



**PUBLIC HEARING**

**Date:** February 16, 2016

**Subject:** Consideration and Possible Action to Approve Revision 'R' to Conditional Use Permit No. 215, et al., for the Terranea Resort and Spa (Case No. ZON2015-00531)

**Subject Property:** 100 Terranea Way

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

4. **Public Testimony:**

**Appellant:** N/A  
**Applicant:** Terranea Resort (Destination Development)

5. **Council Questions:**

6. **Rebuttal:**

7. **Council Deliberation:**

8. **Declare Hearing Closed:** Mayor Dyda

9. **Council Action:**

**AGENDA DESCRIPTION:**

Consideration and possible action to approve Revision 'R' to Conditional Use Permit No. 215. *et al.*, for the Terranea Resort and Spa (Case No. ZON2015-00531)

**RECOMMENDED COUNCIL ACTION:**

- 1) Adopt Resolution No. 2016-\_\_\_, thereby approving Revision 'R' to Conditional Use Permit No. 215, *et al.* by amending the Council-adopted Conditions of Approval to:
  - a) Restripe the entry driveway to create two inbound lanes and one outbound lane by replacing the required bicycle lanes with sharrow lanes (shared vehicle and bicycle lane) with no modification to the required parking spaces along the outbound lane; and,
  - b) Replace the turf at the Meadow Lawn area (adjacent to the banquet facilities) with permeable pavers to facilitate the current practice of installing temporary tents in this area in connection with the ballroom facilities.

**FISCAL IMPACT:** None

**Amount Budgeted:** N/A  
**Additional Appropriation:** N/A  
**Account Number(s):** N/A

**ORIGINATED BY:** Ara Mhrianian, Deputy Community Development Director 

**REVIEWED BY:** Terry Rodrigue, Interim Community Development Director 

**APPROVED BY:** Doug Willmore, City Manager 

**ATTACHED SUPPORTING DOCUMENTS:**

- A. Draft Resolution No. 2016-\_\_\_ (page A-1)
    - o Exhibit "A" - Addendum No. 18 (page A-6)
    - o Exhibit "B" - Conditions of Approval (shown in redline format) (page A-10)
  - B. List of Findings of Fact (page B-1)
  - C. Terranea Letters (page C-1)
  - D. Reduced Project Plans (page D-1)
  - E. Public Comments (page E-1)
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## **EXECUTIVE SUMMARY:**

The Terranea Resort and Spa (Terranea) proposes to amend its Conditional Use Permit (Revision 'R') to restripe the entry driveway from a single, inbound and outbound lane to two inbound lanes and one outbound lane with a sharrow lane (shared vehicle and bicycle lane); and to replace the turf at the Meadow Lawn area with permeable pavers to accommodate outdoor events by a single, in-house group for functions that complement the usage of the indoor ballroom. Staff supports the applicant's request and recommends amending Council-adopted Condition of Approval Nos. 18, 41(a), 41(d), 49, 72, 130, and 197 (see attached redline Conditions of Approval in Attachment A).

## **BACKGROUND AND DISCUSSION:**

On November 16, 2015, Terranea submitted Planning Case No. ZON2015-00531 requesting to amend its Conditional Use Permit (CUP) and Grading Permit to restripe the entry driveway in order to accommodate two inbound lanes and one outbound lane and to replace the turf at the Meadow Lawn area with permeable pavers. After submitting additional information, the project application was deemed complete for processing on January 25, 2016.

The applicant's request requires the processing of a revision to the Conditional Use Permit and Grading Permit approved by the City Council because certain Conditions of Approval will need to be amended to reflect the applicant's request. The following is a discussion of Terranea's request, followed by Staff's analysis as it relates to the required Conditional Use Permit and Grading Permits, and Findings of Fact that need to be made in order to approve the request (Attachment B).

### Restriping of the Entry Driveway

The entry driveway is currently improved with a single, 6-foot wide dedicated bicycle lane along the inbound and outbound lanes. In order to improve the vehicular ingress to the resort hotel, the applicant proposes to restripe the entry driveway to create two inbound lanes and one outbound lane. To maintain bicycle access, the applicant proposes to create a "sharrow" lane (shared vehicular and bicycle lane) in both directions of the entry driveway. The "sharrow" lane will vary between 10- and 13-feet in width along the entry driveway. No change to the overall width of the entry driveway or the required parking spaces along the outbound lane is proposed. The City's Public Works Department has conceptually approved the revised entry driveway.

Staff supports the applicant's request and is of the opinion that the Conditional Use Permit Findings of Fact (Attachment B) for the proposed restriping of the entry driveway can be made. Therefore, Staff recommends amending Council-approved Condition of Approval No. 72 (Attachment A) to clarify that the "Pedestrian/Bicycle" lane requirement is located along the resort side of Palos Verdes Drive South, and that the entryway driveway will be improved with a "sharrow lane (shared vehicle and bicycle lane)" along

the inbound and outbound lanes. Additionally, the applicant's legal counsel recommends, and Staff supports, that Condition of Approval No. 197 be amended to clarify that the 2007-recorded irrevocable offer to dedicate easements for public access and passive recreation purposes may be amended to revise the description of the resort entry driveway to reflect the "sharrow lane."

### Meadow Lawn

Terranea was originally improved with outdoor areas to accommodate functions such as weddings and various types of receptions. One of these areas is the Meadow Lawn, located off the main ballroom between the hotel building and the west fire road. The Meadow Lawn is commonly used for outdoor functions as an alternative venue to the indoor ballroom because of its desired location and ocean/island views. Because of this, Terranea believes the Meadow Lawn provides a distinct advantage over their competitors in the Southern California market.

Over the past few years, the Meadow Lawn has become increasingly popular for functions because of its views. More often than not, a tent is erected for events and removed the next day. Thus, in order to accommodate the demand and to improve the existing operation, Terranea requests permission to replace approximately 20,000 square feet of turf with permeable sand-set pavers. Tent anchors will be permanently installed so a tent can be readily installed and swiftly dismantled after a function. To improve the siting of the Meadow Lawn and the grade transition to the ballroom area, the applicant proposes to regrade the area by approximately 2,000 cubic yards of earth movement consisting of 950 cubic yards of cut and 1,000 cubic yards of fill (50 cubic yards of import of building fill material). Staff supports the applicant's request and is of the opinion that the Conditional Use Permit and Grading Permit Findings of Fact can be met because the use of the Meadow Lawn for outdoor events was originally approved by the City Council in 2002, and has been in use since the resort opened in 2009. Furthermore, the proposed earth movement is well within the maximum grading limits studied as part of the project's certified Environmental Impact Report (837,166 cubic yards of earth movement consisting of 418,583 cubic yards of cut and 418,583 cubic yards of fill) and is well within the limits set by Condition No. 130. Staff is also of the opinion that the proposed grading is not excessive for the improvements of a resort, and will not result in visual impacts from any of the public trails, roadways, or neighboring properties.

The proposed improvements to the Meadow Lawn have raised a concern regarding potential impacts to the current on-site parking condition. According to the applicant, the Meadow Lawn is intended to be solely used by a single, in-house group for functions that complement the usage of the indoor ballroom so that no overlap occurs by multiple events being held simultaneously that would adversely impact on-site parking. To demonstrate that no overlap of functions will occur, Terranea is offering to share its confirmed ballroom booking reports with the City (and the Coastal Commission), provided that such document remains confidential for the protection of Terranea's clients. Thus, Staff is of the opinion that the Meadow Lawn will not result in

adverse parking impacts, and to ensure this, Staff recommends amending Council-approved Condition of Approval Nos. 41(a), 41(d), 49(s), and 130 (Attachment A) to allow said improvements (grading and pavers) to the Meadow Lawn, and to require that Terranea share its confirmed booking reports upon the City's request. Finally, Staff recommends Amending Condition No. 18 to clarify that the improvements approved this evening are valid for one (1) year, unless extended by the City Council before February 16, 2017.

### Environmental Assessment

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

Based upon the foregoing discussion, Staff believes that the proposed improvements and revisions to the project conditions do not modify the scope of the project, nor the related uses and amenities approved by the City Council. Staff is of the opinion that the proposed improvements and revisions will not result in new significant environmental impacts, specifically including impacts relating to safety and views. As a result, no further environmental review will be necessary other than the adoption of Addendum No. 18 to Environmental Assessment No. 725 (Attachment A).

### **ADDITIONAL INFORMATION**

#### Redline Amendments to the Conditions of Approval

Pursuant to the discussion above, the proposed amendments to the Conditions of Approval are attached in a redline format to the Resolution approving Revision 'R' to Conditional Use Permit No. 215, *et al.*, as well as the corresponding EIR addendum. The final adopted Resolution will not show the amended conditions in a redline format.

## California Coastal Commission

If the City Council approves the applicant's request to amend the Conditional Use Permit as discussed herein, since a Coastal Development Permit (CDP) was issued by the Coastal Commission (on appeal in 2003), the applicant will be required to obtain approval from the Coastal Commission before commencing construction. At this time, the applicant has been working closely with Coastal Staff to determine whether the request can be processed as an immaterial amendment rather than a public hearing item.

## Public Notice

On January 28, 2016, a public notice was published in the Palos Verdes *Peninsula News* and an e-mail message was sent to the subscribers of the Terranea Resort listserv, announcing tonight's City Council meeting and inviting public comments. Additionally, a public notice was mailed to property owners within a 500-foot radius of the project site.

## Public Comments

In response to the Public Notice the City received two comment letters (Attachment E) one letter supporting the proposal and one letter expressing a bicycle safety concern with the proposed sharrow lane. Staff is of the opinion that sharrow lane does not introduce a safety concern because the entry driveway maintains a speed limit of less than 17mph. In the event Staff receives additional comment letters after the transmittal of this Report, Staff will provide the Council with such letters as late correspondence.

## **CONCLUSION:**

Staff recommends that the City Council adopt the attached draft resolution approving Revision 'R' to Conditional Use Permit No. 215, *et al.*, regarding alterations to the entry driveway and Meadow Lawn at Terranea.

## **ALTERNATIVES**

In addition to Staff's recommendation, the following alternates are available for the City Council's consideration:

1. Identify issues or concerns with the proposed project, and direct the applicant to modify the proposal for consideration at the March 1, 2016, City Council meeting; or,
2. Deny the requested modifications without prejudice, and direct Staff to prepare an appropriate resolution for adoption at the March 1, 2016, City Council meeting.

## RESOLUTION NO. 2016-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION “R” TO CONDITIONAL USE PERMIT NO. 215, GRADING PERMIT NO. 2229, COASTAL DEVELOPMENT PERMIT NO. 166, VARIANCE NO. 489, AND TENTATIVE PARCEL MAP NO. 26073 AMENDING THE COUNCIL-ADOPTED CONDITIONS OF APPROVAL TO 1) RESTRIPE THE ENTRY DRIVEWAY TO CREATE TWO INBOUND LANES AND ONE OUTBOUND LANE BY REPLACING THE REQUIRED BICYCLE LANES WITH SHARROW LANES (SHARED VEHICLE AND BICYCLE LANE) WITH NO MODIFICATION TO THE REQUIRED PARKING SPACES ALONG THE OUTBOUND LANE; AND 2) REPLACE THE TURF AT THE MEADOW LAWN AREA (ADJACENT TO THE BANQUET FACILITIES) WITH PERMEABLE PAVERS TO FACILITATE THE CURRENT PRACTICE OF INSTALLING TEMPORARY TENTS IN THIS AREA IN CONNECTION WITH THE BALLROOM FACILITIES.**

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

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

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

WHEREAS, on November 16, 2015, Terranea submitted Planning Case No. 2015-00531 requesting to amend its Conditional Use Permit (CUP) and Grading Permit to allow the proposed improvements. Said application was deemed complete for processing on January 25, 2016; and

WHEREAS, on January 28, 2016, 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 including list-serve subscribers, inviting public comments on the applicant’s request to amend the Council-adopted Conditions of Approval as Revision “R” to Conditional Use Permit No. 215 et. al.; and

WHEREAS, on February 16, 2016, the City Council held a duly noticed public hearing to consider the revised project and conditions of approval;

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

Section 1. The proposed amendments to the conditions of approval will not substantially change the approved project, which 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. Instead, the proposed revisions will improve vehicular ingress and egress along the entry driveway and provide enhanced amenities at the project site (Meadow Lawn).

Section 2. The City Council has independently reviewed and analyzed the applicant's request in accordance with the California Environmental Quality Act ("CEQA") and determined that the proposed revisions to the project conditions of approval will require an Addendum to the Final Environmental Impact Report ("FEIR"), which was certified by the City Council on May 7, 2002 under Resolution No. 2002-38 (which determined that the project's impacts, with the exception of the impacts related to Noise and Air Quality for which a statement of overriding considerations was adopted, are not significant or that the potential impacts could be mitigated to a less than significant impact). The City Council finds that the proposed amendments to the conditions of approval will not alter or diminish the spirit and intent of the original project approved by the City Council in 2002, because the project design and amenities, including the public amenities, will not be changed but will be enhanced by providing added amenities to the hotel guests. Furthermore, the proposed amendments will not result in a deviation from the findings made by the Council when the project was approved, and does not modify the scope of the project or the related uses and amenities. As such, the City Council finds that the amendments to the conditions of approval will not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the FEIR. Furthermore, the City Council also finds that there are no changed circumstances or new information, which was not known at the time when the FEIR was certified that would require the preparation of a subsequent EIR or major revisions to the FEIR pursuant to CEQA Guidelines Section 15162. In accordance with Section 15164 of the State CEQA Guidelines, the City Council hereby certifies that Addendum No. 18 to the FEIR (the "Addendum"), which is attached hereto as Exhibit "A" and incorporated herein by this reference, was completed in compliance with the requirements of the California Environmental Quality Act and State and local guidelines with respect thereto and approves Addendum No. 18.

Section 3. 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 the staff report, oral and written testimony, the FEIR and the attached Addendum, the City Council hereby finds that the proposed improvements and amendments to the conditions of approval to restripe the entry driveway to create two inbound lanes and one outbound lane with a sharrows lane (shared vehicle and bicycle lane), and to replace the turf at the Meadow Lawn area with permeable pavers to accommodate outdoor events by a single in-house group for functions that complement the usage of the indoor ballroom 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. Additionally, the findings for the CUP can be made for the proposed improvements.

Section 4. Pursuant to Section 17.76.040, and based upon the evidence presented in the record, including staff report, oral and written testimony, and the FEIR, and the attached Addendum, the City Council hereby finds that the proposed improvements and amendments to the conditions of approval to restripe the entry driveway to create two inbound lanes and one outbound lane with a sharrows lane (shared vehicle and bicycle lane), and to replace the turf at the Meadow Lawn area with permeable pavers to accommodate outdoor events by a single in-house group for functions that complement the usage of the indoor ballroom 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. Additionally, the findings for the Grading Permit can be made for the proposed improvements including conducting a total of 2,000 cubic yards of grading for the Meadow Lawn consisting of 950 cubic yards of cut and 1,000 cubic yards of fill (50 cubic yards of import of building material). This is because the proposed earth movement is well within the maximum grading limits studied as part of the certified EIR (837,166 cubic yards of earth movement consisting of 418,583 cubic yards of cut and 418,583 cubic yards of fill) and is well within the limits set by Condition No. 130. The proposed grading is not considered excessive for the improvements of a resort and will not result in visual impacts from any of the public trails, roadways, or neighboring properties. Thus, the proposed grading will not cause any new environmental impacts or any environmental impacts that were not already studied in the EIR.

Section 5. Pursuant to Section 17.72.090, and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the attached Addendum, the City Council hereby finds that the proposed improvements and amendments to the conditions of approval will not change or alter the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to CDP No. 166, which are incorporated herein by this reference.

Section 6. Pursuant to the requirements of the Subdivision Map Act (commencing with Section 66410 of the California Government Code), and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the attached Addendum, the City Council hereby finds that the proposed improvements and amendments to the conditions of approval will not change or alter

the findings made for the approved project, adopted under Resolution No. 2002-71, with respect to TPM No. 26073, which are incorporated herein by this reference.

Section 7. Pursuant to Section 17.64.050, and based upon the evidence presented in the record, including staff reports, oral and written testimony, the FEIR and the attached Addendum, the City Council hereby finds that the proposed improvements and amendments to the conditions of approval will not change or alter the findings made for the original approved project with respect to the Variance as adopted under Resolution No. 2002-71.

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

Section 9. 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 attached Addendum, the City Council hereby approves Revision “R” to Conditional Use Permit No. 215, Grading Permit No. 2229, Coastal Development Permit No. 166, Variance No. 489, and Tentative Parcel Map No. 26073, subject to the conditions set forth in Exhibit “B,” which is attached hereto and incorporated herein by this reference.

Section 10. 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 16<sup>th</sup> day of February 2016.

\_\_\_\_\_  
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. 2016-XX was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on February 16, 2016.

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City Clerk

**RESOLUTION NO. 2016-XX  
EXHIBIT "A"  
ADDENDUM NO. 18  
TO FINAL ENVIRONMENT IMPACT REPORT  
/ ENVIRONMENTAL ASSESSMENT NO. 725  
FEBRUARY 16, 2016**

On May 7, 2002, the City Council adopted Resolution No. 2002-34, thereby adopting the Final Environment Impact Report for Environmental Assessment No. 725 to allow the construction of a 400-room hotel and bungalows with banquet and retail facilities, 50-casitas (3-keys for 150 total units), 32 villas, and a driving range with a 3-hole golf practice facility. On August 28, 2002, the City Council adopted Resolution No. 2002-70, adopting Addendum No. 1; on September 7, 2004, the City Council adopted Resolution No. 2004-78, adopting Addendum No. 2; on April 19, 2005, the City Council adopted Resolution No. 2005-39, adopting Addendum No. 3; on October 4, 2005, the City Council adopted Resolution No. 2005-107, adopting Addendum No. 4; on March 21, 2006, the City Council adopted Resolution No. 2006-17, adopting Addendum No. 5; on December 5, 2006, the City Council adopted Resolution No. 2006-92, adopting Addendum No. 6; on April 17, 2007, the City Council adopted Resolution No. 2007-38, adopting Addendum No. 7; on March 4, 2008 the City Council adopted Resolution No. 2008-17, adopting Addendum No. 8; on May 6, 2008 the City Council adopted Resolution No. 2008-31, adopting Addendum No. 9, on November 18, 2008 the City Council adopted Resolution No. 2008-112, adopting Addendum No. 10, on May 4, 2009, the City Council adopted Resolution No. 2009-24, adopting Addendum No. 11, on August 18, 2009, the City Council adopted Resolution No. 2009-64, adopting Addendum No. 12, on November 4, 2009, the City Council adopted Resolution No. 2009-80 adopting Addendum No. 13, on January 19, 2010, the City Council adopted Resolution No. 2010-5 adopting Addendum No. 14; on April 20, 2010, the City Council adopted Resolution No. 2010-29 adopting Addendum No. 15; on July 5, 2011, the City Council adopted Resolution No. 2011-48 adopting Addendum No. 16; and on October 21, 2014, the City Council adopted Resolution No. 2014-69 adopting Addendum No. 17 to the Final Environmental Impact Report. In adopting the Final Environmental Impact Report and Statement of Overriding Considerations, the City Council found that the Project's cumulative impacts, with the exception of the impacts related to Noise and Air Quality for which a Statement of Overriding Considerations was adopted, are not significant or that potential impacts could be mitigated to a less than significant level.

The CEQA Guidelines Section 15162 state that when an Environmental Impact Report (EIR) has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement

of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The CEQA Guidelines section 15164 allows a lead agency to prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

On the basis of the analysis provided below, the City Council has determined that the proposed changes are minor and an Addendum is appropriate.

The City Council has reviewed and analyzed the proposed amendments to the conditions of approval to restripe the entry driveway from a single inbound and outbound lane to two inbound lanes and one outbound lane with a sharrow lane (shared vehicle and bicycle lane), and to replace the turf at the Meadow Lawn area with permeable pavers to accommodate outdoor events by a single in-house group for functions that complement the usage of the indoor ballroom. None of the proposed improvements or revisions to the conditions will increase the number of guests or visitors to the site or will cause environmental impacts that were not already studied in the Certified EIR.

The request to restripe the entry driveway to create two inbound lanes and one outbound lane in order to improve vehicular ingress and egress to the resort, will maintain bicycle access by creating “sharrow” lanes (shared vehicular and bicycle lanes). The “sharrow” lane will vary between 10- and 13-feet in width along the entry driveway and will be stenciled with a bicycle symbol pursuant to Caltrans A24C standards and yield lines pursuant to Caltrans A24E standards. No change to the overall width of the entry driveway or the required parking spaces along the outbound lane is proposed. The City’s Public Work’s Department has conceptually approved the revised entry driveway. Conditions have been imposed clarifying that the entryway driveway will be improved with a “sharrow lane (shared vehicle and bicycle lane)” along the inbound and outbound lanes.

The Meadow Lawn is located off the main ballroom between the hotel building and the west fire road. The Meadow Lawn is commonly used for outdoor functions as an alternative venue to the indoor ballroom because of its desired location and ocean/island views. The Meadow Lawn is currently used as extension of meeting space that occurs in the ballroom for group conferences. In order to improve the existing use of the Meadow Lawn, Terranea requests to replace approximately 20,000 square feet of turf with permeable sand set pavers. Tent anchors will be permanently installed so a tent can be readily installed and swiftly dismantled after a function. To improve the siting of the Meadow Lawn and the grade transition to the ballroom area, the applicant proposes to regrade the area by approximately 2,000 cubic yards of earth movement consisting of 950 cubic yards of cut and 1,000 cubic yards of fill (50 cubic yards of import of building material). The proposed earth movement is well within the maximum grading limits studied as part of the certified EIR (837,166 cubic yards of earth movement consisting of 418,583 cubic yards of cut and 418,583 cubic yards of fill) and is well within the limits set by Condition No. 130. The proposed grading is not considered excessive for the improvements of a resort and will not result in visual impacts from any of the public trails, roadways, or neighboring properties. Thus, the proposed grading will not cause any new environmental impacts or any environmental impacts that were not already studied in the EIR.

The Meadow Lawn is intended to be solely used by a single in-house group for functions that complement the usage of the indoor ballroom so that no overlap occurs that would adversely impact on-site parking. To demonstrate that no overlap of functions will occur, Conditions are imposed that require Terranea to provide, upon City request, its confirmed ballroom booking reports. Thus, it is the City Council’s the opinion that the Meadow Lawn will not result in adverse impacts including parking, visual, noise or air quality impacts.

Having reviewed the applicant’s request, the City Council finds that the revisions to the respective conditions will not alter or diminish the spirit and intent of the original project approved by the City Council in 2002 or the project revisions approved by the City Council in recent years. The proposed revisions will comply with the requirements set forth by the Coastal Commission and will not result in any significant change that would affect the findings made by the Council when the

project was approved, and does not modify the scope of the project or the related uses and amenities. The proposed revisions will not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the FEIR.

Therefore, the City Council finds that there are no changed circumstances or new information, which were not known at the time the FEIR was certified, that would require the preparation of a subsequent EIR or major revisions to the FEIR pursuant to CEQA Guidelines Section 15162. In accordance with Section 15164 of the State CEQA Guidelines, the City Council has independently reviewed and considered and hereby adopts this Addendum No. 18 to the FEIR.

**RESOLUTION NO. 2016-XX - EXHIBIT "B"**  
**TERRANEA RESORT AND SPA**  
**CONDITIONS OF APPROVAL**  
**(REVISION "R" – COUNCIL APPROVED FEBRUARY 16, 2016)**

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

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**GENERAL CONDITIONS**

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

“applicant” shall include the owner of the resort hotel and the property upon which the hotel is located.

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

**(REVISED PER RESOLUTION NO. 2007-38 ON APRIL 17, 2007)**  
**(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)**  
**(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)**

- 11) The Resort owner shall maintain all on-site drainage facilities not accepted by Los Angeles County, including but not limited to structures, pipelines, open channels, retention and desilting basins, mechanical and natural filtering systems, and monitoring systems, so long as the property is operated as a resort

hotel. A bond, letter of credit or other security acceptable to the City shall be provided to secure completion of such drainage facilities. A bond to cover the cost of their maintenance for a period of 2 years after completion shall also be provided to the City.

- 12) Subject to the agreement of Los Angeles County, the applicant shall turn over all eligible drainage facilities to the Los Angeles County Public Works Department upon completion and acceptance of the facilities by the County of Los Angeles.
- 13) The applicant shall be required to pay 110% of the estimated amount of the cost of services to be provided on behalf of the City by outside consultants that have been retained by the City to render services specifically in connection with this project, in the form of a trust deposit account, prior to commencement of such services (e.g. golf safety consultant, geotechnical consultants, biologist, and landscape architect to name a few.). Services provided by the City Attorney and other consultants that routinely provide services to the City shall be exempt from this condition. However, in such cases, the applicant shall adequately fund said trust deposit accounts prior to the commencement of services, in amounts reasonably requested by the City, based upon an estimate of the cost of services for the period of at least 90 days to which services are rendered. In addition, the trust deposits shall be replenished within thirty days of receipt of notice from the City that additional funds are needed.
- 13A) The applicant shall be required to pay 100% of the estimated amount of the cost of the services that were provided to date and hereafter by the City Attorney's Office and by outside consultants that were retained by the City Attorney's Office to render services on behalf of the City specifically in connection with the creation of the any TOT Rebate Program and Ordinance and the due diligence analysis performed to date or hereafter pertaining to Terranea itself and the ability to repay the TOT to the City, in response to the applicant's request for the establishment of the TOT Rebate Program and the Ordinance. The funds that are received from the applicant for this purpose shall be held in, and disbursed from, a City trust account that is established for this purpose. The balance owed to the City pursuant to trust deposit requests dated June 19, 2009, July 21, 2009, October 29, 2009, and January 14, 2010 in the amount of \$ \$155,716.67 shall be paid to the City on or before April 9, 2010. The applicant shall replenish the trust deposit within thirty days of receipt of notice from the City that additional funds are needed to pay for said services. The City shall refund to the applicant any excess amount that is remaining in the trust account after all such disbursements are made.

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

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

- 14) All costs associated with plan check reviews and site inspections for the Department of Public Works shall be incurred by the applicant through the establishment of a trust deposit with the Director of Public Works at the time of plan check submittal or site inspection request.
- 15) All City Attorney costs associated with the review and approval of the conditions stated herein shall be incurred by the applicant in the form of a trust deposit established with the City.
- 16) No later than six (6) months after the issuance of the Certificate of Occupancy for the main resort hotel building or no later than 3 months after the commencement of the operation of the 9-hole golf course, or as frequently as the Director of Planning, Building and Code Enforcement deems necessary, the City Council shall review the Conditions of Approval contained herein at a duly noticed public hearing. As part of said review, the City Council shall assess the applicant's compliance with the conditions of approval and the adequacy of the conditions imposed. At that time, the City Council may add, delete or modify any conditions of approval as evidence presented at the hearing demonstrates are necessary and appropriate to address impacts resulting from operation of the project, including golf safety. Said modifications shall not result in substantial changes to the design of the hotel structures or to the ancillary structures. Notice of said review hearing shall be published and provided to owners of property within a 500' radius of the site, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance the RPVMC. As part of the review, the City Council shall consider such items as the parking conditions, circulation patterns (pedestrian, bicycle, and vehicular), lighting, landscaping, noise, the operation of outdoor events, and golf safety. The Council may also consider other concerns raised by the Council, Planning Commission, Finance Advisory Commission, Traffic Committee and/or interested parties. The City Council may require such subsequent additional reviews, as the City Council deems appropriate. This provision shall not be construed as a limitation on the City's ability to enforce any provision of the RPVMC regarding this project.

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

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

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

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

- 18) These approvals shall expire twenty-four (24) months from the date of the City Council approval unless building permits for the main hotel structure have been applied for and are being diligently pursued. Extensions of up to one (1) year may be granted by the City Council, if requested prior to expiration. Such a time extension request shall be considered by the City Council at a duly noticed public hearing, pursuant to the provisions stated in the RPVMC.

The approvals granted by the City Council on October 21, 2014 as part of Revision "Q" for CUP 215, et. al. for the Golf and Landscape Maintenance Yard, Upper Resort Pool and Spa, and Main Pool Outdoor Bar shall be valid for one-year until October 20, 2015, unless a one (1) year time extension is approved by the City Council at a duly noticed public hearing prior to October 20, 2015.

The approvals granted by the City Council on February 16, 2016 as part of Revision "R" for CUP 215, et. al. for the restriping of the entry driveway and the improvements to the Meadow Lawn shall be valid for one-year until February 15 2017, unless a one (1) year time extension is approved by the City Council at a duly noticed public hearing prior to February 15, 2017.

**REVISED PER RESOLUTION NO. 2016-XX ON FEBRUARY 16, 2016)  
(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)**

- 19) The hotel spa facility, and all the amenities therein, including the pool, shall be made available to the general public for a reasonable fee for use basis.

Appropriate promotions shall be offered to encourage use of the spa facility by non-hotel guests, including area residents.

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

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

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

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

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

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

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

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

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

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

Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.

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. 2014-69 ON OCTOBER 21, 2014)**  
**(REVISED PER RESOLUTION NO. 2008-31 ON MAY 6, 2008)**  
**(REVISED PER RESOLUTION NO. 2008-95 ON OCTOBER 7, 2008)**

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

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

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

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

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

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

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

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

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

## Indemnification/Insurance

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

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

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

31) The applicant shall procure and maintain in full force and effect during the operation of the hotel and/or 9-hole golf course primary general liability insurance, which is applicable to, and provides coverage for only this hotel and 9-hole golf course, in an amount of \$5 million dollars, which amount shall be increased on each fifth anniversary of the commencement of operation of the hotel to reflect increases in the consumer price index for the Los Angeles County area. Such insurance shall insure against claims for injuries to persons or damages to property that may arise from or in connection with the operation of the subject resort hotel and 9-hole golf course authorized by this resolution. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, shall be issued by an insurer that is admitted to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's, and shall comply with all of the following requirements:

- (a) The coverage shall contain no limitations on the scope of protection afforded to City, its officers, officials, employees, volunteers or agents serving as independent contractors in the role of city or agency officials which are not also limitations applicable to the named insured.
- (b) For any claims related to the project, applicant's insurance coverage shall be primary insurance as respects City, members of its City Council, boards, committees, commissions, officers, employees, attorneys, volunteers and agents serving as independent contractors in the role of city or agency officials.
- (c) Applicant's \$2 million primary insurance shall apply separately to each insured against whom claim is made or suit is brought. Additionally, the limits of applicant's \$2 million primary insurance shall apply separately to the project site.
- (d) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be canceled except after 30-days prior written notice by first class mail has been given to City.
- (e) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be materially modified except after 5-business days prior written notice by first class mail has been given to City.

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

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

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

**COASTAL PERMIT NO. 166**

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

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

- 33) Except as provided herein as part of the Conditional Use Permit and Variance (allowing the construction of the Lower Pool Facility within the Coastal Setback

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

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

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

**CONDITIONAL USE PERMIT NO. 215**

Hotel Operations

35)

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

detail at the time the tract map is processed by the City, but in no event shall the number of keys exceed 66 keys.

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

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

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

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

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

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

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

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

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

**(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)**  
**(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)**  
**(REVISED PER RESOLUTION NO. 2009-24 ON MAY 4, 2009)**

- d) *This condition was deleted*

**(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)**  
**(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, main pool, Upper Resort Pool, Golf and Landscape Maintenance Yard, Meadow Lawn, 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.

**(REVISED PER RESOLUTION NO. 2016-XX ON FEBRUARY 16, 2016)**  
**(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)**

- 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.

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

d) The Meadow Lawn shall be solely used at any given time by one in-house groups which desires to hold a functions that uses both the Meadow Lawn and the indoor ballroom for the same function. No overlap of functions organized by two or more different groups will be booked for the concurrent use of both the Meadow Lawn and the ballrooms. Within 10-calendar days of the City's request, Terranea shall show the City its confirmed Meadow Lawn and Ballroom booking reports. Terranea shall not be required to submit said booking reports to the City in order to protect the confidentiality of Terranea's clients.

**(REVISED PER RESOLUTION NO. 2016-XX ON FEBRUARY 16, 2016)**  
**(REVISED PER RESOLUTION NO. 2006-17 ON MARCH 21, 2006)**  
**(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)**  
**(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)**

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

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

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

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

- 44) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to April 9, 2010, whichever occurs first, the use of gardening equipment for the 9-hole golf course and landscape areas shall be controlled by a Golf and Hotel Landscape Maintenance Plan which is subject to review and approval by the Director of Planning, Building and Code Enforcement, based on an analysis of equipment noise levels and potential impacts to neighboring residents. The

implementation of the Plan shall be formally reviewed by the Director of Planning, Building and Code Enforcement three (3) months after the first day of operation of the 9-hole golf course, and shall be subsequently reviewed on an annual basis thereafter. At the three (3) month review, the Director may determine that the Plan needs to be revised to address potential noise impacts. The Director may also determine that additional review periods and/or other conditions shall be applied to the Maintenance Plan.

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

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

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

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

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

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

Building Design Standards

- 49) The resort hotel shall contain the following principal visitor-serving structures and uses, and shall substantially comply with, and not to exceed, the following square footage numbers:
- a) Conference Center / Banquet Facilities – 60,000 square feet
  - b) Restaurant, bar and lounge - approximately 22,500 square feet
  - c) Resort related retail, visitor services and guest amenities – approximately 20,000 square feet.
  - d) Spa Building - 21,077 square feet  
Fitness Building – 4,797 square feet
  - e) Swimming pools - Main hotel pool, lower pool facility, spa pool, and Upper Resort Pool (see Condition No. 49o)
  - 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
  - o) Upper Resort Pool - 1,680 square foot Upper Resort Pool and 112 square foot spa with a 1,100 square foot ancillary pool building to accommodate the pool equipment, restrooms and pool bar at a height of 14-feet, as measured from finished grade, and 500 square feet of pool cabanas.
  - p) Golf and Landscape Maintenance Yard – 9,500 square foot Maintenance Yard providing parking spaces for 28 electric golfs carts (including charging stations) and 4 staff parking spaces, and storage containers for landscape maintenance materials.

- q) Main Pool Outdoor Bar - 270 square foot structure will measure 12-feet in height from finished grade.
- r) Golf and Landscape Maintenance Yard – 9,500 square feet and structures shall not exceed 16-feet in height as measured from finished grade.
- r)s) Meadow Lawn – 20,000 square feet of permeable sand set pavers with anchors to install temporary tents.

**(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)  
 (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'

BUILDING NUMBER	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
17	152.30'	178.22'	25.92'
18	156.60'	182.52'	25.92'
19	161.50'	187.42'	25.92'

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

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

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

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

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

BUILDING NUMBER	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT
40	69.50'	95.50'	26'
41	66.50'	92.50'	26'

42	55.50'	81.50'	26'
43	59.50'	85.50'	26'
44	58.90'	84.90'	26'

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

Clubhouse – *This Condition was deleted*

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

Golf Maintenance Facility — *This Condition was deleted*

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

Fine Dining Restaurant – Maximum height of the fine dining restaurant shall not exceed 16-feet as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. The following elevation benchmarks shall apply to the fine dining restaurant building:

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

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

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

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

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

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

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

LOWEST ADJACENT	MAXIMUM	MAXIMUM
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FINISHED GRADE	ROOF RIDGELINE	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)**

- 51) 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, except for the Upper Resort Pool accessory structure, which shall not exceed 14-feet in height as measured from lowest adjacent finished grade.

**(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)  
(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)**

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

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

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

Director of Planning, Building and Code Enforcement, provided that such elements are generally consistent with the plans reviewed by the City Council.

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

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

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

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

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

- 56) The applicant shall submit an Architectural Materials Board for review and approval by the Director of Planning, Building and Code Enforcement prior to issuance of building permits. The Materials Board shall identify, at the least, a sample of the proposed exterior building materials, such as roof tile materials and paint colors.
- 57) The hotel buildings, and ancillary structures, shall be finished in a muted earth-tone color, as deemed acceptable by the Director of Planning, Building and Code Enforcement during the review of the Materials Board.
- 58) The roof materials for all pitched roofs of the hotel buildings, including but not limited to the Villas, Casitas, Bungalows and all other ancillary structures, shall

be tile, consisting of a muted color, as deemed acceptable by the Director of Planning, Building and Code Enforcement during the review of the Materials Board. The material for all flat roofs shall be a color that is compatible with the color of the tiles used on the pitched roofs throughout the resort hotel, as deemed acceptable by the Director of Planning, Building and Code Enforcement.

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

- 59) All trash enclosure areas shall be designed with walls six (6) feet in height with the capability of accommodating recycling bins. The enclosures shall be consistent with the overall building design theme in color and material, and shall include self-closing / self-latching gates. The enclosures shall integrate a trellis type roof cover to visually screen and to reduce their visibility from all public rights-of-way and surrounding properties.
- 60) In accordance with the Commercial Recreational zoning district, the Resort Hotel Area shall not exceed a maximum lot coverage of thirty (30%) percent. For the purpose of this project, the definition of Lot Coverage shall adhere to the residential standards set forth in Section 17.02.040(A)(5) of the RPVMC.
- 61) In addition to the Coastal Setback line, as required by the RPVMC, all other building setbacks shall comply with the Commercial-Recreational zoning requirements, unless otherwise noted herein. A Setback Certification shall be prepared by a licensed engineer and submitted to Building and Safety prior to the framing inspection on each structure.

Public Amenities (Trails and Parks)

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

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

- 63) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, or the operation of the 9-hole golf course, whichever occurs first, the applicant shall complete the construction of the following public access trails, public parks and other public amenities within the project site, except for the lower beach area (constructed after obtaining approvals from the Coastal Commission and the State Lands Commission) and the Lookout Bar, which shall be constructed within six (6) months after the issuance of the first Certificate of Occupancy for the resort hotel:
- a. Implementation of the Public Amenities Plan (such as benches, drinking fountains, viewing telescopes, bicycle racks, fences, signs, irrigation, and landscaping)
  - b. Public trails and trail signs to the satisfaction of the City (The Marineland Trail Segment (C5), Long Point Trail Segment (D4), Flowerfield Trail Segment (E2), and Café Trail Segment (J2) improvements).
  - c. Bicycle paths along southern lane of Palos Verdes Drive South adjacent to the project site.
  - d. The coastal public parking area within the resort hotel project area serving the coastal access points.
  - e. The expansion of the Fishing Access Parking Lot.
  - f. Improvements to the existing Fishing Access Parking lot.
  - g. Improvements to the Public Restroom facility at the Fishing Access site.
  - h. Public section of the Lower Pool Facility (consisting of outdoor tables and seating, men and women restroom and changing facilities, planter boxes with trees that provide shaded seating areas, access to the pool kitchen facility, outdoor showers and drinking water fountains).
  - i. The 2.2 acre Bluff-Top park.
  - j. Habitat Enhancement Area.
  - k. The lower beach improvements, including the drainage channel and the importation of sand, shall not be constructed until the applicant can demonstrate that approvals have been obtained from the California Coastal Commission and the State Lands Commission.

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

- 64) The City encourages incorporation of a marine theme into the project's public trails and park area.
- 65) The applicant shall upgrade the City's Fishing Access parking lot, fencing, signs, and landscaping to be consistent with the proposed 50 space parking lot

expansion on the project site. Said improvements shall be reviewed and approved by the City, and shall be constructed prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first

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

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

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

- 67) Prior to the issuance of a final Certificate of Occupancy for the main hotel building, or prior to August 1, 2009, or prior to recordation of Final Parcel Map No. 26073, whichever occurs first, the applicant shall dedicate easements over all public trails, habitat areas, vista points, and public amenities to the City of Rancho Palos Verdes.

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

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

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

- 69) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall dedicate an easement to the City and construct two Public Vista Points along the Long Point Trail Segment (D4) in locations to be approved by the Director of Planning, Building, and Code Enforcement in the review of the Public Trails Plan. Habitat

fencing, as well as habitat protection signs shall be posted in and around any vista point. The square footage of any Habitat Enhancement Area or the 50-foot transitional area that is used for the vista points shall be replaced at a ratio of 1:1.

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

- 70) Prior to recordation of any final map or issuance of any building or grading permits, the applicant shall submit to the Director of Public Works a Public Trails Plan which identifies the on-site and off-site pedestrian and bicycle trails proposed for the project for review and approval by the City Council. The plan shall include details regarding trail surface, trail width, and trail signage. Furthermore, all trail segments shall be constructed with appropriate trail engineering techniques, as approved by the City's Director of Public Works, to avoid soil erosion and excessive compaction. The public trails, as identified in the city's Conceptual Trails Plan shall include: the Marineland Trail Segment (C5); the Long Point Trail Segment (D4); the Flower Field Trail Segment (E2); and the Café Trail Segment (J2). Furthermore, the beach access trail at the southeast corner of the project site shall also be kept open to the public and shall be maintained by the applicant.
- 71) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall construct a class II bikeways along Palos Verdes Drive South, adjacent to the project site, to the satisfaction of the Director of Public Works. In the event any drainage grates are required, all grates shall be installed in a manner that is perpendicular to the direction of traffic to the satisfaction of the Director of Public Works.

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

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

d.e. Sharrow Lane – shared vehicle and bicycle lane along the inbound and outbound lanes of the entry driveway.

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. 2016-XX ON FEBRUARY 16, 2016)**  
**(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.

In accordance to the California Coastal Commission's adopted Conditions of Approval, the applicant shall install plants adjacent to Palos Verdes Drive South, referred to as Zone C Roadside Habitat Enhancement Area, that provide food and cover for wildlife, including gnatcatchers, migration between the nearby offsite habitat areas in the City's NCCP Preserve (Palos Verdes Nature Preserve). Species outside of expected shade canopies shall be predominantly coastal sage scrub plants. Tree canopies shall be limited to ten percent of the area. All plant material shall be native to the Palos Verdes Peninsula.

**(REVISED PER RESOLUTION NO. 2006-92 ON DECEMBER 5, 2006)  
(REVISED PER RESOLUTION NO. 2011-48 ON JULY 5, 2011)**

- 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.

In order to maintain views from Palos Verdes Drive South, the trimming of the coastal sage scrub located within the Coastal Commission's designated Zone C Roadside Habitat Enhancement Area, as described in Condition No. 78 and 100, shall be conducted during the non-breeding bird season (September 1 through February 14). In the event trimming of the coastal sage scrub is required to maintain views during the bird breeding season, a qualified biologist shall inspect

the vegetation to determine that no nesting birds exist in that area immediately prior to and during the trimming.

**(REVISED PER RESOLUTION NO. 2011-48 ON JULY 5, 2011)**

- 80) Reasonable efforts shall be made by the applicant to preserve and replant existing mature trees, as deemed acceptable by the Director of Planning, Building and Code Enforcement. Any replanted trees, if invasive, shall not be located in the native plant area (30-foot Habitat Enhancement Area and 50-foot transition area). Any such replanted or retained trees shall be noted on the required landscape plans.
- 81) Where practical, landscaping shall screen the hotel building, ancillary structures, and the project's night lighting as seen from surrounding properties and/or public rights-of-way, as depicted on the Landscape Plan.

Lighting

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

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

84) *This condition was deleted.*

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

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

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

Signs

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

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

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

Utilities/Mechanical Equipment

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

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

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

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

88) Prior to June 30, 2010 all existing above ground utilities serving the project site within the public right-of-way adjacent to the property frontage of the project site shall be placed underground by the applicant. In addition, the applicant shall

deposit with the City the amount that would be charged by Southern California Edison to remove the two (2) utility poles on either side of Palos Verdes Drive South. Upon such deposit, this condition shall be deemed satisfied. If the two (2) utility poles are not removed within five (5) years from the date such funds have been deposited with the City, and if the City Council does not make the findings required by Government Code Section 66001(d) to allow the City to retain the funds for additional five-year periods, then once the Council does not make those findings, the funds shall be reimbursed to the applicant and the applicant shall have no further obligations with respect to such utility poles.

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

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

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

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

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

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

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

- 91) Use of satellite dish antenna(e) or any other antennae shall be controlled by the provisions set forth in the RPVMC. Centralized antennae shall be used rather than individual antennae for each room, building or accommodation.
- 92) Mechanical equipment, regardless of its location, shall be housed in enclosures designed to attenuate noise to a level of 65 dBA at the project site's property

lines. Mechanical equipment for food service shall incorporate filtration systems to eliminate exhaust odors.

- 93) All hardscape surfaces, such as the parking area and walkways, shall be properly maintained and kept clear of trash and debris. The hours of maintenance of the project grounds shall be restricted to Mondays through Fridays from 7:00 a.m. to 5:00 p.m., and on Saturdays from 9:00 a.m. to 4:00 p.m. Said maintenance activities shall be prohibited on Sundays and National holidays.
- 94) The storage of all goods, wares, merchandise, produce, janitorial supplies and other commodities shall be permanently housed in entirely enclosed structures, except when in transport.

#### Fences, Walls, and Gates

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

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

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

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

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

- 100) Any on-site fencing along Palos Verdes Drive South shall be no higher than two (2) feet in height and shall be modeled to generally resemble the fencing installed along Palos Verdes Drive West for the Ocean Front Estates project. Any landscaping on the project side of Palos Verdes Drive South parkway and the roadway median, as determined by the Planning Director, shall be limited and maintained at a maximum of 30-inches in height as measured above the closest street curb adjacent to the project site. Said landscaping shall be reviewed by the City Council one year from the date this condition is adopted to ensure that the coastal sage scrub is maintained as viable habitat while still ensuring views are adequately maintained from Palos Verdes Drive South.

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

**(REVISED PER RESOLUTION NO. 2011-48 ON JULY 5, 2011)**

Source Reduction and Recycling

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

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

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

- 102) Prior to issuance of any building or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP or the Plan) shall be prepared and submitted to the Director of Public Works for approval. The CDMMP shall include all deconstruction, new construction, and

alterations/additions. The CDMMP shall document how the Applicant will divert 85% of the existing on-site asphalt, base and concrete, through reuse on-site or processing at an off-site facility for reuse. The Plan shall address the parking lots, concrete walkways, and other underground concrete structures. The Plan shall also identify measures to reuse or recycle building materials, including wood, metal, and concrete block to meet the City's diversion goal requirements as established by the State Integrated Waste Management Act (AB 939). In no case shall the Plan propose to recycle less than the state mandated goals as they may be amended from time to time.

- 103) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to November 1, 2009, whichever occurs first, a Construction and Demolition Materials Disposition Summary (Summary) shall be submitted to the Director of Public Works upon completion of deconstruction and construction. The Summary shall indicate actual recycling activities and compliance with the diversion requirement, based on weight tags or other sufficient documentation.

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

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

#### Street and Parking Improvements

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

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

- 107) Prior to issuance of any building permit, the applicant shall prepare an Emergency Evacuation Plan for review and approval by the Director of Planning, Building and Code Enforcement. Said plan shall comply with the City's SEMS Multihazard Functional Plan.

- 108) The applicant shall construct and retain no fewer than 875 parking spaces on the resort property, of which 50 parking spaces shall be dedicated for public use, at no cost to the users of the public parking lot, during City Park Hours, which are from one hour before sunrise until one after sunset. The 50 dedicated public parking spaces on the resort hotel property nearest to the hotel building may be used by the hotel to accommodate its overflow valet parking needs when the City parks are closed for those wishing to use hotel amenities but who are not staying overnight. Additionally, these 50 public parking spaces may be used by the operator of the resort hotel for special events during City park hours, provided that a Special Use Permit is obtained from the Planning Department, which shall be processed pursuant to the provisions of the RPVMC. The applicant shall install signs in the public parking lot nearest to the hotel building stating that additional public parking is available at the Fishing Access parking lot.

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

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

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

- 109) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, an appropriate public access easement in favor of the City across the resort entry drive from Palos Verdes

Drive South to the designated public parking area adjacent to the main hotel building, in a form acceptable to the City Attorney, shall be recorded.

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

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

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

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

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

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

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

- 113) All proposed driveways shall be designed in substantially the same alignment as shown on the approved site plans, subject to final design review and approval by the Los Angeles County Fire Department and the Director of Public Works.
- 114) Any on-site raised and landscaped medians and textured surfaces shall be designed to standards approved by the Director of Public Works.
- 115) Handicapped access ramps shall be installed and or retrofitted in accordance with the current standards established by the Americans with Disabilities Act. Access ramps shall be provided at all intersections and driveways.
- 116) If excavation is required in any public roadway, the roadway shall be resurfaced with an asphalt overlay to the adjacent traffic lane line to the satisfaction of the Director of Public Works.
- 117) Prior to commencing any excavation within the public rights-of-way, the applicant shall obtain all necessary permits from the Director Public Works.
- 118) Prior to the recordation of a final map or issuance of any building or grading permits, whichever comes first, the applicant shall construct or enter into an agreement and post security guaranteeing the construction of the following public and/or private improvements in conformance with the applicable City Standards: street improvements, medians, sidewalks, drive approaches, bikeways, trails, signing, striping, storm drain facilities, sub-drain facilities, landscape and irrigation improvements (medians, slopes, parks, and public areas including parkways), sewer, domestic water, monumentation, traffic signal systems, trails, and the undergrounding of existing and proposed utility lines. If security is posted it shall be in an amount sufficient to ensure completion of such improvements, including, without limitation, the costs for labor and materials. The amount of such security shall be determined by the Director of Public Works. The security referred to in this condition may be grouped into one of the following categories, provided that all of the items are included within a category: 1) Landscape and Irrigation; 2) On-site Street Improvement Plans and Parking, and 3) Palos Verdes Drive South Improvements.

The construction of the bus shelter at the southeast corner of the entry driveway and Palos Verdes Drive South shall be constructed by the applicant by June 1, 2010. The applicant shall post a security cash deposit with the City in the

amount of \$10,000 prior to the issuance of the Certificate of Occupancy for the main hotel building or August 1, 2009, whichever occurs first.

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

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

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

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

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

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

Traffic

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

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

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

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

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

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

- 127) Prior to issuance of building or grading permits, the applicant shall provide security, in a form reasonably acceptable to the Director of Public Works, in the amount of \$100,000 to cover the cost of mitigating any impacts caused by this

project that would require the installation of any new traffic signal that may be required along Hawthorne Boulevard, Palos Verdes Drive South, or Palos Verdes Drive West. This security will be held by the City in accordance with the provisions of Government Code Section 66001 for a minimum five-year period, from the date of the main hotel building's Certificate of Occupancy.

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

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

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

**GRADING PERMIT NO. 2229**

Grading

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

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

height over its entire length. The 14-foot tall landscape mound be deleted from the grading plan.

The approvals granted by the City Council on October 21, 2014 as part of Revision "Q" for CUP 215, et. al., shall allow, as shown on the plans reviewed and approved by the City Council on October 21, 2014, a total of 2,930 cubic yards of grading for the proposed Golf and Landscape Maintenance Yard, Upper Resort Pool, and Main Pool Outdoor Bar consisting of 2,200 cubic yards of cut and 730 cubic yards of fill. A total of 1,500 cubic yards of excavated earth for the Upper Pool is considered building material and will be hauled off-site. Grading activities associated with said approval shall comply with the conditions of approval stated herein.

The approvals granted by the City Council as part of Revision "R" for CUP 215, et. al., shall allow, as shown on the plans reviewed and approved by the City Council on February 16, 2016, a total of 2,000 cubic yards of grading for the proposed Meadow Lawn consisting of 950 cubic yards of cut and 1,000 cubic yards of fill (50 cubic yards of import of building material). Grading activities associated with said approval shall comply with the conditions of approval stated herein.

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

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

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

**(REVISED PER RESOLUTION NO. 2016-XX ON FEBRUARY 16, 2016)**

**(REVISED PER RESOLUTION NO. 2014-69 ON OCTOBER 21, 2014)**

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

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

- 131) All recommendations made by the City Geologist, the City Engineer, and the Building and Safety Division during the ongoing review of the project shall be incorporated into the design and construction of the project.
- 132) All recommendations made by the project's geologist, as modified by comments from the City's reviewers, shall be incorporated into the design and construction of the project.
- 133) If applicable, as determined by the City Geologist, prior to the issuance of grading permits, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works.
- 134) Prior to issuance of a grading permit by Building and Safety, the applicant shall submit to the City a Certificate of Insurance demonstrating that the applicant has obtained a general liability insurance policy in an amount not less than five million dollars per occurrence and in the aggregate to cover awards for any death, injury, loss or damage, arising out of the grading or construction of this project by the applicant. Said insurance policy must be issued by an insurer that is authorized to do business in the State of California with a minimum rating of A-VII by Best's Insurance Guide or a rating of at least A by Standard & Poors. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. A copy of this endorsement shall be provided to the City. Said insurance shall be maintained in effect for a minimum period of five (5) years following the final inspection and approval of said work by the City and shall not be canceled or reduced during the grading or construction work without providing at least thirty (30) days prior written notice to the City.
- 135) All on-site public improvements shown on the approved Public Amenities Plan including necessary irrigation, landscaping, and support facilities shall be bonded for, or shall have a cash deposit or other City-approved security posted for, in bonds or amounts to be deemed satisfactory by the Director of Public Works.

Prior to recordation of the Final Map or prior to issuance of grading permits, whichever occurs first, a bond, cash deposit, or other City-approved security,

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

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

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

- 141) If applicable, as determined by the City Geologist, prior to the issuance of a grading permit, all geologic hazards associated with this proposed development shall be eliminated, or the City Geologist shall designate a restricted use area on the Final Parcel Map where the erection of buildings or other structures shall be prohibited.
- 142) Prior to the issuance of building permits, an independent Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites shall be submitted for review and approval by the City Geologist in conformance with the accepted City Practice.
- 143) Prior to the issuance of a building permit, an as-built geological report shall be submitted for structures founded on bedrock, and an as-built soils and compaction report shall be submitted for structures founded on fill as well as for all engineered fill areas.
- 144) Prior to the issuance of a grading permit, the applicant's project geologist shall review and approve the final plans and specifications and shall stamp and sign such plans and specifications.
- 145) Prior to the issuance of a grading permit, a grading plan review and geologic report, complete with geologic map, shall be submitted for review and approval by the City's Geotechnical Engineer.
- 146) Except as specifically authorized by these approvals, foundations shall be set back from the Coastal Setback Line in accordance with the RPVMC and shall extend to such a depth as to be unaffected by any creep-prone surficial soil and/or weathered bedrock. Field review and certification by the project geologist is required.
- 147) All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with the applicable provisions of the RPVMC and the recommendations of the City Engineer. Written reports, summarizing grading activities, shall be submitted on a weekly basis to the Director of Public Works and the Director of Planning, Building, and Code Enforcement.
- 148) The project shall comply with all appropriate provisions of the City's Grading Ordinance, unless otherwise approved in these conditions of approval.
- 149) Grading activity on site shall occur in accordance with all applicable City safety standards.

- 150) Prior to final grading inspection by Building and Safety, the graded slopes shall be properly planted and maintained in accordance with the approved landscaping plan. Plant materials shall generally include significant low ground cover to impede surface water flows, and shall be non-invasive, except the permitted invasive species listed in Condition No. 78
- 151) Prior to final grading inspection by Building and Safety, all manufactured slopes shall be contour-graded to achieve as natural an appearance as is feasible.
- 152) Any water features (lakes, ponds, fountains, and etc.) associated with the 9-hole golf course, excluding the bioswales used in the water quality treatment train, shall be lined to prevent percolation of water into the soil. Designs for all water features shall be included on the grading plans submitted for review by the City's Building Official and Geotechnical Engineer.

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

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

- 157) During the operation of the rock crusher, a qualified biologist shall monitor noise levels generated by the activity for potential impacts to nearby wildlife. Said specialist shall be hired by the City at the cost of the applicant, in the form of a trust deposit account provided by the applicant.
- 158) Retaining walls shall be limited in height as identified on the grading plans that are reviewed and approved by the City. Any retaining walls exceeding the permitted heights shall require the processing of a revised grading permit for review and approval by the Director of Planning, Building and Code Enforcement.

### Drainage

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

the finished pad grade; C) drainage facilities shall be provided so as to protect the property from high velocity scouring action; and D) contributory drainage from adjoining properties shall be addressed so as to prevent damage to the project site and any improvements to be located thereon.

- 164) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall upgrade the drainage facility that currently is located on the Fisherman's access property and construct a pipe that will convey this water to the proposed drainage system terminating at Outlet No. 2 to the satisfaction of the Director of Public Works.

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

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

## NPDES

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

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

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

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

**(REVISED PER RESOLUTION NO. 2008-112 ON NOVEMBER 18, 2008)**  
**(REVISED PER RESOLUTION NO. 2009-64 ON AUGUST 18, 2009)**  
**(REVISED PER RESOLUTION NO. 2009-80 ON NOVEMBER 4, 2009)**

- 173) Prior to issuance of any building or grading permits, the applicant shall file any required documents, including the Notice of Intent, and obtain all required permits from the California Regional Water Quality Control Board.

- 174) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works an Erosion Control Plan. Said Plan shall be designed in conformance with the City standards and the requirements of the Regional Water Quality Control Board.

- 175) Prior to issuance of a final Certificate of Occupancy for the main hotel building or prior to August 1, 2009, whichever occurs first, the applicant shall implement the project in full compliance with the standard urban storm water mitigation plan adopted by the Regional Water Quality Control Board.

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

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

### Sewers

- 177) Prior to issuance of any building or grading permits, the applicant shall prepare sewer plans in accordance with the Countywide Sewer Maintenance District.

The applicant shall be responsible for the transfer of sewer facilities to the Countywide Sewer Maintenance District for maintenance.

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

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

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

Water

- 183) Prior to the construction of any water facilities, the Director of Public Works shall review and approve the water improvement plan. Any water facilities that cannot be constructed below ground shall be located on the subject property and screened from view from any public rights-of-way, to the satisfaction of the Director of Public Works and the Director of Planning, Building and Code Enforcement. In addition, an easement to California Water Service shall be dedicated prior to issuance of any grading or building permits.
- 184) The project site shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the City Engineer. Fire flow requirements shall be determined by the Los Angeles County Fire Department

and evidence of approval by the Los County Fire Department is required prior to issuance of building permits.

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

#### **TENTATIVE PARCEL MAP NO. 26073**

- 188) The proposed parcel map shall result in the creation of four (4) parcels (resort hotel parcel, west casita parcel, east casita parcel, and villa parcel). The 2.2 acre Bluff Top park and Fishing Access Expansion Parking Lot shall be separately deeded to the City prior to recordation of the Final Map.
- 189) The applicant shall record a restrictive covenant or other document that is satisfactory to the City Attorney that requires all of the various parcels that are within the boundaries of the parcel map to be fully managed by the resort hotel operator.
- 190) The applicant shall supply the City with one mylar and ten copies of the map no later than thirty (30) days after the final map has been filed with the Los Angeles County Recorders Office.

- 191) All improvement plans shall be as-built upon completion of the project. Once the as-built drawings are approved, the applicant shall provide the City with a duplicate mylar of the plans.
- 192) The improvement plans shall be prepared by a Registered Civil Engineer, and shall be prepared on standard city size sheets. Plans shall be in substantial conformance with the approved tentative map and site plan as approved by the City Council and stamped by the Planning Department with the effective date of this approval.
- 193) This approval expires twenty-four (24) months from the date of approval of the parcel map by the City Council, unless extended per Section 66452.6 of the California Government Code and Section 16.16.040 of the RPVMC. Any request for extension shall be submitted to the Planning Department in writing at least sixty (60) days prior to the expiration of the tentative map.
- 194) This development shall comply with all requirements of the various municipal utilities and agencies that provide public services to the property.
- 195) According to Section 16.20.130 of the RPVMC and the Subdivision Map Act (California Government Code Section 66410 *et seq.*), at the time of making the survey for the final parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Subdivision Map Act. Prior to recording the final map, the exterior boundary of land being subdivided shall be adequately monumented with no less than a two (2) inch iron pipe, at least eighteen (18) inches long, set in dirt and filled with concrete at each boundary corner. The parcel lot corners shall be monumented with no less than one-half inch iron pipe for the interior monuments. Spikes and washers may be set in asphalt pavement and lead and tacks may be set in concrete pavement or improvements in lieu of pipes. All monuments shall be permanently marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.
- 196) The applicant shall be responsible for repair to any public streets which may be damaged during development of the subject parcels.
- 197) Easements shall not be granted within easements dedicated or offered for dedication to the City until after the final map is filed and recorded with the County Recorder. No easements shall be accepted after recording of the final map that in any way conflict with a prior easement dedicated to the City, or any public utility; provided, however, that the Irrevocable Offer to Dedicate Easements For Public Access And Passive Recreation Purposes dated May 9,

2007 and recorded on May 10, 2007 as instrument number 20071135403 may be amended to revise the description of the Resort Entry Bike Trail and the associated exhibits as required by Revision "R" to the Conditions of Approval. All existing easements shall remain in full force and effect unless expressly released by the holder of the easement or if amended as provided in the preceding sentence.

**(REVISED PER RESOLUTION NO. 2016-XX ON FEBRUARY 16, 2016)**

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

**Prior to Submittal of the Final Map**

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

**Prior to Approval of the Final Map**

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

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

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

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

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

## **LIST OF FINDINGS OF FACTS**

Terranea's proposed site improvements require a revision to the 2002 Council-approved Conditional Use Permit. In considering the request, pursuant to Section 17.60.050 of the RPVMC, the City Council may grant a Conditional Use Permit (including a CUP Revision), only if it finds:

- 1. That the site is adequate in size and shape to accommodate the proposed use and for all of the yards, setbacks, walls, fences, landscaping and other features required by this title or by conditions imposed under this section to integrate said use with those on adjacent land and within the neighborhood;*
- 2. That the site for the proposed use relates to streets and highways sufficient to carry the type and quantity of traffic generated by the subject use;*
- 3. That, in approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof;*
- 4. That the proposed use is not contrary to the general plan;*
- 5. That, if the site of the proposed use is within any of the overlay control districts established by [Chapter 17.40](#) (Overlay Control Districts) of this title, the proposed use complies with all applicable requirements of that chapter; and,*
- 6. That conditions regarding any of the requirements listed in this paragraph, which the planning commission finds to be necessary to protect the health, safety and general welfare, have been imposed:*

The proposed improvements to the Meadow Lawn including the 2,000 cubic yards of earth movement consisting of 950 cubic yards of cut and 1,000 cubic yards of fill (plus 50 cubic yards of import of building material). Pursuant to Section 17.76.040 of the RPVMC, the following Findings of Fact must be met for a Major Grading Permit:

- 1. The grading does not exceed that which is necessary for the permitted primary use of the lot, as defined in [Chapter 17.96](#) (Definitions) of this title;*
- 2. The proposed grading and/or related construction does not significantly adversely affect the visual relationships with, nor the views from the viewing area of neighboring properties. In cases where grading is proposed for a new residence or an addition to an existing residence, this finding shall be satisfied when the proposed grading results in a lower finished grade under the building footprint such that the height of the proposed structure, as measured pursuant to [Section 17.02.040\(B\)](#) of this title, is lower than a structure that could have been built in the same location on the lot if measured from preconstruction (existing) grade;*

3. *The nature of the grading minimizes disturbance to the natural contours and finished contours are reasonably natural;*
4. *The grading takes into account the preservation of natural topographic features and appearances by means of land sculpturing so as to blend any man-made or manufactured slope into the natural topography;*
5. *For new single-family residences, the grading and/or related construction is compatible with the immediate neighborhood character, as defined in [Chapter 17.02](#) (Single-family Residential Districts);*
6. *In new residential tracts, the grading includes provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction on hillside areas;*
7. *The grading utilizes street designs and improvements which serve to minimize grading alternatives and harmonize with the natural contours and character of the hillside;*
8. *The grading would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation;*
9. *The grading conforms to the following standards:*
  - a. *Grading on slopes equal to or exceeding thirty-five percent shall be allowed on recorded and legally subdivided lots existing as of November 25, 1975 or if within Eastview, existing as of January 5, 1983, which are not currently zoned open space/hazard, if the director or planning commission finds that such grading, as conditioned, will not threaten the public health, safety and welfare.*
  - b. *No finished slopes greater than thirty-five percent shall be created, except at the point of vehicular access adjacent to driveways, as per subsection (E)(9)(f) of this section.*
  - c. *Except for the excavation of a basement or cellar, a fill or cut shall not exceed a depth of five feet at any point except where the director or the planning commission determines that unusual topography, soil conditions, previous grading or other circumstances make such grading reasonable and necessary.*
  - d. *No fill or cut shall be permitted on a slope exceeding fifty percent gradient, unless the grading is on a sixty-seven percent slope, allowed pursuant to subsection (E)(9)(f) of this section.*
  - e. *Retaining Walls.*
    - I. *Unless located within the required front or street side setback, one upslope retaining wall not to exceed eight feet in height may be used. Retaining walls located in the required front or streetside setback shall not exceed three and one-half feet in height;*
    - II. *One downslope retaining wall not to exceed three and one-half feet in height may be used;*
    - III. *On lots sloping with the street and other configurations not discussed above, one retaining wall not to exceed three and one-half feet may be used on each side of the lot;*

- IV. *Retaining walls may be allowed up to five feet in height, adjacent to driveways, only if required for access or slope stabilization. There shall be no more than one upslope or one downslope retaining wall adjacent to driveways;*
  - V. *Retaining walls which are an integral part of a structure may exceed eight feet, within the building footprint;*
- f. *Driveways.*
- I. *Driveways which exceed twenty percent slope shall not be permitted except that one length, not at the point of access, of not more than ten linear feet may have a slope of up to twenty-two percent;*
  - II. *Slopes not greater than sixty-seven percent may be permitted adjacent to driveways;*



**TERRANEA®**  
L.A.'S OCEANFRONT RESORT

A DESTINATION LUXURY HOTEL®

RECEIVED

NOV 16 2015

COMMUNITY DEVELOPMENT  
DEPARTMENT

November 16th, 2015

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

Re: Terranea Resort – Entry Drive Re-Striping/ Enhancement

Dear Ara,

This letter is a request to amend the current Conditional Use Permit (CUP) setting forth the Terranea Resort Conditions of Approval. Specifically, we are requesting the re-striping of Terranea Way to allow for two south bound lanes and one northbound lane commencing at Palos Verdes Drive South and ending at the brick paver courtyard of the Resort.

As previously discussed with staff from the City of RPV and with staff of the Coastal Commission, the purpose of the proposed restriping of Terranea Way is to increase public access to the Resort site. To provide such increased access, we request that we be permitted to modify the existing entry drive and associated easements to provide a new bike lane delineation commonly referred to as a "sharrow lane". "Sharrow" is short-form for "shared lane bicycle marking". This marking includes a bicycle symbol and two white chevrons which remind motorists that bicyclists are permitted to use the full lane. This restriping is consistent with our discussions with Staff and would replace the existing bike lanes, thereby allowing for the additional southbound lane.

In the interest of increasing public access and the guest arrival experience, establishing two south bound lanes would allow for one lane dedicated to staff and vendors only, with the inner lane dedicated to guest arrival and parking. The north bound lane would retain the existing parking along the side.

We also request the amendment of the recorded easements and associated Conditions of Approval as referenced in the City of RPV Conditional Use Permit and Coastal Development Permit.



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**California Coastal Commission Coastal Development Permit A5-RPV -02- 324 Special Condition #2 (A) 6 requires:**

*Resort Entry Bike Trail: Two 6-foot wide Class II bike lanes extending from Palos Verdes Drive South, running seaward along the eastern and western edges of the resort entry road shown on Tentative Parcel Map No, 26073, dated May 24,2006, terminating at the hotel.*

The easements that will require modification include:

- Easement dedicated for the City of Rancho Palos Verdes Parcel Map no. 26073, for public access and passive recreation purposes and incidental purposes
- Deed Restriction, instrument no. 20071135402. This document references California Coastal Permit Application No. A-5-RPV-02-324-A6, No. 2 Public Access and Recreation/Easement Offers; A. Public Trails; No 6 Resort Entry Bike Trail.

Should you have any questions or require any additional materials or explanation, please contact me so that we may respond as needed.

Thank you.

Sincerely,

Philip Martiens  
Terranea Resort

cc: Todd Majcher- Lowe Enterprises/Vice President  
cc: Terri Haack – Terranea Resort/ President

315555101.2



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January 13th, 2016

Ara Michael Mihranian, AICP  
Deputy Director of Community Development  
City of Rancho Palos Verdes  
30940 Hawthorne Blvd  
Rancho Palos Verdes, CA 90275

Re: **Terranea Resort** – Meadows Lawn Water Mitigation/Pavers

Dear Ara:

This letter is a request to modify the existing approvals for Terranea Resort to replace approximately 20,000 square feet of existing irrigated lawn located at Terranea's Meadows Lawn with permeable sand set pavers.

The Meadows is used for outdoor functions as an alternative venue for groups staying multiple days. Due to its desirable location and its uniqueness as an outdoor venue, it is treated as a considerable offering which Terranea provides as a benefit during the peak season months. The Meadows is regarded as a natural extension of meeting space to the outdoors whilst capturing the natural landscape and unparalleled views. In addition, the area provides a distinctive advantage over our competitors in the Southern California group market. This is in contrast to the Ballroom space which has no views and is used as back-up to the same group.

The improvements that will take place consist of brick pavers and inset larger decorative stone pavers consistent with existing pathways and hardscape areas. In order to soften the area, four trees area proposed at the outside perimeter and welcome the entrance of the pathway to the hotel. Lighting will mimic the current pathway lighting and will provide a safety element at night. A formal lighting package will be added for review prior to permit issuance. It is our hope to also install tent anchors during the improvements so a tent could be readily be installed and dismantled swiftly.

We believe that this minor modification to the approvals will also provide significant benefits to the City and to the Resort by reducing the Resort's water usage while also enhancing the use by groups of the Resort.



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While it is not intended to change the currently permitted activity or use approved by the City, the modification is intended to reduce turf area which has become unsightly due to the current mitigation efforts and thereby allow events to occur on the Meadows lawn area in all-weather conditions.

**Outdoor events are currently allowed per Condition 41 (b) of the City of RPV - Terranea Conditional Use Permit:**

*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: Fridays and Saturdays 8:00 am to midnight.*

To alleviate any concerns the City may have regarding the impact of this request on parking conditions at Terranea, we emphasize the sole purpose of the Meadows lawn use is to complement usage of the interior banquet space, and lawn use is limited to a **single in-house group** that has acquired a hotel banquet room. For instance when a large group holds a meeting or event at the hotel's main ballroom, Terranea will occasionally use the Meadows lawn to accommodate the group's meal service. Once the meal service is completed, the guests return to the main Ballroom. This mitigates the impact that would otherwise result from the time it takes to break down and set up again for food service and the time devoted for an outside vendor to set-up and break-down temporary a tent structure and platform.

**We are confident that the Meadows and interior Ballroom will only be used by one in-house group at a time, thus providing alternative venues for that single group.**

To support this statement, we are providing an exhibit which shows the confirmed bookings on the Meadows for the years 2015 and 2016. In every case, the groups and events shown are using the Ballroom and Meadows lawn concurrently.



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The only exception to this is up to four events hosted by the resort specifically for the community in which the Ballroom would be blocked for no-sale to groups and events. These dates would fluctuate and booked according to the Resort's lowest occupancy with employee parking held off-site.

Community Focused Outdoor Events on the Meadows:

1. *Shakespeare by the Sea*
2. *Music on the Meadows*
3. *Celebration of Food and Wine*
4. *Freedom for You*

Additionally, in order to demonstrate and ensure that the Meadows usage is not simultaneous with a separate group booking of interior banquet space, Terranea would share confirmed banquet booking reports with the City of RPV and the California Coastal Commission upon their request at any time. Terranea requests this review to be in person and confidentiality of groups/ persons booked to remain intact.

We appreciate your assistance in processing this approval. Should you have any questions or require any additional materials or explanation, please contact me so that we may respond as needed.

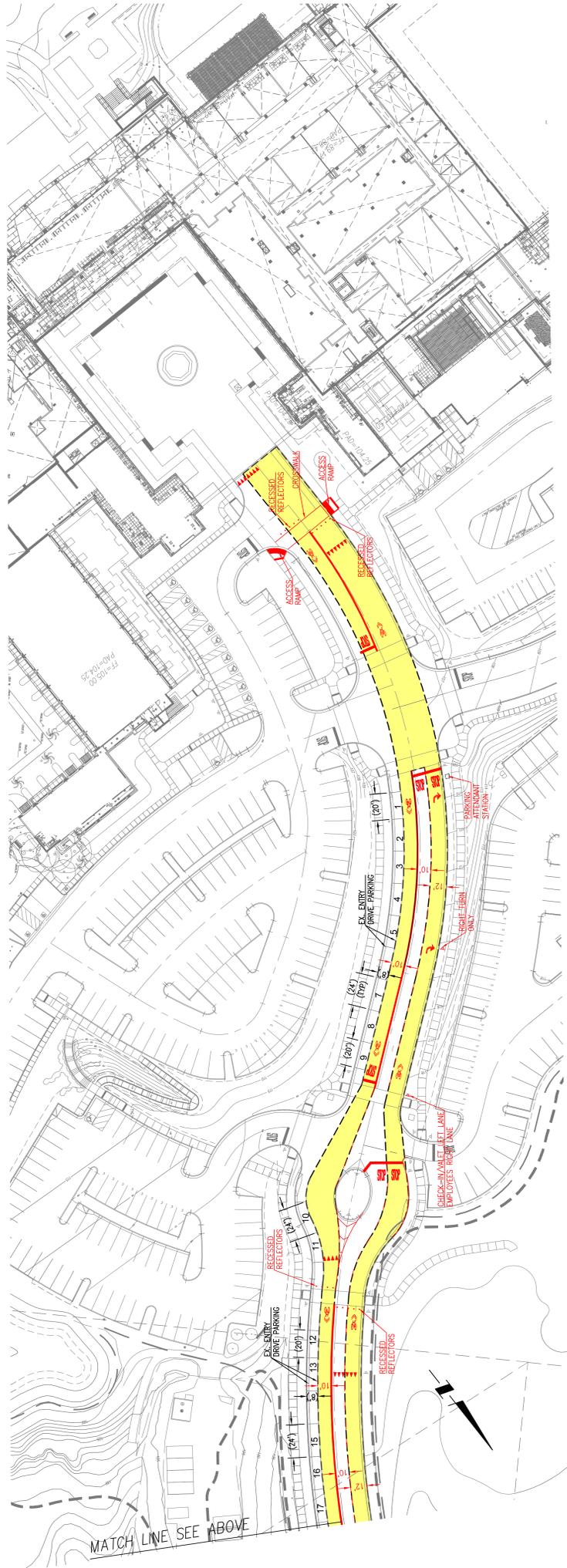
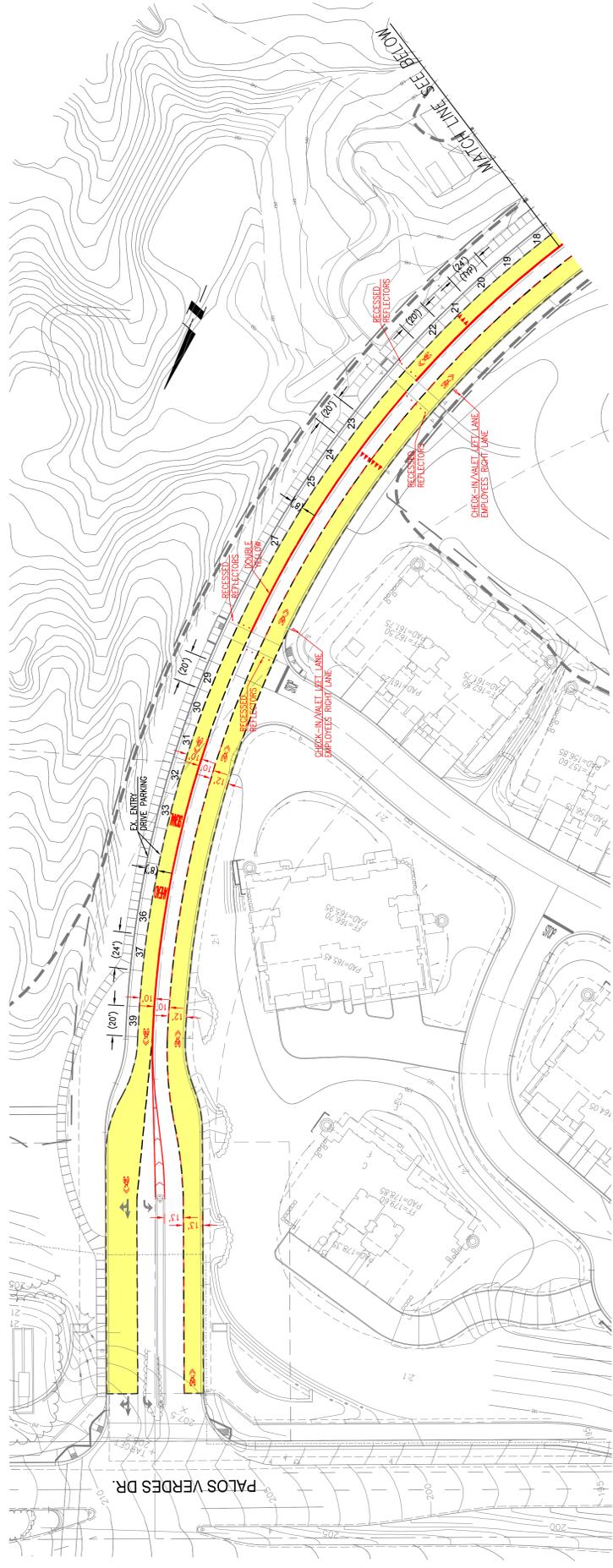
Thank you.  
Sincerely,

Philip Martiens  
Director of Design & Capital Projects  
Terranea Resort

Terri A. Haack  
President  
Terranea Resort

cc: Todd Majcher- Lowe Enterprises/Vice President

31555004.2



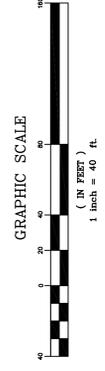
**PARALLEL PARKING SUMMARY**

EXISTING	39 STALLS
PROPOSED	0 STALLS
<b>TOTAL STALLS</b>	<b>39 STALLS</b>

**LEGEND**

- SHARROW BIKE SYMBOL  
"Shared Roadway Bicycle Marking" per Caltrans revised standard plan A24C
- YIELD LINE  
"Yield Line" per Caltrans revised standard plan A24E
- LIMITS OF SHARROW EASEMENT

NOTE: ALL DIMENSIONS SHOWN ARE TO MATCH SITE EXIST. COLOR, DIMENSIONS, ETC.



<p>PREPARED BY: <b>Stantec</b> 38 TECHNOLOGY DRIVE, SUITE 100 IRVINE, CA 92618 949.923.6000 stantec.com</p>	<p>PREPARED FOR: <b>LONG POINT DEVELOPMENT L.L.C.</b> 6610 PALOS VERDES DRIVE SOUTH SUITE A RANCHO PALOS VERDES CA. 90275</p>	<p>DATE: 1/11/2016 SHEET 1 OF 1</p>	<p><b>TERRANEA RESORT</b> ENTRY DRIVE PROPOSED SITE BASE ULTIMATE CONDITION</p>
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↑  
Check-in  
& Valet  
Left Lane

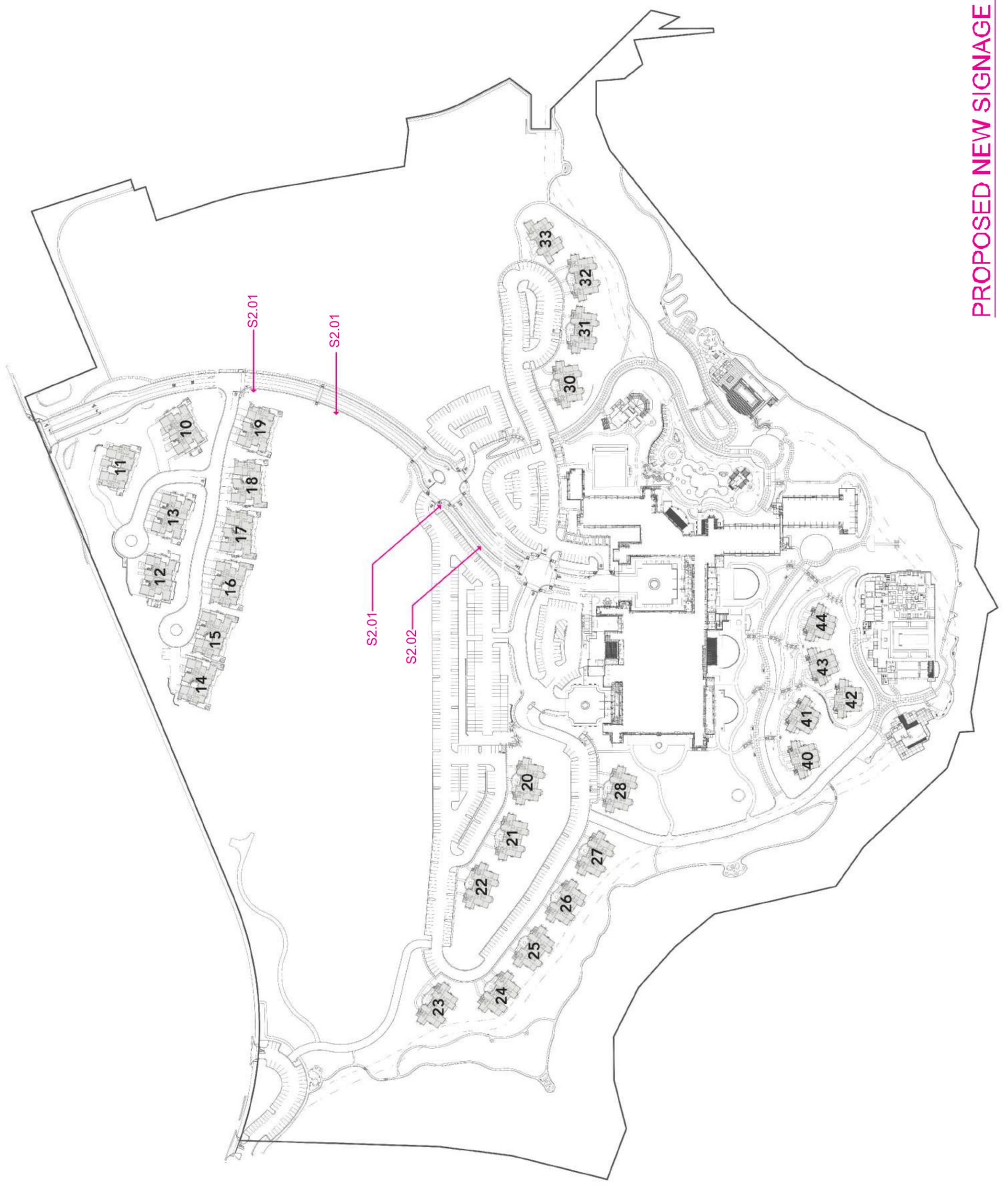
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→  
Associates &  
Vendors  
Right Lane  
Only

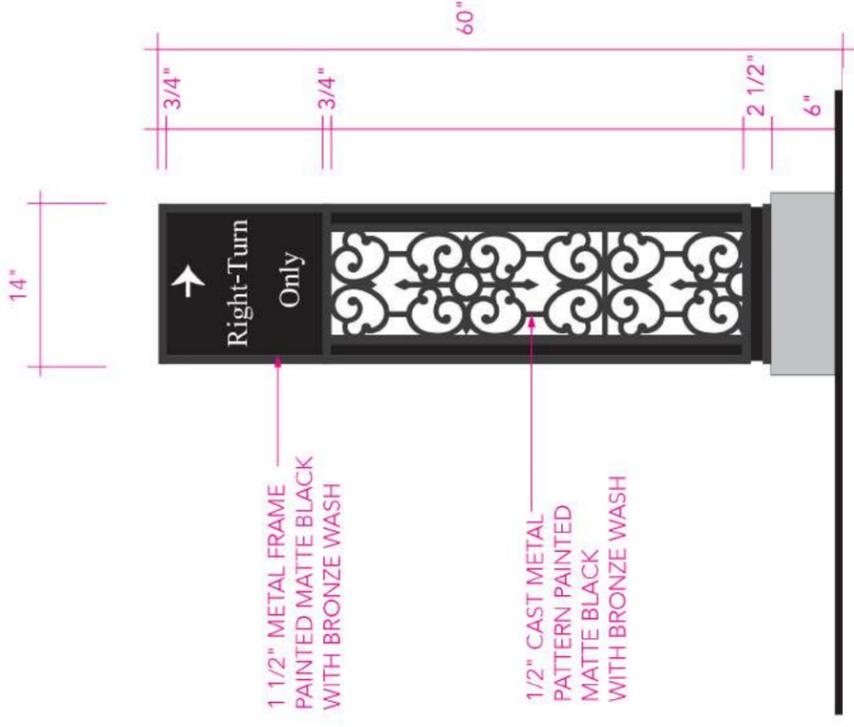
**S2 MESSAGE**  
01 scale: 3/4" = 1'

→  
Right-Turn  
Only

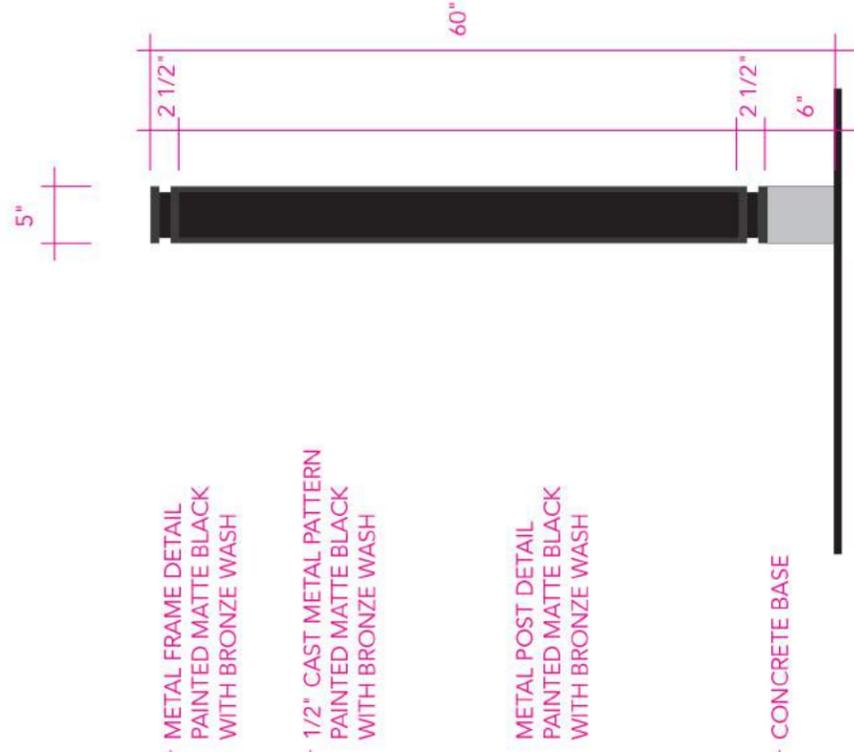
**S2 MESSAGE**  
02 scale: 3/4" = 1'



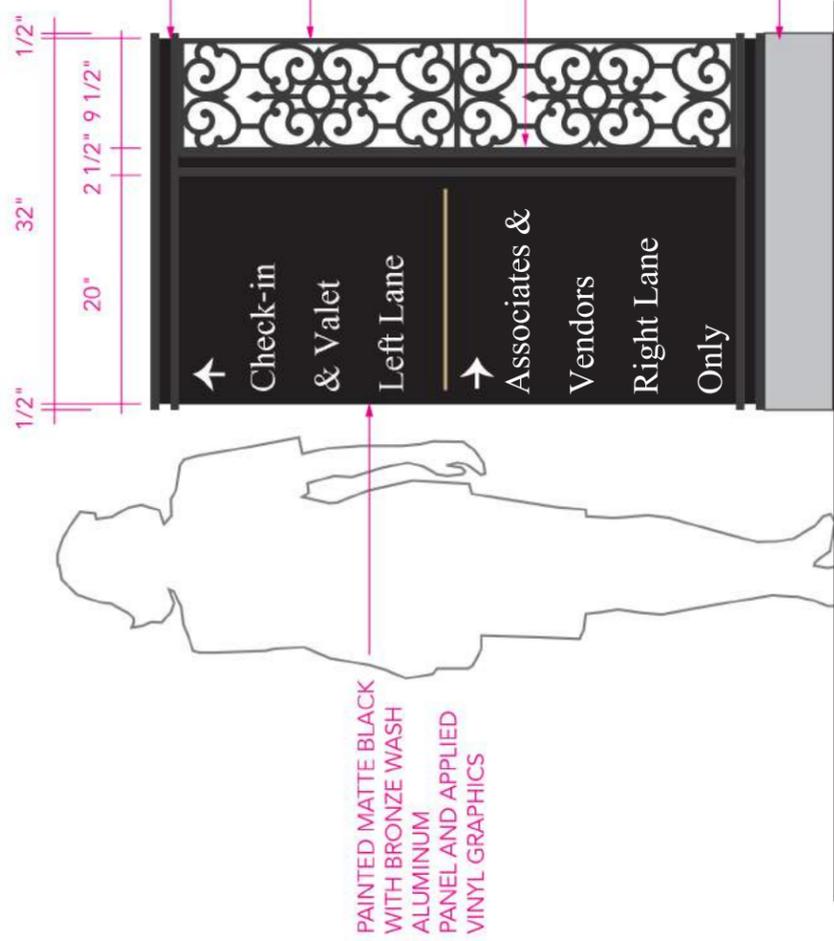
**PROPOSED NEW SIGNAGE LOCATIONS**



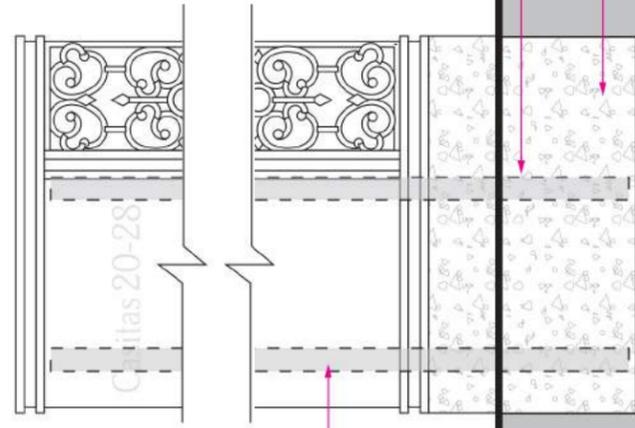
**C** FRONT VIEW  
scale: 3/4" = 1'



**B** SIDE VIEW  
scale: 3/4" = 1'

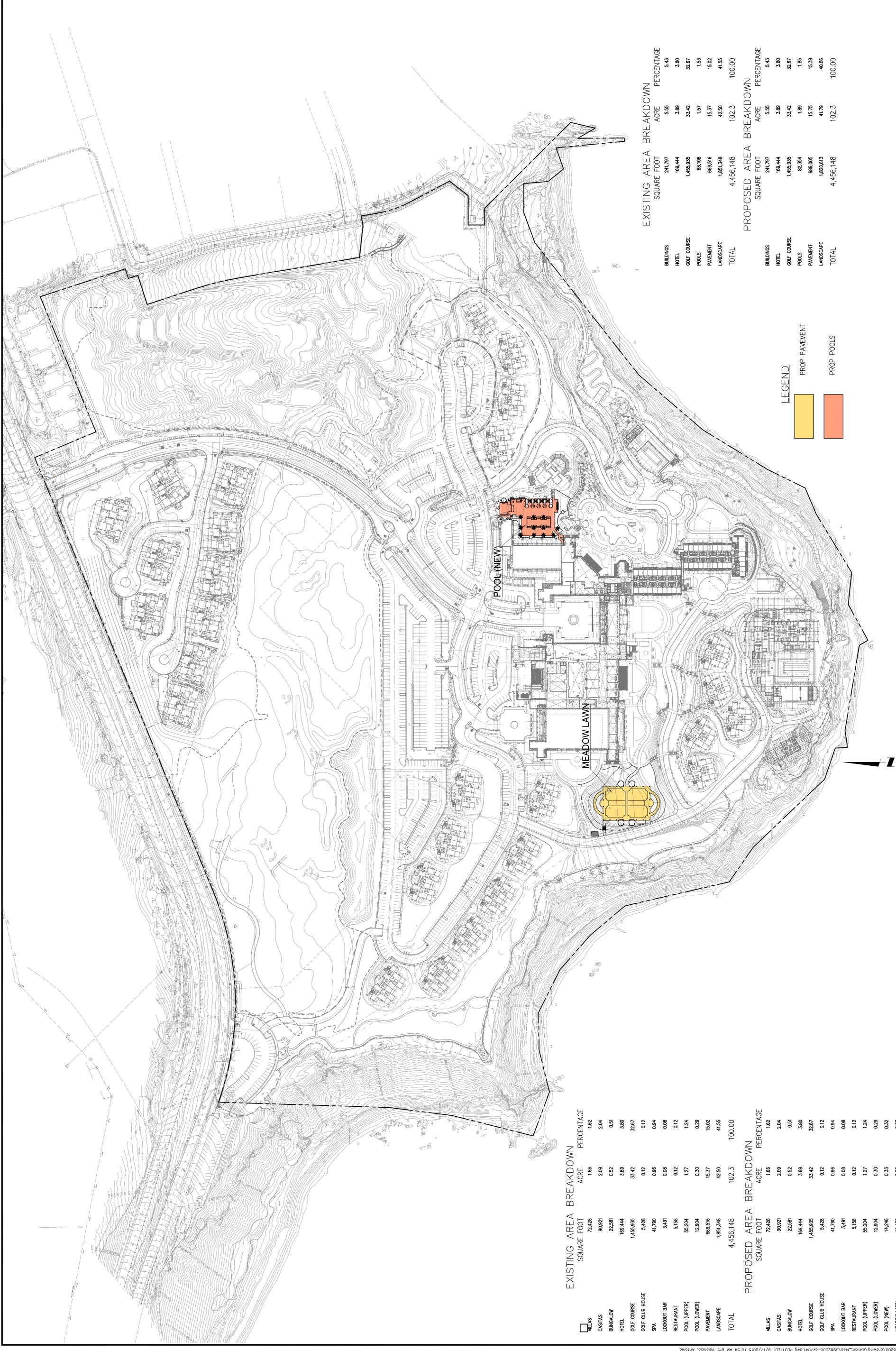


**A** FRONT VIEW  
scale: 3/4" = 1'



**D** INSTALLATION  
scale: 3/4" = 1'

**NOTE:**  
ALL EXISTING WAYFINDING SIGNAGE ARE TO REMAIN



EXISTING AREA BREAKDOWN		
SQUARE FOOT	ACRE	PERCENTAGE
VILLAS	72,428	1.62
CASTLES	90,921	2.04
BUNGALOW	22,581	0.51
HOTEL	169,444	3.80
GOLF COURSE	1,455,935	33.42
GOLF CLUB HOUSE	5,428	0.12
SPA	41,790	0.94
LOOKOUT BAR	3,491	0.08
RESTAURANT	5,158	0.12
POOL (UPPER)	55,204	1.27
POOL (LOWER)	12,904	0.30
PAVEMENT	668,516	15.02
LANDSCAPE	1,820,613	41.55
TOTAL	4,456,148	100.00

PROPOSED AREA BREAKDOWN		
SQUARE FOOT	ACRE	PERCENTAGE
VILLAS	72,428	1.62
CASTLES	90,921	2.04
BUNGALOW	22,581	0.52
HOTEL	169,444	3.80
GOLF COURSE	1,455,935	33.42
GOLF CLUB HOUSE	5,428	0.12
SPA	41,790	0.94
LOOKOUT BAR	3,491	0.08
RESTAURANT	5,158	0.12
POOL (UPPER)	55,204	1.27
POOL (LOWER)	12,904	0.30
POOL (NEW)	14,246	0.33
MEADOW LAWN	16,489	0.37
PAVEMENT	668,516	15.02
LANDSCAPE	1,820,613	40.86
TOTAL	4,456,148	100.00

EXISTING AREA BREAKDOWN		
SQUARE FOOT	ACRE	PERCENTAGE
BUILDINGS	241,797	5.43
HOTEL	169,444	3.80
GOLF COURSE	1,455,935	33.42
POOLS	68,108	1.53
PAVEMENT	668,516	15.37
LANDSCAPE	1,820,348	42.50
TOTAL	4,456,148	100.00

PROPOSED AREA BREAKDOWN		
SQUARE FOOT	ACRE	PERCENTAGE
BUILDINGS	241,797	5.43
HOTEL	169,444	3.80
GOLF COURSE	1,455,935	33.42
POOLS	82,354	1.85
PAVEMENT	668,005	15.39
LANDSCAPE	1,820,613	41.79
TOTAL	4,456,148	100.00

**LEGEND**

PROP. PAVEMENT

PROP. POOLS

DATE: 09/17/2015

SHEET 1 OF 1

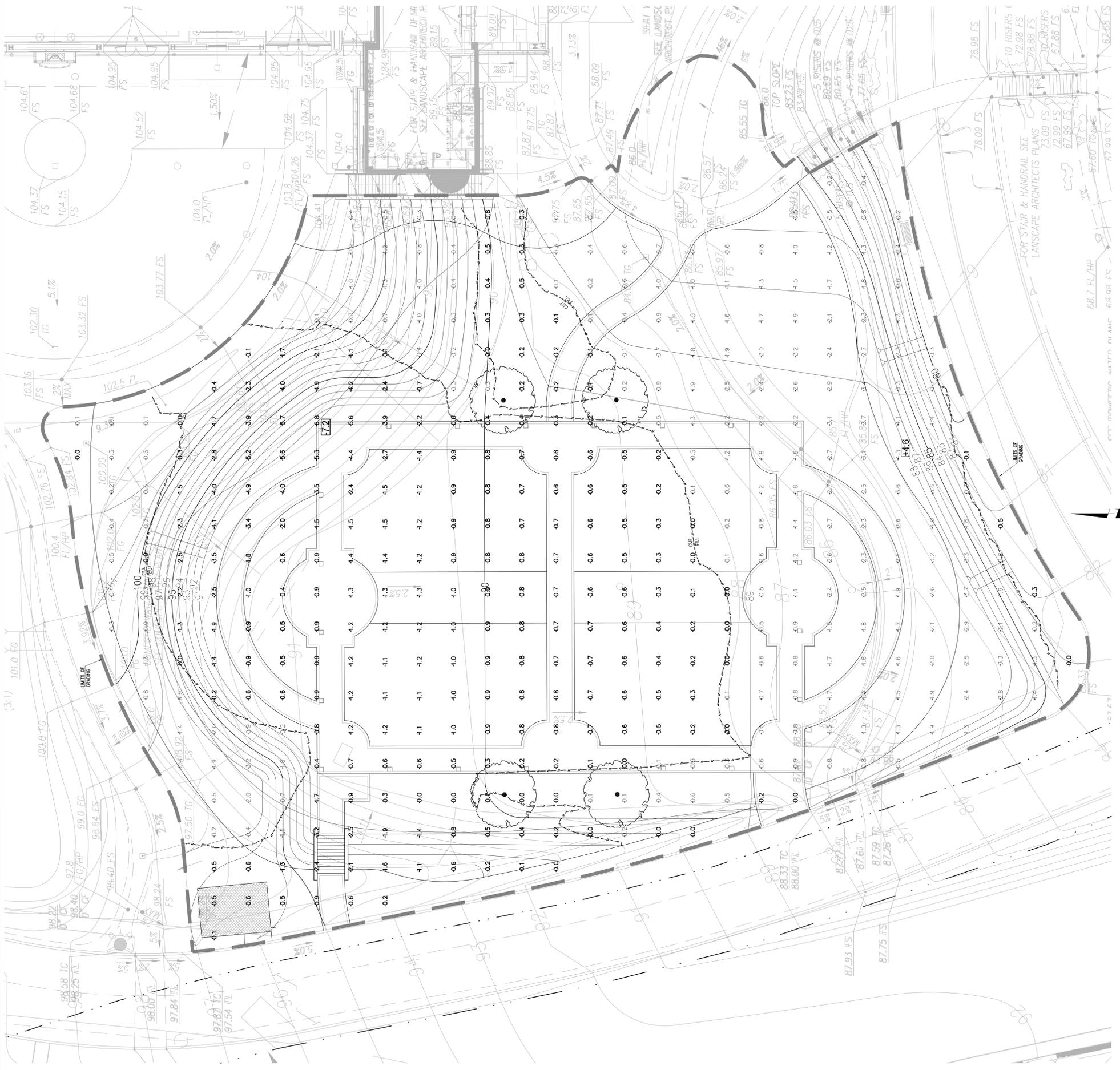
**TERRANEA**  
OVERALL  
SITE AREA BREAKDOWN

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

PREPARED BY: **Stantec**  
38 TECHNOLOGY DRIVE, SUITE 100  
IRVINE, CA 92618 stantec.com

GRAPHIC SCALE  
1 inch = 100' ft.





**EARTHWORK QUANTITIES**

CUT	950 CY
FILL	1,000 CY
IMPORT	50 CY
MAX CUT	7.2'
MAX FILL	4.6'

NOTE: EXCESS MATERIAL SHALL BE USED ON SITE PER THE DIRECTION OF THE OWNER AND COMPARED TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER. DISTURBED AREA = 50,000 SF.

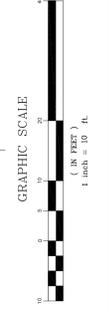
DATE: 01/11/2016

SHEET: 2 OF 2

**TERRANEA**  
MEADOW LAWN  
CONCEPTUAL EARTHWORK

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

STANTEC  
38 TECHNOLOGY DRIVE, SUITE 100  
IRVINE, CA 92618  
949.923.6000  
stantec.com



## Ara Mihranian

---

**From:** Haack, Terri <thaack@destinationhotels.com>  
**Sent:** Sunday, January 31, 2016 1:07 PM  
**To:** Robert Nelson <nelsongang@aol.com>; Ara Mihranian  
**Cc:** Martins, Philip  
**Subject:** RE: Terranea (CUP 215, et. al. Revision R) In Favor

Good morning and thank you Bob and Sandie!

The speed limit is currently 17 miles per hours, we continue to 'mix up' the speed limit between 12 miles per hour and our max of 17 miles per hour, to keep our regular guests aware of the speed limit.

The majority of the time the speed limit is posted between 12-15 miles per hour.

Terri

**From:** Nelsongang [mailto:nelsongang@aol.com]  
**Sent:** Saturday, January 30, 2016 4:45 PM  
**To:** aram@rpvca.gov  
**Cc:** Haack, Terri <THaack@destinationhotels.com>; Martiens, Philip <PMartiens@destinationhotels.com>  
**Subject:** Terranea (CUP 215, et. al. Revision R) In Favor

Ara,  
copy Terri Haack and Philip Martiens, Terranea Resort

1. Briefly, as a Terraneighbor whose balcony view goes across the subject entry/exit road to Terranea about 150 yards away, Bob and I completely favor this request. The speed limit on property is 12 MPH so a sharrow lane should not be a problem. We definitely do not want to modify any parking spaces on the outbound lane! Please don't think about it!
2. We also favor permitting the turf replacement at the Meadow Lawn area, not only for Terranea's reasoning but to decrease use of water in these drought times. Maintaining a lawn when tents are often placed over it usually doesn't work all that well and it is a very reasonable request.

Thank you for this opportunity, your many efforts on behalf of our valuable neighbor over the years and we hope our Council will agree.

Any questions, don't hesitate to call us.

Sandie and Bob Nelson  
310-544-4632  
(Bob as a private citizen and not as a Planning Commission member.)

## Ara Mihranian

---

**From:** Michael Sin <michael.w.b.sin@gmail.com>  
**Sent:** Saturday, February 06, 2016 6:58 PM  
**To:** Ara Mihranian  
**Subject:** ZON2015-00531 / Terranea

Dear Council Members,

I would like to voice my opposition to the proposed changes to the entry driveway at Terranea. The applicant seeks to remove both the outbound and inbound bicycle lanes in exchange for adding shared lane markings ("sharrows") and an additional inbound automobile lane. There are a number of issues with this proposal that need to be considered.

In an age where cities are moving to a Vision Zero future, ensuring safety for all road users is key. The proposed changes would certainly be a downgrade in that respect, as numerous studies have shown that dedicated bicycle infrastructure, such as the existing bike lanes, reduces the rate of collisions and fatalities. On the other hand, a recent study published by the Transportation Research Board (TRB) finds that sharrows may actually increase injury risks compared to having no infrastructure at all:

<http://www.citylab.com/cityfixer/2016/02/sharrow-safety-bike-infrastructure-lane-chicago/460095/>

As a practical matter, I simply do not see the proposed design working. The driveway is at a slope for the majority of its quarter-mile distance. Cyclists traveling on the outbound lane will be climbing uphill at a slow pace. Motorists will likely be traveling much quicker. This speed differential creates frustration for both the cyclist and the driver. I've witnessed many an unsafe maneuver from drivers trying to get around slow-moving cyclists traveling on a sharrow.

Vehicles of vastly different speeds should travel on different lanes. Sharrows create confusion and frustration, while also increasing the risks of collision. For those reasons I am opposed to this change, which is a downgrade from what currently exists.

Thank you,

Michael Sin  
28223 Covecrest Dr  
Rancho Palos Verdes, CA 90275