished in time for the Homecoming Festivities and unveiling of the statue. In addition to the creation of the statue, I designed the base for the statue, recommended the site for the statue and redesigned the landscaping, sidewalk and traffic patterns for the monument. I also took an active role as educator, meeting with all the art classes at the Academy. The sculpture is made of reinforced concrete with a fiberglass shell. The sculpture was so warmly received that a second was cast in bronze and I received an additional commission for a stained glass window in the school's chapel

Wenatchee Welcome Monuments, Wenatchee, Washington, 2006

I created two 14 ft. wide monuments proclaiming welcome for the City of Wenatchee, Washington. Wenatchee lies at the confluence of the Wenatchee and Columbia Rivers. In addition to the town's name, the theme, *Meeting Rivers Meeting Friends Meeting Needs* stretches across the monuments. The sculpted forms on the monument depict the meeting rivers amidst the surrounding terrain, but they can also represent the way people come together and with their meeting, create relationships or solve problems.



Monumental Scale Eagle, Police Station, Coeur d'Alene, Idaho, 2000

I sculpted, cast and installed this eagle atop the Coeur d'Alene Police Department. The eagle has a 12 foot wing span and was the city's first public art project. Everyone assumes the art is cast bronze with a sealed patina, but the eagle is built of fiberglass on a welded steel frame. By using non traditional but permanent materials, I was able to present the city with a substantial piece of art for a very modest budget.



DAVID CLEMONS
 8137 W. CLEMETSON RD.
 COEUR D'ALENE, ID 83814



The Twins, Twin Falls, Idaho, 2008

At over 13 feet tall, the sculpture emerges like living stone from the canyon itself, an active embodiment of the high desert environment. With their raised arms and upturned faces, the two spiraling female figures lifting from the jutting stone express the protective, exultant and thankful feelings that Twin Falls holds for the Snake River Canyon. The figures have a multicultural, spiritual quality about them without being particularly Native American, Western or Eastern.



Heritage Statues, I, Coeur d'Alene Idaho, 2003

I created two life size figures for the Centennial Trail, a 25-mile-long trail along Lake Coeur d'Alene and the Spokane River. The sculptures are the first 2 of a series of 6 pieces that will be installed on the Trail. The concept uniting the sculptures portrays individuals, as they would have appeared over 100 years ago, enjoying the same activities on the trail as are enjoyed today. In the case of the cyclist, Coeur d'Alene had an established bicycle club before the turn of the century. In the late 1800's, professional photographers were coming to Coeur d'Alene with the express purpose of photographing the beautiful lake and surrounding landscape. The Centennial Trail sculptures are made of reinforced concrete with a fiberglass shell.



Michi, Hult Center, Eugene Oregon, 2007

This Japanese American Memorial depicts a young, Japanese American girl seated atop a mound of neatly piled suitcases. Amongst the luggage is a local newspaper, recently carried under the arm of the patriarch of the family, its headline announcing Japanese internment. Near it is a clipboard with an envelope holding citizenship papers written with English and kanji characters. Alongside the American-made suitcases is a hand-made sewing basket from Japan and a small, carefully packed lunch. The little girl has momentarily stopped playing with a Japanese doll and is fascinated with a Monarch butterflies. Monarchs endure a long difficult migration but they faithfully return and flourish as will the little girl. Just as innocent Japanese Americans were subject to a loss of their rights and property and made to suffer prejudice, shame and difficulty, they too endured and returned with the grace and beauty of their culture; just like the Monarch butterfly.



Veterans Memorial Farragut Naval Training Station, Farragut State Park, Idaho, 2007

This bronze, monumental head of a handsome, young sailor. Handsome, rugged with a determined stare in his eye, he is the idealized portrayal of an American fighting man. As visitors come closer they notice that the sculpture's surface has hundreds of small faces on it. The young faces portray recruits from varied backgrounds. They portray all the variety, naivete and optimism of the young men that found themselves at Farragut.



Park Bench, Coeur d'Alene, Idaho, 2005

The project is a bench of natural granite boulders, a cut and polished granite seat and two cast bronze mountain goats captured as they leap from crag to crag.



DAVID CLEMONS
 8137 W. CLEMETSON RD.
 COEUR D'ALENE, ID 83814

davidc@imaxmail.net
 PublicArtbyClemons.com
 davidlclemons.com
 208 667 5198

EXPERIENCE:
 CONTINUED

Indian Riverside Park, Martin County, Florida, in progress
 Alongside the recreational activities at this beloved community park, an archeological excavation of an indian midden is ongoing. The artifacts there are telling the story of the pre-Columbian indians of Florida's Pacific coast. This monumental indian (11 ft. tall) will honor those lost indian peoples. Shown here is the proposed siting and the machete.



Balance, City Hall Hayden, Idaho 2010
 Atop this utilitarian Bike rack, figures are reaching toward new horizons of service and excellence. Their poses are ambitious in the degree to which they are extending themselves, The figures are lunging out into space in a way that could be dangerous if not for the hands reaching back for support from the others. The result is a visual expression of achieving success by maintaining the delicate balance between: visionary and adventuresome thinking while staying wise and grounded.



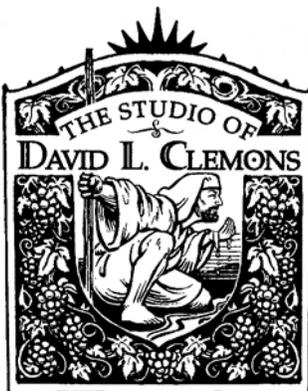
Little Deuce Moose, EXCEL Foundation's No Moose Left Behind, Coeur d'Alene, Idaho, 2004
 As a part of a fund raising effort for local schools I was asked, along with other artists, to design and create a moose that would be displayed throughout the summer and auctioned off in the fall. My proposal was one of the 26 designs accepted. Little Deuce Moose, with its headlight eyes, classic grill nose, tail lights on its fanny and flamed sides was voted by readers of the local paper as their favorite moose.



Spokane International Airport Spokane, Washington 2003
 Working as I often do as a graphic designer and illustrator, I created the logo at the upper left for 4 Seasons Coffee. Later as a part of a promotional effort for 4 Seasons, I was asked to create fiberglass bi-planes with a three foot wingspans, this four foot wide, illuminated, three dimensional signage, and a wall mural for the Spokane airport. Upon seeing the work that I did for 4 Seasons, the airport asked me to create an additional wall mural of the Spokane skyline, a portion of which is shown here.



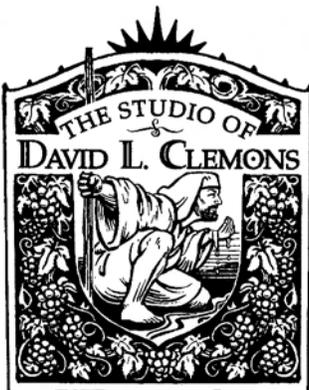
In addition to the projects listed above I have done work in glass, marble, gilded wood, mosaic and etc.



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Art Proposal for the
**Terranea
RESORT**
RANCHO PALOS VERDES
CALIFORNIA



For the Terranea Resort, I propose that a pelican similar to this sculpture I created for the City of Novato, California be placed in a native stone pedestal at a site of the committee's choosing. The California Pelican will be cast in bronze and colored with a natural colored patina that matches the stone pedestal. The sculpture I propose for the resort will be life size (8 ft.



wingspan) and will not include the low relief birds on the sculpture seen in this sample. Bronze is a time-honored, vandal-resistant medium for public art. The bronze artwork is welded to 2 foot long section of 4 inch diameter pipe. The sculpture is mounted onto a natural boulder that has a cored hole in the stone to receive the pipe. The rock has a flat bottom and is placed upon a reinforced concrete slab 1 foot thick, epoxied pins in the stone are sealed in the cured concrete.

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Art Proposal for the
**Terranea
RESORT**
RANCHO PALOS VERDES
CALIFORNIA

REFERENCES:

Kris Bassett, Wenatchee Welcome Monuments
(509) 669-5747 K.Bassett@wenatcheevalleymuseum.com

Stacy Madsen, The Twins
208-734-ARTS(2787) Stacy@magicvalleyartscouncil.org

Cindy Carlson, Japanese American Monument
(541) 345-2096 cdcarlson@comcast.net

Randal Butt, Farragut State Park
(208) 683-2425 rbutt@IDPR.state.id.us

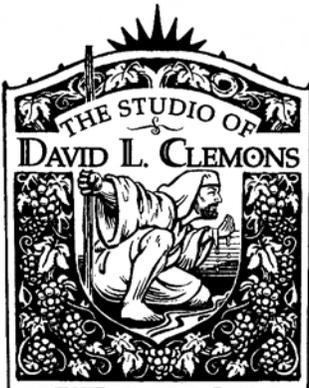
David Faire, Centennial Trail Statues
(208) 773-0539

Bob Johnson, Will Johnson Memorial
(910) 289-3342 bob@houseofraeford.com

Stefan Chatwin, Balance
(208) 772-4411 ext. 1026 schatwin@cityofhaydenid.us

Pam Shinault, Omay
Phone: 415-899-8200 prcs@cityofnovato.org

Kevin Jester, Coeur d'Alene, No Moose Left Behind
(208) 667-9402 kevinj@architectswest.com



Amended Public Amenities Plan

THE USE AND PUBLICATION OF THESE PLANS, SPECIFICATIONS AND DESIGNS SHALL BE RESTRICTED TO THE ORIGINAL SITE AND PHASE FOR WHICH THEY WERE PREPARED AND TITLE. THEREO REMAINS IN THE LANDSCAPE ARCHITECT'S USE WITHOUT WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT. VISUAL CONTACT CONSTITUTES ACCEPTANCE OF THESE RESTRICTIONS.

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

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

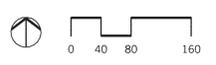
- 8.** Existing asphalt sidewalk [300'- 5%]
- 9.** Shoreline access [80'- 5% min. to 13% max.]
2 ft. width path in a 10 ft. corridor- native soil.
- 10.** Cable Rail Trail fencing
- 11.** Bluff Top fencing

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



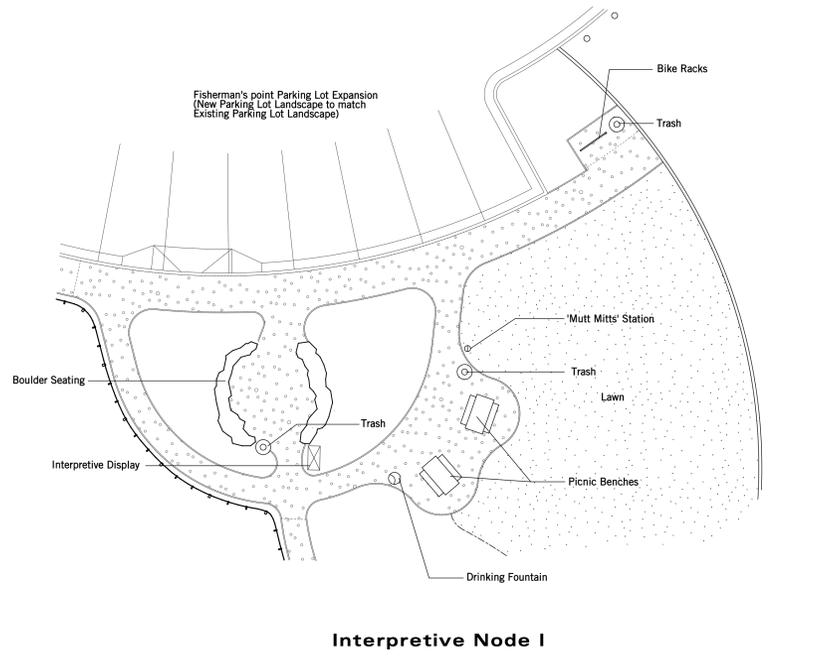
- Public Trail Viewpoints**
- I.** Welcome Trailhead Sign - this area will provide a map of the public trails, including a list of the different educational viewpoints, hours of operation, trail rules, safety issues, etc.
 - II.** 'Lady Of The Light' Viewpoint - this area will provide information about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

Trail Section located between Nantasket and Seascope South to existing Bluff Top trail is pending an easement agreement. The trail will be located on Long Point property if an easement is not established.

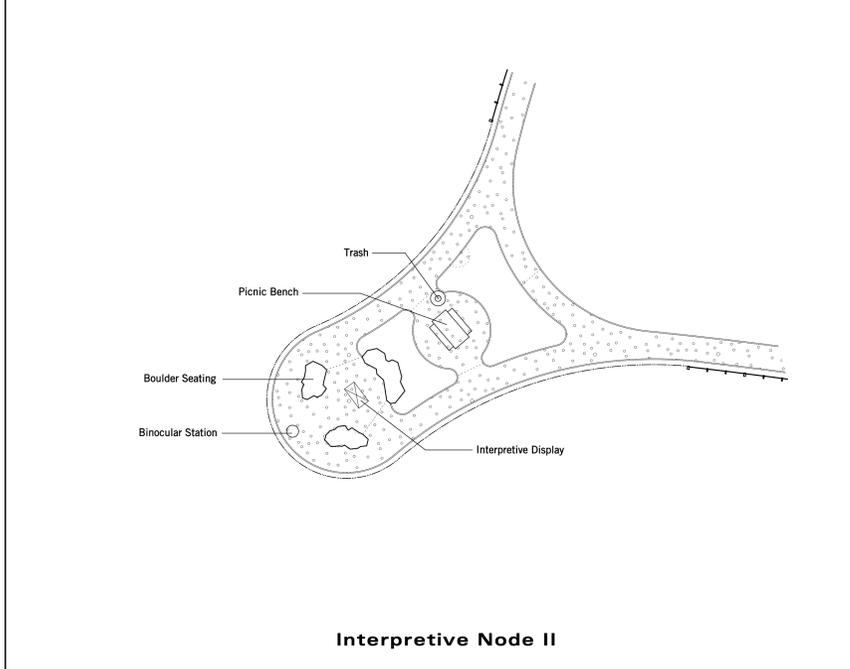


Date	Revisions
30 Jun 05	DD Set 1
30 Aug 05	50% DD Set
12 Sep 05	per City comments
29 Mar 06	CCC submittal
30 Jun 06	CCC submittal
12 Feb 09	Record Drawing
1 June 11	Sculpture Revision

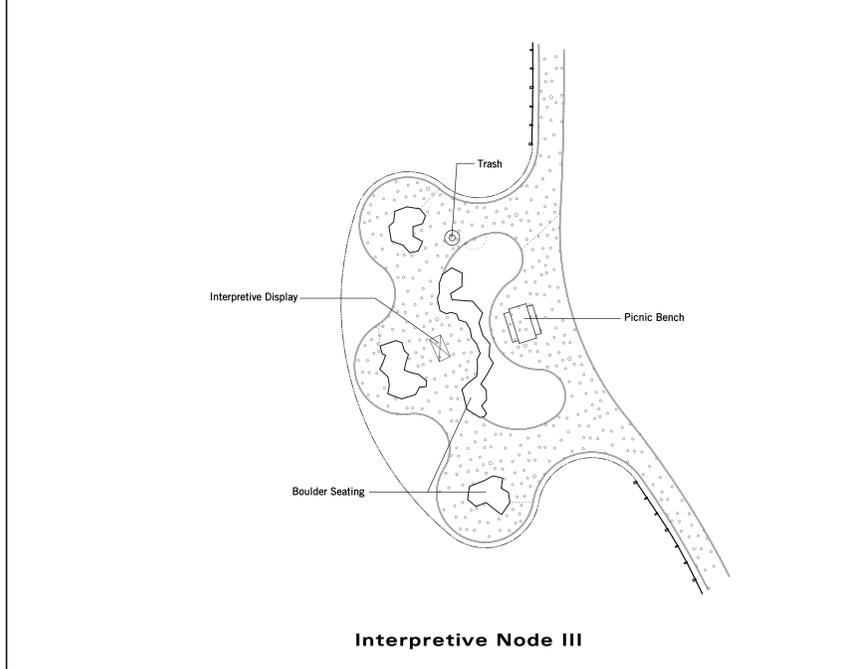
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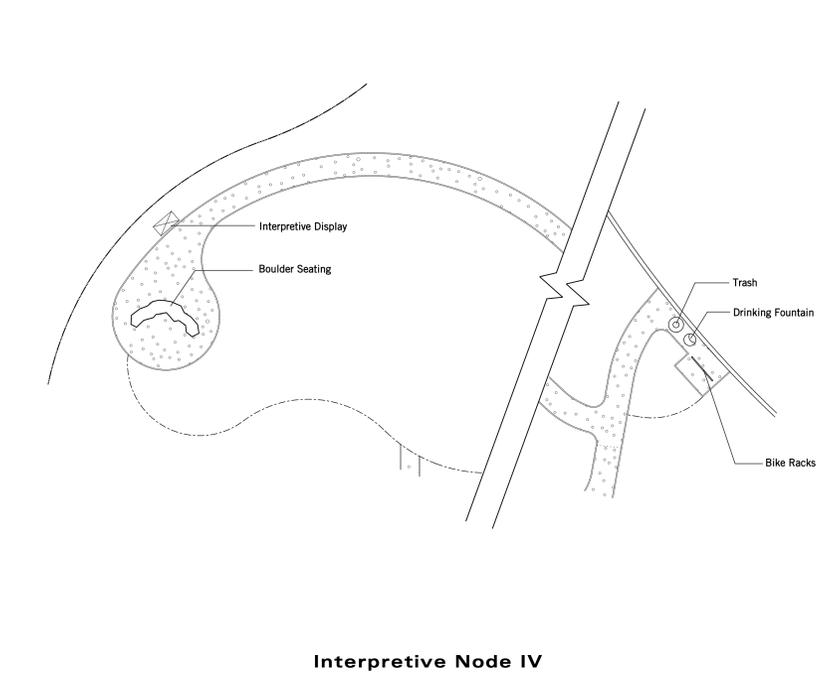
Interpretive Node I



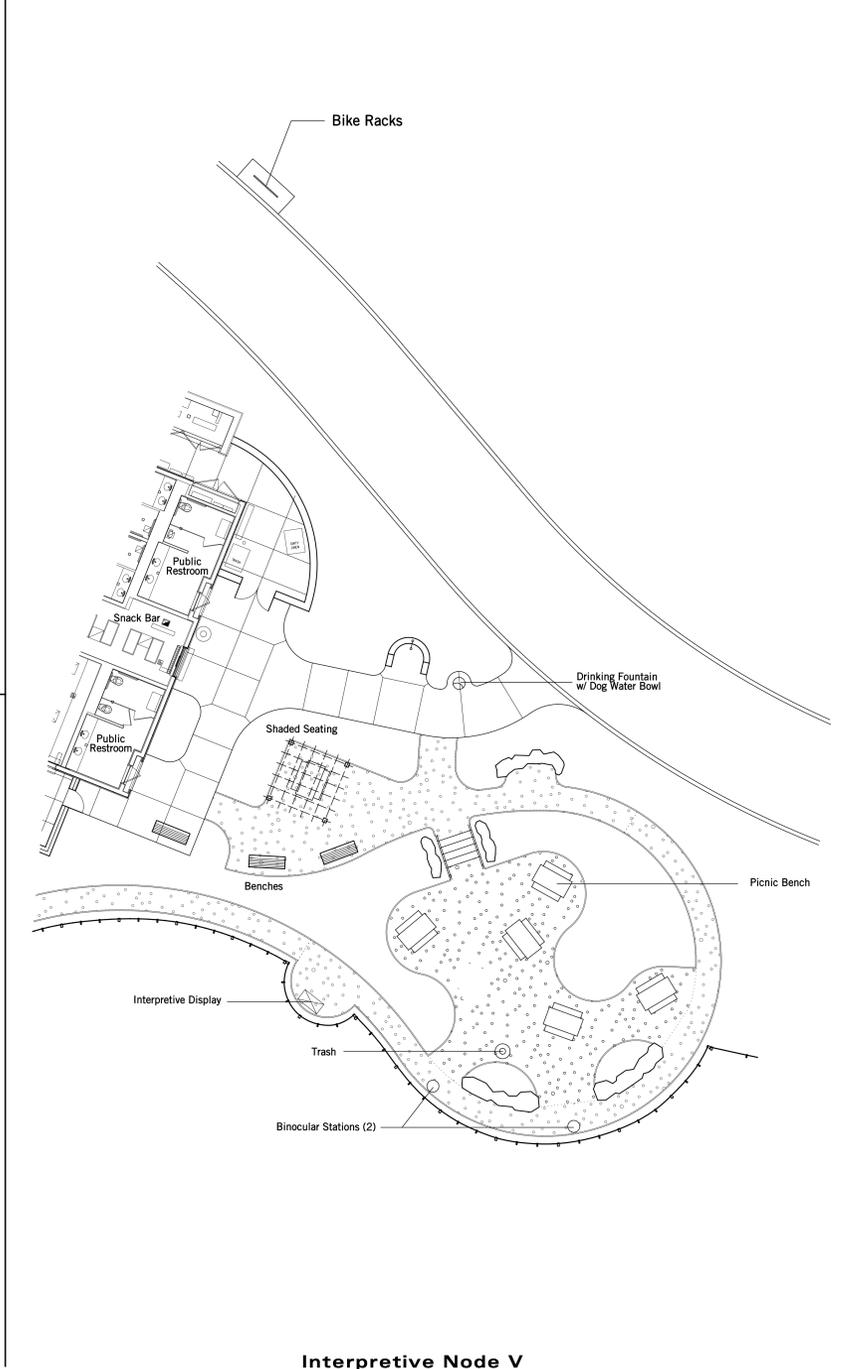
Interpretive Node II



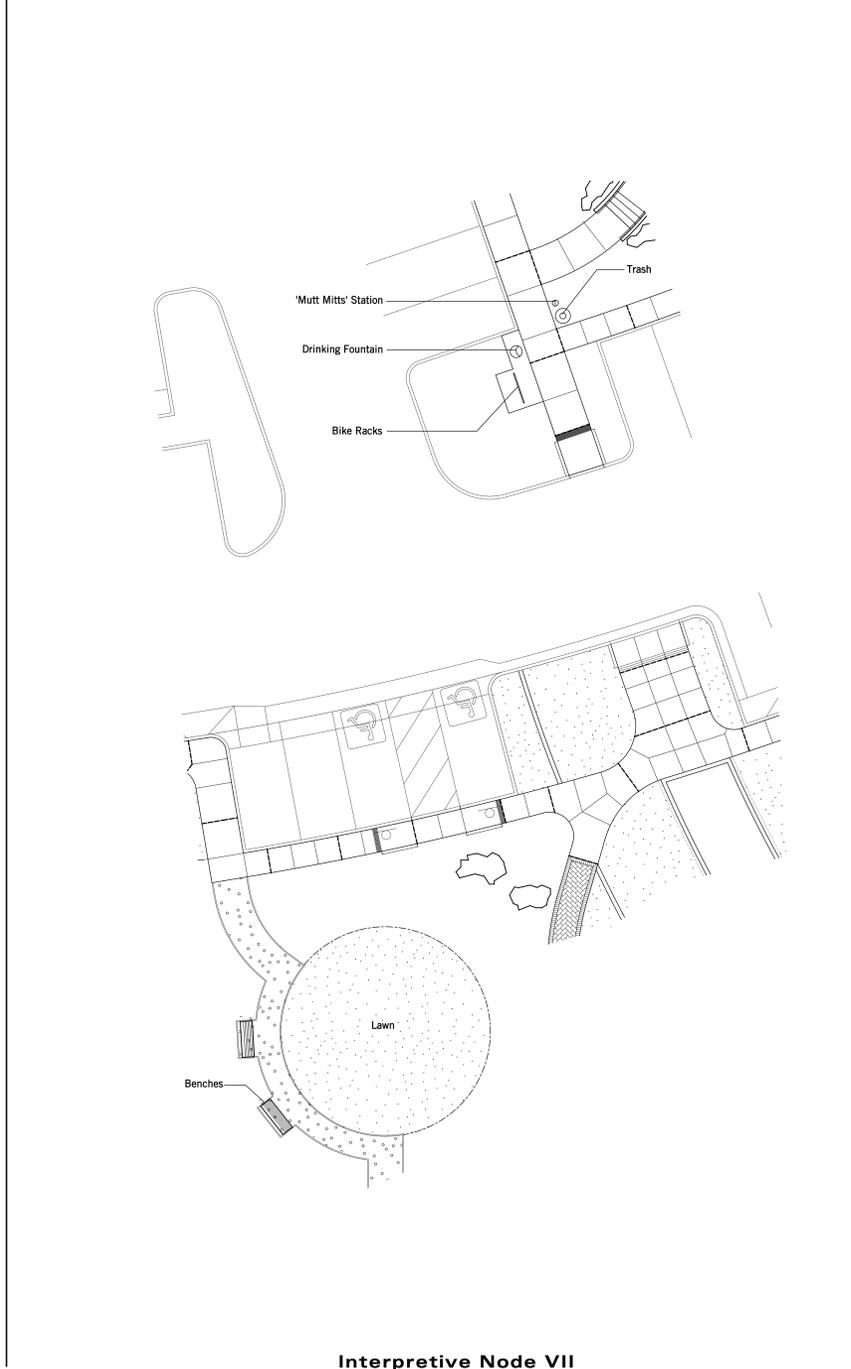
Interpretive Node III



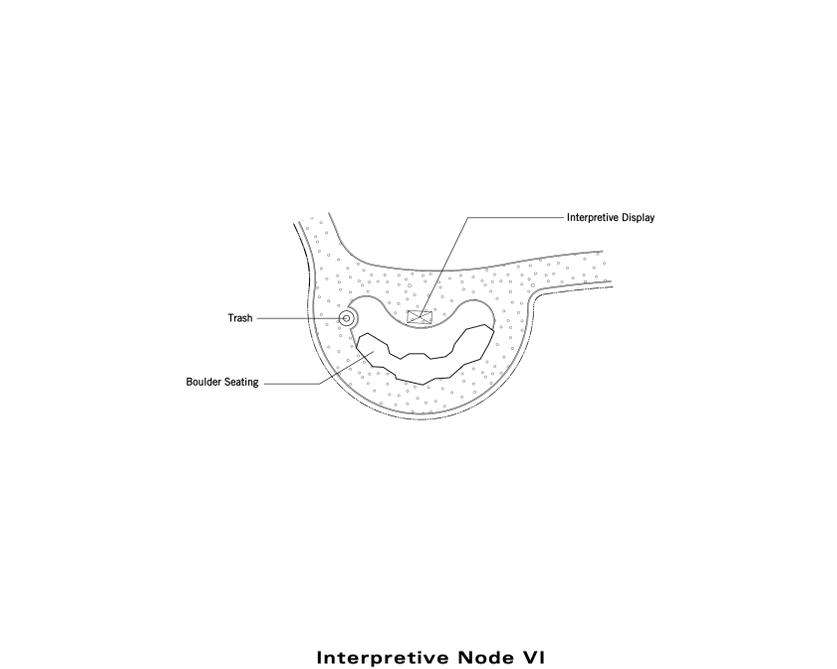
Interpretive Node IV



Interpretive Node V



Interpretive Node VII



Interpretive Node VI



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

Public Comment Letters

Ara M

From: EZStevens [ezstevens@cox.net]
Sent: Friday, June 03, 2011 2:09 PM
To: 'RPV Planning'; cc@rpv.com
Cc: emiliob@rpv.com
Subject: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

From: EZStevens [mailto:ezstevens@cox.net]
Sent: Saturday, May 28, 2011 6:26 PM
To: RPV Planning (Aram@RPV.com); cc@rpv.com
Cc: Greg Pfof (gregp@rpv.com); emiliob@rpv.com
Subject: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Dear Aram,

I have written this same letter to you & the City Council numerous times over the last 2 years & still no response. I think it is time for you to step up to the plate & not approve Terranea's request for approval of the - 6 Month Review of the Conditions. Until, they meet their Construction agreement # 100, with the Residents of the City until they comply as listed at the bottom of this email.

I cannot believe that a World class resort will not trim the plants down to the required height of 12 inches above the curb or 18 inches above the road for everyone to enjoy our Open Coastal View Corridor & at the same time let everyone see their Resort when you drive by.

Also, I cannot believe that they would not trim down the Center divider to show off their World Class Resort along with our magnificent Open Coastal View Corridor for all to enjoy. I know that was not part of Terranea's agreement but it sure would be a nice gesture on their part.

Sincerely

Edward Stevens

RESOLUTION NO. 2007-38 - EXHIBIT B

LONG POINT RESORT HOTEL

CONDITIONS OF APPROVAL

(REVISION 'F' – COUNCIL APPROVED APRIL 17, 2007)

(Coastal Permit No. 166, Conditional Use Permit No. 215,

Grading Permit No. 2229, Variance No. 489, and Tentative Parcel Map No. 26073)

99) No safety netting for the 9-hole golf course shall be permitted.

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

#100) Any on-site fencing along Palos Verdes Drive South shall be no higher than two

(2) feet in height and shall be modeled to generally resemble the fencing installed

along Palos Verdes Drive West for the Ocean Front Estates project. The

landscaping on the project side of Palos Verdes Drive South in this general area,

as determined by the Planning Director, **shall be limited to 1-foot in height above**

the closest street curb adjacent to the project site.

Re: Shrubs along Palos Verdes Dr South in front of the Terranea Resort.

Dear Terranea,

I noticed that you have planted shrubs along Palos Verdes Dr South & in the center divider, that do not conformed to # 100 in your agreement with the City Of RPV Approval agreement for construction. The shrubs that you have planted already exceed the 1-foot height limit above the street curb. You must protect our open view of the Ocean for everyone to enjoy for our future generations. I have an on going battle with the Trump Golf course in maintaining the 1- foot height limitation along PV Dr S. It is very expensive to maintain this height limit with the shrubs that you have planted surely you can plant something that will be easy to maintain & not be a constant battle to maintain this limit every week. We have wonderful view along PV Dr S. that is slowly being obscured into what I call a PEEK-A-BOO-VIEW of our magnificent Coastal view. I am sure you will have this corrected as soon as possible. I am sure you would also want the world to be able to view your beautiful resort when they drive by with an unobstructed view.

Edward Z Stevens

32418 Conqueror Dr.

RPV

Resident for 40+ years

RESOLUTION NO. 2007-38 - EXHIBIT B
LONG POINT RESORT HOTEL
CONDITIONS OF APPROVAL
(REVISION 'F' – COUNCIL APPROVED APRIL 17, 2007)
(Coastal Permit No. 166, Conditional Use Permit No. 215,
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No. 26073)

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landscaping on the project side of Palos Verdes Drive South in this general area,

as determined by the Planning Director, **shall be limited to 1-foot in height above**

the closest street curb adjacent to the project site.

From: rpvlistserver@rpv.com [mailto:rpvlistserver@rpv.com]

Sent: Wednesday, May 25, 2011 10:00 AM

To: ezstevens@cox.net

Subject: Terranea Resort - 6 Month Review of the Conditions of Approval

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Rancho Palos Verdes at its regularly scheduled meeting on Tuesday, June 21, 2011, at 7:00 PM at Hesse Park Community Building, 29301

Hawthorne Boulevard, Rancho Palos Verdes, will consider:

TERRANEA RESORT AND SPA (COASTAL PERMIT NO. 166, CONDITIONAL USE PERMIT NO. 215, GRADING PERMIT NO. 2229, VARIANCE NO. 489, AND TENTATIVE PARCEL MAP NO. 26073): A review of the project's compliance with, and the adequacy of, the conditions of approval imposed by the City Council since it has been 6 months since the Final Certificate of Compliance was issued for the project. Specifically, Condition No. 16 states:

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..

LOCATION: 100 TERRANEA WAY (Thomas Guide Page 822/H-5)

APPLICANT: LONG POINT DEVELOPMENT LLC.

All interested parties are invited to submit written comments and to attend and give testimony. If you wish to submit written comments, please provide them to the Community Development Director. Public Comments received by 5:30p.m. on Monday, June 13, 2011 will be included in the City Council Staff Report. Written comments submitted after June 13th will be given to the City Council prior to the meeting.

The Council adopted conditions of approval and project plans are posted on the City's website and on file with the Community Development Department at City Hall, 30940 Hawthorne Boulevard, Rancho Palos Verdes, and are available for review between the hours of 7:30 am and 5:30 pm, Mondays through Thursdays, and 7:30 am and 4:30 pm on Fridays. Please contact Ara Michael Mihranian, Deputy Development Director, at (310) 544-5228 or via e-mail at aram@rpv.com for further information.

BREAKING NEWS

City staff occasionally posts other important non-emergency information on the Breaking News page of the City's website located at: <http://www.palosverdes.com/rpv/breakingnews>

Be sure to go to the List Server page and subscribe to receive email messages whenever a Breaking News article is posted to the City's website. You can join at: <http://www.palosverdes.com/rpv/listserver>

Please do not reply directly to this message. The correct contact for each Listserv message topic is included in the message. We welcome your comments and suggestions, please send them to: comments@palosverdes.com

This Listserv program is one of many services created, hosted, and provided by Palos Verdes on the NET, a non profit 501c3 community service organization serving our communities by providing computer technology support to the City, educational internships and animation training to kids, workforce training to adults, free classes for seniors, and free web pages to non-profit organizations since 1995. Click here for information about free classes to residents. Contact us by email at information@palosverdes.com

Ara M

From: EZStevens [ezstevens@cox.net]
Sent: Monday, June 06, 2011 12:08 PM
To: 'Ara M'; cc@rpv.com
Cc: Greg Pfof; emiliob@rpv.com
Subject: RE: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Dear Ara,

As you so nicely stated native plants along PVDS to 1-foot above the roadway curb has the potential to adversely impact the native plants from thriving. A simple solution would be to remove the existing native plants & replace them with native plants that will not grow more than the required 12 inches. This will also cut down on the expensive maintenance cost for Terranea. I wish to Thank the City for having the hedge along Crest Rd between Crenshaw & Highridge trimmed back to a 2 foot height. This is very expensive to maintain this height every month. I know as soon as I stop complaining about losing our Open Coastal view corridor that same hedge will be 10 feet high just like from Highridge to Hawthorne along Crest. The Developer was required to put up a nice wrought iron fence & now when you drive or walk by the fence is completely covered by the hedge completely blocking our Open Coastal View Corridor. When does the City put down its foot & require the residents to open back up our open Coastal View Corridor that the City was formed to protect this forever? You can drive down Hawthorne Blvd from Crest to PV Dr S & see where the Homeowners were required to put up wrought iron fences to maintain a view is now overgrown with shrubs again blocking our Open Coastal View Corridor.

Please help us recover our Open Coastal View Corridor for future generations to enjoy instead of this PEEK – A – BOO View.

Edward Z Stevens

PS: The hedge at the Ocean Estates at Hawthorne & PV Dr S has completely covered the 2 foot wrought iron fence again blocking our Open Coastal View Corridor. Everyone does not drive a large SUV so they can see over the hedge.

From: Ara M [mailto:aram@rpv.com]
Sent: Monday, June 06, 2011 9:29 AM
To: 'EZStevens'; cc@rpv.com
Cc: emiliob@rpv.com
Subject: RE: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Mr. Stevens,

The issue you have raised over the past few years regarding the height condition for the native plants along PVDS will indeed be address at the upcoming City Council meeting on the 6-month review of the project's conditions of approval.

I do want to point out that the City has learned that that the existing condition (Condition No. 100) that limits the height of the native plants along PVDS to 1-foot above the roadway curb has the potential to adversely impact the native plants from thriving. Moreover, the Council adopted conditions, as well as the conditions adopted by the California Coastal Commission in 2003, require native plants for the roadway landscaping. This issue will be addressed in greater detail in the upcoming June 19th Staff Report, that will be posted on the City's website. A list-serve message to subscribers for the Terranea project, which I believe you subscribe to, will announce the availability of the Staff Report.

Let me know if you have any further questions.

Take care,
Ara

Ara Michael Mihranian
Deputy Director of Community Development

City of Rancho Palos Verdes
 30940 Hawthorne Blvd.
 Rancho Palos Verdes, CA 90275
 310-544-5228 (telephone)
 310-544-5293 (fax)
 aram@rpv.com
 www.palosverdes.com/rpv



Do you really need to print this e-mail?

This e-mail message contains information belonging to the City of Rancho Palos Verdes, which may be privileged, confidential and/or protected from disclosure. The information is intended only for use of the individual or entity named. Unauthorized dissemination, distribution, or copying is strictly prohibited. If you received this email in error, or are not an intended recipient, please notify the sender immediately. Thank you for your assistance and cooperation.

From: EZStevens [mailto:ezstevens@cox.net]
Sent: Friday, June 03, 2011 2:09 PM
To: 'RPV Planning'; cc@rpv.com
Cc: emiliob@rpv.com
Subject: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

From: EZStevens [mailto:ezstevens@cox.net]
Sent: Saturday, May 28, 2011 6:26 PM
To: RPV Planning (Aram@RPV.com); cc@rpv.com
Cc: Greg Pfof (gregp@rpv.com); emiliob@rpv.com
Subject: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

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Also, I cannot believe that they would not trim down the Center divider to show off their World Class Resort along with our magnificent Open Coastal View Corridor for all to enjoy. I know that was not part of Terranea's agreement but it sure would be a nice gesture on their part.

Sincerely

Edward Stevens

RESOLUTION NO. 2007-38 - EXHIBIT B

LONG POINT RESORT HOTEL

CONDITIONS OF APPROVAL

(REVISION 'F' – COUNCIL APPROVED APRIL 17, 2007)

(Coastal Permit No. 166, Conditional Use Permit No. 215,

Grading Permit No. 2229, Variance No. 489, and Tentative Parcel Map No. 26073)

99) No safety netting for the 9-hole golf course shall be permitted.

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

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(2) feet in height and shall be modeled to generally resemble the fencing installed

along Palos Verdes Drive West for the Ocean Front Estates project. The

landscaping on the project side of Palos Verdes Drive South in this general area,

as determined by the Planning Director, **shall be limited to 1-foot in height above**

the closest street curb adjacent to the project site.

Re: Shrubs along Palos Verdes Dr South in front of the Terranea Resort.

Dear Terranea,

I noticed that you have planted shrubs along Palos Verdes Dr South & in the center divider, that do not conformed to # 100 in your agreement with the City Of RPV Approval agreement for construction. The shrubs that you have planted already exceed the 1-foot height limit above the street curb. You must protect our open view of the Ocean for everyone to enjoy for our future generations. I have an on going battle with the Trump Golf course in maintaining the 1- foot height limitation along PV Dr S. It is very expensive to maintain this height limit with the shrubs that you have planted surely you can plant something that will be easy to maintain & not be a constant battle to maintain this limit every week. We have wonderful view along PV Dr S. that is slowly being obscured into what I call a PEEK-A-BOO-VIEW of our magnificent Coastal view. I am sure you will have this corrected as soon as possible. I am sure you would also want the world to be

able to view your beautiful resort when they drive by with an unobstructed view.

Edward Z Stevens

32418 Conqueror Dr.

RPV

Resident for 40+ years

RESOLUTION NO. 2007-38 - EXHIBIT B
LONG POINT RESORT HOTEL
CONDITIONS OF APPROVAL
(REVISION 'F' – COUNCIL APPROVED APRIL 17, 2007)
(Coastal Permit No. 166, Conditional Use Permit No. 215,
Grading Permit No. 2229, Variance No. 489, and Tentative Parcel Map
No. 26073)

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as determined by the Planning Director, **shall be limited to 1-foot in height above**

the closest street curb adjacent to the project site.

From: rpvlistserver@rpv.com [mailto:rpvlistserver@rpv.com]
Sent: Wednesday, May 25, 2011 10:00 AM
To: ezstevens@cox.net
Subject: Terranea Resort - 6 Month Review of the Conditions of Approval

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Rancho Palos Verdes at its regularly scheduled meeting on Tuesday, June 21, 2011, at 7:00 PM at Hesse Park Community Building, 29301 Hawthorne Boulevard, Rancho Palos Verdes, will consider:

TERRANEA RESORT AND SPA (COASTAL PERMIT NO. 166, CONDITIONAL USE PERMIT NO. 215, GRADING PERMIT NO. 2229, VARIANCE NO. 489, AND TENTATIVE PARCEL MAP NO. 26073): A review of the project's compliance with, and the adequacy of, the conditions of approval imposed by the City Council since it has been 6 months since the Final Certificate of Compliance was issued for the project. Specifically, Condition No. 16 states:

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..

LOCATION: 100 TERRANEA WAY (Thomas Guide Page 822/H-5)

APPLICANT: LONG POINT DEVELOPMENT LLC.

All interested parties are invited to submit written comments and to attend and give testimony. If you wish to submit written comments, please provide them to the Community Development Director. Public Comments received by 5:30p.m. on Monday, June 13, 2011 will be included in the City Council Staff Report. Written comments submitted after June 13th will be given to the City Council prior to the meeting.

The Council adopted conditions of approval and project plans are posted on the City's website and on file with the Community Development Department at City Hall, 30940 Hawthorne Boulevard, Rancho Palos Verdes, and are available for review between the hours of 7:30 am and 5:30 pm, Mondays through Thursdays, and 7:30 am and 4:30 pm on Fridays. Please contact Ara Michael Mihranian, Deputy Development Director, at (310) 544-5228 or via e-mail at aram@rpv.com for further information.

BREAKING NEWS

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Please do not reply directly to this message. The correct contact for each Listserv message topic is included in the message. We welcome your comments and suggestions, please send them to: comments@palosverdes.com

This Listserv program is one of many services created, hosted, and provided by Palos Verdes on the NET, a non profit 501c3 community service organization serving our communities by providing computer technology support to the City, educational internships and animation training to kids, workforce training to adults, free classes for seniors, and free web pages to non-profit organizations since 1995. [Click here for information about free classes to residents.](#) Contact us by email at information@palosverdes.com

Ara M

From: EZStevens [ezstevens@cox.net]
Sent: Monday, June 06, 2011 4:39 PM
To: RPV Planning; cc@rpv.com
Cc: Greg Pfof; emiliob@rpv.com
Subject: Important -Please include this email in the upcoming June 19th Staff Report, Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Please include this email in the upcoming June 19th Staff Report, from Ralph Gilbert.
 Thank you in advance for your help in this important Civic matter.
 Edward Stevens

Subject: RE: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Ed,

For what it is worth, I agree with you that adverse effects to the current plants thriving that might result from implementation of Condition #100 should not be a justification for changing or deleting condition #100; rather, that should be a justification for the city demanding that the current native plants be changed to a type that can thrive at a two-foot height or less, consistent with condition #100. The problem has arisen not because condition #100 exists, but rather because the developer chose to plant the wrong type of native shrubbery even though he was aware of condition #100 at the time the current shrubbery was planted. Since the developer is thus at fault for this problem, it is the developer who should bear the pain of fixing it... not the public whose rights are being infringed upon by the current plant choice.

Feel free to forward my views to whoever you please.

Ralph Gilbert
 40-year Palos Verdes Resident and a resident of RPV for as long as it has existed

--- On **Mon, 6/6/11**, **EZStevens** <ezstevens@cox.net> wrote:

From: EZStevens <ezstevens@cox.net>
 Subject: RE: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval
 To: "Ara M" <aram@rpv.com>, cc@rpv.com
 Cc: "Greg Pfof" <gregp@rpv.com>, emiliob@rpv.com
 Date: Monday, June 6, 2011, 12:07 PM

Dear Ara,

As you so nicely stated native plants along PVDS to 1-foot above the roadway curb has the potential to adversely impact the native plants from thriving. A simple solution would be to remove the existing native plants & replace them with native plants that will not grow more than the required 12 inches. This will also cut down on the expensive maintenance cost for Terranea. I wish to Thank the City for having the hedge along Crest Rd between Crenshaw & Highridge trimmed back to a 2 foot height. This is very expensive to maintain this height every month. I know as soon as I stop complaining about losing our Open Coastal view corridor that same hedge will be 10 feet high just like from Highridge to Hawthorne along Crest. The Developer was required to put up a nice wrought iron fence & now when you drive or walk by the fence is completely covered by the hedge completely blocking our Open Coastal View Corridor. When does the City put down its foot & require the residents to open back up our open Coastal View Corridor that the

City was formed to protect this forever? You can drive down Hawthorne Blvd from Crest to PV Dr S & see where the Homeowners were required to put up wrought iron fences to maintain a view is now overgrown with shrubs again blocking our Open Coastal View Corridor.

Please help us recover our Open Coastal View Corridor for future generations to enjoy instead of this PEEK – A – BOO View.

Edward Z Stevens

PS: The hedge at the Ocean Estates at Hawthorne & PV Dr S has completely covered the 2 foot wrought iron fence again blocking our Open Coastal View Corridor. Everyone does not drive a large SUV so they can see over the hedge.

From: Ara M [mailto:"Greg Pfof" <gregp@rpv.com>], emiliob@rpv.com

Sent: Monday, June 06, 2011 9:29 AM

To: 'EZStevens'; cc@rpv.com

Cc: emiliob@rpv.com

Subject: RE: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Mr. Stevens,

The issue you have raised over the past few years regarding the height condition for the native plants along PVDS will indeed be address at the upcoming City Council meeting on the 6-month review of the project's conditions of approval.

I do want to point out that the City has learned that that the existing condition (Condition No. 100) that limits the height of the native plants along PVDS to 1-foot above the roadway curb has the potential to adversely impact the native plants from thriving. Moreover, the Council adopted conditions, as well as the conditions adopted by the California Coastal Commission in 2003, require native plants for the roadway landscaping. This issue will be addressed in greater detail in the upcoming June 19th Staff Report, that will be posted on the City's website. A list-serve message to subscribers for the Terranea project, which I believe you subscribe to, will announce the availability of the Staff Report.

Let me know if you have any further questions.

Take care,

Ara

Ara Michael Mihranian

Deputy Director of Community Development

6/15/2011

5-114

City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
310-544-5228 (telephone)
310-544-5293 (fax)
aram@rpv.com
www.palosverdes.com/rpv



Do you really need to print this e-mail?

This e-mail message contains information belonging to the City of Rancho Palos Verdes, which may be privileged, confidential and/or protected from disclosure. The information is intended only for use of the individual or entity named. Unauthorized dissemination, distribution, or copying is strictly prohibited. If you received this email in error, or are not an intended recipient, please notify the sender immediately. Thank you for your assistance and cooperation.

From: EZStevens [mailto:ezstevens@cox.net]
Sent: Friday, June 03, 2011 2:09 PM
To: 'RPV Planning'; cc@rpv.com
Cc: emiliob@rpv.com
Subject: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

From: EZStevens [mailto:ezstevens@cox.net]
Sent: Saturday, May 28, 2011 6:26 PM
To: RPV Planning (Aram@RPV.com); cc@rpv.com
Cc: Greg Pfof (gregp@rpv.com); emiliob@rpv.com
Subject: Please Deny - Terranea Resort - 6 Month Review of the Conditions of Approval

Dear Aram,

I have written this same letter to you & the City Council numerous times over the last 2 years & still no response. I think it is time for you to step up to the plate & not approve Terranea's request for approval of the - 6 Month Review of the Conditions. Until, they meet their Construction agreement # 100, with the Residents of the City until they comply as listed at the bottom of this email.

I cannot believe that a World class resort will not trim the plants down to the required height of 12 inches above

6/15/2011

5-115

the curb or 18 inches above the road for everyone to enjoy our Open Coastal View Corridor & at the same time let everyone see their Resort when you drive by.

Also, I cannot believe that they would not trim down the Center divider to show off their World Class Resort along with our magnificent Open Coastal View Corridor for all to enjoy. I know that was not part of Terranea's agreement but it sure would be a nice gesture on their part.

Sincerely

Edward Stevens

RESOLUTION NO. 2007-38 - EXHIBIT B

LONG POINT RESORT HOTEL

CONDITIONS OF APPROVAL

(REVISION 'F' – COUNCIL APPROVED APRIL 17, 2007)

(Coastal Permit No. 166, Conditional Use Permit No. 215,

Grading Permit No. 2229, Variance No. 489, and Tentative Parcel Map No. 26073)

99) No safety netting for the 9-hole golf course shall be permitted.

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

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Sent: Wednesday, May 25, 2011 10:00 AM
To: ezstevens@cox.net
Subject: Terranea Resort - 6 Month Review of the Conditions of Approval

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LOCATION: 100 TERRANEA WAY (Thomas Guide Page 822/H-5)

APPLICANT: LONG POINT DEVELOPMENT LLC.

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RECEIVED

JUN 13 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

Sea Bluff Homeowners Association

Board of Directors

Joe Raiti
Dave Emenhiser
Jolaine Merrill
Bill Tillotson
Sandie Nelson
Becky Poe-Anderson
Bob Nelson

City of Rancho Palos Verdes
City Council
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275-5391

June 14, 2011

June 21, 2011 City Council Meeting
Item: Terranea Resort: Conditions of Approval 6 Month Review

Council Members,

Sea Bluff HOA, bordering Terranea Resort as their true 'Terraneighbor,' is delighted to offer our letter of support as you review their conditions and urge you not impose others or make major changes.

As one who was there at your meetings when you drew up the +200 conditions Terranea had to meet, I understand we are now down to very few remaining.

Terranea celebrated its 2nd Anniversary of open doors on June 12. During those two years Terranea encountered many challenges in basically a down market for disposable income. However (hopefully all agree) these have been overcome and the Resort has gained both local and national prominence (did you catch Terranea's ad in 6/12/11 Sunday's New York Times?).

Those of us living in neighboring Sea Bluff have enjoyed Terranea's hospitality. Our town has enjoyed an unforecasted financial benefit in the millions of dollars.

For 12 years we have adamantly supported our neighbor: before your Planning Commission, Finance Advisory Committee, Traffic Safety Committee and yourselves. From the primordial plans of 1999 Sea Bluff HOA has always known the value Terranea Resort would bring to our community. It has indeed lived up to our expectations and proven vital to RPV daily life in many ways.

We hope you agree.

For Sea Bluff HOA's Board,
Sincerely,



Bob Nelson
310-544-4632

cc:

Terri A. Haack, EVP and Managing Director, Terranea Resort
Todd Majcher, Vice President, Terranea Resort