

RESOLUTION NO. 2009-28 - EXHIBIT "B"

MARYMOUNT COLLEGE

CONDITIONS OF APPROVAL

ZON2003-00317 (Conditional Use Permit No. 9 Revision 'E',
Grading Permit, Variance, and Minor Exception Permit)

GENERAL CONDITIONS

- 1) The approvals granted by this Resolution shall not become effective until the applicant and property owners submit a written affidavit that each has read, understands and accepts all conditions of approval contained herein. Said affidavit shall be submitted to the City no later than ninety (90) days from the date of approval of the project by the Planning Commission. If the applicant and/or the property owner fail to submit the written affidavit required by this condition within the required 90 days, this resolution approving planning case number ZON2003-00317 (Conditional Use Permit No. 9 Revision 'E,' Grading Permit, Variance and Minor Exception Permit) shall be null and void and of no further effect.
- 2) In accordance with the provisions of Fish and Game Code §711.4 and Title 14, California Code of Regulations, §753.5, the applicant shall pay all applicable filing fees, payable to the County of Los Angeles, for the Fish and Game Environmental Filing Fee, including posting fees. This check shall be submitted to the City within five (5) business days of final approval of this project. If required, the applicant shall also pay any fine imposed by the Department of Fish and Game.
- 3) Each and every mitigation measure contained in the Mitigation Monitoring Program attached as Exhibit "C" of Resolution No. 2009-27 is hereby incorporated into the Conditions of Approval, as Exhibit "B", for planning case number ZON2003-00317 (Conditional Use Permit No. 9 Revision 'E,' Grading Permit, Variance, and Minor Exception Permit).
- 4) The applicant shall fully implement and continue for as long as a college is operated the Mitigation Monitoring Program and execute all mitigation measures as identified and set forth in the Final Environmental Impact Report for the project as certified in Resolution No. 2009-27.
- 5) Marymount College shall be responsible for implementing and ensuring compliance with all of the Conditions of Approval stated herein. Accordingly, as used herein, the term "applicant" shall mean Marymount College including operators of educational and recreational programs affiliated with Marymount College and the property upon which the Marymount College is located.

- 6) The project development shall conform to the specific standards contained in these Conditions of Approval or, if not addressed herein, shall conform to the appropriate development and operational standards of the Rancho Palos Verdes Municipal Code ("RPVMC").
- 7) The project, including site layout, the building and appearances, and signage throughout the site, must be constructed and maintained in substantial compliance with the plans reviewed and approved by the Planning Commission, and stamped APPROVED by the City with the effective date of the Notice of Decision.
- 8) The Director of Planning, Building and Code Enforcement shall be authorized to approve minor modifications to the approved plans or any of the conditions if such modifications achieve substantially the same results as would strict compliance with such plans and conditions. Otherwise, all other modifications shall be subject to review and approval by the Planning Commission as a revision to this conditional use permit at a duly noticed public hearing.
- 9) Failure to comply with all of the Conditions of Approval will be grounds to revoke the approval of the project pursuant to the revocation procedures contained in RPVMC section 17.86.060.
- 10) These conditions are organized by topic type for ease of reference. Regardless of such organization, each condition is universally applicable to the entire project site, unless a condition clearly indicates otherwise. The conditions shall be applicable as long as a college is operated on the property, unless otherwise stated herein.
- 11) In the event that a Condition of Approval is in conflict or is inconsistent with any Mitigation Measure for this project, the more restrictive shall govern.
- 12) All applicable permits required by the Department of Building and Safety shall be obtained by the applicant prior to the commencement of any construction activities associated with this approval.
- 13) If applicable, prior to issuance of any certificate of occupancy, the applicant shall pay the Environmental Excise Tax in accordance with the Rancho Palos Verdes Municipal Code (RPVMC).
- 14) If applicable, prior to issuance of any Certificate of Occupancy the applicant shall comply with the Affordable Housing requirements of the RPVMC.

- 15) If applicable, the applicant shall comply with all applicable provisions of the City's Transportation Demand Management and Trip Reduction Ordinance as set forth in RPVMC section 10.28.
- 16) The applicant shall be required to pay 110% of the estimated amount of the cost of services to be provided on behalf of the City by outside consultants that have been retained by the City to render services specifically in connection with this project, in the form of a trust deposit account, prior to commencement of such services (e.g. City Engineer, City Attorney, geotechnical consultants, biologist, and landscape architect, environmental consultants, etc.). The College shall adequately fund said trust deposit accounts prior to the commencement of services, in amounts reasonably requested by the City, based upon an estimate of the cost of services for the period of at least 90 days for which services are rendered. In addition, the trust deposits shall be replenished within two weeks of receipt of notice from the City that additional funds are needed.
- 17) All costs associated with plan check reviews and site inspections for the Department of Public Works shall be incurred by the applicant through the establishment of a trust deposit with the Director of Public Works at the time of plan check submittal or site inspection request.
- 18) No later than six (6) months after the completion of each of the three Construction Phases described herein, the Planning Commission shall review these Conditions of Approval at a duly noticed public hearing. As part of said review, the Planning Commission shall assess the applicant's compliance with the Conditions of Approval and the adequacy of the conditions imposed. At that time, the Planning Commission may add, delete or modify any Conditions of Approval as evidence presented at the hearing demonstrates are necessary and appropriate to address impacts resulting from operation of the project. Such modifications shall not result in substantial changes to the design of the project structures. Notice of such review hearing shall be published and provided to owners of property within a 500' radius of the site, to persons requesting notice, to all affected homeowners associations, and to the property owner in accordance the RPVMC. As part of the review, the Planning Commission shall consider such items, but not limited to, the parking conditions, on-site circulation patterns, lighting, landscaping, noise, the operation of outdoor events, the operation of the retractable net, and the use of the athletic field and tennis courts. The Planning Commission may also consider other concerns raised by the public in response to the public notice of the review hearing. The Planning Commission may require such subsequent additional reviews, as deemed appropriate. This provision shall not be construed as a limitation on the City's ability to enforce any provision of the RPVMC regarding this project.

The Campus Landscape Maintenance Plan shall also be subject to a three (3) month review as stated in Condition No. 170.

- 19) This approval authorizes the construction of a Facilities Expansion Plan (Facilities Plan) for Marymount College located at 30800 Palos Verdes Drive East. The Residence Hall buildings included in the original submittal are not approved under these Conditions of Approval. Any significant changes to the characteristics of the development, including, but not limited to, the introduction of new uses or buildings, the site configuration, the size or operation of the facilities, or other ancillary uses shall require an application for revision to this Conditional Use Permit pursuant to the provisions stated in the RPVMC. At that time, the Planning Commission may impose such conditions, as it deems necessary upon the proposed use resulting from operations of the project. Further, the Commission may consider all issues relevant to the proposed change of use.

GENERAL CONSTRUCTION CONDITIONS

- 20) Temporary construction fencing shall be installed in accordance with the RPVMC. Prior to the issuance of any grading or building permit, the applicant shall submit a Temporary Construction Fence Plan, as part of the Construction Management Plan, that identifies items including, but not limited to, the type, the location and the time duration of construction fencing to be installed to address health and safety issues that are related to grading or other construction activities.
- 21) All on-site construction and grading activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction shall occur on Sundays or Federal holidays as set forth in RPVMC unless a special construction permit, allowing construction work on Sundays or Federal holidays between the hours of 7:00 am and 7:00 pm, is first obtained from the Director of Planning, Building and Code Enforcement at least 48-hours in advance of construction work. Any deviation from this Condition shall require an amendment to these Conditions of Approval and the approval of a Variance Permit.
- 22) The construction site and adjacent public and private properties and streets shall be kept free of all loose materials in excess of the material used for immediate construction purposes. Such excess material includes, but is not limited to, the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, salvage materials, abandoned or discarded furniture, appliances, or fixtures.

- 23) No overnight parking or storage of vehicles associated with construction shall be permitted in the public right-of-way during construction.
- 24) Prior to issuance of any grading permit, the applicant shall submit final geotechnical and soils reports to the City for review and approval by the Building Official and the City's Geotechnical Consultant. All conditions specified in the approved geotechnical and soils reports will be incorporated into the project.
- 25) The applicant shall prepare a notice to all property owners within a 500-foot radius of the project site at least 30-days prior to the commencement of each phase of construction. Such notice shall be sent by the City, at the expense of the applicant, and shall include a contact (name, telephone number, and e-mail address) in the event complaints need to be filed. A similar notice shall be visibly posted from the right-of-way (PVDE) at the entrance to the campus. The size, exact location, and content of such notice shall be reviewed and approved by the Director at least 30-days prior to installation.
- 26) Prior to issuance of the Final Certificate of Occupancy for Phase Three, the applicant shall provide a detailed as-built Classroom Student Seat Plan. Such Plan shall substantially comply with the student seats depicted in Exhibit 4 of Appendix A of the Final EIR and shall not exceed a maximum of 655 student seats. A increase to the maximum number of student seats permitted herein shall be subject to review and approval by the Planning Commission, at a duly noticed public hearing, and shall not result in new impacts or the intensification of impacts identified in the Final EIR, including but not limited to traffic, parking and noise.
- 27) Construction and grading activities within the public right-of-way shall be limited to the days and hours approved by the Director of Public Works at the time of permit issuance.
- 28) No on-site repair, maintenance, delivery of equipment and materials or vehicle idling shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Saturday, nor on any Sunday or Federal holiday, unless otherwise specified in these Conditions of Approval or a Special Construction Permit is obtained from the City. Emergency repairs are exempt from this condition.
- 29) All construction activity shall not extend beyond the phasing plan identified in the Certified Environmental Impact Report shown in Resolution No. 2009-27 and described in Condition No. 60. Any significant changes to the construction activity schedule shall be reviewed and approved by the Director of Planning, Building and Code Enforcement.

- 30) Prior to the issuance of any grading permits, the applicant shall submit to the Director of Public Works, for review and approval, a Construction Management Plan. Said Plan shall include, but not be limited to, the proposed routes to and from the project site for all deliveries of equipment, materials, and supplies, and shall set forth the parking plan for construction employees, the installation of traffic control signs at and around the project site, hours of arrival and departure for construction workers, sound abatement measures, and street maintenance (street cleaning and repairs). All construction related parking must be accommodated on-site. No on-street construction related parking shall be permitted. The queuing and idling of construction worker vehicles and construction vehicles/equipment shall be prohibited on-site and on City streets. Furthermore, the applicant shall prepare and submit a Haul Plan to the Public Works Department for review and approval prior to issuance of grading permits.
- 31) The applicant shall be responsible for repairs to any public streets which may be damaged as a result of development of the project.
- 32) Prior to issuance of any grading or building permit for each construction phase described in these Conditions of Approval, the applicant shall film the public roads that will be used for construction traffic to and from the project site, as described in the City approved Construction Management Plan, to document the pre-construction road condition. Said film, in either a DVD or CD format, shall be submitted to the Director of Public Works and shall be used to document any roadway damage that may be associated with project construction.
- 33) Prior to the issuance of any grading or building permit, the applicant shall submit security, in a form reasonably acceptable to the City, to cover any damage to existing public roadways caused by project construction. The amount of such security shall be determined by the Director of Public Works and shall not be released until all construction related activities have been completed and after final inspections by the City's Building Official.
- 34) Prior to the release of the security to cover any damages to existing public roadways (see above conditions), the applicant shall repair or replace all curbs, gutters, and sidewalks that are damaged as a result of project construction, as determined by the Director of Public Works.
- 35) All proposed driveways shall be designed in substantially the same alignment as shown on the approved site plans, subject to final design review and approval by the Los Angeles County Fire Department and the Director of Public Works.
- 36) Any on-site raised and landscaped medians and textured surfaces, including parking lot planters, shall be approved by the Director of Public Works, and by

the City Geologist in areas adjacent to or within the Building Geologic Setback Area.

- 37) Handicapped access ramps shall be installed and or retrofitted in accordance with the current standards established by the Americans with Disabilities Act. Access ramps shall be provided at all intersections and driveways.
- 38) All sidewalks and pathways throughout the project site shall be designed to comply with the minimum width standards set forth in the most recent California Disabled Accessibility Guidebook.
- 39) If excavation is required in any public roadway, the roadway shall be resurfaced with an asphalt overlay to the adjacent traffic lane line to the satisfaction of the Director of Public Works.
- 40) Prior to commencing any excavation or construction within the public rights-of-way, the applicant shall obtain all necessary permits from the Director of Public Works.
- 41) The project shall comply with all requirements of the various municipal utilities and agencies that provide public services to the property.
- 42) All existing easements shall remain in full force and effect unless expressly released by the holder of the easement.

INDEMNIFICATION/INSURANCE

- 43) The owner of the property upon which the project is located shall hold harmless and indemnify City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense, including but not limited to death or injury to any person and injury to any property, resulting from willful misconduct, negligent acts, errors or omissions of the owner, the applicant, the project operator, or any of their respective officers, employees, or agents, arising or claimed to arise, directly or indirectly, in whole or in part, out of, in connection with, resulting from, or related to the construction or the operation of the project approved by this resolution including but not limited to the operation and use of the athletic field.
- 44) The applicant shall defend, indemnify and hold harmless the City and its agents, officers, commissions, boards, committees and employees from any claim, action or proceeding against the City or its agents, officers, commissions, boards,

committee or employees, to attack, set aside, void or annul this resolution or one or more of the approvals set forth in P.C. Resolution 2009-27 brought by one or more third parties. Alternatively, at the City's election, the City may choose to defend itself from any claim, action or proceeding to attack, set aside, void or annul this resolution or one or more of the approvals set forth in this resolution with counsel of its choosing, in which case, the applicant shall reimburse the City for all of its costs, including attorney fees, arising from such claim, action or proceeding. The obligations set forth in this condition include the obligation to indemnify or reimburse the City for any attorney fees or monetary judgments that the City becomes obligated to pay as a result of any claim, action or proceeding within the scope of this condition.

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

- 45) The applicant shall procure and maintain in full force and effect during the operation of the College primary general liability insurance in conjunction with umbrella coverage, which is applicable to, and provides coverage in an amount of at least \$5 million dollars, which amount shall be increased on each fifth anniversary of the issuance of the first certificate of occupancy for any structure authorized by this approval to reflect increases in the consumer price index for the Los Angeles County area. Such insurance shall insure against claims for injuries to persons or damages to property that may arise from or in connection with the operation of the athletic field at the College as authorized by the conditional use permit as amended by this approval. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance, shall be issued by an insurer that is admitted to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's, and shall comply with all of the following requirements:
- (a) The coverage shall contain no limitations on the scope of protection afforded to City, its officers, officials, employees, volunteers or agents serving as independent contractors in the role of city or agency officials which are not also limitations applicable to the named insured.
 - (b) For any claims related to the operation of the athletic field, including balls that may enter the public road right-of-way, applicant's insurance coverage shall be primary insurance as respects City, members of its City Council, boards, committees, commissions, officers, employees,

attorneys, volunteers and agents serving as independent contractors in the role of city or agency officials.

- (c) The limits of applicant's insurance shall apply separately to the project site.
- (d) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be canceled except after 30-days prior written notice by first class mail has been given to City.
- (e) Each insurance policy required by this condition shall be endorsed to state that coverage shall not be materially modified except after 5-business days prior written notice by first class mail has been given to City.
- (f) Each insurance policy required by this condition shall expressly waive the insurer's right of subrogation against City and members of its City Council, boards and commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials.
- (g) Copies of the endorsements and certificates required by this condition shall be provided to the City when the insurance is first obtained and with each renewal of the policy.
- (h) No activities involving field balls at the athletic field shall be permitted unless such general liability insurance policy is in effect and on file with the City.

Such insurance shall likewise name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. Said insurance may, at applicant's option, be in the form of a separate excess insurance policy and may be issued by a non-admitted carrier so long as the insurer is authorized to do business in the State of California with a Best's rating of at least A-VII or a rating of at least A by Standard & Poor's and shall comply with all of the requirements of this Condition.

PROJECT DESCRIPTION

- 46) This approval, the Marymount College Facilities Expansion Project, allows for the expansion of the existing College's facilities (92,268 square feet of floor area) consisting of the demolition of 18,022 square feet of existing floor area and the construction of 61,928 square feet of new floor area, including expanding 14,916

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square feet of existing buildings, the proposed development would result in a total of 151,090 square feet of campus floor area, as outlined in the table shown below:

<u>Building</u>	Total Existing Building (SF)	Proposed Building Demolition (SF)	Proposed Building Addition (SF)	Total Building (SF)
Existing Buildings				
Classroom/Academics	26,180	0	0	26,180
Auditorium/Fine Arts Studio	8,012	0	1,869	9,881
Faculty Office	7,346	0	7,455	14,801
Student Union/Bookstore/Faculty Dining	18,158	0	3,492	21,650
Administration/Admissions	9,450	0	2,100	11,550
Chapel	5,100	0	0	5,100
Buildings to be Removed				
View Room/Hall	1,530	(1,530)	0	0
Maintenance/Photo Lab	2,696	(2,696)	0	0
Bookstore/Health Center	2,870	(2,870)	0	0
Arts	3,648	(3,648)	0	0
Preschool	2,998	(2,998)	0	0
Library	4,072	(4,072)	0	0
Pool Equipment	208	(208)	0	0
Subtotal Existing Buildings	92,268	(18,022)	14,916	89,162
Library			26,710	26,710
Maintenance			1,975	1,975
Athletic Building			33,243	33,243
Subtotal New Buildings			61,928	61,928
Total Square Footage			76,844	151,090

Source: Rasmussen & Associates, *Proposed Master Site Plan*

- 47) A Square Footage Certification prepared by a registered surveyor or engineer shall be submitted to the Director of Planning, Building and Code Enforcement, prior to a framing inspection, indicating that the buildings, as identified in the condition herein, do not exceed the maximum permitted gross square footages (as measured from exterior walls).
- 48) A security/information booth shall be allowed to be constructed at the entry driveway, as depicted on the site plan dated July 10, 2008. This structure shall not exceed 54 square feet and a maximum height of 10-feet, as measured from the lowest adjacent finished grade (935.50') to the highest roof ridgeline (945.50'). Architectural details, as shown on the project plans dated July 10, 2008, shall be allowed to exceed the maximum 10-foot height limit.

- 49) Building setbacks shall comply with the Institutional zoning requirements, unless otherwise noted herein. A Setback Certification shall be prepared by a licensed engineer and submitted to Building and Safety prior to the framing inspection on each structure or prior to the final inspection of grading activities, whichever occurs first.
- 50) The approved structures, including additions to existing structures, shall not exceed the building heights and number of stories described as follows:

BUILDING	LOWEST ADJACENT FINISHED GRADE	MAXIMUM ROOF RIDGELINE	MAXIMUM HEIGHT	NUMBER OF STORIES
Auditorium / Fine Arts Studio	925'	942'	17-feet	One story
Faculty Building	912'	940'	28-feet	Two Stories
Student Union (bookstore and faculty dining expansion)	910'	940'	30-feet	Two Stories
Administration/Admissions	926'	951'	25-feet	One story
Library Building	912'	951'	39-feet	One story
Maintenance Building	913'	933'	20-feet	One Story
Athletic Building	897.75'	933' North Elevation (flat roof) 938.75' South Elevation	41-feet	Two-Story

- 51) A Building Pad Certification shall be prepared by a licensed engineer and submitted to Director of Planning, Building and Code Enforcement and the Building Official prior to final inspection of grading activities. A Roof Ridgeline Certification, indicating the maximum height of each building, shall be prepared by a licensed engineer and submitted to Director of Planning, Building and Code Enforcement and the Building Official prior to the final framing certifications for each building.
- 52) New or replaced flagpoles shall be permitted at a maximum height of 16-feet, as measured from adjacent finished grade to the highest point of the flag poles.

BUILDING DESIGN STANDARDS

- 53) Prior to the plan check submittal of the Athletic Building, the Director of Planning, Building and Code Enforcement shall determine that the revised Athletic Building, as proposed and accepted by the Planning Commission at its May 26, 2009

meeting, is designed so that there is no significant view impairment of Catalina Island from the viewing area of the property located at 3302 Narino Drive. To accomplish this, the applicant shall install a certified silhouette for review by the Director of Planning, Building and Code Enforcement. In the event the Director of Planning, Building and Code Enforcement determines that a significant view impairment of Catalina Island exists with the redesigned Athletic Building, the Planning Commission shall review and reconsider the design of the Athletic Building to reduce the view impairment at a duly noticed public hearing.

- 54) The applicant shall submit an Architectural Materials Board for review and approval by the Director of Planning, Building and Code Enforcement prior to issuance of building permits. The Materials Board shall identify, at a minimum, a sample of the proposed exterior building materials, roof tile materials, and paint colors for all new, expanded and modified structures. Such materials shall substantially comply with the materials called out on the project plans dated July 10, 2008 including, but not limited to, the use of stoner veneer facades, stained wood trellises, cast-stone caps, stone veneer columns, and baked enamel aluminum windows with tinted glazing to name a few.
- 55) All new, expanded or modified buildings, including but not limited to the Athletic Building, the Library, the Student Union, and the Classroom buildings shall be finished in a muted earth-tone color, as deemed acceptable by the Director of Planning, Building and Code Enforcement based on the review of the Materials Board.
- 56) The roof materials for all new, expanded or modified buildings with pitched roofs, including but not limited to the Library, Student Union, Classrooms, shall be tile, consisting of a muted color, as deemed acceptable by the Director of Planning, Building and Code Enforcement based on the review of the Materials Board. To the extent permitted by the City's Building Code, the material for all flat roofs shall be a color that is compatible with the color of the tiles used on the pitched roofs throughout the project, as deemed acceptable by the Director of Planning, Building and Code Enforcement.
- 57) All trash enclosure areas shall be designed with walls six (6) feet in height with the capability of accommodating recycling bins. The enclosures shall be consistent with the overall building design theme in color and material, and shall include self-closing / self-latching gates. The enclosures shall integrate a solid roof cover to screen the bins from view from all public rights-of-way and surrounding properties. Trash enclosures shall be prohibited in all setback areas.

- 58) Mechanical equipment, vents or ducts shall not be placed on roofs unless approvals are obtained pursuant to Section 17.48.050 of the RPVMC regarding building heights and screening from view of all public rights-of-way and surrounding properties. This condition shall apply to all new and expanded project buildings, including but not limited to the Athletic Building, Student Union, and Library Building.
- 59) The storage of all goods, wares, merchandise, produce, janitorial supplies and other commodities shall be permanently housed in entirely enclosed structures, except when in transport.

CONSTRUCTION PHASING

- 60) This Facilities Plan approval shall remain valid as more specifically set forth below, and shall be constructed in no more than 3 phases over a period not to exceed eight (8) years from the date the approval becomes final:
 - a. Phase One (Years 1-2): Phase One includes demolition of existing buildings, grading including the installation of drainage and water quality facilities, installation of utilities, the construction of new parking areas, and the installation of temporary modular buildings to replace demolished facilities and those buildings subject to future construction. The planning entitlements, including grading and building permits, for all construction described under Phase One shall remain valid and the construction thereof shall be completed no later than two years from the date the decision becomes final. Approvals for any Phase One components that are not completed with the two-year period shall lapse and become null and void unless an extension is granted by the Planning Commission at a duly noticed public hearing.
 - b. Phase Two (Years 2-5): Phase Two includes the construction of the new library, maintenance facility, athletic facility, athletic field, tennis courts, outdoor pool, and additions to the faculty building and student union. The planning entitlements, including building permits, for all construction described under Phase Two shall remain valid and the construction thereof shall be completed no later than five (5) years from the date the decision becomes final. Approvals for any Phase Two components that are not completed with the five-year period shall lapse and become null and void unless an extension is granted by the Planning Commission at a duly noticed public hearing.
 - c. Phase Three (Years 6 -8): Phase Three includes the construction of the new fine arts building and an addition to the admissions building. The planning entitlements, including building permits, for all construction

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described under Phase Three shall remain valid and the construction thereof shall be completed no later than eight years from the date the decision becomes final.

- d. All project buildings and improvements stated in these Conditions of Approval shall be completed and Certificates of Occupancy issued within eight (8) years of the final decision of the project. All elements of the approved Facilities Plan that are not completed within the time period stated in this Condition shall require additional review and approval through an additional revision to Conditional Use Permit No. 9 and additional CEQA review if required.

TEMPORARY MODULAR BUILDINGS

- 61) The installation and use of temporary modular buildings (consisting of several modular segments each, as shown on the Phase One phasing site plan prepared by Rasmussen Associates) shall be permitted until the completion of the applicable permanent buildings or additions in Phase Two or Phase Three and in no event longer than eight years from the issuance of the first grading or building permit for Phase One, unless a revision to this CUP is approved. Upon the issuance of the certificate of occupancy for the applicable building or addition, the temporary modular building serving such use shall be removed from the project site within 30-days and the site restored to a condition deemed acceptable by the Director of Planning, Building and Code Enforcement.
- 62) The permanent use of the temporary modular building shall be prohibited unless a revision to this CUP is approved.
- 63) The temporary modular buildings shall not exceed 15-feet in height, as measured from the lowest adjacent grade to the highest roof ridgeline.
- 64) The exterior facades for the temporary modular building facades shall be painted a neutral color to match existing or the new structures and incorporate materials that are similar to the proposed finish for the permanent buildings (not including Palos Verdes Stone or other stone material) as deemed acceptable by the Director of Planning, Building and Code Enforcement.
- 65) The areas adjacent to the temporary modular buildings shall be landscaped to visually screen the buildings from Palos Verdes Drive East and properties to the south.
- 66) A building permit shall be obtained for applicable modular exterior improvements (e.g., decks, stairs, facade details, etc.) from the Department of Building and Safety.

GRADING

- 67) The following maximum quantities and depths of grading are approved for the Facilities Expansion Plan, as shown on the grading plan reviewed and approved by the Planning Commission at its July 14, 2009 meeting:
- a. Maximum Total Grading (Cut and Fill): 84,800 cubic yards.
 - b. Maximum Cut: 56,000 cubic yards (14,200 cubic yards with 25% shrinkage).
 - c. Maximum Fill: 42,400 cubic yards.
 - d. Maximum Depth of Cut: 25 feet.
 - e. Maximum Depth of Fill: 18 feet.

The Director of Planning, Building and Code Enforcement shall be authorized to allow deviations to the above grading quantities up to 200 cubic yards over the stated maximum quantities for unforeseen circumstances or due to conditions encountered in the field provided that such deviation or modification to the grading quantities achieve substantially the same results as with the strict compliance with the grading plan.

Any modifications resulting in additional grading in excess of the above amounts shall require approval of an amendment to the grading permit by the Planning Commission at a duly noticed public hearing. This is a balanced grading project. No import or export of earth shall be permitted, except for fine grading materials, such as select fill.

Prior to the final inspection of the precise grading, the applicant shall provide the Building Official with a certified as-built grading plan prepared and wet-stamped by a licensed engineer. Additionally, prior to the final inspection, the applicant shall provide the City with documentation of the location of existing or relocated bentonite soil material. If applicable, the as-built grading plan shall identify all revisions to the Planning Commission's approved grading plan.

- 68) Should the project require removal or delivery of earth, rock or material other than demolition and construction debris and waste from the site or building materials, the applicant shall first obtain City approval in the form of a revised Conditional Use Permit and Grading Permit application. Said review shall evaluate potential impacts to the surrounding environment associated with such export or import. If the revised grading impacts results in impacts greater than those identified in the Certified EIR that cannot be mitigated to an insignificant level, a Supplemental EIR shall be prepared and reviewed by the City, at the expense of the applicant.

- 69) The grading plans shall identify the location of the building geologic setback line. Irrigation shall be in the geologic setback area shall be approved by the City geologist pursuant to Condition Nos. 79 and 171. All water runoff in this area shall be collected and diverted to the City approved drainage system.
- 70) Recommendations made by the City Geologist, the City Engineer, and the Building and Safety Division during the ongoing review of the project shall be incorporated into the design and construction of the project.
- 71) Recommendations made by the project applicant's geologist, as modified by comments from the City's Geologist, shall be incorporated into the design and construction of the project.
- 72) Prior to issuance of any grading permit, the City's Geologist and Building Official shall review all applicable structural plans or design information and reports as deemed necessary by the City's Geologist, Building Official, or both, including but not limited to, geotechnical reports during the Plan Check review process to ensure that the proposed project will not threaten public health, safety, and welfare.
- 73) If applicable, as determined by the City Geologist, prior to the issuance of any grading permit, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works. Said security shall be released after all grading related activities are completed and after the approval of the as-built grading plans by the Building Official.
- 74) Prior to issuance of any grading permit or building permit in any phase, the applicant shall submit to the City a Certificate of Insurance demonstrating that the applicant or its applicable contractor has obtained a general liability insurance policy in an amount not less than \$5 million dollars per occurrence and in the aggregate to cover awards for any death, injury, loss or damage, arising out of the grading or construction of this project. Said insurance policy must be issued by an insurer that is authorized to do business in the State of California with a minimum rating of A-VII by Best's Insurance Guide or a rating of at least A by Standard & Poors. Such insurance shall name the City and the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. A copy of this endorsement shall be provided to the City. Said insurance shall be maintained in effect at all times during actual project construction until the approval of the Final Certificate of Occupancy for each Phase shall not be canceled or reduced during the grading or construction work without providing at least thirty (30) days prior written notice

to the City. Further, the insurance shall remain in place for a minimum period of five (5) years following final inspection and approval, but only as to the proposed drainage system, including detention basins.

- 75) Prior to issuance of any grading permits, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works. The bond, cash deposit, or other City-approved security, at a minimum, shall be sufficient to pay for the cost of restoring the project site to an acceptable condition, as determined by the Building Official and the Director of Public Works, in the event that the project is not completed and shall include, but not be limited to, stabilizing and hydro-seeding all slopes, completing all retaining walls that are required to maintain the slopes, installing erosion control improvements, and filling in grade depressions or holes. Said security shall be released after all grading related activities are completed and after the approval of the as-built grading plans by the Building Official.
- 76) Prior to issuance of a grading permit, the applicant shall provide the Director of Planning, Building and Code Enforcement a plan that demonstrates how dust generated by grading activities will be mitigated so as to comply with the South Coast Air Quality Management District Rule 403 and the City's Municipal Code requirements which require watering for the control of dust.
- 77) Prior to the issuance of any grading permit, the applicant shall prepare a plan indicating, to scale, clear sight triangles, which shall be maintained at the driveway intersection. No objects, signs, fences, walls, vegetation, or other landscaping shall be allowed within these triangles in excess of three feet in height.
- 78) Prior to the issuance of any grading permit, the following improvements shall be designed in a manner meeting the approval of the Director of Public Works: 1) all provisions for surface drainage; 2) all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and 3) all water quality related improvements. Where determined necessary by the Director of Public Works, associated utility easements shall be dedicated to the City.
- 79) Prior to the issuance of any grading permit, the applicant shall record a restricted use covenant, to the satisfaction of the City Attorney and the City Geologist, that prohibits the development of buildings or other structures and improvements within the designated Building Geologic Setback Area as described in the applicant's geotechnical reports and as depicted on the site and grading plans. Limited irrigation in this area shall be permitted pursuant to the approval of the

City's Geologist as stated in these Conditions of approval. Said Building Geologic Setback Area shall be shown on all future plans.

- 80) Prior to the issuance of building permits, a Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites shall be submitted for review and approval by the City Geologist. As required in Condition No. 67, the applicant shall provide the City with documentation of the on-site location of bentonite soil material.
- 81) Prior to the issuance of a building permit, an as-built geological report shall be submitted for new structures to be founded on bedrock, and an as-built soils and compaction report shall be submitted for new structures to be founded on fill as well as for all engineered fill areas.
- 82) Prior to the issuance of any grading permit, the applicant's project geologist shall review and approve the final plans and specifications and shall stamp and sign such plans and specifications.
- 83) Prior to the issuance of any grading permit, a grading plan review and geologic report, complete with geologic map, shall be submitted for review and approval by the City's Geotechnical Engineer.
- 84) Except as specifically authorized by these approvals, foundations shall be set in accordance with the RPVMC and shall extend to such a depth as to be unaffected by any creep-prone surficial soil and/or weathered bedrock. Field review and certification by the project geologist is required.
- 85) All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with the applicable provisions of the RPVMC and the recommendations of the City Engineer. Written reports, summarizing grading activities, shall be submitted on a weekly basis to the Director of Public Works and the Director of Planning, Building, and Code Enforcement.
- 86) The project shall comply with all appropriate provisions of the City's Grading Ordinance, unless otherwise approved in these conditions of approval.
- 87) Grading activity on-site shall occur in accordance with all applicable City safety standards.
- 88) Prior to final grading inspection by Building and Safety, the graded slopes shall be properly planted and maintained in accordance with the approved Landscape Plan required in Condition Nos. 164 and 165. Plant materials shall generally include significant low ground cover to impede surface water flows.

- 89) Prior to final grading inspection by Building and Safety, all manufactured slopes shall be contour-graded to achieve as natural an appearance as is feasible and shall be less than 35%.
- 90) Any water features (fountains, etc.), including the detention basin, shall be lined to prevent percolation of water into the soil. Designs for all water features shall be included on the grading plans submitted for review by the City's Building Official and Geotechnical Engineer prior to the issuance of any grading permits.
- 91) The proposed swimming pool shall be lined and shall contain a leak detection system, subject to review and approval by the City's Building Official.
- 92) The use of on-site rock crushing, including large-scale stonecutting, shall be prohibited with the exception of the use of a minimal number of stonecutting saws for the final fitting and installation of the stone veneer on the building and site walls, provided that these stonecutting saws are located immediately adjacent to the areas where the stone veneer is being applied and as far as possible from nearby residences.
- 93) Retaining walls shall be limited in height as identified on the grading plans that are reviewed and approved by the City. Any retaining walls exceeding the permitted heights shall require the processing of a revised grading permit for review and approval by the Director of Planning, Building and Code Enforcement.

UTILITIES

- 94) Prior to issuance of the final inspection for the project grading, all new utilities exclusively serving the project site shall be placed underground including cable television, telephone, electrical, gas and water. All appropriate permits shall be obtained for any such installation. Cable television, if utilized, shall connect to the nearest trunk line at the applicant's expense.
- 95) No above ground utility structure cabinets, pipes, or valves shall be constructed within the public rights-of-way without prior approval of the Director of Public Works. If permitted, above ground utility structure cabinets, pipes, or valves shall not impede on the pedestrian circulation flow.
- 96) Use of satellite dish antenna(e) or any other antennae shall be controlled by the provisions set forth in the RPVMC. Centralized antennae shall be used rather than individual antennae for each building.

- 97) Prior to issuance of any building or grading permits, the applicant shall prepare sewer plans in accordance with the Countywide Sewer Maintenance District. The applicant shall be responsible for the transfer of sewer facilities to the Countywide Sewer Maintenance District for maintenance.
- 98) A sewer improvement plan shall be prepared as required by the Director of Public Works, Building Official, and the County of Los Angeles.
- 99) Prior to issuance of building or grading permits, the applicant shall submit to the Director of Public Works, a written statement from the County Sanitation District accepting any new facility design and/or any system upgrades with regard to existing trunk line sewers. Said approval shall state all conditions of approval, if any.
- 100) Prior to issuance of any final Certificate of Occupancy, if applicable, the applicant shall dedicate sewer easements to the City, subject to review and approval by the Director of Building, Planning and Code Enforcement and the Director of Public Works with respect to the final locations and requirements of the sewer improvements.
- 101) Sewer Improvement plans shall be approved by the County of Los Angeles, the County Sanitation Districts, and the Director of Public Works.
- 102) A sewer connection fee shall be paid to the County Sanitation Districts of Los Angeles County prior to the issuance of a permit to connect to the sewer line.
- 103) Prior to the construction of any water facilities, the Director of Public Works shall review and approve the water improvement plan. Any water facilities that cannot be constructed below ground shall be located on the subject property and screened from view from any public rights-of-way, to the satisfaction of the Director of Public Works and the Director of Planning, Building and Code Enforcement. In addition, an easement to California Water Service shall be dedicated prior to issuance of any grading or building permits.
- 104) The project site shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the City Engineer. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los County Fire Department is required prior to issuance of building permits.

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

HYDROLOGY AND WATER QUALITY

- 108) Prior to issuance of any grading permit, the applicant shall submit an updated Master Drainage Plan for the College campus and any adjacent tributary area, including supporting documents, for review and approval by the City's Engineer, Building Official, and Geologist. The Plan shall demonstrate adequate storm protection from the design storm, under existing conditions, as well as after the construction of future drainage improvements by the City along Palos Verdes Drive East immediately abutting the project site. The updated Master Drainage Plan shall also include, but not be limited to, the items listed in the adopted Mitigation Monitoring and Reporting Program and the following:
 - Drop inlets connecting to the proposed storm drain system shall be added along the eastern edge of the subject site including the eastern parking area. The added drop inlets shall extend to the rose garden.
 - An on-site storm water collection system that is designed to prevent water run-off flows from entering off-site properties, including properties on Vista del Mar and the City-owned San Ramon Reserve (Palos Verdes Nature Preserve)
 - Identification of the final size of the detention basin.
 - Sheet overflow and ponding shall be eliminated or the floors of buildings with no openings in the foundation walls shall be elevated to at least twelve inches above the finished pad grade

- Calculations shall be made according to the latest adopted Los Angeles County Department of Public Works Drainage Calculation Methodologies.
- 109) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works a Storm Water Pollution Prevention Plan (SWPPP) to ensure compliance with the current California State Regional Water Quality Control Board (RWQCB) regulations.
 - 110) The irrigation system and area drains proposed shall be reviewed and approved by the City's Geotechnical Engineer, Building Official and Director of Public Works.
 - 111) A construction specific drainage report(s) shall be prepared demonstrating that the grading, in conjunction with the drainage improvements, including applicable swales, channels, street flows, catch basins, will protect all building pads from design storms, as approved by the Building Official and the City Engineer.
 - 112) All drainage swales and any other at-grade drainage facilities, including gunite, shall be of an earth tone color, as deemed necessary by the Director of Building Planning and Code Enforcement.
 - 113) Prior to the issuance of any grading permit, the applicant shall demonstrate to the satisfaction of the Director of Public Works and City Engineer that the design storm can be conveyed through the site without conveying the water in a pipe and without severely damaging the integrity of the Standard Urban Stormwater Mitigation Plan (SUSMP). If such integrity cannot be demonstrated, the applicant shall redesign the SUSMP to the satisfaction of the Director of Public Works and City Engineer, which may require off-site flows to be diverted into a piped system and carried through the site. .
 - 114) Prior to the issuance of any grading permit that proposes to convey off-site drainage through the subject property, the applicant shall execute an agreement with the City that is satisfactory to the City Attorney agreeing to defend, indemnify and hold the City, members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers, and agents serving as independent contractors in the role of city or agency officials, (collectively, "Indemnitees") harmless from any damage that may occur to the subject property or to any improvements, persons or personal property located on the subject property due to the flow of off-site storm flows that are designed, as of the date the College's drainage plans are approved by the City, to flow onto, over, and through the subject property ("Claims"). The indemnity agreement need not (i) obligate the Applicant or its successor or assigns to defend, indemnify or hold harmless any party other than the Indemnitees, or (ii)

prohibit the Applicant or its successor or assigns from taking any action against parties other than Indemnitees with respect to the Claims or on any other basis.

- 115) Prior to the acceptance and final inspection of the storm drain system, all catch basins and public access points that crosses or abut an open channel shall be marked with a water quality message in accordance with the SUSMP and SWPPP.
- 116) Prior to issuance of any building or grading permit, the applicant shall submit for approval by the City a SUSMP pursuant to the guidelines in *Development Planning for Stormwater Management – A Manual for the Standard Urban Stormwater Mitigation Plan (SUSMP)* prepared by Los Angeles County Department of Public Works 2002 (or most current version). The SUSMP shall include both structural and non-structural BMPs and shall comply with RWQCB and applicable National Pollution Discharge Elimination System (NPDES) permits. The SUSMP shall identify how on-site flows and off-site water flows that mix with on-site water flows are treated for pollutants prior to leaving the site. The WQMP shall also include an Integrated Pest Management Plan (IPMP) that addresses the use of grasscycling and pesticides for the lawn and landscape areas including the athletic field.

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

- 117) Prior to issuance of any final Certificate of Occupancy, the SUSMP Maintenance Agreement, outlining the post-construction Best Management Practices, shall be recorded with the Los Angeles County Records Office.
- 118) Prior to issuance of any building or grading permits, the applicant shall file any required documents, including the Notice of Intent (NOI), and obtain all required permits from the California RWQCB.
- 119) Prior to issuance of any building or grading permits, the applicant shall submit for review and approval by the Director of Public Works an Erosion Control Plan. Said Plan shall be designed in conformance with the City standards and the requirements of the RWQCB.
- 120) Prior to issuance of any final Certificate of Occupancy the applicant shall implement the project in full compliance with the standard urban storm water mitigation plan adopted by the RWQCB.

- 121) Prior to the approval of the SUSMP, the City's Geotechnical Engineer shall review and approve the Plan. In the event the City's Geotechnical Engineer determines that additional improvements need to be constructed, the applicant shall revise the Plan accordingly.
- 122) Marymount College, or subsequent landowners, shall maintain all on-site drainage facilities, including, but not limited to structures, pipelines, open channels, detention and desilting basins, mechanical and natural filtering systems, and monitoring systems. The cost of maintaining these systems shall be based on costs estimated and developed by the applicant and approved by the Director of Public Works and the City Engineer. A bond, letter of credit or other security acceptable to the City shall be provided to secure completion of such drainage facilities. A bond to cover the cost of their maintenance for a period of 2 years after completion shall also be provided to the City.
- 123) Subject to the agreement of Los Angeles County and if applicable, the applicant shall turn over all eligible drainage facilities to the Los Angeles County Public Works Department upon completion and acceptance of the facilities by the County of Los Angeles.

SOURCE REDUCTION AND RECYCLING

- 124) Prior to issuance of any Certificate of Occupancy, the applicant shall prepare and submit to the Director of Public Works for review and approval a comprehensive Integrated Waste Management Plan that addresses source reduction, reuse and recycling. The Plan shall include a description of the materials that will be generated, and measures to reduce, reuse and recycle materials, including, but not limited to, beverage containers, food waste, office and classroom waste. The Plan shall also incorporate grass cycling, composting, mulching and xeriscaping in ornamental landscaped areas. It is the City's intention for the project to meet Local and State required diversion goals in effect at the time of operation. The specifics of the Plan shall be addressed by the applicant at the time of review by the Director of Public Works.
- 125) Prior to issuance of any building or grading permits, an approved Construction and Demolition Materials Management Plan (CDMMP or the Plan) shall be prepared and submitted to the Director of Public Works for approval. The CDMMP shall include all deconstruction, new construction, and alterations/additions. The CDMMP shall document how the Applicant will divert 85% of the existing on-site asphalt, base and concrete, through reuse on-site or processing at an off-site facility for reuse. The Plan shall address the parking lots, concrete walkways, and other underground concrete structures. The Plan shall also identify measures to reuse or recycle building materials, including

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

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

OPERATIONAL

- 129) Any repair work conducted in or outside the Maintenance Building that may be visible to the public, including from the public right-of-way, shall be screened with landscaping from public view.
- 130) Unless an earlier time is specified in these Conditions of Approval, campus facilities open for student, participant, and public use shall close by 10:00 p.m. with the exception of the Library, Auditorium, and Athletic Building which shall close by 11:00 p.m. Notwithstanding the foregoing, the College may hold up to six student activity events, such as dances, within a calendar year in which campus facilities for such events may remain open until midnight provided that at least three weeks before the event, the College provides written notice of the special event to the Director of Planning, Building and Code Enforcement. All such events shall also be posted on the College's website.
- 131) The following areas of the campus shall be closed for all use between sunset and sunrise and such hours of closure shall be visibly posted in the applicable location, unless a special use permit is obtained:
 - Library Building outdoor deck
 - athletic field
 - Athletic Facility outdoor balcony
 - rose garden

- 132) Use of the outdoor pool shall be prohibited between 10:00 p.m. and 6:00 a.m. Monday through Friday, and between 8:00 p.m. and 6:00 a.m. on Saturday and Sunday, unless a Special Use Permit is obtained.
- 133) The delivery of goods and supplies, including food supplies, shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Sunday.
- 134) All regular truck deliveries shall use the loading docks adjacent to the student union.
- 135) 24-hour campus security shall be provided, including but not limited to the monitoring of parking lots, to ensure outdoor noise levels are kept to a minimum and the College's Code of Conduct, as described in the Mitigation Monitoring and Reporting Program attached to P.C. Resolution No. 2009-27, is being adhered to. Between the hours of 7 a.m. and 7 p.m., Monday to Friday, a security guard shall be on duty at the information booth located near the campus entrance. At all other times, the campus security shall patrol the campus.
- 136) The use of outdoor amplification equipment, with the exception of annual graduation ceremonies, shall be prohibited unless a Special Use Permit is obtained. Such activities and other outdoor events should attempt to be located as far away from residential areas as possible.
- 137) The existing preschool shall discontinue its operation upon the demolition of the building occupied for this use in Phase I, as described in these Conditions of Approval. The future use of a preschool, either within an existing building or in a new building that needs to be constructed, shall require a revision to this Conditional Use Permit pursuant to the provisions stated in the RPVMC and the appropriate environmental review.
- 138) The College shall establish a Neighborhood Advisory Committee consisting of one representative selected by each of the following neighboring homeowner's associations: El Prado, San Ramon, Mira Catalina, Seacliff Hilltop, and Mediterrania; two at-large representatives who live within 3000 feet of the campus (one of which shall be selected by the Director of Planning, Building and Code Enforcement and one by the College); and a representative from City Staff (non-voting member). The Committee shall meet, at a minimum of once every fall and spring term, to review any campus operational and neighborhood concerns. Reports on the meetings shall be provided to the City Council and the Planning Commission.

PROGRAMS / STUDENT ENROLLMENT

139) The use of the College campus is permitted for only the following academic and recreational programs and related activities as further described below:

- Traditional Degree Programs
- Non-Traditional Degree Programs
- Continuing Educational Programs, such as but not limited to English as a Second Language (ESL)
- Recreational Activities
- Summer Educational Programs, such as but not limited to:
 - Upward Bound
 - High School Courses
 - International Students Taking ESL courses

The use of the campus by groups or organizations unaffiliated with the College's educational and recreational programs that would have more than 100 participants or visitors present on campus at one time or would occupy more than 20% of the 463 required parking spaces during such use shall require, as applicable, a Special Use Permit or a revision to this Conditional Use Permit.

All other uses and activities on the College campus are prohibited unless approved with a revision to this Conditional Use Permit or a Special Use Permit is obtained, whichever is applicable based on the request.

The sub-leasing of the campus for commercial purposes that are unaffiliated with the College is prohibited.

140) The College's "Traditional Degree Programs" are the academic programs that offer classes primarily during the day on weekdays (Monday to Friday). The College's "Non-Traditional Degree Programs" are the academic programs that offer classes, including post-secondary academic classes, primarily during weekday evenings and on weekends (Saturday and Sunday), so as to generally avoid overlap with the class schedules of the Traditional Degree Programs. The Traditional and Non-Traditional Degree Programs are referred collectively as the "Degree Programs."

141) The College may also provide lifelong learning programs ("Continuing Education Programs") such as English as a second language (ESL). For the purposes of this Conditional Use Permit, all students in such Continuing Education Programs will be included as part of the total full-time and part-time permitted student enrollment for both the Traditional and Non-Traditional Degree Programs. The determination as to which enrollment category such students are counted

towards will be based on whether the applicable classes are primarily offered during the weekdays (in which case the students would be classified as part of the Traditional Degree Program enrollment) or nights/weekends (in which case they would be classified as part of the Non-Traditional Degree Program enrollment).

- 142) As used in this Conditional Use Permit, a “student” means either a “full-time student,” which is a person enrolled in a Degree Program or a Continuing Education Program for at least 12 hours of course work during the applicable Term (as defined below), or a “part-time student,” which is a person enrolled in a Degree Program or Continuing Education Program for at least 3 hours, but up to 11 hours, of course work during the applicable Term.
- 143) The campus facilities may also be used for “Summer Educational Programs.” Summer Educational Programs are educational programs for persons generally 14 years or older such as college-credit classes for local high school students, Upward Bound, and international students taking ESL classes along with other educational classes and recreational activities. Persons enrolled in Summer Educational Programs are referred to in this CUP as “participants” for the purpose of establishing enrollment limitations.
- 144) The College may operate throughout the calendar year under the following general “Term” schedule: “Fall Term” (August through December), “Winter Term” (January), “Spring Term” (February to May) and “Summer Term” (June through July/August).
- 145) The following enrollment limitations apply:
 - A. The maximum total permitted enrollment in Traditional Degree Programs on campus during the Fall, Winter, and Spring Terms is 793 students (full-time and part-time). For the Summer Term, if other educational or recreational programs are concurrently offered during weekdays, the maximum total permitted enrollment in Traditional Degree Programs must be proportionally reduced so that the combined enrollment in all such programs (e.g., Traditional Degree Programs and Summer Educational Programs) does not exceed a total of 600 students (full-time and part-time) and participants.
 - B. The maximum total permitted enrollment in Non-Traditional Degree Programs on campus during any Term is 150 students.
 - C. The maximum total permitted enrollment in any combination of Traditional Degree Programs and Summer Educational Programs offered concurrently during summer weekdays (June to August) is 600 students and participants.

- 146) The College shall submit to the City an enrollment report for each Term within an academic year for all Traditional and Non-Traditional Degree Programs and Summer Educational Programs no later than 30-days after a term has commenced. Failure to submit such a report on a timely basis will constitute a violation punishable by administrative citation per the RPVMC.

NOISE / MECHANICAL EQUIPMENT

- 147) All new mechanical equipment, regardless of its location, shall be housed in enclosures designed to attenuate noise to a level of 65 dBA CNEL at the project site's property lines. Mechanical equipment for food service shall incorporate filtration systems to reduce exhaust odors.
- 148) Mechanical equipment shall be oriented away from any sensitive receptors such as neighboring residences, and where applicable, must be installed with any required acoustical shielding.
- 149) All hardscape surfaces, such as the parking area and walkways, shall be properly maintained and kept clear of trash and debris. The hours of maintenance of the project grounds shall be restricted to Mondays through Fridays from 7:00 a.m. to 5:00 p.m., and on Saturdays from 9:00 a.m. to 4:00 p.m. Said maintenance activities shall be prohibited on Sundays and Federal holidays listed in the RPVMC.
- 150) Noise levels from on-campus activities shall not exceed 65 dba CNEL at all property lines. Within 6 months of completion of each Phase of the Facilities Plan, as described in these conditions, the College shall provide the City with sound test reports based on direction provided by the Director, of Planning, Building and Code Enforcement to establish compliance with this condition.

LIGHTING

- 151) The applicant shall prepare and submit a Lighting Plan for the project site that is in compliance with the RPVMC. The Lighting Plan, including a Photometric Plan, shall clearly show the location, height, number of lights, wattage and estimates of maximum illumination on site and spill/glare at property lines for all exterior circulation lighting, outdoor building lighting, trail and sidewalk lighting, parking lot lighting, landscape ambiance lighting, and main entry sign lighting. The Lighting Plan shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement prior to issuance of any building permit. An as-built lighting shall be submitted to the City prior to the issuance of the Final

Certificate of Occupancy for each construction phase (as described in the conditions herein).

- 152) Parking and Security lighting shall be kept to minimum safety standards and shall conform to City requirements. Fixtures shall be shielded so that only the subject property is illuminated; there shall be no spillover onto residential properties or halo into the night sky. A trial period of thirty (30) days from the installation of all the project exterior lighting, including building and parking lot lighting shall be assessed for potential impacts to the surrounding properties. At the end of the thirty (30) day period, the Director of Planning, Building and Code Enforcement may require additional screening or reduction in the intensity or numbers of lights which are determined to be excessively bright or otherwise create adverse impacts. Furthermore, said lighting shall be reviewed as part of the six (6) month review described in Condition No. 18.
- 153) No outdoor lighting is permitted where the light source or fixture, if located on a building, is above the line of the eaves. If the light source or fixture is located on a building with no eaves, or if located on a standard or pole, the light source or fixture shall not be more than ten feet above existing grade, adjacent to the building or pole.
- 154) No outdoor lighting shall be allowed for the tennis courts or the athletic field, other than safety lighting used to illuminate the walkways and trails through the campus. A Special Use Permit shall be obtained for the temporary use of lighting in these areas for special events as described in Condition No. 139.
- 155) The light standards at the parking lot along the property line adjacent to the properties located on San Ramon Drive shall be no higher than the top of the existing 5-foot tall privacy wall.
- 156) The light standards at the east parking lot, located within the lower tier, shall be limited to a height of 42-inches, as measured from adjacent finished grade.

PARKING

- 157) Prior to the issuance of any grading permit, a Parking Lot Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement. The Parking Lot Plan shall be developed in conformance with the parking space dimensions and parking lot standards set forth in RPVMC or allowed in this condition of approval, and shall include the location of all light standards, planter boxes, directional signs and arrows. No more than 20% of the total parking spaces shall be in the form of compact spaces.

- 158) The applicant shall construct and maintain no fewer than 463 on-site parking spaces consisting of 391 standard parking spaces at a minimum dimension of 9' wide by 20' deep and a maximum 72 compact parking spaces at a minimum dimension of 8' wide by 15' deep.

Prior to the completion of Phase I, as described in Condition No. 60, the applicant shall institute, to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of Public Works, a Parking Management Strategies Plan to reduce College related parking in order to minimize street parking by students and visitors. Parking Management Strategies may include, but are not limited to, the following:

- Provision of "carpool only" parking spaces
 - Implementation of parking restrictions for students living in College-owned off-campus residential housing
 - Provision of increased shuttle service
 - Offering of financial incentives such as providing transit passes
 - Utilization of campus security to direct vehicles to available on-campus parking during peak times (8am to noon, Monday through Friday)
 - Utilization of campus security personnel to monitor street parking and direct students and visitors to available on-campus parking spots
- 159) Parking on the east side of the campus adjacent to the properties on San Ramon Drive in the area marked on the site plan shall be limited to faculty and staff between 7:00 a.m. and 10:00 p.m. Parking between 10:00 p.m. and 7:00 a.m. is prohibited in this area.
- 160) Parking at the lower terrace of the eastern parking lot in the area marked on the site plan shall be prohibited between 7:00 p.m. and 7:00 a.m. During this period this portion of the parking lot must be closed off with the use of a chain or other similar device to prevent cars from parking or accessing this area.
- 161) Prior to the final inspection of project grading in Phase One, emergency vehicular access shall be installed at the project site. A plan identifying such emergency access shall be submitted to the Fire Department and the Director of Public Works for review and approval prior to issuance of any building permit.
- 162) Prior to issuance of any building permit, the applicant shall prepare an Emergency Evacuation Plan for review and approval by the Director of Planning, Building and Code Enforcement. Such plan shall comply with the City's SEMS Multihazard Functional Plan.

163) The use of grasscrete pavers shall be prohibited within the Geologic Building Setback Area.

LANDSCAPING

164) A Landscape Plan shall be prepared by a qualified Landscape Architect in accordance with the standards set forth in RPVMC. The Landscape Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement, a qualified Landscape Architect, and an Arborist hired by the City, prior to the issuance of any building or grading permits. The applicant shall establish a Trust Deposit account with the City prior to the submittal of Landscape Plans to cover all costs incurred by the City in conducting such review. The Landscape Plan shall include, at a minimum, the plant species (Latin and common names), growth rate, and maximum height at maturity of all proposed trees. The Landscape Plan shall also identify the areas to be landscaped based on the phased construction plan described in these conditions of approval. Included in the Landscape Plan shall be a maintenance schedule as stated in these conditions. During the Director’s review, the Landscape Plan shall also be made available to the public for review and input.

The Landscape Plan shall comply with the water conservation concepts, the View Preservation Ordinance, the planting requirements, the irrigation system design criteria, and all other requirements of the RPVMC. All new trees and foliage shall not exceed 16-feet in height, as measured from grade adjacent to the tree or foliage, except along the south slope of the campus where the height of such new trees must be maintained at a level below the ridgeline of the nearest structure to the tree or foliage.

Prior to the completion of Phase I, as described in Condition No. 60, the existing eucalyptus trees located near the proposed athletic field and the existing canary pine trees located at the existing parking lot and drop-off circle shall either be laced, trimmed, removed or any combination thereof, as determined by the Director of Planning, Building and Code Enforcement to restore views of Catalina Island from the viewing area of properties to the north, including 2925 Crest Rd.

165) The applicant shall replace any of the existing trees removed from the southern slope and the adjacent area prior to the completion of Phase I, as described in Condition No. 60, with 24” box trees at a 2:1 ratio, to minimize the scarring or erosion of the southern slope that may result from the project grading. Included in the Landscape Plan described in the above Condition No. 164, the applicant shall indicate the existing mature trees that will be removed, the trees that will be retained, and the location of the new replanted trees. The replacement tree species shall be approved by the Director of Planning, Building, and Code

Enforcement and the City Arborist as part of the Landscape Plan review and prior to the issuance of any grading permit. If any of the retained mature trees become diseased or die, such trees shall be removed and replaced with 24" box trees at a 2:1 ratio by the applicant within thirty days of removal with a tree species approved by the Director of Planning, Building, and Code Enforcement and the City Arborist.

- 166) Where practical, landscaping shall be planted and maintained to screen the project buildings, ancillary structures, and the project's night lighting as seen from surrounding properties and/or public rights-of-way, as depicted on the Landscape Plan. Landscaping shall be planted and maintained to screen the Athletic Building from Palos Verdes Drive East and down-slope properties.
- 167) All landscaping shall be planted and maintained in accordance with the City approved Landscape plan. During project construction, the respective planting for each phase must be completed prior to the issuance of the certificate of occupancy for the adjacent building or improvement area, as deemed appropriate by the Director.
- 168) The area between the retaining wall along the eastern parking area and the existing privacy wall for the adjacent properties along San Ramon Drive shall be used as a landscaped buffer area and planted with trees not to exceed 16-feet in height to provide additional screening.
- 169) The area between the front and street-side property lines and the required 42" wrought iron fence/wall adjacent to the parking areas shall be landscaped and maintained on both sides of the fence/wall.
- 170) Prior to issuance of any grading permit, a Campus Landscape Maintenance Plan shall be submitted and approved by the Director of Planning, Building and Code Enforcement. At a minimum, the Campus Landscape Plan shall be consistent with the following requirements:
 - That landscape maintenance activities, including lawn mowing, are prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, and on Sundays and Federal holidays.
 - That the use of weed and debris blowers and parking lot sweeping shall be prohibited before 8:00 a.m. or after 5:00 p.m., Monday through Friday, or before 9:00 a.m. or after 4:00 p.m. on Saturday or at any time on Sundays and Federal holidays.
 - General identification of the irrigation hours.

- General tree pruning and trimming schedule.

The implementation of the Campus Landscape Maintenance Plan shall be formally reviewed by the Director of Planning, Building and Code Enforcement three (3) months after the first day of operation of the athletic field, and shall be subsequently reviewed by the Planning Commission at the six (6) month review described in Condition No. 18. At either review, the Director and/or the Planning Commission may determine that the Plan needs to be revised to address potential noise impacts.

If the City receives any justified noise complaints that are caused by the maintenance of the athletic field or campus landscape and lawn areas, as verified by the Director of Planning, Building and Code Enforcement, upon receipt of notice from the City, the College shall respond to said verified complaint by notifying the City and implementing corrective measures within 24 hours from the time of said notice.

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

- 171) The area between the eastern parking lot and the property line (adjacent to the City-owned San Ramon Reserve) depicted on the approved site plan shall be landscaped with native plants that require little to no irrigation, as deemed acceptable by the City Geologist. Such landscaping shall be reviewed and approved by the Fire Department prior to planting for fuel modification compliance. Such plants shall not exceed a height of 42-inches, unless the Director of Planning, Building and Code Enforcement determines that such landscaping may exceed 42-inches, but no higher than 7-feet, in order to minimize any view impairment to the properties at 2742 and 2750 San Ramon Drive.

FENCES, WALLS, AND HEDGES

- 172) The applicant shall install and maintain a 42-inch tall combination wrought iron fence and wall, finished in a stone veneer similar to the approved entry signs, along the entire Palos Verdes Drive East frontage between the eastern property line (adjacent to the corner of the rear property line for San Ramon) to the northeastern corner of the tennis courts. Said fence/wall shall be setback a minimum of 5-feet from the property line to allow this area to be landscaped, irrigated and maintained with approved plants, not to exceed 42-inches in height, as identified on the Landscape Plan.

- 173) The applicant shall construct a 6-foot tall screening wall along the College's eastern property line, as depicted on the approved site plan, beginning at the southwest corner property line for Lot 26 (2742 San Ramon Drive / Tooley property).
- 174) The applicant shall install and maintain a wrought iron fence, painted black, along the westerly edge of the Athletic Field at a maximum height of 6-feet and 80% open to light and air, as permitted with the Planning Commission's approval of the Minor Exception Permit, as part of planning case number ZON2003-00317. Said wrought iron fence shall be setback a minimum of 3-feet from the property line to allow this area to be landscaped, irrigated and maintained with approved plants, not to exceed 42-inches in height, as identified on the Landscape Plan. The installation of lighting onto said fence is prohibited.
- 175) The applicant shall be allowed to install and maintain a retractable net at the southwest and northwest corners of the Athletic Field, as depicted on the plans dated December 2008 and January 2009. Said net, when extended, shall not exceed a height of 20-feet, as measured from the lowest adjacent grade (891') on the Athletic Field side. The Athletic Field net shall be extended at all times when the field is used for recreational activities involving balls and shall be lowered at the conclusion of the recreational activity. Recreational activities requiring the use of said net shall be prohibited on Sundays and the Federal holidays listed in the RPVMC, unless a Special Use Permit is obtained.
- Use of the Athletic Field shall be prohibited for activities involving baseballs, golf balls, or other similar sized balls that cannot be adequately contained by the use of the field net.
- 176) The use of chain link fencing shall be prohibited within the front and street-side setback yards (along Palos Verdes Drive East) with the exception of the chain link fencing for the tennis courts permitted with the Planning Commission's approval of the Minor Exception Permit, as part of planning case number ZON2003-00317.
- 177) The chain link fence for the tennis courts shall be no higher than 10-feet in height (including combined retaining walls and fencing), as measured from the lowest adjacent finished grade to the top of the fence. Said fence shall consist of a green or black mesh that is 80% open to light and air. The installation of lighting onto said fence is prohibited.
- 178) All pools and spas shall be enclosed with a minimum 5' high fence (80% open to light and air), with a self-closing device and a self-latching device located no closer than 4' above the ground.

SIGNS

- 179) The applicant shall be permitted to construct two entry signs, adjacent to the driveway entrance at Palos Verdes Drive East and Crest Road, at a maximum height of 6-feet and affixed to a stoner veneer decorative wall, as illustrated in the project plans reviewed by the Planning Commission on January 27, 2009. The entry signs shall consists of individually mounted brass finished letters that are reverse channel lighting (back lit).

- 180) Prior to the issuance of any grading permit by Building and Safety, the applicant shall submit for review and approval by the Director of Planning, Building and Code Enforcement a Master Sign Plan that is consistent with the sign requirements of the RPVMC. The Master Sign Plan shall include, but not be limited to, the entry identification signs for the College, the way-finding signs, the building signs, and other signs related to an educational use to ensure that such signs are in compliance with the City's Codes.