

**CALIFORNIA COASTAL COMMISSION**

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Staff: RT/PE-LB  
Staff Report: July 21, 2005  
Hearing Date: August 9-12, 2005  
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT**

**APPLICATION NO.:** A-5-RPV-02-324-A3

**APPLICANT:** Long Point Development, LLC, Attn: Keith Lamarter

**PROJECT LOCATION:** 6610 Palos Verdes Dr. South, Rancho Palos Verdes, (Los Angeles County)

**DESCRIPTION OF PROJECT ORIGINALLY APPROVED:**

Construction of a 582 room resort: 400 hotel rooms and 82 units (consisting of 50 three-keyed "casitas", and 32 "villas"), golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces, open space and 784,550 cubic yards of grading on a 102.1 acre site. The proposed project includes Tentative Parcel Map No. 26073, which creates four parcels.

**DESCRIPTION OF AMENDMENT:**

Authorize the conversion of 82 units (50 casitas and 32 villas (totaling 82 rentable spaces) into condominiums, enabling the units to be sold as independently owned condominiums, which would be operated by the hotel as limited occupancy resort condominiums (Exhibits #2 and #6).

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant requests permission to convert 82 units associated within the approved hotel /resort development into condominiums so that they can be sold individually. The applicant proposes to impose restrictions on the units, thus limiting the buyers' occupancy of the units so that the units will always be managed as part of the hotel. The hotel/resort development was approved as a priority use because it provides a visitor serving use. To ensure that it will continue to be available as a visitor serving use to the general public, the Commission staff recommends that the Commission **APPROVE** the proposed amendment subject to the following modifications of the conditions of approval: 1) insert a new note indicating that all standard and special conditions of the original permit as previously approved remain in effect unless explicitly

changed in this action; 2) modify special condition 5.D.8 to change the restriction on future acceptance of amendments into direct restrictions on these new condominiums; 3) modify special condition 27 to reflect the acceptance of this amendment by eliminating the third line of the condition, 3) change special conditions 17 and 18 to add the phrase "as amended" after references to "this permit".

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Rancho Palos Verdes Certified Local Coastal Program
2. Coastal Development Permit A-5-RPV-02-324
3. Coastal Development Permit 5-96-282
4. Newport Coast Certified Local Coastal Program
5. "Declaration of Restrictions," Draft Agreement between the City of Rancho Palos Verdes and the Applicant regarding the management and operation of the individually owned units
6. Conditional Use Permit # 215, City of Rancho Palos Verdes
7. Tentative Parcel Map No. 26073

**LOCAL APPROVALS RECEIVED:**

Approval in Concept from the City of Rancho Palos Verdes City Council dated August 27, 2002 (re-stamped by City of Rancho Palos Verdes Planning Division on June 24, 2005).

**EXHIBITS:**

1. Vicinity Map
2. Tentative Parcel Map No. 26073
3. Declaration of Restrictions draft agreement
4. Letter from applicant dated June 27, 2005 regarding Special Condition 27 from Coastal Development Permit A-5-RPV-02-324
5. Applicant's proposed amendment description

**PROCEDURAL NOTE:**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

The amendment request involves a change to the original 582 room resort to allow the sale of 82 independently owned units associated with the development. The application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

Section 13166 of the Commission Regulations also calls for the Executive Director to reject a permit amendment request if it would lessen the intent of the previously approved permit. The findings and special conditions of coastal development permit A-5-RPV-02-324 anticipated that the Commission would accept an amendment to allow the sale of independently-owned units (casitas and villas). However, condition 5D.8 of the underlying permit requires that any buyer of a unit be subject to limitations as to length of stay and that the units remain available to the general public for most of the year.

The proposed amendment to authorize the conversion to condominiums of these 82 units (50 casitas and 32 villas), which would be operated by the hotel as limited occupancy resort condominiums would not lessen the intended affect of A-5-RPV-02-324 because original approval anticipated sale of some units subject to limitations. Moreover, the applicant has expressed an intent to accept limitations on the sale and the use and occupancy of the units consistent with the Commission's condition requiring such limitations. The applicant has submitted an application to convert the "villas" and "casitas," three sets of free-standing structures on the hotel grounds, to condominiums, representing 182 rentable rooms out of a total of 582 rooms. The casitas are described as three-keyed, which means that the hotel can rent the casitas to three separate parties. The applicant proposes to sell each casita to one buyer. In its proposal regarding conversion, the applicant states that its intent is to manage the units as part of the hotel and limit occupancy as indicated in the special conditions. In support of this, the applicant has provided a letter and a draft agreement with the City of Rancho Palos Verdes, which the applicant asserts will apply the limits addressed in the special conditions. Based on this statement the Executive Director accepted the application. Therefore, the Executive Director accepted the amendment request. Note that as the permit is now amended, the phrase "this permit" in the conditions means "this permit, as amended."

#### **STANDARD OF REVIEW:**

The standard of review of a permit issued by the Commission on appeal – or, as in this case, an amendment thereto – is the certified LCP, and, when it is located between the sea and the first public road paralleling the sea, the access and recreation policies of the Coastal Act. When an applicant requests an amendment to a permit approved by the Commission, there is an additional standard, as noted above that the permit amendment shall not lessen or avoid the intended effect of the original permit.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit amendment application with special conditions.

**MOTION:**

*I move that the Commission approve permit amendment CDP #A-5-RPV-02-324-A3 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. This will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS**

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, located between the first public road and the sea, will be in conformity with the certified LCP and the public access and recreation policies of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. SPECIAL CONDITIONS**

**1. ADD NEW SPECIAL CONDITION 30. SPECIAL CONDITIONS REMAIN IN EFFECT.**

Unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permit A-5-RPV-02-324, remain in effect. All standard and special conditions previously imposed under CDP A-5-RPV-02-324, apply equally to the amendment. In general, when a special condition refers to "this permit" the language shall be interpreted to mean "this permit, as amended".

2) **MODIFY SUBSECTION D8 OF SPECIAL CONDITION 5, MANAGEMENT /MAINTENANCE OF FACILITIES, IN THE FOLLOWING WAY. (Changes indicated in strike-through and underline)**

8. CASITA AND VILLA OCCUPANCY RESTRICTION. ~~The Executive Director shall accept no amendment authorizing the sale of 82 independent units ("casitas" and "villas") unless it is proposed that they are to be operated by the hotel as limited occupancy resort condominiums pursuant to a restriction whereby~~ any independently owned unit owners shall not be occupied by an owner occupy their units for more than 29 consecutive days and no more than 60 days per year for the Casitas owner and no more than 90 days per year for the villas owner. When not occupied by an owner, each unit will be part of the hotel leasing pool. All units shall be available for rental to the general public when not occupied by the unit owner. No portion of the project may be converted to time-share, full-time occupancy condominium, apartment, or other type of project that differs from the approved limited occupancy project without an approved amendment to this coastal development permit. Pursuant to this condition:

- (a) Prior to issuance of this permit the applicant shall submit for the approval of the Executive Director a signed and recorded Declaration of Restrictions agreement with the City of rancho Palos Verdes that substantially conforms to the conditions of this permit and guarantees that the applicant and its successors in interest shall maintain all units, including the individually-owned units, as hotel units, which are open to the general public. Pursuant to this condition, the applicant shall ensure the following:
- (i) The operator of the hotel shall manage the condominiums as part of the hotel leasing pool and that management will include mandatory front desk check-in and check-out, maintenance, cleaning services and preparing the units for use by guests/owners. The keys shall be electronic and created upon each new occupancy to control the use of the condominium units. The hotel operator shall provide monthly reports of owner and non-owner use to the City of Rancho Palos Verdes and to the Executive Director.
- (ii) The use of each casita by the owner(s) (no matter how many owners there are) shall be limited to a maximum of 60 days per calendar year, no more than 29 consecutive days, and a minimum 7 day period between 29 day periods of owner occupancy. Each casita is required to be available as a hotel accommodation and managed by the hotel when its owner is not using it.

- (iii) The use of each villa by the owner(s) (no matter how many owners there are) shall be limited to a maximum of 90 days per calendar year, no more than 29 consecutive days, and a minimum 7 day period between 29 day periods of owner occupancy. Each villa is required to be available as a hotel accommodation and managed by the hotel when its owner is not using it.
- (iv) The use of the hotel by any guest or owner shall be limited to no more than 29 consecutive days.
- (v) Further conversions to condominium or time shares shall require an amendment to this permit.

E. Other agreements. The applicant shall assure that all covenants and agreements with the City of Rancho Palos Verdes that address the operation of these public facilities, including the parking lots, the golf facility, the clubhouse, banquet room, restrooms and other public facilities, are consistent with this permit. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and conditions herein, and shall be provided to the Executive Director for review and approval with evidence of such consistency prior to their execution.

**3. MODIFY THE FIRST PARAGRAPH OF SPECIAL CONDITION NUMBER 17 A. NO FUTURE BLUFF OR SHORELINE PROTECTIVE DEVICE**

A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-5-RPV-02-324, as amended, including, but not limited to, (582 room resort, golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces and open space) in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

**4. MODIFY THE FIRST PARAGRAPH OF SPECIAL CONDITION 18 A. FUTURE DEVELOPMENT RESTRICTION**

This permit is only for the development described in Coastal Development Permit No. A-5-RPV-02-324 as amended. Pursuant to Title 14, California Code of

Regulations, sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code, Sections 30610(a) and 30610(b) shall not apply. Accordingly, any future improvements to the development described in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, Sections 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to Permit No. A-5-RPV-02-324 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government, unless the Executive Director of the Commission determines that no amendment or new permit is required.

**5. MODIFY SPECIAL CONDITION 27, FUTURE SUBDIVISION/TRACT MAPS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant permittee shall acknowledge in writing that all future conversions to independent ownership, including but not limited to parcel maps or tract maps, or including a tract map to enable the sale of the "independently" owned units, the casitas and the villas, will require an amendment to this coastal development permit.

**6. MODIFY SPECIAL CONDITION 28, BUYER'(S) ACKNOWLEDGMENT**

**A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the owner(s) of the property that is the subject of this permit shall agree that before any sale or transfer of any of that property or any interest in that property that occurs before completion of all public amenities required in this permit and establishment of habitat restoration areas required in this permit (collectively, the "Improvements"), the owner-seller shall secure a letter from the buyer of the property (1) acknowledging (a) that the conditions imposed by this permit, run with the land, (b) that the use and/or development of the land is restricted by the special conditions of the permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the implementation of habitat preservation and enhancement described in the final habitat restoration plan and the construction and opening to the public of public trails and other public access and recreation amenities, (c) that pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

**B.** Subsequent to the issuance of this coastal development permit, and prior to the sale or transfer of any of the property or any interest in the property that is the subject of this permit that occurs before completion of all of the

Improvements, the owner of the property being sold shall secure a letter from the buyer (1) acknowledging (a) that the conditions imposed by this permit, run with the land, (b) that the use and/or development of the land is therefore restricted by the special conditions of this permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the implementation of habitat preservation and enhancement described in the final habitat restoration plan and the construction and opening to the public of public trails and other public access and recreation amenities, and furthermore, (c) that pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to close of escrow on any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

- C. A copy of such letter(s) shall be provided to the Executive Director, and the Planning Director of the City of Rancho Palos Verdes before close of escrow.

### **III. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **A. Project Location, Description and History**

The project site is located at 6610 Palos Verdes Dr. South, in the City of Rancho Palos Verdes (Exhibit #1). The site forms a triangular peninsula that is seaward of Palos Verdes Drive South at the location of the former Marineland Aquatic Park property that closed in 1985. The site consists of flat graded areas and steep cliffs that support coastal bluff scrub habitat areas for the endangered El Segundo blue butterfly. The site has some existing development including large surface parking lots, vacant buildings, and the Catalina Room banquet facility. Urgency Ordinances adopted by the Rancho Palos Verdes 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 presently remains open during the following daytime hours: from 8:30 a.m. to 4:00 p.m. The conditions of this coastal development permit extend the hours: they require allow the applicant to "not provide for such access or recreation in those areas during the period between one hour after sundown each day and one hour after before dawn the next day." The long hours are appropriate to a site that is heavily used by divers and surfers.

In June of 2003, the Commission approved a permit for, among other things, the subdivision of the site into four parcels the construction of a 582 room resort, including 400 hotel rooms, 50 three-keyed "casitas", and 32 "villas". The applicant is now



seeking authorization through this amendment to convert 82 of those units (the 50 casitas and 32 villas) into condominiums, which would enable each of those units to be sold independently. The characterization of the casitas as "three-keyed" reflects the design of the units: The casitas are three bedroom, three bath suites, which may be rented to up to three separate parties, totaling up to 150 potential rooms. A group of 36 casitas is located adjacent to the hotel facility to the west. The remaining 14 casitas are located adjacent to the hotel facility to the east. The 32 villas, which are located approximately 1,000 feet to the north of the hotel facility, are "single-keyed" units. These units (Exhibit #2), the sale of which was anticipated, but not approved, in the Commission's original action, would be operated by the hotel as limited occupancy resort condominiums. The sale of these 82 units was discussed at the June 2003 hearing for Coastal Development Permit A-5-RPV-02-324. At that hearing, the Commission determined that the sale of the independently-owned units would require an amendment to coastal development permit A-5-RPV-02-324.

The proposed amendment has received an approval in concept from the City of Rancho Palos Verdes City Council dated August 27, 2002 (re-stamped by City of Rancho Palos Verdes Planning Division on June 24, 2005). The City, in granting its approval, agreed with the applicant that its original tract map approval had authorized the sale of these 82 units (50 casitas and 32 villas). However, the City and the applicant have entered into an agreement as part of the Conditional Use Permit conditions, that the independently-owned units shall be operated as part of the hotel and that buyers will be limited in terms of the maximum length of a stay and in the number of days that they can occupy their units per year. The applicant is in the process of signing and recording this agreement, which is entitled "Declaration of Restrictions" (Exhibit #4).

**B. Public Access and Recreation**

The proposed project, which is between the first public road and the sea, must conform with the following public access and recreation policies of the Coastal Act:

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.*

Section 30213 of the Coastal Act states:

*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.*

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30222 of the Coastal Act states:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The project is also governed by the LCP policies that address public access and development plans for this area.

The Rancho Palos Verdes coastline is marked by 90-110 foot high bluffs. The Rancho Palos Verdes coastal zone encompasses the land between Palos Verdes Drive, the collector street parallel to the bluff, and the sea. The certified LCP addresses public access in its "Corridors Element", which establishes parallel hazard, habitat, and public access corridors along the edge of the bluffs.

The Corridors (Access Corridor) Element of the Land Use Plan portion of the certified LUP 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 LUP 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.

This project complies with the corridors element providing a network of public streets, parking areas and public trails to and along the bluff.

With regard to land use, The Subregion 2 Section of the LCP addresses the former Marineland Aquatic Park property, which is the site of the present application. Subregion 2 Section of the LUP 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.*

The project site is designated as commercial/recreational (CR) in the City's certified LCP. 17.22.030 of the City's Municipal Code, (part of the certified LCP) 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 Coastal Act provides that visitor and recreation serving facilities be given priority over other private uses, and that such visitor-serving facilities include visitor-serving uses such as hotels. The certified LCP designates the former Marineland site as commercial/recreational and requires that future development shall be visitor serving or recreational in nature. Under the previously approved coastal development permit (#A-5-RPV-02-324), the applicant proposed to redevelop a mass-market park (Marineland) that formerly served large numbers of the general public and that also provided a site for overflow parking for the City's trail system. In 1983, the Commission approved a hotel on this site, along with other facilities, such as trails, that would continue to provide public access to the bluffs and beaches on the site, consistent with Sections

30210, 30211, and 30222 of the Coastal Act and the use designations and corridor policies of the certified LCP.

While the project is a visitor serving facility, it is not a lower cost facility, and by its design, will serve significantly fewer visitors than the previous use. The hotel includes some facilities that are open for public use as well as resort guest use. These are a golf facility (three golf practice holes and driving range), conference facility, banquet and meeting rooms, spa/fitness center and restaurants and bars (including the Lookout Bar on the western bluff edge and a public snack bar at the resort pool located on a bench on the eastern bluff face), which are all available to the public. The project and the City approval did not address provisions of lower-cost visitor accommodations, but the Commission required an in-lieu fee for lower cost overnight accommodations to assure consistency with Section 30213 of the Coastal Act. In addition and to assure consistency with Section 30211 of the Coastal Act, as well as the corridors policies of the certified LCP, the hotel is dedicating a public park on the western end of its site, maintaining public access to existing trails, including access to a popular diving site and maintaining public parking on some of its parking lots.

All these facilities provide sufficient public access to maintain existing public use and to provide balanced public access and recreational use of a site where the principal use is a commercial hotel that is open to the public, but they would not mitigate for conversion of this site to a facility that is limited to long term residents and owners. In this case, the applicant has provided a program that, the owner asserts, will allow the hotel to continue to operate as a visitor serving facility. The important point is that a hotel, though it serves fewer people than Marineland did, does provide significant visitor accommodation, especially when the day use facilities and trails continue to accommodate the public.

The certified LCP designates the former Marineland site as commercial/recreational and requires that future development shall be visitor serving or recreational in nature. Privately owned units have the potential for an eventual de facto change of use to a residential use and to a facility that is not open to the general public. Owners could occupy the units during prime vacation time such that units would not be available when the public wanted to travel; ownership can have a prohibitive entry price given that a "hotel" monopolized by owners would exclude members of the general public who might be able to access an expensive hotel for a special occasion, inconsistent with Sections 30213 and 30222 of the Coastal Act. In other words, while identified as a hotel and approved as a priority use, a hotel where the majority of rooms were occupied the bulk of the time by owners, or even occupied through much of the vacation season by owners, would be closer to a residential use than a visitor serving use favored in Section 30222 of the Coastal Act. To address this potential issue, and in view of the applicant's stated intentions to sell some units, the Commission imposed a special condition that indicated it would accept no amendment to allow the sale of units unless the amendment was accompanied by limits on the occupancy of the units and to manage the facility as a visitor serving hotel rather than a residential complex.

Special Condition 5.D.8 from Coastal Development Permit A-5-RPV-02-324 states:

*Casita and Villa Occupancy Restriction. The Executive Director shall accept no amendment authorizing for the sale of independent units ("casitas" and "villas") unless it is proposed that they are to be operated by the hotel as limited occupancy resort condominiums pursuant to a restriction whereby owners shall not occupy their units for more than 29 consecutive days and no more than 60 days per year for the Casita owner and no more than 90 days per year for the villa owner. When not occupied by an owner, each unit will be part of the hotel leasing pool. All units shall be available for rental to the general public when not occupied by the unit owner. No portion of the project may be converted to time-share, full-time occupancy condominium, apartment, or other type of project that differs from the approved limited occupancy project without an approved amendment to this coastal development permit.*

To address the Commission's concerns, expressed in Special Condition 5.D.8, the applicant has prepared and reviewed with the City of Rancho Palos Verdes, a Declaration of Restrictions (Exhibit #4), to demonstrate its intent to limit occupancy of the units and to manage the facility as a hotel rather than a residential complex consistent with all of the requirements of 5.D.8. The applicant's representatives state that the applicant intends to record the Declaration of Restrictions against the property, approved by the Rancho Palos Verdes City attorney that will limit occupancy by owners to no more than 60 days per year for casitas and 90 days per year for villas. No one may occupy any unit for more than 29 days. If there is more than one owner use by any owner the limits on "owner's use" apply to the unit, not to each owner. The applicant asserts that the agreement requires that when the unit is not occupied by an owner, each unit will become part of the hotel leasing pool, and that all units shall be available for rental to the general public. The agreement does not discuss further conversions to condominium or time shares. To assure that the elements of the proposal are carried out, the Commission amending Special Condition 5D8 to apply to the individually owned units when they are sold. In addition, condition requires the applicant to sign and record the agreement with the city consist with the condition prior to issuance of the permit. This is consistent with the Newport Coast LCP decision in which the Commission expressed concerns over the number of privately-owned units and thus required the applicant to submit a management plan that required the applicant to manage the units as hotel units and advertise their availability to the general public.

As evidenced by the letter provided by the applicant (Exhibit #5), the applicant has complied with Special Condition 27 from Coastal Development Permit A-5-RPV-02-324, which states:

*PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant permittee shall acknowledge in writing that all future tract maps, including a tract map to enable the sale of the "independently" owned units, the*

*casitas and the villas, will require an amendment to this coastal development permit.*

Consistent with Special Condition 27, the applicant has prepared a parcel map, dated April 19, 2005. Although Special Condition 27 refers to a "tract map", the City of Rancho Palos Verdes determined on 4/26/05 through Revision B to CUP 215, that the parcel map that was submitted as part of the CDP application is sufficient to authorize the conversion to condominiums of the "independently-owned" units pursuant to the Subdivision Map Act's provisions for commercial parcel maps.

In order to address the Commission's concern that these 82 units are appropriately restricted to allow for their use as visitor serving facilities, the Commission required in Special Condition 29 from its original action on Coastal Development Permit A-5-RPV-02-324 that the applicant record a deed restriction. Special Condition 29 states:

***PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.***

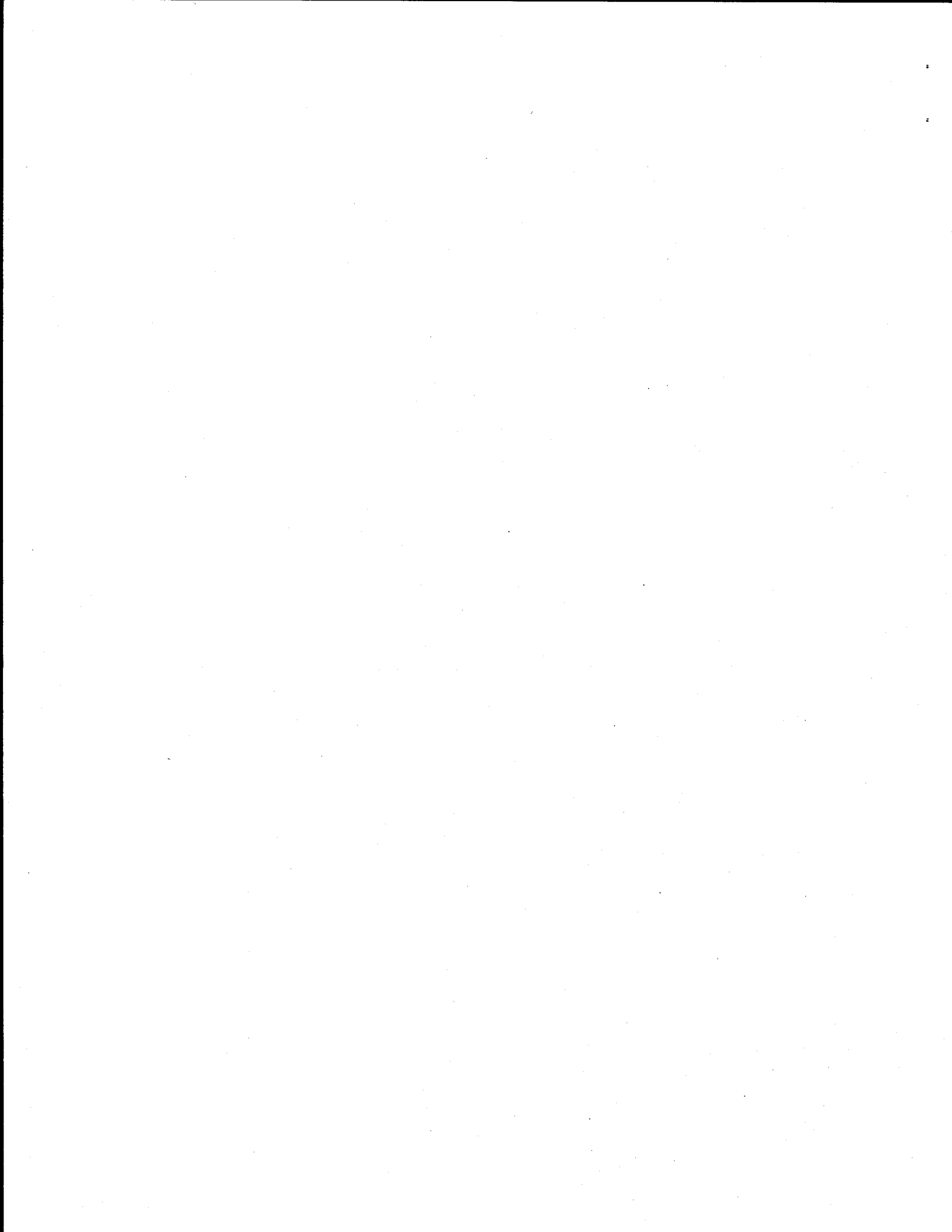
Special Condition 29 requires that a deed restriction be recorded against the property that imposes the Special Conditions of the CDP as covenants, conditions and restriction on the use and enjoyment of the property. The applicant has not yet recorded the deed restriction. If the applicant records the deed restriction after approval of the amendment, the amended Special Condition 5, and any new conditions that the Commission may add will be part of the "special conditions of this permit" referred to in this Special Condition 29.

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and

Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities, and with the land use designations and public access policies of the certified LCP.

**C. California Environmental Quality Act (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.





Date: July 21, 2005  
Permit Application No.: A-5-RPV-02-324A3  
Attachment to staff recommendation.

## **Appendix** **STANDARD AND SPECIAL CONDITIONS**

### **STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the original application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **SPECIAL CONDITIONS:**

Note: Unless specifically altered by this amendment A3, all standard and special conditions attached to Coastal Development Permit A-5-RPV-02-324, remain in effect. All standard and special conditions previously imposed under CDP A-5-RPV-02-324, apply equally to the amendment.

1. **DETAILED REVISED/FINAL PLANS**
  - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit, for the review and approval of the Executive Director, revised, detailed final plans for all development approved in this permit. The revised plans shall have been approved by the City of Rancho Palos Verdes, and shall conform to the requirements of the special conditions of this permit and

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indicate the final scale, location and elevation of all development. The plans shall include all development, including grading, staging, signage, structures, open space, parks, drainage facilities, landscaping, trails and trail corridors (including their widths) and roads, and shall be consistent with the following criteria:

- 1) **Bluff face protection.** No development, with the exception of the following and grading necessary for the approved trails and drainage facilities, shall occur seaward of the Coastal Setback Line established in the certified Local Coastal Program (CSL).
  - (a) Revegetation/habitat enhancement consistent with the requirements of Special Conditions 7 and 8 below;
  - (b) Grading necessary for the ADA accessible public trail to the beach and Shoreline Access Ramp 1. Prior to the issuance of the coastal development permit, the City of Rancho Palos Verdes shall certify that both the "ADA Accessible Trail" and the connecting trail, to the beach level, Shoreline Access Ramp 1, comply with California Disability Accessibility Guidelines and/or the California Department of Parks and Recreation "Proposed Guidelines for Developed Outdoor Recreation Areas, Regulatory Negotiation Committee Report".
  - (c) Construction of a hotel pool, public restroom, public snack bar and a public viewing deck on an existing graded bench area on the eastern bluff face consistent with project plans submitted by the applicant dated July 15, 2002, also known as the "Lower Pool" facility.
  - (d) Construction of public trails and bike ways found in the Long Point Resort New Public Trails Plan shown in Exhibit 3;
  - (e) Installation of storm water conduits and Outfalls "B" and "C" shown on the S.U.S.M.P. Site Plan dated May 15, 2003;
  - (f) Removal of broken storm water drains identified for abandonment in "SUSMP" plan dated May 15, 2003; and
  - (g) Installation of the fence delineating areas where no grading is permitted to take place, consistent with Special Condition 5A below.
  
- 2) **Pursuant to this requirement:**
  - (a) The applicant shall eliminate all golf putting greens that are located seaward of the Coastal Setback Line.
  - (b) The applicant shall eliminate all grading for the hotel patio seaward of the Coastal Setback Line.

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- (c) The filter ("Stormfilter Unit 1") for Drainage "C", relocated inland of the Coastal Setback Line, shall be designed and built so as not to be visible from the beach or public trails.
  - (d) Drainage line "B" shown on the face of the bluff shall be installed by drilling so that no pipes are visible from the beach. Outfall "B" shall be relocated west of the proposed location, as needed, in order to insure that the line can be drilled through competent bedrock material.
  - (e) Drainage line "C" shall be installed by trenching to the beach, with vertical shoring used on the side walls to minimize disturbance.
  - (f) Beach level dissipaters and outlets shall be constructed using native stone and/or concrete colored to blend in with adjacent rock.
- 3) Bluff Edge and Coastal Setback Line (CSL). All final grading plans shall delineate the Coastal Setback Line as designated in the certified LCP and the upper edge of the bluff defined consistent with the California Code of Regulations Section 13577(h).
- 4) Grading plans. Final grading plans shall be at a scale no less than 1:1200 (one inch to 100 feet). The grading plan shall include all trails, roads and final pads and shall conform to Condition 1A above.
- 5) View Corridors and Height. The plans shall show the pad elevations, building envelopes and elevations of all structures. In order to protect public automobile and pedestrian views from Palos Verdes Drive South, and pedestrian views from public trails to and along the bluffs and from beaches, the heights and view corridor dimensions shall be consistent with all view corridor and height requirements imposed by the City of Rancho Palos Verdes in its August 28, 2002 action on the Conditional Use Permit No. 215 and Coastal Development Permit No. 166.
- 6) Trails, Parks, and Streets. The plans shall show trails, parks, and streets consistent with specifications in Special Conditions 2A, B and D.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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**2. PUBLIC ACCESS AND RECREATION/EASEMENT OFFERS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access and passive recreation over (i) the approved public trails and trail corridors and park areas generally described by the applicant in Page 5 of the Public Benefits Summary dated December 24, 2002 and the Site Grading Plan dated March 17, 2003 and (ii) the roads and parking lots described in Section D of this condition. The areas to be offered are listed below in Sections A, B and D of this condition and shown on Exhibits 3 and 4. Passive use, includes but is not limited to, picnicking, viewing, sitting and hiking, but does not include organized sports. The easements shall include the right of the accepting agency to enter the easement areas and repair the trails or park in the event the applicant/owner fails to maintain or repair those facilities as determined by the Executive Director and/or the accepting agency.

The recorded document(s) shall include legal descriptions of both the permittee's entire parcel(s) and the easement areas. The recorded document(s) shall also reflect that development in the offered area is restricted as set forth in the Special Conditions of this permit. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California. The offer shall be binding on all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**A. Public Trails:**

- (1) Long Point Bluff Top Trail: A 4-foot wide trail in a 10-foot wide corridor, extending from the northwestern corner of the site, adjacent to the Point Vicente Fishing Access, running parallel to the bluff edge and stopping at the southern tip of the ADA Compliant Trail and at the beginning of the existing shoreline access ramp that continues down to the beach.
- (2) Long Point Bluff Top Trail, Vanderlip Link: An ADA compliant, 6-foot wide trail in a 10-foot wide corridor that continues from the top of the ADA Compliant Trail described below in (5), running seaward of the Eastern Casitas, along the top of the bluff and connecting to the off-site Vanderlip Trail.
- (3) Marineland Trail: A mixed bicycle and pedestrian 10-foot wide trail in a 16-foot wide corridor, extending from the northwestern corner of the site, adjacent to the Point Vicente Fishing Access, running east, parallel

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and adjacent to Palos Verdes Drive South and terminating at the western edge of the resort's main entrance at the northeastern corner of the site.

- (4) Flowerfield trail: A 4-foot wide trail in a 10-foot wide corridor, extending from the northern end of the Resort Entry Trail, running east to the eastern edge of the property and continuing south and terminating on the southeast corner bluff top and connecting to the off-site Vanderlip Trail that continues down coast. This trail also connects to the Long Point Bluff Top Trail.
- (5) ADA-Compliant Coastal Access For Disabled: An ADA compliant 6-foot wide trail in a 100-foot corridor (area on bluff face identified for grading proposed switchbacks), extends from the resort public parking area, runs seaward, adjacent to the lower pool facility and terminates at the eastern shoreline access ramp, Shoreline Access Ramp 1.
- (6) Resort Entry Trail: A mixed bicycle and pedestrian 10-foot wide trail in a 16-foot wide corridor, extending from Palos Verdes Drive South, running seaward along the western edge of the resort entry road, terminating at the hotel.
- (7) Shoreline Access Ramp 1: An ADA compliant, 4-foot wide ADA access way in a 10-foot wide corridor located at the southern tip of the ADA accessible trail described in (5) above and connecting the ADA accessible trail to the beach level at the southeastern corner of the project site.
- (8) Shoreline Access Ramp 2: A two-foot wide access way in a 10-foot wide corridor that provides shoreline access, connecting the Long Point Bluff-Top Trail to the beach at the southern tip of the property.

**B. Parks:**

- (1) Public Bluff Top Park: 2.2 Acre Park at the bluff edge adjacent to the Point Vicente Fishing Access in the northwestern portion of the site.
- (2) Beach: All areas owned by the applicant located between the beach level property line (mean high tide) and a line drawn approximately at the toe of the bluff.

C. The easement for public access and passive recreation required to be offered pursuant to this Special Condition over the areas listed in sections 2A and 2B shall be subject to the limitation that it not provide for such access or recreation in those areas during the period between one hour after sundown each day and one hour after before dawn the next day.

D. Public streets and parking areas.

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- (1) The revised plans required by Special Condition 1 shall delineate all streets and parking areas of the project, including but not limited to, the following:
  - (a) The 50-car parking lot adjacent to the Point Vicente fishing access.
  - (b) The eastern parking lot in its entirety.
- (2) Streets, Roads and Public Parking Areas shall be provided as described on Tentative Parcel Map 26073, dated May, 2002, and Long Point Parking Study Plan dated July 11, 2002 and shall be for public street purposes including, but not limited to, pedestrian, bicycle and vehicular access.

E. Parking shall be provided as described in the applicant's Parking Study Plan dated July 11, 2002 and the applicant's submittal dated March 25, 2003. All streets and roads shall be open for use by the general public 24 hours per day.

F. Final design and Construction. The applicant shall construct the trails and park consistent with the specifications of this permit and of the City of Rancho Palos Verdes. If the requirements of the City conflict with the requirements of this permit, the conditions of this permit shall prevail.

- (1) Consultation during design of the ADA accessible trail and Shoreline Access Ramp 1. Prior to providing final designs of the ADA accessible trails, the applicant shall consult with the California Department of Parks and Recreation and local mobility and disabled rights advocate groups to assure that the trail will be usable by members of such groups. If there is any disagreement between the permittee and the City of Rancho Palos Verdes concerning the appropriate design of the trail, the Executive Director shall resolve the dispute consistent with the need for public safety, the protection of resources, the provision of maximum access and the feasibility of any alternative.
- (2) Before occupancy of the hotel or restaurant and before opening the three-hole golf facility and driving range for play, the Executive Director shall certify in writing that the trails and park are complete, open and have been accepted by the City of Rancho Palos Verdes or other public or private nonprofit agency that is able to operate the trails consistent with this permit.
- (3) Fencing plan. Prior to issuance of a coastal development permit, the applicant shall prepare a fencing plan consistent with the public access policies of this permit for the review and approval of the Executive Director. With the exception of pool fences, fences shall be open

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appearing and no more than 42 inches high. Fencing shall be constructed of materials that allow views through them (such as glass panels or wrought iron). Use of fencing shall be minimized and shall be employed only for public safety and to protect habitat areas from disturbance.

G. Development Restrictions:

- (1) Public Trails and Bikeways
  - (a) The permittee shall not interfere with the public's right of access over the public trails or bikeways identified in Special Condition 2A, above, during their hours of operation (from one hour before dawn to one hour after sundown). The permittee may close the bluff edge and bluff face trails and prohibit access to those areas from one hour after sundown to one hour before dawn.
  - (b) No development, as defined in Section 30106 of the Coastal Act, shall occur within the access corridors identified above in Section A of this condition and as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for the following development: grading and construction necessary to construct and maintain the trails, bikeways and other development approved by this permit, maintenance of development authorized by this permit that the Executive Director determines does not include significant grading or landform alteration; maintenance of public access and recreation facilities and appurtenances (e.g. signs, interpretive facilities, benches, safety fencing), planting and removal of vegetation consistent with the special conditions of this permit, underground utilities, drainage devices, and erosion control and repair provided that development that diminishes public access through any identified corridor shall be prohibited. This restriction shall apply to the following areas: The lands for public trails and bikeways, as depicted on final plans approved by the Executive Director but generally depicted on Long Point Resort, Public Benefits Summary, dated December 24, 2002 and Long Point Site Grading Plan, dated March 17, 2003.
  
- (2) Public Park Areas
  - (a) The permittee shall not interfere with the public's right of access over the park areas identified in Special Condition 2B, above, during their hours of operation (from one hour before dawn to one hour after sundown).

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- (b) No development, as defined in Section 30106 of the Coastal Act, shall occur within the public park areas identified in Section B and as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for the following development: grading and construction necessary to construct the trails, public access and recreation facilities and appurtenances (e.g. signs, interpretive facilities, view points, benches, picnic tables, shade structures, safety fencing), vegetation planting and removal, underground utilities, drainage devices, and erosion control and repair provided that development that diminishes public access through any identified corridor shall be prohibited. This restriction shall apply to the following areas: The lands for public park areas, as depicted on final plans approved by the Executive Director but generally depicted on Long Point Resort, Public Benefits Summary, dated December 24, 2002 and Long Point Site Grading Plan, dated March 17, 2003.
- (3) Public streets and parking areas
- (a) Long term or permanent physical obstruction of streets, roads and public parking areas in Tentative Parcel Map 26073, dated May 2002 and Parking Study Plan dated July 11, 2002 shall be prohibited. Public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, guests-only parking periods/permits, etc.) associated with any streets or public parking areas shall be prohibited.
- (4) **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE A COASTAL DEVELOPMENT PERMIT FOR THIS PERMIT (NOI)**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, formal legal descriptions of the portions of the subject property affected by this Section G of this condition, as generally described above and shown on Exhibits 3 and 4 attached to the findings in support of approval of this permit.

H. The permittee shall undertake development in accordance with the approved final plans in Special Condition 2F(3). Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.



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**3. HABITAT ENHANCEMENT AND PROTECTION/EASEMENT OFFERS**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for habitat restoration/enhancement and protection areas including: all areas listed below in Section A and as identified on the Long Point Resort Landscape Improvements Plan dated March 26 and 27, 2003 as depicted in Exhibits 6 and 7. The easement shall include the right of the accepting agency to enter the easement area and repair the habitat area if the permittee fails to maintain the restoration/enhancement and protection areas as required in Special Condition 7.

The recorded document(s) shall include legal descriptions of both the permittee's entire parcel(s) and the easement areas. The recorded document(s) shall also reflect that development in the offered area is restricted as set forth in the Special Conditions of this permit. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California. The offer shall be binding on all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

- (1) Habitat Restoration/Enhancement and Protection Areas: All areas seaward of the Coastal Setback Line (CSL), except for the subterranean areas identified for Drainages "B" and "C", and the areas identified for the lower pool facility; the "Lookout Bar" in its present configuration and the ADA compliant access trail.
- (2) Zone A, preserved naturalized vegetation zone (on the bluff face).
- (3) Zone B, the Coastal Bluff Scrub and Coastal Sage Scrub Zone: An approximately 80-foot wide restoration/buffer area, extending along the bluff top from the Long Point (just north of the "Lookout Bar") to the Point Vicente fishing access, also described as "buffer" and "enhancement" areas.
- (4) Zone C, the Enhanced Native Planting Zone: a strip of coastal sage scrub and "accent trees" adjacent to Palos Verdes Drive South from the Point Vicente fishing access parking lot to the entry road.
- (5) Zone D, the area surrounding the ADA compliant trail.

**B. Development Restrictions:**

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- (1) Irrespective of whether the easement is accepted, the permittee and its successors shall maintain the areas described above in Special Condition 3A as habitat.
- (2) All planting within habitat areas shall conform to the requirements of Special Condition 7 addressing the preservation and/or planting of habitat and restoration areas, except that the applicant may retain the landmark grove of Canary Island palm trees located adjacent to the western bluff face.
- (3) No development, as defined in Section 30106 of the Coastal Act shall occur in habitat protection areas as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for habitat restoration, fencing and informational signs, approved drainage devices, designated trails and the viewing areas all as approved in this permit and identified in Exhibits 3 and 4.
- (4) **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE A COASTAL DEVELOPMENT PERMIT FOR THIS PERMIT (NOI)**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, formal legal descriptions of the portions of the subject property affected by this condition in Section B, as generally described above and shown on Exhibits 6 and 7 attached to the findings in support of approval of this permit.

**4. PARKING MANAGEMENT PLAN**

**A. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a parking management plan for the review and approval of the Executive Director that ensures the provision of no fewer than 1075 parking spaces on the property subject to this permit as a whole. These parking spaces include no fewer than fifty (50) public parking spaces within the eastern parking area adjacent to the trail head of the ADA compliant trail described in Special Condition 2A(5) and The 50 public spaces in the lot adjacent to the Point Vicente fishing access. Spaces on the on-site eastern parking lot shall be available from one hour before dawn until one hour after dusk. The plan shall include:

- (1) Signage on site identifying public parking and hours available in the public parking areas;
- (2) A written policy indicating that valets shall not park cars in these areas;

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- (3) Signs shall indicate that if public spaces are occupied the public is welcome to park in any unoccupied space within the eastern 128-car parking easement area.
- (4) All contracts with conferences and weddings and other special events shall require that these programs direct attendees to areas outside of the public parking area.
- (5) Contracts shall provide that weddings, conferences and other events that increase parking demand over the number of spaces provided on site shall provide off-site valet parking or other methods to preserve no less than 50 parking spaces in the eastern parking lot for beach and trail visitors.

B. The permittee will undertake development and continue to operate in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**5. MANAGEMENT /MAINTENANCE OF FACILITIES (as modified)**

MODIFY SUBSECTION D8 OF SPECIAL CONDITION 5, MANAGEMENT /MAINTENANCE OF FACILITIES, IN THE FOLLOWING WAY. (Changes indicated in ~~strike through~~ and underline)

A. Construction Requirements:

- (1) Except as specified in Special Condition 1, before the commencement of demolition, construction or grading; a visible hazard fence shall be placed delineating the areas of approved grading, which shall be no less than 20 feet inland of the habitat restoration/enhancement and protection areas and no less than 30 feet inland of the edge of the bluff where there are no habitat restoration/enhancement and protection areas (Exhibits 6 and 7).
- (2) Said fence may be temporarily moved or adjusted to accommodate construction of approved trails or drainage devices, but heavy equipment storage or stockpiling shall not occur in the areas listed above, in Section A(1).
- (3) The applicant shall also place fencing to delineate all areas outside of the area identified for grading for the ADA accessible trail.
- (4) The Executive Director shall confirm in writing that the fencing is consistent with the condition. If the proposed fence is inconsistent with the adopted conditions of the permit, the permittee shall change the

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design to comply with the conditions, or if the inconsistency is due to a situation not anticipated in the Commission's action, submit an application to amend the permit.

- (5) No sediment shall be permitted to discharge onto the beach or intertidal area.

B. The permittee shall be responsible for maintaining the park, trails and habitat areas required in this permit and shall reimburse the accepting agency for costs incurred when/if the accepting agency takes over the maintenance of the public trails, park and/or habitat restoration/enhancement and protection areas. Prior to issuance of or transfer of this permit the permittees shall acknowledge in writing:

- (1) Nothing in this permit shall prevent the owner of land that is covered by this permit and is for sale, as a condition of sale, from requiring each buyer to contribute its fair and reasonable share of the costs of the maintenance of the area to the hotel operator to collect funds and carry out maintenance of the areas pursuant to Special Condition 5F below and to manage and maintain the area and drainage system in accordance with the terms and conditions of this coastal development permit. Nothing in this restriction condition imposes the obligation on the owner of an individually owned unit (a "casita" or "villa") to personally work on the streets, park or habitat areas.
- (2) The applicant and individual owners or lessees shall not install or maintain any invasive plant that is not indigenous to the Palos Verdes peninsula anywhere on the property as required in Special Conditions 7 and 8 of this permit and as shown on the 1997 Ocean Trails Invasive Plant List.

C. The permittee and its successors shall ensure that the entire storm water system, including but not limited to pipes, outfalls, stormfilters, trash traps, drainage systems, oil/water separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools are maintained, in good and working condition. This obligation includes obligations for regular and ongoing maintenance and cleaning and for replacement of damaged or aging elements of the system. The accepting agency (City of Rancho Palos Verdes) shall maintain all public trails, park, public parking and habitat restoration/enhancement and protection areas as required by this permit when/if the permittee fails to do so.

D. Public and commercial recreation facilities. The resort, including the restaurants, health spa, banquet facilities, clubhouse and golf practice facility will remain as commercial visitor-serving facilities open to the general public, and any

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proposed change in the level of public use will require an amendment to this permit. The trails and public parking areas as identified in Special Condition 2 shall remain open to the general public with no fee for use. The public shall receive equal priority with hotel guests for use of all public facilities.

- (1) The permittee is required to maintain no fewer than 100 public parking spaces, consisting of 50 parking spaces adjacent to the Point Vicente Fishing Access and no fewer than 50 parking spaces located in reasonable proximity to the ADA accessible trail for public use of trails, parks and the beach.
  - (a) No fee shall be charged for the public's use of this parking. If hotel and restaurant visitors occupy the fifty (50) "public spaces" within the eastern 128-car parking easement area, other spaces within the eastern 128-car parking easement area shall be identified as public parking available to the public by clear and directional signage.
  - (b) No more than three special events that result in closure of this parking shall occur during any calendar year. Permitted special events shall be available to the general public, but they may charge a fee. No more than one of these events shall occur between the week before Memorial Day and the week after Labor Day. Operators of the event shall provide alternate parking for beach users and shall not interfere with the public's access to the public park, trails along the bluff and from the bluff top to the beach.
- (2) The permittee shall notify all tenants and all future buyers that the ADA compliant trail and other trails and access points will be used by the public to access fishing, surfing, diving and kayak areas, and such activities are frequently undertaken at early hours of the morning.
- (3) CASITA BUILDINGS ADJACENT TO TOP OF SHORELINE ACCESS ADA COMPLIANT TRAIL. The permittee shall install soundproofing such as thermal insulation and double-paned glass on these buildings.
- (4) CLUBS PROHIBITED. No club or other arrangement that will restrict use of the golf course by the general public shall be permitted.
- (5) OPERATIONS. The permittee and its successors in interest shall open these facilities as identified in the Long Point Resort Public Benefits Summary, dated December 24, 2002, to the public from one hour prior

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to dawn to one hour following dusk. No fee or validation shall be required for use of these facilities.

- (6) PUBLIC USE. The restaurants, overnight facilities, health spa, Lookout Bar, banquet facility and golf practice facility shall be open to the general public.
- (7) SIGNS. The designated public parking lots, restrooms and public access trails shall be identified as open to the public by appropriate visible signs subject to the review and approval of the Executive Director. The signs shall be erected in areas accessible to the public, including trail entrances and the resort entrance.
- (8) CASITA AND VILLA OCCUPANCY RESTRICTION. ~~The Executive Director shall accept no amendment authorizing the sale of 82 independent units ("casitas" and "villas") unless it is proposed that they~~ are to be operated by the hotel as limited occupancy resort condominiums pursuant to a restriction whereby any independently owned unit owners shall not be occupied by an owner occupy their units for more than 29 consecutive days and no more than 60 days per year for the Casitas owner and no more than 90 days per year for the villas owner. When not occupied by an owner, each unit will be part of the hotel leasing pool. All units shall be available for rental to the general public when not occupied by the unit owner. No portion of the project may be converted to time-share, full-time occupancy condominium, apartment, or other type of project that differs from the approved limited occupancy project without an approved amendment to this coastal development permit. Pursuant to this condition:
  - (a) Prior to issuance of this permit the applicant shall submit for the approval of the Executive Director a signed and recorded Declaration of Restrictions agreement with the City of rancho Palos Verdes that substantially conforms to the conditions of this permit and guarantees that the applicant and its successors in interest shall maintain all units, including the individually-owned units, as hotel units, which are open to the general public. Pursuant to this condition, the applicant shall ensure the following:
    - (i) The condominiums shall be managed as part of the hotel leasing pool by the operator of the hotel and that management will include mandatory front desk check-in and check-out, maintenance, cleaning services and preparing the units for use by guests/owners. The keys shall be

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electronic and created upon each new occupancy to control the use of the condominium units. The hotel operator shall provide monthly reports of owner and non-owner use to the City of Rancho Palos Verdes and to the Executive Director.

- (ii) The use of the casitas by the owners (no matter how many owners there are) shall be limited to a maximum of 60 days per calendar year, no more than 29 consecutive days, and a minimum 7 day period between 29 day periods of owner occupancy. Each casita is required to be available as a hotel accommodation and managed by the hotel when it's not being used by its owner.
- (iii) The use of the villas by the owners (no matter how many owners there are) shall be limited to a maximum of 90 days per calendar year, no more than 29 consecutive days, and a minimum 7 day period between 29 day periods of owner occupancy. Each villa is required to be available as a hotel accommodation and managed by the hotel when it's not being used by its owner.
- (iv) The use of the hotel by any guest or owner shall be limited to no more than 29 consecutive days.
- (v) Further conversions to condominium or time shares shall require an amendment to this permit..

E. Other agreements. The applicant shall assure that all covenants and agreements with the City of Rancho Palos Verdes that address the operation of these public facilities, including the parking lots, the golf facility, the clubhouse, banquet room, restrooms and other public facilities, are consistent with this permit. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and Conditions herein, and shall be provided to the Executive Director for review and approval with evidence of such consistency prior to their execution.

F. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT A-5-RPV-02-324**, as amended, the applicant shall submit a written agreement, subject to the review and approval of the Executive Director, that requires the owner of the property to have the hotel operator physically maintain and keep in good repair all public trails, habitat, recreation facilities and drainage systems. The agreement

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shall apply to all parcels created by Tentative Parcel Map No. 26073 and to any parcels created by any subsequent division of the land covered by the map including subdivision for condominium purposes. The agreement shall acknowledge all the responsibilities and limitations of this permit.

G. The permittee shall undertake all development and construct and operate all facilities on the property consistent with these restrictions.

**6. TRAIL REPLACEMENT**

A. By acceptance of this permit, Coastal Development Permit A-5-RPV-02-324, as amended, the applicant acknowledges and agrees that if any of the bluff top trails (Long Point Bluff Top Trail, the ADA-Compliant Coastal Access Trail and the trail link between Long Point Bluff Top Trail and the Vanderlip Trail, an offsite trail) fails, and cannot be reasonably repaired within two weeks of damage, the applicant shall submit a report to the Executive Director for a determination of whether a permit amendment is necessary within two weeks of the event. If the Executive Director determines that an amendment is needed, the applicant agrees to submit an amendment application within two (2) months of the date the Executive Director notifies the applicant in writing that a permit amendment is necessary, and complete all replacement trails within one (1) year of time amendment is approved unless the Executive Director grants an extension for good cause. Said replacement trail(s) will be proposed in a safe area between the bluff edge and the structures. In such relocation the applicant shall take all reasonable measures to assure the public safety from golf balls. No cage or "slinky" shall be permitted in lieu of golf facility redesign. The design for such trails shall be accompanied by redesign and relocation, as necessary, of other improvements on the property, including the golf practice facility. The trail redesign or relocation shall provide the same quality of trail and level of access and shall provide access to and from the same areas as the original trail.

**7. RESTORATION AND ENHANCEMENT OF HABITAT AREAS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a restoration and enhancement final plan for protection, enhancement and restoration of habitat areas described in Special Condition 7B. The plan shall be prepared by a licensed landscape architect or restoration specialist in consultation with the project biological consultant for the review and approval of the Executive Director. Prior to submittal of the plan to the Executive Director, the project geotechnical engineering and geologic consultants, the City of



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Rancho Palos Verdes geotechnical consultant, the Los Angeles County Fire Department and the Resources Agencies shall review the plans to ensure that the plans are in conformance with the project geologist and geotechnical engineer, the City and County consultants and public agencies' recommendations assuring public safety, the protection of endangered species and the protection of the near shore environment. The applicant shall provide, as part of the habitat and restoration plan, a plan and an agreement, for the review and approval of the Executive Director, for collecting seeds and cuttings from locally native plants found on this and adjacent properties. Seed collection shall be consistent with the approved plan. The habitat restoration/enhancement final plan shall conform with the following requirements:

A. Preparation/format of plan: The plan shall include, at a minimum, the following components:

- (1) A summary and map, based on the Final Environmental Impact Report (EIR) for the Long Point Resort Project, dated July 31, 2001 and the Addendum to the Certified EIR dated August 21, 2002 showing which species of native plants are found on the site and the topography of the developed site.
- (2) A survey of intact nearby bluff face and bluff top habitats, showing in each instance the degree of coverage, the species mix and the type of soil, the degree of sun exposure and the sources of moisture available for each habitat.
- (3) A list of goals for each of the habitat, enhancement and restoration areas listed in Special Condition No. 3, including but not limited to the needs of the El Segundo blue butterfly, migrating needs of coastal sage scrub species such as the coastal California gnatcatcher, and fire protection. Such goals shall be established in part by the performance of test plots.
- (4) A list of goals for timing and coverage. Timing and coverage shall be based on the expected growth rate of the plants the applicant proposes to use and the typical coverage of nearby sites in the bluff top and bluff face plant communities similar to the area addressed by the proposed plan.
- (5) Plans and measures to slow surface erosion appropriate to the expected growth rate of the plants. Alternative erosion control measures shall be identified and maintained until coverage is adequate to prevent surface erosion.
- (6) A map and separate list consistent with subsection B below, showing the species, size, and number of all plant materials proposed to be installed including the common and scientific name of the plant and whether or not the plant is native to the Palos Verdes Peninsula plant community, whether the plant appears on any of the lists of invasive

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- plants shown in Special Condition 7C(5)(c) including the 1997 Ocean Trails Invasive Plant list, the area devoted to the plant and the type of installation proposed. The map shall show all other features such as proposed trails and hardscape.
- (7) A map showing proposed temporary irrigation. Temporary, above ground (e.g., "monitored drip") irrigation to allow the establishment of the plantings is allowed, but no permanent irrigation is permitted in habitat areas.
  - (8) A schedule for installation of plants;
  - (9) A plan for site preparation indicating (1) method of cultivation, (2) soil preservation and (3) any herbicides proposed to be used and methods of application; and
  - (10) A maintenance plan.

B. (Unless otherwise specified, the areas below are those identified on the Long Point Resort Landscape Improvement Plans dated March 26 and 27, 2003). Plans for the following areas shall conform with the following criteria:

- (1) All areas seaward of the edge of the bluff including but not limited to Zone A Preserved Naturalized Vegetation Zone (6.7 acres of habitat on the bluff face). The applicant shall identify and if feasible remove aggressive invasive plants listed by the California Exotic Pest Plant Council. In areas disturbed by excavation, the applicant shall replant with plants of the coastal bluff scrub community.
- (2) Zone B, the Coastal Bluff Scrub and Coastal Sage Scrub Zone: An 80-foot wide "buffer" and "enhancement" area extending from the edge of the bluff inland and from the northwestern corner of the site, adjacent to the Point Vicente Fishing Access parking lot consisting of 1.05 acre of natural habitat consisting of coastal bluff scrub, and a landmark grove of Canary Island palms of approximately .15 acre. The applicant shall not disturb native vegetation. Except for the existing group of Canary Island palms located along the western bluff top and adjacent to the Long Point Bluff Top Trail, the applicant shall remove those invasive plants listed on the Ocean Trails list of invasive plants (1997) and on the California Exotic Pest Plant Council list of invasive plants. Plantings shall consist of coastal sage scrub plant species native to Rancho Palos Verdes and suitable to El Segundo blue butterfly. The first 30-foot wide "buffer" area of Zone B, adjacent to the bluff edge shall be fenced to discourage human encroachments. The applicant shall use *Eriogonum parvifolium* and shall not use *Eriogonum fasciculatum*. No "accent trees" are permitted in this area with the exception of the existing landmark grove of Canary Island palms. The applicant shall use only local seeds and cuttings.

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

C. General Provisions for the Project Site

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

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requirements of subsection A above; and with the results of test plots in the identified areas.

- (a) The applicant may begin securing seeds and cuttings of native CBS materials found on the site and on the Palos Verdes peninsula within ten days of the Commission's action on this permit.
  - (b) Before the first rainy season following the issuance of the permit, the applicant shall remove invasives in the habitat restoration/enhancement and protection areas (Zones A, B, C and areas expected to be disturbed by grading).
  - (c) With the exception of areas identified for grading the ADA Compliant Trail and for disturbance for drainage lines, the applicant shall install the plants in the coastal bluff scrub enhancement areas Zones A, B and C within ten days after the second rain in the first rainy season after issuance of the coastal development permit. Installation shall continue until the end of the rainy season.
  - (d) In the case of areas approved for grading, the Drainage line "B" and Zone D, the area disturbed by grading for the ADA compliant trail on the bluff face and in a 1.5 acre area of bluff face adjacent to the trail and its supporting slopes, the applicant shall reserve topsoil and shall install plants at the beginning of the first rainy season after grading is complete. The applicant shall remove invasives and install plants of the coastal bluff scrub and coastal sage scrub communities before grading and install plants after the second rain in the first winter after the completion of grading of the bluff face access facilities.
- (3) All required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the habitat enhancement restoration plan. Invasive plants identified above shall be removed.
  - (4) Pursuant to this requirement, all landscape personnel shall be provided training, and understandable manuals concerning the plant materials on the site and the requirements of this condition.
  - (5) Except for the existing landmark grove of Canary Island palms located along the western bluff top and adjacent to the Long Point Bluff Top Trail, the permittee shall not install or allow to persist plants that are incompatible with habitat restoration and protection of native butterflies that have been identified anywhere on the property. These incompatible plants include:
    - (a) *Eriogonum fasciculatum* (California buckwheat)
    - (b) *Eucalyptus spp.*

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- (c) Invasive plants. Such plants are those identified on the "Ocean Trails Invasive Plant List" a list prepared for a project in Rancho Palos Verdes in consultation with the resources agencies, in the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, February 5, 1996, and/or those species listed by the California Exotic Plant Pest Council (UC Davis) on any of their watch lists as published in 1999 and as updated periodically (See exhibit 25).
- (6) The applicant shall use no insecticides. Any herbicides proposed for use and the methods of application shall be identified in initial plans. The Executive Director shall reject any chemicals that may adversely impact off shore habitat or that are persistent or that are listed as inconsistent with habitat or water quality in Special Conditions 7, 9 and 20 below.

D. Monitoring. The applicant will actively monitor the site for three years after permit issuance, remove non-natives in habitat areas identified in Special Condition 7B and reinstall plants that have failed.

- (1) The applicant will inspect the site no less than every 30 days during the first rainy season (November-March), and no less than every 60 days during the first year, every three months thereafter or on a maintenance schedule provided as part of the habitat enhancement/ restoration plan, whichever is more frequent. A written record of such inspection shall be prepared.
- (2) If shown to be necessary by the inspections, the applicant shall remove invasive plants and replace plants that fail to establish.
- (3) On two occasions, three years and again five years from the date of the implementation of the restoration plan, the applicants shall submit for the review and approval of the Executive Director, a habitat area monitoring report, prepared by a licensed Landscape Architect that certifies the on-site habitat restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (4) If the restoration/enhancement monitoring report indicates the habitat restoration/enhancement and protection areas are not in conformance with or has failed to meet the performance standards specified in the

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restoration and enhancement plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

E. The permittee shall undertake development in accordance with the approved habitat restoration and enhancement final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**8. LANDSCAPE PLAN FOR GOLF COURSE AND TRANSITIONAL AND ORNAMENTAL PLANTING ZONES**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan prepared by a licensed landscape architect in consultation with the project biological consultant for the review and approval of the Executive Director. The plan shall apply to the areas identified as Zones D, E, F, G and H on the landscape plan. Prior to submittal of the plan to the Executive Director, the project geotechnical engineering and geologic consultants, the City of Rancho Palos Verdes geotechnical consultant, the Los Angeles County Fire Department and the Resources Agencies shall review the plans to ensure that the plans are in conformance with the project geologist and geotechnical engineer, the City and County consultants and public agencies' recommendations assuring public safety, the protection of endangered species and the protection of the near shore environment. The landscape plan shall conform with the following requirements:

A. Preparation/format of plan: The plan shall include, at a minimum, the following components:

- (1) A map and separate list showing the species, size, number of all plant materials proposed to be installed including the common and scientific name of the plant and whether or not the plant is native to the Palos Verdes Peninsula, the area devoted to the plant and the type of installation proposed. The plan shall show other landscape features such as proposed trails and hardscape.

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- (2) A map showing proposed permanent irrigation for approved golf areas, for approved non-invasive, ornamental planting areas and for approved turf areas located around the hotel structures ("Zone F" and portions of "Zone H" landward of the coastal setback line) and temporary irrigation.
- (3) A list of goals for timing and coverage and of measures to slow surface erosion. Timing and coverage shall be based on the expected growth rate of the plants the applicant proposes to use and the typical coverage of the plants that are proposed. Alternative erosion control measures shall be identified and maintained until coverage is adequate to prevent surface erosion.

**B. Plans shall conform with the following criteria:**

- (1) Hotel/Resort Area Zones E, F, G, H and Zone D areas that are not located on the eastern bluff area as defined by the Coastal Setback Line, except for the portion of "Zone H" located adjacent to the lower pool facility, and as described in Special Condition No. 7B(5) (excluding golf and turf areas and non-invasive, ornamental planting areas located inland of the coastal setback line and located outside all habitat areas): All plantings shall consist of Palos Verdes natives and/or low and very low water use plants as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to Estimating Irrigation Water needs of Landscape Plantings in California*" for Region 3. Conventional lawn areas shall be prohibited.
- (2) "Zone H" area adjacent to the lower pool facility. All plantings shall consist of Palos Verdes indigenous natives with no invasive plants as defined in Special Condition 7.C(5)(c)
- (3) Golf and Turf areas or those portions of "Zone H" that are located inland of the coastal setback line (not on the eastern bluff and outside of the habitat areas). The applicant shall provide evidence that proposed grass species is not invasive. No turf or golf holes shall be installed anywhere on the eastern bluff.
- (4) Ponds. Applicant shall install no less than 9 feet by 24 feet (area of lost habitat at the northwestern cement v-ditch identified in the Jurisdictional Delineation for Long Point, dated May 30, 2001 (Revised January 14, 2003) of mule fat and riparian species adjacent to pond areas.

**C. General Provisions for the Project Site**

- (1) Planting will maintain views from Palos Verdes Drive South and to and along the bluffs and shall be consistent with the preservation of public

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- views through the view corridors identified in the certified LCP for the project site.
- (2) With the exception of the golf facility, the non-invasive ornamental planting areas and turf areas surrounding the hotel structures, the applicant shall install no permanent irrigation system on the project site. Temporary, above ground (e.g., "monitor drip") irrigation to allow the establishment of the plantings is allowed.
- (3) The applicant shall install efficient computerized irrigation systems in the golf and hotel turf areas, and the non-invasive ornamental planting areas. A professional golf course irrigation designer licensed in the State of California shall design the irrigation system. The irrigation system shall include, but not be limited to, the following components:
- (a) The irrigation design will use current technology that maximizes control and efficiency of irrigation water.
  - (b) The irrigation design will use data collected from on-site and local weather stations to determine evapotranspiration and irrigation requirements for turfgrass species used at the site.
  - (c) The sprinkler spacing, nozzle type and design will be such that maximum efficiency is achieved.
  - (d) A golf and turf approved area irrigation computer program will assist the superintendent in irrigation scheduling, pump efficiency, and record keeping.
- (4) The permittee shall not install or allow to persist plants that are incompatible with restoration and protection of native butterflies that have been identified anywhere on the property. These include:
- (a) *Eriogonum fasciculatum* (California buckwheat)
  - (b) *Eucalyptus spp.*
  - (c) Invasive plants as defined in Special Condition 7 above.

**9. INTEGRATED PEST MANAGEMENT PLAN**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a final revised Integrated Pest Management Plan (IPM Plan). The final plan shall demonstrate substantial conformance with the Proposed Long Point Destination Resort Integrated Pest Management Plan, dated March 28, 2003, prepared by James Connolly Consulting, Ltd, (Proposed IPM Plan). Where the "Proposed IPM Plan" is inconsistent with the specific requirements of this condition, this condition shall prevail. The plan shall also be in substantial conformance with the following requirements:



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The IPM Plan shall favor non-chemical strategies over chemical strategies for managing pests on site. Chemical strategies shall only be employed after all other strategies have been used and proven ineffective. This shall be demonstrated by providing written notice to the Executive Director of the non-chemical strategies that were used, the reasons for their ineffectiveness, and the chemical strategies that are being considered. If the IPM is inconsistent with the conditions of this permit, the permit conditions shall prevail.

- (1) This IPM Plan shall be designed and implemented for all of the proposed landscaping/planting on the project site and shall include an analysis of the benefits of the selected landscaping materials on the native wildlife species that may use this vegetation. Any more restrictive provisions that apply specifically to the habitat restoration/enhancement and protection areas pursuant to Special Condition No. 7, above, apply either in addition to the provisions of this IPM plan or, in the event of a conflict, in place of any such conflicting provisions of this IPM Plan. The measures that the applicant shall employ include but are not limited to the following:
  - (a) Introduction of native natural predators. Native, non-invasive bacteria, viruses and insect parasites shall be considered and employed as a pest management measure, where feasible.
  - (b) Weeding, hoeing and trapping manually.
  - (c) Use of non-toxic, biodegradable, alternative pest control products.
  - (d) No insecticides may be employed anywhere at the site in order to protect the El Segundo Blue butterfly, a federally endangered native species of California, that has been found at the site.
  - (e) In the golf area only, when pesticides and/or herbicides are deemed necessary in conjunction with the IPM program, the following shall apply:
    - (i) All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.
    - (ii) Pesticides consisting of or containing chemicals listed on the California Clean Water Act Section 303(d) List of Water Quality Limited Segments (California 303(d) List) as causing an exceedance of water quality standards in the receiving waters for this site shall not be employed. The 1998 California 303(d) list includes DDT under "Long Point Beach", indicating that DDT is causing impairment of the waters of Long Point Beach adjacent to the development. "Santa Monica Bay Offshore and Nearshore" (which

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includes the waters adjacent to the development) is listed for DDT and chlordane. The 2002 California 303(d) list, which is pending approval by the US Environmental Protection Agency, makes no changes to these listings. In addition, none of the following chemicals (known as the Group A Pesticides or Chem A list), which have been found to impair waters tributary to Santa Monica Bay and in some cases are banned by the US Environmental Protection Agency, shall be employed: aldrin, chlordane, dieldrin, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan and toxaphene.

- (2) Time Limits for Hotel Landscaping. Final landscaping for all areas addressed in this condition shall be completed prior to the occupation of the adjoining hotel/restaurant structures approved by this permit.

B. Monitoring. The applicant will actively monitor the site for five years after permit issuance, remove invasive plants noted above and reinstall plants that have failed.

- (1) Five years from the date of the implementation of the landscaping plan, the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

C-B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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**10. SIGNAGE**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide a signage plan for the review and approval of the Executive Director. The plan shall provide at a minimum:

A. The project identification sign at Palos Verdes Drive South shall include notice of the public park, the public parking, and the presence of public trails.

- (1) The project identification sign shall be visible and legible from Palos Verdes Drive South.
- (2) The wording "public parking/beach access" shall appear on the sign in a typeface that is equal or larger in size to the words identifying the commercial facilities, such as resort or golf.

B. Signs identifying public parking areas and trail heads shall be present on the site in sufficient number to direct the public to these facilities.

- (1) Such signs shall be easily legible and no less than 30 inches by 24 inches and
- (2) Such signs shall direct the public to available parking and trails.

C. Interpretive signs/cautionary signs; the permittee may place small low-key interpretive and cautionary signs near habitat areas and near the bluff edge and at the entrance to steep trails.

D. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**11. PROJECT LIGHTING**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide lighting plans for the review and written approval of the Executive Director. The plans shall provide:

- (1) Illumination shall be at the lowest levels that will still provide the amount necessary for safety.
- (2) No lights, with the exception of low intensity path lights, shall spill over into the buffer area.

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- (3) Exterior building lights and path lights shall be directed downward so that direct spillover outside the immediate area of the buildings shall not exceed ten feet.
- (4) No night work or night construction lighting shall be permitted.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**12. IN-LIEU FEE FOR THE PROVISION OF LOWER COST VISITOR ACCOMMODATIONS**

For purposes of this condition, the acronym "LAC-AYH" means the Los Angeles Council of American Youth Hostels, Inc., and the term "AYH Agreement" refers to the June 26, 2002 agreement between the Coastal Commission and LAC-AYH.

Prior to the issuance of this coastal development permit, but only after the Executive Director of the Coastal Commission has indicated, in writing, that the Commission has entered into an agreement (the "New Agreement") modeled upon the AYH Agreement, the applicant shall provide, through a financial instrument subject to the review and approval of the Executive Director, a mitigation fee of not less than \$540,000 payable to the public agency or private non-profit association designated, in writing, by the Executive Director (including, but not necessarily limited to, LAC-AYH) to be used generally for the acquisition of land and/or construction of a low-cost visitor serving hostel facility in the urban coastal area of Los Angeles County and specifically in accordance with the terms and conditions of the New Agreement.

**13. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT AND REQUIREMENTS OF CITY GEOTECHNICAL REVIEW**

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in Geotechnical Review of the Proposed Grading Plan for Destination Development, *Destination Development Corporation – Geotechnical Consultation*, Law/Crandall Project 70131-2-0076.0002, all subsequent, supplemental recommendations identified in the geologic reports listed under Substantive File Documents in the Commission Staff Report dated May 28, 2003, and the specific requirements of the City of Rancho Palos Verdes addressing geologic safety/site stability. **PRIOR TO**

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**THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.

B. The applicant shall amend its final plans so that the underlying soils are protected from increased saturation by the following methods:

- (1) Implementation of water-efficient, computerized irrigation system as described in Special Condition 8.C.(2) and (3) for the golf course and turf areas surrounding the hotel structures outside of the habitat restoration areas.
- (2) The applicant shall install separate water meters for pools and for permanent and temporary supply lines for irrigation. Permanent lines are only acceptable in hotel/golf turf areas; and on the major supply lines for each group of individual structures. All such lines shall incorporate (i) alarms that sound if there is a significant change in the rate or duration of flow or gross quantity of water in a particular period without a manual override in advance and (ii) automatic cutoff if the duration and rate of flow exceeds that anticipated by more than 100% or by a rate determined by the project geologist to be hazardous.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**14. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY**

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

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**15. NO FUTURE SEAWARD EXTENSION OF SHORELINE PROTECTIVE DEVICE**

A. By acceptance of this permit, the applicant agrees, on behalf itself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device, installed prior to Feb. 2 1973, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity enlarges the footprint of the subject shoreline protective device either seaward or laterally. By acceptance of this permit, the applicant waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

- (1) Inspection/Repair of Revetment. The applicant shall have an inspection of the existing riprap revetment completed by a licensed civil or geotechnical engineer prior to the issuance of the coastal development permit. Based on the inspection and in conjunction with construction, the applicant shall be responsible for repositioning any rocks onto the revetment that have migrated onto the beach to assure beach encroachment has been minimized. The inspection shall be completed within 30 days of Commission action on this permit. The repositioning of rocks shall be completed within 30 days of commencement of construction.

B. **PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description of the shoreline protective device approved by Commission staff report dated May 28, 2003, as generally described above and shown on Exhibit 8c attached to this staff report, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

**16. SHORELINE PROTECTION MONITORING PLAN**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a monitoring plan, prepared by a licensed civil or geotechnical engineer for the review and written approval of the Executive Director. The plan shall be sufficient to assess the performance of the existing revetment and shall include at a minimum:

- (1) A description of the approved shoreline protection device;
- (2) A discussion of the goals and objectives of the plan, which shall include maintenance of the revetment to assure its optimum designed

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- performance without adversely affecting surrounding development or public access along the coast, public views, or fill of tidelands.
- (3) Provisions for taking measurements of the reconfigured revetment documenting the location of the toe, sides and elevation of the revetment and the alignment of the 8 foot-wide public access path between the existing restaurant and patio areas and the revetment. The plan shall identify exactly where such measurements will be taken, e.g. by reference to benchmarks, survey positions, or points shown on an exhibit, and the frequency with which such measurements will be taken;
  - (4) Provisions for submission of "as-built" plans for the repaired revetment and public access path, showing the permitted structures in relation to the existing topography and showing the measurements described in subsection (3) above, within 30 days after completion of construction of the repairs to the revetment and removal of obstructions in the public access path;
  - (5) Provisions for inspection of the condition of the shoreline protection device by May 1 of every year by a licensed civil or geotechnical engineer, including the scope and frequency of such inspections.
  - (6) Provisions for submittal to the Executive Director by May 1 of every 3 years and after every major storm (greater than 25 year event) for the life of the structure of a monitoring report that has been prepared by a licensed civil or geotechnical engineer. Each monitoring report shall contain the following:
    - (a) An evaluation of the condition and performance of the approved shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device,
    - (b) All measurements taken in conformance with the approved monitoring plan,
    - (c) A description of any migration or movement of rock that has occurred on the site, and
    - (d) Recommendations for repair, maintenance, modifications or other work to the device.
- B. If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall contact the Coastal Commission District Office to determine whether such work requires a coastal development permit.
- C. The permittee shall undertake development in accordance with the approved final plans. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit

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unless the Executive Director determines that no amendment is legally required.

**17. NO FUTURE BLUFF OR SHORELINE PROTECTIVE DEVICE**

A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. **A-5-RPV-02-324, as amended**, including, but not limited to, (582 room resort, golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces and open space) in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including (describe the development, e.g., the house, garage, foundations, and septic system), if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

**18. FUTURE DEVELOPMENT RESTRICTION**

This permit is only for the development described in Coastal Development Permit No. A-5-RPV-02-324 as amended. Pursuant to Title 14, California Code of Regulations, sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code, Sections 30610(a) and 30610(b) shall not apply. Accordingly, any future improvements to the development described in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, Sections 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to Permit No. A-5-RPV-02-324 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government, unless the Executive Director of the Commission determines that no amendment or new permit is required.



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**19. EROSION CONTROL DURING CONSTRUCTION**

A. Erosion and siltation control. Prior to the commencement of grading, the applicant shall provide to both the City and the Executive Director, for their joint review and approval, plan notes and general standards for erosion control. On or before September 15th of each year of construction, the applicant shall provide to both the City and the Executive Director for their joint review and approval, interim (time period prior to completion of project) erosion and sediment control plans that will prevent siltation and/or deposition of construction debris onto the beach, tide pools and habitat areas adjacent to the site. All sediment, construction debris, and waste products should be retained on-site until they can be removed to an approved disposal location. The approved plans shall be subject to the following requirements and include the following components:

1. Erosion on the site shall be controlled to avoid adverse impacts to beaches, intertidal and habitat areas. This shall include erosion due to on-site drainage or on-site release of water or off-site water that travels through on-site drainage channels, construction activities, and the existence of roads and graded pads on the site. The applicant shall take all safe and reasonable measures to control siltation attributable to a landslide or other earth movement.
2. The following temporary erosion control measures shall be used during construction activity: a combination of temporary measures (e.g., geo-fabric blankets, spray tackifiers, silt fences, fiber rolls, sand bags and gravel bags), as appropriate, during each phase of site preparation, grading and project construction, except that straw bales shall not be employed. The applicant shall also provide containment methods to prevent manmade debris and/or chemicals from slope stabilization from entering the intertidal or offshore waters.
3. Following construction and throughout the interim period, erosion on the site shall be controlled to avoid adverse impacts on dedicated trails, public roadways, beaches, tide pools and habitat areas.
4. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and any amendments thereto, prepared for compliance with the State Water Resources Control Board General Construction Activity Permit, which specifies BMPs appropriate for use during each phase of site preparation, grading and project construction, and procedures for their installation, based on soil loss calculations. The submitted calculations will account for factors such as soil conditions, hydrology (drainage flows), topography, slope gradients, vegetation cover, use of chemicals or fixatives, the type of equipment or materials proposed for use near shoreline areas and groundwater elevations.

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5. A site plan showing the location of all temporary erosion control measures. Such site plan may acknowledge that minor adjustments in the location of temporary erosion control measures may occur if necessary to protect downstream resources. Such measures shall be noted on project grading plans.
  6. A plan to mobilize crews, equipment, and staging areas for BMP installation during each phase of site preparation, grading and project construction, with timing of deployment based on the forecast percentage of rainfall occurrence. The plan shall also address provisions for delivery of erosion prevention/control materials, or access to onsite supplies including specifications for adequate storage capabilities.
  7. A plan for landscaping, consistent with Special Conditions No. 7, 8 and 9.
  8. Limitations on grading activities during the rainy season, from October 15 to April 15 of each year, wherein grading may only occur in increments as determined by the City Engineer so that exposed soils do not exceed what is proposed in the interim erosion control plans. Should grading take place during the rainy season (October 15 - April 15), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations, and maintained throughout the development process to control erosion, and to trap and remove manmade debris, coarse sediment and fine particulates from runoff waters leaving the site during construction activity, prior to such runoff being conveyed off site. All areas disturbed, but not completed, during the dry season, including graded pads, shall be stabilized in advance of the rainy season.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**20. WATER QUALITY**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a final revised Standard Urban Storm Water Mitigation Program (SUSMP) (i.e., site-specific water quality management plan) for the post-construction project site. The revised SUSMP shall be prepared by a licensed water quality professional and shall include project plans, hydrologic calculations, and details of the structural and

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non-structural Best Management Practices (BMPs) that shall be included in the project.

The final SUSMP shall be reviewed by the consulting engineering geologist to ensure conformance with geotechnical recommendations. The final SUSMP shall demonstrate substantial conformance with the Standard Urban Storm Water Mitigation Program (SUSMP) for Long Point Destination Resort dated May 15, 2003, prepared by The Keith Companies. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1. Best Management Practice Specifications

- a. Site Design, Source Control, and Treatment Control BMPs shall be designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site.
- b. Runoff shall be conveyed off site in a non-erosive manner.
- c. Energy dissipating measures shall be installed at the terminus of outflow drains, where necessary to prevent erosion.
- d. Following construction, erosion on the site shall be controlled to avoid adverse impacts on dedicated trails, public roadways, beaches, tide pools and habitat areas.
- e. The BMPs shall be selected to address the pollutants of concern for this development, including, but not limited to, sediments, nutrients, pesticides, fertilizers, metals, petroleum hydrocarbons, trash and debris, and organic matter.
- f. Source control BMPs shall be preferred over treatment control BMPs.
- g. Maintain, to the maximum extent practicable, pre-development peak runoff rates and average volume of runoff;
- h. Runoff from all new and redeveloped surfaces (e.g., roads, parking lots, maintenance areas) shall be collected and directed through a system of appropriate structural BMPs.
- i. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat or filter the volume of water resulting from 3/4 of an inch of rainfall in a 24-hour period over the entire tributary drainage area. (The Los Angeles Regional Water Quality Control Board has determined that in the Los Angeles area this is equivalent to the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor [i.e., 2 or greater], for flow-based BMPs.)
- j. The structural BMPs shall be constructed prior to or concurrent with the construction of infrastructure associated with the development within

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Tentative Parcel Map No. 26073. Prior to the occupancy of the resort structures approved by this permit, the structural BMPs proposed to service those structures and associated support facilities shall be constructed and fully functional in accordance with the final SUSMP approved by the Executive Director.

- k. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development to ensure the water quality special conditions are achieved. Maintenance activity shall be performed according to the specifications in the SUSMP. At a minimum, maintenance shall include the following:
- (1) All structural BMPs shall be inspected, cleaned and repaired, as needed prior to the onset of the storm season, no later than October 1st of each year; after every major storm event; and at least once during the dry season;
  - (2) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
  - (3) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.
  - (4) Wetlands vegetation installed within the wet ponds shall be monitored and maintained in a manner that ensures successful establishment of the vegetation and ongoing ability of the vegetation to remove pollutants for the life of the development. All such maintenance shall be conducted under the supervision of a qualified wetlands biologist or qualified professional for the life of the development.
  - (5) Adequate storage capacity shall be maintained above the permanent "pool" in the wet pond in order to detain stormwater runoff and promote pollutant settling.
  - (6) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work. If the Executive Director determines that an amendment or a new permit is required to authorize the work, no such work shall begin or

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be undertaken until it is approved in accordance with the process outlined by the Executive Director;

- (7) Should a qualified water quality professional(s) determine that the Recommended Maintenance Procedures as proposed in the SUSMP need to be revised due to site-specific data, the applicant shall submit revisions and supporting information describing the reason for the revisions for review and approval of the Executive Director.

2. Nuisance Flow (Low Flow) Pumped to a Wet Pond

- a. All nuisance flow (low flow) shall be pumped to and treated by Wet Pond 1 ("Wet Pond A") on a year round basis.
- b. The applicant shall submit final design specifications for the installation of the low flow diversion pump(s). Prepared by a licensed water quality professional, the design shall demonstrate sufficient sizing of pump(s) and/or pump structures to divert all dry weather/nuisance flows from the storm drain system.

3. Restaurants

- a. Wash down areas for restaurant equipment and accessories and food preparation areas shall be designed to meet the following:
- (1) The area shall be self-contained, equipped with a grease interceptor, and properly connected to a sanitary sewer. The grease interceptor shall have the capacity to capture grease to the maximum extent practicable.
- (2) If a wash area is to be located outdoors, it shall be covered, paved, have primary containment, and be connected to the sanitary sewer.
- (3) The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.
- (4) The applicant shall be responsible for ensuring that restaurant owners, managers, and staff are educated about the use and maintenance of grease interceptors, as well as BMPs designed to limit, to the maximum extent practicable, the contribution of pollutants from restaurants, wash areas, loading areas, trash and recycling storage areas.
- (5) The applicant shall not use or distribute any polystyrene or foamed polystyrene product (including, but not limited to, foamed polystyrene cups, plates, and "to go" food boxes).

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- (6) Informational signs around the establishments for employees and customers about water quality and the BMPs used on-site shall be provided.
- (7) The above restaurant management practices shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

4. **Trash and recycling containers and storage areas**

The applicant shall construct trash and recycling containers and storage areas that, if they are to be located outside or apart from the principal resort structures, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and particulates and suspended solids in runoff, and in order to prevent dispersal by wind and water. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s), and must be screened or walled to prevent off-site transport of trash.

5. **Sweeping**

The applicant shall, on a weekly basis, sweep the parking areas and roads to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are captured and treated on site by diversion to Wet Pond "A" and do not contribute any additional pollutants to the runoff.

6. **Pools, Spas, and Fountains**

Pool, spa, and fountain water shall not be discharged into the storm drain system, the Pacific Ocean, or any other receiving water. For maintenance and repair of the pool, spa, and fountain structures, BMPs shall be utilized to ensure no pollutants are discharged to receiving waters. If drainage is necessary, pool and fountain water shall only be drained into a pipe connected to the sanitary sewer system.

7. **Education and Training**

- a. Annual verbal and written training of employees, tenants, landscapers, BMP maintenance crews, property managers and other parties responsible for proper functioning of BMPs shall be required.
- b. Outdoor drains shall be labeled/stenciled to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer, as appropriate.

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- c. Storm drain stenciling ("No Dumping, Drains to Ocean" or equivalent phrase) shall occur at all storm drain inlets in the development.
- d. Informational signs about urban runoff impacts to water quality and the BMPs used on-site shall be provided (e.g., at trail heads, at centralized locations near storm drain inlets, near the wet ponds, etc.).
- e. The applicant or responsible party shall be responsible for educating all landscapers or gardeners on the project site about the IPM program and other BMPs applicable to water quality management of landscaping and gardens. Education shall include distribution of written materials, illustrations and verbal instruction.

**B. Water Quality Monitoring Program**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a revised final Water Quality Monitoring Program Plan (monitoring plan), designed to characterize and evaluate the potential effects of stormwater and dry weather runoff from the proposed development on receiving waters. The final plan shall demonstrate substantial conformance with the Monitoring Program included in chapter VI of the Standard Urban Storm Water Mitigation Program (SUSMP) for Long Point Destination Resort dated March 14, 2003 and revised May 15, 2003, prepared by The Keith Companies, and it shall be consistent with the requirements of these special conditions:

1. Water quality monitoring shall comply with the following requirements:
  - (a) The monitoring plan shall identify the pollutants of concern for this site (or any appropriate indicator parameters) that will be monitored. The Monitoring Plan shall identify a process for adding to or deleting parameters from the plan.
  - (b) The plan shall specify sampling protocols to be used for each water quality parameter. Measurements must be precise enough to evaluate whether receiving waters are meeting applicable water quality standards.
  - (c) The plan shall specify the sampling locations (e.g., upgradient site boundary, wet ponds, discharge points).
  - (d) The plan shall specify the sampling frequencies (e.g., baseline, dry weather, first flush, subsequent storm events).
2. The Monitoring Program plan shall include a map of the proposed sampling locations.
3. Annual reports and semiannual updates containing data and analytical assessment of data in comparison to any applicable water quality objectives and other criterion specified herein, shall be submitted to the Executive Director of the Commission and to the Los Angeles Regional Water Quality

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Control Board after all construction approved by this permit has been completed.

C. The permittee shall undertake development and shall operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**21. UNITED STATES ARMY CORPS OF ENGINEERS APPROVAL**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, permittee shall provide to the Executive Director a copy of a permit issued by **United States Army Corps of Engineers**, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the **United States Army Corps of Engineers**. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**22. RETENTION OF LOCAL GOVERNMENT CONDITIONS OF APPROVAL**

Nothing in this action is intended to or does change any action taken by the local government, including the conditions of approval for CDP No. 166 approved by the Rancho Palos Verdes City Council on August 28, 2002, except as explicitly stated herein or to the extent that any such conditions are in conflict with the Commission's special conditions listed herein. For purposes of condition compliance, the City of Rancho Palos Verdes shall remain responsible for reviewing and determining compliance with special conditions imposed through CDP No. 166 as contained in Exhibit 2.

**23. INSPECTIONS**

The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

**24. COMPLIANCE**

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any changes approved in this permit and any amendments and subject to any revised plans provided in compliance with the Commission's special conditions and any other special conditions noted above. Any proposed change from the approved plans must be reviewed and approved by



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the Executive Director to determine if an amendment is necessary. Pursuant to this, all development/uses on site shall conform to the proposed project description as submitted, dated March 25, 2003, including but not limited to a public golf practice facility, 582-room hotel with health spa, restaurants and banquet facilities, four public access trails, a connecting trail to the existing offsite adjacent Vanderlip Trail and no fewer than one hundred (100) public parking spaces, as modified by the Commission's action. If there are inconsistencies, the conditions of this permit shall prevail.

**25. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall provide 1) proof of undivided legal interest in all the properties subject to this permit, or 2) proof of the permittee's ability to comply with all the terms and conditions of this coastal development permit.

**26. SURRENDER OF ALL PREVIOUS PERMITS APPLYING TO THIS PROPERTY INCLUDING CDP NO. A-5-RPV-91-046**

**PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant(s) and all legal owners of the property shall surrender in writing all rights to construct under all previous coastal development permits that apply to this property including but not limited to Coastal Development Permit A-5-RPV-91-046.

**27. FUTURE SUBDIVISION/TRACT MAPS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant permittee shall acknowledge in writing that all future tract maps, ~~including a tract map to enable the sale of the "independently" owned units, the casitas and the villas,~~ will require an amendment to this coastal development permit.

**28. BUYER'(S) ACKNOWLEDGMENT**

**A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the owner(s) of the property that is the subject of this permit shall agree that before any sale or transfer of any of that property or any interest in that property that occurs before completion of all public amenities required in this permit and establishment of habitat restoration areas required in this permit (collectively, the "Improvements"), the owner-seller shall secure a letter from the buyer of the property (1) acknowledging (a) that the conditions imposed by this permit, run with the land, (b) that the use and/or development of the land is restricted by the special conditions of the permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the implementation of habitat

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preservation and enhancement described in the final habitat restoration plan and the construction and opening to the public of public trails and other public access and recreation amenities, (c) that pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

B. Subsequent to the issuance of this coastal development permit, and prior to the sale or transfer of any of the property or any interest in the property that is the subject of this permit that occurs before completion of all of the Improvements, the owner of the property being sold shall secure a letter from the buyer (1) acknowledging (a) that the conditions imposed by this permit, run with the land, (b) that the use and/or development of the land is therefore restricted by the special conditions of this permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the implementation of habitat preservation and enhancement described in the final habitat restoration plan and the construction and opening to the public of public trails and other public access and recreation amenities, and furthermore, (c) that pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to close of escrow on any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

C. A copy of such letter(s) shall be provided to the Executive Director, and the Planning Director of the City of Rancho Palos Verdes before close of escrow.

**29. GENERIC DEED RESTRICTION**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit

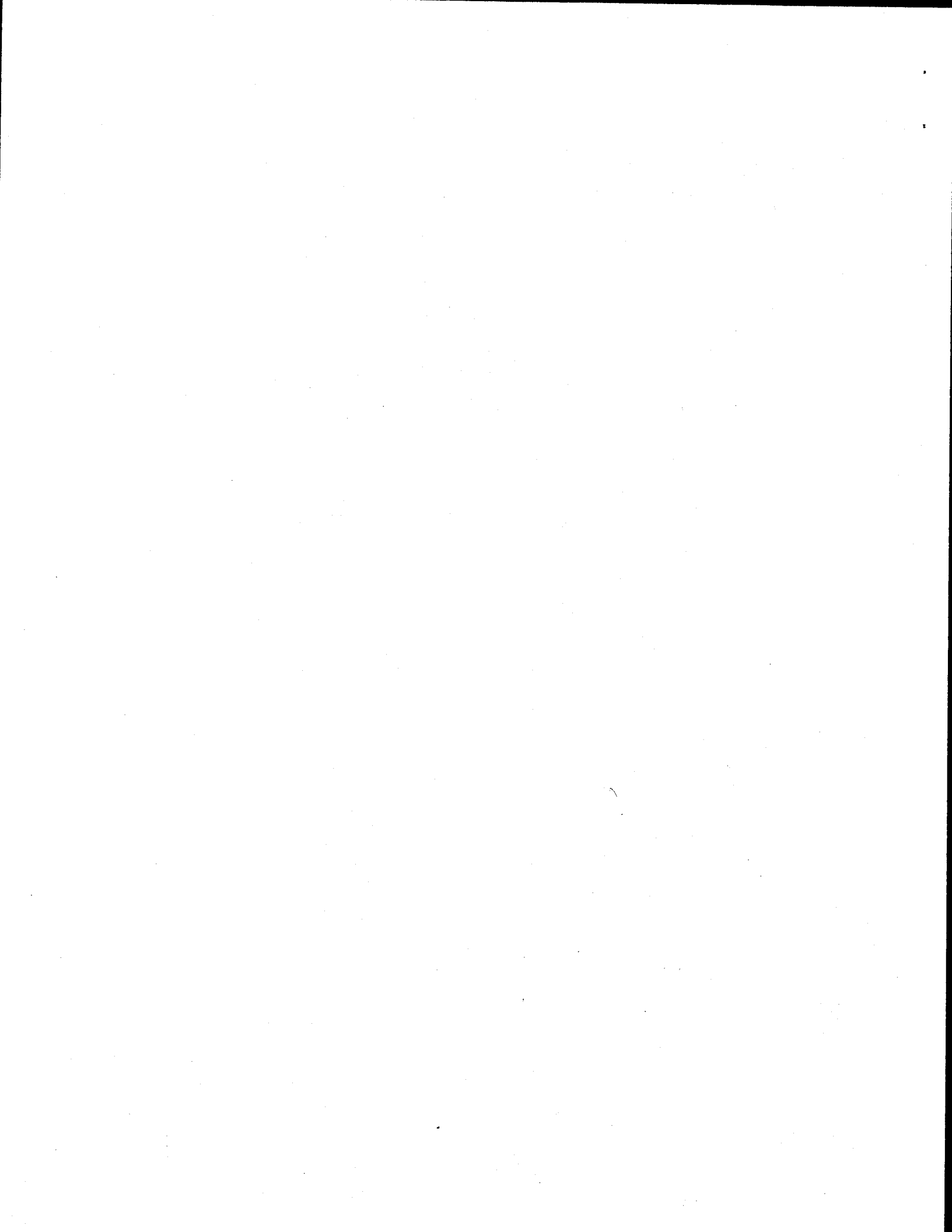
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as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



## Teresa Henry

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**From:** Alex Helperin  
**Sent:** Tuesday, July 19, 2005 12:46 PM  
**To:** Teresa Henry  
**Subject:** RE: Brightwater

P.S. - I thought there was something in the conditions about the sale of the lower bench, but I don't see it. I know that 17.A.1 says the proposed residual parcel can be sold to the WCB, as one option for avoiding it becoming a separate parcel. But was there no requirement to wait for the sale before this permit would become effective?

-----Original Message-----

**From:** Alex Helperin  
**Sent:** Tuesday, July 19, 2005 12:44 PM  
**To:** Teresa Henry  
**Subject:** RE: Brightwater

I'm on page 160 out of 169, and I read it pretty closely. Oh well.

[pause]

I've now finished reading it. Here are the changes from the staff recommendation that I think I heard:

Clarify, in the findings, that buffers are measured horizontally, along the plane, rather than vertically, up the bluff. See page 95.

Clarify, in the findings, that the single burrowing owl observation distant from the others, in the area we consider buffer, was made in Nov., 2001, more than three years ago, so, pursuant to the Consortium protocol, we didn't include that one in ESHA. See 108-09.

ESHA boundary is shrunk to ditch the two trees on the Goodell property and the one closest to those two on the subject property, and to provide a 500-foot buffer during the nesting season. Moved at 137, passed at 141 (10-2). Moreover, the applicant's buffer is accepted at 167-68, on a 7-5 vote. Hopefully those two changes aren't inconsistent. If they are, let's talk.

Change project description to indicate that the applicants agreed to an irrigation system that mimics the natural regime (154), and they agree to do some other drip irrigation as well, at 156. At 166 it is confirmed that they incorporated the drip irrigation and no mowing into their proposal.

Finally, changes to condition 6 so that the CC&Rs would prohibit use of rodenticides, and to condition 10 so that the final habitat management resident education program would explain that prohibition and why it is important, and a prohibition on rodenticides during the grading and development of the site (all at 160-62).

-----Original Message-----

**From:** Teresa Henry  
**Sent:** Tuesday, July 19, 2005 12:26 PM  
**To:** Alex Helperin  
**Subject:** RE: Brightwater

Alex, I can't think of any specific issues you need to be looking for so you can just skim the transcript. Yes, I'm planning to put the findings on for August. I was looking at Posner's revised findings report for Ballona and I noticed that he also did strikethrough and underline for the changes to the special conditions. I didn't realize that I need to do this when I did the NOI. I hope I saved a version of the NOI that has the Commission changes to the conditions or this report will take a little longer than I anticipated. Although I did prepare and send out the NOI, there are a few additional changes needed so I will have to do a corrected NOI. I have a meeting with the applicant on Friday at 1:30. The revised findings will probably go in the late mailing.

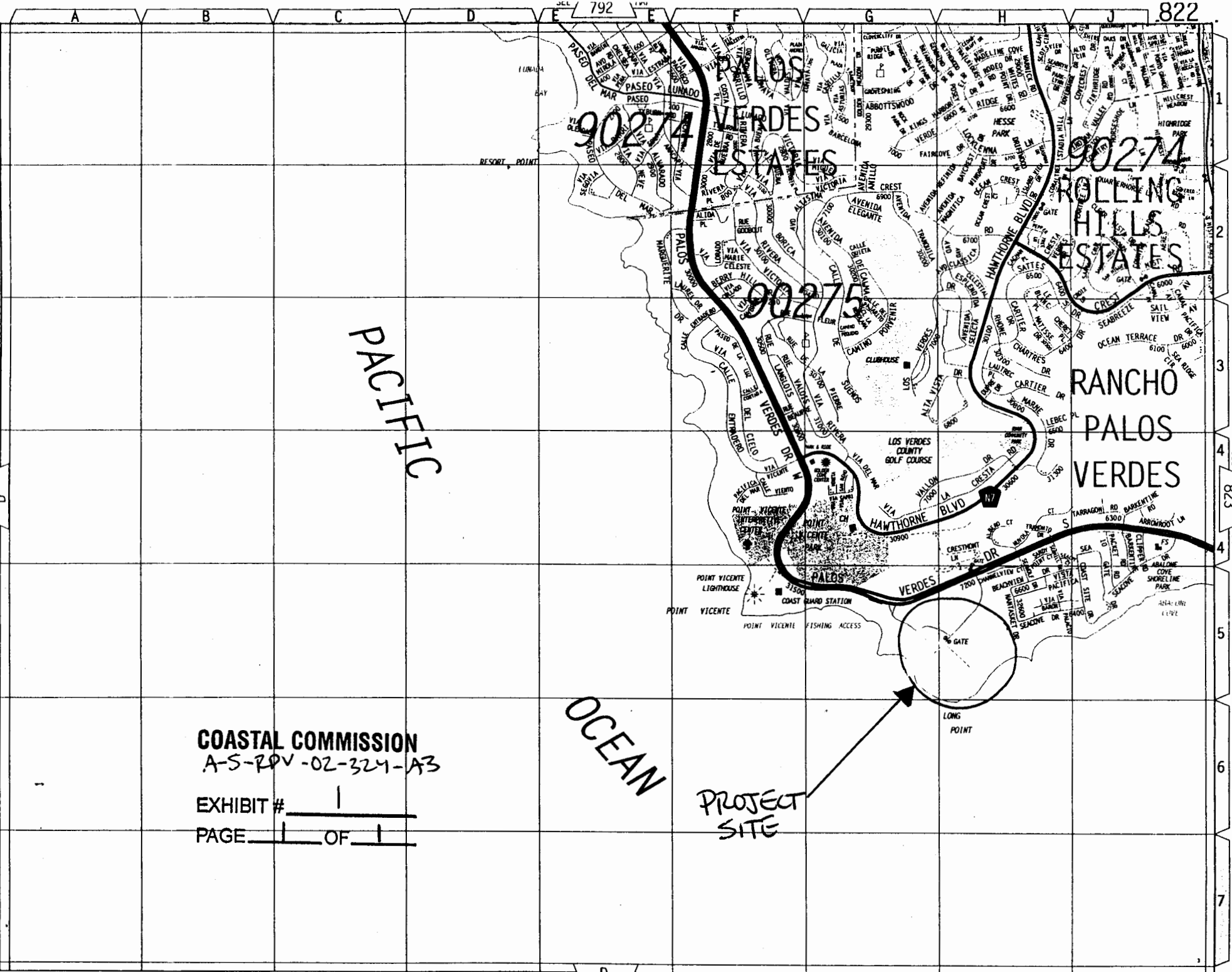
Teresa

-----Original Message-----

**From:** Alex Helperin  
**Sent:** Monday, July 18, 2005 11:18 AM  
**To:** Teresa Henry  
**Subject:** Brightwater

I don't think you had sent me a copy of the transcript before, so thanks for sending it. I'm about to start reading it. Any specific issues I should be looking for? The revised findings are still going on for August, right?

Thomas Bros. Maps  
2002  
MAP  
D  
SEE



LOS ANGELES CO.

SEE 823 MAP

PACIFIC

OCEAN

PROJECT SITE

COASTAL COMMISSION  
A-5-RPV-02-324-A3

EXHIBIT # 1  
PAGE 1 OF 1

0 .25 .5 .75 1.0 miles 1 in. = 2400 ft.





# TENTATIVE PARCEL MAP NO. 26073

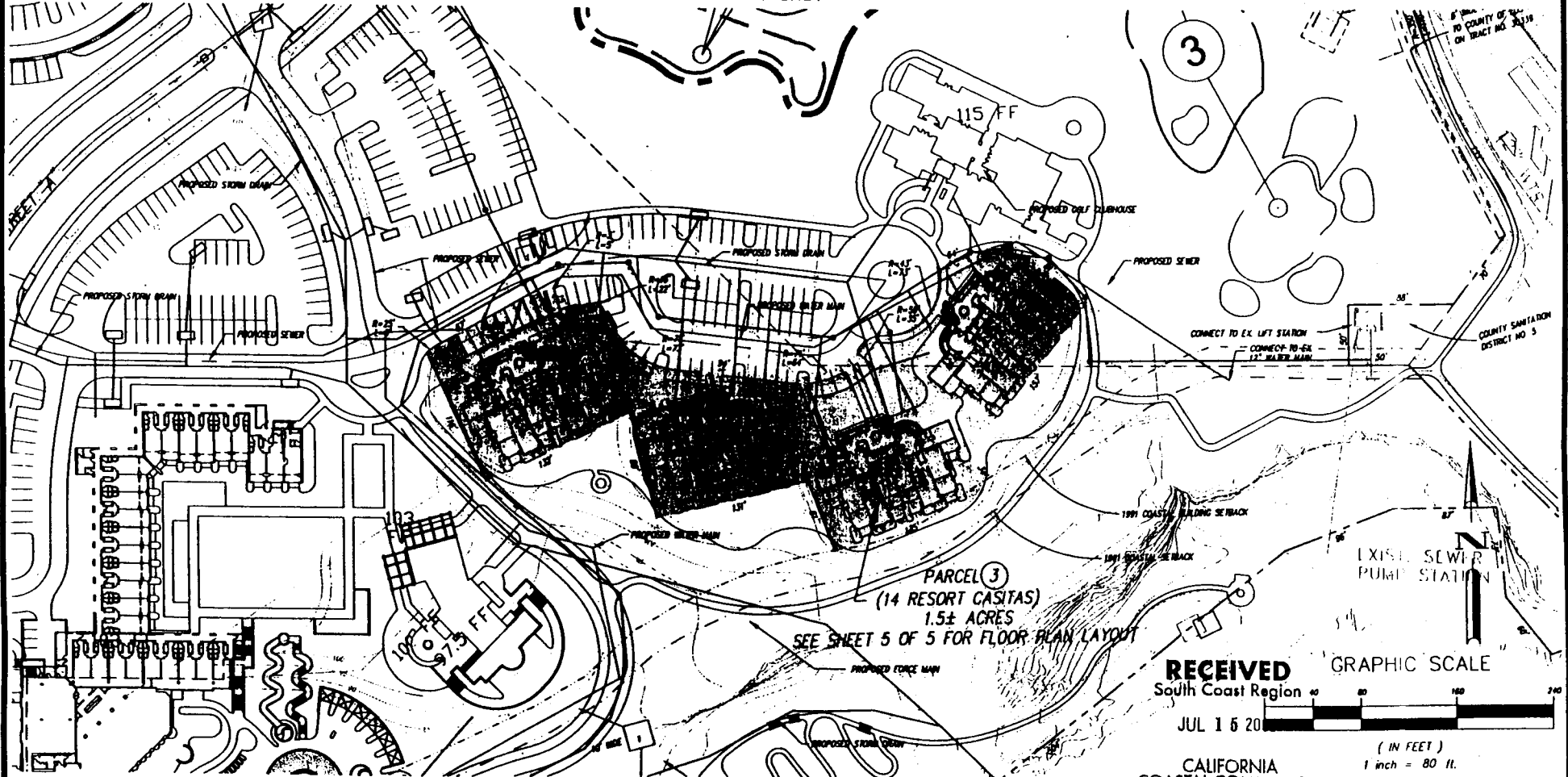
CITY OF RANCHO PALOS VERDES COUNTY OF LOS ANGELES STATE OF CALIFORNIA

PARCELS 1, 2 AND 3 PER MAP 2179 IN BOOK 10 OF RECORDS OF COUNTY OFFICE, PARCEL 4 OF PARCEL MAP NO. 14747 PER MAP FILED IN BOOK 138 PARCELS 41 AND 42 OF PARCEL MAPS TAKE THEM WITH THEM THAT PORTION OF LOT 11 OF TRACT NO. 2525 PER MAP RECORDED IN BOOK 10 OF RECORDS OF COUNTY OFFICE, OF COUNTY AND THEREWITH WITH THESE PORTIONS OF LOTS 141 AND 142 AS SHOWN ON LOTS PARCELS COUNTY OFFICE IN 1985 AS PER MAP RECORDED IN BOOK 1 OF RECORDS OF COUNTY OFFICE, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO.

"FOR CONDOMINIUM PURPOSES ONLY"

**EASEMENT NOTES**

- 1 INDICATES PROPOSED PUBLIC DRIVEWAYS, CONCERN PUBLIC PARKING AND PUBLIC PARK EASEMENT
- 2 INDICATES EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA GROUND COMPANY RECORDED JUNE 25, 1988 AS INSTRUMENT NO. 2086 OF OFFICIAL RECORDS.



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South Coast Region

GRAPHIC SCALE

JUL 15 2005




( IN FEET )  
1 inch = 80 ft.

CALIFORNIA  
COASTAL COMMISSION

BENCH MARK:  
COUNTY OF LOS ANGELES BENCH MARK NO. CY 8525, ROAD DEPARTMENT  
BENCH MARK TAG IN NW CORNER OF CATCH BASIN 23 FEET NORTH OF  
CENTERLINE PALOS VERDES DRIVE SOUTH (IN BARREL) AND 773 FEET  
WEST OF ENTRANCE TO WHITMERS CHAPEL.  
(PAL WIDS - 1980) ELEVATION: 181.575

PREPARED BY:  
**THE KEITH COMPANIES**  
19 TECHNOLOGY DRIVE  
IRVINE, CA 92618  
649.923.8000

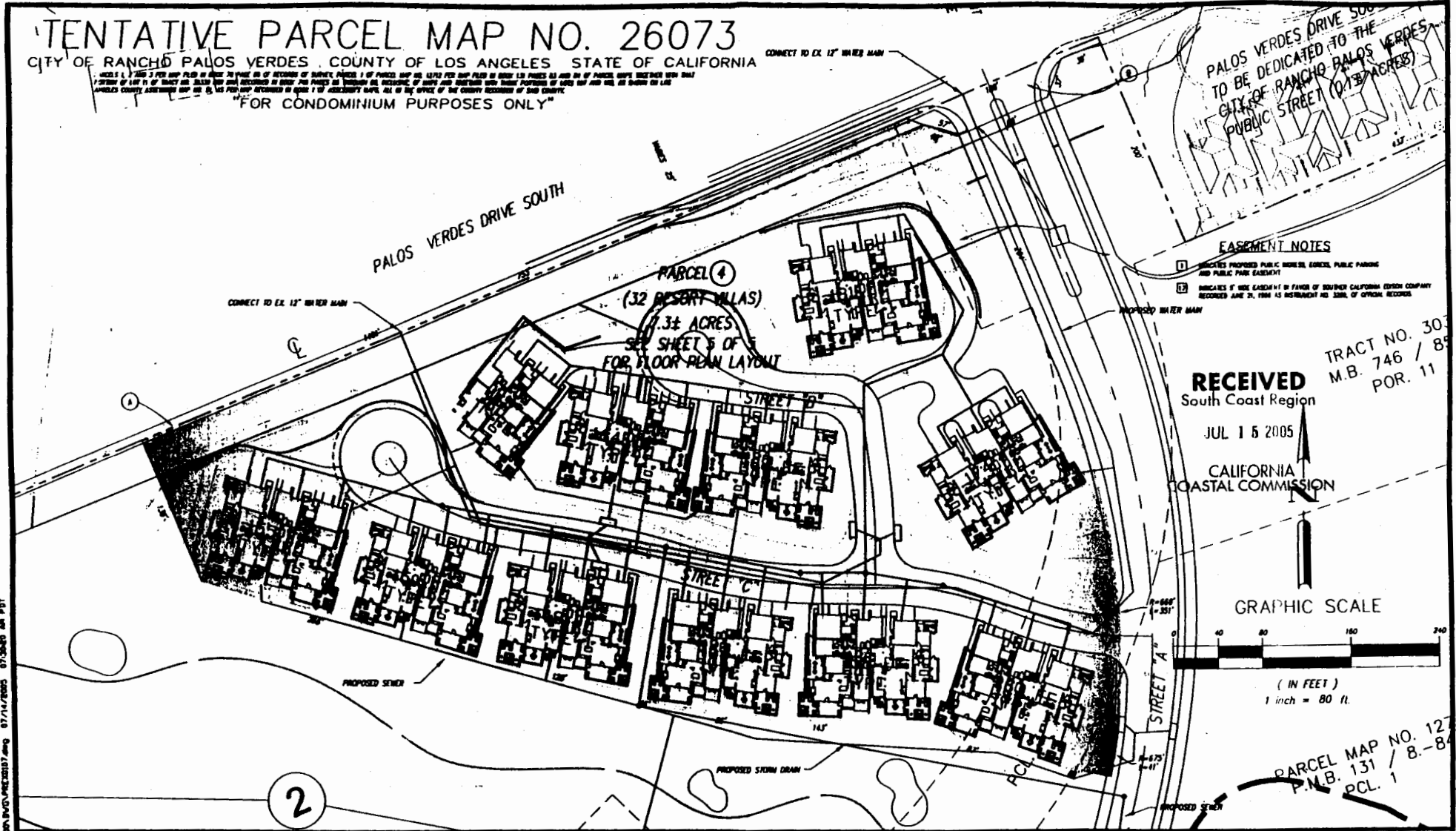


PREPARED FOR:  
**LONG POINT DEVELOPMENT L.L.C.**  
6610 PALOS VERDES DRIVE SOUTH  
SUITE A  
RANCHO PALOS VERDE CA. 90275

**TENTATIVE PARCEL MAP**  
**No. 26073**  
FOR CONDOMINIUM PURPOSES ONLY  
CITY OF RANCHO PALOS VERDES, COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

DATE: 04/19/2005  
SHEET 2  
OF 5

JOB NO. 23982.00.005



07/14/2005 09:30:40 AM PST  
 C:\Users\jethan\Documents\26073\26073.dwg

**BENCH MARK:**  
COUNTY OF LOS ANGELES BENCH MARK NO. CY 8525, ROAD DEPARTMENT  
BENCH MARK TAG IN NW CORNER OF CANYON BASIN 23 FEET NORTH OF  
CENTERLINE PALOS VERDES DRIVE SOUTH (N BARRIEL) AND 773 FEET  
WEST OF ENTRANCE TO WHITFARERS CHAPEL.  
(PAL WIDS - 1980) ELEVATION: 181.575

**PREPARED BY:**  
**THE KEITH COMPANIES**  
19 TECHNOLOGY DRIVE  
IRVINE, CA 92618  
949.823.8000

**TKC**

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

**TENTATIVE PARCEL MAP**  
**No. 26073**  
FOR CONDOMINIUM PURPOSES ONLY  
CITY OF RANCHO PALOS VERDES COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

DATE:	04/18/2005	JOB NO. 13982.00.005
SHEET	3	
OF	5	

**TENTATIVE PARCEL MAP NO. 26073**  
 CITY OF RANCHO PALOS VERDES COUNTY OF LOS ANGELES STATE OF CALIFORNIA

PARCELS 1, 2 AND 3 PER MAP FILED IN BOOK 25 PAGE 66 OF RECORDS OF COUNTY PARCELS 4 OF PARCEL MAP NO. 14769 PER MAP FILED IN BOOK 134 PARCELS 41 AND 42 OF PARCEL MAPS NUMBERED WITH THAT PORTION OF LOT 11 OF BLOCK 1 AND 2224 PER MAP RECORDED IN BOOK 724 PAGE 66 IN RECORDS OF COUNTY PARCELS IN RECORDS OF MAPS AND PARCELS WITH THESE PORTIONS OF LOTS 147 AND 148 AS SHOWN ON L-105 PARCELS COUNTY AGENCIES MAP NO. 26, 27, 28 PER MAP RECORDED IN BOOK 1 OF AGENCIES MAPS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO.

"FOR CONDOMINIUM PURPOSES ONLY"

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 South Coast Region

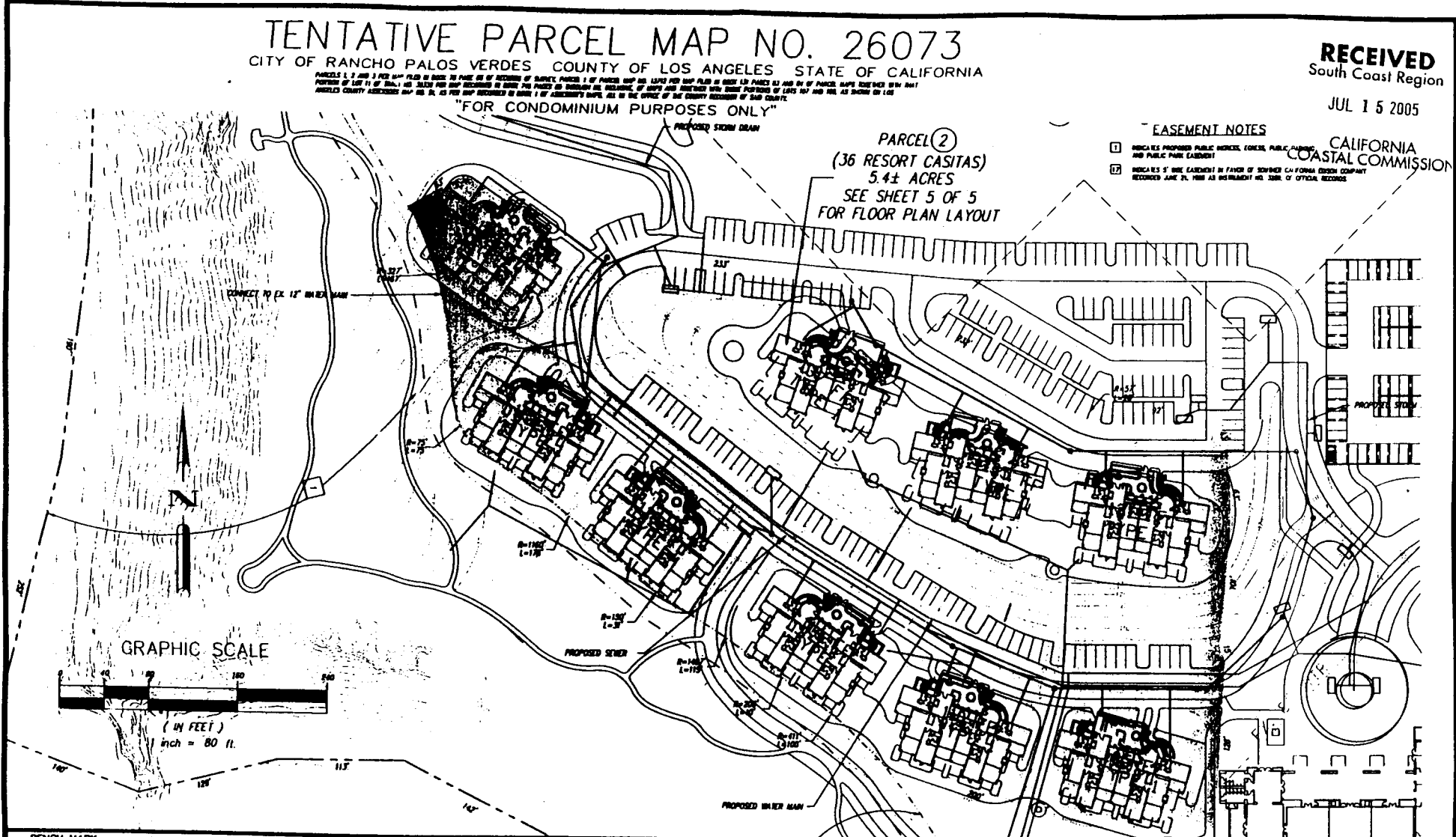
JUL 15 2005

**EASEMENT NOTES**

- ① INDICATES PROPOSED PUBLIC EGRESS, EGRESS, PUBLIC PARKING, AND PUBLIC PARK EASEMENT
- ② INDICATES 5' WIDE EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA Edison COMPANY RECORDED JUNE 24, 1998 AS INSTRUMENT NO. 2308 OF OFFICIAL RECORDS

CALIFORNIA  
**COASTAL COMMISSION**

**PARCEL ②**  
 (36 RESORT CASITAS)  
 5.4± ACRES  
 SEE SHEET 5 OF 5  
 FOR FLOOR PLAN LAYOUT



**BENCH MARK:**  
 COUNTY OF LOS ANGELES BENCH MARK NO. CY 8525, ROAD DEPARTMENT BENCH MARK TAG IN NW CORNER OF CATCH BASIN 23 FEET NORTH OF CENTERLINE PALOS VERDES DRIVE SOUTH (N BARREL) AND 773 FEET WEST OF ENTRANCE TO BAYFARERS CHAPEL (PAL WDS - 1980) ELEVATION: 181.575

**PREPARED BY:**  
**THE KEITH COMPANIES**  
 19 TECHNOLOGY DRIVE  
 IRVINE, CA 92618  
 949.823.6000

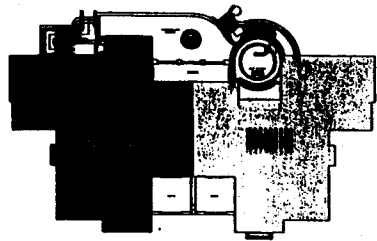


**PREPARED FOR:**  
**LONG POINT DEVELOPMENT L.L.C.**  
 6610 PALOS VERDES DRIVE SOUTH  
 SUITE A  
 RANCHO PALOS VERDE CA. 90275

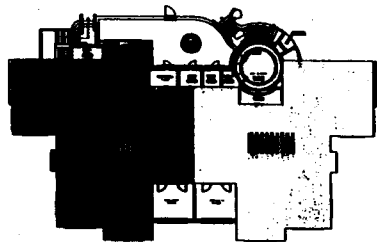
**TENTATIVE PARCEL MAP**  
**No. 26073**  
 FOR CONDOMINIUM PURPOSES ONLY  
 CITY OF RANCHO PALOS VERDES COUNTY OF LOS ANGELES  
 STATE OF CALIFORNIA

**DATE:** 04/19/2005  
**SHEET** 4  
**OF** 5  
 JOB NO. 12682.00.008

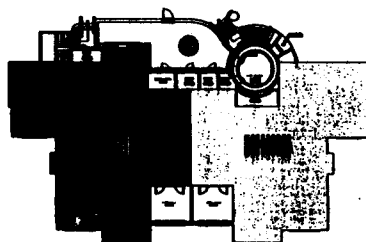
V:\010\12682\12682.DWG (PLOT) 07/14/2005 07:28:00 AM PLOT



TYPE 1  
3RD FLOOR  
1 STORY



TYPE 1  
1ST FLOOR  
1 STORY



TYPE 2  
1ST FLOOR  
1 STORY

CASITAS  
SCALE: 1" = 4'

**CONDO COUNT:**

TYPE 1 = 4 UNITS  
TYPE 2 = 2 UNITS

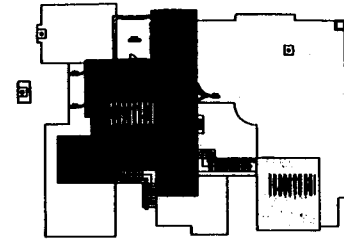
BLDG TYPE	UNITS PER TYPE	# OF BLDGS	# OF UNITS	# OF KEYS PER UNIT	TOTAL # OF KEYS
1	4	12	48	3	144
2	2	1	2	3	6
TOTAL	N/A	13	50	3	150

BENCH MARK:  
COUNTY OF LOS ANGELES BENCH MARK NO. CY 8525, ROAD DEPARTMENT  
BENCH MARK TAG IN NW CORNER OF CATCH BASIN 23 FEET NORTH OF  
CENTERLINE PALOS VERDES DRIVE SOUTH (N BARREL) AND 773 FEET  
WEST OF ENTRANC. TO WAYFARERS CHAPEL.  
(P.A.L. WDS - 1980) ELEVATION: 181.575

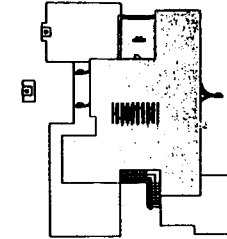
PREPARED BY:  
**THE KEITH COMPANIES**  
19 TECHNOLOGY DRIVE  
IRVINE, CA 92618  
949.823.8000



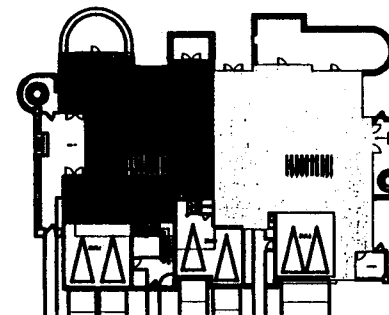
PREPARED FOR:  
**LONG POINT DEVELOPMENT L.L.C.**  
6610 PALOS VERDE DRIVE SOUTH  
SUITE A  
RANCHO PALOS VERDE CA. 90275



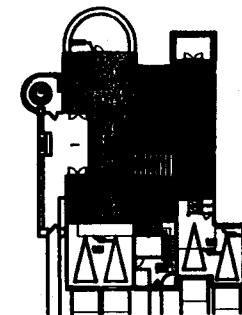
TYPE 1  
3RD FLOOR  
2 STORY



TYPE 2  
3RD FLOOR  
2 STORY



TYPE 1  
1ST FLOOR  
2 STORY



TYPE 2  
1ST FLOOR  
2 STORY

VILLAS  
SCALE: 1" = 4'

**CONDO COUNT:**

TYPE 1 = 3 UNITS  
TYPE 2 = 2 UNITS

BLDG TYPE	UNITS PER TYPE	# OF BLDGS	# OF UNITS	# OF KEYS PER UNIT	TOTAL # OF KEYS
1	3	10	30	1	30
2	2	2	2	2	4
TOTAL	N/A	11	32	1	32

**TENTATIVE PARCEL MAP  
No. 26073**

FOR CONDOMINIUM PURPOSES ONLY  
CITY OF RANCHO PALOS VERDES, COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

DATE:  
04/19/2005  
SHEET 5  
OF 5

JOB NO.  
13982.00.005

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A5-RPV-02-324-A3

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JUN 24 2005

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COASTAL COMMISSION  
A-5-RPV-02-324-A3  
EXHIBIT # ~~48~~ 3  
PAGE 1 OF 5

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

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

NO RECORDING FEE PURSUANT TO  
GOVERNMENT CODE SECTION 27383

Exempt from recording fees pursuant to Government Code §6103.

**DECLARATION OF RESTRICTIONS**

This Declaration of Restrictions ("**Declaration**") is entered into this \_\_\_ day of \_\_\_\_, 2005, by and among Long Point Development, LLC, a Delaware limited liability company ("**Long Point**"), the City of Rancho Palos Verdes, a municipal corporation ("**City**"), and the California Coastal Commission ("**Commission**").

**RECITALS**

A. Long Point is the fee owner of that certain real property located in the City of Rancho Palos Verdes, County of Los Angeles, State of California, and more particularly described on **Exhibit A** attached hereto ("**Property**").

B. Long Point has obtained approval from City and Commission to develop and construct on the Property a 582-room resort ("**Hotel**"), golf academy/practice facility, conference center, spa, related commercial uses, restaurants, public trails and park areas, coastal access points, related parking and appurtenant facilities, all as more particularly described in the Resolution (as defined below) (collectively, the "**Project**").

C. A portion of the Hotel as more particularly described in Article 1 hereof has been subdivided into condominium units (each a "**Condominium**" and collectively, the "**Condominiums**").

D. Pursuant to Conditions 35, 36, 37, 38, 39 and 189 set forth in Exhibit "B" to Resolution No. 2004 - 78 entitled "Long Point Resort Hotel Conditions of Approval Revision 'A' - Council Approved September 7, 2004" (the "**Resolution**"), and to the Special Conditions of Coastal Development Permit No. A-5-RPV-02-324 (collectively, the "**Conditions**"), as a condition to the approval of the Project, Long Point is required to record this restrictive covenant against the Condominiums. The Conditions shall continue to restrict the use and enjoyment of the Property so long as either the Coastal Development Permit or the development it authorizes or any part, modification, or amendment thereof, remains in existence on or with respect to the Property.

E. Long Point, City, and Commission desire to enter into this Declaration to bind the Condominiums and to satisfy the Conditions.

### DECLARATION

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Long Point agrees for the benefit of City and Commission as follows:

#### 1. Restrictive Covenant.

1.1 Management by Hotel. During the term of this Declaration, when a Condominium is not being used by its owner it shall be managed by the operator of the Hotel ("**Operator**"). As used in this Section 1, the terms "managed", "management" and words of similar import shall mean that the Operator shall be engaged by each owner of a Condominium to manage the upkeep and care of such Condominium and its use by parties other than the owner, including by providing such services as routine house keeping, upkeep and repair of the interior of each Unit (as defined below), monitoring and managing repair and replacement of furniture, fixtures and equipment, and providing mandatory front desk check-in and check-out services to the owner and the owner's guests, and a report of owner and non-owner use to the City and the Commission.

1.2 Hotel Accommodations. The Hotel includes: a main hotel building containing three hundred sixty (360) hotel rooms ("**Rooms**"); forty (40) freestanding bungalow units (each, a "**Bungalow**" and collectively, the "**Bungalows**"); fifty (50) Casitas units (each a "**Casita**" and collectively, the "**Casitas**"); and thirty-two (32) Villas (each a "**Villa**" and collectively, the "**Villas**").

1.3 Condominiums. For the purposes of this Declaration, the term "condominiums" shall mean and include all of the Casitas and all of the Villas, each of which will be Condominiums which are available for sale to individual persons or private entities for use in accordance with the Conditions.

1.4 Limitations on Use of Casitas. The Casitas are subject to the following restriction on owner occupancy, which restriction shall be deemed to be included with and imposed as restrictions on each and every conveyance of a Casita without express reference thereto in the deed evidencing such conveyance: (i) the owner of a Casita (no matter how many parties constitute such owner) may occupy such owner's Casita for no more than sixty (60) days per calendar year, and for no more than twenty-nine (29) consecutive days; (ii) a minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner; and (iii) when not being used by its owner, each such Casita shall be available as a Hotel accommodation, and shall be managed by the Operator as set forth in Section 1.1 hereof.

1.5 Limitations on Use of Villas. The Villas are subject to the following restriction on owner occupancy, which restriction shall be deemed to be included with and

imposed as a restriction on each and every conveyance of a Villa without express reference thereto in the deed evidencing such conveyance: (i) an owner of a Villa (no matter how many parties constitute such owner) may occupy such owner's Villa for no more than ninety (90) days per calendar year, and for no more than twenty-nine (29) consecutive days; (ii) a minimum seven (7) day period shall intervene between each twenty-nine (29) consecutive day period of occupancy by the owner; and (iii) when not being used by its owner, each Villa shall be available as a Hotel accommodation, and shall be managed by the Operator as set forth in Section 1.1 hereof.

1.6 Use by Hotel Guests. Any person or entity ("hotel guest") who pays to occupy one or more Villas or Casitas (each a "Unit" and collectively, the "Units") shall not occupy or have the right to occupy any such Unit for more than twenty-nine (29) consecutive days. On or before the twenty-ninth day (29<sup>th</sup>), the hotel guest shall check out of such Unit(s).

2. Term. This Declaration shall become effective on the date on which the the Property is subdivided to create the condominiums (as evidenced by recording of a condominium plan which imposes a condominium regime on the Villas or Casitas) and shall continue in full force until the earlier to occur of (i) termination of this Declaration by written agreement of Long Point (or its successor or assign, as applicable), the City and the Commission, or (ii) the date on which a hotel ceases to be operated on the Property, provided Long Point, or its successor or assign provides City and the Commission 60-days prior written notice of such cessation.

3. Covenants Running With the Land. Long Point declares that the Condominiums shall be held, conveyed, hypothecated, encumbered, leased, rented, used, and occupied subject to the provisions of this Declaration, all of which are declared to be in furtherance of and for the protection of and maintenance and improvement of the Condominiums and to comply with the Conditions. Pursuant to applicable law, including, but not limited to, Section 1462, 1465 and 1468 of the Civil Code of the State of California, all provisions of this Declaration (i) are hereby imposed as equitable servitudes on the Condominiums, and (ii) shall run with the land and be binding upon and inure to the benefit of the Condominiums and each and every portion thereof or interest therein, and all parties having or acquiring any right, title, or interest in the Condominiums or any portion thereof, and their successors and assigns.

4. Miscellaneous.

4.1 Notices. Any notices, demands or other communications required or permitted to be given by any provision of this Declaration or which any party may desire to give the other shall be given in writing, delivered personally or sent by certified mail, postage pre-paid, facsimile, or by Fed Ex or similar generally recognized delivery service regularly providing proof of delivery, addressed to a party, at the addresses set forth below, or to such other address as said party may hereafter or from time to time designate by written notice to the other party.

**COASTAL COMMISSION**

A-5-RPV-02-3241-A3

EXHIBIT #

23

PAGE 3 OF 5

To Long Point:

Long Point Development, LLC  
c/o Lowe Enterprises, Inc.  
11777 San Vicente Blvd., Suite 900  
Los Angeles, CA 90049  
Attn: Robert J. Lowe, Jr.  
Telephone: (310) 820-6661  
Telecopier: (310) 207-1132

With a copy to:

Manatt, Phelps & Phillips, LLP  
11355 West Olympic Boulevard  
Los Angeles, CA 90064-1614  
Attn: Timi Anyon Hallem, Esq.  
Telephone: (310) 312-4271  
Telecopier: (310) 312-4224

and a copy to:

Lowe Enterprises, Inc.  
11777 San Vicente Blvd., Suite 900  
Los Angeles, CA 90049  
Attn: Corporate Counsel  
Telephone: (310) 820-6661  
Telecopier: (310) 820-8131

To City:

City of Rancho Palos Verdes  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
Attn: City Manager  
Telephone: (310) 377-0360  
Telecopier: (310)

With a copy to:

Carol W. Lynch, Esq.  
Richards, Watson & Gershon  
355 South Grand Avenue, 40th Floor  
Los Angeles, California 90071  
Telephone: (213) 626-8484  
Telecopier: (213) 626-0078

To Commission:

California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
Attn:  
Telephone: (562) 590-5071  
Telecopier: (562) 590-5084

With a copy to:

**COASTAL COMMISSION**  
A-5-RPV-02-324-A3  
EXHIBIT # 4  
PAGE 4 OF 5

Notice by United States Postal Service or delivery service as provided herein shall be considered given on the earlier of the date on which said notice is actually received by the party to whom such notice is addressed, or as of the date of delivery, whether accepted or refused, established by the United States Postal Service return receipt or such overnight carrier's proof of delivery, as the case may be. Any such notice not so given shall be deemed given upon receipt of the same by the party to which it is addressed.

4.2 Mortgagee Protection. No portion of this Declaration or any amendment or violation thereof shall operate to defeat or render invalid, in whole or in part, the rights of the beneficiary, insurer, guarantor, or holder of any mortgage or deed of trust encumbering any portion of the Property; provided that, after foreclosure of any such mortgage or deed of trust, the property foreclosed shall remain subject to this Declaration.



4.3 Governing Law. This Declaration shall be governed by the laws of the State of California.

4.4 Interpretation; Incorporation. This Declaration shall be interpreted to give each of the provisions their plain meaning. The Recitals and the exhibits attached hereto are incorporated into the Declaration.

4.5 Language Construction. Designations used herein are for convenience only and shall not be controlling in the interpretation of this Declaration.

4.6 Amendment. This Declaration may only be amended pursuant to a written amendment, executed by Long Point (or its successor or assign), consented to by City, and recorded in the Office of the Recorder of Los Angeles County, California.

4.7 Satisfaction of Conditions. City acknowledges and agrees that the execution and delivery of this Declaration fully and completely satisfies the Conditions.

4.8 Counterparts. The parties may execute this Declaration in counterparts. Each counterpart shall be deemed an original instrument as against any party who has signed it.

IN WITNESS WHEREOF, Long Point, City and Commission have executed this Declaration as of the date written above.

CITY:  
City of Rancho Palos Verdes,  
a municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

LONG POINT:  
Long Point Development, LLC,  
a Delaware limited liability company

By: \_\_\_\_\_  
a \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COMMISSION:  
California Coastal Commission

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[ADD APPROPRIATE ACKNOWLEDGEMENTS]

**COASTAL COMMISSION**  
A-5-RPV-02-324-A3

EXHIBIT # 43  
PAGE 5 OF 5



**LOWE**  
DESTINATION DEVELOPMENT

**RECEIVED**  
South Coast Region

JUN 30 2005

CALIFORNIA  
COASTAL COMMISSION

June 27, 2005

Ms. Pam Emerson  
Supervisor, Regulation and Planning  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, California 90802-4416

Re: Long Point Resort – CDP A-5-RPV-02-324  
Condition 27 – Future Subdivision / Tract Maps

**COASTAL COMMISSION**

A-5-RPV-02-324-A3

EXHIBIT # 34

PAGE 1 OF 1

Dear Ms. Emerson:

In order to comply with Condition 27 of CDP A-5-RPV-02-324, we hereby acknowledge that all future tract/parcel maps, including a map to enable the sale of the “independently” owned units, the casitas and the villas, will require an amendment to the coastal development permit. Thank you.

Sincerely,

Keith A. Lamparter  
Vice President – Development Manager  
Long Point Development, LLC

Long Point Development, LLC, a Delaware limited liability company

By: Long Point Holdings, LLC, a Delaware limited liability company, its Sole Member

By: LDD Long Point, LLC, a Delaware limited liability company, its Manager

By: Lowe Destination Development, Inc., a California corporation, its Managing Member

**Describe Proposed Amendment:**

In compliance with Special Conditions 5.D.8. and 27 of CDP A-5-RPV-02-324, , the applicant is submitting an amendment to the CDP to authorize the sale of 82 independent units (50 casitas and 32 villas). Consistent with Special Condition 5.D.8., the amendment application includes documentation in the form of a Declaration of Restrictions evidencing compliance with the Coastal Commission's direction that the units be operated by the hotel as limited occupancy resort condominiums pursuant to a restriction whereby owners shall not occupy their units for more than 29 consecutive days and no more than 60 days per year for the Casita Owner and no more than 90 days per year for the Villa owner. The Declaration of Restrictions will be recorded against the property and will further provide that when not occupied by an owner, each unit will be part of the hotel leasing pool, and that all units shall be available for rental to the general public when not occupied by the unit owner. Consistent with Special Condition 27, the amendment application also includes a parcel map for condominium purposes only. Although Special Condition 27 refers to a "tract map," the City of Rancho Palos Verdes has determined that the parcel map that was submitted as part of the CDP application is sufficient to authorize the sale of the "independently owned" units pursuant to the Subdivision Map Act.

**COASTAL COMMISSION**

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