

CALIFORNIA COASTAL COMMISSION

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 Staff Report: October 8, 2002
 Hearing Date: November 5, 2002
 Commission Action:

STAFF REPORT: APPEAL / SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Rancho Palos Verdes

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-RPV-02-324

APPLICANT: Destination Development Corp:

AGENT: Michael Mohler

PROJECT LOCATION: 6610 Palos Verdes Drive South, City of Rancho Palos Verdes, Los Angeles County

PROJECT DESCRIPTION: Appeals by Robert Haase, Jr.; Barry Holchin of the Palos Verdes South Bay Group of the Sierra Club; and Commissioner Chair Sara Wan and Commissioner Shirley Dettloff from the City of Rancho Palos Verdes approval of Coastal Permit (CP) No. 166 proposal of Destination Development Corporation for 582 room resort: (400 hotel rooms, 50 three-keyed "casitas", and 32 "villas",) golf practice facility, club house, conference center, restaurants, related commercial uses, public trails; 100 public parking spaces, and open space at 6610 Palos Verdes Drive South, City of Rancho Palos Verdes, Los Angeles County.

APPELLANTS: Palos Verdes South Bay Group – Sierra Club; Robert C. Haase, Jr. ; and Chairman Sara Wan and Commissioner Shirley Dettloff

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: Pursuant to Section 30603(b)(1) of the Coastal Act; the locally approved development does not conform to the City of Rancho Palos Verdes certified Local Coastal Program (LCP). The motion to carry out the staff recommendation is on **page seven (7)**.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit (CDP) No. 166.
2. City of Rancho Palos Verdes Certified Local Coastal Program.
3. Environmental Impact Report for the Long Point Resort Project, February 2, 2001
4. Final Environmental Impact Report for the Long Point Resort Project, July 9, 2001
5. Addendum to Certified Environmental Impact Report for the Long Point Resort Project, June 11, 2002
6. Coastal Development Permit No. A5-RPV-91-046
7. Planning Commission August 13, 2002 Staff Report for Long Point Lower Pool Facility
8. *Destination Development Corporation – Geotechnical Consultation, Law/Crandall Project 70131-2-0076.0002*
9. Long Point Resort Hotel City Council Project Resolution No. 2002-71 and 2002-70 dated August 28, 2002
10. City Council June 18, 2002 Staff Report for CUP No. 215, Grading Permit No. 2229, CDP No. 166, and Tentative Parcel Map No. 26073 – Long Point Resort Hotel Project
11. *Parking and Traffic Study: Revised Project Trip Generation, Internal Circulation Design, and Parking Demand Analysis, LSA Associates, Inc. May 24, 2000*

I. APPELLANTS' CONTENTIONS

City of Rancho Palos Verdes Local Coastal Development Permit No. 166 approved by the Rancho Palos Verdes City Council on August 28, 2002, has been appealed by Coastal Commission Chair Sara Wan and Commissioner Shirley Dettloff, Palos Verdes South Bay Group of the Sierra Club, and Robert Haase Jr.

1. As summarized below, the grounds for the appeal by the Coastal Commissioners are that the project is inconsistent with the habitat, hazard protection and development policies of the LCP and with the public access policies of the Coastal Act (see Exhibit 1):
 - The location of the Long Point Trail is not explicitly described in project conditions, or shown on maps adopted by the City Council. During the appeal period, the applicant provided a map to coastal staff after the Council action showing this bluff edge trail extending along the bluff top between the "East Casitas" and the edge of the bluff and connecting with the Vanderlip trail at the eastern property line at the bluff edge. This map was not provided to the City Council or described in the findings of the city permit.
 - Parking may be inconsistent with the City zoning, thus inconsistent with the public access policies of the Coastal Act and with the development policies of the LCP.

- Invasive plant species may adversely impact native habitats located along the bluffs and Habitat Enhancement Area, which is inconsistent with the Natural Element policies of the LCP.
- The Coastal Permit standards for re-vegetation and habitat enhancement areas are vague, requiring only “suitable, local native species of vegetation”. The permit also requires that the Habitat Enhancement Management Plan be reviewed by the Director of Planning, the California Native Plant Society and a “qualified biologist” without any specific standards or guidelines, and thus raises a substantial issue with the habitat protection policies of the LCP
- Casita and villa owner occupancy during summer season may prevent public use, which is inconsistent with the designated visitor serving, public uses of commercial/recreational use in the LCP.
- Mitigation for lower cost visitor accommodations not addressed. Not providing mitigation is inconsistent with Section 30213 of the Coastal Act.
- Lower pool located within the coastal setback area is inconsistent with the provisional coastal setback zone as established by the LCP for the purpose of protecting geological hazardous areas, natural habitats, and views. The permit raises substantial issue with the natural element policies of the LCP.
- Irrigation and drainage improvement plans are subject to review by the City, however no specific approved plans currently exist raising issues of consistency with LCP policies protecting natural habitat and offshore resources.
- Structure heights may adversely impact public views within the LCP designated view corridors from the main road, Palos Verdes Drive South. This is inconsistent with the visual corridor policies of the LCP and therefore raises a substantial issue with the Corridor Element of the LCP.

2. As summarized below, the grounds for the appeal by Palos Verdes South Bay Group of the Sierra Club are (see Exhibit 2):

- The location of vista points along Long Point Trail may have adverse impacts on the bluff habitat, which is inconsistent with the Coastal Specific Plan (CSP).
- The coastal permit allows for invasive plants near the hotel, which could have adverse impacts on native habitat, which is inconsistent with the CSP.
- Grading and drainage may have adverse impacts on bluff habitats, which is inconsistent with the CSP.
- The Lower Pool is located within the coastal setback, which is inconsistent with the natural element and hazard policies of the LCP and with City Municipal Code 17.72.040.

3. As summarized below, the grounds for the appeal by Robert Haase, Jr. (See Exhibit 3) are:
- Adverse impacts to traffic and circulation on the Palos Verdes Peninsula, raising issues with the public access policies of the Coastal Act.
 - Inconsistency with goals of the City of Rancho Palos Verdes to protect both its natural and scenic resources.
4. As summarized below, issues that do not meet the grounds for an appeal by Robert Haase, Jr. are:
- Adverse noise impacts caused by an increase in traffic - The appellant raises an issue of adverse noise impacts caused by an increase in traffic. Findings from a Planning Commission staff report are cited by the appellant:

Noise. Ambience noise levels from vehicular traffic already exceed State and local noise standards (Staff memo. to City Council, 8-28-02, pgs A29-30).

Policy No. 5 of Subregion 2 Section in the LCP states:

Ensure that impacts such as noise, outdoor lighting, etc., are mitigated at the point of origin.

The Coastal Act does not establish or enforce state or local noise standards. Although the LCP does contain the noise policy above, noise standards in themselves are not a Coastal Act issue and do not meet the grounds for an appeal.

The local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The issues raised above do not meet the grounds for an appeal.

II. LOCAL GOVERNMENT ACTION

On September 3, 2002 the Long Beach office received the Notice of Decision from the City of Rancho Palos Verdes City Council dated August 28, 2002 approving construction of a 400-room resort hotel (360 hotel rooms and 40 bungalow units) with a golf academy/practice facility on the 102.1 acre Long Point parcel. In addition to the 400 hotel rooms, the project includes 50 casitas (a maximum of 3 keys per unit) and 32 single-keyed villa units providing a total 582 room accommodations for the hotel, casitas and villas. The casitas and villas will be sold to individuals but managed by the hotel. Furthermore, the project includes a conference center, golf club house, related commercial uses, restaurants, public trails and park areas, coastal access points, 100 public parking spaces, natural open space and habitat areas (Resolution No. 2002-71). At the same hearing, City Council adopted Resolution No. 2002-70

certifying the Addendum to the Final Environmental Impact Report, dated June 11, 2002. The Final EIR was certified May 7, 2002. Coastal Development Permit (CDP) 166 for the development described above was appealed to the California Coastal Commission on September 5, 2002.

When the applicant went to the City for a coastal permit initially, the project was slightly different than what was ultimately approved by the City Council. On October 9, 2001 the City of Rancho Palos Verdes Planning Commission approved a project that consisted of a 550-room (400 guest rooms and 50 3-keyed casitas) resort hotel and conference center, 32 private villas, and a nine-hole golf course on 168.4 acres of land located within the City of Rancho Palos Verdes. The project was to be located on two distinct geographical areas: 103.5 acres of privately owned land located at 6610 Palos Verdes Drive South and formerly occupied by Marineland and 64.9 acres of publicly-owned land generally located at 30940 Hawthorne Boulevard and commonly known as Upper Point Vicente. However, after receiving direction from the City Council that the proposed development on the Upper Point Vicente area would not be permitted, the applicant returned to the City with a revised project excluding the City property and proposing the resort hotel be located only on the privately-owned land where Marineland once existed. On May 7, 2002, at a joint meeting between the City Council, Planning Commission and Finance Advisory Committee, the applicant presented the revised project. The City Council and Planning Commission decided that consideration for the revised project should remain at the Council level. Planning Commissioners were invited to provide input to the Council through staff prior to the June 18, 2002 Council meeting where Council conceptually approved the project and directed Staff to prepare the appropriate Resolutions and Conditions of Approval. The City Council held four noticed public hearings to consider the revised project and ultimately approving it on August 28, 2002 (Exhibit 4a).

At the conclusion of the August 28, 2002 public hearing, the City Council found that the proposed project is consistent with the goals and policies of the City of Rancho Palos Verdes certified LCP. The Council also adopted a Statement of Overriding Considerations, and a Mitigation Monitoring Program in connection with CUP No. 215, Grading Permit No. 2229, Variance No. 489, Coastal Development Permit No. 166 and Tentative Parcel Map No. 26073 for a proposed hotel and related uses to be known as the Long Point Resort.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The City of Rancho Palos Verdes Local Coastal Program was certified on April 27, 1983. Section 30603(a)(2) of the Coastal Act identifies the proposed project site as being in an appealable area by its location being between the sea and the first public road and within 300 feet of the top of the seaward face of a coastal bluff.

Section 30603 of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal

raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the conformity of the project with the policies of the City of Rancho Palos Verdes certified Local Coastal Program, pursuant to Public Resources Code Section 30625(b)(2).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-RPV-02-324 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes to construct 582-room resort: (400 hotel rooms, 50 three-keyed "casitas", and 32 "villas"), a golf academy/practice facility on the 102.1 acre Long Point parcel (Exhibit 5a & b) at 6610 Rancho Palos Verdes Drive South in the City of Rancho Palos Verdes. The project includes a 60,000 square-foot banquet facility/conference center, 8,000 square foot golf school/golf club house, related commercial uses, restaurants, public trails and park areas (2.2 acres), coastal access points, 100 public parking spaces (50 are located on the publicly owned Fishing Access Parking Lot), natural open space and habitat areas.

Along with the 100 public parking spaces, the coastal development permit requires 825 parking spaces are to serve the resort. Furthermore, the City staff report (June 18, 2002) describes an additional 150 parking spaces for the resort villa units at the northern portion of the site, just seaward of Palos Verdes Drive South. Each villa unit includes a two-car garage and a two-car driveway (However, the 150 villa parking spaces are not required in the coastal permit). Total parking required for the project is 875 plus the 50 additional public parking

spaces that the applicant has offered to construct at the publicly owned Fishing Access parking lot at the northwestern end of the site.

The project is located at 6610 Palos Verdes Drive South in Rancho Palos Verdes. The site consists of 102.1 acres of land that forms a peninsula that is seaward of Palos Verdes Drive South and is the former Marineland Aquatic Park property that closed down in 1985. The site has some existing development including large surface parking lots, vacant buildings and the Catalina Room banquet facility. Urgency Ordinances adopted by the City Council upon the closure of Marineland established a requirement for coastal access and public parking on the Long Point property. The parking and coastal access remain open during daytime hours 8:30 a.m. and 4:00 p.m.

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a Coastal Development Permit issued by the local government after certification of its Local Coastal Program (LCP) are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

Three appeals were received by the Commission's South Coast District office alleging that the Rancho Palos Verdes City Council approved Local Coastal Development Permit No. 166 is inconsistent with the certified LCP and Chapter 3 Public Access policies of the Coastal Act (See Section I). In many instances the applicant's intentions for different aspects of the project appear to be consistent with past Commission actions, however, the coastal permit simply delegates design standards to different agencies at the local level instead of requiring clear and specific guidelines. Due to various LCP and Coastal Act public access and recreation policies being raised by each appellant, the below analysis separates those arguments.

Public Access

In analyzing an appeal of a permit granted under a certified LCP, the Commission must find substantial issue if a project raises issue of consistency with either the public access policies of the Coastal Act or with the public access policies of a certified LCP.

- 1. Appellants Commissioners Wan and Dettloff contend that simply requiring public access trails to be constructed and not indicating specifically the locations or design standards of the trails may be inconsistent with the Public Access policies of the Coastal Act (Exhibit 1e).*

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The Corridors (Access Corridor) Element of the certified LCP states:

Continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments, but designed so as to retain privacy for adjacent residences within these developments.

The Corridors (Natural Corridor) Element of the certified LCP states:

Natural Corridors should, where desirable and feasible, be utilized as pedestrian access corridors providing access to the coastal bluff area and public use areas, and should have appropriate design treatment to insure pedestrian safety as well as retention and enhancement of the natural features.

At the City Council hearings the City Council adopted Condition No. 63 below with regard to trails. The proposed project land use map and site plan were available at the hearing to illustrate the applicant's compliance with the access issues. The map available at the Council hearing shows the Long Point Trail terminated at the southeastern coastal access point (Exhibit 5a). The ADA accessible portion of the trail continues north of the lower pool facility, up to the proposed public parking and then runs inland of 5 "casitas " privately owned rental units, to the eastern property line. In describing the applicant's responsibility to provide the trail, Condition 63 states:

63) *Prior to the issuance of any Certificate of Occupancy or the operation of the golf practice facility, whichever occurs first, the applicant shall complete the construction of the following public access trails...*

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).

Condition 70 states:

- 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.*

According to the applicant, who provided a map to coastal staff on September 6, 2002, after the City Council hearings were completed, the public access trail named "Long Point Trail" begins at the Fisherman's Access Lot, which is seaward and adjacent to Palos Verdes Drive South, extending to the south and turning into an east-west direction along the bluff top through the Long Point property. The map provided after the hearing shows the trail continuing seaward of the hotel and East Casita accommodations (Exhibit 5b). The applicant has stated that the Coastal Permit Conditions of Approval No. 63 and 70 clearly require construction of the Long Point Trail" (Exhibit 4b-d). However, the coastal permit does not explicitly require that the Long Point Trail extend seaward of the East Casitas and connect to the north/south Flowerfield Trail (a trail along the down coast property line) and the existing Vanderlip Trail (continuing east, along the bluffs). The CDP requires that construction of the public trails be completed to the satisfaction of the City staff and that the trails include the Marineland Trail Segment; the Long Point Trail Segment; The Flower Field Trail Segment; and the Café Trail Segment. Although the applicant representative has said to staff that it is the intent of the applicant to provide this continuous trail along the bluffs, the Coastal Commission must consider the formal action of the City Council in granting the permit and the public record at the time of action. The location of the trail, seaward of the casitas was not incorporated into the project at the time the City approved the Coastal Development Permit, therefore raises substantial issue with consistency to the Public Access policies of the Coastal Act.

Parking Supply

- 2) *Appellants Commissioners Wan and Dettloff contend that deficient parking is inconsistent with the LCP and the Public Access policies of the Coastal Act (Exhibit 1c & d).*

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Policy No. 3 of the Urban Environment Element Section states:

Any Coastal-Dependent and Commercial Recreational use shall provide at least ten percent of its parking for the use of the public.

The current project proposes 490 surface parking spaces, 375 structure spaces and 60 subterranean spaces for a total of 925 on-site parking spaces. 100 of the 925 spaces are designated for public parking during City Park Hours (one hour before sunrise to one hour after sunset). Proposed development not included in the coastal permit is described in the City Council June 18, 2002 Staff Report. The project also includes separate parking for the resort villa units. Each unit is designed to have a two-car garage and a two-car driveway for a total of 128 off-street parking spaces. 22 additional on-street parking spaces are also proposed (Exhibit 6b). The City found that since the proposed project does not consist of an independent land use but rather multiple uses (hotel, banquet, restaurants and golf), a shared traffic and parking study would be acceptable (Exhibit 6b). The study, provided by the applicant, concluded with various parking ranges, from .73 to 1.4 parking spaces per room. The applicant's traffic engineer determined and the City agreed that a parking rate of 1.4 or 1.5 parking spaces per room would be appropriate for this project. In their findings, the City noted a previous Coastal Commission approval for this site with a similar project requiring 1,007 parking spaces of which 10% set aside for public parking (A-5-RPV-91-46, Exhibit 8a). If the 150 parking spaces for the resort villas had been included in the coastal permit conditions, total required parking would be 975 for the resort and 100 for public parking (1,075 spaces). According to the City's zoning, approximately 914 parking spaces should be provided to serve the resort. 975 on-site parking spaces to serve the resort and its amenities appear to be adequate. However, the coastal permit only requires the applicant to provide 825 (Exhibit 4e). Again, Commission staff must analyze what is before them based on what was approved by the City. The City's condition requiring only 825 resort parking spaces is inconsistent with the City's parking standards. A deficiency in on-site resort parking may lead to public parking spaces being used by patrons or employees of the hotel resulting in a deficiency in public access to the site. In Rancho Palos Verdes there is little or no on street parking on the main coastal access road. Insufficient public parking is inconsistent with the LCP and public access policies of the Coastal Act.

The certified LCP requires that any coastal dependent and commercial recreational use provide at least ten percent of its parking for the use of the public. The coastal permit conditions require that the applicant provide 50 on-site public parking spaces and 50 additional parking spaces at the Fishing Access parking lot. In the existing A-5-RPV-91-46 CDP, the Coastal Commission required that 50 of the total public parking spaces be

located at the northwest portion of the property (Exhibit 8b). 50 public parking spaces on-site does not conform to the LCP requirement that 10 percent of required parking be used for public parking. However, the 50 additional spaces provided by the applicant that will be deeded to the City will improve an already heavily used public parking lot and is immediately adjacent to the project site. The Commission does not believe the provisions of public parking raises a substantial issue with consistency to the LCP, since 100 parking spaces is equal to or greater than ten percent of the parking.

The proposed project's potential traffic impacts at 1st and Western Streets and Malaga Cove do not adversely impact public access to the coast or its public amenities thus is not inconsistent with the public access policies of the Coastal Act.

3) *Appellant Robert Haase, Jr. contends that the EIR omitted "other congestion to be expected at 1st and Western Streets and Malaga Cove in Palos Verdes Estates – a principal direct access to the proposed hotel"*(Exhibit 3d).

1st and Western Street is approximately 6 to 7 miles east of the project site in the City of San Pedro and Malaga Cove is approximately 5 miles north of the site in Palos Verdes Estates. The appellant refers to pages A-25 and A-26 of Exhibit A in the Conditional Use Permit No. 215 Staff Report dated August 28, 2002. Exhibit A of the CUP staff report is the *Statement of Findings and Facts In Support of Findings*. The Traffic and Circulation findings begin on Page A-25. According to the report, the traffic study analyzed the Project's average daily trip generation and analyzed the Project's impacts at 25 local intersections. The document states in part:

The traffic studies and the analysis set forth in the FEIR and the Addendum concluded that the Revised Project would have a significant impact at only three (3) study area intersections projected to operate at Level of Service "E" or "F" during the peak hours: Silver Spur Road (NS) at Hawthorne Boulevard (EW); Hawthorne Boulevard (NS) at Palos Verdes Drive North (EW); and Western Avenue (NS) at 25th Street (EW). The FEIR and Traffic Study conclude that the impacts to these intersections will be reduced to less than significant levels with implementation of identified mitigation.

The City's Traffic Committee reviewed the study and recommended that the City Council certify the traffic portion of the FEIR and adopt the mitigation measures identified therein. The appellant does not state whether or not the issue he raises is inconsistent with the certified LCP or the Public Access policies of the Coastal Act. To the extent that traffic congestion impacts public access to the coastline or its amenities, consistency with the public access policies of the Coastal Act must be analyzed. The FEIR included an extensive traffic and circulation study that appears to address most if not all of the potential adverse impacts caused by the proposed project. The FEIR concludes that with adoption of the mitigation measures proposed, impacts will be reduced to less than significant. As stated above, the City did adopt suggested mitigation measures to reduce the traffic impacts of the development. The Coastal Commission has approved similar projects in the past in Rancho Palos Verdes (Ocean Trails, Long Point – A5-RPV-91-46).

The Commission does not find that traffic impacts at the intersections that the appellant lists in his appeal will have adverse impacts on public access and therefore concludes that the possibility of such impacts does not raise a substantial issue with the LCP or the public access policies of the Coastal Act.

Habitat

The proposed project poses issues with the habitat policies of the certified LCP.

- 1) *Appellants Commissioners Wan and Dettloff and the South Bay Group Sierra Club contend that the project allows specific non-native invasive tree species that may have adverse impacts to the native habitats and is therefore inconsistent with the certified LCP (Exhibits 1f & 2e).*

The Natural Element Section (N-44) states in part:

CRM 9 – Wildlife Habitat

Existing wildlife habitats can be retained with vegetation and natural drainage patterns maintained to provide water and foraging material in the habitat. It is important to review any proposed development within or adjacent to wildlife habitat districts for the nature of the impact upon the wildlife habitat and possible mitigation measures to fully offset any impacts.

The Natural Element Section, Policy No. 8 states:

It is the policy of the City to require developments within or adjacent to wildlife habitats (CRM 9) to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact.

The South Bay Group cites the Urban Environment Element Landscape/Hardscape guidelines, which state in part:

The use of plant materials and planting designs which reflect the natural coastal sage scrub character of the peninsula, and the Southern California coastline in general, is encouraged for open and common areas within developments rather than the use of extensive decorative materials and plans requiring extensive maintenance/watering, and which are in contrast with species/materials in remaining natural vegetation areas of the City.

The LCP designates the coastal bluff areas of the entire peninsula as having natural vegetation and natural wildlife habitat. The natural vegetation is described as coastal sage scrub. The wildlife habitat includes seasonal cover for many bird populations. The *Areas for Preservation of Natural Resources* map in the LCP designates the project area's coastal bluffs as Coastal Resource Management District 9 (wildlife habitat, Exhibit 11).

The Vegetation and Wildlife Habitats Terrestrial Section (Natural Element Section) of the LCP states in part:

Despite the intensive development that has taken place over the past decade, the Rancho Palos Verdes coastal region still possesses areas which are in a natural or near-natural state as well as some areas which had previously been scarred by extensive grading activity but are reverting to a natural state. These areas include the coastal bluff area, natural ravines and drainage canyons, a few hillsides and coastal plains, and the active portion of the Portuguese Bend landslide.

The basis for the habitat areas is the Coastal Sage Scrub. This is the characteristic plant community found on sandy marine terraces and dry rocky slopes below the 3000 foot elevation along Southern California.

The LCP continues on explaining the significance of this plant community in supporting a variety of animal habitats (i.e. gray fox, Cactus Wren, and Blacktailed Gnatcatcher). The Peninsula has some interesting relationships to the Channel Islands according to the LCP. Bird and plant species are found on the islands and on the Peninsula and nowhere else. An example of an endemic plant species that has been found on the Long Point site is the *Dudleya virens*. The El Segundo Blue Butterfly has also been found on the project site and its survival depends on native plant habitat such as Coastal Sage Scrub, specifically *Eriogonum parvifolium*, which is the larval food plant for the Butterfly.

The City approved the project and did not require the use of natural and native plants throughout the project area. It protected the bluff face on the western part of the property, requiring that the western bluff face be protected and a habitat enhancement area adjacent to it. Condition No. 78 states:

- 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. The Plan shall identify the plant and seed sources and the required lead time that will be needed to implement the plan. The plan shall also take into account protected view corridors as identified in the project EIR such that

future impacts from tree or other plant growth will not result. A colorful plant palette shall be utilized in the design of the hotel landscaping where feasible, provided that impacts to native and protected vegetation will not occur. No invasive plant species shall be included in the plant palette, except for the following species which exist on-site or within the immediate area: Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Shinus Molle (California Pepper Tree), Shinus Terebinthifolius (Florida Pepper Tree).

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

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

The special condition requires the buffer to contain only "suitable, local native species of vegetation". The applicant is required to submit to the Director of Planning and a "qualified biologist" a Habitat Enhancement Management Plan. The permit allows other groups to comment as well on the plan. However, no specific types of vegetation are identified in the coastal permit or in the Rancho Palos Verdes Municipal Code (RPVMC). The remaining sections of the Landscaping/Vegetation conditions specifically permit non-native, invasive plant species on-site within the immediate area of the hotel and the ancillary structures (Exhibit 4f & g). The specific invasive plants permitted per Condition 78 of the local coastal development permit are Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Shinus Molle (California Pepper Tree), Shinus Terebinthifolius (Florida Pepper Tree). The applicant contends that the invasives will only occupy areas adjacent to the resort structures and that the proposed 30-foot Habitat Enhancement Area and the additional 50-foot buffer located along the western side of the site is adequate protection of the sensitive bluff habitats. The lower pool area, which is located within the coastal setback along the eastern bluff, is not required by the coastal permit to have coastal bluff scrub vegetation. The lower pool facility may be included as one of the resort structures that the City has permitted invasive plants to be located next to.

The South Bay Group appellants contend that the invasive tree species may be detrimental to the bluff habitat, the mulefat habitat, or other near by habitat (Exhibit 2e &

t). They also state that the invasive plants are not characteristic of the natural native plant community and their invasive character may threaten the health of the Habitat Reserve on site (Exhibit 2e).¹

The Commissioners raise the following concern with the approval:

These permitted invasive plant species may have adverse impacts to native habitats in the project area and their uses, thus is inconsistent with the certified LCP policy to provide mitigation measures to “fully offset the impact” of development.

The Commissioners also contend that the permitted invasives may pose adverse impacts to sensitive habitats along the bluffs including but not limited to the El Segundo Blue Butterfly, a federally endangered native species of California. According to Volume IV (Biological Resources) of the certified Final Environmental Impact Report dated July 31, 2001, the El Segundo Blue Butterfly has been observed on the western bluff areas (Exhibit 12). In addition, while the coastal permit conditions require “suitable” native vegetation in the buffer areas, the conditions do not specifically prohibit *Eriogonum fasciculatum*, which is unsuitable habitat for the El Segundo Blue Butterfly. Adverse impacts to the El Segundo Blue Butterfly and other sensitive habitats caused by development that includes the installation of non-native invasive vegetation raises Substantial Issue with the Natural Element or Urban Environmental Element policies of the certified LCP. The applicant states that review by a qualified biologist, the City and the California Native Plant Society will result in a narrower definition for suitable plants. However, with no criteria to guide this committee, there is no indication that the plants will indeed be compatible with the bluff areas. Moreover only the western bluffs will be enhanced.

2) *Appellants South Bay Group of the Sierra Club assert that the vista points along the Long Point Trail Segment have not been clearly defined by the project’s plan and may potentially impact the bluff habitat (Exhibit 2d).*

The appellant cites the Corridors Element of the LCP, which states in part:

Where a protection/preservation corridor is located adjacent to an area involving human use (access, habitation), some buffer area should be designed/planned/maintained so as to avoid adverse impacts.

It is the policy of the City to: require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines.

¹ Appeal to the Coastal Commission by Palos Verdes South Bay Group – Sierra Club, dated 9/16/02, pages 1-5.

The project approved by the City of Rancho Palos Verdes includes a Habitat Enhancement Area, which applies to the western bluff areas. According to CP Condition No. 77, the enhancement area will extend from the Los Angeles County Fishing Access Parking Lot to the toe of the slope immediately north of the Lookout Bar and shall be 30-foot wide, as measured from the inland limits of the coastal bluff scrub (Exhibit 4f). The Condition also states that all public trails in this portion of the site shall not encroach into the Habitat Enhancement Area. Condition No. 78 defines the Habitat Enhancement Area as a “plant buffer for the El Segundo Blue Butterfly and the Bluff Habitat shall consist of suitable, locally native plants”.

Appellant South Bay Group of the Sierra Club asserts that the proposed vista points that are located along the Long Point Trail Segment may impact bluff habitat. The appellant argues that the LCP designates the bluffs as “Protection/Preservation Corridors” that are areas where human activity/presence be strictly controlled or excluded all together due to the need to prevent adverse impacts to sensitive habitat or hazards associated with the sea cliff edge (Exhibit 2d).¹

Coastal Permit Condition No. 69 requires that the applicant construct two Public Vista Points along the Long Point Trail Segment in locations to be approved by the Director of Planning, Building, and Code Enforcement. Habitat fencing and habitat protection signs are also required in and around any vista point. The appellant contends that the location or configurations of such vista points have not been indicated. Furthermore, a portion of the trail is on the inland edge of the 30-foot wide Enhancement Area, which is intended as a buffer for the bluff habitat reserve.¹

The appellant contends that because the location and configuration of the vista points is not yet known, it cannot be determined whether or not they will adversely impact habitat, thus raising a substantial issue with consistency to the LCP.

3) *Appellants South Bay Group of the Sierra Club contend that any degradation of that habitat due to changes in drainage patterns would be inconsistent with the intent of the LCP (Exhibit 2f).*

The appellant cites the Natural Element Section of the LCP, which states in part:

All factors of the natural environment inherently interact with one another. A change in any one factor may have a resulting series of reactions in any other factor. An example of this type of interaction is natural topography alteration resulting in change in hydrologic patterns which in turn may deprive natural vegetation of adequate irrigation causing a degradation of wildlife habitat.

¹ Appeal to the Coastal Commission by Palos Verdes South Bay Group – Sierra Club, dated 9/16/02, pages 1-5

There also exists in the coastal region a number of significant wildlife habitats which are directly associated with vegetation communities. These are generally found on bluff faces and natural canyon areas where wildlife thrives due to the protection and food found from natural vegetation. Though there are no formally recognized endangered or rare species of wildlife or vegetation, these wildlife habitats are significant because of the wide variety and numbers of wildlife which are associated with them. Additionally, the natural vegetation of grasses and wild flowers found on the hillsides and canyons gives a unique environmental character to the City which, if to be preserved, requires consideration of the natural drainage system and topography.

The appellant points out further that since the writing of the Coastal Specific Plan, many plant and animal species have been Federally listed as endangered or threatened.

The coastal permit drainage conditions require that the applicant submit for review 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 to the Director of Public Works and the Director of Planning, Building and Code Enforcement prior to issuance of building and grading permits (Exhibit 4h & i). The applicant contends that the drainage improvements will not adversely impact habitat and will even correct an accelerated erosion problem on the bluffs. However, specific design standards and plans for the intended drainage improvements have not been provided in the conditions. The appellant agrees that excess waste water should be directed away from the bluffs:

There is no doubt that excess waste water (e.g. runoff from near by irrigation) and its associated contaminants should be directed away from the sensitive bluff habitat. However, the bluff habitat has evolved in response to a natural drainage pattern, which contributes to its annual water needs. It will require careful biological and hydrological evaluation to achieve the right balance in this matter in order to assure the continued health of the bluff habitat.

The appellant believes that the Conditions of approval are ambiguous and necessitates further biological and hydrological review.

Conclusion:

In regards to the habitat issues discussed herein, the appellants contend that the City's approval of the proposed project does not conform to the requirements of the certified LCP (See Section I). Staff has recommended that the Commission concur that the locally approved project does not conform to the certified LCP and find that a substantial issue does exist with respect to habitat issues raised herein.

Public Recreation

The proposed project poses an issue with the designated Commercial Recreation land use of the certified LCP and with Section 30213 of the Coastal Act.

- 1) *Appellants Commissioners Wan and Dettloff contend that allowing owners to occupy the villa and casita units for the majority of the peak tourism season (Memorial Day to Labor Day) is inconsistent with the LCP designated commercial recreation land use (Exhibit 1d & e).*

Subregion 2 Section of the LCP states in part:

Any future development on the site will require City approval in the form of a Conditional Use Permit. Compatible uses could include those of a Commercial Recreational nature, visitor-oriented, such as additional oceanarium attractions, retail facilities, recreation uses, motel, convention facility, restaurants, museum, etc. Those considered not compatible are uses of a "carnival" nature.

17.22.030 of the City's Municipal Codes states in part:

The following uses may be permitted in the commercial recreational (CR) district pursuant to a conditional use permit, as per Chapter 17.60 (Conditional Use Permit):

- A. *Any new or reestablished use which is of an entertainment, visitor serving or recreational nature, including but not limited to a resort/conference hotel, restaurant, limited theme retail, tennis court, golf course and other entertainment and banquet facilities compatible with existing uses and the surrounding area. Such use, if located within the coastal specific plan district, shall be required to provide public access to and along the bluff and coastline;*
- F. *Golf courses, driving ranges and related ancillary uses;*
- J. *Outdoor active recreational uses and facilities; and*

The project includes 50 casitas and 32 villas that will have one owner per unit, who may occupy the unit for a maximum 29 consecutive days up to 60 days per year in the casitas and up to 90 days per year in the villas. The coastal permit requires that owner occupancy shall not exceed the 29 consecutive-day time period and that there be a 7-day minimum time period in between the 29-day stays. The casitas and villas are to be operated by the hotel and rented out to the public during the rest of the year. However, the coastal permit is silent regarding summer season occupancy.

The applicant contends that statistics show that the average stay for owners is less than 30 days a year and that buyers would much rather collect the income from the increased guest occupancy during the summer season than stay in the unit themselves and lose that potential profit. The applicant contends that the percentage of the project that will be available for day-to-day overnight use is still 69 percent. The applicant points out that the Coastal Commission has approved similar types of "investor-oriented, use-restricted unit" projects in the past (i.e. 5-96-282 – Hermosa Beach) with a 90-day restriction and no other restrictions during the summer months. The applicant has provided a list of factors explaining why he believes a summer restriction is not appropriate (Exhibit 9c & d).

Ultimately, based on the conditions, an owner could occupy the unit for the majority of the summer season preventing any use by the public. Thus, as currently written, the coastal permit raises issues of consistency with the designated use of the site, Commercial-Recreational. A commercial recreational use provides for visitor serving, public uses. Casita and villa ownership that monopolizes the summer season, preventing public use is not a visitor serving public use and therefore inconsistent with the certified LCP.

- 2) *Appellants Commissioners Wan and Dettloff contend that not providing lower cost over-night accommodations is inconsistent with Section 30213 of the Coastal Act (Exhibit 1d).*

Section 30213 of the Coastal Act

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Coastal Permit No. 166 is the approval of a high cost resort hotel. The project and its conditions do not address provisions of lower-cost visitor accommodations. The City coastal permit does require the applicant to pay a one million dollar in-lieu fee for affordable housing in Rancho Palos Verdes. However, the issue before the Commission is the provisions of the lower-cost overnight accommodations. Previously, in mitigating the abandonment of Marineland, a mass-market park, the Coastal Commission required that the applicant provide an in-lieu fee for the acquisition of land and/or construction of a low-cost visitor serving hostel facility (A-5-RPV-91-46, Exhibit 8b). This current coastal permit does not reference the previous permit condition that required an in-lieu fee for lower-cost public amenities or establish any relationship between the previous requirement and the current project, thus raises a substantial issue with consistency to Section 30213 of the Coastal Act.

Hazards/Coastal Setback Line

The proposed project poses an issue with the certified LCP Coastal Setback Line and with the hazard policies of the certified LCP.

1) *Appellants Commissioners Wan and Dettloff and the South Bay Group of the Sierra Club contend that allowing a lower pool facility within the designated Coastal Setback is inconsistent with the certified LCP (Exhibit 1e & 2g).*

In response to the near-vertical cliffs and the presence of landslides, the City's LCP includes a generalized delineation of hazard zones within the City. Each zone includes limitations on use, requirements for studies, and limitations on the location of development reflecting the degree to which it is anticipated that the land can be safely developed.

The zones are:

ZONE	ZONE DESCRIPTION	RESTRICTIONS/POLICY
CRM-1	Extreme slope	1) Allow only low intensity activities within coastal resource management districts of extreme slopes CRM 1
CRM-2	High slope	2) Require any development within the coastal resource management districts of high slopes and insufficient information to perform at least one and preferably two independent engineering studies concerning the geotechnical soils and other stability factors affecting the site
CRM-3	Hazard	3) Allow no new permanent structures within coastal resource management district of extreme hazard and be cautious of allowing human passage (3a). The same structural limitation applies to areas of high hazard (CRM3b) but human passage may be more readily allowed.
CRM-4	Marginally stable	4) Allow nonresidential structure not requiring significant excavation or grading within CRM 4 and 5.
CRM-5	Insufficient information	5) Allow nonresidential structure not requiring significant excavation or grading within CRM 4 and 5.

See Exhibit 13 for LCP maps of Areas of Consideration for Public Health and Safety and Natural Environment Element.

In addition to the Coastal Resource Management zones, the City established geologic hazard zones. These zones are similar to but not identical to the above categories. They include:

CATEGORY	Development Standard
Category 1	Areas unsuited to permanent structure.
1a	Unsafe for human passage.
1b	In general safe for human passage.
Category 2	Areas suitable for non-residential structures not requiring significant amount of grading.
Category 3	Areas in which existing geologic information is not sufficiently detailed to establish suitable for construction purposes
Category 4	Areas suitable for permanent tract type residential structures and supporting facilities in light of existing geologic information.

See Exhibit 14 for LCP maps of Geology and Landslide Areas.

The project includes a lower hotel pool, public restrooms and snack bar on a graded bench on the bluff face. According to Planning Commission Staff Report dated August 13, 2002 (Variance No. 489), preparation of the site for the lower pool area will include movement of 384 cubic yards of earth (91 cubic yards of cut for pool excavation and 291 cubic yards of fill). The depth of cut is five feet in height. Coastal Permit Condition No. 154 requires that the swimming pool and spa be double lined and contain a leak detection system, subject to review and approval by the City's Building Official. The City's public record, submitted to the Coastal Commission, contains geological reports from the applicant's geotechnical engineer, with concurrence from the City's engineer, that conclude that the proposed development is geologically feasible (Exhibit 10). According to the geotechnical reports, the site is underlain by intact basalt bedrock and the slope stability exceeds the required minimum 1.5 factor of safety. It appears that the area surrounding the lower pool is artificial fill according to the geology map included in the geotechnical reports. The applicant and the City contend that this particular site was disturbed previously by the former Marineland operation with tanks used to hold marine animals.

In approving the variance for the lower pool facility, the City found that because the site was determined geologically stable for this development and because the applicants were providing public amenities such as ADA access, restrooms and showers, snack bar, seating and viewing areas, the project was approvable. The variance was granted and this portion of the entire project is included in the coastal development permit.

The certified LCP establishes bluff top setbacks to protect views, habitat, and to address geologic stability. The certified LCP *Geology* map designates the subject area bluffs as Category 2 - areas suitable for light, non-residential structures not requiring significant excavation or grading. The LCP coastal setback line was set at the time the Coastal

Specific Plan was prepared. The coastal setback was identified as an area on the seaward edge of the bluff top and the entire bluff face, which was to remain undeveloped due to geologic instability (and also to protect habitat and views). The applicant contends that the delineation of the Coastal Setback line within this area does not truly reflect the site's ability to sustain development. Appellants of the South Bay Group site the Rancho Palos Verdes Municipal Code 17.72.040, which only allows public passive recreational improvements, i.e. trails, signage or protective fencing in the coastal setback zone, provided, that a conditional use permit is granted (Exhibit 2g). The Code continues with specific restrictions that prohibit other new uses and developments including but not limited to pools and spas. Finally, the LCP designates the bluff faces as extreme and high slopes with marginal stability overall. The designated districts require that use and development be restricted. Nonstructural uses such as passive parks and trails are considered appropriate. The proposed lower pool development represents new development within the coastal setback zone, and raises a substantial issue regarding the consistency of the approved permit with the LCP.

2) *Appellants Commissioners Wan and Dettloff contend that significant amounts of irrigation water could reduce the stability of the site, which is inconsistent with the LCP (Exhibit 1f).*

The LCP also states in part, for lands classified as marginally stable:

Preferred land use would include recreational facilities such as picnic areas, hiking trails, and equestrian trails. Use of the landslide areas for golf courses is a debatable issue, as significant amounts of irrigation water could reduce the stability of these areas.

The LCP provides for studies to be conducted in marginally stable areas in order to examine the stability of any such site and develop the constraints suitable for the particular site. The coastal permit provides for the design and review of the site's irrigation system and drainage improvements after issuance of the coastal permit based on those studies. The problem with such an approach is that the decision is not subject to review in advance of issuance of the permit thus raises a substantial issue regarding the consistency of the approved permit with the LCP.

Visual Impacts

The proposed project may pose an issue with the Visual Corridors policies of the certified LCP.

1) *Appellants Commissioners Wan and Dettloff contend that adverse impacts to designated view corridors, as specified by the certified LCP, is inconsistent with the LCP (Exhibit 1e).*

The Visual Corridor Section of the Corridors Element in the LCP states in part:

The Visual Corridors which have been identified in the General Plan and are discussed here are those which are considered to have the greatest degree of visual value and interest to the greatest number of viewers; and are thus a function of Palos Verdes Drive as the primary visual corridor accessible to the greatest number of viewers, with views of irreplaceable natural character and recognized regional significance.

The certified LCP designates two major vista corridors in the subject area. 1) Vertical Zone 1 (height zone – less than 16 feet) with a view corridor that provides a direct, full view of Point Fermin from the Point Vicente Fishing Access from the main road, Palos Verdes Drive South; 2) Vertical Zone 1 and Vertical Zone 2 (16 feet to 30 feet) with a view corridor that provides direct, partial views of Catalina Island and the Pacific Ocean from the main road, Palos Verdes Drive South. See Exhibit 2k for the LCP designated view corridors.

Public views from Palos Verdes Drive South at the northern edge of the property are slightly impacted due to the proposed eastern casitas and the hotel. Condition No. 51 of the Coastal Permit requires that any structures within the Vertical Zone 1 area may not exceed a 16-foot height limit as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline (Exhibit 4k). Condition No. 53 requires that no structure including architectural features, exceed the elevation height of Palos Verdes Drive South, as measured from the closest street curb, adjacent to the Resort Hotel Area (Exhibit 4L). The applicant contends that he is in agreement with the height conditions in the coastal permit and intends to abide by the height limits as imposed by the City. However, the Commission is unable to determine whether the 16-foot height limit will ultimately prevent adverse impacts to public views because the finished grade is not explicitly defined in the coastal permit. Without that information, the finished grade level is open to the applicant, city or contractor's discretion. Public views must be protected and preserved. Ambiguous height determinations have the potential to impact those views thus raises a substantial issue regarding the consistency of the approved permit with the LCP.

Intensity of Development

1) *Appellant Robert Haase, Jr.* - The appellant contends that the proposed project is inconsistent with goals of the City of Rancho Palos Verdes to protect both its natural and scenic resources.

The appellant cites the *Coastal Initiative, 1972*, the City's General Plan Goals Committee Report, and the City's Revised Draft General Plan, May 30, 1975 (Exhibit 3d & e). While these are goals of the LCP, it is unclear as to which aspects of the development fail to carry out these goals as set forth in the policies of the LCP. Staff has interpreted the appellant's concerns as potential issues with the intensity of development.

Policy 2 of the Urban Environmental Element Section and Policy 7 of the Subregion 2 Section in the LCP states:

Encourage actions deemed necessary or appropriate in the upgrading of Marineland so long as such action(s) is not detrimental or resulting in an adverse effect on surrounding areas.

The Subregion 2 Section of the LCP discusses the history of the Marineland site and the potential future use of the site. Marineland was the largest commercial activity in the City during its operation. The park brought in over 900,000 visitors a year in the 1970's. Prior to the closure of the park, the goal was that improvements be made to Marineland and an increase in attendance to 1.2 million visitors a year, as it was in the 1960's.

Subregion 2 Section of the LCP states in part:

Any future development on the site will require City approval in the form of a conditional use permit. Compatible uses could include those of a Commercial Recreational nature, visitor-oriented, such as additional oceanarium attractions, retail facilities, recreation uses, motel, convention facility, restaurants, museum, etc...

According to the certified LCP, the goal of the City for this particular site is commercial recreational development that will draw in visitors from all over the state and country. The proposed project includes a hotel, golf academy that may be used by the public, and various other recreation amenities for public use. Based on the LCP, the proposed project is consistent with the intensity of development for this site and for the City of Rancho Palos Verdes, thus does not raise a substantial issue regarding the consistency of the approved permit with the LCP.

C. Conclusion

Because of the importance of the certified LCP and the Coastal Act issues raised by the appellants, the proposed project must be reviewed and considered by the Commission pursuant to the City's certified LCP and the Chapter 3 Public Access policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the proposed project's conformance with the LCP and the Chapter 3 Public Access policies of the Coastal Act because the local coastal development permit does not adequately analyze and mitigate the potential impacts of the proposed project on public access, sensitive habitat, public recreation opportunities, the character of the surrounding community, and development on lands that are subject to natural hazards, and public views of scenic coastal areas.



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Chairman Sara Wan and Commissioner Shirley Dettloff

200 Oceangate, Suite 1000

Long Beach, CA 90802

(562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Rancho Palos Verdes

2. Brief description of development being appealed: Construction of a 400-room resort hotel (Bungalows included) with a golf academy/practice facility on the 102.1 acre Long Point parcel. In addition to the 400 hotel rooms, the project includes 50 casitas (a maximum of 3 keys per unit) and 32 single-keyed villa units providing a total 582 room accommodations for the hotel, casitas and villas. Furthermore, the project includes a conference center, golf club house, related commercial uses, restaurants, public trails and park areas, coastal access points, 100 public parking spaces, natural open space and habitat areas.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 6610 Palos Verdes Drive South, Rancho Palos Verdes, CA.

4. Description of decision being appealed:
a. Approval; no special conditions: _____
b. Approval with special conditions: XX
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-RPV-02-324
DATE FILED: September 17, 2002
DISTRICT: South Coast

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5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: _____
 - b. City Council/Board of Supervisors: XX
 - c. Planning Commission: _____
 - d. Other: _____
6. Date of local government's decision: August 28, 2002
7. Local government's file number: Coastal Permit No. 166

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:

Destination Development Corporation
Attn: Michael Mohler, Project Manager
11777 San Vicente Blvd, Suite 900
Los Angeles, CA 90049

2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

a. Robert C. Haase, Jr.
20 Sea cove Drive
Rancho Palos Verdes, CA 90275

b. Barbara Sattler
1904 Avenida Aprenda
Rancho Palos Verdes, CA 90275

c. Palos Verdes South Bay Group, Sierra Club
c/o Berry Holchin, Conservation Chair,
3949 Via Valmonte
Palos Verdes Estates, CA 90274 - 1153

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SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

The project approved by the local coastal development permit does not conform to the requirements of the certified LCP in regards to the following issues:

Public Access: Trails

According to a map provided by the applicant after the hearings were completed, dated September 5, 2002, the public access trail, named "Long Point Trail" begins at the Fisherman's Access Lot, which is seaward and adjacent to Palos Verdes Drive South, extending to the south and turning into an east-west direction along the bluff top through the Long Point property. The map shows the trail continuing seaward of the hotel and East Casita accommodations. However, the coastal permit does not explicitly require, as shown on the map, that the Long Point Trail extend seaward of the East Casitas and connect to the north/south Flowerfield Trail (a trail along the down coast property line) and the existing Vanderlip Trail (continuing east, along the bluffs). Instead, the CDP requires that the trail map be provided to the satisfaction of the City staff. Although it is the intent of the applicant to provide this continuous trail along the bluffs, it has not been formally incorporated into the project.

Parking Supply:

The parking provided is deficient according to city zoning. City zoning requires 914 on-site parking spaces but this coastal permit only requires the applicant to provide 825. The certified LCP requires that any coastal dependent and commercial recreational use provide at least ten percent of its parking for the use of the public. The LCP requires hotel developments to provide the following amounts of parking: 1 space for each guest room for the first 100 rooms; 1 half space for each room in excess of 100, plus 1 space for every 2 employees. The hotel, casitas and villas provide a total of 582 room accommodations thus requiring 341 parking spaces. Restaurants, bars and lounges require 1 space for every 3 seats; or 1 space for every 75 square feet of dining room area, whichever is greater. According to the coastal permit, the project includes 60,000 square feet for a conference center/banquet facility and 26,000 square feet for restaurant, bars and lounges. If an estimate of one half of that total area is used for dining, required parking for the restaurants alone is approximately 573 spaces. The project also includes a golf school/club house, driving range and 3-hole golf course. It is unclear how the City

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determined that the minimum total required parking be 825 spaces. The total required parking for the hotel, banquet, restaurant, bar and a lounge alone is 914 parking spaces, which exceeds the amount required by the City. The coastal permit conditions do require that the applicant also provide 50 on-site public parking spaces, which may be used by the hotel only after the City park closes for the evening. 914 parking spaces still exceed 875 parking spaces for the hotel/resort. Furthermore, having only 50 public parking spaces does not conform to the LCP requirement that 10 percent of required parking be used for public parking. The coastal permit does not include any conditions requiring additional parking for employees. It is unclear in the permit whether or not employee parking is included in the minimum 825 spaces. The total parking being provided is inconsistent with the parking required pursuant to the certified LCP.

Section 30213 of the Coastal Act:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Coastal Permit No. 166 is the approval of a high cost resort hotel. The project and its conditions do not address provisions of lower cost visitor accommodations. Previously, the Coastal Commission required that the applicant provide an in-lieu fee for the acquisition of land and/or construction of a low-cost visitor serving hostel facility (A-5-RPV-91-46). This coastal permit does not reference the previous permit conditions or any relationship to the current project.

Public Recreation:

The project includes 50 casitas and 32 villas that will have one owner per unit, who may occupy the unit for a maximum 29 consecutive days up to 60 days per year in the casitas and up to 90 days per year in the villas. The coastal permit requires that owner occupancy shall not exceed the 29 consecutive day time period and that there be a 7-day minimum time period in between the 29-day stays. The casitas and villas are to be operated by the hotel and rented out to the public during the rest of the year. However, the coastal permit is silent regarding summer season occupancy. Ultimately, based on the conditions, an owner could occupy the unit for the majority of the summer season preventing any use by the public. The coastal permit raises issues of consistency with the designated use of the site, commercial recreational. A commercial recreational use provides for visitor serving, public uses.

COASTAL COMMISSION

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EXHIBIT # 1d

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Casita and villa ownership that monopolizes the summer season, preventing public use is not a visitor serving public use and therefore inconsistent with the certified LCP.

Visual Impacts:

The certified LCP designates two major vista corridors in the subject area. 1) Vertical Zone 1 (height zone – less than 16 feet) with a view corridor that provides a direct, full view of Point Fermin from the Point Vicente Fishing Access from the main road, Palos Verdes Drive South; 2) Vertical Zone 1 and Vertical Zone 2 (16 feet to 30 feet) with a view corridor that provides direct, partial views of Catalina Island and the Pacific Ocean from the main road, Palos Verdes Drive South.

Public views from Palos Verdes Drive South at the northern edge of the property are slightly impacted due to the proposed eastern casitas and the hotel. The local approval requires that any structures within the Vertical Zone 1 area may not exceed a 16-foot height limit as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline. Pad elevations for the hotel, casitas and villas may not exceed Palos Verdes Drive South elevations. At this point, staff is unable to determine whether or not the 16-foot height limit will prevent adverse impacts to public views because staff is unable to determine the finished grade.

Hazards

The project includes a lower hotel pool, public restrooms and snack bar on a graded bench on the bluff face. The certified LCP establishes bluff top setbacks to protect views, habitat, and to address geologic stability. The LCP *Natural Environmental Element* map designates the bluff top and bluff face on this property as Coastal Resource Management (CRM) District 1, extreme slope; CRM District 3, geologic hazard; CRM District 4, marginally stable; and CRM District 7, flood-inundation hazard. The certified LCP *Geology* map designates the subject area bluffs as Category 2 - areas suitable for light, non-residential structures not requiring significant excavation or grading. The LCP coastal setback zone includes all lands in Categories 1, 2 and 3. The coastal setback was identified as an area on the seaward edge of the bluff top and the entire bluff face, which was to remain undeveloped due to geologic instability (and also to protect habitat and views). The landslide area (in the eastern portion of the site, near Portuguese Bend Club) is restricted from all development. Finally, the LCP designates the bluff faces as extreme and high slopes with marginal stability overall. The designated districts require that use and development be restricted. Nonstructural uses such as passive parks and trails are considered appropriate. The applicant justifies the development of the pool because in this location, the bench has a factor of safety of 1.7, above the 1.5 minimum. The bench was graded as a result of the previous Marineland development. However, the proposed lower pool development represents new development on the bluff face, within the coastal setback zone, and still raises an issue as to whether or not it is an appropriate use for this area.

COASTAL COMMISSION

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EXHIBIT # 1e

PAGE _____ OF _____

The LCP also states in part, for lands classified as marginally stable:

Preferred land use would include recreational facilities such as picnic areas, hiking trails, and equestrian trails. Use of the landslide areas for golf courses is a debatable issue, as significant amounts of irrigation water could reduce the stability of these areas.

The LCP provides for studies to be conducted in marginally stable areas in order to examine the stability of any such site and develop the constraints suitable for the particular site. The coastal permit provides for the design and review of the site's irrigation system and drainage improvements after issuance of the coastal permit based on those studies. The problem with such an approach is that the decision is not subject to review in advance of issuance of the permit.

Habitat

The certified LCP designates the coastal bluff areas of the entire peninsula as having natural vegetation and natural wildlife habitat. The natural vegetation is described as coastal sage scrub. The wildlife habitat includes seasonal cover for many bird populations. The Areas for Preservation of Natural Resources map in the LCP designates the project area's coastal bluffs as Coastal Resource Management District 9 (wildlife habitat).

The Natural Element Section, Policy No.9 states:

It is the policy of the City to require developments within or adjacent to wildlife habitats (CRM 9) to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact.

The project does not propose any habitat protection or restoration for the eastern bluff areas. The project does include both habitat protection and restoration for the western bluff areas. A 30-foot wide buffer area runs adjacent and landward of the designated Habitat Preserve on the western bluffs. The buffer is required to contain only "suitable, local native species of vegetation". The coastal permit conditions do not specifically prohibit Eriogonum fasciculatum, which is unsuitable habitat for the El Segundo Blue Butterfly. According to the certified Final Environmental Impact Report dated July 9, 2001, the El Segundo Blue Butterfly has been observed on the western bluff areas. The coastal permit conditions also allow specific invasive plants within the plant palette design within the hotel landscaping: Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Schinus Molle (California Pepper Tree) and Schinus Terebinthifolius (Florida Pepper Tree). These permitted invasive plant species may have adverse impacts to native habitats in the project area and their uses, thus is inconsistent with the certified LCP policy to provide mitigation measures to "fully offset the impact" of development.

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State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Sara J. [Signature]*
Appellant or Agent

Date: 9/17/02

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

COASTAL COMMISSION
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PAGE _____ OF _____

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Shirley R. Dettloff*
Appellant or Agent

Date: 9/17/02

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

COASTAL COMMISSION
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EXHIBIT # 2h
PAGE _____ OF _____

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

RECEIVED
South Coast Region



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

SEP 16 2002

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Palos-Verdes South Bay Group, Sierra Club
40 Barry Holchin, Conservation Chair, 3949 Via Valmonte
Palos Verdes Estates, CA 90274-1153 (310) 378-3780
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF RANCHO PALOS VERDES

2. Brief description of development being appealed: LONG POINT RESORT HOTEL (400 rooms including Bungalows), golf academy/practice area, 50 casitas, 32 villa units, conference center, clubhouse, related commercial uses, rest trails, pools, natural open space and habitat areas on 102.1 acre parcel.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 6610 Palos Verdes Drive South Rancho Palos Verdes 90

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: (205 conditions)

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-RPV-02-324

DATE FILED: 9/16/02

DISTRICT: Long Beach

H5: 4/88

COASTAL COMMISSION
A5-RPV-02-324

EXHIBIT # 2a

PAGE _____ OF _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: AUGUST 28, 2002

7. Local government's file number (if any): COASTAL PERMIT No. 166

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Destination Development Corporation
1177 San Vicente Blvd Suite 900
Los Angeles CA 90049-6615

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Jim Knight
5 Cinnamon Lane
Rancho Palos Verdes CA 90275
- (2) Barbara Sattler
1904 Avenida Aprenda
Rancho Palos Verdes CA 90275
- (3) Dena Friedson
1737 Via Boronada
Palos Verdes Estates, CA 90274
- (4) Ann Shaw
30036 Via Borica
Rancho Palos Verdes CA 90275

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

- ① Location of Vista Points not indicated. They may impact sensitive biological resources of bluff habitat which would be inconsistent with CS
- ② Invasive trees specified in landscape Plan - inconsistent with CSP because, characteristic of the natural native plant community and potentially detrimental to
- ③ Grading and Drainage may impact bluff habitat resources which m be protected under CSP.
- ④ Lower Pool located in Coastal Setback zone violates RPVMC 17.72.

<see attachments for detail>

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Conservation Chair Barry W. Holech
Palos Verdes South Bay Group
Sierra Club

Signature of Appellant(s) or
Authorized Agent

Date Sept. 16, 2002

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

COASTAL COMMISSION
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EXHIBIT # 2C

PAGE _____ OF _____

4 Vista Points along the Long Point Trail Segment have not been clearly defined by the Project's Plan and may potentially impact the bluff habitat.

→ The City's Coastal Specific Plan designates the bluffs as "Protection / Preservation Corridors" and states that protection/preservation corridors "are basically 'avoidance' corridors or areas based upon the requirement that human activities/presence be excluded or stringently controlled due to the need to preserve valuable/sensitive natural habitats and/or to avoid geologic or other land related conditions involving hazard or danger, such as the sea cliff edge." *(C-15) The Federally endangered El Segundo blue butterfly (Euphilotes battoides allyni) and its corresponding habitat exists on the western bluffs in the Habitat Reserve. The Revised Biological Section of the FEIR for the project documents the significant coastal resources that exist on these bluffs.

Condition of Approval # 69 states that two Vista Points will be located along the Long Point Trail. The location or configuration of such Vista Points has not been indicated. A segment of the Long Point trail is on the inland edge of a 30 foot wide "Habitat Enhancement Area" which is intended as a buffer for the bluff Habitat Reserve. Such a buffer is required by the City's CSP which states, "Where a protection/preservation corridor is located adjacent to an area involving human use (access, habitation), some buffer area should be designed/planned/maintained so as to avoid adverse impacts." *(C-15) Condition # 77 adds that "public trails in this portion of the site shall not encroach into the Habitat Enhancement Area".

The CSP further states, "It is the policy of the City to: require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines." *(C-16) However, because the location and configuration of the Vista Points is yet unknown, it cannot be proven that they are consistent with the Coastal Specific Plan. It is not possible to evaluate whether these Vista Points might intrude into habitat or buffer areas or have other habitat impacts, including, but not limited to fragmentation. Certainly, if either Vista Point were to intrude upon or detrimentally impact sensitive habitat on the bluff or bluff top, it would be inconsistent with the Coastal Specific Plan.

Visual Corridors addressed by the Coastal Specific Plan include those from Palos Verdes Drive South, which transect the site southward towards Catalina and eastward towards Point Fernin. The CSP does not identify any other view corridors from the project site, and there are none identified in a westward or southwestward direction from the site. *(C-10) If the developer or the Coastal Commission wishes to have a westerly Vista Point in addition to the view corridors described in the City's CSP, the Lookout Bar, located just south of the Habitat Enhancement Area, would provide such a view.

It would be inconsistent with the Coastal Specific Plan to impact the sensitive biological resources of the bluffs and there is no compelling reason to do so. Therefore, we request that the Coastal Commission prohibit any View Point from intruding into the westerly area of the project designated as the Habitat Enhancement area or Habitat Buffer area.

* Corresponding page(s) in Rancho Palos Verdes Coastal Specific Plan

See attachments:

- Conditions of Approval # 62, 69, 77
- Visual Corridors, Exhibit 5.1-4
- Resort Hotel Site Development/Grading Plan 5/20/02
- Coastal Specific Plan Land Use Map Designations, Exhibit 5.7-2
- July 26, 2001 Letter from Kendall Herbert Osborne, Biological Consulting
- Biological Resources Within Resort Hotel Area, Exhibit 5.3-1

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2 The Project's Landscape Plan allows the use of invasive trees, which may be detrimental to the bluff habitat, the mulefat habitat, or other nearby natural habitat.

Condition of Approval # 78 and Conditions of Approval # 80, # 120, and # 150, which are dependent upon Condition # 78, make specific allowances for the use of several species of invasive trees on the project site including: "Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Shinus Molle (California Pepper Tree), Shinus Terebinthifolius (Florida Pepper Tree)."

However, the City's Coastal Specific Plan states "The use of plant materials and planting designs which reflect the natural coastal sage scrub character of the peninsula, and the Southern California coastline in general, is encouraged for open and common areas within developments rather than the use of extensive decorative materials and plans requiring extensive maintenance/watering, and which are in contrast with species/materials in remaining natural vegetation areas of the City." *(U-72)

The CSP also states, "The existing natural vegetation of Rancho Palos Verdes is a major component of the environmental character of the City. ... The retention of wild flowers, low coastal sage scrub, chaparral, and grasslands communities is desirable as is revegetation with native material wherever clearing of vegetation is required." *(N-44)

The invasive tree species listed in Condition 78 are common and weedy and thus create a distorted impression of what is native and natural in the Southern California Coastal plant community. These tree species are not at all characteristic of the natural coastal sage scrub habitat. Thus the Project's Landscape Plan is inconsistent with the Coastal Specific Plan. The inclusion of these invasive species would also be inconsistent with policies previously adopted and currently in use by the California Coastal Commission for the nearby development at Ocean Trails where the use of these species is forbidden. The inclusion of these weedy trees would also be especially inappropriate on this site because much of the nearby area is hoped to be part of a habitat preserve once a local NCCP is adopted.

Furthermore, the California Exotic Pest Plant Council lists several of these tree species as invasive pest plants. Because of their invasive qualities, we are concerned about potential detrimental impacts to the sensitive habitat of the bluff top and bluff face. A management plan is proposed in Condition 78 "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." However, it is not clear that such measures would be adequate to prevent the intrusion of these species into the sensitive habitat areas. We are particularly concerned that any invasive species that might become established on the steep inaccessible bluff face would be particularly difficult to eradicate without detrimental impacts to sensitive native habitat.

Such habitat impacts would be inconsistent with the Rancho Palos Verdes Coastal Specific Plan which requires "developments within or adjacent to wildlife habitats *(CRM 9) to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact." *(N-46)

We believe that the inclusion of invasive tree species in Condition # 78 and it's dependent Conditions is inconsistent with the Coastal Specific Plan both because these species are not characteristic of the natural native plant community and because their invasive character may threaten the health of the Habitat Reserve on site. For these reasons, we request that the Coastal Commission prohibit the planting of these invasive species on this project site.

* Corresponding page(s) in Rancho Palos Verdes Coastal Specific Plan

See attachments:

Conditions of Approval # 78, 80, 120, 150
List of Invasive Plants
Biological Resources Within Resort Hotel Area, Exhibit 5.3-1
Coastal Specific Plan Land Use Map Designations, Exhibit 5.7-2

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3 It is not yet clear whether Grading and Drainage on the site might impact the bluff habitat.

The City's Coastal Specific Plan states: "All factors of the natural environment inherently interact with one another. A change in any one factor may have a resulting series of reactions in any other factor. An example of this type of interaction is natural topography alteration resulting in change in hydrologic patterns which in turn may deprive natural vegetation of adequate irrigation causing a degradation of wildlife habitat." *(N-36)

The CSP also states, "There also exist in the coastal region a number of significant wildlife habitats which are directly associated with vegetation communities. These are generally found on bluff faces and natural canyon areas where wildlife thrives due to the protection and food found from the natural vegetation. Though there are no formally recognized endangered or rare species of wildlife or vegetation, these wildlife habitats are significant because of the wide variety and numbers of wildlife which are associated with them. Additionally, the natural vegetation of grasses and wild flowers found on the hillsides and canyons gives a unique environmental character to the City which, if to be preserved, requires consideration of the natural drainage system and topography." *(N-38 - N-39) Since the CSP was written, several species of plants and animals have been Federally listed as endangered or threatened, adding to the significance of these coastal resources.

This concern is generally addressed by Condition of Approval # 162, however further analysis will be needed in order to determine whether the Project's Grading and Drainage might impact the bluff habitat. Any degradation of that habitat due to changes in drainage patterns would be inconsistent with the intent of the Coastal Specific Plan.

There is no doubt that excess waste water (e.g. runoff from nearby irrigation) and its associated contaminants should be directed away from the sensitive bluff habitat. However, the bluff habitat has evolved in response to a natural drainage pattern, which contributes to its annual water needs. It will require careful biological and hydrological evaluation to achieve the right balance in this matter in order to assure the continued health of the bluff habitat.

Therefore, we request that the Coastal Commission require a biological and hydrological review to determine what, if any, impacts alteration of drainage patterns from the grading plans might have on wildlife or habitat.

* Corresponding page(s) in Rancho Palos Verdes Coastal Specific Plan

See Attachments:

- Condition of Approval # 162
- Biological Resources Withing Resort Hotel Area, Exhibit 5.3-1
- Coastal Specific Plan Land Use Map Designations, Exhibit 5.7-2

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4) The Lower Pool is located inside (toward the ocean) the Coastal Setback Line, which is inconsistent with the Coastal Specific Plan.

Condition of Approval # 33 relies on a Variance which allows the Lower Pool to be located seaward of the Coastal Setback Line. This is contrary to Rancho Palos Verdes Municipal Code 17.72.040, which states in part:

"..public passive recreational improvements, including but not limited to, trails, signage or protective fencing may be permitted in the coastal setback zone; provided, that a conditional use permit is approved pursuant to Chapter 17.60 (Conditional Use Permits) of this title, and a geology report is approved by the city's geologist. All other new uses and developments in this zone are prohibited including, but not limited to, slabs, walkways, decks six inches or more in height, walls or structures over forty-two inches in height, fountains, irrigation systems, pools, spas, architectural features such as cornices, eaves, belt courses, vertical supports or members, and chimneys and grading involving more than twenty cubic yards of earth movement, or more than three feet of cut or fill. (Ord. 320 § 7 (part), 1997)"

*Corresponding page(s) in Rancho Palos Verdes Coastal Specific Plan

See attachments:

Resort Hotel Area Geologic Map, Exhibit 5.5-1
Condition of Approval # 33
Coastal Specific Plan Land Use Map Designations, Exhibit 5.7-2
Resort Hotel Site Development/Grading Plan
Resort Hotel Area Geological Map, Exhibit 5.5-1

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List of Attachments:

Excerpts from Final Conditions of Approval
Visual Corridors, Exhibit 5.1-4
July 26, 2001 Letter from Kendall Herbert Osborne, Biological Consulting
List of Invasive Plants
Biological Resources Within Resort Hotel Area, Exhibit 5.3-1
Coastal Specific Plan Land Use Map Designations, Exhibit 5.7-2
Resort Hotel Site Development/Grading Plan
Resort Hotel Area Geological Map, Exhibit 5.5-1

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CALIFORNIA
COASTAL COMMISSION

Excerpts from Final Conditions of Approval

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

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

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

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. The Plan shall identify the plant and seed sources and the required lead time that will be needed to implement the plan. The plan shall also take into account protected view corridors as identified in the project EIR such that future impacts from tree or other plant growth will not result. A colorful plant palette shall be utilized in the design of the hotel landscaping where feasible, provided that impacts to native and protected vegetation will not occur. No invasive plant species shall be included in the plant palette, except for the following species which exist on-site or within the immediate area: Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Shinus Molle (California Pepper Tree), Shinus Terebinthifolius (Florida Pepper Tree).

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

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EXHIBIT # 2i

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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.

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.

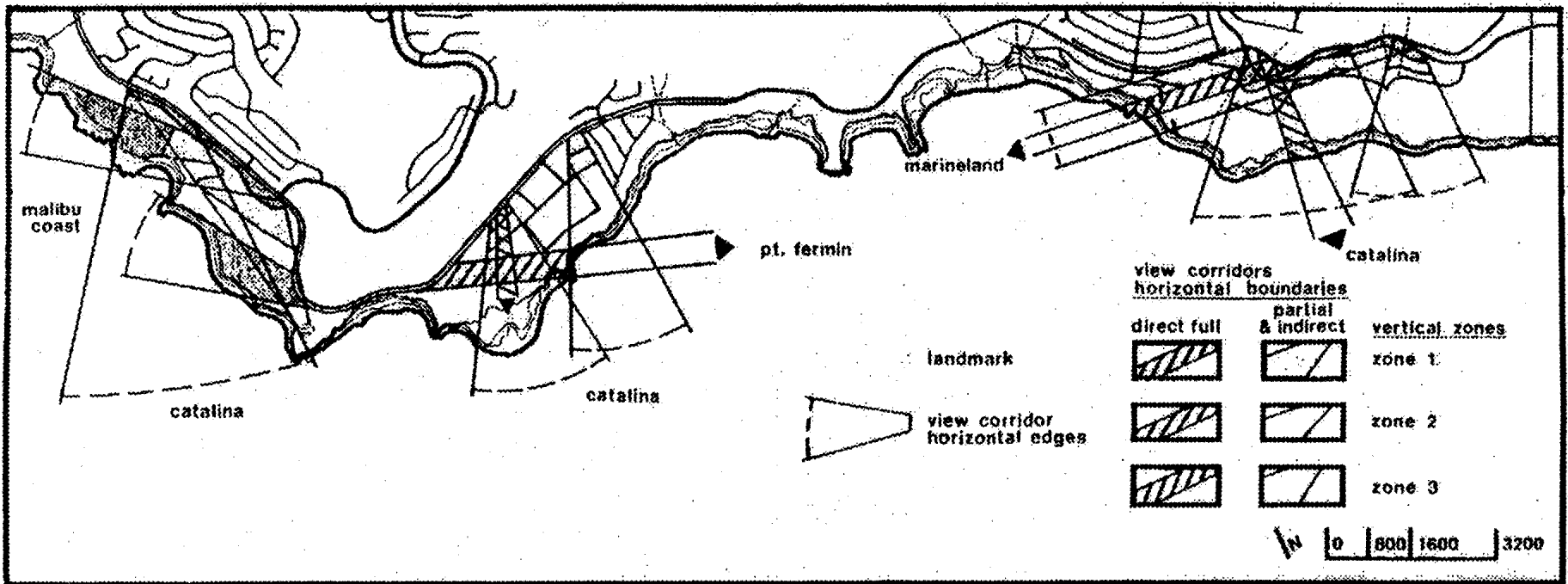
120. Prior to issuance of any Certificate of Occupancy, the applicant shall improve with landscaping and irrigation the median and parkway along Palos Verdes Drive South, in the area generally located in front of the project site's entrance driveway, including the portion of the median that is to be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

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

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.

Excerpted from: Long Point Resort Hotel Conditions of Approval, (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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Kendall Herbert Osborne
Biological Consulting
7451 Mt. Vernon St.
Riverside, CA 92504

Attn: Ann Johnston
BonTerra Consulting
151 Kalmus Drive, Suite E-200
Costa Mesa, CA 92626

July 26, 2001

RE: Summary of results and conclusions for survey of endangered butterflies on the Long Point project site including the Upper Point Vincente Area and the Resort Hotel Area

Bon Terra Consulting has requested a habitat assessment and focused adult surveys for the Palos Verdes blue butterfly and El Segundo blue butterfly on the proposed Long Point project site which includes the "Upper Point Vincente Area" and the "Resort Hotel Area" Located in Rancho Palos Verdes, Los Angeles County, California. Refer to the BonTerra Consulting resource exhibits from the biological technical report for specific project area locations. The total acreage of the sites is approximately 168.4 acres. This letter is prepared as a summary of results for inclusion in the project Environmental Impact Report (EIR). A more thorough and detailed report on biological background of the butterfly species in question, survey methods, results, discussion and detailed mitigation recommendations will be provided in a report shortly to be submitted to Bon Terra and USFWS, Carlsbad, as required by my survey permit.

To assess the proposed development area for potential as habitat for the federally endangered Palos Verdes blue butterfly (PVB, *Glucopsyche lygdamus palosverdesensis*), and federally endangered El Segundo blue butterfly (ESB, *Euphilotes battoides allyni*) and to determine presence or absence of PVB and/or ESB on the site, a series of field visits and surveys was conducted between March 17 and April 22, 2001 (for PVB) and between June 20 and July 26, 2001 (for ESB) by Kendall H. Osborne under USFWS 10(a) Permit No. TE-837760-4. Timing of the survey effort for both butterfly species was concurrent with known flight periods of these species for this year (determined from local populations). Specifically, surveys for PVB were conducted on March 17, 23, 31, and April 3, 22, 2001, and for ESB on June 20, and July 2, 9, 23, and 26, 2001.

The purpose of the field surveys was to evaluate the habitat potential for PVB and ESB and during the course of the known flight seasons for these butterflies, conduct focused surveys for adults of these species. While conducting adult survey work, notes were taken on host plant species and abundance and other resources and site conditions important to the biology and ecology of both PVB and ESB.

The survey determined that the project areas currently consist primarily of landscapes dominated by exotic vegetation. The Resort Hotel Area portion of the Long Point project site was found to consist mainly of parking lots, open exotic grass fields, and exotic landscaping, with the exposed ocean-facing bluffs remaining in a largely natural state. The Upper Point Vincente Area also has extensive exotic grasses, landscaping,

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buildings etc., but also supports extensive coastal sage scrub set within the larger context of open grasslands.

Regarding PVB, Resort Hotel Area does not support any PVB hostplant and has no potential for support of a PVB population in its current condition (without hostplant presence). Within the Upper Point Vincente Area, associated with one portion of the coastal sage were found approximately 200 *Astragalus trichopodus* plants, an important PVB host. The *Astragalus* was confined to an area of approximately 2000 square meters, within mixed *Artemisia* - *Encelia* coastal sage at the foot of a hill (western promontory, west of City buildings). The other known or potential PVB hostplant *Lotus scoparius* was not found on either site.

No PVB were seen during the course of the surveys. The lack of observed PVB, when it was known to be flying at other locations on the Palos Verdes Peninsula, indicates that a population does not currently exist on the property in question. The subject property is located a short distance from an important historic PVB population to the northeast at Hess Park. It is my professional opinion, given the abundance of *Astragalus trichopodus* and extensive coastal sage set in the larger context of open grasslands, that although the property does not currently support PVB, the subject property could easily support PVB were it reintroduced. Conservation and enhancement of the coastal sage scrub and associated *Astragalus* as project mitigation on the site may be compatible with a planned golf course and may be important to recovery of PVB on the Palos Verdes Peninsula.

The ESB is another endangered butterfly of the Palos Verdes area. The ESB is primarily associated with *Eriogonum parvifolium*, but has been considered by some biologists to have potential on *Eriogonum cinereum*. *Eriogonum cinereum* was found to be abundant in coastal sage scrub of the Upper Point Vincente Area, and *E. parvifolium* was found to be absent in this upper area - as was the ESB. However, on the Resort Hotel Area portion of the project site, the bluffs were found to support abundant *E. parvifolium* and the ESB was found to be abundant here as well. The ESB and associated *E. parvifolium* were all found on the bluffs north of the Long Point* (*geographic feature listed in USGS topographic map). *Eriogonum cinereum* was present on the bluffs southeast of Long Point*, but like the Upper Point Vincente Area, ESB was not found associated with this *E. cinereum*.

Most of the ESB were located along the bluff tops, bluff faces, and foot of the bluff north of and around the narrow (un-named) point located immediately north of Long Point*. This is the stretch of bluff located just south of the Fisherman's access parking location. Several ESB and *E. parvifolium* were also found south of the narrow point on the bluff faces.

The proposed golf course and hotel on the Resort Hotel Area may jeopardize the ESB population in various ways by adverse alteration of habitat, but specific mitigation measures for impacts may actually improve the status of ESB on the "Resort Hotel Area" in ways compatible with a golf course/development plan. In general, expected adverse habitat modifications may come about by landscaping with exotic plants and associated irrigation, leading to elimination of ESB resting areas in the lee of prevailing winds - landward of the bluff crest, and invasion of ESB habitat by exotic plants with associated promotion of exotic ants and other exotic arthropods and mollusks which would ultimately be deleterious to ESB. Recommended mitigation measures include creation

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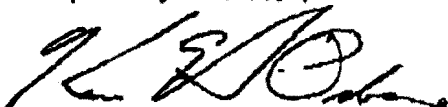
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of a substantial natural buffer between exotic landscaping and the bluff crest; preservation and enhancement of buffer land in the marginal lee of the bluff crest for ESB and its host; elimination of and maintained exclusion of certain invasive exotic plants from the bluff margin, crest and face; restoration of bluff habitat south of Long Point; and assurance that irrigation will drain/percolate away from the bluff face.

Respectfully submitted,



Ken H. Osborne

cc USFWS, Carlsbad

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PALOS VERDES CONSERVANCY 310 541 7623 P. 2
LIST OF INVASIVE PLANTS

Scientific Name	Common Name	Source		
		CalEPPC	CNPS	OT
XPC = Ocean Trails Prohibited Invasive Ornamental Plants				
CalEPPC Lists				
1 = annual grasses list				
2 = List B: Wildland Pest: Plants of Lesser Invasiveness				
3 = List A-2: Most Invasive Wildland Pest Plants; Regional				
4 = List A-1: Most Invasive Wildland Pest Plants; Widespread				
5 = List Red Alert: Species with potential to spread explosively; infestations currently restricted				
P = List Need More Info - Possible Listing				
C = List Considered but not listed				
Acacia cyclops	Acacia		X	X
Acacia dealbata	Acacia	XP		X
Acacia decurrens	green wattle	XP		X
Acacia longifolia	Sidney Golden Wattle		X	X
Acacia melanoxylon	Blackwood Acacia		X	X
Acacia melanoxylon	blackwood acacia	XP		
Acacia redolens	a.k.a. A. Ongerup			X
Acacia sp. (all species)	Acacia			X
Achillea millefolium var. millefolium	Common Yarrow			X
Aegilops triuncialis	barbed goatgrass	X1		
Aeschynomene rudis	rough jointvetch	XP		
Agave americana	Century plant			X
Ageratina adenophora	eupatory	X2		
Agrostis avenacea	Pacific bentgrass	XP		
Ailanthus altissima	Tree of Heaven	X3	X	XPO
Albizia lophantha	plume acacia	XC		
Alhagi pseudalhagi	camel thorn	X5		
Ammophila arenaria	European beach grass	X4		
Anthoxanthum odoratum	sweet vernal grass	XC		
Aptenia cordifolia	Red Apple	XP	X	XPO
Arctotheca calendula	Cape Weed	X5		XPO
Arctotis sp. (all species & hybrids)	African daisy			XPO
Arundo donax	Giant Reed, Arundo Grass	X1	X	XPO
Asphodelus fistulosus	asphodel	XC		XPO
Atriplex glauca	White Saltbush			XPO
Atriplex semibaccata	Australian saltbush	X3		XPO
Avena barbata	slender wild oat	X1	X	X
Avena fatua	wild oat	X1	X	X
Bassia hyssopifolia	bassia	X2		
Bellardia trixago	bellardia	X2		
Brachypodium distachyon	false brome	X1		
Brassica nigra	black mustard	X2	X	X
Brassica rapa	field mustard		X	X
Brassica tournefortii	Moroccan or African mustard	X3		
Bromus diandrus	ripgut brome	X1	X	X
Bromus hordeaceus [B. mollis]	brome grass, softchess			X
Bromus madritensis ssp. rubens	red brome	X3		
Bromus mollis	Brome Grass, Soft Chess		X	
Bromus rubens	Foxtail Chess		X	X
Bromus tectorum	cheat grass, downy brome	X4		
Cardaria chalapensis	lens-podded, white-top	X2		
Cardaria draba	white-top, hoary cress	X3		
Carduus acanthoides	giant plumeless thistle	XP		
Carduus pycnocephalus	Italian thistle	X2	X	X
Carpobrotus chilensis	sea fig	XC		X
Carpobrotus edulis	iceplant, sea fig	X4		

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<i>Centaurea calcitrapa</i>	purple starthistle	X2		
<i>Centaurea maculosa</i>	spotted knapweed	X5		
<i>Centaurea melitensis</i>	locote, Malta starthistle, yellow star thistle	X2	X	X
<i>Centaurea solstitialis</i>	yellow starthistle	X4	X	X
<i>Centranthus ruber</i>	red valerian	XC		X
<i>Chenopodium album</i>	Pigweed, Lamb's Quarters		X	X
<i>Chenopodium murale</i>	goosefoot		X	X
<i>Chrysanthemum coronarium</i>	Annual chrysanthemum		X	XPO
<i>Cirsium arvense</i>	Canada thistle	X2		
<i>Cirsium vulgare</i>	bull thistle	X2	X	X
<i>Cistus ladanifer</i>	gum cistus	XP		
<i>Cistus sp. (all species)</i>	Rockrose			XPO
<i>Conicosia pugioniformis</i>	narrow-leaved iceplant, roundleaf iceplant	X3		
<i>Conium maculatum</i>	poison hemlock	X2	X	XPO
<i>Convolvulus arvensis</i>	field bindweed	XC		
<i>Coprosma repens</i>	mirror plant	XC		
<i>Cordylina australis</i>	New Zealand cabbage	XP		
<i>Cortaderia didica [C. selloana]</i>	Selloa Pampas Grass			XPO
<i>Cortaderia jubata</i>	Andean pampas grass	X4		
<i>Cortaderia jubata [C. Atacamensis]</i>	Atacama Pampas Grass		X	XPO
<i>Cortaderia selloana</i>	pampas grass	X4		
<i>Cotoneaster lacteus</i>	cotoneaster	X3		
<i>Cotoneaster pannosus</i>	cotoneaster	X3		
<i>Cotoneaster sp. (all species)</i>	Cotoneaster			XPO
<i>Cotoneaster spp.</i>	cotoneaster (exc. <i>C. pannosus</i> , <i>C. lacteus</i>)	XP		
<i>Crataegus monogyna</i>	hawthorn	X2		
<i>Crocsmia x crocosmiiflora</i>	?	XC		
<i>Crupina vulgaris</i>	bearded creeper, common crupina	X5		
<i>Cupressus macrocarpa</i>	Monterey cypress	XP		
<i>Cynara cardunculus</i>	artichoke thistle	X4	X	XW
<i>Cynodon dactylon</i>	Bermuda Grass	X4	X	XW
<i>Cytisus scoparius</i>	Scotch broom	X4		
<i>Cytisus sp. (all species)</i>	Broom			XPO
<i>Cytisus striatus</i>	striated broom	X3		
<i>Delairea odorata</i>	Cape ivy, German ivy	X4		
<i>Delosperma 'Alba'</i>	White Trailing Ice Plant			XPO
<i>Descurainia sophia</i>	flixweed	XP	X	XW
<i>Digitalis purpurea</i>	foxglove	XC		
<i>Dimorphotheca sp. (all species)</i>	African daisy, Cape marigold, Freeway daisy			XPO
<i>Dimorphotheca sinuata</i>	African daisy, Cape marigold	XP		
<i>Dipsacus fullonum</i>	wild teasel, Fuller's teasel	XC		
<i>Dipsacus sativus</i>	wild teasel, Fuller's teasel	XC		
<i>Drosanthemum floribundum</i>	Rosea Ice Plant			XPO
<i>Drosanthemum hispidum</i>	Purple Ice Plant			XPO
<i>Echium candicans (fastuosum)</i>	pride of Madeira, pride of Tenerife	XP		
<i>Echium pininana</i>	pride of Madeira, pride of Tenerife	XP		
<i>Egeria densa</i>	Brazilian waterweed	X3		
<i>Ehrharta calycina</i>	veldt grass	X3		XW
<i>Ehrharta calycina</i>	veldt grass	X3		
<i>Ehrharta erecta</i>	veldt grass	X2		
<i>Ehrharta longiflora</i>	veldt grass	XP		
<i>Eichhornia crassipes</i>	water hyacinth	X3		
<i>Elaeagnus angustifolia</i>	Russian olive	X3		
<i>Erdium circutanum</i>	Filaree		X	
<i>Erechtites glomerata</i>	Australian fireweed	X2		
<i>Erechtites minima</i>	Australian fireweed	X2		
<i>Erica lusitanica</i>	heath	XP		
<i>Erdium cicutarium</i>	filaree			

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<i>Eucalyptus globulus</i>	Eucalyptus, Tasmanian blue gum	X4	X	
<i>Eucalyptus</i> (all species)	sweet gum trees			XPO
<i>Eupatorium</i> (<i>Ageratina</i>) <i>adenophorum</i>	Eupatory		X	
<i>Euphorbia esula</i>	leafy spurge	X3		
<i>Euphorbia lathyris</i>	caper spurge, gopher plant	XP		
<i>Festuca arundinacea</i>	tall fescue	X2		
<i>Ficus carica</i>	edible fig	X3		
<i>Foeniculum vulgare</i>	Sweet fennel	X4	X	XPO
<i>Fumaria officinalis</i>	fumitory	XC		
<i>Fumaria parviflora</i>	fumitory	XC		
<i>Gazania linearis</i>	gazania	XP		
<i>Gazania</i> sp. (all species & hybrids)	gazania			XPO
<i>Genista monspessulana</i>	French broom	X4		
<i>Genista</i> sp. (all species)	Broom			XPO
<i>Glyceria declinata</i>	?	XP		
<i>Halogeton glomeratus</i>	halogeton	X5		
<i>Hedera canariensis</i>	Algerian ivy	XP		XPO
<i>Hedera helix</i>	English ivy	X2		XPO
<i>Helichrysum petiolare</i>	Ilcorice plant	X5		
<i>Hirschfeldia incana</i>	Perennial Mustard, Mediterranean or short	XP	X	X
<i>Holcus lanatus</i>	velvet grass	X2		
<i>Hordeum leporinum</i>	Foxtail Barley, Mouse Barley		X	X
<i>Hydrilla verticillata</i>	hydrilla	X5		
<i>Hypericum canariense</i>	Canary Island hypericum	XP		
<i>Hypericum perforatum</i>	Klamathweed, St. John's wort	X2		
<i>Hypochaeris radicata</i>	rough cat's-ear	XP		
<i>Ilex aquifolium</i>	English holly	X2		
<i>Ipomoea acuminata</i>	Blue dawn flower, Mexican morning glory			XPO
<i>Iris pseudacorus</i>	yellow water iris, yellow flag	X2		
<i>Isatis tinctoria</i>	dyers' woad	XP		
<i>Lactuca serriola</i>	Prickly Lettuce		X	X
<i>Lampranthus spectabilis</i>	Trailing Ice Plant			XPO
<i>Lantana camara</i>	Common garden lantana			XPO
<i>Lepidium latifolium</i>	perennial pepperweed	X4		
<i>Leucanthemum vulgare</i>	ox-eye daisy	X2		
<i>Ligustrum lucidum</i>	glossy privet	XP		
<i>Limonium perezii</i>	Sea Lavender			XPO
<i>Limonium ramosissimum</i> ssp. <i>provinciale</i>	sea lavender	XP		
<i>Linaria bipartita</i>	Toadflax			XPO
<i>Lobularia maritima</i>	Sweet Alyssum		X	XPO
<i>Lolium multiflorum</i>	Italian ryegrass	X1		
<i>Lonicera japonica</i> 'Halliana'	Hall's Honeysuckle			XPO
<i>Lotus corniculatus</i>	Birdsfoot trefoil			XPO
<i>Ludwigia hexapetala</i>	water primrose	XP		
<i>Ludwigia uruguayensis</i>	water primrose	XP		
<i>Lupinus arboreus</i>	Yellow bush lupine	X3		XPO
<i>Lupinus</i> sp. (all non-native species)	Lupine			XPO
<i>Lupinus texanus</i>	Texas blue bonnets			XPC
<i>Lythrum salicaria</i>	purple loosestrife	X5		
<i>Malephora crocea</i>	Ice Plant	XP		XPO
<i>Malephora luteola</i>	Ice Plant			XPO
<i>Malva parviflora</i>	cheeseweed		X	X
<i>Marrubium vulgare</i>	Horehound		X	X
<i>Maytenus boaria</i>	mayten	XP		
<i>Medicago polymorpha</i>	California bur clover	XC		
<i>Melilotus officinalis</i>	yellow sweet clover	XC		
<i>Mentha pulegium</i>	pennyroyal	X3		
<i>Mesembryanthemum crystallinum</i>	Crystal Ice Plant	X2	X	XPO

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Mesembryanthemum nodiflorum	Little Ice Plant, slender-leaved iceplant	XP		XPO
Myoporum laetum	Myoporum	X3	X	XPO
Myriophyllum aquaticum	parrot's feather	X2		
Myriophyllum spicatum	Eurasian watermilfoil	X4		
Nerium oleander	oleander	XC		
Nicotiana glauca	Tree Tobacco	XP	X	XPO
Oenothera berlandieri	Mexican Evening Primrose			XPO
Olea europaea	olive	X2		XPO
Ononis alopecuroides	foxtail restharrow	X5		
Opuntia ficus-indica	Indian fig			XPO
Oryzopsis millacea	Smilo Grass		X	
Osteospermum sp. (all species)	Trailing African daisy, African daisy, Cape marigold, Freeway dais			XPO
Oxalis pes-caprae	Bermuda Buttercup	XP	X	XPO
Parentucella viscosa	?	XP		
Passiflora caerulea	?	XP		
Pennisetum clandestinum	Kikuyu Grass	XP	X	XPO
Pennisetum setaceum	Fountain Grass	X4	X	XPO
Phalaris aquatica	Harding grass	X2	X	X
Phoenix canadensis	Canary island date palm			XPO
Phoenix dactylifera	Date palm			XPO
Phyla nodiflora	mat lippia	XP		
Picris echioides	Bristly Ox-tongue	XC	X	X
Pinus radiata cultivars	Monterey pine Cultivars	XP		
Piptatherum [Oryzopsis] millacea	rice grass, smilo grass	XP		X
Pistacia chinensis	Chinese pistache	XP		
Plumbago auriculata	Cape leadwort			XPO
Potamogeton crispus	curlyleaf pondweed	X2		
Prunus cerasifera	cherry plum	XP		
Pyracantha angustifolia	pyracantha	XP		
Raphanus sativus	wild radish		X	X
Retama monosperma	bridal broom	X5		
Ricinus communis	Castorbean	X2	X	XPO
Robinia pseudoacacia	black locust	X2		
Rubus discolor	Himalayan blackberry	X4		
Rubus procerus	Himalayan blackberry			XPO
Rumex conglomeratus	creek dock		X	X
Rumex crispus	Curly Dock		X	X
Salsola australis	Russian Thistle		X	
Salsola soda	glasswort	XP		
Salsola tragus (S. australis)	Russian thistle, tumbleweed	XP		X
Salvia aethiops	Mediterranean sage	XP		
Salvinia molesta	giant waterfern	X5		
Sapium sebiferum	Chinese tallow tree	X5		
Saponaria officinalis	bouncing bet	X3		
Schinus molle	California Pepper, Brazilian pepper	X2	X	XPO
Schinus terebinthifolius	Florida Pepper, Peruvian pepper	X2	X	XPO
Schismus arabicus	Mediterranean grass	X1		
Schismus barbatus	Mediterranean grass	X1		
Senecio jacobaea	tansy ragwort	X2		
Senecio mikanioides	German Ivy, cape ivy	X4	X	XPO
Sesbania punicea	scarlet wisteria	X5		
Silybum marianum	milk thistle	XC	X	X
Sisymbrium irio	London rocket		X	X
Sisymbrium officinale	hedge mustard		X	X
Sisymbrium orientale	Eastern rocket		X	X
Sonchus asper	prickly sow thistle			X
Sonchus oleraceus	sow thistle		X	X
Sorghum halepense	Johnson Grass		X	X

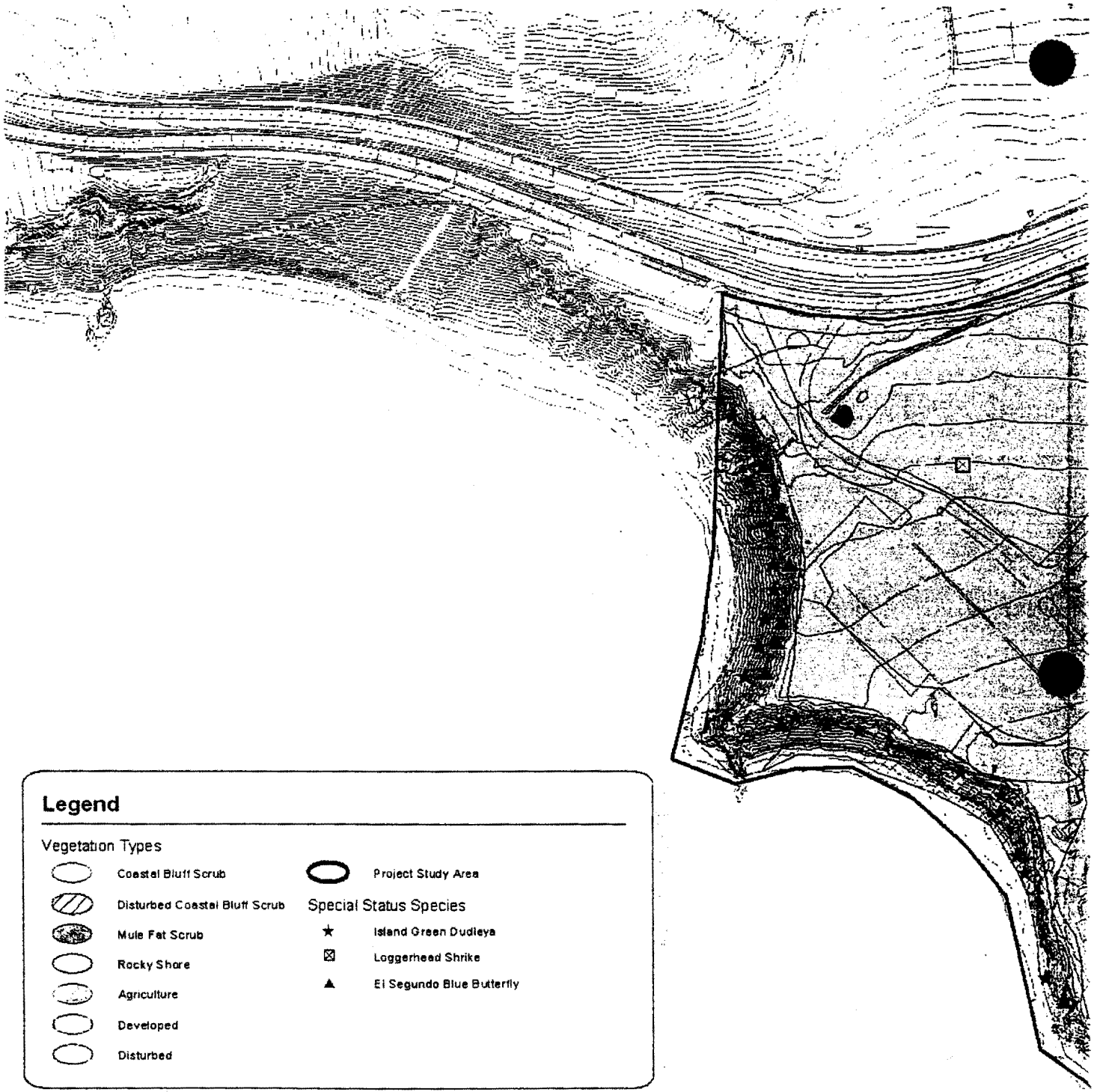
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

<i>Spartina alterniflora</i>	Atlantic or smooth cordgrass	X3		
<i>Spartina anglica</i>	cord grass	X5		
<i>Spartina densiflora</i>	dense-flowered cord grass	X5		
<i>Spartina patens</i>	salt-meadow cord grass	X5		
<i>Spartium junceum</i>	Spanish Broom	X2	X	X
<i>Stipa capensis</i>	?	XP		
<i>Taeniatherum caput-medusae</i>	medusa-head	X4		
<i>Tamarix aphylla</i>	athel	XP		
<i>Tamarix chinensis</i>	tamarisk, salt cedar	X4		XPO
<i>Tamarix gallica</i>	tamarisk, salt cedar	X4		
<i>Tamarix parviflora</i>	tamarisk, salt cedar	X4		
<i>Tamarix ramosissima</i>	tamarisk, salt cedar	X4		
<i>Tanacetum vulgare</i>	common tansy	X ^P		
<i>Taraxacum officinale</i>	dandelion		X	X
<i>Tribulus terrestris</i>	puncture vine		X	X
<i>Tribulus terrestris</i>	Puncture Vine			
<i>Trifolium fragiferum</i>	Strawberry clover			XPO
<i>Tropaeolum majus</i>	Nasturtium		X	XPO
<i>Ulex europaeus</i>	Prickley Broom, gorse	X4		XPO
<i>Verbascum thapsus</i>	woolly or common mullein	X2		
<i>Verbena bonariensis</i>	tall vervain	XP		
<i>Verbena litoralis</i>	tall vervain	XP		
<i>Vinca major</i>	Periwinkle	X2	X	XPO
<i>Xanthium spinosum</i>	spiny cocklebur	XC	X	X
<i>Zantedeschia aethiopica</i>	calla lily	XC		
<i>Zoysia cultivars</i>	Amazoy and others	XC		

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Legend

Vegetation Types

-  Coastal Bluff Scrub
-  Disturbed Coastal Bluff Scrub
-  Mule Fat Scrub
-  Rocky Shore
-  Agriculture
-  Developed
-  Disturbed

 Project Study Area

Special Status Species

-  Island Green Dudleya
-  Loggerhead Shrike
-  El Segundo Blue Butterfly



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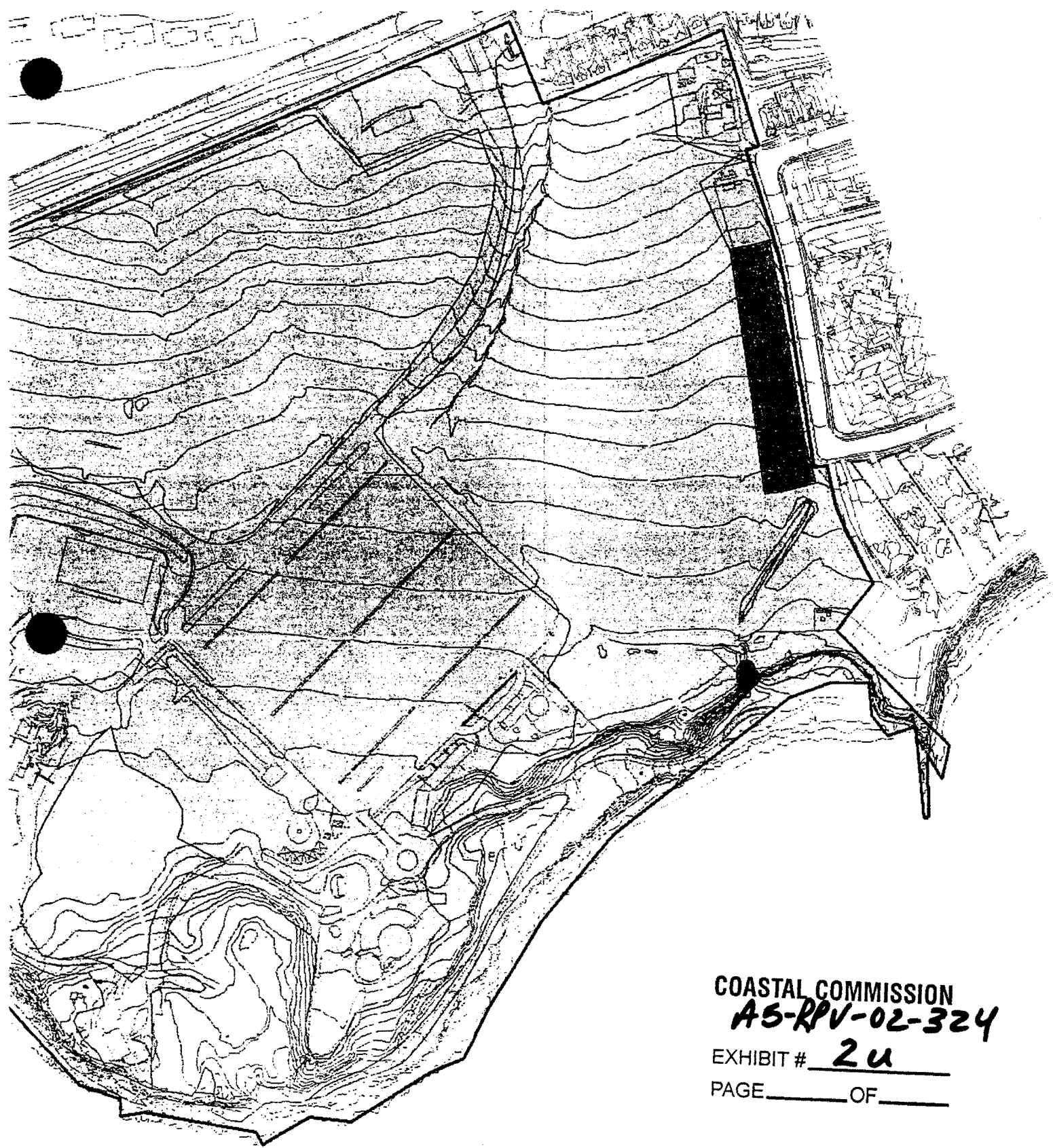
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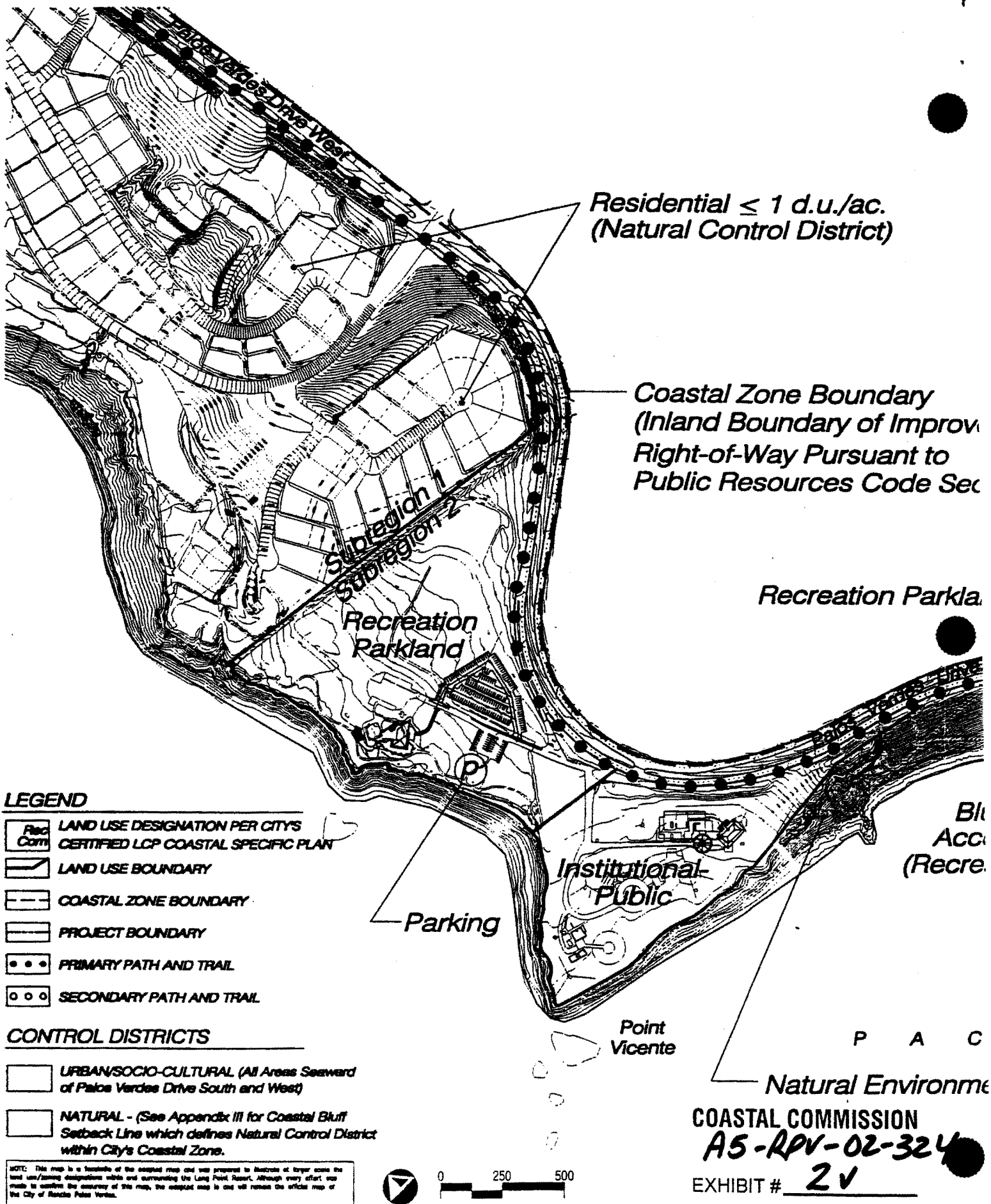
SOURCE: BONTERRA CONSULTING

JN 10-034194-7978 • 06/01



COASTAL COMMISSION
AS-RPV-02-324
EXHIBIT # 2a
PAGE _____ OF _____

LONG POINT RESORT EIR
**Biological Resources
Within Resort Hotel Area**



Residential ≤ 1 d.u./ac.
(Natural Control District)

Coastal Zone Boundary
(Inland Boundary of Improv.
Right-of-Way Pursuant to
Public Resources Code Sec

Recreation Parkla

Recreation
Parkland

Institutional-
Public

Bl
Acc
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Parking

Point
Vicente

P A C

Natural Environme

COASTAL COMMISSION

AS-RPV-02-324

EXHIBIT # 2v

PAGE _____ OF _____

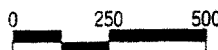
LEGEND

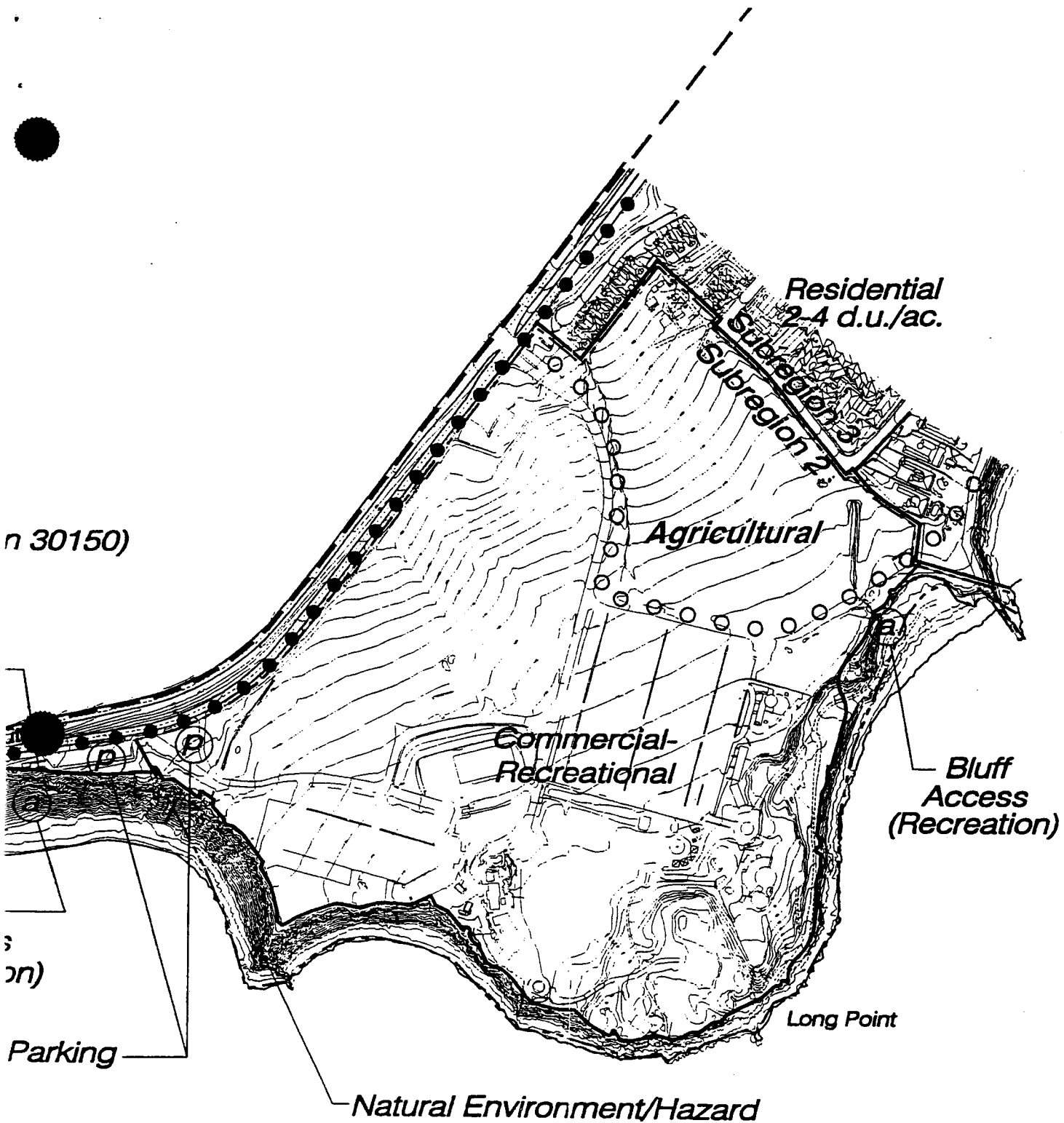
- LAND USE DESIGNATION PER CITY'S CERTIFIED LCP COASTAL SPECIFIC PLAN
- LAND USE BOUNDARY
- COASTAL ZONE BOUNDARY
- PROJECT BOUNDARY
- PRIMARY PATH AND TRAIL
- SECONDARY PATH AND TRAIL

CONTROL DISTRICTS

- URBAN/SOCIO-CULTURAL (All Areas Seaward of Palos Verdes Drive South and West)
- NATURAL - (See Appendix III for Coastal Bluff Setback Line which defines Natural Control District within City's Coastal Zone.

NOTE: This map is a facsimile of the original map and was prepared to illustrate at larger scale the land use/zoning designations within and surrounding the Long Point Resort. Although every effort was made to confirm the accuracy of this map, the original map is and will remain the official map of the City of Rancho Palos Verdes.





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on)

Parking

Natural Environment/Hazard

I F I C O C E A N

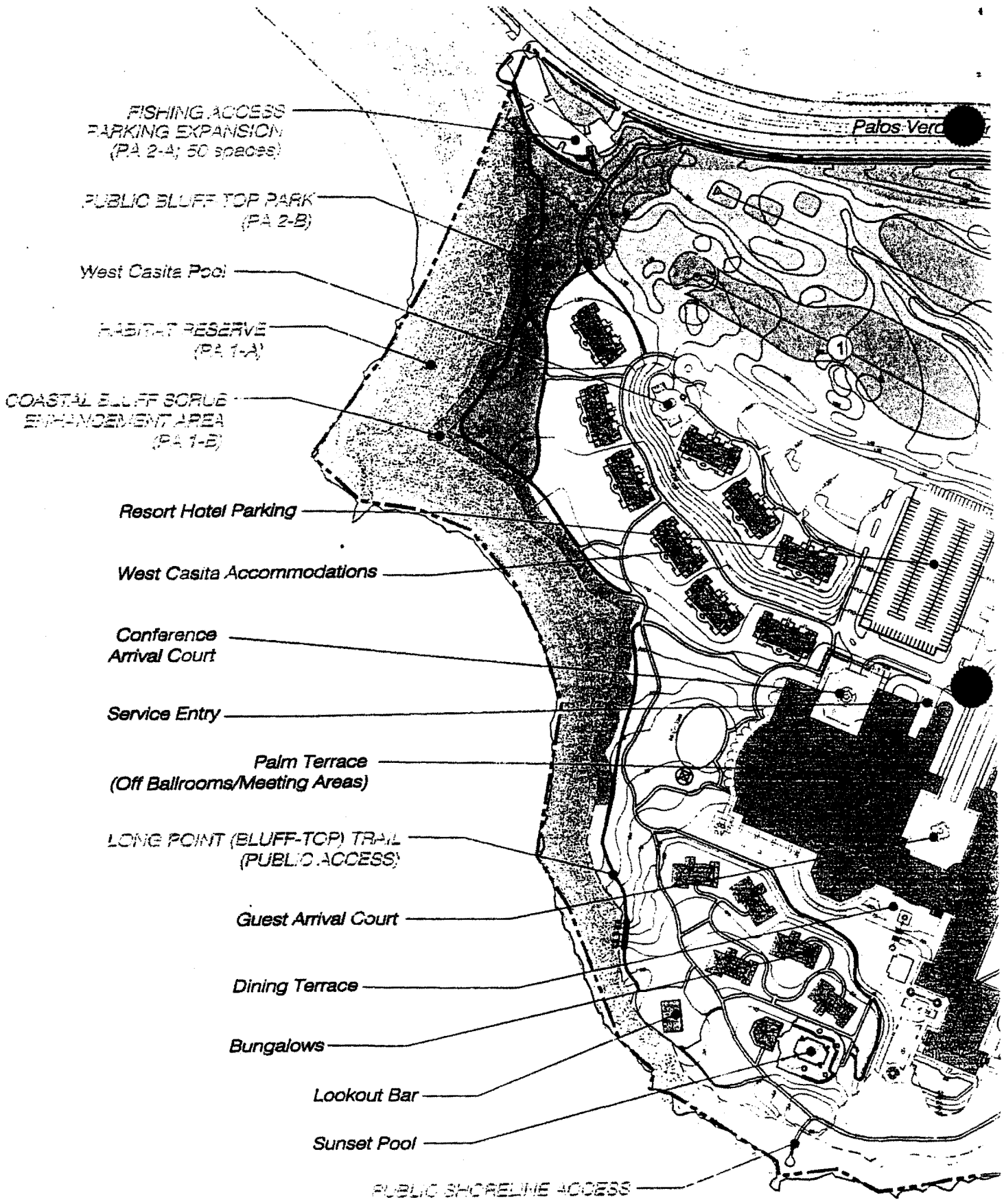
/Hazard

COASTAL COMMISSION
A5-RPV-02-324

EXHIBIT # 2W

PAGE _____ OF _____

LONG POINT RESORT EIR
Coastal Specific Plan
Land Use Map Designations



FISHING ACCESS
PARKING EXPANSION
(PA 2-A; 50 spaces)

PUBLIC BLUFF TOP PARK
(PA 2-B)

West Casita Pool

HABITAT RESERVE
(PA 1-A)

COASTAL BLUFF SCRUB
ENHANCEMENT AREA
(PA 1-E)

Resort Hotel Parking

West Casita Accommodations

Conference
Arrival Court

Service Entry

Palm Terrace
(Off Ballrooms/Meeting Areas)

LONG POINT (BLUFF-TOP) TRAIL
(PUBLIC ACCESS)

Guest Arrival Court

Dining Terrace

Bungalows

Lookout Bar

Sunset Pool

PUBLIC SHORELINE ACCESS

Palos Verdes

NOTE: This exhibit depicts a design component of the Long Point Resort. In conjunction with the submittal of construction drawings/specifications to the City of Rancho Palos Verdes or other public agencies for building and similar permits, minor adjustments may be made to the design shown in this exhibit, provided they are consistent with the intent and objectives of this exhibit, and are based upon an increased level of design/engineering information or are in response to regulatory requirements.

LONG POINT RESORT

City of Rancho Palos Verdes • California

COASTAL COMMISSION
A5-RPV-02-324

EXHIBIT # 2x

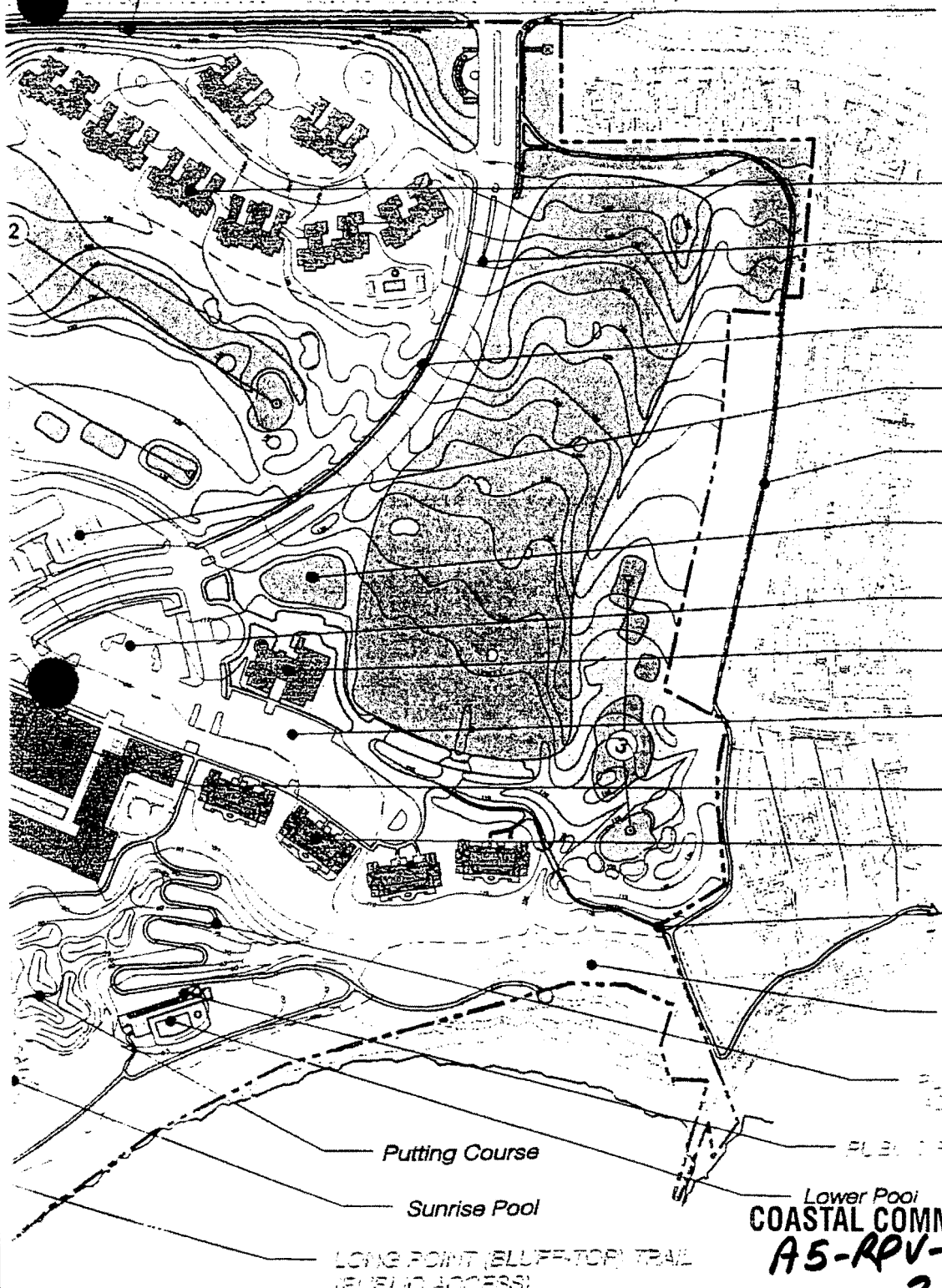
PAGE _____ OF _____

PALOS VERDES DRIVE/
MARINELAND TRAIL
(PA 2-C: PUBLIC ACCESS)

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MAY 21 2002

PLANNING BUILDING
CODE ENFORCEMENT



Resort Villas

Resort Entry Drive

RESORT ENTRY TRAIL
(PUBLIC ACCESS)

Tennis Courts

FLOWERFIELD TRAIL
(PUBLIC ACCESS)

Golf Putting Green

Golf Parking

Golf Clubhouse

DEDICATED PUBLIC PARKING
(PA 2-D; 50 spaces)

Health Spa/Fitness Center

East Casita Accommodations

TRAIL CONNECTION TO
VANDERLIP TRAIL
(PUBLIC ACCESS)

SMALL PUBLIC BEACH AREA
(PA 2-E)

PUBLIC COASTAL ACCESS TRAIL
(NO ACCESSIBLE)

PUBLIC RESTROOMS

Putting Course

Sunrise Pool

LONG POINT (BLUFF-TOP) TRAIL
(PUBLIC ACCESS)

Lower Pool
COASTAL COMMISSION

A5-RPV-02-324

EXHIBIT # 24

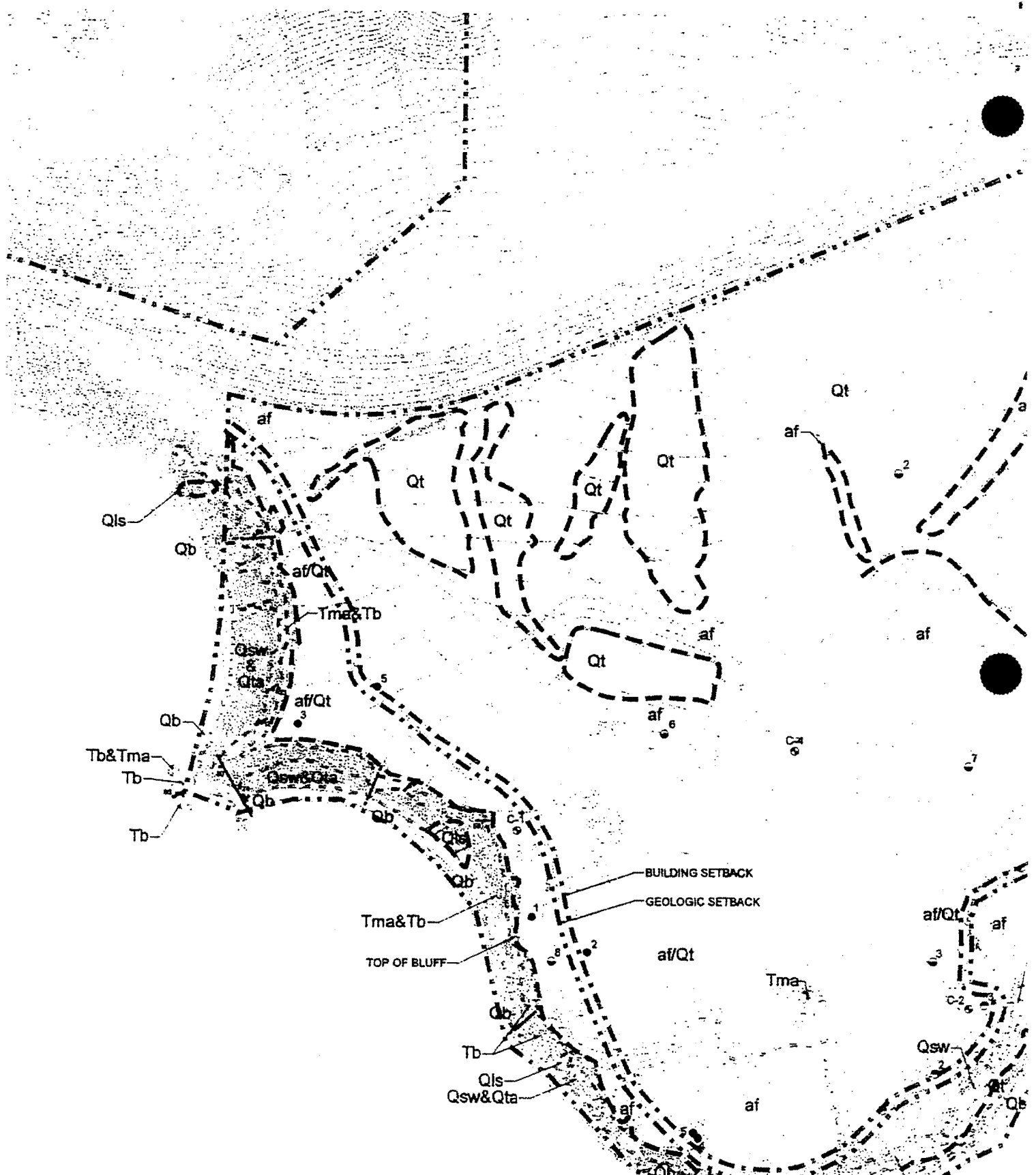
Exhibit No. 8.1

PAGE _____ OF _____

MAY 21 2002

RESORT HOTEL

SITE DEVELOPMENT/GRADING PLAN



COASTAL COMMISSION
 A5-RPV-02-324
 22

EXHIBIT # _____
 PAGE _____ OF _____



SOURCE: D. SCOTT MAGORIEN, CEG
 JN 10-034194-7978 • 10/00

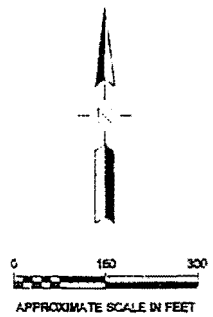
EXPLANATION

- af ARTIFICIAL FILL
- Qb BEACH DEPOSITS
- Qta SEA CLIFFS TALUS
- Qls LANDSLIDE
- Qsw SLOPEWASH DEPOSITS
- af/Qt UNDIFFERENTIATED ARTIFICIAL FILL AND TERRACE DEPOSITS
- Qt TERRACE DEPOSITS
- Tb BASALT
- Tma MONTEREY FORMATION: ALTAMIRA SHALE MEMBER
- GEOLOGIC CONTACT: QUERIED WHERE QUESTIONABLE
- BUILDING SETBACK
- GEOLOGIC SETBACK
- FAULT: DOTTED WHERE CONCEALED, QUERIED WHERE QUESTIONABLE; ARROW INDICATES DIRECTION AND MAGNITUDE OF DIP
- FAULT SHOWING TREND AND DIP
- STRIKE AND DIP OF FRACTURE OR JOINT
- STRIKE AND DIP OF BEDDING
- ESTIMATED LIMITS OF LANDSLIDE DEBRIS; ARROWS INDICATE DIRECTION OF MOVEMENT



EXPLORATORY BORINGS

- 5
 - 10
 - 2
 - C-2
 - 9
- PREVIOUS INVESTIGATIONS
- CURRENT INVESTIGATION BY NEBLETT & ASSOCIATES AND LAW CRANDALL (1999)
- BORING LOCATION AND DESIGNATION



Essexmap provided by RBF Consultants
 Geology modified from Law Crandall (1999)

COASTAL COMMISSION
AS-RPV-02-324
 EXHIBIT # 222
 PAGE _____ OF _____

LONG POINT RESORT EIR
Resort Hotel Area Geologic Map

Exhibit 5.5-1



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



SEP 5 - 2002

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

CALIFORNIA COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

ROBERT C. HAASE, JR
20 SEA COVE DR
RANCHO PALOS VERDES CA 90275 (310) 229-5847
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF RANCHO PALOS VERDES

2. Brief description of development being appealed: DECISION OF THE CITY COUNCIL OF RANCHO PALOS VERDES APPROVING CONDITIONAL USE PERMIT NO. 215, GRADING PERMIT NO. 2229, VARIANCE NO. 489, TENTATIVE PARCEL MAP NO. 26073 & COASTAL PERMIT NO. 106 FOR DEVELOPMENT OF A HOTEL & RESORT AT 6610 PALOS VERDES DR. SOUTH

3. Development's location (street address, assessor's parcel no., cross street, etc.): 6610 PALOS VERDES DRIVE SOUTH LONG POINT

4. Description of decision being appealed:

- a. Approval; no special conditions: SEE ABOVE & ATTACHED LETTER
b. Approval with special conditions:
c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: AS-RPV-02-324

DATE FILED: 9/5/02

DISTRICT: Long Beach

H5: 4/88

COASTAL COMMISSION
AS-RPV-02-324
EXHIBIT # 3a
PAGE OF

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED LETTER & NOTICE OF
APPEAL DATED SEPTEMBER 5, 2002

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Robert C. [Signature]

Signature of Appellant(s) or
Authorized Agent

Date September 5, 2002

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

COASTAL COMMISSION

A5-RP-02-324

EXHIBIT # 3b

PAGE _____ OF _____

Robert C. Haase, Jr.

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South Coast Region

SEP 5 - 2002

CALIFORNIA
COASTAL COMMISSION

September 5, 2002

California Coastal Zone Conservation Commission
200 Oceangate, Suite 1000
Long Beach, California 90802
Attention: Melissa Stickey, Coastal Program Analyst

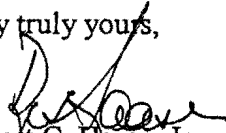
Re: Hotel & Resort Development at Long Point, Rancho Palos Verdes

Dear Persons:

Attached for filing is an Appeal from the Decision of the City Council of the City of Rancho Palos Verdes Estates approving development at Long Point.

Please file the Appeal and advise if you require anything further.

Very truly yours,


Robert C. Haase, Jr.
20 Sea Cove Drive
Rancho Palos Verdes, CA 90275
Phone (310) 377-3728
Work (310) 229-5847

cc w/enclosure: The City of Rancho Palos Verdes Estates
Attn: Les Evans, City Manager
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275-5371

COASTAL COMMISSION
A6-RPV-02-324
EXHIBIT # 3C
PAGE _____ OF _____

September 5, 2002

TO: CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

NOTICE OF APPEAL
(Long Point)

The undersigned, resident of Rancho Palos Verdes, appeals the August 28, 2002 Decision of the City Council of the City of Rancho Palos Verdes approving with conditions Use Permit No. 215, Grading Permit No. 2229, Variance No. 489, Tentative Parcel Map No. 26073 and Coastal Permit No. 166 for development of a Hotel and Resort at 6610 Palos Verdes Drive South, Rancho Palos Verdes.

This Appeal rests upon the proposition that said Decision is contrary to the Coastal Initiative adopted by the people of California in 1972, declaring in part:

“The permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the State and nation;” and

It is the policy of the State to preserve, protect, and where possible, to restore the resources of the coastal zone for the enjoyment of the current and succeeding generations.” (California Coastal Plan, December 1975, pg. 3)

Said Decision is further contrary to the goals of the people upon the formation of the City of Rancho Palos Verdes. These goals are set forth in the City’s General Plan Goals Committee Report; among them:

It is felt that new commercial development in Rancho Palos Verdes, in the immediate future is not desirable
... (page 4).

It is the objective of the City to conserve its natural resources, natural beauty, historical heritage and other land resources (pg. 6).

The City should develop policies which will ensure that the unique character and natural environment of the Palos Verdes Peninsula with its shoreline and rolling hills, be enhanced and preserved (pg. 22). (Preliminary Goals Report, City of Rancho Palos Verdes, September, 1974).

The City's Revised Draft General Plan of May 30, 1975 expressed the overwhelming will of the people voting in favor of incorporation in 1973, noting:

During the 1960's, the citizens of the entire Peninsula made repeated attempts to influence County planning and zoning in the unincorporated area, . . . and Save Our Coastline, a citizens group, was created to concentrate the same attempts on the coastal area. There were repeated failures as the County granted more and more zone changes for the higher densities, with little concern for the sensitive environment of the area (pg. 1).

While the Environmental Impact Report (as amended) is generally developer friendly, it found that the proposed project would have significant adverse impacts upon the Palos Verdes Peninsula. Among the negative findings were:

Traffic and Circulation. Even with significant adverse findings, the Report omitted other congestion to be expected at 1st and Western Streets and at Malaga Cove in Palos Verdes Estate - a principal direct access to the proposed hotel (Staff Memorandum to City Council, August 28, 2002, pgs. A 25-26).

Noise. Ambience noise levels from vehicular traffic already exceed State and local noise standards. (Staff Memorandum to City Council, August 28, 2002, pgs. A29-30).

In its Statement of Overriding Considerations, attempting to overcome the California Environmental Quality Act's Mandates, curiously the City Council found benefits from the proposed hotel project would be new businesses, creation of jobs, a resort architecturally and visually compatible with the surrounding landscape and "removal of blight." Apart from commercialization (itself reason to reject the development) the facts are contrary to the stated overriding considerations.

Notice of Appeal
September 5, 2002
Page 3

This immense development will urbanize the entire coastal zone of the Palos Verdes Peninsula. It will significantly degrade the quality of life and the enjoyment of the natural and scenic resources of this Peninsula for all future generations.

The developer's only goal is to profit. This should not prevail over the goals of the people of the State and community as so unequivocally re-stated above.

Respectfully submitted,



Robert C. Haase, Jr.
20 Sea Cove Drive
Rancho Palos Verdes, CA 90275
Phone: (310) 229-5847
Appellant

RECEIVED
South Coast Region

SEP 3 - 2002



RANCHO PALOS VERDES

DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT

August 29, 2002 CALIFORNIA COASTAL COMMISSION

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that on August 28, 2002 the City Council of the City of Rancho Palos Verdes approved, with conditions, Conditional Use Permit No. 215, Grading Permit No. 2229, Variance No. 489, Tentative Parcel Map No. 26073 and Coastal Permit No. 166.

LOCATION: 6610 PALOS VERDES DRIVE SOUTH

APPLICANT: DESTINATION DEVELOPMENT

Said approval is to allow the construction of a 400-room resort hotel (Bungalows included) with a golf academy/practice facility on the 102.1 acre Long Point parcel. Furthermore, the project includes 50 casitas (a maximum of 3 keys per unit), 32 single keyed villa units, conference center, golf club house, related commercial uses, restaurants, public trails and park areas, coastal access points, 100 public parking spaces, natural open space and habitat areas, on property located within the City's designated Appealable Coastal District.

In granting Coastal Permit No. 166 and the related development applications, the following findings were made:

1. That the proposed development is in conformance with the Coastal Specific Plan;
2. That the proposed development, when located between the sea and the first public road, is in conformance with applicable public access and recreational policies of the Coastal Act.

In addition, the subject development applications were approved, subject to the attached Conditions of Approval.

Since the project is located in an Appealable Area of the City's Coastal District, this decision may be appealed to the California Coastal Commission within ten (10) working days of the receipt of this notice in the Coastal Commission Long Beach Office.

If you have any questions regarding this permit, please contact Ara Michael Mihranian, Senior Planner, at (310) 544-5228 or via e-mail at aram@rpv.com.


FOR: J.R.

Joel Rojas, AICP
Director of Planning, Building
and Code Enforcement

c: Applicant
Interested Parties
Coastal Commission, Certified Mail No. 7001 2510 0004 2058 7697

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COASTAL COMMISSION
A5-RPV-02-324

EXHIBIT # 4a

PAGE _____ OF _____

* Other Conditions available at Long Beach office
in appeal file.

- 57) The hotel buildings, and ancillary structures, shall be finished in a muted earth-tone color, as deemed acceptable by the Director of Planning, Building and Code Enforcement during the review of the Materials Board.
- 58) The roof materials for all pitched roofs of the hotel buildings, including but not limited to the Villas, Casitas, Bungalows, Golf Clubhouse and all other ancillary structures, shall be tile, consisting of a muted color, as deemed acceptable by the Director of Planning, Building and Code Enforcement during the review of the Materials Board. The material for all flat roofs shall be a color that is compatible with the color of the tiles used on the pitched roofs throughout the resort hotel, as deemed acceptable by the Director of Planning, Building and Code Enforcement.
- 59) All trash enclosure areas shall be designed with walls six (6) feet in height with the capability of accommodating recycling bins. The enclosures shall be consistent with the overall building design theme in color and material, and shall include self-closing / self-latching gates. The enclosures shall integrate a trellis type roof cover to visually screen and to reduce their visibility from all public rights-of-way and surrounding properties.
- 60) In accordance with the Commercial Recreational zoning district, the Resort Hotel Area shall not exceed a maximum lot coverage of thirty (30%) percent. For the purpose of this project, the definition of Lot Coverage shall adhere to the residential standards set forth in Section 17.02.040(A)(5) of the RPVMC.
- 61) In addition to the Coastal Setback line, as required by the RPVMC, all other building setbacks shall comply with the Commercial-Recreational zoning requirements, unless otherwise noted herein. A Setback Certification shall be prepared by a licensed engineer and submitted to Building and Safety prior to the framing inspection on each structure.

Public Amenities (Trails and Parks)

- 62) Prior to the issuance of any building or grading permits for the hotel, casitas, spa, villas, or clubhouse, the applicant shall submit and receive approval for a Public Amenities Plan which shall include specific design standards and placement for all trails, vista points, parking facilities, signs, and park areas within the project site, as specified in the conditions herein. Additionally, the Plan shall include the size, materials and location of all public amenities and shall establish a regular maintenance schedule. City Staff shall conduct regular inspections of the public amenities. The Plan shall be reviewed and approved by the City Council at a duly noticed public hearing, as specified in the RPVMC.
- 63) Prior to the issuance of any Certificate of Occupancy or the operation of the golf practice facility, whichever occurs first, the applicant shall complete the construction of the following public access trails, public parks and other public

COASTAL COMMISSION

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EXHIBIT # 46

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Conditions of Approval
Resolution No. 2002-71
August 28, 2002
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amenities within the project site, except for the Lookout Bar, which shall be constructed within six (6) months after the issuance of the first Certificate of Occupancy for the resort hotel:

- a. Implementation of the Public Amenities Plan (such as benches, drinking fountains, viewing telescopes, bicycle racks, fences, signs, irrigation, and landscaping)
 - b. Public trails and trail signs to the satisfaction of the City (The Marineland Trail Segment (C5), Long Point Trail Segment (D4), Flowerfield Trail Segment (E2), and Café Trail Segment (J2) improvements).
 - c. Bicycle paths along southern lane of Palos Verdes Drive South adjacent to the project site.
 - d. The coastal public parking area within the resort hotel project area serving the coastal access points.
 - e. The expansion of the Fishing Access Parking Lot.
 - f. Improvements to the existing Fishing Access Parking lot.
 - g. Improvements to the Public Restroom facility at the Fishing Access site.
 - h. Public section of the Lower Pool Facility (consisting of outdoor tables and seating, men and women restroom and changing facilities, planter boxes with trees that provide shaded seating areas, access to the pool kitchen facility, outdoor showers and drinking water fountains).
 - i. The 2.2 acre Bluff-Top park.
 - j. Habitat Enhancement area.
- 64) The City encourages incorporation of a marine theme into the project's public trails and park area.
- 65) The applicant shall upgrade the Los Angeles County Fishing access parking lot, fencing, signs, and landscaping to be consistent with the proposed 50 space parking lot expansion on the project site. Said improvements shall be reviewed and approved by the County of Los Angeles or the subsequent landowner of the Fishing Access, and shall be constructed prior to issuance of any Certificate of Occupancy for the resort hotel.
- 66) The applicant shall improve, to the satisfaction of the Director of Planning, Building and Code Enforcement and Public Works Director, the existing public restroom facility located at the Los Angeles County Fishing Access to architecturally and aesthetically resemble the resort hotel buildings and related public amenities. Said improvements shall be reviewed and approved by the County of Los Angeles or the subsequent landowner of the Fishing Access, and shall be constructed prior to issuance of any Certificate of Occupancy for the resort hotel.
- 67) Prior to the issuance of any Certificate of Occupancy, or prior to recordation of Final Parcel Map No. 26073, whichever occurs first, the applicant shall dedicate

COASTAL COMMISSION

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EXHIBIT # 4C

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Conditions of Approval
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August 28, 2002

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

- 68) Prior to issuance of any Certificate of Occupancy, the applicant shall dedicate the 2.2 acre Bluff-Top park and 1.0 acre adjacent Fishing Access parking lot expansion (50 parking spaces) to the City. Maintenance of the trails, park grounds and landscaping, including but not limited to the landscaping located within the Fishing Access Parking Lot shall be maintained by the applicant as long as a hotel is operated on the property.
- 69) Prior to issuance of any Certificate of Occupancy, the applicant shall dedicate an easement to the City and construct two Public Vista Points along the Long Point Trail Segment (D4) in locations to be approved by the Director of Planning, Building, and Code Enforcement in the review of the Public Trails Plan. Habitat fencing, as well as habitat protection signs shall be posted in and around any vista point. The square footage of any Habitat Enhancement Area or the 50-foot transitional area that is used for the vista points shall be replaced at a ratio of 1:1.
- 70) Prior to recordation of any final map or issuance of any building or grading permits, the applicant shall submit to the Director of Public Works a Public Trails Plan which identifies the on-site and off-site pedestrian and bicycle trails proposed for the project for review and approval by the City Council. The plan shall include details regarding trail surface, trail width, and trail signage. Furthermore, all trail segments shall be constructed with appropriate trail engineering techniques, as approved by the City's Director of Public Works, to avoid soil erosion and excessive compaction. The public trails, as identified in the city's Conceptual Trails Plan shall include: the Marineland Trail Segment (C5); the Long Point Trail Segment (D4); the Flower Field Trail Segment (E2); and the Café Trail Segment (J2). Furthermore, the beach access trail at the southeast corner of the project site shall also be kept open to the public and shall be maintained by the applicant.
- 71) Prior to issuance of any Certificate of Occupancy, the applicant shall construct class I and 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.
- 72) All project related trails, as identified in the City's Conceptual Trails Plan, shall be designed to the following minimum standards for trail widths, with easements extending an additional foot on either side of the trail:
- a. Pedestrian Only – 4 foot improved trail width, 6 foot dedication
 - b. Pedestrian/Equestrian – 6 foot improved trail width, 8 foot dedication

COASTAL COMMISSION

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EXHIBIT # 4d

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Conditions of Approval
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August 28, 2002
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- 105) The project site design shall incorporate areas for collection of solid waste with adequate space for separate collection of recyclables.

Street and Parking Improvements

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

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

- 108) The applicant shall construct and retain no fewer than 875 parking spaces on the resort property, of which 50 parking spaces shall be dedicated for public use 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.

- 109) Prior to issuance of any Certificate of Occupancy, an appropriate public access easement in favor of the City across the resort entry drive from Palos Verdes Drive South to the designated public parking area adjacent to the main hotel building, in a form acceptable to the City Attorney, shall be recorded.

- 110) A Parking Lot Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of project-related grading permits. The Parking Lot Plan shall be developed in conformance with the parking space dimensions and parking lot standards set forth in RPVMC, and shall include the location of all light standards, planter boxes, directional signs and arrows. No more than 15% of the total parking spaces shall be in the form of

COASTAL COMMISSION
A5-RPV-02-324
EXHIBIT # 4e
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Conditions of Approval
Resolution No. 2002-71
August 28, 2002
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- c. Pedestrian/Bike - 6 foot improved trail width, 8 foot dedication
- d. Joint Pedestrian/Golf Cart - 10 foot improved trail, 12 foot dedication.

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

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

- 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. The Plan shall identify the plant and seed sources and the required lead time that will be needed to implement the plan. The plan shall also take into account protected view corridors as identified in the project EIR such that future impacts from tree or other plant growth will not result. A colorful plant palette shall be utilized in the design of the hotel landscaping where feasible, provided that impacts to native and protected vegetation will not occur. No invasive plant species shall be included in the plant palette, except for the following species which exist on-site or within the immediate area: Eucalyptus, Nerium Oleander, Olea Europia (olive tree), Phoenix (all species), Shinus Molle (California Pepper Tree), Shinus Terebinthifolius (Florida Pepper Tree).



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



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

- 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.

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- 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.

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EXHIBIT # 4b

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161) All drainage swales and any other at-grade drainage facilities, including gunite, shall be of an earth tone color, as deemed necessary by the Director of Building Planning and Code Enforcement.

162) Prior to issuance of any building or grading permits, the applicant shall submit a Local Grading and Drainage Plan identifying how drainage will be directed away from the bluff top, natural drainage courses and open channels to prevent erosion and to protect sensitive plant habitat on the bluff face. Said Plan shall be reviewed by the Director of Public Works and the Director of Planning, Building and Code Enforcement. Said review shall also analyze whether potential impacts to the bluff top or bluff face may be caused by the proposed drainage concept.

163) Drainage plans and necessary supporting documents that comply with the following requirements shall be submitted for review and approval by the Director of Public Works prior to the issuance of grading permits: A) drainage facilities that protect against design storms shall be provided to the satisfaction of the Director of Public Works and any drainage easements for piping required by the Director of Public Works shall be dedicated to the City on the Final Map; B) sheet overflow and ponding shall be eliminated or the floors of buildings with no openings in the foundation walls shall be elevated to at least twelve inches above the finished pad grade; C) drainage facilities shall be provided so as to protect the property from high velocity scouring action; and D) contributory drainage from adjoining properties shall be addressed so as to prevent damage to the project site and any improvements to be located thereon.

164) Prior to the issuance of the Certificate of Occupancy, the applicant shall upgrade the drainage facility that currently is located on the Fisherman's access property and construct a pipe that will convey this water to the proposed drainage system terminating at Outlet No. 2 to the satisfaction of the Director of Public Works.

165) Prior to the issuance of any grading or building permit, the applicant shall prepare and submit a Master Drainage Plan for review and approval by the Director of Public Works. The Plan shall demonstrate adequate storm protection from the design storm, under existing conditions, as well as after the construction of future drainage improvements by the City along Palos Verdes Drive South immediately abutting the project site.

166) Prior to the issuance of any grading permit, the applicant shall demonstrate to the satisfaction of the Director of Public Works that the design storm can be conveyed through the site without conveying the water in a pipe and without severely damaging the integrity of the Urban Stormwater Mitigation Plan (USMP), especially the bioswale system. If such integrity cannot be demonstrated, the applicant shall redesign the USMP to the satisfaction of the Director of Public Works, which may require offsite flows to be diverted into a piped system and

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Building Design Standards

- 49) The resort hotel shall contain the following principal visitor-serving structures and uses, and shall substantially comply with, and not to exceed, the following square footage numbers:
- a) Conference Center / Banquet Facilities – 60,000 square feet
 - b) Restaurant, bar and lounge - approximately 22,500 square feet
 - c) Resort related retail, visitor services and guest amenities – approximately 20,000 square feet.
 - d) Spa Facilities – 25,000 square feet
 - e) Swimming pools - Three for the resort hotel (including the lower pool facility), one for the West Casitas, one for the Resort Villas, and one within the spa facility
 - f) Pool Cabanas: - commensurate with size of adjacent pool
 - g) Lower Pool Facility – 1,400 square feet (hotel guest area: 680 square feet of restroom facilities, 350 square feet of pool kitchen area, 6,400 square feet of deck area including the 2,400 square foot pool / public area: to be no less than 2,900 square feet of deck area and 370 square feet of restroom room facilities)
 - h) Tennis Courts – two tennis Courts
 - i) Golf School / Club house – 8,000 square feet.
 - j) Golf Cart and Maintenance Facility (adjacent to tennis courts) – 4,000 square feet.
 - k) Parking Structure – 180,000 square feet (459 parking spaces; 239 spaces on the lower level and 197 on the upper level).
 - l) Lookout Bar – 3,500 square feet
 - m) Resort Hotel Entry Trellis – 250 square feet of roof area
- 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 – plus fireplace chimney to the minimum height acceptable by the Uniform Building Code.
- b. Maximum height of 86 feet at eastern elevation, as measured from adjacent finished grade located in the middle of the elevation, 53 feet at the inland most end of the elevation, and 50 feet from the seaward most end of the elevation.

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

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

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.

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.

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

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

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.

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.

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Parking Structure – Maximum height of the parking structure shall not exceed 16 feet, as measured from the lowest adjacent finished grade to the top of the highest parapet wall and railing thereon.

Accessory Structures – Maximum height of all accessory structures shall not exceed 12 feet, as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline.

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 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, as measured from the close street curb, adjacent to the Resort Hotel Area. This condition shall not apply to chimneys built to the minimum standards of the Uniform Building Code.
- 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) The design of the parking structure shall resemble the hotel architecture and shall be subject to review and approval by the Director of Planning, Building and Code Enforcement. The materials used for the parking structure shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of building permits.
- 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.

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Resolution No. 2002-71
August 28, 2002
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- FISHING ACCESS
PARKING EXPANSION
(PA 2-A; 50 spaces)
- PUBLIC BLUFF-TOP PARK
(PA 2-B)
- West Casita Pool
- HABITAT RESERVE
(PA 1-A)
- COASTAL BLUFF SCRUB
ENHANCEMENT AREA
(PA 1-B)
- Resort Hotel Parking
- West Casita Accommodations
- Conference
Arrival Court
- Service Entry
- Palm Terrace
(Off Ballrooms/Meeting Areas)
- LONG POINT (BLUFF-TOP) TRAIL
(PUBLIC ACCESS)
- Guest Arrival Court
- Dining Terrace
- Bungalows
- Lookout Bar
- Sunset Pool

Palos Verdes Drive

PUBLIC SHORELINE ACCESS

Map approved
by City

NOTE: This exhibit depicts a design component of the Long Point Resort. In conjunction with the submitted construction drawings/specifications to the City of Rancho Palos Verdes or other public agencies for building and similar permits, minor adjustments may be made to the design shown on this exhibit provided they are consistent with the intent and character of this exhibit and are based upon an increased level of design/engineering information of site in response to legal/agency requirements.

LONG POINT RESORT
City of Rancho Palos Verdes • California

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A5-RPV-02-324
PACIFIC
EXHIBIT # 5a (pg 1)
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PALOS VERDES DRIVE/
MARINELAND TRAIL
(PA 2-C; PUBLIC ACCESS)

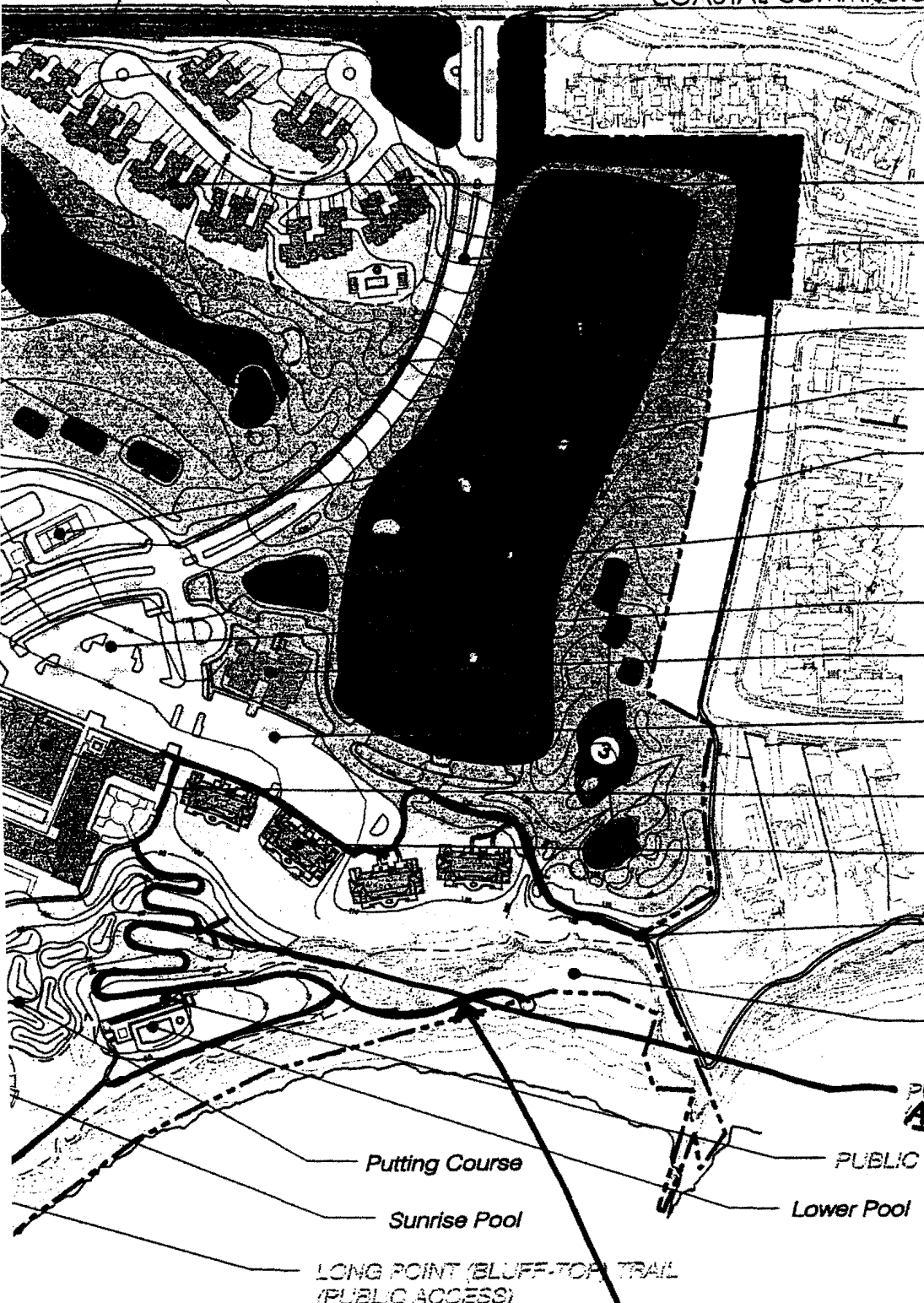
SEP 25 2002

CALIFORNIA
COASTAL COMMISSION

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MAY 21 2002

PLANNING, BUILDING,
& CODE ENFORCEMENT



Resort Villas

Resort Entry Drive

RESORT ENTRY TRAIL
(PUBLIC ACCESS)

Tennis Courts

FLOWERFIELD TRAIL
(PUBLIC ACCESS)

Golf Putting Green

Golf Parking

Golf Clubhouse

DEDICATED PUBLIC PARKING
(PA 2-D; 50 spaces)

Health Spa/Fitness Center

East Casita Accommodations

TRAIL CONNECTION TO
VANDERLIP TRAIL
(PUBLIC ACCESS)

SMALL PUBLIC BEACH AREA
(PA 2-E)

PUBLIC COASTAL ACCESS TRAIL
ADA ACCESSIBLE

Putting Course

Sunrise Pool

LONG POINT (BLUFF-TOP) TRAIL
(PUBLIC ACCESS)

PUBLIC RESTRCCMS

Lower Pool

Long Point Trail Ends

COASTAL COMMISSION

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EXHIBIT #

5a (pg. 2)

SITE DEVELOPMENT/GRADING PLAN

PAGE _____ OF _____

Exhibit No. 6.1
Revised 5/20/02

RESORT HOTEL

FORMA
MAY 2002

res1/2002/comp/02-05/Res-0000.dwg

- FISHING ACCESS
PARKING EXPANSION
(PA 2-A; 50 spaces)
- PUBLIC BLUFF-TOP PARK
(PA 2-B)
- West Casita Pool
- HABITAT RESERVE
(PA 1-A)
- COASTAL BLUFF SCRUB
ENHANCEMENT AREA
(PA 1-B)
- Resort Hotel Parking
- West Casita Accommodations
- Conference
Arrival Court
- Service Entry
- Palm Terrace
(Off Ballrooms/Meeting Areas)
- LONG POINT (BLUFF-TOP) TRAIL
(PUBLIC ACCESS)
- Guest Arrival Court
- Dining Terrace
- Bungalows
- Lookout Bar
- Sunset Pool

PUBLIC SHORELINE ACCESS

Palos Verdes Drive

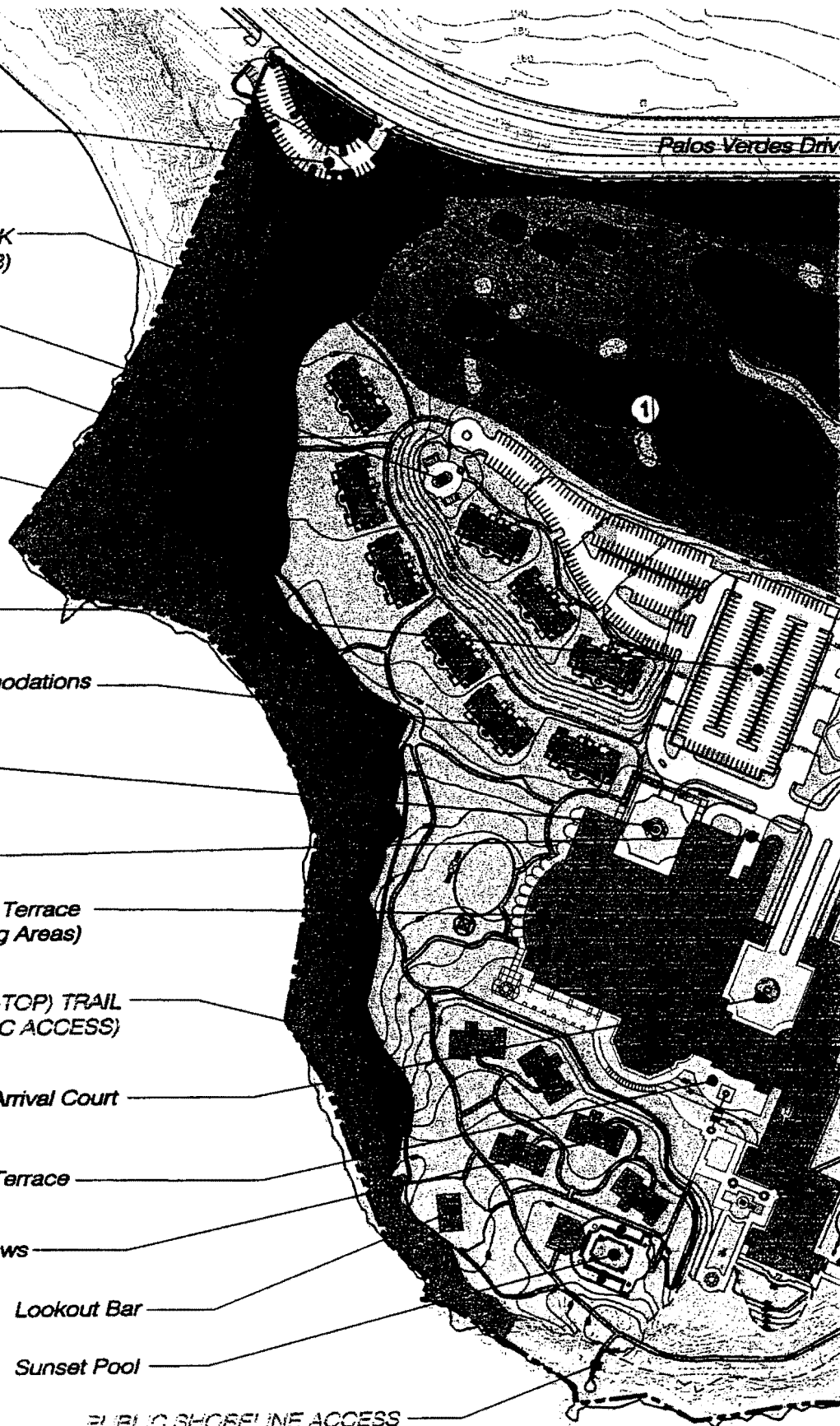
NOTE: The exhibit depicts a design component of the Long Point Resort. In conjunction with the submittal of construction drawings/specifications to the City of Rancho Palos Verdes or other public agencies for building and similar permits, minor refinements may be made to the design shown on this exhibit, provided they are consistent with the intent and character of this exhibit, and are based upon an increased level of design/engineering information or are in response to legal/agency requirements.

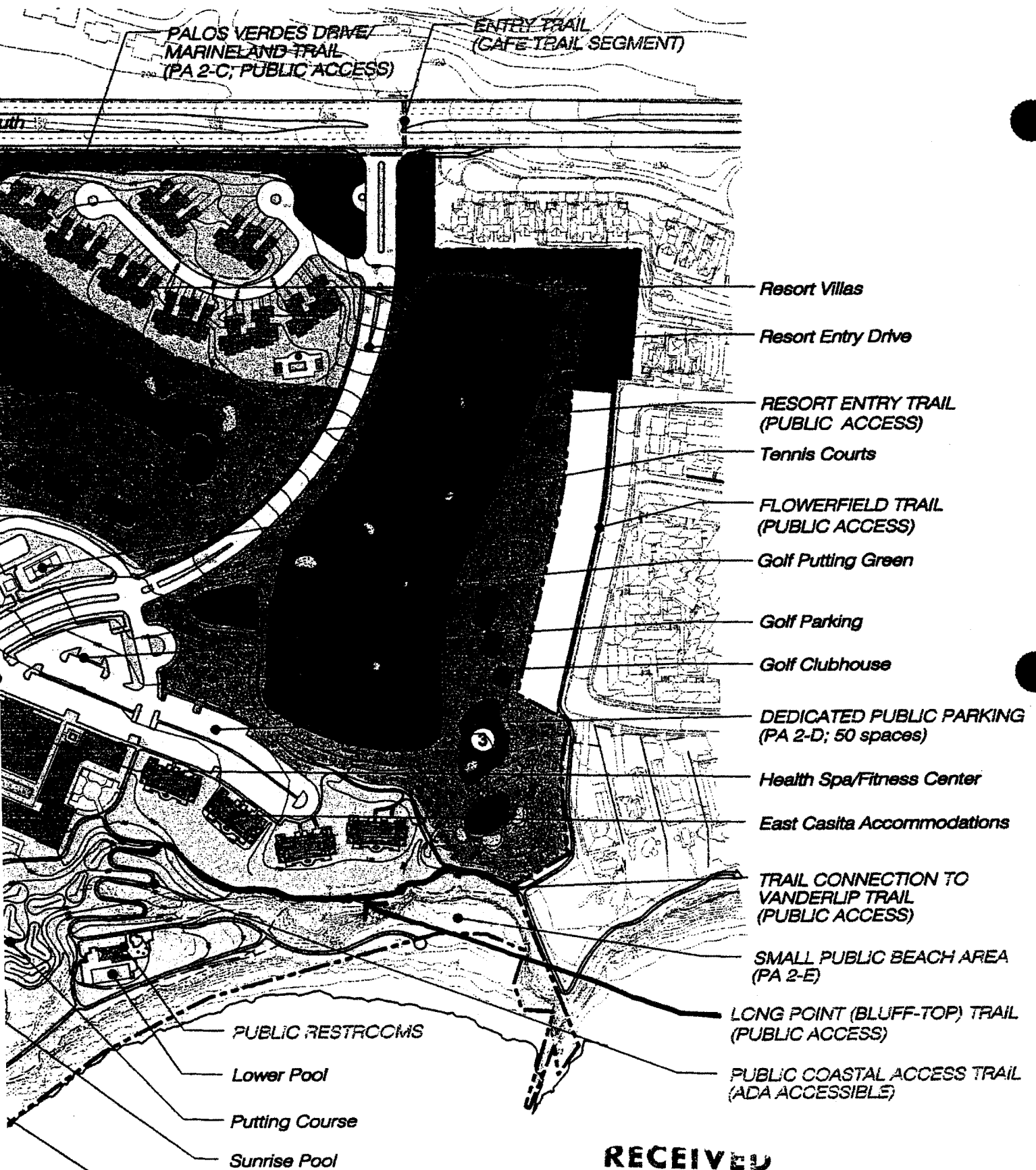
LONG POINT RESORT
City of Rancho Palos Verdes • California

*Map submitted
after Council
hearing*

**COASTAL COMMISSION
PACIFIC**

EXHIBIT # 5b (pg 1)
PAGE _____ OF _____





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COASTAL COMMISSION
A5-RPV-02-324

SEP 06 2002

Exhibit 4-2
Revised Pursuant to
City Council Conditions
Approved August 28, 2002

EXHIBIT # **56 (Pg 2)** CALIFORNIA
PAGE OF COASTAL COMMISSION

LAND USE MAP

Shifts	Hours	Number of Proposed
Shift No. 1- one shuttle	6 a.m. to 10 a.m.	8 round trips
Shift No. 2 – two shuttles	10 a.m. to 2 p.m.	16 round trips
Shift No. 3 – one shuttle	2 p.m. to 6 p.m.	8 round trips

Based on the above table, the total number of trips resulting from the proposed shuttle service is 32 round trips. Each trip from the resort hotel to Ocean Trails will take approximately 30 minutes, for a total of one hour per each round trip. According to the attached draft Addendum, it has been determined that the proposed shuttle service will not result in any new significant traffic impacts. Furthermore, the revised project will not result in an increase to the trip distribution because it is assumed that hotel visitors seeking use of the Ocean Trails golf course will use the shuttle service. As for outside visitors using the Ocean Trails golf course, a traffic study was prepared for that project that was reviewed and approved by the City. The Ocean Trails traffic study accounted for vehicle trips generated by the use of a golf course and provided mitigation measures to reduce impacts to City streets.

Parking

At the time Marineland ceased operation, the subject property maintained 2,736 parking spaces, of which, 966 parking spaces were located at the main parking lot, 370 spaces at the west parking lot, 1,200 spaces at the overflow parking lot, with a remaining 200 miscellaneous parking spaces. After the park closed, the City Council adopted Urgency Ordinances No's 213U, 214U and 216U requiring coastal access and public parking be maintained between the hours of 8:30 a.m. and 4:00 p.m. Soon thereafter, a development application was submitted to the City and subsequently approved by the City Council for a hotel and conference facility. The City's approval included a condition of approval requiring further study of the parking.⁷ As part of the Coastal Commission's review of an appeal of the City Council's approval, the Coastal Commission approved the project with conditions, including a revision to the required parking. The current Coastal Commission approval calls for 1,007 parking spaces (combined surface and subterranean parking spaces), with 101 surface spaces (10% of the required parking spaces) set aside for public parking. Additionally, 50 of the public spaces were to be located at the "northwest portion of the property".

The current proposal includes a parking supply of 925 spaces, of which 100 spaces are designated for public parking. As proposed, the parking totals will include surface parking (490 spaces), structure parking (375 spaces) and subterranean parking (60 spaces). Approximately 30% of the total parking supply will be valet.

⁷ See the attached Coastal Commission Staff Report: Revised Findings, dated September 1, 1991, Condition III, 1, a.

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 Exhibit # 1, 1991, 600
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Since the proposed project does not consist of an independent land use, but rather multiple uses, including hotel accommodations, banquet facilities, restaurants, and a golf course, the applicant's traffic engineer (LSA Associates) prepared a shared parking study.⁸ According to the shared parking study, the Institute of Traffic Engineers (ITE) Parking Manual cites a range of 0.73 to 1.33 parking spaces per room for resort/convention hotels, whereas the Resort Hotel Traffic Study cites a range of 0.80 to 1.39 spaces per room, and the reference book Hotel Planning and Design suggests 0.80 to 1.4 parking spaces per room. Considering the aforementioned parking rates and that the proposed operations of the project, the applicant's traffic engineer believes that a parking rate of 1.4 or 1.5 spaces per room would be appropriate for the project design.

Assuming a rate of 1.5 parking spaces, the proposed project, with 550 rooms (hotel rooms, bungalows and multiple keyed casitas units included), requires 825 parking spaces. It should be noted that the resort villas are designed with a two-car garage and a two-car driveway per unit to address parking the villas parking demands. Since the project consists of 925 parking spaces, a surplus of 100 spaces will be set aside for public use. Additionally, the surplus parking can occasionally be used to accommodate overflow parking for special events. As a result, the subject development, with 925 parking spaces, will have a parking ratio of 1.7 spaces per guest room. Without the public parking, less 100 spaces, a total of 825 spaces will be provided for a parking ratio of 1.5 spaces per room. As such, the Planning Commission determined that the established parking ratio for the subject development adequately address hotel guest and employee parking for all of the site's amenities. The calculations were based on a mix of uses and the interrelation of those uses.

Biological Resources

The following table summarizes the acreage of the significant resources as they will exist on the Resort Hotel Area as a result of the project implementation:

Habitat Conservation/ Enhancement	Acreage
Bluff-face/Habitat Reserve	6.7
Coastal Bluff Scrub Enhancement	1.2
Total Habitat Conservation Area	7.9

Based on the information in the above table, the revised project proposes a new planning area (Planning Area 1-B, *Coastal Bluff Scrub Enhancement Area for the El Segundo Blue Butterfly*) within the Conservation District as a plant transition area (i.e., a native plant buffer) between the Bluff-Face/Habitat Reserve (PA 1-A) and the Project development limits. With this Project design feature and mitigation measures recommended in the certified EIR, potential impacts to the El Segundo Blue Butterfly and the Coastal Bluff Scrub along the western bluffs would be reduced to less than significant levels.

⁸ See LSA study dated May 24, 2000 which is attached.

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A5-RPV-02-324
EXHIBIT # 6b
PAGE _____ OF _____

Remaining Staff
report in permit file
Long Beach Office.

5. Conformance with City Conditions

All conditions placed on the City of Rancho Palos Verdes Conditional Use Permit 136 and Resolution No. 91-43 that do not conflict with the above conditions are incorporated herein as conditions to this permit.

6. Prohibition on Conversion to Exclusive Use

Prior to transmittal of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that a deed restriction has been recorded for the hotel site which indicates that this coastal permit authorizes the development of a 450 unit resort hotel, (as fully described in the findings), which is a proposed visitor-serving use exclusively available to the general public. Furthermore, the deed restriction shall specify that conversion of any portion of the approved facilities to a private or member only use or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is specifically not authorized by this permit and would require an amendment to this permit or a new permit and/or amendment to the certified LCP in order to be effective.

III. FINDINGS AND DECLARATIONS ON COASTAL PERMIT

The Commission finds and declares as follows:

STAFF NOTE: The findings contained in the substantial issue staff report for A5-RPV-91-46 are incorporated herein.

A. Project Description and Background

The core hotel unit of the development approved by the City consists of 390 hotel rooms, 50,000 square feet of guest room support space, 30,000 square feet of conference and community room space, 340 seats of dining space, 200 seats of beverage service, and 6,000 square feet of retail space. The original proposal called for 1,100 subterranean parking spaces and 275 surface parking spaces. The applicant has submitted a revised parking plan which calls for 1,007 subterranean parking spaces and 10% of this or 101 surface public parking spaces. In addition, the plan calls for a nine hole golf course and a 25,000 square foot spa/fitness center with six tennis courts and a stadium court. Ancillary development consists of a 10,000 square foot retail and food service structure at the entrance of Palos Verdes Drive, renovation of the 15,000 square foot Galley West Restaurant, renovation of the 10 room Pereira Motel, the construction of 50 casita units, renovation of the Look Out Bar, the International Cafe/Theater Building and Baja Reef Dressing Rooms. Grading is estimated at a total of 418,037 cubic yards. The hotel would be designed in a Mediterranean style with a height limit of 48 feet. The proposal also includes a heliport, conditional upon a six month trial basis. The maximum height of any building shall be 48-feet measured from the average elevation of the finished grade at the front of the building to the highest ridgeline of the structure. On the inland side buildings shall be a maximum of four floors and on the ocean side a maximum of five floors. The proposed development also calls for a trail network with vista points.

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EXHIBIT # 8a

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a public passive recreational and public parking area on the northwestern coastal portion of the property. (See Exhibit 9) This plan shall include:

- a. not less than 50 parking spaces at the northwestern portion of the property adjoining Palos Verdes Drive South. The parking area shall also include a turn-out area for bicyclists separate from vehicular traffic and with racks for a minimum of 50 bicycles;
- b. a path from the parking lot to a passive grassy recreational area which shall include the westernmost viewing area (vista point) as shown on Exhibit 9.
- c. the recreational area shall include but not be limited to the following amenities:
 1. water fountains
 2. restrooms
 3. one (1) acre landscaped picnic area with picnic tables and benches
 4. view scopes and no fewer than two benches at the westernmost viewing area
 5. a kiosk or other educational tableau containing pictorial and written information on local coastal wildlife (terrestrial and marine).
- d. Signs shall be posted at the northwestern parking lot and in the recreational area also informing the public of the on-site trails and additional parking areas.

2. Signage

Directional signs shall be posted on Palos Verdes Drive South on both sides of the road advertising the above public recreational area. These signs shall be legible for at least 100 feet.

3. Trail Connection to Point Vicente

There shall be a connector trail from the northwestern public parking/recreation area to the Point Vicente fishing access parking area. There shall be directional signs at the trailhead of the proposed project indicating the Point Vicente access area.

4. In-lieu Fee

Prior to the issuance of a permit, the applicant shall comply with the following, subject to the review and approval of the Executive Director:

- (a) provide through a financial instrument subject to the review and approval of the Executive Director the amount of not less than \$540,000 payable to the California Coastal Commission for distribution to a public agency or a private non-profit association designated, in writing, by the Coastal Commission (including, but not necessarily limited to, the American Youth Hostel Association and the City of Rancho Palos Verdes) for the acquisition of land and/or construction of low cost visitor serving overnight accommodations such as hostels or campground facilities.

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DESTINATION
DEVELOPMENT CORPORATION

11777 San Vicente Boulevard, suite 900, Los Angeles, California 90049 TEL (310) 820-6661 FAX (310) 207-1192

RECEIVED
South Coast Region

OCT 15 2002

CALIFORNIA
COASTAL COMMISSION

October 9, 2002

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Attn: Melissa Stickney
Pam Emerson
Teresa Henry

Re: Appeal No. A-5-RPV-02-324
Long Point Resort, Rancho Palos Verdes

Dear Ms. Stickney:

Thank you for the time you spent discussing the Long Point project with our team last Thursday, October 3, 2002. We believe the meeting was highly productive and we look forward to working with you and finalizing matters over the next few months.

It is our understanding that the matter is now scheduled for hearing on Substantial Issue on the November Agenda in San Diego. We wish to adhere to that date. We believe, subject to certain below mentioned clarifications, the City approval is consistent with its approved Coastal Specific Plan ("CSP").

At our meeting on October 3rd, we discussed the issues identified in the three appeals (Robert Haase, Chairman Wan and Commissioner Dettlof, the South Bay chapter of the Sierra Club). We reviewed in detail the September 30, 2002 memorandum sent to your offices (copy attached). We respectfully add the following to our earlier comments:

Robert C. Haase Appeal

1. Provided to Date

We have communicated our belief that Mr. Haase's letter does not raise any proper basis for appeal and that the project is consistent with the Coastal Act and the approved Coastal Specific Plan, provides increased coastal access, protects and enhances coastal resources, and is a significant improvement over the currently approved resort plan (Coastal Permit A-5-RPV-91-46).

2. Additional Coastal Staff Requirements from City or Applicant

We are unclear as to what, if anything, Coastal Staff ("Staff") may require.

3. Additional Comment

With respect to Mr. Haase's claims regarding "Traffic and Circulation", the FIR considered all intersections that would be impacted by the project and concluded there is no significant impact. The City's Traffic Committee conducted extensive discussions

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regarding the identified intersections prior to proposing specific mitigation measures for the project. We do not believe Mr. Haase's "Ambient Noise" argument is proper grounds for appeal. At our meeting, Staff discussed that as long as the noise was not impacting the habitat, which per the EIR it is not, this was not a Coastal Act issue.

Chairman Wan and Commissioner Dettlof Appeal

Subject: Public Access: Trails

1. Provided to Date

The City has provided Staff with copies of the City's Conditions of Approval for the project. Conditions of Approval #63 and #70 clearly require construction of the Long Point Trail.

2. Additional Coastal Staff Requirements from City or Applicant

Staff has indicated that, the record should specifically reference the plan that identifies the trail in all proper locations.

3. Additional Comment

We believe that this is a minor issue in the record that can easily be remedied when the applicant formally accepts the City Conditions (see Condition #1). Therefore, once coastal staff has received evidence of this, it should not be addressed as a Substantial Issue.

Subject: Parking Supply

1. Provided to Date

The City has supplied Staff with copies of the City Staff Report's discussing the Resort Villas as "self-parked" - i.e., over and above the 925 parking spaces itemized in Condition #108.

2. Additional Requirements from City or Applicant

Staff stated they would study the matter further and decide whether they would seek clarification of Condition #108 to list/itemize the Resort Villa parking along with all the other parking. City staff will provide evidence that its code allows for multi-use parking calculations and Staff will review the study which determined the 925 spaces is more than adequate for this type of resort facility (notwithstanding the study, with the Resort Villas, the project proposes 1,075 spaces).

3. Additional Comment

We believe that this is a minor issue in the record that can easily be documented when the applicant formally accepts the City Conditions (see Condition #1). Therefore, once coastal staff has received evidence of this, it should not be addressed as a Substantial Issue.

Subject: Section 30213 of the Coastal Act

1. Provided to Date

We have provided information about the \$1.0 million to which the project has committed to the City for affordable housing in-lieu fees - the only commercial in lieu fees that will be generated in Rancho Palos Verdes. The project assisted the City in adoption of the fee.

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2. Additional Coastal Staff Requirements from City or Applicant

Staff informed us that the \$550,000 in-lieu fee that was a condition of the existing Coastal Permit A-5-RPV-91-46 approved by the Coastal Commission in 1991 must be paid if it has not been so already.

3. Additional Comment

It should be noted that the new project is providing greater amounts of no cost and low cost public amenities than the existing permitted plan. The Bluff Top Park has been increased to 2.2 acres from 1.0 acres originally permitted. The Lookout Bar renovation will offer more affordable prices than the in-hotel restaurants. The Lower Pool facility – which now proposes to replace the golf facility on the existing permitted plan – will provide, at no cost to the general public:

- Restrooms and Changing Areas
- Outdoor Showers
- Drinking Fountain
- ADA Access
- Benches and Shade

Food and beverage service will also be available to the general public at the Lower Pool.

Subject: Public Recreation

1. Provided to Date

We have provided the facts relating to the Casitas and Resort Villas in the September 30, 2002 memorandum. The units are more severely restricted than any similar types approved by the Coastal Commission.

2. Additional Coastal Staff Requirements from City or Applicant

It is our understanding that staff may require additional language that further restricts these units during the period from Memorial Day to Labor Day. The restrictions that are contemplated might be as follows:

- During the period from Memorial Day to Labor Day - permit the owner only one "maximum stay" (29 days) and not more than 50% of the total number of days available to be used annually by that owner.

3. Additional Comment

We strongly believe that the additional restrictions are unnecessary and do not create a Substantial Issue with the CSP. The restriction will only hamper the ability to find investors for the units and therefore dampen the prospects that this degrading site be redeveloped into the proposed visitor serving use. The restriction is unnecessary as there are a significant number of factors which, when taken together, create almost no possibility that public use will be significantly impacted during the Summer season. These factors are as follows:

- At all times in all seasons there will be 400 hotel rooms available as overnight accommodations.
- Current statistics show that investor owners use their units on average less than 30 days during the whole year. For example, Seascape, on the ocean in Aptos, California, allows 90 days of unrestricted use by each individual investor. On

average, a studio is used 3 days per year, a one bedroom 6 days per year, and a two bedroom, 19 days per year.

- Southern California is not a peak three month destination, unlike many resort areas. In fact, the hospitality business remains quite strong throughout the year, with weakness really only in the non-holiday parts of November and December and during January.
- Buyers of these types of units are motivated by the investment return. If they were motivated by use, they would be purchasing a unit in which they had unfettered access. As such, if they do find the demand for their unit by the public to be significantly stronger during the summer season than the remainder of the year, they would be motivated not to use the units during the Summer season because of the consequences of lost investment income.
- Even if some of the Casitas are being used by their Owners, the units have "lock-off" rooms that can and will be used for overnight accommodations – thereby increasing the amount of overnight accommodations available during the Summer season.
- The Casitas and Villas account for 82 units (82 out of 482 units = 17%) and a maximum of 182 rooms (182 out of 582 rooms = 31%). Under the most conservative calculation, a minimum of 69% of the project will be available for day-to-day overnight use. For the above-mentioned reasons, it is very difficult to imagine a case in which there will not be significantly more than 69% of the keys available for guest use at any one time.
- Finally, this type of investor-oriented, use-restricted unit has been previously approved in the coastal zone many times. Examples include Seascape at Aptos, the Beach House in Hermosa, The Beach House in Half Moon Bay, and the Treasure Island project in Laguna. To our knowledge, all of these approvals have a 90-day use restriction, no additional restriction during the Summer, and most if not all had a much lower ratio of hotel owned rooms to total rooms. With the 60 day use limitation on the 50 casita units, we have voluntarily adopted a more restrictive use than we believe has ever been adopted. As such, given the past precedence, we do not believe this additional Summer season restriction is either warranted or fair.

Although we strongly believe that the additional use restriction will not have a practical impact on public usage, it will create one more significant issue in the mind of the potential investor that will not be found at other projects. Consequently, it thus hampers the ability of the project to be financed and moved forward.

Subject: Visual Impacts

1. Provided to Date

The City has provided Staff with copies of the EIR, view analysis, and grading plan. The EIR concluded there are no significant impacts.

2. Additional Coastal Staff Requirements from City or Applicant

It is our understanding that staff may require specific reference to the pad elevations on the grading plan in connection with this matter.

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3. Additional Comment

We believe this is a minor issue in the record that can easily be remedied when the applicant formally accepts the City Conditions (see Condition #1). Therefore, once coastal staff has received evidence of this, it should not be addressed as a Substantial Issue.

Subject: Hazards

1. Provided to Date

The City has provided Staff with copies of all geology reports that conclusively determined the location as safe for building, with a factor of 1.7. Further, even with this safety factor, the conditions require that the pool be double lined and a leak detection system installed. We have provided Staff with evidence that the area proposed for the Lower Pool was graded for fish tank uses in connection with the former Marineland Aquatic Park. The City has also provided Staff with copies of the resolution adopted in connection with the approval of the Lower Pool, which notes the substantial public benefits associated with the facility. The EIR determined there were no significant impacts.

2. Additional Coastal Staff Requirements from City or Applicant

It is our understanding that Staff does not need anything further on this matter.

3. Additional Comment

The City is on record that the Lower Pool was approved because it would create a superior public amenity in the project. Further, the amenity will be available to significantly more of the public (both hotel guests and the public in general) in its current use than in the currently approved use as golf. Finally, given that the property does not have a beach and that its competition along the Southern California coast generally does, this lower pool amenity is of critical importance to the Long Point resort being successful.

Subject: Habitat

1. Provided to Date

We have demonstrated that the design features and mitigation measures of the proposed project not only "fully offset the impact" of development, but they dramatically enhance existing conditions.

2. Additional Coastal Staff Requirements from City or Applicant

We are unclear as to what, if anything, staff may require in connection with this matter.

3. Additional Comment

It needs to be understood that no "habitat" or native species currently exist on the non-bluff areas of the site. As you know, the site was previously the Marineland theme park, with asphalt to the bluff's edge on much of the site. The non-bluff habitat is to be created and protected as part of the project plan. Further, the 50-foot buffer area was not identified by the EIR as required to be of locally native plants. The developer voluntarily agreed to this.

Sierra Club Appeal

Subject: Vista Points along the Long Point Trail Segment have not been clearly defined by the Project's Plan and may potentially impact the bluff habitat.

1. Provided to Date

The location of the two vista points was determined by the Coastal Commission in 1991. We do not believe it is good practice to preclude people from accessing intelligently planned and operated areas along the west bluff. We provided a detailed explanation of how we would design these two Vista Points.

2. Additional Coastal Staff Requirements from City or Applicant

It is our understanding that Staff does not need anything further on this matter, but if needed we can supply additional graphics describing the Vista Points. Per our discussion, the vista points are planned to be small in size and will have signage and fences delineating the adjacent native planting area. Further, since there is no existing habitat on the non-bluff parts of the site, these vista points will not be encroaching into existing habitat. Rather, the new native plantings will be established around them.

3. Additional Comment

None

Subject: The Project's Landscape Plan allows the use of five trees which are considered by some to be "invasive".

1. Provided to Date

An example of a landscape maintenance plan was provided.

2. Additional Coastal Staff Requirements from City or Applicant

None of which we know.

3. Additional Comment

Our biologist does not believe the judicious use of the Canary Island Palm, Pepper Tree, Olive Tree, Eucalyptus, or Oleander will have impacts to the local habitat. These trees simply are unlikely to grow unnurtured in the coastal environment where the local habitat thrives. Further, with the above-mentioned proper maintenance, our biologist believes these trees will not have the possibility of propagating themselves. Finally, the trees have become a part of the local landscape palate and we believe are an integral part of blending the Long Point resort into the Palos Verdes community.

Subject: It is not yet clear whether the Grading and Drainage on the site might impact the bluff habitat.

1. Provided to Date

Condition #162 was developed specifically to deal with this issue. Currently, water is direct at the west bluff in several locations – resulting in accelerated erosion. The problem will be corrected with implementation of the project.

2. Additional Coastal Staff Requirements from City or Applicant

It is our understanding that Staff does not need anything further on this matter.

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3. Additional Comment

Condition #162 does what all parties want – project runoff will be collected and directed away from the bluffs.

Subject: The Lower Pool is located inside (toward the ocean) the Coastal Setback Line, which is inconsistent with the Coastal Specific Plan.

1. Provided to Date

See September 30, 2002 memorandum and refer to “Hazards” section of Chairman Wan and Commissioner Dettlof Appeal (above).

2. Additional Coastal Staff Requirements from City or Applicant

We are unclear as to what, if anything, staff may require in connection with this matter.

3. Additional Comment

As mentioned in the above “Hazards” section, the lower pool area both provides a critical amenity to our hotel guest, a wonderful amenity to the public at large, and is a major improvement to the fish tanks under the previous use or the golf facility in the current approval. In addition, given its location, it will be out of view to all but someone by air or boat

Thank you for the opportunity to comment.

Respectfully submitted,



Michael A. Mohler
Vice President

Attachment: September 30, 2002 Memorandum

cc: Joe Rojas, City of RPV
Ara Mihranian, City of RPV
Rob. Lowe
Phil Stukin

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July 30, 2002

BYA Project No. 42.25069.0004
Via e-mail and standard mail

RECEIVED

AUG 05 2002

**PLANNING, BUILDING,
& CODE ENFORCEMENT**

City of Rancho Palos Verdes
Department of Planning, Building, and Code Enforcement
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

ATTN: Mr. Ara Mihranian

**SUBJECT: Geology and Geotechnical Engineering Review, Long Point Parcel
Proposed Lower Swimming Pool and Public Restroom**

REFERENCE: **Response to Comments from City of Rancho Palos Verdes
Report of Geotechnical Consultation, Proposed
Long Point Destination Resort, Rancho Palos Verdes, California
Law/Crandall Project No. 70131-2-0076.0002, dated July 30, 2002**

See Appendix for Summary of Previously Reviewed Documents

Dear Mr. Mihranian:

Per your request, Bing Yen & Associates, Inc. (BYA), has reviewed the referenced response report as well as pertinent portions of the previously reviewed documents in order to evaluate the geotechnical feasibility of locating the Lower Swimming Pool and Public Restrooms within the proposed building setback line previously presented by Law/Crandall (L/CA) in the September 27, 1999 Geotechnical Evaluation Report. In order to streamline the review process, the Consultants graciously coordinated the supplemental field investigation with BYA so that the undersigned engineering geology reviewer was able to observe the borings in the field on July 25, 2002. BYA received an electronic version of the referenced response report via the Internet, and understand that wet stamped originals will be forwarded to the City of Rancho Palos Verdes.

Based on our review of the additional geologic data from borings BA-1 and BA-2, the revised cross section PR-1-PR-1', the reported laboratory shear strength parameters, and the results of the slope stability analyses, L/CA has adequately responded to BYA's comments in our July 17, 2002 review letter. The observations from borings BA-1 and BA-2 indicate that the proposed pool is underlain by intact basalt bedrock and that the intermediate ancient sea cliff is 40 feet southeast of the proposed Lower Swimming Pool and Public Restrooms. The results of the slope stability analyses presented by L/CA indicate that the proposed structures will be located in an area where the factor of safety exceeds 1.5. As such, the Consultants have demonstrated that the proposed Lower Swimming Pool and Public Restrooms are feasible from a geotechnical point of view.


We understand that the subject L/CA letter report and this review only pertain to the geotechnical feasibility of locating the proposed lower pool within the previously developed

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building setback. Geotechnical recommendations for building design as well as grading recommendations should be presented in a future geotechnical design report that addresses the specific subsurface conditions unearthed during the supplemental subsurface investigation.

We hope that this review meets your current needs and appreciate the opportunity to assist the City with this challenging project. Should you have any questions or require additional information, please feel free to contact our office.

Sincerely,
BING YEN AND ASSOCIATES, INC.


Edward H. Sabins, CEG
Engineering Geology Reviewer


Osman Pekin, GE
Geotechnical Engineering Reviewer

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*** Remaining Geo. Report is available in Appeal File,
Long Beach Office.**

Destination Development Corporation - Geotechnical Consultation
Law/Crandall Project 70131-2-0076.0002

July 30, 2002

Nonetheless, to evaluate the effects of groundwater perched on the relatively impermeable bedrock at the site, we modeled a groundwater surface as requested. As shown on Figures B-1 and B-2, we incorporated a postulated maximum perched groundwater surface into our slope stability model. The postulated groundwater surface used in our model is shown on Figure B-3. The factors of safety shown in the table above account for the effects of the postulated maximum perched groundwater surface.

Comment No. 5

The letter report should also bear the stamp and expiration date of the engineering geologist of record.

Response

This letter report is signed and stamped by a Certified Engineering Geologist.

CONCLUSIONS

→ The results of our analyses indicate that the LSP site exceeds the required factors of safety against static and dynamic instability and is feasible from a geotechnical standpoint.

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WHICH ARE DIRECTLY ASSOCIATED WITH VEGETATION COMMUNITIES. THESE ARE GENERALLY FOUND ON BLUFF FACES AND NATURAL CANYON AREAS WHERE WILDLIFE THRIVES DUE TO THE PROTECTION AND FOOD FOUND FROM THE NATURAL VEGETATION. THOUGH THERE ARE NO FORMALLY RECOGNIZED ENDANGERED OR RARE SPECIES OF WILDLIFE OR VEGETATION, THESE WILDLIFE HABITATS ARE SIGNIFICANT BECAUSE OF THE WIDE VARIETY AND NUMBERS OF WILDLIFE WHICH ARE ASSOCIATED WITH THEM. ADDITIONALLY, THE NATURAL VEGETATION OF GRASSES AND WILD FLOWERS FOUND ON THE HILLSIDES AND CANYONS GIVES A UNIQUE

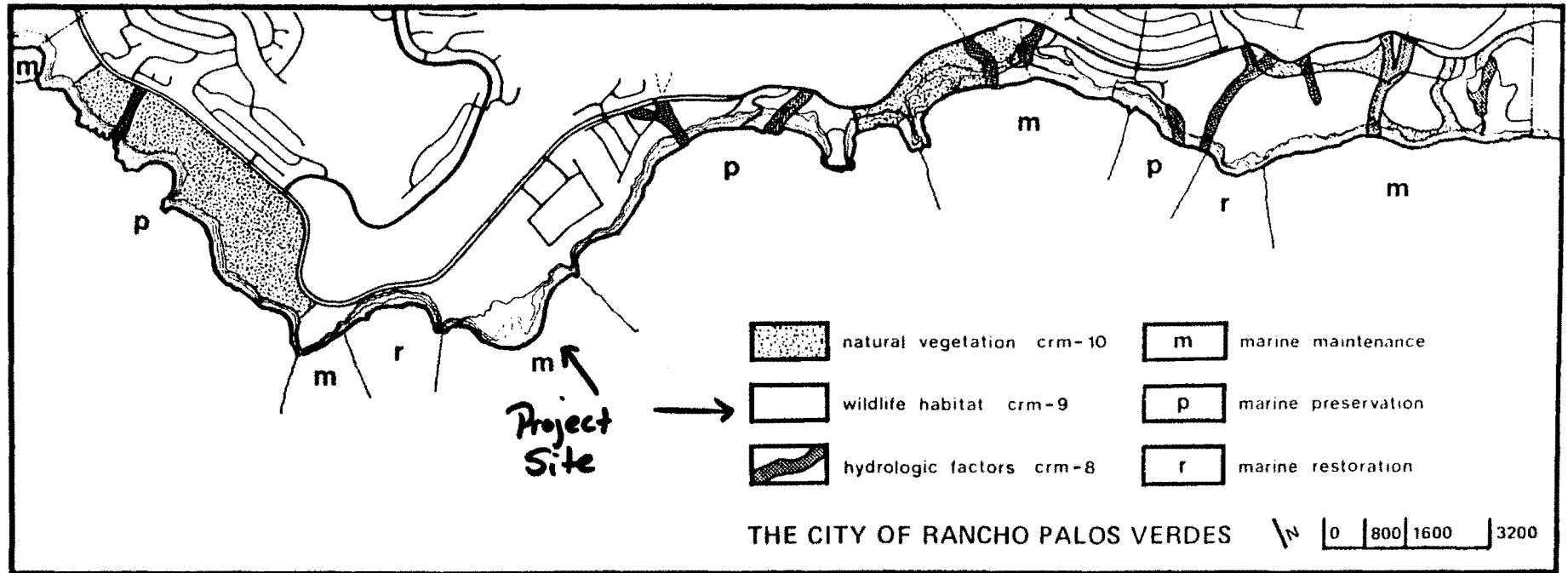
ENVIRONMENTAL CHARACTER TO THE CITY WHICH, IF TO BE PRESERVED, REQUIRES CONSIDERATION OF THE NATURAL DRAINAGE SYSTEM AND TOPOGRAPHY.

THE AREAS FOR PRESERVATION OF NATURAL RESOURCES MAP (FIGURE 12) IDENTIFIES CRITICAL NATURAL RESOURCES. THESE ARE CALLED OUT ON THE MAP AS FOLLOWS:

- HYDROLOGIC FACTORS
- WILDLIFE HABITATS
- OTHER NATURAL VEGETATION AREAS

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figure 12 areas for preservation of natural resources



Woolly Sea-blite (Suaeda taxifolia). Woolly sea-blite is a CNPS List 4 species that typically blooms from January through December. This perennial herb occurs in margins of coastal salt marsh and coastal bluff scrub. Woolly sea-blite occurs on the RHA in the southern coastal bluff scrub. No suitable habitat is present on the UPVA for this species.

Special Status Wildlife. Forty-one special status wildlife species are known to occur within the region and have a potential to occur within the Project site. ~~In addition to focused surveys have been conducted for the coastal California gnatcatcher in 1998, a host plant survey for the Pacific pocket mouse, Palos Verdes blue butterfly, and El Segundo blue butterfly was conducted in 1999 (Dudek 1999).~~ Brief descriptions of the special status wildlife species and their potential to occur within the Project site are discussed below. Please note that they are grouped by type and listed alphabetically according to their scientific name. These species are summarized in Table 5.3-3.

Invertebrates

→ *El Segundo Blue Butterfly (Euphilotes battoides allyni)*. The El Segundo blue butterfly is a federally-listed Endangered species. This butterfly was previously known to persist on just a few remaining fragments of dune habitat along the Los Angeles County coast from Los Angeles International Airport to Palos Verdes. The largest remaining population of this species is found on the property of the Los Angeles International Airport. The El Segundo blue butterfly is not only threatened by loss of habitat, but by threats to the continued survival of its host plant. ~~Ashy-leaved Coast buckwheat (Eriogonum cineracens) is believed to be the primary larval food plant or host plant for the species, and it is threatened by competition from several introduced plants including other buckwheats. The larvae of the El Segundo blue butterfly cannot successfully feed on these other buckwheats. The El Segundo blue butterfly adult flight period is May through June (Garth and Tilden 1986) mid-June to August.~~

→ The host plant (coast buckwheat) for the El Segundo blue butterfly was identified on the UPVARHA during the 1999 and 2001 focused surveys. Associated with the locations of the coast buckwheat, a population of the El Segundo blue butterfly was found on the bluff tops, bluff faces, and foot of the bluff on the western portion of the RHA during the focused surveys conducted in 2001. Most of the butterflies were observed in the stretch of bluff north of and around the narrowpoint located immediately north of the Long Point⁵. This is a stretch of bluff located just south of the existing fishing access parking lot. One male was observed approximately 700 feet south of this narrowpoint, near a small-patch of coast buckwheat (Exhibit 5.3-1).

⁵ Geographic feature identified on USGS topographic map.

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PAGE Biological Resources

The ~~ashy-leaved~~ashy-leaf buckwheat was found within the coastal sage scrub and southern cactus scrub habitats on the UPVA. ~~Although the larval food plant for and within the disturbed areas of the RHA along the bluff habitat areas.~~ As discussed previously, the El Segundo blue may also use the ashy-leaf buckwheat. Therefore, focused surveys were also conducted concurrently on the UPVA during the period when the El Segundo blue butterfly was identified ~~on the UPVA, the appropriate dune habitat for the species was not.~~ Therefore ~~the known to be flying on the RHA.~~ The El Segundo blue butterfly ~~is was not expected to occur~~observed on the UPVA or RHA ~~due to a lack of suitable habitat during focused survey efforts.~~

Palos Verdes Blue Butterfly (Glaucopsyche lygdamus palosverdesensis). The Palos Verdes blue butterfly is a federally-listed Endangered species. It was believed to be extinct, but was rediscovered on March 10, 1994 at a Defense Fuel Support Point site in San Pedro. During the 1980s, there were 12 locations identified as supporting the Palos Verdes blue butterfly. All of these locations were on the southern half of the Palos Verdes Peninsula and supported coastal sage scrub habitats. This butterfly is a subspecies of the silvery blue (*Glaucopsyche lygdamus*), of which at least ten subspecies have been described. These subspecies occur in small colonies that are distributed locally across North America. The larval food plants or host plants for this species consist of legumes (Garth and Tilden 1986); such as ~~milk-vetch or rattleweed (Astragalus trichopodus tenchus)~~locoweed that is used by the Palos Verdes blue butterfly. In addition, this ~~species the Palos Verdes blue~~ will also lay its eggs on deerweed (*Lotus scoparius*).

One of the two required larval food plant species was identified on UPVA during the 1999 and 2001 focused surveys for host plants of the Palos Verdes blue butterfly. Locoweed was observed at the edge of southern cactus scrub in the UPVA. ~~It is presumed that the habitat here is too fragmented and disturbed to support the Palos Verdes blue butterfly. The quality of onsite habitat and the current distribution of the Palos Verdes blue butterfly indicate that its potential to occur on the UPVA is very low.~~

This species was not observed during focused survey efforts during the spring of 2001. Therefore this species is not expected to occur onsite.

Amphibians

Western Spadefoot Toad (Scaphiopus hammondi). The western spadefoot toad is a federal Species of Concern, a California Species of Special Concern, and a CDFG Protected species. This species inhabits grassland, coastal sage scrub, and other habitats with open sandy, gravelly soils. The western spadefoot toad is primarily a species of the lowlands, frequenting washes, floodplains of rivers, alluvial fans, and alkali flats (Stebbins 1985). This species is rarely seen outside of the breeding

COASTAL COMMISSION

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Biological Resources

AREAS FOR PRESERVATION OF NATURAL RESOURCES

THE COMPONENT ELEMENTS AND THEIR NUMERIC CODE ARE AS FOLLOWS:

EXTREME SLOPE	1
HIGH SLOPE	2
HAZARD	3
A EXTREME	
B HIGH	
MARGINALLY STABLE	4
INSUFFICIENT INFORMATION	5
WILDLAND FIRE HAZARD	6
FLOOD/INUNDATION	7

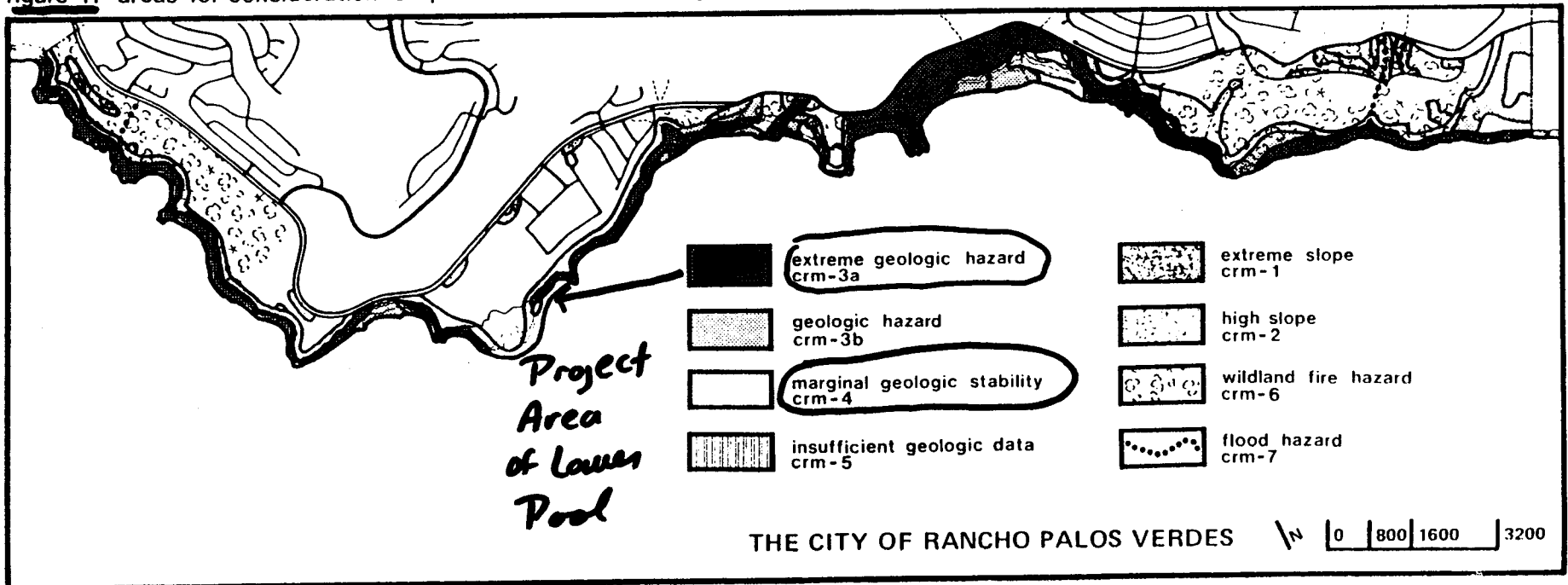
THESE AREAS ARE FOR CONSERVATION OF PLANT AND ANIMAL LIFE, HABITATS FOR MARINE ORGANISMS AND WILDLIFE SPECIES, AREAS FOR ECOLOGICAL AND OTHER SCIENTIFIC STUDIES AND ANY OTHER UNIQUE NATURAL RESOURCES WITHIN THE CITY.

THE INTERTIDAL MARINE RESOURCE IS ONE OF THE MOST SIGNIFICANT RESOURCES WITHIN RANCHO PALOS VERDES AND IS DEPENDENT UPON PROPER MANAGEMENT OF THE LAND ENVIRONMENT AS IT INTERACTS WITH THE OCEAN.

THERE ALSO EXIST IN THE COASTAL REGION A NUMBER OF SIGNIFICANT WILDLIFE HABITATS

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figure 11 areas for consideration of public health and safety



CATEGORY 3 - AREAS IN WHICH EXISTING GEOLOGIC INFORMATION IS NOT SUFFICIENTLY DETAILED TO ESTABLISH SUITABILITY FOR CONSTRUCTION PURPOSES.

CATEGORY 4 - AREAS THAT APPEAR TO BE SUITABLE FOR PERMANENT TRACT-TYPE RESIDENTIAL STRUCTURES AND SUPPORTING FACILITIES IN LIGHT OF EXISTING GEOLOGIC INFORMATION.

THE ABOVE CLASSIFICATION SYSTEM IS BASED ON THE ANALYSIS OF EXISTING GEOLOGIC DATA, BOTH PUBLISHED AND UNPUBLISHED. SIGNIFICANT GAPS STILL EXIST IN THE AMOUNT OF DETAILED GEO-

LOGIC INFORMATION AVAILABLE ON RANCHO PALOS VERDES TO NECESSITATE THE INCLUSION OF A "GRAY ZONE" (CATEGORY 3) BETWEEN AREAS THAT ARE KNOWN TO BE FREE OF GEOLOGIC PROBLEMS AND THOSE KNOWN TO BE RESTRICTED BY GEOLOGIC CONDITIONS.

THE GEOGRAPHICAL DISTRIBUTION OF THE ABOVE CATEGORIES IS SHOWN ON FIGURE 5. SIGNIFICANT COMMENTS REGARDING THE LOCATION, CONSTRAINTS, AND LIMITATIONS FOR THE UPLAND AREAS WITHIN THESE CATEGORIES DISCUSSED IN THE PROVISIONAL COASTAL SUBRECTION ZONE, NATURAL ENVIRONMENT ELEMENT, RESPECTIVE SUBREGION SECTIONS.

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figure 5 geology

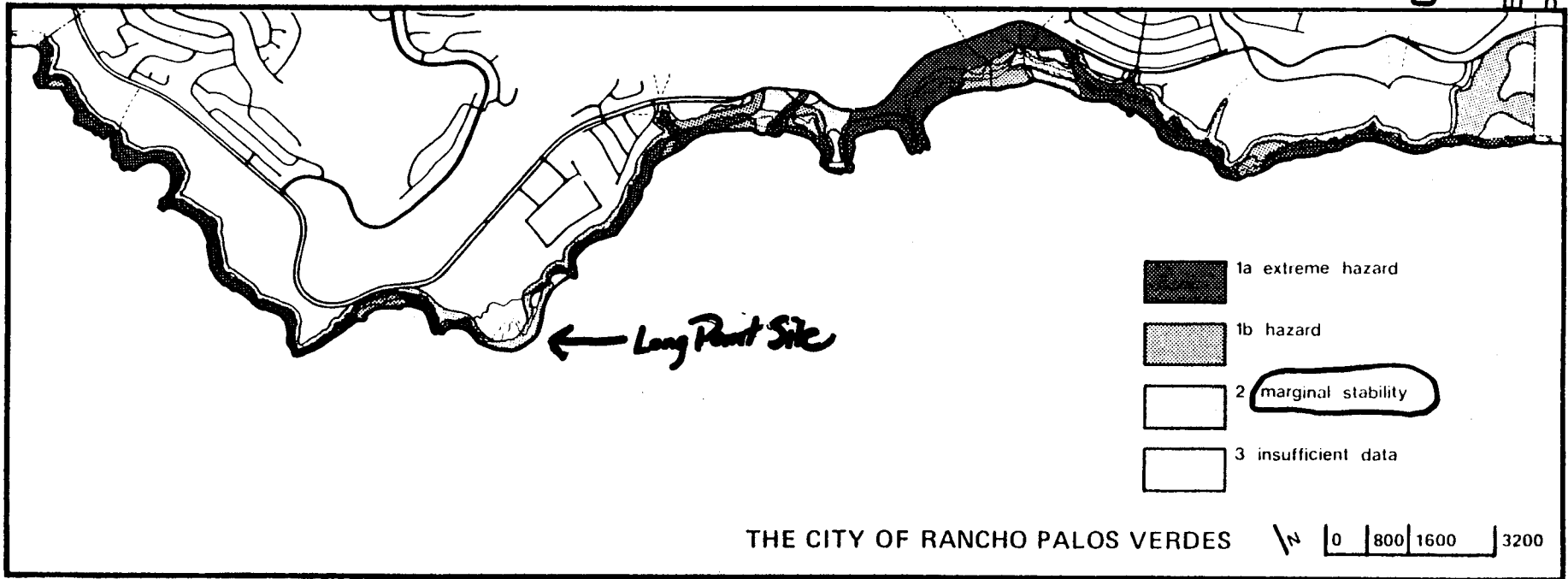
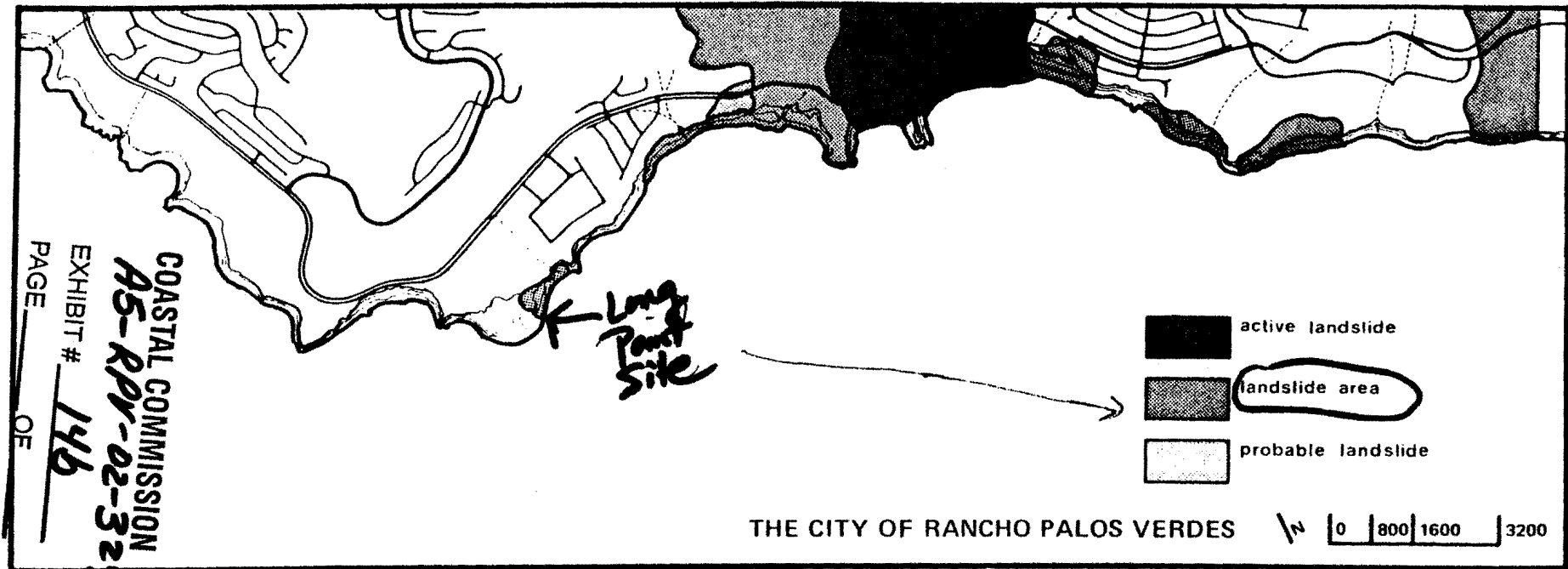


figure 7 landslides



RESPECT TO THE DISTANCE FROM THE FAULT AND GEOLOGIC MAKEUP IN A SPECIFIC AREA. IN GENERAL, MORE SEVERE WAVE PATTERNS WILL BE INCURRED BY LANDS IN THE SOUTHERN PORTION OF THE COASTAL REGION AND PROGRESSIVELY DIMINISH TOWARDS THE WEST. WHEN THE DISTANCE FACTOR IS COUPLED WITH SURFACE FACTORS (MONTEREY FORMATION OR TERRACE DEPOSIT), THE AMPLIFICATION SPECTRA USED IN TABLE 4 CAN BE EXPECTED FOR THE RESPECTIVE MAGNITUDES.

CONCLUSIONS DRAWN FROM DATA INDICATE THAT EARTHQUAKES WITH A MAGNITUDE OF 5.6 OR GREATER WILL INDUCE GROUND SHAKING WHICH EXCEEDS UNIFORM BUILDING CODE REQUIREMENTS. THE EXPECTED RECURRENCE INTERVAL FOR SUCH

EARTHQUAKES IS 150 YEARS FOR A MAGNITUDE OF 5.6 AND 300 YEARS FOR A MAGNITUDE OF 6.5.

THE "MAXIMUM CREDIBLE" EARTHQUAKE FOR THIS FAULT IS A 7.7 MAGNITUDE. SINCE THE RECURRENCE INTERVAL FOR AN EVENT OF THIS MAGNITUDE IS APPROXIMATELY 1000 YEARS AND THE SOUTHERN SEGMENT MOVED ONLY 40 YEARS AGO, THIS POTENTIAL EVENT IS NOT CONSIDERED AS TO HAVE A SUFFICIENTLY HIGH PROBABILITY OF OCCURRENCE TO WARRANT ANALYSIS (SEE PAGE 155 OF THE GENERAL PLAN).

SAN ANDREAS FAULT

THE COASTAL REGION LIES APPROXIMATELY 55 MILES FROM THE SAN ANDREAS FAULT. BECAUSE