



RANCHO PALOS VERDES

PUBLIC HEARING

Date: October 7, 2008

Subject: Terranea Resort and Spa – ZON2008-00322 (Revision 'I' to Conditional Use Permit No. 215, et. al.)

Subject Property: 6610 Palos Verdes Drive South

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

Appellants: N/A

Applicant: Long Point Development, LLC

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



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, AICP, DIRECTOR OF PLANNING,
BUILDING AND CODE ENFORCEMENT
DATE: OCTOBER 7, 2008
SUBJECT: TERRANEA RESORT AND SPA – ZON2008-00322
(REVISION 'I' TO CUP 215, ET. AL.)
REVIEWED: CAROLYN LEHR, CITY MANAGER
Project Manager: Ara Michael Mihranian, AICP, Principal Planner

RECOMMENDATION

Adopt Resolution No. 2008-__, approving Revision 'I' to Conditional Use Permit No. 215, et. al. by amending the Council adopted Conditions of Approval to allow specific improvements to the lower beach area consisting of importing sand to the area landward of the extreme-high tide line, installing security fencing adjacent to the toe of the bluff edge, constructing a vegetated drainage channel with native plantings to divert storm water, and constructing a pedestrian bridge over the proposed drainage channel.

EXECUTIVE SUMMARY

The applicant for the Terranea Resort is requesting the Council's approval of Revision "I" to Conditional Use Permit No. 215, et. al. to allow specific improvements to the lower beach area. The lower beach area is approximately .68 acres in area and is located at the southeastern portion of the project site at the end of the coastal access trail. The proposed improvements are intended to enhance the environmental condition of the area and to provide an added recreational amenity for hotel guests and the general public.

The proposed improvements include importing 1,500 cubic yards of sand, the construction of a storm-water drainage channel that will convey run-off from the bluff out-fall to the ocean while functioning as a bio-swale (similar to the bio-swales located throughout the project site), installing security fencing along the toe of the bluff edge, and constructing a foot-bridge across the drainage channel which would connect the coastal access trail to the proposed sand recreational area.

In review the applicant's proposal, a biological assessment was prepared by the

applicant's biologist (Natural Resource Consultants) and reviewed by the City's biologist (Bonterra). According to the applicant's biologist, the proposed project will not result in environmental impacts, specifically to marine resources, but rather enhance biological resources. The City's biologist has concluded that the proposed project will not result in significant environmental impacts. As such, Staff is recommending that the Council adopt the proposed project with conditions that will regulate the construction activities related to the lower beach improvements. Conditions include, but are not limited to, approvals from the State Lands Commission and the Coastal Commission, and to regulate the delivery of sand material and hours of construction.

BACKGROUND

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

- Revision 'A' – On September 7, 2004, the City Council amended the conditions of approval to allow a mix of 50 guest rooms or guest suites (maximum 66 keys) and 20 bungalow units (maximum 40 keys) to be sold to individual persons or private entities with deed restrictions limiting the duration of use. In addition, the Council agreed to establish a 1% Property Transfer Fee payable to a nonprofit organization when the units are sold.
- Revision 'B' – On April 19, 2005, the City Council amended Condition No. 40a to clarify the subdivision process available to the applicant for satisfying the State Subdivision Map Act requirements relating to the sale of the villas, casitas, bungalows, and hotel suites.
- Revision 'C' – On October 4, 2005, the City Council amended the conditions of approval to allow for limited valet and compact stall parking standards, and to eliminate the requirement for the construction of a Class I bicycle path.
- Revision 'D' – On March 21, 2006, the City Council amended the conditions of approval to change the approved project from a 3-hole golf practice facility with a driving range to a 9-hole short game golf academy.
- Revision 'E' – On December 5, 2006, the City Council amended the conditions of approval by further clarifying the landscape conditions regarding view protection from Palos Verdes Drive South, establishing maximum roof ridgeline elevations for each of the proposed structure, establishing conditions for outdoor events, and other miscellaneous clean-up items.
- Revision 'F' – On April 17, 2007, the City Council amended Condition No. 10 to defer the timing of when the applicant is to enter into a maintenance agreement with the City for maintenance of the required public amenities from "prior to the issuance of any grading or building permit" to "prior to the issuance of any Certificate of Occupancy."
- Revision 'G' – On March 4, 2008, the City Council amended Condition No. 51 to correct the maximum roof ridgelines called out in the conditions for the main hotel building, spa and fitness buildings and to allow minor modifications to the building

heights for the lower pool facility and the specialty restaurant. Furthermore, Council amended Condition No. 49 to correct the maximum square footage limits for the spa and fitness buildings and to modify the maximum square footage limit for the greeting kiosk.

- Revision 'H' – On May 6, 2008, the City Council amended Variance No. 489 to approve construction hours beyond the times permitted by the Municipal Code; amended Condition No. 23 to extend the permitted hours of construction performed in the enclosed interiors of the main Hotel, Spa, and Fitness buildings between 6 a.m. and 10 p.m.; amended Condition No. 49g to clarify the total square footage limit for the lower pool facility; and Approved a Special Construction Permit to allow construction on the following legal holidays: Columbus Day 2008, Veterans Day 2008, Martin Luther King Day 2009, Presidents Day 2009, and Memorial Day 2009.

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

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

The project applicant is now requesting that the Council consider amending the adopted conditions of approval to allow specific improvements to the lower beach area located at the end of the coastal access trail (seaward of the Pacific Pool Building / Lower Pool Facility).

DISCUSSION

The project approved by the City Council in 2002 did not include improvements to the lower beach area, which is located at the southeastern corner of the project site seaward of the Pacific Pool Building/Facility (previously referred to as the lower pool facility) at the end of the coastal access trail. This is primarily because the applicant at

the time did not know to what extent the area could be improved without having an adverse impact on the immediate environment, especially marine resources. Notwithstanding, under the ownership of Marineland, the area referred herein as the lower beach area was previously improved with a pier and concrete and asphalt paving. This area was used by Marineland for the unloading of marine specimens and mammals. Furthermore, this area was once the location of a pump station that supplied sea water to various on-site exhibit tanks. Subsequent to the closure of Marineland, many of these improvements remained in place (except the pier which was disassembled in 1984) and have deteriorated over the years. As such, this area currently consists of remnant asphalt and small area of remnant non-native vegetation from the Marineland era. Most of the non native vegetation has been removed by the applicant as required by the California Coastal Commission's Coastal Development Permit issued for the resort development on May 31, 2007.

Proposed Project Description

Over the past few years, the applicant has been exploring the possibility of improving the lower beach area to complete the overall site improvements relating to the Resort. The lower beach area is approximately .68 acres in area out of total project area of 102 acres. The applicant is proposing to improve the lower beach area to enhance the physical condition of this immediate area, while providing hotel guests and the general public an added recreational amenity. The proposed improvements to the lower beach area, as depicted in the attached site plan, consist of the following components:

- Removal of remnant asphalt, hardened sediment, and non-native vegetation
- Construction of a storm drain channel lined with local rock and native plants
- Installation of a security fence at the toe of the bluff edge
- Construction of a pedestrian bridge over the proposed storm drain channel
- Installation of a weed-inhibiting liner to prevent regrowth of non-native vegetation
- Importation of 1,500 cubic yards of native sand to be placed at the toe of the bluff away from the shoreline

The proposed improvements are located in an environmentally sensitive area, as described in the Council certified EIR. Accordingly, during the review of the original project, conditions were adopted by the City Council and the California Coastal Commission minimizing adverse environmental impacts in this area while securing public access for recreational purposes. In preparing the submittal of the project plans for the lower beach improvements, Staff informed the applicant that a biological assessment would have to be prepared by a certified biologist and reviewed and approved by the City's Biologist as part of the planning process. As such, attached for the Council's review is the applicant's biological assessment, prepared by Natural Resource Consultants (NRC), and the City Biologist's (Bonterra) response letters (see attachment).

The following is a summary that describes the improvements listed above, as well as the related biological conclusions:

Removal of remnant asphalt, hardened sediment, and non-native vegetation

As previously stated, during the operation of Marineland, the lower beach area was improved with a pier, concrete and asphalt paving, and a salt water pump station. The applicant is proposing to remove the debris (asphalt and hardened sediment) and non-native plant material remaining from the Marineland era. The removal of the debris will eliminate an impervious layer that currently restricts percolation and promotes the accumulation of sediment. Removal of the debris will include the elimination of invasive weeds which will keep them from dominating the surrounding native vegetation. Based on the biologist's review of the project, Staff believes that this component of the proposed project will enhance the existing environmental condition of the lower beach area and will not result in any adverse biological impacts.

Construction of a Storm Drain Channel

Currently, storm water run-off from the northeastern portion of the project site drains off the bluff edge onto the lower beach area and sheet flows to the ocean. In order to control the run-off, the applicant is proposing to construct a vegetated storm drain channel that will convey storm water from the outfall to an energy dissipater (that slows down the velocity of the runoff) that would eventually channel the runoff to the ocean. The proposed drainage channel will consist of local rocks and native plants, and will essentially function as a bio-swale. Similar to the bio-swales located upstream on the project site, the proposed storm drain channel will allow a certain portion of pollutants and sediment to be treated prior to entering the ocean. Currently, under the Council approved project, storm water run-off draining from this outfall is not required to be treated because most of the water is coming from off-site locations, such as the Nantasket and Beachview neighborhoods.

According to the applicant's biological assessment, the proposed drainage channel will not result in adverse impacts to biological resources. Rather, the proposed drainage channel will minimize adverse effects of waste water discharge, control run-off, and maintain a natural vegetation buffer area. The City's biologist concurs with this conclusion.

Installation of Security Fencing

The applicant proposes to install security fencing along the toe of the slope that would create a physical barrier between the useable area and the non-useable area of the lower beach. The applicant proposes to re-vegetate the southern edge of the bluff area with low-growing and salt-tolerant native plants to enhance the aesthetic appearance of the area while providing ground stabilization. The applicant's biologist has concluded that such plantings will not adversely impact the biological integrity of the area, and the City's biologist concurs.

Construction of a Pedestrian Bridge

In order to maintain pedestrian access across the proposed drainage channel, the applicant is requesting to construct a pedestrian bridge that would connect the coastal access trail to the proposed beach area. In order to enhance the visiting public's experience, the applicant is also proposing to install interpretive signs educating visitors

of the various native plant species.

Construction of a Sand Recreational Area

Upon the removal of the existing debris and non-native plants remaining in this area from the Marineland days, the applicant proposes to improve the lower beach area by adding sand. The introduction of sand to this area will provide an added recreational amenity for hotel guests and the general public using the coastal access trail. As proposed, the lower beach area will provide passive recreational amenities such as chaise lounge chairs, umbrellas, seating areas, and towels for visitors. There will be no structures constructed in this area of the project site.

In order to achieve the sand recreational area envisioned by the applicant, approximately 1,500 cubic yards of sand will have to be imported to the site. The sand will be placed over a weed-inhibitor liner that is used to minimize the re-growth of invasive weeds. The sand will be placed approximately 8-feet above the highest mean high tide line. The highest mean high tide line was calculated by the applicant's engineer, Stantec, based on tidal information (Mean High Higher Water and Highest Water Level) obtained from the National Oceanic and Atmospheric Administration (NOAA).

The sand will occur on approximately 0.4 acres of the site. The sand will be placed landward of the Mean Sea Level and the Mean High Higher Water Level. Furthermore, the area between the sand and the sea will remain undisturbed and the existing beach rock will remain in place. In other words, the sand will not extend into the sea like a typical sandy beach. This was intentionally designed to minimize the transfer of sand from the beach to the intertidal area under normal sea conditions. It should be noted that according to the applicant's biologist, under extreme storm conditions, such as tidal surges or significant rainfall, sand may transfer into the rocky tidal zone. However, under such extreme storm conditions, sand that may be transferred to the rocky tidal zone will be dispersed from the intertidal area before any localized accumulation occurs. As such, the applicant's biologist does not believe that storm related sand transfer into the intertidal system would result in a significant impact on intertidal marine organisms or will adversely impact marine resources. The City's biologist has reviewed the statements by the applicant's biologist and has concluded that the introduction of sand to the lower beach area will not adversely impact marine resources because of the distance and grade elevation the sand will be placed from the intertidal zone.

Notwithstanding the above, concerns pertaining to specific components of the project were identified by Staff during its review of the proposal. The following is a summary of the concerns and how they are being addressed.

Importation of Sand

According to the applicant's proposal, approximately 1,500 cubic yards of sand will be imported to the project site from an off-site location. Importing sand to the project site will result in approximately 107 truck trips to the project site (based on 14 cubic yards of sand material per double loaded truck). The truck trips associated with the proposal was not evaluated under the project's original environmental impact report (EIR), which analyzed a balanced grading project with no import or export of earth material.

However, it should be pointed out that no project is entirely balanced on-site in the sense that select fill, also referred to as top soil, is typically imported from an off-site location for use in the finished building pads or landscape areas of a project. This is because select fill must comprise of fine material, such as sand, to minimize settling. Substandard select fill typically contributes to visible cracking in buildings or paved areas.

In the case of the Terranea project, select fill was brought to the project throughout the fine grading process. The select fill imported to the project site was not considered by Staff to be the typical importation of earth, but rather considered building material delivered to the project site. As such, Staff believes that the quantity of sand proposed to be imported to the project site is similar to select fill. This is because the sand will not be used to significantly alter the existing grades of the site, but rather used as a top layer of material for the lower beach area (depth of fill is not to exceed 2-feet).

In order to minimize impacts associated with importing sand, Staff is recommending that the Council consider establishing conditions similar to the existing adopted conditions that regulate the delivery of materials to the project site. Such conditions may include restricting the haul route so that loaded trucks are only allowed to travel to the project site via Hawthorne Blvd. and unloaded trucks departing the project site are only allowed to use Palos Verdes Drive South. Furthermore, the delivery of sand should be subject to the permitted hours of construction stated in the Council adopted conditions of approval (7am to 7pm Mondays through Saturdays). Staff believes that with the appropriate conditions in place, the importing of sand to the project site will not result in significant adverse impacts.

Replenishment of Sand at Lower Beach Area

In extreme weather conditions when sand may be transferred into the rocky tidal zones, Staff understands that the sand lost will have to be replaced in order to maintain the environment of a sand beach area. In such cases, the hotel operator will be required to apply for a grading permit to replace the lost sand on a case-by-case basis. Such a condition is recommended by Staff. The applicant has indicated that the lost sand would likely be significantly less than the requested 1,500 cubic yards sand and can be delivered to the Pacifica Pool Building, where a bobcat or small machine would be used.

State Lands Commission

According to the project plans, a portion of the proposed improvements will occur seaward of the existing property line, which falls in the jurisdiction of State Lands Commission (SLC). The existing property line was established based on the Mean High Tide Line prior to the opening of Marineland. According to the applicant, the Mean High Tide Line has allegedly been altered as a result of the coastal improvements (i.e. Pier) constructed by Marineland. Notwithstanding, the applicant has indicated that they intend to apply for a *Sub-Surface Lease* from the SLC to allow the construction of the activities associated with the Project that are on the seaward side of the applicant's property line. The review and authorization timeframe for the *Sub-Surface Lease* is expected to take approximately 5-6 months following submittal of the application. In the interim, the SLC has made a preliminary determination that it has a potential interest in the land (and subsequently, also the portion of the Project) that is located seaward of

the property line.

As such, Staff recommends that the Council adopt a condition that prohibits the construction of the proposed project unless approvals are first obtained from the State Lands Commission. In the event that the SLC rejects the proposal, the applicant will not be allowed to proceed with the improvements to the lower beach area.

Coastal Commission

The project site is located in the appealable portion of the City's Coastal Zone. A Coastal Development Permit was issued by the Coastal Commission in 2003 to allowing the resort project to be constructed. On July 15th, City Staff and the applicant meet with Coastal Commission Staff to discuss the proposed lower beach improvement project. According to Coastal Commission Staff, the proposed project is considered to be beneficial in terms of enhancing the environmental condition of the site and recreational opportunities for the public. As such, Coastal Commission Staff indicated that the proposed project, after being reviewed by the City, would most likely be processed as an immaterial amendment.

Based on the foregoing discussion, Staff believes that the proposed lower beach project will not result in adverse environmental impacts, specifically to marine resources and will provide an added recreational benefit for hotel visitors and the general public. However, in order to ensure that the activities related to the proposed project are properly regulated to minimize impacts, Staff is recommended that appropriate conditions be adopted. The recommended conditions are shown in the attached resolution (new text shown as underlined, deleted text shown as ~~strikethrough~~).

ENVIRONMENTAL ASSESSMENT

In accordance with the provisions of the California Environmental Quality Act (CEQA), Staff has determined that the proposed project improvements to the lower beach area qualify as a Categorical Exemption, Class 1 (Section 15301 – Existing Facilities), Class 2 (Section 15302 – Replacement or Reconstruction), Class 3 (Section 15303 – New Construction), and Class 4 (Section 15304 – Minor Alterations) for the foregoing reasons.

1. The proposed drainage channel is intended to improve the existing site conditions by conveying storm water runoff from an existing outfall to the ocean. Currently, the storm water runoff sheet flows across the lower beach area adversely impacting the surrounding environment. Furthermore, the proposed vegetated drainage channel will function as a bioswale allowing the certain portions of pollutants and sediments to be treated prior to entering the ocean. As such, the proposed drainage facility, a minor structure consisting of rocks and native vegetation, will improve the existing site conditions originating from an existing outfall and will not result in adverse impacts to the surrounding environment, specifically marine resources.
2. The proposed pedestrian bridge that crosses over the proposed drainage channel by connecting the sand beach area to the coastal access trail is a minor structure that will enhance public recreational opportunities and will not adversely

impact the surrounding environment, especially marine resources or native vegetation.

3. The importation of sand that creates a recreational area at the lower beach area is designed to minimize the transfer of sand to the ocean, except under extreme weather conditions, by being placed in area of the site that is landward and 8-feet above the Mean Highest High Water Line. The existing beach rock will remain undisturbed creating barrier between the ocean and the sand area. As such, Staff finds that the importation of sand is a minor alteration to the existing site and will not adversely impact the surrounding environment, especially marine resources.

As such, Staff believes that the proposed lower beach improvements do not modify the scope of the project, specifically as it relates to the design of the project and the related amenities approved by the City Council. Furthermore, the proposed project will further enhance the biological condition of the site and will provide an added recreational amenity for hotel guests and the general public and would therefore not introduce new environmental impacts nor intensify environmental impacts previously analyzed in the project EIR. As a result, Staff finds that the proposed project qualifies as a Categorical Exemption.

ADDITIONAL INFORMATION

Public Noticing

Pursuant to the Development Code, a public notice was published in the *Peninsula News* and sent to list-serve subscribers on September 20, 2008 inviting public comments on the proposed revision to the project conditions. At this time, no public comment letters have been submitted to the City. In the event the City receives public comments after the transmittal of this Staff Report, Staff will present those comments at the October 7th public hearing.

ATTACHMENTS

- Resolution No. 2008-____
 - Exhibit "A" – Conditions of Approval
- Project Plans
- Biological Assessment (NRC and Bonterra)

RESOLUTION NO. 2008-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION 'I' TO CONDITIONAL USE PERMIT NO. 215, GRADING PERMIT NO. 2229, COASTAL DEVELOPMENT PERMIT NO. 166, VARIANCE NO. 489, AND TENTATIVE PARCEL MAP NO. 26073 TO ALLOW SPECIFIC IMPROVEMENTS TO THE LOWER BEACH AREA, AT THE END OF THE COASTAL ACCESS TRAIL, CONSISTING OF CREATING A SAND BEACH AREA FOR RECREATIONAL PURPOSES, THE CONSTRUCTION OF A DRAINAGE CHANNEL THAT FUNCTIONS AS A BIOSWALE WHILE CONVEYING STORM WATER RUNOFF TO THE OCEAN, THE CONSTRUCTION OF A FOOT BRIDGE OVER THE DRAINAGE CHANNEL, AND THE INSTALLATION OF SECURITY FENCING ALONG THE TOE OF THE BLUFF EDGE.

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

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

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

WHEREAS, on June 19, 2008, the project applicant filed a request to amend the Council adopted Conditions of Approval to allow specific improvements to the lower beach area. The lower beach area is located at the southeastern portion of the project site, at the end of the coastal access trail, and is approximately .68 acres in area. Said improvements include the creating a sand beach area for recreational purposes (requires 1,500 cubic yards of imported sand), the construction of a drainage channel to convey storm water runoff to the ocean, the construction of a foot bridge to provide pedestrian access over the drainage channel, and the installation of security fencing along the toe of the bluff edge; and,

WHEREAS, the City Council reviewed and analyzed the applicant's request in accordance with the California Environmental Quality Act ("CEQA") and determined that the proposed project improvements to lower beach area qualify as a Categorical Exemption, Class 1 (Section 15301 – Existing Facilities), Class 2 (Section

15302 – Replacement or Reconstruction), Class 3 (Section 15303 – New Construction), and Class 4 (Section 15304 – Minor Alterations) for the foregoing reasons.

1. The proposed drainage channel is intended to improve the existing site conditions by conveying storm water runoff from an existing outfall to the ocean. Currently, the storm water runoff sheet flows across the lower beach area adversely impacting the surrounding environment. Furthermore, the proposed vegetated drainage channel will function as a bioswale allowing the certain portions of pollutants and sediments to be treated prior to entering the ocean. As such, the proposed drainage facility, a minor structure consisting of rocks and native vegetation, will improve the existing site conditions originating from an existing outfall and will not result in adverse impacts to the surrounding environment, specifically marine resources.
2. The proposed pedestrian bridge that crosses over the proposed drainage channel by connecting the sand beach area to the coastal access trail is a minor structure that will enhance public recreational opportunities and will not adversely impact the surrounding environment, especially marine resources or native vegetation.
3. The importation of sand that creates a recreational area at the lower beach area is designed to minimize the transfer of sand to the ocean, except under extreme weather conditions, by being placed in area of the site that is landward and 8-feet above the Mean Highest High Water Line. The existing beach rock will remain undisturbed creating barrier between the ocean and the sand area. As such, Staff finds that the importation of sand is a minor alteration to the existing site and will not adversely impact the surrounding environment, especially marine resources.

The City Council finds that the proposed lower beach improvements do not modify the scope of the project, specifically as it relates to the design of the project and the related amenities approved in 2002. Furthermore, the proposed project will further enhance the biological condition of the site and will provide an added recreational amenity for hotel guests and the visiting public and would therefore not introduce new environmental impacts nor intensify environmental impacts previously analyzed in the project EIR; and,

WHEREAS, on September 20, 2008, pursuant to the City's Municipal Code, a public notice was published in the *Peninsula News* and mailed to property owners within a 500-foot radius of the project site and to interested parties, inviting public comments on the proposed project revision; and

WHEREAS, on October 7 2008, the City Council held a duly noticed public hearing to consider the revised project;

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

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

Section 2. Pursuant to Section 17.60.050 of the Rancho Palos Verdes Municipal Code (the "Municipal Code"), and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the Addendums, the City Council hereby finds that the proposed project improvements to the lower beach area will not change the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to CUP No. 215, which are incorporated herein by this reference.

Section 3. Pursuant to Section 17.76.040, and based upon the evidence presented in the record, including staff reports, oral and written testimony, and the FEIR, the City Council hereby finds that the proposed project improvements to the lower beach area, including the importation of 1,500 cubic yards of sand, will not change or alter the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to GRP No. 2229, which are incorporated herein by this reference.

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

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

Section 6. Pursuant to Section 17.64.050, and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and

the Addendums, the City Council hereby finds that the proposed project improvements to the lower beach area will not change or alter the findings made for the original approved project, adopted under Resolution No. 2002-71.

Section 7. Based upon the evidence presented in the record, the findings adopted under Resolution No. 2002-71, which are incorporated herein by reference, the FEIR and the Addendums, the City Council hereby approves Revision '1' to Conditional Use Permit No. 215, Grading Permit No. 2229, Coastal Development Permit No. 166, Variance No. 489, and Tentative Parcel Map No. 26073 subject to the conditions set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

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

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

PASSED, APPROVED, AND ADOPTED this 7th day of October 2008.

Mayor

Attest:

City Clerk

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

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2008-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on October 7, 2008.

City Clerk

**RESOLUTION NO. 2008-__ - EXHIBIT A
LONG POINT RESORT HOTEL
CONDITIONS OF APPROVAL
(REVISION 'I' – COUNCIL APPROVED OCTOBER 7, 2008)**

(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 any Certificate of Occupancy 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-__ ON OCTOBER 7, 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.
- 14) All costs associated with plan check reviews and site inspections for the Department of Public Works shall be incurred by the applicant through the establishment of a trust deposit with the Director of Public Works at the time of plan check submittal or site inspection request.
- 15) All City Attorney costs associated with the review and approval of the conditions stated herein shall be incurred by the applicant in the form of a trust deposit established with the City.
- 16) No later than six (6) months after the issuance of the Certificate of Occupancy for the main resort hotel building or no later than 3 months after the commencement of the operation of the 9-hole golf course, or as frequently as the Director of Planning, Building and Code Enforcement deems necessary, the City Council shall review the Conditions of Approval contained herein at a duly noticed public hearing. As part of said review, the City Council shall assess the applicant's compliance with the conditions of approval and the adequacy of the conditions imposed. At that time, the City Council may add, delete or modify any conditions of approval as evidence presented at the hearing demonstrates are necessary and appropriate to address impacts resulting from operation of the project, including golf safety. Said modifications shall not result in substantial changes to the design of the hotel structures or to the ancillary structures. Notice of said review hearing shall be published and provided to owners of property within a 500' radius of the site, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance the RPVMC. As part of

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

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

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

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

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

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

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

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

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

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

- 22) Temporary construction fencing and temporary public trail fencing shall be installed in accordance with RPVMC. The beach access trail and associated parking area shall remain open to the public during City park hours during project construction with limited closures, as approved by the Director of Planning, Building and Code Enforcement, to address safety issues that are directly related to grading or other construction activities, 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-__ 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

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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 cancelation or further restrictions as deemed appropriate by the Director of Planning, Building and Code Enforcement based on the ability of the applicant to make adjustments due to public complaints or monitoring reports.

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

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

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

(REVISED PER RESOLUTION NO. 2008-__ 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-__ 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) A Certificate of Occupancy shall not be issued for the Villas or Casitas, unless a Certificate of Occupancy has been first issued for the main resort hotel building.

Indemnification/Insurance

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

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

- 30) The applicant shall submit to the City Attorney for review and approval an agreement whereby the applicant shall indemnify, defend and hold the City and members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), harmless from any claim, demand, damage, liability, loss, cost or expense,

including, but not limited to, death or injury to any person and injury to any property, caused by golf balls or any other golf-related equipment.

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

business days prior written notice by first class mail has been given to City.

- (f) Each insurance policy required by this condition shall expressly waive the insurer's right of subrogation against City and members of its City Council, boards and commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials.
- (g) Copies of the endorsements and certificates required by this condition shall be provided to the City when the insurance is first obtained and with each renewal of the policy.
- (h) No golf course facilities may be operated unless such general liability insurance policy is in effect.

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

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

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-__ 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

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

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

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

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

accommodation, which shall be fully managed by the resort hotel operator. Deed restrictions to this effect, which are satisfactory to the City Attorney, shall be recorded prior to any sale of any unit.

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

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

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

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

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

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

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

- b) Deed Restrictions, which restrict the use and operation of all of the privately owned units and are in a form that is acceptable to the City Attorney, shall be recorded against all of those units, including, without limitation, the bungalow units, resort villas, casitas and the fifty hotel guest suites or guest rooms.

- c) The City (or, at the City's election, the applicant) shall create a new non-profit corporation or shall expand the powers of an existing non-profit corporation to undertake the duties specified in this condition. The non-profit corporation will be charged with spending its resources (net of its operating expenses) for only the following purposes: the maintenance, repair, replacement and enhancement of trails, parks, open space areas and streets within the City of Rancho Palos Verdes, which are owned in fee or by easement or by license by the City.

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

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

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

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

No later than six (6) months after the issuance of the Certificate of Occupancy for the main hotel building, the operation of the outdoor events

shall be reviewed by the City Council pursuant to the criteria set forth in Condition No. 16.

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

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

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

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

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

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

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

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

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

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

(REVISED PER RESOLUTION NO. 2008-__ 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

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- 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
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52.00'	71.00'	19'
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(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)

Architectural Features – architectural elements (cupolas, rotundas, and towers) may exceed the foregoing height limits with the prior written approval of the

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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)

- 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

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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-__ ON OCTOBER 7, 2008)

- 63) Prior to the issuance of any Certificate of Occupancy or the operation of the 9-hole golf course, whichever occurs first, the applicant shall complete the construction of the following public access trails, public parks and other public

amenities within the project site, except for the 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-__ ON OCTOBER 7, 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 any Certificate of Occupancy for the resort hotel.

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

- 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 any Certificate of Occupancy for the resort hotel.

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

- 67) Prior to the issuance of any Certificate of Occupancy, or prior to recordation of Final Parcel Map No. 26073, whichever occurs first, the applicant shall dedicate easements over all public trails, habitat areas, vista points, and public amenities to the City of Rancho Palos Verdes.
- 68) Prior to issuance of any Certificate of Occupancy, the applicant shall dedicate the 2.2-acre Bluff-Top Park and 1.0 acre adjacent Fishing Access parking lot expansion (50 parking spaces) to the City. Maintenance of the trails, park grounds and landscaping, including but not limited to the landscaping located within the Fishing Access Parking Lot shall be maintained by the applicant as long as a hotel is operated on the property.
- 69) Prior to issuance of any Certificate of Occupancy, the applicant shall dedicate an easement to the City and construct two Public Vista Points along the Long Point Trail Segment (D4) in locations to be approved by the Director of Planning, Building, and Code Enforcement in the review of the Public Trails Plan. Habitat fencing, as well as habitat protection signs shall be posted in and around any vista point. The square footage of any Habitat Enhancement Area or the 50-foot transitional area that is used for the vista points shall be replaced at a ratio of 1:1.
- 70) Prior to recordation of any final map or issuance of any building or grading permits, the applicant shall submit to the Director of Public Works a Public Trails Plan which identifies the on-site and off-site pedestrian and bicycle trails proposed for the project for review and approval by the City Council. The plan shall include details regarding trail surface, trail width, and trail signage. Furthermore, all trail segments shall be constructed with appropriate trail engineering techniques, as approved by the City's Director of Public Works, to avoid soil erosion and excessive compaction. The public trails, as identified in the city's Conceptual Trails Plan shall include: the Marineland Trail Segment (C5); the Long Point Trail Segment (D4); the Flower Field Trail Segment (E2); and the Café Trail Segment (J2). Furthermore, the beach access trail at the southeast corner of the project site shall also be kept open to the public and shall be maintained by the applicant.

- 71) Prior to issuance of any Certificate of Occupancy, the applicant shall construct a class II bikeways along Palos Verdes Drive South, adjacent to the project site, to the satisfaction of the Director of Public Works. In the event any drainage grates are required, all grates shall be installed in a manner that is perpendicular to the direction of traffic to the satisfaction of the Director of Public Works.

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

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

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

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

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

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

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

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

Landscaping/Vegetation

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

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

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

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

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

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

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

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located in the native plant area (30-foot Habitat Enhancement Area and 50-foot transition area). Any such replanted or retained trees shall be noted on the required landscape plans.

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

Lighting

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

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

- 84) *This condition was deleted.*

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

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

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

Signs

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

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

Utilities/Mechanical Equipment

- 87) Prior to issuance of any Certificate of Occupancy, all utilities exclusively serving the project site shall be placed underground including cable television, telephone, electrical, gas and water. All appropriate permits shall be obtained for any such installation. Cable television, if utilized, shall connect to the nearest trunk line at the applicant's expense.
- 88) Prior to issuance of any Certificate of Occupancy, all existing above ground utilities serving the project site within the public right-of-way adjacent to the property frontage of the project site shall be placed underground by the applicant. In addition, the two (2) power poles on either side of Palos Verdes Drive South, and the lines thereon, shall be placed underground.
- 89) No above ground utility structures cabinets, pipes, or valves shall be constructed within the public rights-of-way without prior approval of the Director of Public Works.
- 90) Mechanical equipment, vents or ducts shall not be placed on roofs unless the applicant demonstrates, to the satisfaction of the Director of Planning, Building and Code Enforcement, that there is no feasible way to place the equipment elsewhere. In the event that roof mounted equipment is the only feasible method, all such equipment shall be screened and/or covered to the satisfaction of the Director of Planning, Building, and Code Enforcement so as to reduce their visibility from adjacent properties and the public rights-of-way. Any necessary screening or covering shall be architecturally harmonious with the materials and colors of the buildings, and shall not increase any overall allowed building height permitted by this approval. This condition shall apply to all buildings in the

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Resort Hotel Area, including but not limited to, the hotel, bungalows, casitas, villas, and spa.

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

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

Fences, Walls, and Gates

- 95) No freestanding fences, walls, or hedges shall be allowed, unless a Uniform Fencing Plan is reviewed and approved by the Director of Planning, Building, and Code Enforcement, except as otherwise required by these conditions or the mitigation measures set forth in the Mitigation Monitoring Plan attached as Exhibit "C" to Resolution No. 2002-34. Said Fencing Plan shall be reviewed and approved prior to issuance of any building permit and shall be installed prior to issuance of any Certificate of Occupancy. No entry gates shall be permitted.
- 96) The design of the fencing required along the bluff top park, bluff top trails, and the Habitat Preserve Areas shall be included in the Public Amenities Plan, as required herein. Said fencing shall be modeled to generally resemble the wood / cable fence installed in City parks, such as Shoreline Park and Ocean Trails.
- 97) All pools and spas shall be enclosed with a minimum 5' high fence, with a self-closing device and a self-latching device located no closer than 4' above the ground.

- 98) All fencing surrounding the Lower Pool Facility, including pool and spa security fencing, shall be constructed in a manner that meets the minimum fence standards for pool safety, as noted in the above condition, and shall minimize a view impairment of the coastline as determined by the Director of Planning, Building and Code Enforcement.
- 99) No safety netting for the 9-hole golf course shall be permitted.

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

- 100) Any on-site fencing along Palos Verdes Drive South shall be no higher than two (2) feet in height and shall be modeled to generally resemble the fencing installed along Palos Verdes Drive West for the Ocean Front Estates project. The landscaping 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 any Certificate of Occupancy, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive Integrated Waste Management Plan that addresses source reduction, reuse and recycling. The Plan shall include a description of the materials that will be generated, and measures to reduce, reuse and recycle materials, including, but not limited to, beverage containers, food waste, office and guest room waste. The Plan shall also incorporate grass cycling, composting, mulching and xeriscaping in ornamental landscaped areas. Grass cycling, composting, or mulching shall not be used in the Habitat Areas. It is the City's intention for the project to meet Local and State required diversion goals in effect at the time of operation. The specifics of the Plan shall be addressed by the applicant at the time of review by the Director of Public Works.
- 102) Prior to issuance of any building or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP or the Plan) shall be prepared and submitted to the Director of Public Works for approval. The CDMMP shall include all deconstruction, new construction, and alterations/additions. The CDMMP shall document how the Applicant will divert 85% of the existing on-site asphalt, base and concrete, through reuse on-site or processing at an off-site facility for reuse. The Plan shall address the parking lots, concrete walkways, and other underground concrete structures. The Plan

shall also identify measures to reuse or recycle building materials, including wood, metal, and concrete block to meet the City's diversion goal requirements as established by the State Integrated Waste Management Act (AB 939). In no case shall the Plan propose to recycle less than the state mandated goals as they may be amended from time to time.

- 103) Prior to issuance of any Certificate of Occupancy, a Construction and Demolition Materials Disposition Summary (Summary) shall be submitted to the Director of Public Works upon completion of deconstruction and construction. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.
- 104) Where possible, the site design shall incorporate for solid waste minimization, the use of recycled building materials and the re-use of on-site demolition debris.
- 105) The project site design shall incorporate areas for collection of solid waste with adequate space for separate collection of recyclables.

Street and Parking Improvements

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

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

- 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 any Certificate of Occupancy, an appropriate public access easement in favor of the City across the resort entry drive from Palos Verdes Drive South to the designated public parking area adjacent to the main hotel building, in a form acceptable to the City Attorney, shall be recorded.
- 110) A Parking Lot Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of project-related grading permits. The Parking Lot Plan shall be developed in conformance with the parking space dimensions and parking lot standards set forth in RPVMC or allowed in this condition of approval, and shall include the location of all light standards, planter boxes, directional signs and arrows. No more than 20% of the total parking spaces shall be in the form of compact spaces. The filing fee for the review of the Parking Plan shall be in accordance to the City's Fee Schedule as adopted by Resolution by the City Council.

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

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

- 111) Prior to the recordation of any final map, or issuance of any grading permit, the applicant shall submit security, in a form reasonably acceptable to the City, to cover any damage caused to existing public roadways during construction. The amount of said security shall be determined by the Director of Public Works.
- 112) Prior to issuance of any Certificate of Occupancy, the applicant shall replace all damaged curbs, gutters, and sidewalks along the project's Palos Verdes Drive South frontage, as determined by the Director of Public Works. Prior to approval of the Street Improvement Plan, the applicant shall post a security bond in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and material. The amount of such security shall be determined by the Director of Public Works
- 113) All proposed driveways shall be designed in substantially the same alignment as shown on the approved site plans, subject to final design review and approval by the Los Angeles County Fire Department and the Director of Public Works.
- 114) Any on-site raised and landscaped medians and textured surfaces shall be designed to standards approved by the Director of Public Works.
- 115) Handicapped access ramps shall be installed and or retrofitted in accordance with the current standards established by the Americans with Disabilities Act. Access ramps shall be provided at all intersections and driveways.
- 116) If excavation is required in any public roadway, the roadway shall be resurfaced with an asphalt overlay to the adjacent traffic lane line to the satisfaction of the Director of Public Works.
- 117) Prior to commencing any excavation within the public rights-of-way, the applicant shall obtain all necessary permits from the Director Public Works.

- 118) Prior to the recordation of a final map or issuance of any building or grading permits, whichever comes first, the applicant shall construct or enter into an agreement and post security guaranteeing the construction of the following public and/or private improvements in conformance with the applicable City Standards: street improvements, medians, sidewalks, drive approaches, bus turnouts and shelters, bikeways, trails, signing, striping, storm drain facilities, sub-drain facilities, landscape and irrigation improvements (medians, slopes, parks, and public areas including parkways), sewer, domestic water, monumentation, traffic signal systems, trails, and the undergrounding of existing and proposed utility lines. If security is posted it shall be in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and materials. The amount of such security shall be determined by the Director of Public Works. The security referred to in this condition may be grouped into one of the following categories, provided that all of the items are included within a category: 1) Landscape and Irrigation; 2) On-site Street Improvement Plans and Parking, and 3) Palos Verdes Drive South Improvements.
- 119) Prior to the issuance of any Certificate of Occupancy, the applicant shall complete the street improvements to Palos Verdes Drive South as identified in the Mitigation Measures set forth in the Mitigation Monitoring Plan attached as Exhibit "C" to Resolution No. 2002-34. The improvements shall include the following: Installation of a new traffic signal on Palos Verdes Drive South at the project entrance, a right turn lane for south-bound traffic to facilitate ingress into the project and a lengthened left turn lane for north-bound traffic to facilitate ingress into the project.
- 120) Prior to issuance of any Certificate of Occupancy, the applicant shall improve with landscaping and irrigation the median and parkway along Palos Verdes Drive South, in the area generally located in front of the project site's entrance driveway, including the portion of the median that is to be improved with an expanded left-turn pocket, up to the eastern most driveway of the Fishing Access Parking Lot. If available, said landscaping shall consist of non-invasive plant species, except the permitted invasive species listed in Condition No. 78, as deemed acceptable by the Director of Public Works.
- 121) The design of all interior streets shall be subject to review and approval by the Director of Public Works.
- 122) The applicant shall dedicate vehicular access rights to Palos Verdes Drive South to the City, except as provided for private driveways and emergency access as shown on the site plan.

- 123) Prior to the approval of Street Improvement Plans, the applicant shall submit detailed specifications for the structural pavement section for all streets, both on-site and off-site including parking lots, to the Director of Public Works for review and approval.

Traffic

- 124) Prior to the issuance of any Certificate of Occupancy, the applicant shall pay the City of Los Angeles for its fair share of the following improvements to the intersection of Western Avenue (NS) at 25th Street (EW): Provide east leg of 25th Street with one left turn lane, two through lanes, and one right turn lane.
- 125) Prior to the issuance of any Certificate of Occupancy, the applicant shall pay the City of Rolling Hills Estates for its fair share of the following improvements to the intersection of Hawthorne Boulevard (NS) at Palos Verdes Drive North (EW): Provide west leg with one left turn lane, one shared left and through lane, one through lane, and one right turn lane.
- 126) Prior to the issuance of any Certificate of Occupancy, the applicant shall pay The City of Rolling Hills Estates for its fair share of the following improvements to the intersection of Silver Spur Road (NS) at Hawthorne Boulevard (EW): Provide north leg with one left turn lane, two through lanes, and one right turn lane; and re-stripe south leg with two left turn lanes, one through lane, and one right turn lane.
- 127) Prior to issuance of building or grading permits, the applicant shall provide security, in a form reasonably acceptable to the Director of Public Works, in the amount of \$100,000 to cover the cost of mitigating any impacts caused by this project that would require the installation of any new traffic signal that may be required along Hawthorne Boulevard, Palos Verdes Drive South, or Palos Verdes Drive West. This security will be held by the City in accordance with the provisions of Government Code Section 66001 for a minimum five-year period, from the date of the main hotel building's Certificate of Occupancy.
- 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)

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

GRADING PERMIT NO. 2229

Grading

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

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

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

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

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

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

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

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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 the issuance of the Certificate of Occupancy, the applicant shall upgrade the drainage facility that currently is located on the Fisherman's access property and construct a pipe that will convey this water to the proposed drainage system terminating at Outlet No. 2 to the satisfaction of the Director of Public Works.
- 165) Prior to the issuance of any grading or building permit, the applicant shall prepare and submit a Master Drainage Plan for review and approval by the Director of Public Works. The Plan shall demonstrate adequate storm protection from the design storm, under existing conditions, as well as after the construction of future drainage improvements by the City along Palos Verdes Drive South immediately abutting the project site.
- 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 the issuance of any Certificate of Occupancy, the Water Quality Management Plan Maintenance Agreement, outlining the post-construction Best Management Practices, shall be recorded with the Los Angeles County Recorders Office.
- 173) Prior to issuance of any building or grading permits, the applicant shall file any required documents, including the Notice of Intent, and obtain all required permits from the California Regional Water Quality Control Board.
- 174) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works an Erosion Control Plan. Said Plan shall be designed in conformance with the City standards and the requirements of the Regional Water Quality Control Board.
- 175) Prior to issuance of any Certificate of Occupancy, the applicant shall implement the project in full compliance with the standard urban storm water mitigation plan adopted by the Regional Water Quality Control Board.
- 176) Prior to the City Council's review of the Water Quality Management Plan, the City's Geotechnical Engineer shall review and approve the Plan. In the event the City's Geotechnical Engineer determines that additional improvements need to be constructed, the applicant shall revise the Plan accordingly.

Sewers

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

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

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

Water

- 183) Prior to the construction of any water facilities, the Director of Public Works shall review and approve the water improvement plan. Any water facilities that cannot be constructed below ground shall be located on the subject property and screened from view from any public rights-of-way, to the satisfaction of the Director of Public Works and the Director of Planning, Building and Code Enforcement. In addition, an easement to California Water Service shall be dedicated prior to issuance of any grading or building permits.
- 184) The project site shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the City Engineer. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los 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 Records Office.
- 191) All improvement plans shall be as-built upon completion of the project. Once the as-built drawings are approved, the applicant shall provide the City with a duplicate mylar of the plans.
- 192) The improvement plans shall be prepared by a Registered Civil Engineer, and shall be prepared on standard city size sheets. Plans shall be in substantial conformance with the approved tentative map and site plan as approved by the City Council and stamped by the Planning Department with the effective date of this approval.
- 193) This approval expires twenty-four (24) months from the date of approval of the parcel map by the City Council, unless extended per Section 66452.6 of the California Government Code and Section 16.16.040 of the RPVMC. Any request for extension shall be submitted to the Planning Department in writing at least sixty (60) days prior to the expiration of the tentative map.
- 194) This development shall comply with all requirements of the various municipal utilities and agencies that provide public services to the property.
- 195) According to Section 16.20.130 of the RPVMC and the Subdivision Map Act (California Government Code Section 66410 *et seq.*), at the time of making the

survey for the final parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Subdivision Map Act. Prior to recording the final map, the exterior boundary of land being subdivided shall be adequately monumented with no less than a two (2) inch iron pipe, at least eighteen (18) inches long, set in dirt and filled with concrete at each boundary corner. The parcel lot corners shall be monumented with no less than one-half inch iron pipe for the interior monuments. Spikes and washers may be set in asphalt pavement and lead and tacks may be set in concrete pavement or improvements in lieu of pipes. All monuments shall be permanently marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.

- 196) The applicant shall be responsible for repair to any public streets which may be damaged during development of the subject parcels.
- 197) Easements shall not be granted within easements dedicated or offered for dedication to the City until after the final map is filed and recorded with the County Recorder. No easements shall be accepted after recording of the final map that in any way conflict with a prior easement dedicated to the City, or any public utility. All existing easements shall remain in full force and effect unless expressly released by the holder of the easement.
- 198) Any easement that lies within or crosses public rights-of-way propose to be deeded or dedicated to the City, shall be subordinated to the City prior to acceptance of the rights-of-way, unless otherwise exempted by the Director of Public Works.

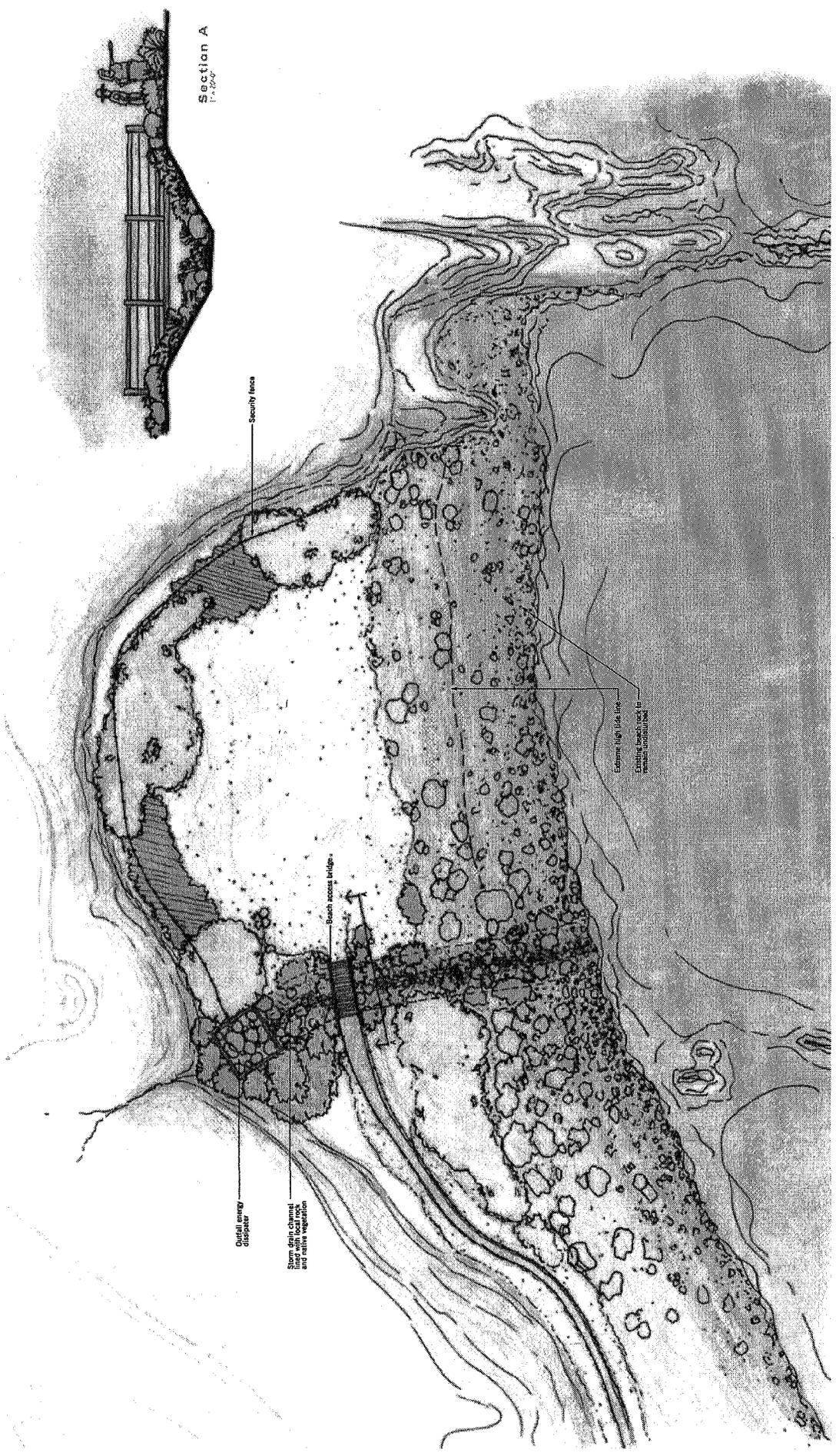
Prior to Submittal of the Final Map

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

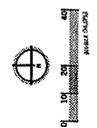
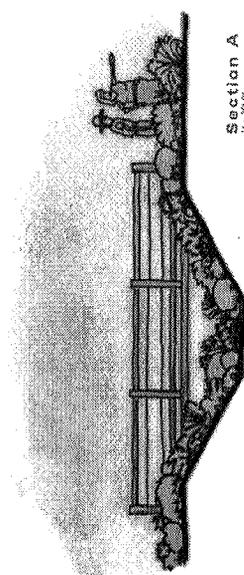
Prior to Approval of the Final Map

- 200) Prior to approval of the final map, any off-site improvements, such as rights-of-way and easements, shall be dedicated to the City.
- 201) Prior to approval of the final map, all existing public or private easements, including utility easements, shall be shown on the final parcel map.

- 202) Prior to the issuance of any Certificate of Occupancy, the parkland dedication requirement shall be fulfilled by the applicant in the form of either dedication of land for park purposes or the payment of in-lieu fees, or a combination thereof, as determined by the City Council pursuant to the RPVMC.
- 203) Prior to the issuance of any Certificate of Occupancy, the applicant shall pay the affordable housing fee required in accordance with the RPVMC.
- 204) The final map is subject to review and approval by the City Engineer. The applicant shall establish a trust deposit with the City to cover any costs incurred by the City in conducting this review.
- 205) The proposed parcel map shall adhere to all the applicable dedications and improvements required per Chapter 16.20 of the RPVMC.

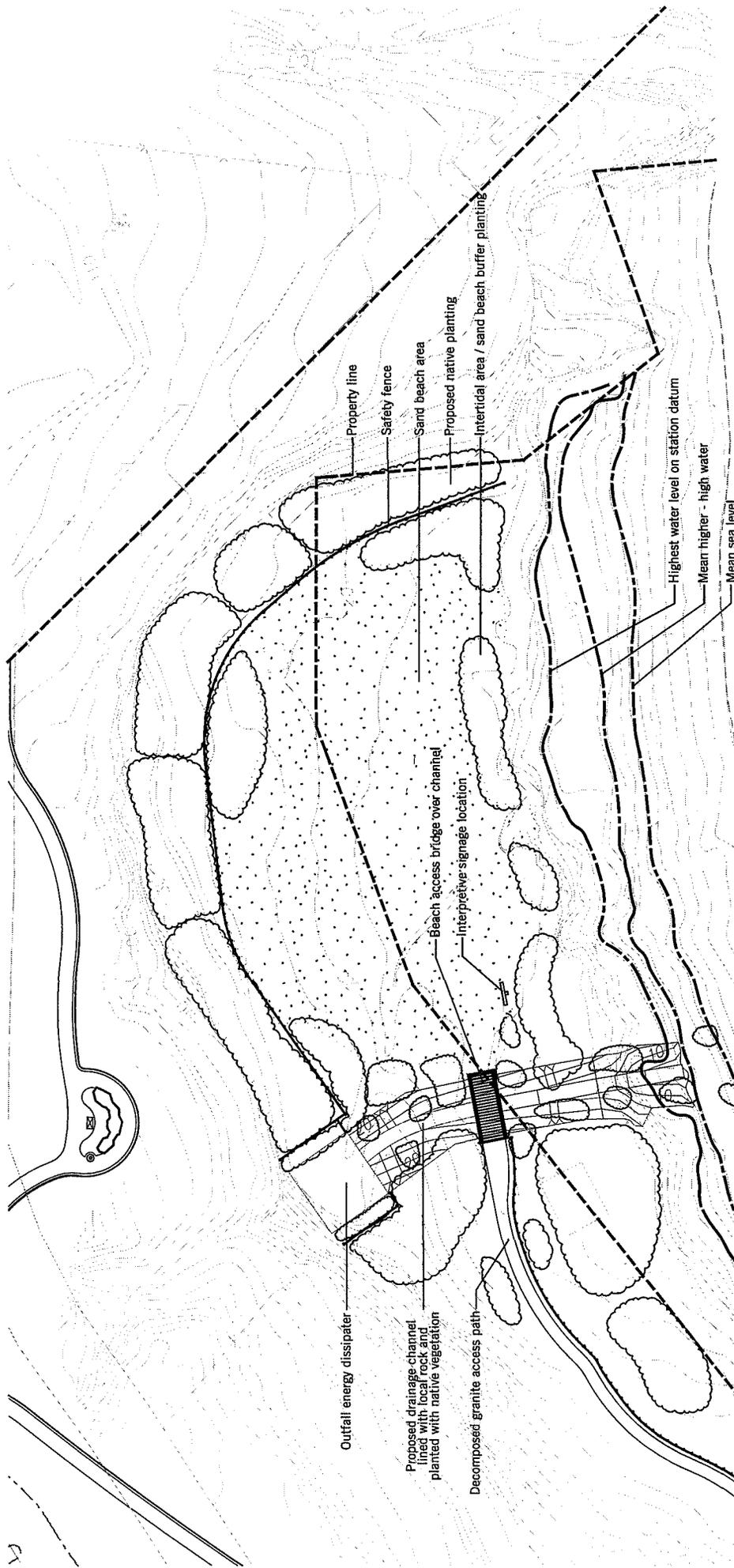


Section A
1" = 20'-0"



burton
Landscape Architecture Firm

Terranca Resort Hotel
Storm Drain Channel Improvements Exhibit
21 January 2008



Planting Palette

Botanical name	Common name	Botanical name	Common name
<i>Ambrosia psilostachya</i>	Western Ragweed	<i>Isomeris arborea</i>	Bladderpod
<i>Aneides californica</i>	Yerba mansa	<i>Juncus mexicanus</i>	Mexican Rush
<i>Armeria maritima</i>	Common Thrift	<i>Juncus patens</i>	Spreading Rush
<i>Artemisia californica</i>	California Sagebrush	<i>Juncus rugulosus</i>	Wrinkled Rush
<i>Artemisia douglasiana</i>	Mugwort	<i>Juncus xiphioides</i>	Iris-leaved Rush
<i>Atriplex lentiformis v. lentiformis</i>	Big Saltbrush	<i>Leymus triticoides</i>	Alkali Ryegrass
<i>Baccharis emoryi</i>	Emory's Baccharis	<i>Lycium californicum</i>	California Boxthorn
<i>Baccharis pilularis</i>	Dwarf Coyote Brush	<i>Stachys byzantina</i>	Lamb's Ear
<i>Carex praegracilis</i>	California Meadow Sedge	<i>Stipa tenuissima</i>	Mexican Feather Grass
<i>Ceanothus griseus</i>	Cornel Creeper	<i>Muhlenbergia rigens</i>	Deer Grass
<i>Ceanothus spinosus</i>	Wild Lilac	<i>Myrica californica</i>	Pacific Wax Myrtle
<i>Distichlis spicata</i>	Saltgrass	<i>Rhamnus californica</i>	Coffeeberry
<i>Dudleya vires ssp. insularis</i>	Island Green Dudleya	<i>Rhus integrifolia</i>	Lemonade Berry
<i>Eleocharis macrostachya</i>	Creeping Spikerush	<i>Ribes viburnifolium</i>	Catalina Perfume
<i>Encelia californica</i>	Coast Sunflower	<i>Ronneya coulteri</i>	Matlilla Poppy
<i>Eriogonum cinereum</i>	Ashy-Leaved Buckwheat	<i>Salvia leucophylla</i>	Purple Sage
<i>Eriogonum parvifolium</i>	Dune Buckwheat	<i>Salvia mellifera</i>	Black Sage
<i>Fremontodendron californicum</i>	Common Fannel Bush	<i>Sambucus mexicana</i>	Mexican Elderberry
<i>Heteromeles arbutifolia</i>	Tyon	<i>Scirpus americanus</i>	Olney's Bulrush
<i>Heuchera maxima</i>	Island Alum Root	<i>Scirpus maritimus</i>	Prairie Bulrush
<i>Hibbertia scandens</i>	Guinea Gold Vine	<i>Woodwardia fimbriata</i>	Giant Chain Fern

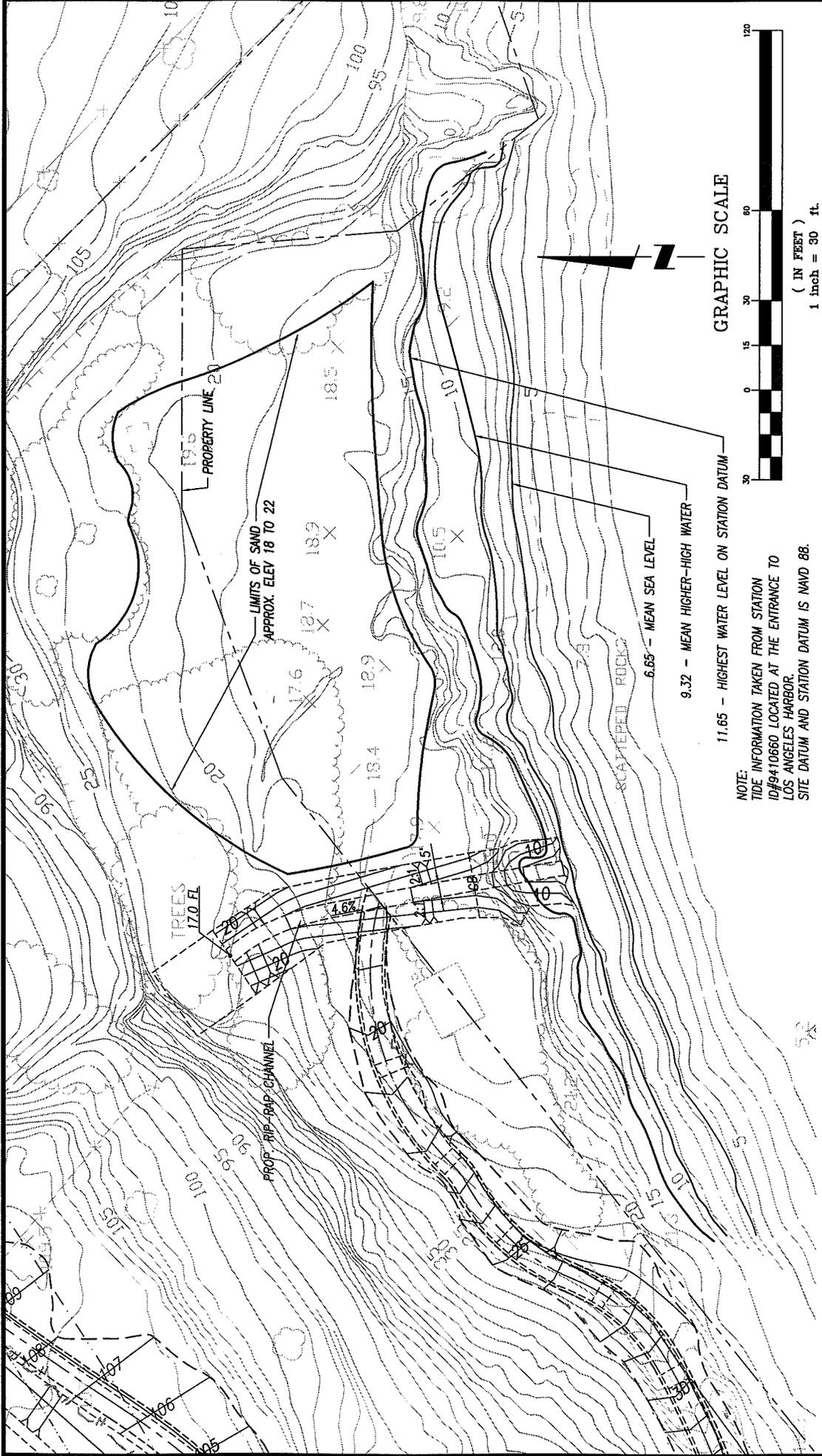
Terranea Resort Hotel

Lower Bench Landscape Improvements

18 June 2008



Not to Scale



NOTE:
TIDE INFORMATION TAKEN FROM STATION
ID#9410660 LOCATED AT THE ENTRANCE TO
LOS ANGELES HARBOR.
SITE DATUM AND STATION DATUM IS NAVD 88.

DATE:	06/12/08
SHEET	1
OF	1

**LONG POINT RESORT
LOWER BEACH TIDE
EXHIBIT**

PREPARED FOR:
LONG POINT DEVELOPMENT L.L.C.
6610 PALOS VERDES DRIVE SOUTH
SUITE A
RANCHO PALOS VERDES CA. 90275

PREPARED BY:



STANTEC CONSULTING INC.
19 TECHNOLOGY DRIVE
IRVINE, CA 92618
949 923.6000
stantec.com

RECEIVED

SEP 11 2008

PLANNING, BUILDING AND
CODE ENFORCEMENT

VIA EMAIL AND MAIL
aram@rpv.com

September 9, 2008

Mr. Ara Mihranian, Principal Planner
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, California 90275

Subject: Peer Review of the Revised Biological Evaluation of the Approximate 0.68-Acre Proposed Bench Improvements on the 102-Acre Long Point Site, located in the City of Rancho Palos Verdes, Los Angeles County, California

Dear Mr. Mihranian:

At your request, BonTerra Consulting has conducted an additional peer review of the *Biological Evaluation of the Approximately 0.68-acre Proposed Bench Improvements on the 102-acre Long Point Site, located in the City of Rancho Palos Verdes, Los Angeles County, California* prepared by Natural Resource Consultants (Biological Evaluation - Revised on August 11, 2008) for the City of Rancho Palos Verdes. BonTerra Consulting had previously determined that, in general, the majority of the report prepared by NRC appears to be adequate as a technical study to support California Environmental Quality Act (CEQA) documentation requirements. The majority of the changes and clarifications requested in our letter dated July 10, 2008, have been incorporated. However, one potential issue remains regarding the disclosure of impacts to biological resources.

The vegetative drainage portion of the project is illustrated on the June 12, 2008, exhibit by Stantec Consulting, Inc. titled Long Beach Resort Lower Beach Tide. This exhibit clearly shows grading to construct a maintenance access road to support the drainage. If construction of this access road is in support of the vegetative drainage channel and has not been documented and permitted for the larger Long Beach Resort project, impacts from the access road need to be fully disclosed in the vegetative drainage channel/sand replenishment project reports.

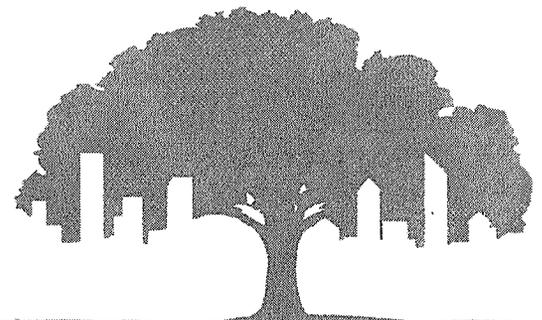
If the access road is fully documented and permitted for the larger Long Beach Resort project, no additional changes to the Revised Biological Evaluation are required.

Thank you for choosing BonTerra Consulting to prepare this review for the project. Please contact me at (714) 444-9199 if you have any questions or comments.

Sincerely,
BONTERRA CONSULTING


Ann M. Johnston
Principal, Biological Services

R:\Projects\RanchPV\J001\Peer Review Version #2-090908.doc



Natural Resource Consultants

June 17, 2008
[Revised August 11, 2008]

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

SUBJECT: *Biological Evaluation of the Approximately 0.68 acre Proposed Bench Improvements on the 102-acre Long Point Site, located in the City of Rancho Palos Verdes, Los Angeles County, California*

Dear Mr. Mihranian:

Natural Resource Consultants (NRC) was retained by Long Point Development, LLP to conduct a biological resources evaluation of a proposed bench improvement project (the project) located in the southeastern corner of the Long Point site (currently referred to as the Terranea Resort). The project would replace existing debris, sediments, and non-native vegetation currently located on the approximately 0.68 acre bench with a sand-covered area and a vegetated drainage channel with native planting. These features would be supplemented by native habitat creation planted with coastal species at the periphery of the bench buffering the sand area from the surrounding cliffs and upper intertidal areas. All of the afore-mentioned improvements would occur within the 0.68-acre bench.

The following letter report provides a description of the existing biological resources on the bench and evaluates the potential adverse and beneficial effects of the proposed project. This project was not described in the Environmental Impact Report (EIR) for the Terranea Resort¹; however, upon review of both the project description and of the existing biological resources in the lower bench area, NRC has determined that the project would not result in any significant adverse biological effects or require any mitigation measures. The bench improvement is consistent with California Coastal Act Public Resources Code (Coastal Act) Section 30231, Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and conditions and management tools described in the Biological Resources Management Plan (BRMP) for the Terranea Resort.

Based on NRC's analysis of the proposed bench improvement project there is no substantial evidence that this action would have any significant adverse direct or indirect effect on biological resources. Further, the addition of these improvements to the approved Terranea Resort would not result in any significant cumulative biological effect. Finally, the bench improvement project as proposed would not result in the implementation of any mitigation measures not previously disclosed in the Terranea Resort EIR.

METHODOLOGY

NRC performed a literature search for references and existing biological resources documentation relevant to this site. This search included a review of the California Natural Diversity Database (CNDDDB, 2007), the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants, Coastal Act, Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and yearly tide and high-water data from the National Oceanic Atmospheric Administration (NOAA).

¹ Long Point Resort Hotel Project Environmental Impact Report, SCH# 2000071076, Certified August 29, 2002.



NRC conducted general biological surveys of the proposed bench improvement on the Long Point site on April 15 and 22, 2008. Sensitive species studies for the site were completed in conjunction with ongoing monitoring associated with the BRMP. Intertidal diversity studies were completed in 2005, 2006, and 2007 as described in the BRMP.

PROJECT LOCATION AND EXISTING CONDITIONS

The Long Point site is located on the Palos Verdes Peninsula in the City of Rancho Palos Verdes (Exhibit 1). The proposed bench improvement project is located on an existing bench in the southeast corner of the Long Point site below a steep cliff face (Exhibit 2). NRC biologists, Eric Kline and David Levine, conducted a field survey of the proposed bench improvement project and surrounding areas on April 15 and 22, 2008. At that time, the bench had recently undergone a weed abatement process² and was therefore barren. The bench showed evidence of previous disturbance including exposed asphalt paving often buried beneath one to three feet of accumulated sediments. A 66-inch drainage outfall is located on the top of the bluff towards the western edge of the proposed bench improvement project. Currently water runoff from the outfall cascades down the cliff face and sheet-flows to the ocean with no defined channel (Exhibit 3). This is the source of accumulated sediments on the bench. There is no evidence that the bench has received any tidal inundation in the past several years. Prior to the weed abatement process the bench directly beneath the drainage outfall supported numerous non-native species including as castor bean (*Ricinus communis*), fountain grass (*Pennisetum setaceum*), and Bermuda grass (*Cynodon dactylon*). These species are removed annually as part of the Coastal Development Permit for the Terranea Resort, but are present on the bench for approximately 6-8 months each year prior to removal. A vegetation map delineating vegetation communities after weed abatement is shown on Exhibit 4. Photographs of the bench area from April 2005 (prior to weed abatement) and April 2008 (post-weed abatement) are included in Exhibit 5.

Based on information from NOAA and the National Ocean Service (U.S. Department of Commerce 2000), the southern edge (and lowest point) of the bench occurs at approximately twelve vertical feet above Mean Sea Level (MSL), approximately nine vertical feet above Mean High Higher Water (MHHW), and approximately seven vertical feet above the Highest Water Level (HWL). These water-level elevations are based on station datum from the nearest tide station 9410660 located in the outer portion of Los Angeles Harbor and shown on Exhibit 6 and the attached exhibit from Stantec Consulting Inc. (Stantec), the project engineers. NOAA water-level data are based on sea level and tidal records taken between 1983 and 2001 standardized and converted to mean values (e.g., Mean Lower Low Water, etc.) for high and low tidal datums. The NOAA data is reviewed annually for possible revision and must be actively considered for revision every 25 years. This water-level data was used to assess the elevation of the proposed bench improvements relative to historical average water levels.

RELATIONSHIP OF PROPOSED PROJECT TO THE NATURAL COMMUNITIES CONSERVATION PLAN

The NCCP Act of 1991 (California Fish and Game Code, Section 2800 et seq.) provides for the preparation and implementation of large-scale natural resource conservation plans. To that end, the City entered into an agreement with the California Department of Fish and Game and U.S. Fish and Wildlife Service to develop the Rancho Palos Verdes Natural Communities Conservation Planning (NCCP) Subarea Plan. The final NCCP was approved on August 31, 2004 and included the Terranea Resort (identified as the Long Point Hotel Resort in the NCCP) as a planned project. The NCCP also identified approximately 1,504 acres to be conserved in the City's proposed Reserve.

² Annual weed abatement is required as part of the Coastal Development Permit for the Terranea Resort.

The majority of the proposed project is located within the boundary of the NCCP-planned Terranea Resort. The NCCP Reserve does not encompass any portion of the proposed project, and therefore, would not be affected by the proposed project. Although the proposed project was not earmarked in the NCCP as an area to be conserved in the City's proposed Reserve, the use (open space) and proposed native plantings associated with the proposed project would be consistent with the intent of the Reserve.

POTENTIAL EFFECTS OF THE PROPOSED PROJECT

The proposed bench improvement project would include: 1) removal of the remnant asphalt, hardened sediments, and non-native vegetation, 2) placement of a permanent weed-inhibiting liner to prevent regrowth of non-native vegetation 3) addition of approximately 1,500 cubic yards of imported sand to cover the upper bench, 4) creation of a drainage channel vegetated with native herbaceous species to convey storm water runoff flowing from 66" outfall to the edge of the bench, 5) creation of a native buffer zone to be planted between the highest extent of the existing cobble beach and the area to be improved, and 6) construction of a bridge crossing over the proposed drainage channel, and placement of educational signage. The effects of these actions are evaluated in the paragraphs that follow:

- 1) No sensitive plant or wildlife species or sensitive habitats occur on the project site and none would be affected by the proposed project. In addition, because there is no suitable habitat on the project site for any sensitive plant or wildlife species, there is no potential for adverse impacts to sensitive plant or wildlife species.
- 2) Removal of existing asphalt, debris, and non-native vegetation from the bench would be preceded by placement of silt fencing and other Best Management Practices (BMP's) at the periphery of the site to limit any encroachment into surrounding areas including the upper intertidal zone. The removal of buried asphalt would eliminate an impervious layer that currently restricts percolation and promotes an accumulation of sediments. These actions would eliminate non-native invasive weeds that are not suitable habitat for native wildlife and not consistent with either the Coastal Development Permit Special Condition 2 E (2) (b) (iv) or the resource management goals set forth by the approved BRMP for the Terranea project. Removal of the existing sediments, debris, asphalt, and non-native vegetation would not result in any adverse biological effects and would be a beneficial effect of the proposed project.
- 3) In a specific delineated area approximately 8 feet above the highest mean high water line, a weed-inhibiting liner would be placed down and keyed in to minimize return of invasive weeds. Approximately 1,500 yards of imported sand covering approximately 0.4 acre would be deposited over the liner at a depth of approximately two feet. Placement of the liner and sand would preclude regrowth of invasive non-native weeds, provide a small refuge for native shorebirds, and increase the aesthetic value of the site. Placement of a weed-inhibiting liner and importing of sand on the bench would not result in any adverse biological effects and would be a beneficial effect of the proposed project.
- 4) A vegetated drainage channel following the western edge of the bench amenity would be created to accept storm run-off from the 66" outfall and control sheet flow across the bench. Current discharge from this outfall is shown in Exhibit 3. The proposed drainage channel would be planted with native herbaceous species and function in a similar manner to the bio-swale located upstream above the cliff face. Herbaceous species planted here would include saltgrass (*Distichlis spicata*), yerba mansa (*Anemopsis californica*), western ragweed (*Ambrosia psilostachya*), and alkali bulrush (*Scirpus maritimus*). These species are native to Palos Verdes peninsula and consistent with the bio-

swale plantings on the Terranea Resort. The plant palette is consistent with the palette from the approved BRMP for the Terranea Resort, which was also reviewed and approved by the CNPS. These plants were selected by biologists of Glenn Lukos Associates (GLA) in conjunction with NRC and Burton Landscape Architecture Studio (Burton) because they are native to the area and are expected to be tolerant of the conditions on the bench that includes exposure to salt spray. A defined drainage with native vegetation would decrease sediment transfer from the bench to adjacent intertidal areas and provide habitat value for local bird species. The extent and location of native plantings associated with this drainage and proposed planting palette is provided in the attached exhibit from Burton. These measures are consistent with the Coastal Act Section 30231 encouraging maintenance and restoration of coastal waters, streams, and wetlands through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, and maintaining natural vegetation buffer areas. Providing a vegetated drainage channel would not result in any adverse biological effects and would be a beneficial effect of the proposed project.

- 5) The southern edge of the bench would be planted with low-growing and salt-tolerant native plant cover dominated by saltgrass. This vegetation would provide for sand stabilization at the southern edge of the bench and provide a buffer between the bench edge and upper intertidal area. Planting a salt-tolerant buffer at the southern edge of the project would not result in any adverse biological effects and would be a beneficial effect of the proposed project.
- 6) Enhancement measures including a foot-bridge over the vegetated drainage channel and public education signage identifying the various native plant species would be a beneficial effect of the proposed project.
- 7) Based on NOAA sea level data, the southern edge of the bench occurs at approximately twelve vertical feet above MSL, approximately nine vertical feet above MHHW, and approximately seven vertical feet above the HWL. These elevations are based on station datum from the nearest tide station 9410660 located in the outer portion of Los Angeles Harbor and shown on Exhibit 6 and information from Stantec. Based on the vertical separation of the bench and the intertidal area no sand is expected to be transferred from the bench to the intertidal zone except during extraordinary storm events. Accordingly, the bench amenity would not, under normal conditions, increase sediments in the intertidal zone or affect any intertidal organisms.
- 8) During extreme storm events wave action, tidal surges, and rain fall may result in sand transfer from the bench into the rocky intertidal zone. Under storm conditions, sand transport would be isolated to this point source and local tide, wave, and currents are expected to disperse sand from the intertidal area before any localized accumulations occurs. Any short-term sand accumulation or "pocket accumulation" is not expected to cause permanent impacts to intertidal species as recovery of intertidal species after winter sand burial is usually rapid with dominant species returning to normal cover (Littler et al., 1983). Littler has found that "most rocky shores include considerable sand intermixed with biota attached to rock substrates, and fluctuations in the degree of sand coverage are common." Natural sand movement along the Pacific coastline follows a seasonal trend of accumulation and removal from the winter to the summer (Hedgpeth 1957, Markham 1973, and Shephard 1973). Storm related sand transfer into the intertidal system would not be a significant impact on intertidal marine organisms. Marine resources will not be significantly affected by improvements to the bench area in accordance with Section 30230 of the Coastal Act.

An extreme storm event may result in local sand inundation within the intertidal area below the bench and cause a temporary change in intertidal flora and fauna composition. Any transfer of imported sand from the bench into the intertidal area would be incremental and not cumulatively significant event relative to concurrent events occurring along the coastline. These sorts of periodic inundation occur during major storms and can result in temporary loss of immobile species associated with habitats such as sea lettuce (*Ulva* sp.) beds (Littler et al., 1983). These sorts of communities would also be the first to re-colonize bare substrate potentially exposed in other areas based on their high productivity and low biomass. Stress-tolerant species that are immobile such as mossy chiton (*Mopalia mucosa*), aggregating anemone (*Anthopleura elegantissima*), and barnacle species such as (*Tetraclita rubescens*) are likely to withstand temporary sand inundation (Grime, 1977). Littler also notes that "disturbances such as sand and rock movement, when localized, may increase diversity as a result of mixed patches containing populations undergoing different stages of succession."

- 9) Under a no-project scenario where the bench would remain in an unimproved condition, storm events may result in transfer of weedy vegetation, various other debris, and unidentified sediments from the bench to intertidal areas. The proposed improvements would minimize transfer of unidentified debris into the intertidal.
- 10) The import of sand above the MHHW would be outside of U.S. Army Corps of Engineers (ACOE) jurisdiction and would not constitute a "fill" of waters of the U.S. The project would not result in impacts to areas under the jurisdiction of the ACOE (Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act), and neither requires separate authorization from the ACOE nor requires modification to the existing Section 404 authorization for the Terranea Resort (pers. comm. Trinh Phuong to Thienan Ly dated February 20, 2008).

The proposed project would not take place within a lake or stream, and therefore would not require authorization from the California Department of Fish and Game under Section 1600 of the Fish and Game Code.

The proposed project would not take place within any areas considered to be a water of the State, and therefore would not require authorization from the Regional Water Quality Control Board under the Porter-Cologne Water Quality Control Act. In addition, because the proposed project would not result in impacts to areas under the jurisdiction of the ACOE, it would not require authorization from the Regional Water Quality Control Board under Section 401 of the Clean Water Act.

- 11) The enhancement of the bench will provide a recreation area for the public that is not currently present. Imported sand will replace non-native weedy plants and wood and metal debris that previously restricted recreational opportunities. Public recreational opportunities are encouraged under Section 30213 of the Coastal Act. Under Sections 30210 and 30211 of the Coastal Act maximum public access to this remote section of shoreline will be left intact and improved with a compacted, decomposed granite trail leading down from the bluff.
- 12) Revegetation with native plants and removal of trash and debris would enhance the scenic and visual qualities of the shoreline consistent with Section 30251 of the Coastal Act to make the bench visually compatible with the surrounding area. The plan is also consistent with the BRMP and bio-swale planting program for the Terranea Resort.

CONCLUSIONS

Based on NRC's evaluation of the anticipated effects of the proposed project, we find that the proposed bench improvement would not result in any significant adverse direct or indirect impact to the intertidal zone, intertidal species, any sensitive plant or wildlife species, or any other biological resources. Further, the addition of these improvements to the proposed Terranea plan would not result in any significant cumulative effects or result in the Terranea project, as revised, resulting in significant effects to biological resources. Finally, the bench improvement project would not result in the implementation of any mitigation measures not previously disclosed in the Terranea Resort EIR. Assuming no other significant adverse effects associated with implementation of the bench improvements have been identified, it is NRC's opinion that the City of Rancho Palos Verdes can adopt a Negative Declaration for disclosure of impacts associated with the bench improvement project. Enclosed are the City's Environmental Assessment documents to be used in preparation of a Draft Negative Declaration.

If you have any questions or comments regarding this letter, please contact me directly at (949) 497-0931.

Sincerely,

NATURAL RESOURCE CONSULTANTS



David A. Levine

w/ Attachments: Exhibits 1 through 6
Lower Tide Exhibit (Stantec Consulting, Inc.)
Lower Bench Landscape Improvements (Burton Landscape Architecture Studio)
Environmental Assessment Information

References

- Grime, J. P. (1977). Evidence for the existence of three primary strategies in plants and its relevance to ecological and evolutionary theory. *Am. Nat.* 111:1169-1194
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- Littler, M.M. 1980. Overview of the rocky intertidal systems of Southern California. In: Power, D. M. (ed.) *California islands: proceedings of a multidisciplinary symposium.* Santa Barbara Museum of Natural History, Santa Barbara, California, p. 265-306.
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Mr. Ara Mihranian
June 17, 2008
[Revised August 11, 2008]
Page 7 of 7

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U.S. Department of Commerce 2000. Tide and Current Glossary. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, and Center for Operational Oceanographic Products and Services.



Eric F. Kline, Natural Resource Consultants, 23 July 2008, Proj_GIS\long_point\workspaces\2008\bench_improvement\regional_map.mxd

EXHIBIT 1: REGIONAL MAP
TERRANEA RESORT HOTEL | CITY OF RANCHO PALOS VERDES, LOS ANGELES COUNTY





Eric F. Kimo, Natural Resource Consultants, 25 July 2008, Proj_Gis/long_point/workspaces/2008/bench_improvement/vicinity_map

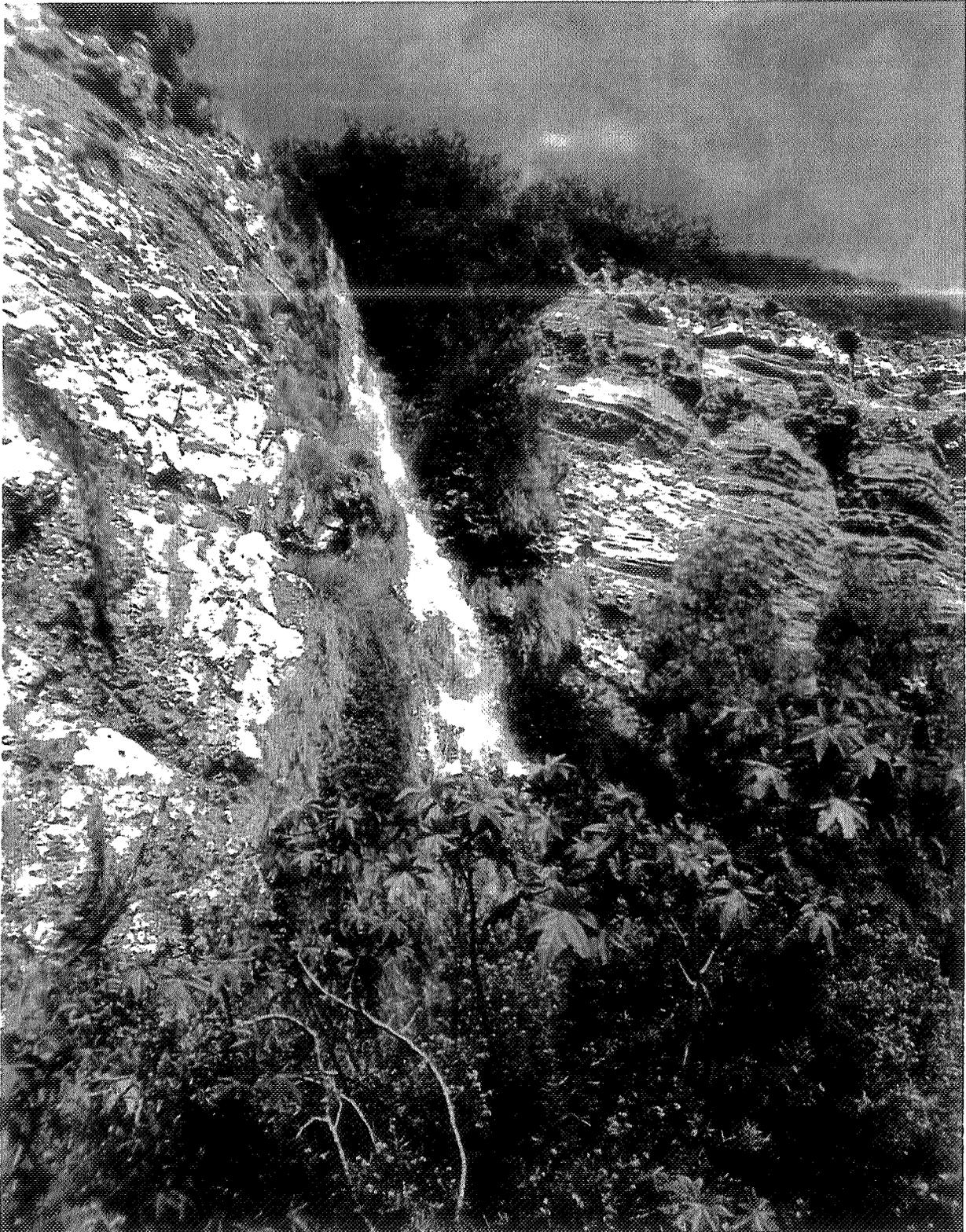
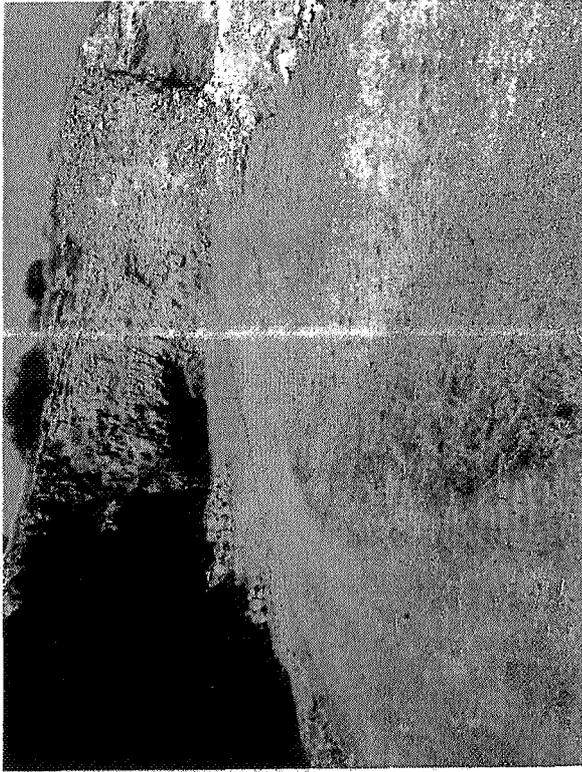
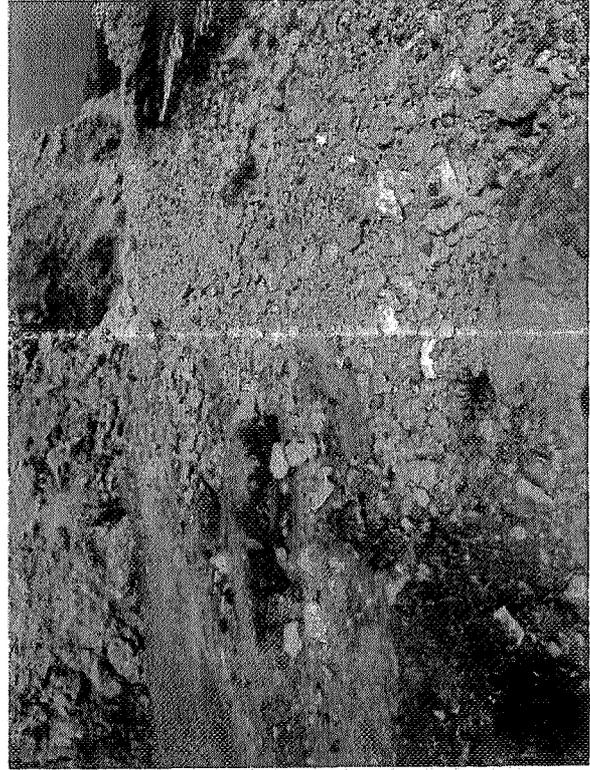


Photo of existing outfall after a rain event. The outfall is located west of where sand will be imported. Non-native vegetation surrounding the base of the outfall has since been removed during weed abatement activities.



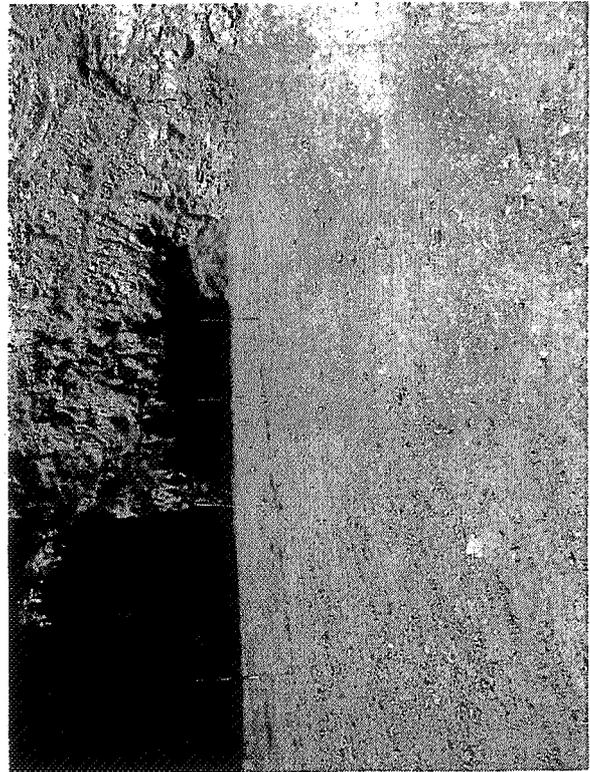
View of entire proposed bench improvement area below the bluff and above the rocky shoreline. Photo by Eric Kline on April 22, 2008.



View of interface between proposed bench improvement and rocky shoreline. Photo by Eric Kline on April 22, 2008.



View of proposed bench improvement area prior to weed abatement. Photo by Marcus England on April 8, 2005.



Close up view of the bench location where sand will be placed. The area is bare after weed abatement. Photo by Eric Kline on April 22, 2008.

**EXHIBIT 5: PHOTOGRAPHS OF PROPOSED BENCH IMPROVEMENT PROJECT AREA
TERRANEA RESORT HOTEL | CITY OF RANCHO PALOS VERDES, LOS ANGELES COUNTY**



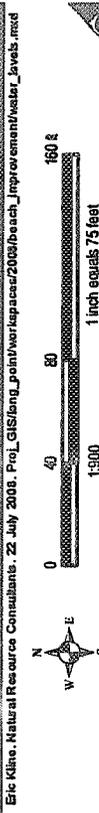
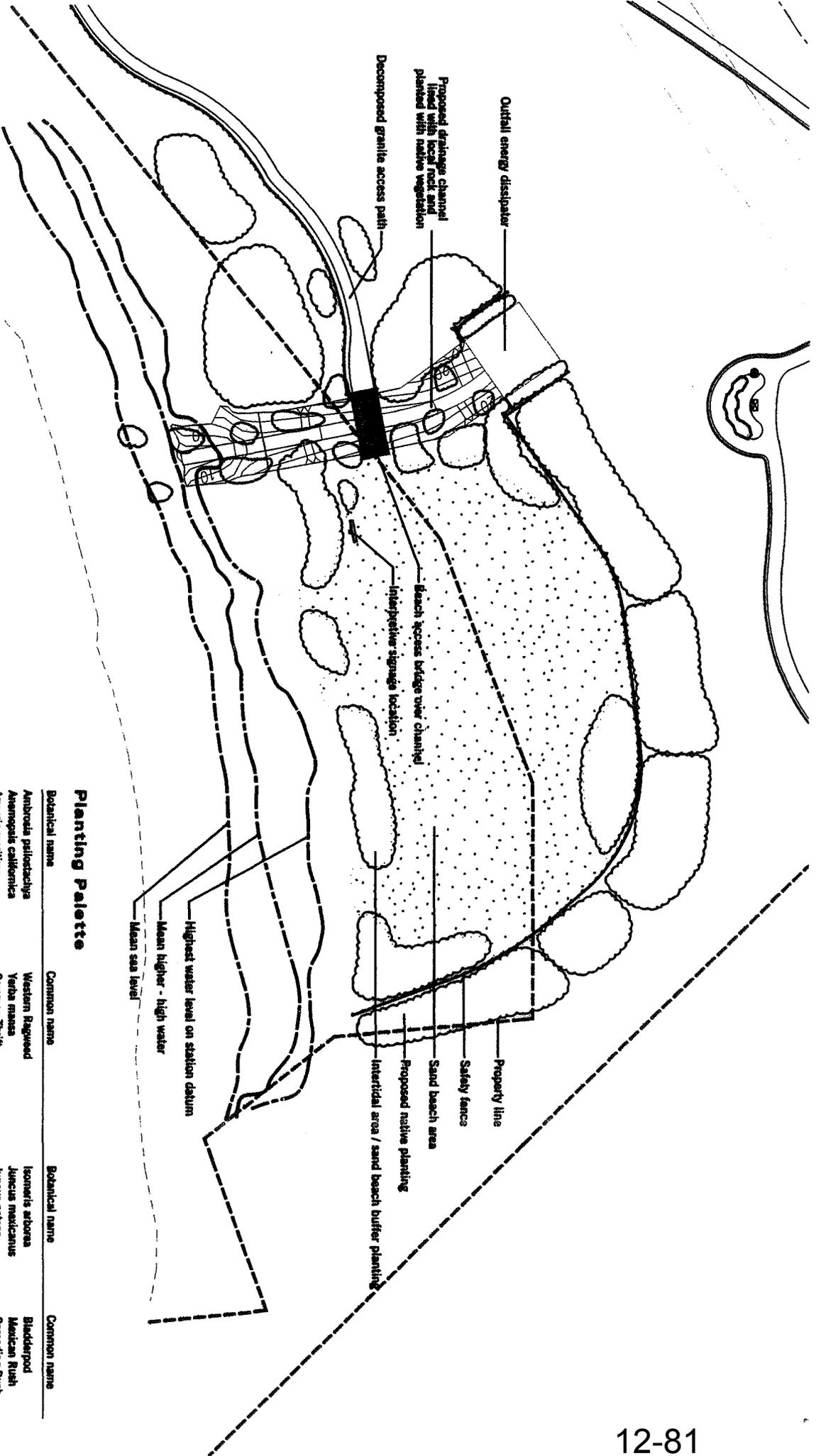
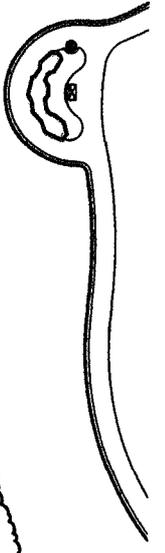


EXHIBIT 6: BENCH AREA WITH WATER LEVELS
TERRANEA RESORT HOTEL | CITY OF RANCHO PALOS VERDES, LOS ANGELES COUNTY





Planting Palette

Botanical name	Common name	Botanical name	Common name
<i>Ambrosia psilostachya</i>	Western Ringweed	<i>Isomeris arborea</i>	Bladderpod
<i>Avenopis californica</i>	Verba meana	<i>Juncus maritimus</i>	Maritime Rush
<i>Artemisia maritima</i>	Common Thistle	<i>Juncus patens</i>	Spreading Rush
<i>Artemisia californica</i>	California Sagebrush	<i>Juncus rigulosus</i>	Wrinkled Rush
<i>Artemisia douglasiana</i>	Mugwort	<i>Juncus siphocoides</i>	Fire-leaved Rush
<i>Atriplex lentiformis</i> v. <i>lentiformis</i>	Big Saltbrush	<i>Laymus villosoides</i>	Altaji Ryegrass
<i>Baccharis emeryi</i>	Emery's Baccharis	<i>Lycium californicum</i>	California Buckthorn
<i>Baccharis pilularis</i>	Dwarf Coyote Brush	<i>Shadsals byzantina</i>	Lamb's Ear
<i>Carex graminifolia</i>	California Meadow Sedge	<i>Silene laevissima</i>	Medican Feather Grass
<i>Ceanothus glaucus</i>	Cornel Creeper	<i>Muhlenbergia rigens</i>	Deer Grass
<i>Ceanothus spinosus</i>	Wild Lilac	<i>Mycrica californica</i>	Pacific Wax Myrtle
<i>Dudleya spicata</i>	Saltgrass	<i>Rhamnus californica</i>	Codfishberry
<i>Dudleya viscosa</i> ssp. <i>insularis</i>	Island Green Dudleya	<i>Rhus integrifolia</i>	Lemonade Berry
<i>Elaeagnus macrostachya</i>	Creeching Spikerush	<i>Ribes viburnifolium</i>	California Peruna
<i>Encelia californica</i>	Coast Sunflower	<i>Ranunculus esculentus</i>	Maidilila Poppy
<i>Eriogonum chinense</i>	Ashy-leaved Buckwheat	<i>Salsola leucophylla</i>	Purple Sage
<i>Eriogonum parvifolium</i>	Dune Buckwheat	<i>Salsola mollis</i>	Black Sage
<i>Fremontodendron californicum</i>	Common Flannel Bush	<i>Sambucus mexicana</i>	Medican Elderberry
<i>Heteromeles arbutifolia</i>	Toyon	<i>Scirpus americanus</i>	Olney's Bulrush
<i>Heuchera maxima</i>	Island Alum Root	<i>Scirpus maritimus</i>	Prairie Bulrush
<i>Hibbertia scandens</i>	Guinea Gold Vine	<i>Woodwardia fibrifolia</i>	Giant Chain Fern

Terranea Resort Hotel
Lower Bench Landscape Improvements



18 June 2008

RECEIVED

JUL 11 2008

PLANNING, BUILDING AND
CODE ENFORCEMENT VIA EMAIL AND MAIL
aram@rpv.com

July 10, 2008

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

Subject: Peer Review of the Biological Evaluation of the Approximate 0.68 acre Proposed Bench Improvements on the 102-acre Long Point Site, located in the City of Rancho Palos Verdes, Los Angeles County, California

Dear Mr. Mihranian:

At your request, BonTerra Consulting has conducted a peer review of the *Biological Evaluation of the Approximately 0.68 acre Proposed Bench Improvements on the 102-acre Long Point Site, located in the City of Rancho Palos Verdes, Los Angeles County, California* prepared by Natural Resource Consultants (June 17, 2008) for the City of Rancho Palos Verdes. The purpose of this review is to briefly evaluate the adequacy of the document by Natural Resource Consultants (NRC) as a technical report meeting the standards of the California Environmental Quality Act (CEQA). That is, the study must accurately identify any potentially significant effects and discuss the appropriate mitigation of these effects. An effective study can also serve as a practical tool that informs the project proponent of the implications of the results when these could have an effect on the design and construction of the project. This review, therefore, is intended to suggest ways in which the City of Rancho Palos Verdes, and/or reviewing agencies may have been served more effectively and not to unduly criticize the authors of the report.

Analysis of Adequacy

BonTerra Consulting has determined that, in general, the majority of the report prepared NRC appears to be adequate under CEQA and as a technical study to support an Environmental Impact Report (EIR). However, suggestions to improve the study have been provided.

Specific Comments

Page 1:

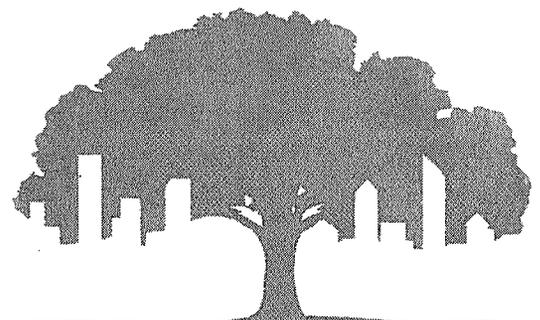
Include a section on the description of the NCCP.

Page 1: Second Paragraph, Second Sentence

Include abbreviation of Environmental Impact Report.

Page 1: Project Location and Existing Conditions

Mention Exhibit 1 first then Exhibit 2 then change exhibit numbers to match.



First Sentence: Change sentence to read proposed bench improvement project is located on an existing bench in the southeast corner of the Long Point site below a steep cliff face.

Second Sentence: Change proposed bench improvement area to proposed bench improvement project. Be consistent on what the project is called.

Third Sentence: It says the bench was barren with evidence of disturbance; however, later on it says the project would include removal of non-native vegetation. Therefore, it sounds like some vegetation is present, if so, please list the plant species present.

Fourth Sentence: Include project at end of sentence.

Page 2: First Paragraph

First Sentence: Change Nation Oceanic to National Oceanic and Atmospheric Administration and add comma after (U.S. Department of Commerce 2000).

Second Sentence: (NOAA 2000), not in references. Please include in references. Change Exhibits 3 to Exhibit 3. Change Stantec Consulting to Stantec Consulting, Inc. (Stantec) and add comma after.

Third Sentence: Capitalize mean lower low water, etc.

Page 2: Potential Effects of the Proposed Project

As said previously, what non-native vegetation is present? The author stated the area was barren.

Is the creation of the drainage channel included in the 0.68-acre survey area or outside this area? If it is outside this area then this area will need to be surveyed for biological resources as well.

Under 1): Change sentence to say none would be affected by the proposed project.

Under 2): Spell out BMP's since not mentioned before.

Under 3): Second Sentence: Change 0.4 acres to 0.4 acre.

Under 4): Is the vegetated channel and access road part of the 0.68-acre survey area? If it is outside this area then this area will need to be surveyed for biological resources as well.

Page 3:

Under 4): Seventh Sentence: For Burton Landscape Architecture, add Studio at the end.

Under 7): Change sentence to read Based on NOAA sea level data, the southern edge of the bench occurs at approximately twelve vertical feet above MSL, approximately nine vertical feet above MHHW, and approximately seven vertical feet above the HWL.

Page 4:

Under 10): Change to U.S. Army Corps and also include a write-up on CDFG and RWQCB.

Under 11): Third Sentence: Change to Coastal Act.

Page 4: Conclusions

First Sentence: Add comma after project. On last word of sentence, pluralize resource.

Second Sentence: Revise sentence, this sentence does not make sense.

Page 4: Under w/Attachments

Change to Stantec Consulting Inc. and Burton Landscape Architecture Studio

Exhibits

Be consistent with how the project is named, change to Proposed Bench Improvement Project and make sure all titles are consistent in exhibits.

Exhibit 2: Was this picture taken prior to vegetation being removed because it says non-native vegetation surrounding base of the outfall has been removed. There is a lot of vegetation still present in the picture.

General Comments

Expand the project description to clarify if the 0.68 acre bench improvements include the channel and access road. Clarify what the project includes (i.e., access road, channel, and bench). Include a map that shows the project limits.

Please include the following exhibits: vicinity map, regional location map, map depicting the project boundaries, and a vegetation map.

It appears that only the 0.68 acre site was surveyed; therefore, no buffer was included. Should include a buffer of at least 100 feet from edge of disturbance area.

Be consistent on what the project is called. Sometimes it is called proposed bench improvement area other times proposed bench improvement project.

To strengthen the report, project location and existing conditions should be separated into two sections and give a better description of what is actually on the project site. It says the bench is barren but later on it mentions there is non-native vegetation present. Is there non-native vegetation present and if so, list plant species present.

Need to include a Methodology section and say that a literature review was conducted. Were the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California and the California Department of Fish and Game's (CDFG) California Natural Diversity Database reviewed prior to the survey to identify special status plants, wildlife, and habitats known to occur in the vicinity of the project site? This should have been done.

It would be helpful to include a statement that because there is no suitable habitat present on the project site for sensitive plant and wildlife species, they have no potential to occur and would not be affected by the proposed project.

Change page numbers, all pages say Page 2 of 5.

Mr. Ara Mihranian

July 10, 2008

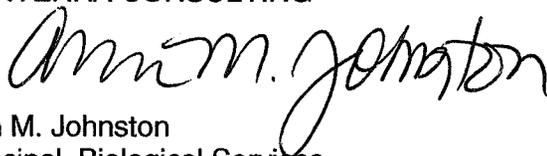
Page 4

Approximately 9 out of the 42 plants listed on the plant palette on the Burton Landscape Architecture Studio map are included in the plant compendia for the Long Point EIR, the plant palette should be redone by a company that specializes in native plants.

Thank you for choosing BonTerra Consulting to prepare this review for the project. Please contact Stacie Tennant or Ann Johnston if you have any questions or comments.

Sincerely,

BONTERRA CONSULTING



Ann M. Johnston
Principal, Biological Services



Stacie A. Tennant
Senior Project Manager

R:\Projects\RanchPVJ001\Peer Review-071008.doc

Natural Resource Consultants

May 12, 2008

Mr. Todd Majcher
Long Point Development, LLP
6610 Palos Verdes Drive South, Suite A
Rancho Palos Verdes, CA 90275

RECEIVED

MAY 14 2008

**PLANNING, BUILDING AND
CODE ENFORCEMENT**

SUBJECT: Biological Evaluation of the Approximately 0.68 acre Proposed Cove Improvements on the 102-acre Long Point Site, located in the City of Rancho Palos Verdes, Los Angeles County, California

Dear Mr. Majcher:

Natural Resource Consultants (NRC) was retained by Long Point Development, LLP to conduct a biological resources evaluation of a proposed cove improvement amenity (project) located in the southeastern corner of the Long Point site. The proposed improvement has been designed to enhance biological conditions in this portion of the site. Specifically, the project would replace existing sediments, debris, and non-native vegetation with a sand-covered upper bench surrounded by native vegetation and controlled site drainage. Installation and maintenance of these features would reduce risk of sediments entering the nearby intertidal areas and provide habitat for local native wildlife species. The following letter report provides a description of the existing biological resources at the proposed location for this amenity and evaluates the potential adverse impacts of this project. The cove improvement was not described in the EIR for the Terranea Resort; however, upon review of both the project description and of the biological resources in the lower cove area, we have determined that the project would not result in any significant adverse biological effects and is consistent with California Coastal Act Public Resources Code Section 30231 and conditions and management tools described in the Biological Resources Management Plan (BRMP) for this site.

PROJECT LOCATION AND EXISTING CONDITIONS

The proposed cove improvement area is located on an existing bench in the southeast corner of the site below a steep cliff face. NRC biologists, Eric Kline and David Levine, conducted a field survey of the proposed cove improvement area on April 15 and 22, 2008. The bench was barren with evidence of previous disturbance including exposed asphalt paving often buried beneath one to three feet of accumulated sediments. A 66-inch drainage outfall is located on the top of the bluff towards the western edge of the proposed cove improvement. Water runoff from the outfall cascades down the cliff face and sheet-flows to the ocean with no defined channel. This is the source of accumulated sediments. There is no evidence that the bench has received any tidal inundation in the past several years. Photographs of the bench area from April 2008 are included in Exhibit 1.

DESCRIPTION OF PROPOSED COVE IMPROVEMENT

The proposed cove improvement project would include: 1) removal of the remnant asphalt, hardened sediments, and non-native vegetation, 2) addition of approximately 20,000 cubic yards of native sand to cover the upper bench, and 3) creation of a drainage swale vegetated with native herbaceous species to convey storm water runoff flowing from 66" outfall to the edge of the bench. The effects of these actions are evaluated in the paragraphs that follow:

- 1) Removal of asphalt, debris, and non-native vegetation from the existing bench would be preceded by placement of silt fencing and other BMP's along the southern edge of the site to limit any encroachment onto existing areas. The removal of buried asphalt would eliminate an impervious layer that currently restricts percolation and accumulation of sediments. Without restoration the



Mr. Todd Majcher
May 12, 2008
Page 2 of 2

bench would be revegetated by non-native invasive weeds that are not suitable habitat for native wildlife and not consistent either the Coastal Development Permit Special Condition 2 E (2) (b) (iv) or the resource management goals set forth by the approved BRMP for the Terranea project. Removal of the existing sediments, debris, asphalt, and non-native vegetation would be a beneficial effect of the proposed project.

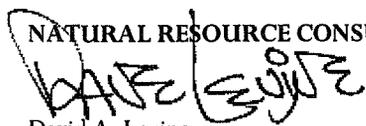
- 2) After the above-described debris is removed a weed-inhibiting liner would be placed down and keyed in to minimize return of invasive weeds. Native sand would be deposited over the liner at a depth of 1 to 2 feet. Placement of the liner and sand would avoid return of invasive non-native weeds, provide a small refuge for native shorebirds, and increases the aesthetic value of the site. Placement of sand on the bench would be a beneficial effect of the proposed project.
- 3) A drainage swale following the western edge of the cove amenity would be designed and built to accept storm run-off from the 66" outfall. The swale and southern edge of the cove amenity would be planted with native shrubs and herbs. Herbaceous species may include saltgrass (*Distichlis spicata*), yerba mansa (*Anemopsis californica*), western ragweed (*Ambrosia psilostachya*), and alkali bulrush (*Scirpus maritimus*). These species are native to Palos Verdes peninsula and consistent with the bioswale plantings on the Terranea project. The swale would contain storm water run-off and herbaceous vegetation would create a native barrier between the sand and adjacent areas. Adding a defined drainage with native vegetation would decrease sediment transfer from the bench to adjacent intertidal areas and provide habitat value for local bird species. The vegetated drainage swale and edge-treatment plantings would be a beneficial effect of the proposed project.
- 4) Other enhancement measures include a foot-bridge over the swale. As a public educational tool, signage will be placed near the swale to inform trail users on the different types of native vegetation occurring within the swale and cove.

DESIGN CONSIDERATIONS TO AVOID POTENTIAL SIGNIFICANT IMPACTS

Based on NRC's evaluation of the existing bench and the anticipated effects of the proposed project we find that the cove improvement would not result in any adverse impacts to the intertidal zone, intertidal species, or other native flora and fauna. Replacement of the sediments, debris, and non-native vegetation currently on the bench with sand and native vegetation would enhance this section of the site and reduce potential sediment transfer as compared with existing conditions. These measures are consistent with the California Coastal Act Public Resources Code 30231 encouraging maintenance and restoration of coastal waters, streams, and wetlands through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, and maintaining natural vegetation buffer areas. The plan is also consistent with the BRMP and bio-swale planting program for the Terranea project.

If you have any questions or comments regarding this letter, please contact me directly at (949) 497-0931.

Sincerely,

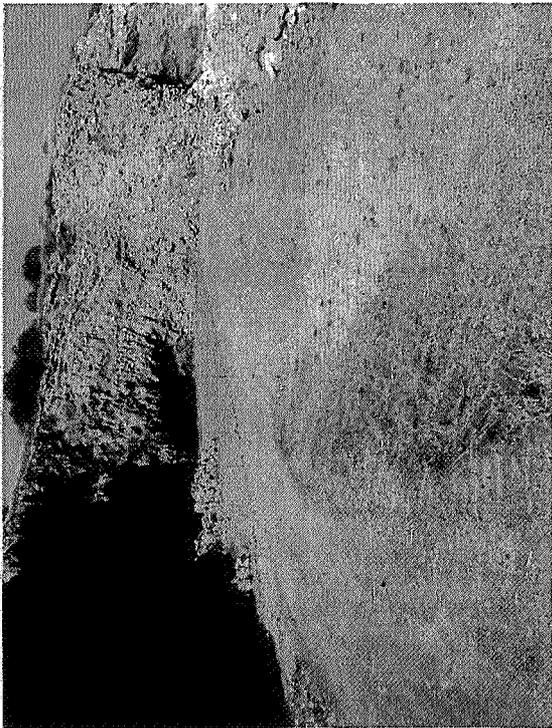
NATURAL RESOURCE CONSULTANTS

David A. Levine

w/ Attachments: Exhibit 1

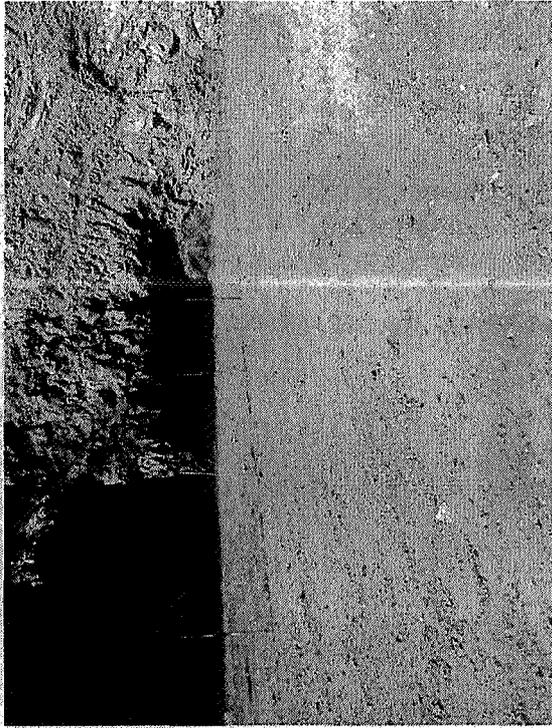


Photo of existing outfall after a rain event. The outfall is located west of the proposed bench improvements. Non-native vegetation surrounding the base of the outfall has been removed.





View of entire proposed bench improvement area below the bluff and above the rock shoreline. Photo by Eric Kline on April 22, 2008.



Close up view of where sand will be placed on the bench. Photo by Eric Kline on April 22, 2008.



View of interface between proposed bench improvement and rocky shoreline. Photo by Eric Kline on April 22, 2008.



Looking up from the high tide zone to the edge of soil and exposed asphalt. Photo by Eric Kline on April 22, 2008.



**EXHIBIT 1: PHOTOGRAPHS OF PROPOSED BENCH IMPROVEMENT AREA
LONG POINT RESORT | CITY OF RANCHO PALOS VERDES, LOS ANGELES COUNTY**