- CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: A-5-RPV-93-005-A-18

APPLICANT: Ocean Trails LP

RECORD PACKET COPY

AGENTS:

Kenneth A. Zuckerman, CEO

Barbara Dye

PROJECT LOCATION: One Ocean Trails Drive, City of Rancho Palos Verdes, Los Angeles County.

UNDERLYING PROJECT: Resubdivision of 261.4-acre site into two Tracts (VTTM Tract Nos. 50667 & 50666), and construction of 75 lots for single family residences, four lower cost apartment units, utilities and site improvements, 18 hole golf course with clubhouse and public open space, parks and trails. Revised by applicant for *de Novo* action to include: A) Coastal Access and Public Amenities Plan dated Feb. 5, 1993 providing additional beach access trails, B) Habitat Enhancement Plan dated February 18, 1993 providing (1) restriction of 20 acres in Shoreline Park adjacent to the project to the west to habitat preserve and restoration of ten of those acres; (2) purchase of easement over a 100 acre City parcel adjacent to the project on the north and located outside the coastal zone and restoration of 20 of those acres to coastal sage scrub and (3) supervision of public access trails in the habitat areas. Subsequently amended sixteen times, as indicated in Appendix B. The Commission denied one amendment (A14). This project is also identified as "Ocean Trails."

SUMMARY OF AMENDMENT 18: Reconfigure (merge and resubdivide) four of the five lots that presently exist (and which have existed in their present configuration, without change, since before the initial permit was issued) within the land subject to the westernmost tract, Tract 50666. These new lots will remain subject to further resubdivision by recordation of Tract 50666, which was approved in the underlying permit, upon compliance with City of Rancho Palos Verdes Vesting Tentative Tract Map conditions. Applicant also proposes that the amendment will require reaffirmation and acknowledgement that, upon conveyance of any of the reconfigured lots, all existing conditions run with those lots.

SUMMARY OF STAFF RECOMMENDATION:

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After investigation, staff is recommending APPROVAL of the amendment with conditions. The resolution is found on page 6 of this report. Allowing a new configuration of the "underlying lots" does not change the responsibilities of the permit holders and, as recommended, does not change the applicant's (or its successor's) ability to carry out the Commission's conditions. This amendment would change the configuration of four lots that are subject to the resubdivision authorized in Permit A-5-RPV-93-005 but would not change the terms and conditions of that approved and vested permit, which run with the land. However, staff is recommending several additional conditions that would communicate to any future buyers of land burdened by the existing permit conditions that they have responsibilities under the permit and understand several timing /phasing provisions of the underlying permit.

Permit A-5-RPV-93-005 allowed resubdivision of ten lots to create two tracts (including 39 residential lots in Tract 50666 and 36 residential lots in Tract 50667), a golf course, part of which is in each tract, parks and trails on a 261.4-acre bluff top in Rancho Palos Verdes¹. Because of habitat and recreational use that existed on the site at the time of the initial application, the applicant offered to carry out a restoration project and to dedicate parks and trails to relocate resources that the development would remove. The Commission's conditions reflect these offers, requiring the applicant, as it had proposed, to dedicate land along the bluffs for public parks and habitat restoration, carry out habitat restoration, build parks and improve trails to and along the bluff and down to the beach. The permit issued in 1997, and the applicant has removed and replanted habitat, built trails, a golf course, and a clubhouse and graded residential lots on its property, vesting the permit.

The applicant has installed replacement habitat as required by a schedule worked out with the City, Commission and the resources agencies and adopted in the Habitat Conservation Plan (HCP). The applicant has recorded offers to dedicate the land that is to be reserved for parks and trails pursuant to the permit, and has completed construction of the streets, parks and trails on the easterly tract (Tract 50667). The applicant has also recorded Tract 50667, resubdividing the five easterly underlying lots. As described below, a landslide in June of 1999 damaged two holes of the golf course, some habitat and some of the newly constructed trails in Tract 50666. The applicant, in seeking a permit to repair the golf course, agreed to reconstruct the trails seaward of the golf course. Repairs have commenced but have stopped due to cash flow problems.

The resources agencies, the City and the Commission did not allow grading and development of Tract 50666 to begin until the first two stages of revegetation were

¹ The applicant initially characterized the development as resubdivision of nine lots. In processing this request, the City identified a tenth lot, a ten foot wide strip that connects an interior lot on the west end of the project to the street.

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successful. (See Condition 8, Appendix A, Pages 31 ff) Accordingly, rough grading of that tract began only in late 1999, and is not complete. The applicant states that a number of months may elapse before it can record Tract 50666. Because final surveys to establish lot lines and geologic tests to identify a geologic setback line are not complete; Tract 50666 is not ready to record, pursuant to City of Rancho Palos Verdes Vesting Tentative Tract Map conditions.²

The applicant now proposes to reconfigure four of the five lots within future Tract 50666 that the Commission, by approval of the original permit in 1993, approved for resubdivision within future Tract 50666. (See Exhibits 2 and 3) The resubdivision would make it possible to sell the land within tract 50666 that has been approve for residential development³ separately, in advance recordation of Tract 50666. Initially, the applicant characterized this resubdivision as a device to allow the partnership to recoup capital and then continue with the trail building, lot construction and repair of landslides that the Commission approved in the past. The applicant now sees the application as a way to gain additional flexibility to any future holder of the property. The applicant's representatives have stated that they understand that all reconfigured lots would remain subject to the terms and conditions of permit A-5-RPV-93-005 as amended and that, when it or any new owners record Tract 50666, creating residential lots, these lots as before would be recorded on the basis of, and subject to any restrictions imposed by, the Commission's permit. Staff has investigated a number of questions regarding (1) the conformity of the newly configured "underlying lots" with the Coastal Act and (2) the effects, if any, of this change on the Commission's ability to assure compliance with the conditions it imposed on permit A-5-RPV-93-005 and in the amendments. (See Appendix B for a description of the Amendments and Appendix A for an updated list of the special conditions that the Commission has imposed.)

In analyzing the request, staff considered the following:

- 1. Conformity of the proposed lots with the certified Local Coastal Program and with the access and recreation policies of the Coastal Act.
- 2. Whether the approval of this amendment reduces the Commission's ability to enforce its conditions requiring completion of all parks and trails prior to construction of more than five model homes in Tract 50666 or occupancy of any residential structure.

³ Approved for residential development in the city tract approval and by Coastal Development Permit A-5-RPV-93 005 as amended)

² The Commission and the resources agencies required establishment of habitat to certain standards before grading could occur on Tract 50666. The City requires the installation of improvements and the identification of exact lot lines before the Tract can record. See condition 8 .A-D.

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- 3. Whether the approval of this resubdivision loosens the bonds between the various elements of the Commission's approval.
- 4. Whether making it possible to sell the most profitable part of the tract in advance of completion of the trails and parks would reduce the likelihood that the remaining owner will complete those amenities.

In addressing these concerns, staff has noted both that the permit already incorporates notice in Standard Condition 5 that the permit runs with the land. Deed restrictions and offers to dedicate are required and have been recorded. Under the terms of the existing permit, the applicant can already sell residential lots to a developer or to individuals as soon as the tract records, and before completion of all parks and trails. Staff notes, however, that any development on the 261.4 acres, including recordation of the residential lots or construction of houses, must rely on this permit, including terms of this permit regarding the sequence of development events, and that the permit is issued and vested.

One of the concerns of the staff is that this division would separate the ownership of the land approved for residential lots and residential serving roads in Tract 50666 from land approved for clubhouse, golf course and open space uses. Staff is concerned that the separation of ownership and interests could lead to confusion concerning the responsibility of the owners of the newly created parcels to carry out the final requirements of the permit. Once those re-subdivided lots are recorded and sold, the interests of the new owners of the residential area could diverge from the interests of the golf course owners.

The owners of the residential areas are explicitly prohibited, under the current terms and conditions of the permit, from completing development of the residential lots independent of the repairs to the trails that cross the damaged part of the golf course, and independent of the construction of the Ocean Trails Park and the bluff edge trails. The "landowner" is required to finish the trails and parks. The City and the owner of the golf course have the right to finish the improvements; the City, under a City condition and bonding measure in the development agreement; the golf course owner as owner of the land offered to be dedicated. The owner of the area designated for residential development is expected to abide by the prohibitions on construction of more than 5 model homes or occupancy of residential structures within the newly created residential parcels until the trails and parks are completed. As documented in the Commission's adopted findings on the project, the parks, trails and habitat restoration areas are mitigation measures and special conditions that were required to mitigate impacts generated in all areas of the property, including those areas identified for residential use. The mitigation areas are all located in the areas identified for dedication for park and open space use. The mitigation is located near the bluff edge but the approved residential development is located in the more stable areas of the

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property. The impacts within these areas need to be mitigated in other areas. The two new lots containing residential development, Parcels A and C are the areas of impacts. The new lots in the ravines and bluff edges, Parcels B and D contain the mitigation sites.

The permit requires the trails and parks on the bluff edge near center of the property to be complete before the 18-hole golf course opens for play. The final, west end trails (Tract 50666) and trails along a widened Palos Verdes Drive South can be completed later, after the golf course opens. The Commission's condition 4D requires that the applicant complete the last stage of trail and park improvements and the City accept all parks and trails before more than five "model homes" are constructed on Tract 50666. (See pages of Appendix A) The permit also includes a "sweep up" condition—that all improvements must be complete and accepted before any home is occupied. In other words, the occupancy of houses built on the residential lots is the Commission's last check to assure that the promised trails are actually completed.

This amendment would allow the sale of land designated for future residential development. Presently, the permit does not restrict recordation or sale of the lots before the applicant completes and the City accepts the final parks and trails, but it clearly assumes that the golf course would be open and that only minor improvements would remain to be completed by the time that Tract 50666 is recorded and final grading of the residential lots is ready to begin.

Staff recommends that the Commission require the applicant to:

- 1. Agree to notify future buyers that the conditions run with the land and restrict development on undeveloped residential property until the trails are developed.
- 2. Obtain a letter form the buyer acknowledging this
- Obtain a letter from the buyer agreeing to notify any future buyer in the same manner until the trails and parks are complete. (The full text of the recommended condition is provided on page 6.)

As conditioned, the amendment will not lessen the effect of the approved and conditioned permit, and the Commission can approve the re-division of land without jeopardizing the public rights and resource protections required by the approved and issued coastal development permit.

LOCAL APPROVALS RECEIVED:

City of Rancho Palos Verdes; Resubdivision (lot line adjustment map) Tentative Tract 50666)

COMMISSION'S SPECIAL CONDITIONS: SEE APPENDIX A

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PREVIOUS AMENDMENTS: SEE APPENDIX B.

SUBSTANTIVE FILE DOCUMENTS: SEE APPENDIX C

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,
- (3) Or, the proposed amendment affects conditions required in order to protect a coastal resource or coastal access.

In this proposed amendment to a conditionally approved permit, the proposed revision is a material change that affects conditions required for the purposes of protecting natural resources and coastal access. Therefore, the Executive Director has determined that the change must be reported to the Commission and noticed to the public.

As noted above the permit has issued, and the applicant has vested the permit. One owner, Ocean Trails LP, currently owns the entire property. The requested amendment will require compliance with Condition 16, which requires:

16. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS

Prior to issuance of the coastal development permit, or of any amendment to this coastal development permit, the applicants shall provide 1) proof of undivided legal interest in all the properties subject to this permit, or 2) proof of the applicant's ability to comply with all the terms and conditions of this coastal development permit. No land subject to this coastal development permit may be developed until and unless all terms and conditions relating to the project as a whole have been met and agreed to in writing by all parties with ownership interest. (Emphasis added.)

The Commission notes that the project is well underway and that all relevant offers to dedicate, which depend on unity of ownership, have been recorded. However, by selling off the part of the land before final trail and park improvements on those dedications are complete, the owner enters into a risk that its improvements will not proceed at the pace of the buyer's expectations. If there is a sale of the residentially designated parcels, the golf course owner, or its successor, will retain control and the right to enter and improve most of the areas in which public improvements must be

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made because they are located on the two parcels that contain the golf course. The exception is the streets in the two residentially designated parcels. As conditioned, to require that notice of all the conditions be explicitly provided to all buyers and that the notice include reference to conditions that require completion of public amenities and planting of habitat areas before any residential structure other than a model home may be constructed or occupied, the amended permit will not undermine the intended effect of the approved and conditioned permit. So notified, the buyers will arguably understand that the one part of the project cannot proceed before or independent from the other. As conditioned, the amended permit is consistent with the protection of the public access and natural resources identified by the Commission in its action approving the permit.

I STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the amendment to the permit and adopt the following resolution:

MOTION: I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-5-RPV-93-005-A17 pursuant to the staff recommendation.

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STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the 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 TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of the certified LCP and with the public access and public recreation policies of Chapter 3 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS:

THE FOLLOWING IS ADOPTED AS PART OF THE COMMISSION'S RESOLUTION:

A-5-RPV-93-005-A18: Appendix A, attached, includes all standard and special conditions that apply to this development as approved by the Commission in its original action and its subsequent amendments, including this Amendment 18. Unless changed in any of those actions, all previously adopted standard and special conditions still apply to this development and are incorporated into Appendix A and apply to all lots created in this action. Changes in the names of parks and trails adopted by the City of Rancho Palos Verdes are inserted into the trail designations. The previous designations are provided for purposes of continuity. Corrections to typographic or stylistic errors, which the Executive Director determined did not change the meaning of the conditions, have been made in this document without the use annotated or highlighted text.

All of the Commission's adopted special conditions and changes in the project description proposed by the applicant and approved during previous Commission actions continue to apply unless explicitly changed in this action. New conditions specifically imposed in this action on Amendment 18 are, for the convenience of the Commission, shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown with these recommended

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changes in cross-out and underline format. This will result in one set of adopted special conditions. Unless previous conditions are noted for revision, they are not being modified by the Commission's action on Amendment 18.

Add the following condition:

35. BUYER'(S) ACKNOWLEDGMENT.

- A. Prior to issuance of this amended 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 permit condition 4 and establishment of habitat restoration areas required in permit condition 8 (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, as amended, run with the land, (b) that the use and/or development of the land may therefore be restricted by special conditions 4, 7, 8 and 19 of the permit, and may be further affected by special conditions 23, 24, 26, and 32 and furthermore, (c) that pursuant to special conditions 1 and 3 of the 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 amended 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, as amended, run with the land, (b) that the use and/or development of the land may therefore be restricted by special conditions 4, 7, 8 and 19 of the permit, and may be further affected by special conditions 23, 24, 26, and 32 and (c) that pursuant to special conditions 1 and 3 of the 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.
- 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.

III. FINDINGS AND DECLARATIONS:

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The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

In April 1993, two co-applicants, Zuckerman Building Company and Hon Investments received a permit to re-subdivide ten lots and develop 83 residential lots, a golf course, a trail and park system and a Habitat Enhancement Program in two tracts. The Department of Fish and Game and the Fish and Wildlife Service (USFWS) had conceptually approved the Habitat Enhancement Program, which was required because of the discovery of a threatened bird, the coastal California gnatcatcher, on the property. In 1994, the Commission amended the project to relocate a golf clubhouse nearer the center of the property, and to eliminate several residential lots that were not sufficiently stable to develop residentially. The applicant received an amendment to reduce the project to 75 single-family residential lots, and incorporated four moderate cost units and additional parking. In 1995, the Commission and the applicant settled a lawsuit brought by opponents and expanded the areas on the property that would be replanted in habitat after grading. The settlement also required the City of Rancho Palos Verdes to accept fee ownership of certain park and open space land, required an easement over certain golf course land and required the conversion of several residential lots to moderate-income housing.

In 1997, the Commission approved a modification to its conditions requiring dedications so that dedications of trail and park areas could occur before lot lines were established. The applicant recorded offers to dedicate based on mapped depictions of the areas to be dedicated, the permit issued and grading commenced. In May 1999 the easterly tract, Tract 50667 recorded. All trails on the east end of the property were complete. In June 1999, a landslide occurred that removed almost 17 acres, including portions of four trails, some habitat areas and two holes of the golf course, and damaged land already graded to build Ocean Trails Park a required public park at Halfway Point. The applicant proposed to repair the golf course, the bluff top and the trails. In early 2000, the Commission approved an amendment, A-5-RPV-93-005-A-15, that authorized the repair. As part of the repair, the applicant agreed to restore the trails and habitat areas and reconstruct the park at Halfway Point. The Commission approved this reconstructive work, and subsequently approved two immaterial amendments (A-5-RPV-93-005-A-16 and A-17) that allowed more time for the applicant to receive approval from the United States Fish and Wildlife Service and the Department of Fish and Game to carry out its repairs, and allowed a parking area next to the slide to be used for passage of heavy equipment and stockpiling. The Commission required that the full 18-hole golf course could not open for play until the trails and parks damaged by the slide were complete and accepted by the City. The resources agencies also allowed reconstruction, requiring, in an amended Habitat

⁴ Ten acres will be restored in the restored bluff top, additional areas will be restored in Shoreline Park and in Forrestal Draw.

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Conservation Plan (HCP), that the applicant provide additional habitat restoration to mitigate habitat lost in the landslide and the reconstructive grading. The Commission referred to the draft amended HCP in considering the applicant's plans for restoration, and required that the applicant return with a final HCP with the same essential provision or apply for an amendment. The City, the United States Fish and Wildlife Service (USFWS) and the Department of Fish and Game have now approved an amended Habitat Conservation Plan (HCP), the applicant has secured the land and planting has begun.

Present status of Project. As noted above, the applicant has recorded all offers of dedication (with the exception of an easement required in the settlement and incorporated into the project description in the second amendment.) The trails on the east end of the project, within Tract 50667, are complete and open to the public. Pioneered trails in Tract 50666 to and along the bluff remain open; an emergency trail across the golf course is open, as is public parking. A golf clubhouse is constructed and a restaurant and snack bar are open to the public. Fifteen holes of golf are open. The proposed park at Halfway Point, Ocean Trails Park, is dedicated but incomplete and covered with stockpiled topsoil. A relatively gentle trail leading from Halfway Point toward San Pedro, called by the applicant the Sunrise Trail, is damaged by the slide and closed. Another beach access trail directly east of the slide is closed because it crossed the toe of the slide.

The applicant agreed to restore an additional 28.1 acres of habitat after the slide. The applicant has agreed to restore additional areas on the project site and in Shoreline Park and has commenced restoration. The applicant has repaired four of the six slots in the slide mass, before stopping for financial reasons. While many trails are open and complete, the applicant has not yet completed the landslide repair, and so has not reconstructed the parks and trails damaged by the slide. In addition, the final stage trails — the trails located in and adjacent to the residential portions of Tract 50666 or trails located along a widened Palos Verdes Drive South are not yet complete. See exhibits.

As conditioned, this amendment would not require a change in Condition 16, which requires the applicant to provide 1) proof of undivided legal interest in all the properties subject to this permit, or 2) proof of the applicant's ability to comply with all the terms and conditions of this coastal development permit because mss grading is complete, dedications have been recorded and the developer or its successor retains control of the land on which public amenities will be constructed. The phasing and staging conditions of the permit assure that residential development will not outpace the improvements that mitigate it. Deed restrictions to that effect are recorded in as

⁵ The slide is being repaired by cutting six parallel trenches from the slide surface to below the bottom of the slide plane. The trenches, called slots, are excavated one at a time to avoid too much disturbance of the slide. As one begins to be reinforced with geotextiles and filled, the next is excavated.

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required in Condition 7. In this as in other permits, the Commission has imposed a standard condition that indicates that the permit runs with the land, and that future owners are bound by the terms and conditions of an approved and issued coastal development permit. It reads:

5. <u>Terms and Conditions Run with the Land</u>. 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.

As seen below, the Commission is imposing an additional condition to assure full disclosure on sales of property subject to this permit in the future. All the conditions the Commission is re-imposing will continue to apply to all future owners, even if the tract map is recorded and the lots are sold off to individual owners.

B. CONSISTENCY WITH PUBLIC ACCESS AND RECREATION POLICIES OF THE COASTAL ACT AND THE CERTIFIED LOCAL COASTAL PROGRAM.

After certification of an LCP, the Commission must find that a project, on appeal, is consistent with the certified local coastal program. If the project is located between the first public road and the sea, when the Commission considers the project *de Novo*, it must also examine the project for consistency with the public access and recreation policies of the Coastal Act. Section 30210 provides for maximum access; Section 30211 provides that existing access must be protected; Section 30212 establishes that public access must be provided when use is intensified; and Section 30221 requires that oceanfront land suitable for public recreation be reserved for that purpose.

The Corridors Element of the certified LCP identifies the bluff corridors as access corridors. It requires a bluff edge public road on all projects in undeveloped areas, with areas seaward of the road to be dedicated for public use. Because of the instability of this site, the City excused the applicant from constructing a public road, but did require foot and bicycle trails between the development and the edge of the bluff.

In its action on the appeal in 1993, the Commission received testimony concerning historic public use of the trails and bluff edges on the site. At the public hearing on April 15, 1993, the applicants proposed increases in the park and trail system. The offers of dedication that the applicants made at the hearing included additional acreage over and above the written application, in response to issues raised in the staff recommendation, and by the public, regarding conformance with the LCP, potential conflicts between habitat restoration and recreation, and the project's impacts on the public's existing access to the property.

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The final proposal, as approved, included 75.5 acres of dedicated lands⁶ in addition to approximately 24,000 linear feet of trails. Consistent with the local coastal plan, the applicant proposed and the Commission required an access corridor seaward of the private development — requiring a strip of land be dedicated along the edge of the bluff to mitigate for the removal of habitat and the closure of existing trails on the inland parts of the property. The applicant offered to build five trails from the bluff top to the beach on its property and on Shoreline Park, an adjacent public park. The trails are located both within the dedicated parks and preserves, and on the golf course and other private land. Within the dedicated park and preserve areas, trails are designated, but not dedicated separately. Other trails located on private lands have been offered for dedication as easements.

The Commission agreed with the applicant that evidence of historic use was inconclusive but found that the applicant's offers to dedicate trails and parks, as conditioned, did not interfere with "existing" trails, provided adequate public access and conformed with the LCP public access policies and Sections 30210 and 30211 of the Coastal Act. In the settlement with third parties noted above, the applicant again agreed to dedicate the noted trails and parks on the site and to improve the parks and trails required in Coastal Development Permit A-5-RPV-93-005 as amended. The trails are listed and described in Condition One of this permit (See Appendix A, Conditions, beginning on page 2). Several of the existing pioneered paths crossed the areas designated for residential development in VTTM 50666.

In taking this action, the Commission also noted that the golf course, which will be a privately operated course open to the public, also provided recreation. The Commission found that the Public Access and Amenity Plan was consistent with the Corridors Policy of the LCP and the Access and Recreation Policies of the Coastal Act. The applicant has since recorded offers to dedicate all of the required trails and open space lots. The trails and parks on the east end of the project are complete, and except where the landslide interrupted it, the bluff edge trail is open and complete in both Tracts 50666 and 50667. Ocean Trails Park is not complete due to the slide, and while the trail leading along the bluff and from Ocean Trails Park to the beach are open, the trails (bicycle and pedestrian), that lead around the cluster of homes sites in Tract 50666, and connect the Palos Verdes Drive South to the bluff edge are not complete. Since the tract streets are not installed, the trailheads and a fire access road that doubles as a trail are not complete. Finally Palos Verdes Drive South was to be widened adjacent to both tracts. The widened road was to accommodate a bike trail, a jogging trail and an on road bike trail. Since the road widening is not complete, these trails are not complete adjacent to both tracts. A small park adjacent to the corner of Ocean Trails Drive and Palos Verdes Drive is also not complete; its

⁶ 67.1 acres of habitat preserves and parks were required to be revegetated as habitat preserves, 8.4 acres of parks.

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equivalent on the east side of Ocean Trails Drive is constructed, but has no water, because the utilities are to be installed at the time of completion of the road.

Relationship of current proposal to coastal development permit. The permit allowed relocation of existing trails and habitat areas from the center of the project where the Commission approved residential and golf use to the edge of the bluff where the Commission required public amenities. In Tract 50666, most required habitat restoration areas, parks and trails will lie on only two of the newly reconfigured "underlying lots." The two other lots are proposed on the areas dedicated for residential development. The applicant has already recorded offers to dedicate all land that the Commission has required to be dedicated for public purposes. The applicant states that the only issue is completion of the trails and points out that the City of Rancho Palos Verdes has the right to complete the work, and that it has posted a completion bond at the City. The result of the proposal could be, if the golf course repair does not proceed, and or if the other trails are not complete, and at the same time, the tract records, that there will be a possibility of violations among owners who do not understand that they cannot construct homes on their lots until the trails and other amenities are complete. As conditioned, the future owners will have had ample notice on purchase of their lots of the restrictions on their land. As is the case with the Commission other conditions, the proposed condition, which is described below will run with the land binding on future owners for the time identified in the condition.

In the initial reports to the Commission, in 1993 (and in the Commission's review of an earlier version of the project in 1992,) the Commission considered this area as a whole. The amenities (trails, parks, etc.) were required in order to mitigate impacts from (among other things) the residential development that was located in areas used to some degree by the public. The Commission did not support a finding of prescriptive rights, but agreed that the trails and parks proposed by the applicant mitigated any impacts to "existing " trails. The Commission supported its conditions on the applicant's offer and on the consistency of that offer with Sections 30210, 30211 30252, 30240 if the Coastal Act. The Commission reviewed petitions from people who claimed use the property for hiking, and reviewed biological assessments that identified Gnatcatcher habitat in areas slated for grading for both the golf course and for residential development. In analyzing this present request, the staff confirmed the location of both trails and habitat in the footprint of proposed parcels A and C. As noted elsewhere, the access trails were also required (pursuant to 30211) to ensure access equivalent in time, place, and manner the public use that existed on the site. Thus, the Commission cannot allow the residential development to occur without the amenities

<u>Status of dedications</u>. As part of its settlement with the opponents, the applicant agreed to complete its offers of fee dedication for all lands seaward of the approved golf course. As part of this same settlement, the City agreed to accept the trails and

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parks. Before the coastal permit issued, the applicant recorded all required offers as depictions (generalized area descriptions.) When each final tract records, the applicant will record detailed metes and bounds descriptions. In 1997, the applicant recorded these metes and bound offers and easements within Tract 50667. On the basis of its conformance with preliminary habitat conditions and recording of the offers, the coastal permit issued. The City authorized rough grading, on the basis of a preliminary map, and the applicant has completed rough grading of Tract 50666. The applicant has not recorded offers described in metes and bounds in Tract 50666 because the fine grading on that tract is not complete.

Stages of improvements.

Condition 4 requires the applicant to complete the dedicated trails and parks along with the golf course and residential development authorized by the permit. The first stage (Stage A) required the applicant to identify "existing" trails and protect them during construction. The applicant did that, although it was necessary to hire security quards to escort the public past heavy equipment. The second stage, to be carried out along with the grading of Tract 50667 and construction of the golf course, required the applicant to complete the golf course trails and the eastern and bluff corridor trails before opening either the golf course or the golf clubhouse. In Amendment 13, the Commission split this stage into two stages, allowing the clubhouse to open before all bluff corridor trails were complete. This amendment was approved in response to the landslide's destruction of parts of the completed trails. The new Stage B allowed the applicant to open the clubhouse and a fifteen-hole golf course once all eastern trails and parks except those destroyed or damaged by the slide were open. The new Stage C requires the applicant to complete the four damaged trails and Ocean Trails Park before the 18-hole golf course could open for play. The final stage, Stage D, requires the Tract 50666 trails, except for the bluff edge trails, which were required in stage A, to be complete before residential units could be constructed in Tract 50666, except for five model homes and before "any " residential unit can be occupied (presumably on either tract). Pursuant to this, the applicant has constructed trails along the bluff edge, along Ocean Trails Drive, a park adjacent to Palos Verdes Drive South, and a trail, a public restroom and a public parking lot at the end of La Rotonda Drive within Tract 50667. The applicant has also constructed a view overlook in Tract 50666 near the Portuguese Bend Club. (For the full text of Condition 4, see pages 21-25 of Appendix A, attached.) Condition 4 of this permit requires all golf course and Tract 50667 trails including those destroyed by the slide to be inspected and accepted by the City before opening the 18-hole golf course for play. It requires all remaining trails, including trails parallel to Palos Verdes Drive South and trails in Tract 50666, to be complete, open and accepted before construction of more than 5 model homes in Tract 50666 and occupancy of any residential structure.

Condition 4 states in part:

4. ACCESS SUPPORT AND IMPROVEMENTS

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall agree in writing to construct the following public access improvements for park and trail purposes. Improvements shall be as described in this Condition, the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) and/or Exhibits 26 and 27 of Amendment A6 except that the locations and the development standards of trails shall be as established by Condition 3 of this permit. Pursuant to this requirement, the applicant shall provide detailed plans of these improvements prior to commencement of construction of the golf clubhouse. The plans shall be accompanied by a schedule of completion for the review and approval of the Executive Director in consultation with any accepting agency. Before construction commences on any park or trail, the applicant shall report any proposed changes to the approved plans to the Executive Director. Any changes that the Executive Director determines to be substantial, including those which unreasonably interrupt or degrade views of the ocean, the bluffs or the beach from public areas or unduly restrict passive recreational use of dedicated areas shall require an amendment to this permit.

The first stage shall be completed to the satisfaction of the Executive Director in consultation with any accepting agency prior to closing off any existing trails. The second stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf clubhouse, with the exception of a limited term non-profit golf school and the temporary 15-hole golf course. The third stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the 18-hole golf course for play. The fourth stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the construction of more than five residential units within Tract 50666 and prior to the occupancy of any residential structures. (Emphasis added)

- D. Fourth Stage. Residential lots Tract 50666. Before the applicant may begin grading of the residential lots of Tract 50666, the applicant shall submit for the review and approval of the Executive Director, working drawings for the following park and trail improvements.
 - a) View Overlook at the head of Forrestal Canyon.
 - b) Completion of Sunset Point Park (West Vista Park or Palos Verdes Drive Park) complete with water fountain, benches, picnic tables, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
 - c) All remaining trails, amenities, and facilities outlined in the Public Access and Amenities Plan of February 5, 1993 as modified by the

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Conditions of this permit, the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), or otherwise required in the Conditions above.

- (2) Trails and other improvements required to be completed, inspected by the City and accepted by the City or other accepting agency and open to the public prior to construction of more than five model homes in Tract 50666 (fourth stage). The applicant shall complete the improvement of the trails noted below consistent with the standards of the approved trail plan.
- a) Trails identified in Conditions 3 A (1), A (2), A (3), A (4), A (5), A (10), A (14); the permanent bridge over Forrestal Canyon trail, A (17) west of the bridge and trails 3 B (1), B (3), B (4).

Installation of these improvements shall commence no later than the commencement of residential grading for Tract 50666, and shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the construction of more than five (5) model homes within Tract 50666. In no event, shall any of the residential lots within Tract 50666 be occupied prior to the acceptance of the trails by the accepting agency or prior to the satisfactory completion of the required improvements. (Emphasis added)

This requirement is reflected in the deed restrictions that apply to all lots created by the project, including residential lots.

7. DEED RESTRICTIONS.

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall record a deed restriction, subject to the review and approval of the Executive Director that shall apply to Lots 1-31 VTTM 50666, Lots 1-37 Vesting Tentative Tract Map 50667, and all parcels created by Parcel Map numbers 20970 and 23004. The deed restriction shall be recorded on each lot created in the above tract and parcel maps when such lots are recorded. The deed restriction shall provide:

- A. The obligation to complete the habitat, trail and park improvements as required in Conditions 4 and 8 prior to final grading of individual lots or the construction of more than five "model homes" in Tract 50666 or the occupancy of any residential structures.
- B. The requirements for habitat and public access required in Conditions of this coastal development permit.
- C. Notice of the public's right to park on and pass through the streets of this subdivision.
- D. Notice of the land owners' obligations with respect to maintaining the parks and trails and habitat areas and fire breaks required in this permit, including, but not limited, to the obligation to contribute to the maintenance of the area, and the right of the district/and or accepting agency to manage and maintain the area in accordance with the terms and Conditions of this coastal development permit.

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- E. Notice of the landowners' obligations with respect to maintaining drainage systems, oil separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools.
- F. A restriction on the use of invasive, non-native plants, as listed below in the landscaping Condition 10. A list of such plants approved by the on-site habitat manager shall be provided for the review and approval of the Executive Director prior to recording.
- G. A further restriction indicating that no development, other than development approved in this permit shall occur in the park areas indicated in Condition 1A and the trail areas shown in Exhibits II, 42 and 43 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described above.
- H. A restriction on Lot 38 of VTTM 50666 and Lot 39 of VTTM 50667, describing a public access program for the improved golf cart paths. Said trails shall be signed and identified as public and shall be open and available for pedestrian use by the general public during non-golfing daylight hours.
- Notice that all covenants and agreements between the applicants and or successors in interest their agents and with the City or private maintenance companies or other entities that affect the streets, parking lots, parks, habitat areas and trails required in this permit are subject to the terms and Conditions of 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 with evidence of such consistency prior to their execution.

The documents shall be recorded free of prior liens or other encumbrances. The restrictions shall run with the land in favor of the People of the State of California, binding all successors and assigns. The recorded document shall include legal descriptions of the applicant(s) entire parcel(s), the easement area(s), and the legal lots subject to these obligations.

These conditions and deed restrictions are applicable to all successors in interest, including any new owner of the residential areas of Tracts 50666 and 50667. The Commission created this staging system for the express purpose of ensuring that the amenities would be put in place.

The current proposal would reconfigure four parcels, Parcels A-D that now lie within future Tract 50666. A fifth parcel, a ten-foot wide strip purchased by the owner to provide access to the underlying parcel, is not part of this resubdivision. The reconfiguration would separate the residential areas from two parcels that would contain parts of the golf course and also land now offered for dedication.

Newly configured Parcel A would include the area approved for 28 residential lots and for residential access roads. These lots and roads cannot be completed or recorded except as authorized by Permit A-5-RPV-93-005 as amended. One major loop trail

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begins at a trailhead within Parcel A, entering the tract street at Palos Verdes Drive South, and then down a graded slope to the project's pedestrian and bicycle trails. The lots would not be able to record, nor the streets develop except by exercising the coastal development permit. Parking on the street will be public. If developed according to the existing special conditions, this area will provide public support parking and trail access to the remainder of the project.

Parcel B is proposed to be reconfigured to include land offered for a west end habitat preserve, road side slope easements, a ravine offered for flood control and habitat use, a bluff top park, three golf holes, a parking lot and the project clubhouse, and the beach. Some of this land has been offered to be dedicated in fee to the City or other public agency. The City is considering accepting the land. Once the land is accepted, this area will still include privately owned visitor-serving facilities, including a public parking lot, three holes of the golf course and the clubhouse, a visitor-serving facility which includes an assembly hall and a restaurant.

Parcel C is proposed to be reconfigured to include 11 residential lots and residential serving roads that are located on the east side of Forrestal Draw. As is the case with Parcel A, the streets and residential lots cannot develop except by exercising the coastal development permit. In addition to future private residential lots, this lot also includes some future street-side public parking areas.

Parcel D is proposed to be reconfigured to contain 71 acres of golf course, an ocean front bluff top park, a small park at the project entry and the landslide and the habitat areas along the bluff, and some beach. Again, the City is considering accepting the area that the permit required to be dedicated.

Parcel A must provide trail head access to several trails, including the access to a bluff edge trail across the property and both Parcels A and C must also provide parking on the streets for recreational visitors. Deed restrictions concerning this are recorded. However, much of the vertical access that formerly existed on Parcel A and C according to the permit conditions, is now required to be redeveloped on Parcels B and D by constructing a loop pedestrian and bike trail from Palos Verdes Drive South, around the homes, then between the homes and the bluff edge to the club house. A small three-hole piece of the golf course is allowed to be located seaward of the trails. . Clearly, the future owners of Lots A and C have received a benefit from the original applicants' exercise of the Permit A-5-RPV-93-005 as amended. The benefit is 1) the consolidation of access and trails and habitat away from the residential areas and 2) the ability to create 28 residential lots in the case of Lot A and 11 residential lots in the case of Lot C. Development on Parcels A and C is restricted to assure that the public trails are actually restored as proposed. No more than five model homes may be constructed on Parcels A and C and no residential structure may be occupied until the development of recreation facilities on Parcels B and C are complete.

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The potential issue raised by severing ownership during development is that the incentive to complete the recreational amenities is the completion of houses on land that will now owned by a separate entity. Several major trails and Ocean Trails Park must be completed before the golf course opens for play. Once the golf course is open, the golf course owner will have no incentive to complete the west end trails or the widened frontage road (Palos Verdes Drive South.) The permit assures completion of the improvements by a limiting the homeowner's right to occupy homes on the residential lots. Unless the (future) owner of residential land understands that, in fact, the recreational area is mitigation for impacts of his or her own development, and that such a requirement exists, the connections between completing a house on a recorded lot and finishing a park on an adjoining owner's land may not be clear.

The permit already indicates that all successors in interest are subject to the terms and conditions of this coastal development permit. The deed restrictions of the current permit require homeowners to pay for maintenance of the trails, if the trails are not maintained. The current deed restrictions require homeowners to authorize work on the common areas to carry out these requirements but make it clear that the future homeowners are not obliged to do work themselves. The applicant indicates that, under the terms of its City permit and development agreement, the golf course is obliged to complete and maintain the trails and parks. However, lot owners cannot build on their lots or occupy until the golf course fulfills its obligations. In fact to do so would be a violation of this permit. By requiring, in Condition 35, the future owners to be notified of this requirement, and requiring acknowledgement, the Commission is assuring that the cost of constructing the trails is considered in negotiations to purchase the residential land.

The present requirement that the trails be complete before occupancy gives the owners of the residential land an incentive to encourage the golf course operator to complete the trails. There is a second purpose to these requirements. It assures that the reconstructed parks and trails will be visible and identified in advance of occupancy. There is no concealment that the public parks and trails, designed to serve the general public, are part of the project. The existence of the trails and trail heads will not come as a surprise to a buyer who had not expected public use on the property.

The Commission notes that the current application was submitted for the *explicit* purpose of facilitating the sale of resulting lots A and C to a buyer who could (1) develop those areas residentially (or sell them again to another buyer for residential development), (2) without having to take on the responsibility of completing the amenities (trails, parks, etc.) that are required on the other areas, and (3) without having to take title to any undevelopable areas and/or areas that may be a source of liability due to landslides and other hazards.

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Given that goal, it is likely that, by approving this application, Lots A and C will end up in the hands of private parties who (1) want to develop them residentially, and who (2) have no interest in completing amenities; while at the same time, the areas where we required amenities to be installed will remain in the hands of an entity with questionable ability to complete them. That situation creates an inherent risk that the new owner of Lots A and C might try to develop them residentially despite the fact that the amenities may not yet be completed. If such development did occur in advance of the Commission required stage, such development would be a violation of the permit and the existing deed restrictions. This is the case, even if the new owners were not applicants when the permit conditions were imposed and could prove no "actual knowledge" of the restrictions, as they would have constructive knowledge based on the existing, recorded deed restrictions. A similar situation has occurred in the past, which resulted in the Commission and the courts grappling with similar issues. (Ojavan Investors, Inc. v. California Coastal Comm'n (1994), 26 Cal. App. 4th 516, 526, 32 Cal. Rptr. 2d 103, 109.)

In the unique circumstances of this case, the Commission finds it necessary to impose Condition 35 to provide additional assurances that no buyer ends up unknowingly purchasing restricted property, to prevent claims of ignorance by such buyers down the line, attempting to circumvent the restrictions, and to ensure that the amenities are constructed. Thus, in order to satisfy the requirements of those—sections 30210l 30211 of the of the Coastal Act, the Corridors Element of the certified LCP, and to protect the existing conditions that address the staging of development, the Commission now imposes Condition 35 to prevent any person from unknowingly purchasing restricted property. Condition 35 ensures that any buyer of the property (prior to the completion of the amenities that will lift the development restrictions) acknowledge those restrictions. After the completion of the amenities whose completion will lift the restrictions, it no longer applies; as then, there would no longer be any unusual restrictions of which the buyer should be made aware.

The first part of each paragraph requires that the seller obtain a written acknowledgement from the buyer that the buyer is aware of the conditions and restrictions imposed on residential and golf course lots, including the conditions protecting habitat and staging of construction. The second part of each paragraph requires that the buyer also agree that he or she will require the same acknowledgement and commitment from any subsequent buyers, so that all future buyers in the chain of title are made equally aware of these restrictions and their responsibilities, until (though the completion of the amenities) the development restrictions are lifted. The Commission's ability to assure that the public's interest continues to be protected depends on the ease with which it can identify those responsible for carrying out its conditions of approval of the development. As

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conditioned to require notification, the amended permit is consistent with the public access policies of the Coastal Act and of the certified LCP.

C. CONSISTENCY WITH THE NATURAL HAZARDS AND CORRIDORS ELEMENTS OF THE CERTIFIED LCP.

The certified LCP identifies areas of varying degrees of risk and levels of geologic and habitat protection. The Corridors Element of the LCP is a series of overlays reflecting biological and geologic sensitivity, visual sensitivity, and suitability for public access. It anticipates that land adjacent to the bluff edges would be reserved for public access, trails, and habitat preservation and that development would be located further inland. Rancho Palos Verdes' certified LCP "Corridors" and "Natural Hazards" elements identify the bluff edge and bluff face as the most sensitive areas and subject to the most protection.

(1) NATURAL HAZARDS.

The LCP requires avoidance of hazardous areas and clustering of development in safer areas. The applicant has configured the two lots that include bluff edge property so that each lot includes some land that has developed to an economically viable use and each lot contains land suitable only for open space. Parcel B contains the clubhouse. Parcel D contains a fifteen-hole golf course (or will contain fifteen holes once the repair is complete. Activities in the most sensitive areas are highly restricted, in order to avoid hazards, habitat damage and other problems related to building near cliffs and bluffs. Grading is to be avoided.

LCP Policies and Project History. Landslides were identified in the process of adopting the City's LCP and in approving this permit. In the Natural Hazards element, the City identifies various constraints (hazards, vegetation, slope, flooding) by the initials "CRM" (critical management) and a code number. The bluff face and the area of the present slide were designated CRM 1 extreme slope, CRM 3 geologic hazard, CRM 4 marginally stable, and CRM 7-flood inundation hazard in the certified LCP. In general, the LCP requires developers not to develop structures on highly hazardous areas, and to investigate stability before development.

Landslides and the west of the property, including Slides A, B and C are designated "CRM 3a and CRM 3b, Geologic hazard" and CRM 4 marginal geologic stability in the LCP. The mapped slides include some golf course and habitat land. Only slide C has moved. However, the City has required investigation of landslide A before allowing the beach to be re-opened and as part of the preconditions of the recordation of Tract

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50666. The maps in the LCP were not based on detailed investigations, and serve only as an indication that further investigation is necessary.

Recent Landslide: The slide that occurred on June 2, 1999 was a reactivation of an ancient slide, identified as "Slide C" in the project's documentation. Seventeen acres were affected. The slide moved a piece of the bluff face outward and down, leaving a depression at least 100 feet wide behind it (called a graben by geologists) and isolating a portion of the bluff top. The five-acre central block was fractured by numerous cracks, some of which were up to five feet wide and 80 feet deep. In simple terms, a large block of material slid seaward on a layer of bentonite identified as the "upper Bentonite layer," which extends from near sea level to an area about 150 feet inland of the former edge of the bluff. About the same time, other fissures were noted at the seaward tip of Ocean Trails Park and adjacent to a trail near the eastern end of the project. Those fissures have not resulted in catastrophic failures, but are the typical "raveling" expected near the top of the bluff.

The proposed lots would separate areas with factor of safety less than 1.5:1 from the developable areas of the property where the Factor of safety is greater than 1.5:1. Parcels A and C are approved for housing. Parcels B and D, both proposed to be retained by the present applicants, contain only two locations, the Ocean Trails Park at Halfway Point and the club house site that are located on areas that are stable for structures. The rest of the golf course and the open space corridors, according to geologic reports in the Commission files, have a factor of safety (F.S.) less than 1.5:1, and are designated CRM2 and CRM3. The applicant has combined the proposed open space, which is unstable, with land that the Commission has approved for a reasonable economic use: a clubhouse and golf course.

Both relatively stable sites, the clubhouse and park, would be within Lot B. Lot D would contain most of the golf course, a site that is not buildable for structures, but with a use that can generate income and is developed commensurate with the factor of safety, which is 1.2, that the site can support.

As proposed the each reconfigured lot has a viable use. No lot is left that the Commission and the LCP would restrict from all development. The resubdivision would not require development on unstable sites over and above what the Commission has already approved in order for each of the new lots to contain a reasonable use. As proposed, the resubdivision is consistent with the hazard policies of the certified LCP.

(2) ENVIRONMENTALLY SENSITIVE HABITAT.

⁷ Bentonite is a highly plastic clay, derived from volcanic ash that swells and becomes a slick, soapy material when it is wet. The 0.5" to 3" thick layer of bentonite about 90 feet below the former ground surface was the slip surface for the June 2nd landslide.

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The Corridors Element of the certified LCP also protects sensitive habitat, identifying the bluff tops and bluff face as areas that should be investigated, and if habitat is found, protected. The LCP identified areas in which more study would be needed to identify the kind of habitat and the necessary degree of protection. This area was not one of those areas; instead it was identified in the LCP as supporting agriculture, a vegetable farm, which operated until the early 1990's on part of the property.

During the project's approval, the Coastal California Gnatcatcher (Polioptila californica californica), a threatened species was identified on the property. The applicant, Fish and Game, and Fish and Wildlife agreed to a Habitat Enhancement Plan (HEP) that, after approval of the project, was adopted as a Habitat Conservation Plan (HCP). The plan allowed the "take" of some Gnatcatcher habitat as long as it was replaced on more than a one-to-one basis. The applicant achieved this on- and off-site. The corridor along the bluff top was identified as one of the areas that must be revegetated to provide nesting areas for the Gnatcatcher, the cactus wren (Campylorhynchus bunneicapillus cousei) and other increasingly rare and threatened species depending on Coastal Sage Scrub (CSS) and Coastal Bluff Scrub (CBS). Much of the bluff top had been barren and weedy-patches of habitat were located on slopes and in drainages. The permit allowed the relocation and consolidation of habitat that was located throughout the site onto the bluff tops and onto certain City-owned land that is located off-site. The project was divided into phases to allow some habitat to establish before grading on the second half began. The program objective was to provide a continuous strip of coastal sage scrub (CSS) along the coastline. These habitat areas were located on the edges of the bluff top and on the bluff faces—the least stable areas. As noted elsewhere, 65.9 acres on-site, 20 acres in Shoreline Park and 98 acres of the "Switchback" were to be reserved for habitat protection purposes. The applicant was required to enhance or restore 28.1 acres on-site and 40 acres off-site for a total of 68.1 acres to be restored over a five-year period. The applicant was required to monitor the areas and replant if the habitat did not thrive.

When the Commission approved the original coastal development permit in 1993, the approval incorporated changes in the project description made by the applicant that reserved open land as habitat, and to revegetate as required in the HEP. The Commission required the 65.9 acres described above to be dedicated in fee. The bluff top portions of it were to be revegetated with coastal sage scrub (CSS) (Special Condition 1). The applicant offered and was required to obtain easements on two adjacent publicly owned properties, restricting them from other uses, and allowing the applicant to revegetate those areas with coastal sage scrub (Special Condition 2). The Commission's conditions also required that all landscaping on the project be consistent with the revegetation and enhancement required in the HCP and the execution of the agreement with resource agencies before the permit could issue (Special Condition 8).

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The Commission's conditions did require that owners of residential lots participate in protection of habitat although the measures required of them were limited. The residential lots of Tract 50667 and Tract 50666 were required to take the following measures to protect habitat.

- Grading for residential lots was restricted until habitat restoration progressed to certain milestones. Tract 50666 was not permitted to begin grading until on-site habitat had established.
- Deed restrictions were recorded notifying the future residents of certain restrictions due to habitat
- Owners of residential lots had residual obligations for maintenance of the restored areas although it was the City's intention that the golf course would maintain those areas.

After the coastal development permit was approved, the applicant and the City signed the final agreement, a Habitat Conservation Plan (HCP), with the resource agencies. As a result of extensive discussions, the final HCP accommodated the Commission-required trails, parks and fire setbacks. Revegetation began, and successfully created habitat. In late spring, 1999, nine pairs of Gnatcatchers were nesting on the project preserves.

By the time the resource agencies released the applicant to begin Phase II grading, (Tract 50666) the applicant had established:

- Four acres of restored habitat in the 7 acre West Bluff preserve,
- 28 acres of restored and enhanced habitat in on-site preserve areas (such as the bluff top) that was established but not mature,
- 22 acres of established but not mature habitat within the golf course,
- 20 acres of established but not mature habitat off-site on adjacent City property within the coastal zone. (Switchback {10 acres} and Shoreline Park {10 acres}.)

After the 1999 slide, the applicant was required to amend its HCP. Under federal regulations, the applicant has an obligation to replace both habitat damaged by the slide and habitat damaged by geologic exploration and reconstruction. The applicant's restoration consultant estimates that the total habitat lost through both causes is 12.45 acres. Because of the time expected to elapse between the initial damage and the establishment of replacement of habitat, the resource agencies have agreed that the applicant should restore 26.96 acres to mitigate for interim and permanent damage and "take" of animals. ("Take" is a technical term from the Endangered Species Act that refers to killing or harming animals or their habitat.) Ten of these acres will be on the slide block after geologic restoration.

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The on-site restoration areas are all located within Lots B and D. The parts of Lots B and D that support habitat are mapped as open space, and the applicant has already offered these areas for dedication as parks or habitat preserves. The division of land will not encourage development that is inconsistent with the underlying permit. No new development is planned that is inconsistent with the habitat protection policies of the permit. The golf course remains a distinct entity on two of the lots. The development agreement with the city requires the golf course to maintain the habitat. The City and the Commission can require future homeowners to step in to maintain open space areas (by hiring contractors) if the golf course goes out of existence. The City has also agreed to maintain these areas. The Commission, under the Natural Corridors element of the LCP, has a responsibility to assure that the corridors are preserved, which includes restoring and maintaining the quality of habitat on this segment of the Rancho Palos Verdes coastline. In this case, the proposed resubdivision will not change the existing agreement or conformity with the HCP and is consistent with the Natural Corridors Element of the LCP.

D. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, there are several alternatives. The first alternative is denial, which would not change the ability of the applicant to develop its land, but would delay its ability to sell portions of the property before completing the public access improvements and habitat restoration areas. A second alternative would be to require acceptance of dedications and easements before recordation the map, consistent with the City conditions and also to require that all improvements be installed prior to acceptance. Again this does not lessen the ability of the applicant or its successor to develop the property but would eliminate the ability to sell part of the property before the tract is recorded.

Another alternative would be to merge the open space lots with the golf course, resulting in three lots; and requiring completion and acceptance of all trails before recordation of Tract 50666, so that individual buyers would not be faced with compliance issues that an individual lot owner is unlikely to have the ability to remedy.

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The final alternative, which is the preferred alternative, is to allow the resubdivision, but to assure that there is notice to the buyers of the newly reconfigured parcels that they are co applicants and are subject to terms, conditions and limitations of the permit. All of these alternatives would result in the creation of lots that would be stable enough to support the permitted development, and all lots would have development that is permitted and is consistent with the habitat protection policies of the LCP, an the access and recreation policies of the LCP and the Coastal Act.

There are feasible alternatives or mitigation measures available; however, all of them seem to be equivalent in their effectiveness in mitigation of the significant impacts of the project, which were closure of existing trails, relocation of habitat and creation of new habitat, parks and trails. The proposed alternative, as conditioned, will lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that the proposed project as conditioned is consistent with CEQA and the policies of the Coastal Act.

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A 5-RPV-93-005-A-A18 APPENDIX A

STANDARD CONDITIONS AND SPECIAL CONDITIONS

Currently approved A-5-RPV-93-005 as amended-through A-5-RPV-93-005-A18.

THE FOLLOWING IS ADOPTED AS PART OF THE COMMISSION'S RESOLUTION:

A-5-RPV-93-005-A18: Appendix A, attached, includes all standard and special conditions that apply to this development as approved by the Commission in its original action and its subsequent amendments. Unless changed in any of those actions, all previously adopted standard and special conditions still apply to this development and are incorporated into Appendix A. Changes in the names of parks and trails adopted by the City of Rancho Palos Verdes are inserted into the trail designations. The previous designations are provided for purposes of continuity. Corrections to typographic or stylistic errors, which the Executive Director determined did not change the meaning of the conditions, have been made in this document without the use annotated or highlighted text.

All of the Commission's adopted special conditions and changes in the project description proposed by the applicant and approved during previous Commission actions continue to apply unless explicitly changed in this action. New conditions specifically imposed in this action on Amendment 18 are, for the convenience of the Commission, shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown with these recommended changes in cross-out and underline format. This will result in one set of adopted special conditions. Unless previous conditions are noted for revision, they are not being modified by the Commission's action on Amendment 18.

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STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment</u>. 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.
- Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application (APRIL 15, 1993).
 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. <u>Interpretation</u>. Any questions of intent or interpretation of any Condition will be resolved by the Executive Director or the Commission.
- 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. <u>Terms and Conditions Run with the Land</u>. 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:

In order to conform with the certified City of Rancho Palos Verdes LCP and the Public Access and Recreation Policies of the California Coastal Act, applicant shall comply with the following special conditions:

1. OFFER TO DEDICATE IN FEE OPEN SPACE CORRIDORS FOR PARKS, PUBLIC ACCESS AND HABITAT ENHANCEMENT

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicants as landowners shall execute and record document(s), in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to public agency(ies) or private association(s) approved by the Executive Director, the corridors noted on (roman numeral Revised Findings) Exhibit I, further explained in (Roman numeral Revised Findings) Exhibits II, III, IV, V and Exhibits 1, 5A, 48 and 49,(of the original approval) for parks, public access, passive recreational use, habitat enhancement, trail, public parking and street purposes. The land shall be dedicated subject to the provisions outlined in the Conditions below with respect to trail access, beach use, habitat restoration and habitat preservation. The dedicated areas shall include the following:

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- A. <u>PARKS.</u> Land to be dedicated for purposes of public access, public recreation and parks as shown on Exhibit I:
 - (1) The entirety of the following lots within Vesting
 Tentative Tract Map 50666:
 Lot A, Sunset Point Park (Palos Verdes Drive-West
 Vista Park)
 Lot H; Ocean Trails Park (Halfway Point Park), including
 all areas inland of the bluff edge trail described
 in 3.A(11) below, not less than:

 5.21 acres
 - (2) LOT D VTTM 50666, Portuguese Bend Overlook and Fuel Modification Area, as shown in Exhibit 49, not less than:

 1.0 acre
 - (3) Bluff Top Activity Corridor, Lot K Vesting Tentative
 Tract Map 50666 as shown in the Attached Exhibit I,
 (Roman numeral one) generally described as southerly
 of Lot 38 and being no less than 100 feet wide,
 immediately adjacent to the bluff edge (west bluff
 face is Lot G) extending from the easterly tract
 boundary with VTTM 50667 to the intersection with
 Lot F (Halfway Point Preserve Area), no less than
 - (4) Catalina View Park, (Palos Verdes Drive--East Vista Park), Lot D within Vesting Tentative Tract Map 50667: 1.2 acres
 - 5) (Bluff Top Activity Corridor Lot K, within Vesting Tentative Tract Map 50667 as shown in the attached Exhibit I (roman numeral, one) generally described as southerly of Lot 38, being no less than 100 feet wide immediately adjacent the edge of bluff (east bluff face is Lot I), no less than:

4.5 acres

8.9 acres

All Lands dedicated for park purposes shall be open to the general public for recreation use. Ocean Trails Park (Halfway Point Park) and Vista Catalina Park and Sunset Point Park (the Palos Verdes Drive Vista Parks), (described in 1.A (1), and 1.A(4)) shall be developed for active use; the lands described in 1.A(2), (3), and (5), (known as the Portuguese Bend View Park, the Bluff Top Activity Corridor West VTTM 50666, and the Bluff Top Activity Corridor East VTTM 50667) shall be developed with trails, benches, shade structures, interpretive signs and bikeways.

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The lands described in 1.A (2), (3), and (5) (known as Portuguese Bend Overlook, Bluff Top Activity Corridor West (VTTM 50666) and Bluff Top Activity Corridor East (VTTM 50667)) shall not be graded except: within the dedicated bicycle/pedestrian path, to the extent necessary to install and maintain utilities within drainage, utility and sewer, easements shown on Exhibit 5 (Map G) of Amendment 6, and hydraugers, and groundwater testing well easements shown on Exhibit 6 (Map K) of this Amendment 6, and within two areas, one area of not more than 0.3 acres adjacent to the 18th tee and a second area of 0.13 acres adjacent to the 18th hole. The total combined disturbed area adjacent to the 18th tee and the 18th hole shall not exceed 0.43 acres and shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 prepared by RBF and dated July 25, 1995. Approximately 2.6 acres of land disturbed by the active landslide C may be graded for exploration, landslide repair, and drainage control purposes only as specifically authorized in Special Condition 28 of Amendment 13 of this permit. Approximately seventeen acres including thirteen acres of habitat in the general area of holes 13 and 18 may be disturbed for landslide remediation as depicted in Exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15 to this permit.

The Blufftop Activity Corridors shall be revegetated, as required by the Department of Fish and Game and United States Fish and Wildlife Service as specified in the executed Habitat Conservation Plan (HCP). The offer to dedicate shall also provide that no development, other than development approved in this permit shall occur in the trail areas shown in Exhibits A and/or the Public Amenities Plan Trails and Signage Map of September 26, 1996 (revised 1/20/97) except as authorized by a future coastal development permit, and as otherwise authorized by law. Drainage, landslide, and slope repairs shall occur only as specifically authorized in Sp_cial Condition 28 of Amendment 13 to this permit or in Amendment 15 to this permit. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described below except that repair and maintenance of existing sewer lines, drainage structures, utilities, monitoring wells, and hydraugers shall be exempt pursuant to section 30610(d) and the regulations of the California Administrative Code Title 14 Section 13252.

- B. PASSIVE PARK/HABITAT PRESERVES. Lands to be dedicated for purposes of habitat enhancement and passive recreation as shown on Exhibits I and III (roman numeral of the revised findings of the original permit):
- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666 excluding any trails identified in Condition 3 of this permit:

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Lot E, West Bluff Preserve, no less than 7 acres, generally as indicated on Exhibits 2, 3 and 4 except that no portion of Lot E shall be closer than 100 feet from any subdivided lot. 7.0 acres Lot F, Halfway Point Preserve Lot G, the Bluff Face and Beach

(2) Lot I Golf course Bluff Edge Habitat Setback within VTTM Tract 50666, described as a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff, southwesterly of the golf course, including the west side of Halfway Point, no less than:

1.2 acres

3.3 acres

24.4 acres

(3)The entirety of the following lots within Vesting Tentative Tract Map 50667, excluding any trails identified in Condition 3 of this permit:

Lot G, East Bluff Preserve, no less than 7.7 acres Lot I. Bluff Face and Beach, no less than 10.1 acres

Public access to the lots dedicated for habitat preservation purposes above is limited to a) tours, inspections, and educational field trips managed by the Department of Fish and Game, or the Fish and Wildlife Service, or b) the trails shown in Exhibits A and the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97.) All lots shall be revegetated with Coastal Sage Scrub and Coastal Bluff Scrub plants as listed in the finally executed Habitat Conservation Plan, in the manner required by the Department of Fish and Game and the United States Fish and Wildlife Service.

No grading, vegetation removal or other development may occur on lots dedicated for habitat preservation purposes except for the following: 1) trails, 2) fences approved in a coastal development permit, 3) hand removal of invasive plants, 4) installation of public utilities generally as shown on Exhibit 5, Map G of Amendment 6, 5) the drilling of testing wells and hydraugers generally as shown on Exhibit 6, Map K of Amendment 6, and 6) the sewer connections and drainage devices approved in this permit shall occur in these areas, 7) drainage, geologic exploration, landslide and slope repairs as specifically authorized and described in Special Condition 28 of amendment 13 to this permit; and 8) approximately seventeen acres including thirteen acres of habitat in the general area of holes 13 and 18 may be disturbed for landslide remediation as depicted in Exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15. The beach portion, the southern lot line to 20 feet above mean sea level, of Lot G, VTTM 50666 and Lot I, VTTM 50667 shall be open for public recreational use.

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- C. <u>MULTI-USE COMMON OPEN SPACE</u>. Lands offered to be dedicated for habitat, managed fire break, flood control purposes except for trail areas offered to be dedicated in Condition 3 below:
 - (1) The entirety of the following lots within Vesting Tentative Tract Map 50666:

Lot B, Forrestal Draw and Portuguese Bend Club connector Lot C managed fire break.

(2) The entirety of the following lots within Vesting Tentative Tract Map 50667:

Lots A, B, C, for open space, drainage and slope hazards Lot H east end for managed fire break

Public access in the Multi-use Common Open Space areas is limited to the trails shown in Exhibits A and II (of the original approval). Planting and fuel modification shall occur only as indicated in a final approved planting and fuel modification plan required by Special Condition 10. Portions of Lot B, Tract 50666 and Lot C, Tract 50667 identified for habitat restoration in a fully executed HCP shall be restricted to habitat protection and restoration purposes and public utilities only. Said areas shall be identified in maps provided to the Executive Director and the Fish and Wildlife Service. The applicant shall record a depiction of such areas as found in the approved amended HCP along with all other documents that must be recorded prior to issuance of the amended permit A-5-93-005-A-15. The maps shall identify both the areas required for storm drains and dissipation, and the areas to be restored for habitat. The applicant shall provide a timetable for installation of improvements and for subsequent installation of restored habitat. Any disturbance to these areas as a result of drainage repair or public utility installation shall be restored in accordance with the standards of the executed HCP within 60 days of such disturbance. Areas unavoidably disturbed for drainage devices shall be revegetated such that plants are approximately two feet high in two years from the date of completion of rough grading.

D. <u>STREETS, ROADS AND PUBLIC PARKING AREAS.</u> Lands offered to be dedicated for public access purposes.

All streets, roads and public parking areas identified in the Tentative Tract maps 50666 and 50667, including the two public parking lots at the end of *Ocean Trails Drive* (Street A, VTTM 50666), as a new lot in Tract 50666 and Lot E VTTM 50667, and noted on Exhibits 1, 9 and 46 and B of the original approval. The dedication shall be for public street and public street parking purposes. No gates, gate houses or other entry control may constructed on the public streets. The two public parking lots at the end of Ocean Trails Drive (Street A VTTM 50666), and Lot E VTTM 50667 may be entry gated as long

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as exit is possible after the lot is closed. Such lots shall remain open from dawn to dusk as described in Condition 19 below.

The following applies to items A, B, C and D above. All documents shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Public parks in the project shall be open from dawn to no earlier than one hour after sunset.

Streets and trails within the dedicated areas shall be generally as noted on the Public Amenities Plan, Trails and Signage Map of September 26, 1996 revised 1/20/97 (previously noted as Exhibits A, B, 1, II, and 48, 49 and 5A), and shall provide continuous pedestrian access along the bluff top, and where indicated, from the dedicated parks and trails to the sea. In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicant shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted except for the temporary restriction of portions of Lot K and Lot I, Tract 50666 impacted by slide C. including trails A (11), A (12,) A (13), A (6), A (7), and A (18). If, on June 2, 2000, any portion of the above identified areas is still considered hazardous, the applicant shall submit a complete permit amendment application to the Commission which includes both a thorough analysis of these hazardous conditions and review of options to minimize these hazards. The application shall identify an area that provides public access equivalent in time place and manner to the abandoned area. The applicant or its successor interest shall submit these substitute trails or support areas for the review and approval of the Commission. Within 30 days of the Commission's approval of the replacement trails and or support areas, the applicant shall dedicate and improve such substitute trail(s) or support areas as otherwise required by this Condition.

All documents shall be recorded free of prior liens and any other encumbrances which may affect said interest. However, these documents may be recorded subject to any existing or future sewer and utility easement; provided that such easements 1) are underground and 2) do not in the reasonable judgment of the Executive Director materially and adversely effect the purpose of Condition 1 as set forth above and 3) are generally as indicated on Exhibit 5, Map G of Amendment 6 or are in compliance with Condition 11.

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of relevant portions of Condition 1 set forth above, 1) to enter the property, 2) to construct and maintain revegetation areas, 3) to construct temporary construction fences and construction access, 4) to construct, install and maintain benches, water fountains, trails, fences, a bridge, turnarounds, signage, staging areas, low barriers, stairs, view overlooks, safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non-locking swing gates at the

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entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5), and other public improvements including without limitation those improvements described in Condition 1, in the project Coscription, in Conditions 3 and 4 below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, August 28, 1997 and in the Public Amenities Plan Trails and Signage Map of September 26, 1996 (revised 1/20/97), and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use drainage devices, dewatering wells and monitoring wells as recommended by the City geologist provided that the construction and location of such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of Condition 1 as set forth above. Finally, the City may authorize no more than six temporary events per year. including filming events, that close off any portion of the publicly dedicated parking lots and/or parks on the property, subject to all provisions of the certified LCP and the following restrictions: (1) all public parking spaces shall be available to the public on all summer holiday weekends and on the Fourth of July; (2) no more than two such events shall take place in the summer (after Memorial Day and before Labor Day) of any year; (3) no event shall have a duration of more than four (4) days, (4) all events shall leave three accessways from Palos Verdes Drive South to the bluff top corridor open to the public; (5) all of the bluff-top trails and the bluff edge portion of Ocean Trails Park shall remain open to the public, and (6) all events shall retain no fewer than 50 parking spaces open to the public free of charge.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibits 28 (E fee offers), and 30 (E-trails) as adopted in Amendment 6. shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the reasonable judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project for the area encompassed by each such map, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant(s) entire parcel(s) and dedicated lands.

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2. OFFERS TO DEDICATE EASEMENTS PROTECTING OFF-SITE HABITAT ENHANCEMENT CORRIDORS PROPOSED BY THE APPLICANTS

A. OFFER OF EASEMENT OVER RANCHO PALOS VERDES CITY PROPERTY

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicants shall provide evidence in a form and content acceptable to the Executive Director, that the City of Rancho Palos Verdes has executed irrevocable offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for habitat restoration, habitat maintenance, open space, view preservation and habitat protection over the entirety of the property known as the "Switchback", otherwise described as Lots 25 and 26 of Tract 32574, consisting of 46.15 and 48.35 acres, respectively.

The area subject to the easement shall be generally as indicated in Exhibits III, 3, 7 and 10 of the Commission's original approval but excluding any area located within 100 feet of any existing or proposed residential development or within 10 feet of any road.

The easement shall:

- (1) Permit the applicant, its agents, and/or the accepting agency to enter the property, create and maintain habitat, revegetate portions of the area, and fence the revegetated area in order to protect coastal sage scrub habitat.
- (2) Restrict all development, vegetation clearance, fuel modification and grading within the Environmentally Sensitive Habitat open space easement except for six-foot chain link or "three bare wire" fences specifically proposed in the applicant's habitat enhancement plan.
- (3) Permit the Coastal Commission staff to enter and inspect for purposes of determining compliance with this permit.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the exhibits to Amendment 6, complying to the satisfaction of the Executive Director with Exhibits III, 3, 7, and 10 of the Commission's adopted resolution, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of the final

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subdivision map for the project, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall be recorded free of prior liens and encumbrances which 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, and/or the Secretary of the Interior, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

B. OFFER OF EASEMENT OVER LOS ANGELES COUNTY SHORELINE PARK PROPERTY

(1) Prior to the issuance of Coastal Development Permit, the applicants shall provide evidence that co-applicant County of Los Angeles, as landowner of Shoreline Park, has executed and recorded a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for habitat restoration, habitat protection, open space and view preservation over no fewer than 20 (twenty) acres of its land within Shoreline Park.

The area subject to the easement shall be generally as indicated in Exhibits III, 3, 6 and 10, but excluding areas located within 100 feet of any existing or proposed residential development or within 10 feet of any road, or within 10 feet of the existing Twenty-fifth street La Rotonda Connector Trail or the Twenty-fifth street/bluff connector as shown in Exhibits II, III, IV, 45 and 46.

(2) Prior to issuance of the amended coastal development permit A-5-RPV-03-005-A-15, the applicants shall provide evidence that co-applicant City of Rancho Palos Verdes, as landowner of Shoreline Park, has executed and recorded a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for habitat restoration, habitat protection, open space, public access trails and view preservation over no fewer than 20.32 (twenty and a third) acres of its land within Shoreline Park over and above the area previously restricted under subsection (1) above. The area shall be as generally depicted in the draft amended HCP of June 2000, except that no portion of the area shall be located closer than 100 feet from the City boundary. The easement shall include the additional 20.32 acres, the 20 acres described in 2. B (1) above previously restricted by the County of Los

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Angeles, areas necessary to mitigate any road repair and identified in the draft HCP of June 2000, as well as trails otherwise required in permit A-5-RPV-93-005 as amended.

The easement shall:

- (1) Permit the applicant, its agents, and any accepting agency to enter the property, create and maintain habitat, and revegetate portions of the area, and fence the revegetated area in order to protect coastal sage scrub habitat, consistent with the Conditions of this permit.
- (2) Permit the applicant to construct, fence and improve trail connectors between La Rotonda Drive and the project trails and between 25th Street/Palos Verdes Drive West, the bluff edge and the project trails, as needed to replace any trails interrupted by the revegetation. Specifically the connector between 25th Street and the Shoreline Park fire road shall be improved by the applicant consistent with Los Angeles County Department of Parks and Recreation standards.
- (3) Permit the Coastal Commission staff to enter and inspect for purposes of determining compliance with this permit.
- (4) Restrict all development, fuel modification, vegetation clearance and grading within the Environmentally Sensitive Habitat open space easement except for slope repair necessary for any repair, maintenance or reconstruction of Palos Verdes Drive South, and conducted by the City in conformance with an executed HCP, trails protected in this permit, and the six-foot chain link or "three bare wire" fences specifically proposed in the applicant's habitat enhancement plan.
- (5) Protect the beach access trail noted as Beach Access Trail Number 1 in Exhibits III, V, 45, and as visible in Exhibit 51 of the Commission's original approval.
- (6) Protect the existing public access from 25th street through center of property to bluff edge, by construction of a new trail through the fire break between the revegetation area and the eastern boundary, connecting to the Shoreline Park fire road and thence to the bluff edge. (See Exhibits 51 and III of the Commission's original approval)
- (7) Protect and enhance the existing trail along the easterly boundary of the applicant's property Tract 50667 and the westerly park boundary including portions that are located on County property. Said trail connects with the Bluff Edge Trail and the Sewer Line Trail.

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- (8) Protect safe access to and along bluff on Shoreline Park from conjunction of Trails 3.B.6, 3.B.7, and 3.B.9, the Bluff Top Activity Corridor Trails and the Property line/25th Street connector on Tract 50667, except that portions of this trail may be closed during the Gnatcatcher nesting season if the United States Fish and Wildlife Service orders such a seasonal closure in writing in order to protect habitat. Signs indicating alternate routes and the reasons for the closure shall be posted at the entrances to the alternate routes.
- (9) The applicant shall not interfere with public rights that may have existed on the property. At a minimum, trails in Shoreline Park shall be open between dawn and dusk.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit to Amendment 6, complying to the satisfaction of the Executive Director with Exhibits, II, III, IV, 45 and 46 of the Commission's adopted resolution, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of the final subdivision map for the project, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall be recorded free of prior liens and encumbrances which may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, and/or the Secretary of the Interior, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the landowner shall execute and record a document, 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 pedestrian and, where noted, bicycle access and passive recreational use of the corridors described below, but excluding from the offer any portion of a trail within any park area that has already been offered to be dedicated in Condition 1A. The easement areas offered to be dedicated shall include all portions of the following trails noted on Exhibits A, II and 5b of the Commission's original approval) and not already within a park area offered to be dedicated in Condition 1A and found on Exhibit I. Parallel trails may be described in one easement. However, in combined

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adjacent trail dedications, the tread widths of the trails shall not be diminished, the trail separation shall be no less than three (3) feet in width and no less than two feet of landscaped buffer shall be located in the easement, between the trail and any other use. Trail segments combined with golf cart paths are identified in Exhibit 10. In these segments, the proposed dedication shall include the entire width of the proposed golf cart path, and signs, benches, pull-outs and pavement treatment shall give clear indication that the public trail is located on the path.

Prior to recording the easement, the precise location of all trails shall be verified in the field by all interested parties, including parties to court settlements and the United States Fish and Wildlife Service in order to verify that the trail is routed to avoid significant grading, to avoid cliff edge locations where cracks or undermining have occurred, and/or to avoid routes where clearance of identifiable habitat, including, but not limited to, stands of *Opuntia littoralis*, *Dudleya virens* or *Artemesia californica* is necessary in order to survey or construct the trail. Significant relocation of the trail outside the corridor described in the trail description below, deletion or seasonal closure of a trail will require an amendment as noted in Condition 8 below.

- A. The following access corridors located within Vesting Tentative Tract Map 50666:
- (1) Palos Verdes Drive On-Street Bicycle Lane. Class II, high-speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract.
- (2) Ocean Vista Bikeway (Palos Verdes Drive Off-Road Bicycle Trail.) Class I, eight foot-wide off-road bicycle path in twelve-foot wide corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50666.
- (3) Ocean Vista Trail (Palos Verdes Drive South Off-Road Jogging Trail). Class I, four-foot wide soft-footed pedestrian trail in an eight-foot corridor along South side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50666.
- (4) West Portal Bikeway (West End Bicycle Route). Class II, bicycle lane extending along the west side of Street C from Palos Verdes Drive South to the northern boundary of Lot 40, connecting at that point to a Class I, eight foot wide off road bicycle path in twelve foot wide corridor, extending, as mapped, around periphery of residential development, inland of habitat preserve, to Ocean Trails Park (Halfway Point Park), extending across the north side of Ocean Trails Park (Halfway Point Park) to connect with the Bluff Top Corridor Bicycle and Jogging Trail described in 3.A(12). This trail shall cross Forrestal Canyon via a bridge constructed by the applicant and dedicated for that purpose. Portions of this trail located in Ocean Trails Park (Halfway Point Park), as shown on Exhibit 10 may be combined with the golf cart path.

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- (5) West Portal Trail (West End Jogging Trail). Improved public sidewalk extending along west side of Street C from Palos Verdes Drive South to an northern boundary of Lot 40, connecting at that point, by stairs, to a Class I, four foot wide soft footed pedestrian trail in a six foot wide corridor, extending, as mapped, around periphery of residential development to Portuguese Bend Overlook. At the dedicated overlook, the trail connects with handicapped trail number 3.A (16) which is routed inland of the habitat preserve, connecting to Ocean Trails Park (Halfway Point Park.)
- (6) Sunset Trail (Torrance Trail), Beach Access Trail Five (5), State Park standard, four foot wide stabilized, soft-footed pedestrian trail and steps to Beach, Gun Emplacement/Torrance Trail, from the west side of the neck of Halfway Point trending through Lot G, west by north west down the bluff, and then via switch backs to the beach, in a location and manner approved by the Department of Fish and Game (Exhibit 48 and 50) (Trail 2 Exhibit A).
- (7) Sunrise Trail (San Pedro Trail, also identified as Beach Access trail three (3)) Four foot wide, State Park standard, stabilized soft-footed, beach access trail, a bluff-to-beach access trail in the general location of Ocean Trails Park, extending to the ocean from the east side of the Ocean Trails Park. This trail shall be completed along with the golf course improvements and landslide repair approved in Amendment 15. It shall include a view platform with interpretive material about landslides. It shall include lockable swing gates at the top and bottom and warnings that the toe of the slide and other areas are deemed to be in an unsafe natural Condition by the City of Rancho Palos Verdes. The Sunrise Trail shall include railings at potentially dangerous locations, passing areas, and rest stops. (Trail 4 Exhibit A)
- (8) El Portal Bicycle Trail (Street A, Palos Verdes Drive to Halfway Point Bicycle Trail). Class I, eight foot wide off road bicycle path in twelve foot wide corridor along eastern side of relocated Paseo del Mar, (known as Ocean Trails Drive) Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Ocean Trails Park (Halfway Point Park.
- (9) El Portal Sidewalk (Street A, Palos Verdes Drive to Halfway Point) paved sidewalk. Class I, four foot wide pedestrian trail in eight foot wide corridor along eastern side of relocated Paseo del Mar, (known as Ocean Trails Drive Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Ocean Trails Park (Halfway Point Park.)
- (10) Canyon Rim Trail (Forrestal Canyon overlook). Fifteen foot wide all weather fire trail with foot and bicycle access extending from the end of Street E, parallel to the west side of Forrestal Draw connecting with Streets C and D via three foot side pedestrian paths and terminating at Trail 3.A (4).

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- (11) Catalina View Trail (Bluff-Top Corridor Bluff edge pedestrian trail), a two foot wide soft-footed pedestrian trail generally following the present unimproved eighteen inch trail along the bluff edge in Tract 50666, extending from the upper terminus of the Torrance trail, thence around the periphery of Halfway Point, outside of Ocean Trails Park (Halfway Point Park,) connecting to the upper terminus of the San Pedro trail along the top edge of the bluff. Adjacent to the park, the trail shall be generally located inland of and parallel to the 147-foot contour line as shown in Exhibit 7. From the easterly boundary of the publicly dedicated Ocean Trails Park (Halfway Point Park,) the trail shall be routed generally along the edge of the bluff to the tract boundary on the east, connecting with the bluff edge trail in Tract 50667 described in 3B(7) below. In no case will the trail be routed where grading is required, or where cracks or undermining have occurred. In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of Amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more. On Halfway Point, no portion of the trail shall be located below the 145-foot contour line as shown on the maps dated June 24, 1994.
- (12) Catalina View Bikeway (Bluff Top Activity Corridor Bicycle and jogging Trail) Class I, eight-foot wide pedestrian/bicycle trail in a twelve-foot corridor, within the 100-foot minimum bluff top corridor. This trail begins at the end of trail 3.A.12 above in the northeasterly corner of Ocean Trails Park (Halfway Point Park,) and extends north to the western end of La Rotonda Drive. In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more.
- (13) Flying Golfball Trail (Sewer easement trail) Class I, eight foot pedestrian/golf cart/sewer maintenance truck trail in a twelve foot corridor located generally as shown in Exhibit A, generally along the route of landslide scarp C from Halfway Point/J road ocean-ward to the Bluff edge trail generally in the center of Lot 38. (See attached Exhibit B). The upper portion of the loop trail (north of golf course hole number 18) located on the top of the slide scarp may be used by golf carts and maintenance vehicles. The lower portions of the trail located south of the golf hole and not used by golf carts may be improved with a four-foot wide soft-footed tread. Said trail shall be signed and shall be open and available for use by the general public during daylight hours.
- (14) West Bluff Trail (trail 4 (four)) Being a two foot wide soft-footed pedestrian trail extending from the West End jogging and handicapped access trail described in item 3.A (5), above, and 3.A (15) the bluff edge nature trail in the West Bluff Preserve. Said trail shall connect the West End jogging trail to the

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bluff edge, generally in the area located directly east of the West Bluff Passive Park and Preserve area, Lot E, within the western edge of the golf course. The bluff top portions of said wail may be combined with the golf cart trail in a similar location as long as signage and hardscape treatment, amenities and other design features clearly indicate the public's right to access the bluff edge via this trail and the dedication grants the public the right to use the entire width of the applicable portion of the golf cart path. (Trail 1, Exhibit A.)

- (15) West Bluff Trail (West Bluff Passive Park Nature Trail) Being a two foot wide, fenced, soft-footed pedestrian trail as shown in Exhibit B and II extending from the Portuguese Bend Overlook (described in 1.A.2 above) to the upper edge of slide scarp A. From there, the trail splits into two branches. The first branch, which shall not be improved and shall only be opened if the United States Fish and Wildlife Service determines that the effort to conserve habitat on the site has not succeeded, leads down the scarp face to the bluff top and then along the bluff top to Mariposa Lily Point. The second branch, which shall be opened in the first stage of restoration, follows the upper edge of the scarp of landslide A, proceeding along the scarp, connecting with the beach access trail described in Condition 3.A (14) above. Said trail is to be designed in conjunction with the Department of Fish and Game, with low barriers parallel to the trail, staging areas, information signage, and other methods to protect vegetation.
- (16) Park Loop Trail (Halfway Point Handicapped Loop Trail). Being a nine (9) foot wide pedestrian and handicapped accessible trail with a minimum tread width of (5) feet. The trail shall begin at the terminus of Street "A" (J road or Paseo del Mar extension). From the terminus of Street "A", the trail shall follow the easterly side of the parking lot, entering Ocean Trails Park (Halfway Point Park) on the northeasterly corner. From there, the trail shall be constructed within the park, along the park boundary at approximately the 151 foot contour line and then around the entire park periphery connecting with the two walkways leading to the Clubhouse Building. The trail shall proceed on the walkways south of the Clubhouse building and south of the westerly parking lot, then north of golf course Lot 38 and across Lot B, crossing Forrestal Draw via a bridge installed by the applicant. From the bridge, the trail shall extend along the northern edge of golf course Lot 38 then along the northern edge of Lot E, the West Bluff Preserve, within Lot C. The trail shall connect to trails 3.A.4 and 3.A.5 at the Portuguese Bend Overlook improved overlook area and handicapped turn around including no fewer than three benches and three trees and handicapped turn around and with the pedestrian trails required in Conditions 3.A(5), 3.A.(10), 3.A(9), 3.A.(15) and 3.A(17).
- (17) Clubhouse Connector Trails, being the foot trails, stairs, decks and sidewalks shown on Exhibit 8 of permit amendment A-5-RPV-93-005A, and Exhibit 3 of amendment A11 connecting Ocean Trails Park (Halfway Point Park) with two public parking lots located at the terminus of Street "A" including all

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paths or walks necessary for access to the public facilities proposed within the clubhouse.

- (18) Dudleya Trail (Mid bluff Beach Access Trail.) A trail as shown on amendment 9 Exhibit 3, extending from the bluff edge pedestrian trail near the center of the project to beach level at the seaward terminus of the San Pedro Trail. The trail is to be designed in conjunction with the Department of Fish and Game, and shall include information signage, and other methods to protect vegetation as required by the DFG.
- (19) Landslide Bypass Trail. A trail as described in Amendment 13, Exhibit 4, that connects the three Ocean Trails Public Parking lots, via Ocean Trails Drive, along the golf course path located between the 9th and 12th golf holes, and from there, to bluff top corridor trails A (11) and A (12). The entire width of the trail shall be available for foot and bicycle access. If, on June 2, 2000, trails A 11, A 12 and A 13 are restricted from public use in any manner, in addition to the requirements of Special Condition 1, the applicant shall record an offer to dedicate this trail as required in this Condition and any other trails necessary to provide access that is equivalent in time place and manner to the access along the bluff provided by these trails. Said recording shall occur no later than June 1, 2000, unless additional time is granted by the Executive Director for good cause. In no event shall the applicant interfere with public use of this trail until the Executive Director certifies that the entirety of Bluff Top Trails A(11) and (A12) have been repaired and are available to the public, and the project has provided no fewer than five beach access trails.
- **B.** The following Access Corridors located within Vesting Tentative Tract Map 50667:
 - (1) Palos Verdes Drive South on-Street Bicycle Lane Class II, high speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract. (L6-92 117).
 - (2) La Rotonda Bikeway. (La Rotonda Drive On-Street Bicycle Lane). Class II, high speed bicycle lane on both sides of La Rotonda Drive connecting with trail 3.A(12) above through the parking lot and connecting with Palos Verdes Drive South.
 - (3) Ocean Vista Bikeway (Palos Verdes Drive South Off-Road Bicycle Trail). Class I, eight foot wide off road bicycle path in twelve-foot wide corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50667.
 - (4) Ocean Vista Trail (Palos Verdes Drive South Off-Road Jogging Trail.) Class I, four-foot wide pedestrian trail in eight-foot corridor along south side of Palos

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Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50667.

- (5) Prickly Pear Trail (Palos Verdes Drive South Overlook-La Rotonda parking lot connector). Four foot wide pedestrian stairway and switchback trail as shown in Exhibit 10, linking viewing overlooks located on Palos Verdes Drive South west of Lot 35, VTTM 50667, through VTTM 50667 to La Rotonda trail head, road/trail interface. Any stairs necessary shall be constructed by the applicant according to applicable City and State Park standards. Portions of this trail may be combined with a golf cart path.
- (6) Lakeview Trail/Bikeway (La Rotonda knoll edge trail to La Rotonda Point and bluff edge). La Rotonda Drive to La Rotonda Point, four foot wide soft footed pedestrian trail within a six foot wide corridor from Palos Verdes Drive South within Lots A, and H, then following Lot H in switch backs through Lots H and 39 to La Rotonda Overlook, connecting with bluff edge pedestrian trail 3.B (7), as shown on Exhibits B and 5.
- (7) Catalina View Trail, then Sagebrush Walk Trail connecting to South Shores trail within Shoreline Park (Bluff top Corridor Bluff edge pedestrian trail), two foot wide, soft-footed pedestrian trail within a four foot right of way located on the bluff edge from the western tract boundary to the Shoreline Park property line, extending slightly inland at lot G, and veering downslope back to the bluff edge. Said trail shall connect with the trails described in 3.B(6), 3.B(8) and 3B(9). In no case will the trail be routed where a cut or fill greater than one foot of grading is required, or where cracks or undermining have occurred. Portions of this trail east of the connector to trail 3.B (9) below may be subject to seasonal closures at the request of the United States Fish and Wildlife service. In that case, signage, indicating the reasons for closure and alternate beach access routes, shall be posted at each end of the closed trail by the applicant or its successor in interest.
- (8) Switchback Trail (La Rotonda Point beach access), two foot wide soft-footed trail extending from the bluff edge trail west of La Rotonda Point and descending to the beach across Lot I as shown in February 5, 1993 Access Amenities Plan, and Exhibits II and III. (Beach access trail 4 on Exhibit A)
- (9) El Portal Trail (Bluff edge/Knoll shoulder/Twenty fifth street cut-off trail), Existing trail connecting bluff top corridor as shown in Exhibits II, III and 42 generally along Shoreline Park/ VTTM 50667 property line following existing trail along shoulder of knoll to the existing fire road located in Shoreline Park that connects Twenty-fifth Street to the bluff edge (Beach Access Corridor 1, Exhibit IV). Dedication applies to those portions of existing trail that are located within Tract 50667.

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The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Trails within the easements shall be generally as noted on the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), and shall provide continuous pedestrian access along the bluff top, and where indicated, from the dedicated parks and trails to the sea.

The offer to dedicate shall also provide that no development, other than: 1) the construction of trails approved in this permit, 2) fences approved in a coastal development permit, 3) vegetation removal except hand removal of invasive plants, 4) installation of public utilities generally as shown on Amendment 6, Exhibit 5, Map G; 5) the drilling of testing wells and hydraugers generally as shown on Amendment 6, Exhibit 6, Map K and as recommended by the City geologist, 6) slide remediation and drainage control only as specifically authorized in Special Condition 28 of amendment 13 to this permit, as long as such construction, in the reasonable judgment of the Executive Director, does not materially and adversely affect the purposes of Condition 3 as set forth above, 7) safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5). 8) Installation of the sewer connections and drainage devices approved in this permit and other development approved in this permit, and/or 9) landslide remediation as depicted in exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15 shall occur in the trail areas required in this permit and/or shown on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described in this Condition 3 except for repair and maintenance of utility connections as authorized in section 30610(d) of the Coastal Act as further described in Section 13253 of the California Code of Regulations.

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicants or their successors in interest shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted, except for the temporary restriction of trail areas A (6), A (7), A (12) A (11) and A (18) within Slide C. If, on June 2, 2000, any portion of the above-identified trails is still considered hazardous, the applicant shall submit a complete permit application to the Commission which includes a thorough analysis of these hazardous conditions and review of options to minimize these hazards. The application shall identify replacement trail(s) or support areas that provide public access equivalent in time,

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place, and manner of access to the abandoned area. The applicant or its successor interest shall submit these substitute trails for the review and approval of the Commission. Within 30 days of the Commission's approval of the replacement trails and or support areas, the applicant shall dedicate and improve such substitute trail(s) or support areas as required by this Condition.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The recording document shall include legal descriptions of both the applicant(s) entire parcel(s) and describe the easement areas identified above in metes and bounds. However, these documents may be recorded subject to any existing or future sewer and utility easement; provided that such easements 1) are underground and 2) do not materially and adversely affect the purpose of Condition 3 as set forth above and 3) are as generally described on Exhibit 5, Map G, and Exhibit 31 Map F of amendment 6, if such easement has been granted prior to recordation of the documents.

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of the relevant portions of Condition 3 set forth above 1) to enter the property, 2) to carry out revegetation activities and maintain the areas as described in the HCP and Conditions 4 and 8 of this permit, 3) to construct and maintain required trail improvements including without limitation trails described in the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, in the project description, in Condition 1 and in Condition 4 below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, (August 28, 1997) and in the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use drainage devices, dewatering wells, exploratory pits, other remedial measure and monitoring wells as recommended by the City geologist provided that the construction and location of such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of Condition 1 as set forth above.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit 30 of amendment 6, (Exhibit E Trail easement offers), shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the reasonable judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project for the area encompassed by each such map, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading,

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erosion control and installation and/or relocation of underground utilities. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. ACCESS SUPPORT AND IMPROVEMENTS

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall agree in writing to construct the following public access improvements for park and trail purposes. Improvements shall be as described in this Condition, the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) and/or Exhibits 26 and 27 of Amendment A6 except that the locations and the development standards of trails shall be as established by Condition 3 of this permit. Pursuant to this requirement, the applicant shall provide detailed plans of these improvements prior to commencement of construction of the golf clubhouse. The plans shall be accompanied by a schedule of completion for the review and approval of the Executive Director in consultation with any accepting agency. Before construction commences on any park or trail, the applicant shall report any proposed changes to the approved plans to the Executive Director. Any changes that the Executive Director determines to be substantial, including those which unreasonably interrupt or degrade views of the ocean, the bluffs or the beach from public areas or unduly restrict passive recreational use of dedicated areas shall require an amendment to this permit.

The first stage shall be completed to the satisfaction of the Executive Director in consultation with any accepting agency prior to closing off any existing trails. The second stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf clubhouse, with the exception of a limited term non-profit golf school and the temporary 15-hole golf course. The third stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the 18-hole golf course for play. The fourth stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the construction of more than five residential units within Tract 50666 and prior to the occupancy of any residential structures.

A. First stage. The following shall be completed before any fencing contemplated in the executed Habitat Conservation Plan is installed (HCP Phase II): trail improvements, interpretive signs and trail fencing shall be installed and open before any fencing for habitat restoration or other facets of the project interferes with public access which may exist on the property. During construction, the applicant shall not interfere with public use of the trails listed below except as specified in Conditions 1 and 3. The following trails must be provided but may be confined within fenced corridors to prevent individuals from damaging restoration areas. The trail surfaces may be left temporarily as unimproved trails. All the existing trails located in Tract 50667, on Street A, or

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on the golf course within Tract 50666 shall be improved to the standards of the trail improvement plan over their entire length prior to the commencement of play on the 18-hole golf course, (with the exception of a limited term, non-profit golf school.) Before the construction of any residential units in VTTM 50666, Trails A(4) and A(5) must be improved in their entirety to the standards of the trail improvement plan.

Trails found by the Commission to be existing trails include: The entirety of trails noted in Conditions 3 A (5), A (6), A (7), A(9), A(11), the portion of A(15) that follows the slide scarp and trails noted in Conditions 3 B(5), B(6), B(7), B(8), and B(9).

B. Second Stage. CLUB HOUSE PHASE. Park improvements and second stage trail improvements completed as part of Phase III construction.

<u>Drawings</u>. The applicant shall submit construction drawings for the review and approval of the Executive Director of the following park and trail improvements prior to the commencement of construction of the golf club house. Installation shall commence immediately following rough grading operations for the golf course. Prior to opening the 15-hole golf course for play, the applicant shall provide for the review and approval of the Executive Director the revised plans required in Condition 29 of Amendment 15 of this permit.

Completion All trail and park improvements listed below in subsections B(1) and B(2) shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf club house or the 15-hole course to the public. Public access on all trails and parks listed below in subsection B (4) shall be restored prior to the opening the 15 hole golf course for play.

- 1) Park improvements required to be completed before opening of the golf clubhouse (second stage):
 - a) Ocean Trails Park (Halfway Point Park), Mini park located on Halfway Point, including seating; the 45 car, parking lot east of the park, "J Road", picnic area, public parking along Paseo del Mar,
 - b) Ocean Trails Drive ("J" road, Street A,) as far as Ocean Trails Park (Halfway Point Park), including public parking areas on J road.
 - c) No fewer than six view overlooks including 3 within the bluff top corridor as shown on the Public Access Amenity Plan of 1996 (updated 1997) between Ocean Trails Park (Halfway Point Park) and the East Bluff Preserve. All overlooks shall include seating but shall not require the grading or construction of pads or the use of

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heavy equipment for construction.

- d) Habital and golf course safety fencing as approved according to Conditions 6 and 7, below.
- e) Temporary bridge over Forrestal Draw, as approved by the resource agencies serving trail 3(A)5.
- f) Parking lot for 50 cars and comfort station on Lot E VTTM 50667.
- g) In Portuguese Bend Overlook improvements, that is the overlook adjacent to West Bluff preserve in fuel management area adjacent to property line, benches, no fewer than three trees or other shade and a turnaround.
- h) Completion of East Vista Park complete with water fountain, benches, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
- i) Completion of Ocean Trails Drive ("J" road or Paseo del Mar) parking area, located to the west of the golf clubhouse.
- 2) Trail improvements required to be completed before opening of the golf clubhouse (second stage):

Trails required in Conditions 3, A (8) (except approximate 200 feet of the trail adjacent to East Vista Park, which shall be completed by October 15, 1999), A (16), A (17) A (18), and A (19) and also 3 B (2). All portions of trails 3 A(6); A(8), A(9), A(11) A(12), and A(13) that lie outside the slide area as mapped in amendment A13.

3) Trail plans required for approval second stage.

The applicant shall provide to the Executive Director final trail designs approved by the City of Rancho Palos Verdes for the following stage 4 trails before June 30, 1999: 3 A (1), A (2), A (3), A (5); 3 B (1), B (3), and B (4). The Director must review and approve the plans before authorizing the opening the golf clubhouse to the public.

- 4) Parks and Trails required to be <u>open to the public</u> before opening the 15 hole golf course for play:
- All trails in Tract 50667 and Shoreline Park except for the three trails paralleling Palos Verdes Drive South;

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- All portions of the bluff top trails (3 A (11), (12) and 3B(7) located outside the area authorized for grading for landslide repair (Exhibit 5 of Amendment A 15);
- The beach access trails identified as 3.B (5) Prickly Pear Trail and 3.A (6) Sunset Trail;
- A portion of the park loop trail 3.A (16) along on the western side of Ocean Trails Park and adjacent to holes 10 and 11 sufficient to connect the clubhouse to the Sunset Trail as shown on Exhibit 26 of Amendment 15; and west of Ocean Trails Park, sufficient to connect with the west end bluff edge Trails and the Portuguese Bend Overlook;
- Bluff top portions of three West bluff trails; 3.A (5) at overlook, 3.A(14) A (15), connecting to 3.A (16);
- Temporary Trail A (19), and
- East Vista Park, both clubhouse public parking areas.
- C. Third Stage. All trail and park improvements listed below in subsections C (1) and C (2) shall be completed, inspected by the City and accepted by the City or other accepting agency before opening the golf course for play. However, the Executive Director may authorize a temporary golf school and/or a 15-hole golf course upon verification that all Stage 2 trails and temporary trails noted in subsection B (4) above are open to the public. Revised trail plans and park plans shall be submitted as part of any plan for grading or golf course reconstruction. Said plans shall be consistent with Conditions 1 and 3, and shall provide access to the beach and to and along the top of the bluff in Tract 50666 and from trail A (7) to the eastern tract boundary of VTTM 50667. Pursuant to this requirement, the applicant shall submit evidence for the review and approval of the Executive Director of its compliance with all requirements concerning trail and habitat completion outlined above in sections A, B, in this section C and also in condition 8 of this permit. If the Executive Director determines that such facilities are completed and open as required in its permit. he or she shall authorize opening of the 18-hole golf course.
 - 1) Park improvements required to be completed prior to opening of the 18-hole golf course for play (third stage):
 - a) Ocean Trails Park (Halfway Point Park), as shown on the materials submitted with Amendment 1 (A-5-RPV-93-005A) of this permit, sheet 3 and 3a of the Public Amenities and Coastal Access program as revised, August 28, 1997 with additional public seating and tables in locations approved by the City of Rancho Palos Verdes, as shown on Exhibits 26 and 27 of Amendment A6 including the 45 car parking lot east of the park, the shared golf and public parking lot west of the park, Ocean Trails Drive, picnic area, public parking along Ocean

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Trails Drive. The park shall adequately be set back from the bluff edge to (1) adequately provide for public safety and (2) to safely accommodate trail A (11) along the edge of Halfway Point.

- b) Habitat and golf course safety fencing as approved according to Conditions 6 and 7, below.
- c) Landslide and rockfall signage.
- d) Any other replacement park areas required according to Conditions 1 and 3 above.
- 2) Trail improvements required to be completed prior to the opening of the golf course for play (third stage):

The entire length of trails required in Conditions 3 A (6), A (7), A(8), A(9), A (11), A(12), A(13) A (16), A (17) and A (18) within Ocean Trails Park (Halfway Point Park) and 3 B (2), or if certain trails remain impassable, trail A19, a new A7 and any other replacement trails required according to Condition 3 above, or relocated consistent with Condition 29 below.

3) Mitigation of Damage to State Lands.

Within four months of the Commission's approval of this Amendment 15, unless additional time is granted by the Executive Director for good cause, the applicant shall submit for the review of the State Lands Commission a study plan for a biological survey of the areas affected by the landslide. Such survey shall, in conjunction with the 1997 and 1999 surveys, reassess the condition of the biological resources affected by the landslide, the nature and extent of the ecosystem presently functioning at the site and provide recommended mitigation measures to enhance existing resources on- or off-site, or reestablish historic biological resources at the site, with a schedule of implementation of such measures. Upon acceptance of the study plan by the State Lands Commission, the applicant shall apply to the Coastal Commission for an amendment to this permit for the Commission's review and approval of the mitigation measures recommended in the plan.

4) Prior to opening of the 18-hole golf course for play, the applicant shall provide evidence for the review and approval of the Executive Director that the study provided in 4. C (3) has been completed and submitted to the agencies outlined below; a mitigation plan developed by the applicant has been submitted to the State Lands Commission, and, finally, the applicant has agreed in writing to implement the identified mitigation measures pursuant to the schedule set forth in the plan. The following agencies may have jurisdiction over the implementation of such a proposal and shall be invited to

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review both the study and the mitigation plan: the National Marine Fisheries Services, the Fish and Wildlife Service, the United States Army Corps of Engineers and the Department of Fish and Game.

D. Fourth Stage. Residential lots Tract 50666. Before the applicant may begin grading of the residential lots of Tract 50666, the applicant shall submit for the review and approval of the Executive Director, working drawings for the following park and trail improvements.

Installation of these improvements shall commence no later than the commencement of residential grading for Tract 50666, and shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the construction of more than five (5) model homes within Tract 50666. In no event, shall any of the residential lots within Tract 50666 be occupied prior to the acceptance of the trails by the accepting agency or prior to the satisfactory completion of the required improvements.

- Park improvements required to be completed, inspected by the City and accepted by the City or other accepting agency and open to the public prior to construction of more than five model homes in Tract 50666 (fourth stage).
 - a) View Overlook at the head of Forrestal Canyon.
 - b) Completion of Sunset Point Park (West Vista Park or Palos Verdes Drive Park) complete with water fountain, benches, picnic tables, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
 - c) All remaining trails, amenities, and facilities outlined in the Public Access and Amenities Plan of February 5, 1993 as modified by the Conditions of this permit, the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), or otherwise required in the Conditions above.
- (2) Trails and other improvements required to be completed, inspected by the City and accepted by the City or other accepting agency and open to the public prior to construction of more than five model homes in Tract 50666 (fourth stage). The applicant shall complete the improvement of the trails noted below consistent with the standards of the approved trail plan.
- a) Trails identified in Conditions 3 A (1), A (2), A (3), A(4), A (5), A(10), A(14); the permanent bridge over Forrestal Canyon trail, A (17) west of

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the bridge and trails 3 B (1), B(3), B(4).

(3) Prior to occupancy of any residential unit in Tract 50666, the applicant shall provide evidence for the review and approval of the Executive Director that the mitigation measures identified in the plan for offshore damage required in subsections C (3) and C (4) above have been undertaken, and are complete or, in the case of approved mitigation measures that extend over a number of years (long-term mitigation measures), that the applicant has entered into an enforceable agreement with the State Land Commission to assure completion of any long-term mitigation measures.

Trail improvements shall be carried out in accordance with a detailed trail improvement plan approved by the Executive Director, in substantial conformance with the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) as modified by the Conditions of this permit. If there are any discrepancies between the trail plan and the requirements of the adopted Conditions, the requirements of the Conditions shall control. Said plan shall include (a) designated parking, (b) interpretive signs, (c) fencing of habitat and construction areas, (d) erosion control and footpath control plantings (such as cactus adjacent to sensitive areas), (e) steps, where necessary.

5. FENCES, SAFETY NETS AND BOUNDARIES.

Prior to issuance of the permit or the construction of any fences authorized by Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide complete plans showing the location of all fences, nets, safety devices and boundary treatments for the review and approval of the Executive Director. Said plans shall have received prior review and approval by the City of Rancho Palos Verdes, the California Department of Fish and Game and the United States Fish and Wildlife Service. Such fences and nets shall be as generally indicated on Exhibit VI or in the applicant's letter of January 14, 1997. The location, design and height of all fences, nets, and hedges shall be shown, and, in the event of vegetative boundaries, the materials shall be specified. The plans shall also have received review and comment from the golf course operator and its insurance or safety consultant.

The following boundary treatments or fences may be approved by the Executive Director in the following locations, providing that they do not block or diminish access and recreation as required in Conditions 1-4 above:

- A. Within recreation areas, adjacent to steep slopes, adjacent to golf course roughs:
 - (1) Coastal prickly pear (Opuntia littoralis) or coastal cholla (Opuntia prolifera) barriers.

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- (2) Split rail fences 40 inches in height or less, with plastic coated chain link in the lower 18-20 inches.
 - (3) Three wire barbless wire fences.
- B. During construction, areas in which grading will occur shall be fenced with:
 - (1) Six-foot high chain link construction fences, with wildlife escape holes as may be required by the Department of Fish and Game.
- C. Approved revegetation areas:
 - (1) Six-foot high black or green covered plastic chain link fencing provided such fences do not include footings on the face or edge of the coastal bluff.
 - (2) Three-wire barbless wire fences.
- D. Along the western tract boundary with the Portuguese Bend Club: (Lot D Tract 50666)
 - (1) A six foot high wooden fence or block wall, consistent with City view impact requirements, as long as it is located at the property line and is no more than 605 feet in length beginning at the Palos Verdes Drive South right-of-way.

All changes to the approved plans shall be reported to the Executive Director. Any changes the Executive Director determines to be substantial, including those listed below, shall require an amendment to this permit:

- (1) Wrought iron or wire cages surrounding trails.
- (2) Any netting or wire link fences with holes smaller than commercial chain link.
- (3) Any fence over six feet in height.
- (4) Any fence that would arch over the heads of pedestrians on an approved pedestrian path.

The Executive Director shall not accept an amendment request for which the design, materials and location of the proposed barrier is inconsistent with the public access, view and habitat requirements of this permit.

6. ACCESS AND HABITAT MANAGEMENT AND MAINTENANCE

Prior to issuance of the coastal development permit the applicants shall provide for the review and approval by the Coastal Commission an access and habitat management and maintenance program:

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- A. Funding Program. The program shall include a long term funding program, which will provide for the actual cost of both:
 - (1) park maintenance and periodic repair and replacement of landscaping, restrooms, trails, fences and benches and other facilities; and,
 - (2) on-going habitat protection and restoration including a) on-site supervision of trail and habitat areas by resident Qualified Naturalist, operation of interpretive signs and displays, facility, funding of public outreach programs, including youth education and docent program, and b) maintenance of drainage systems, oil separators and other devices required to protect habitat in nearby ocean waters and tide pools.
- **B. Maintenance**. The program shall include the legal authority and other provisions to maintain all habitat and public access areas to the standards required in this coastal development permit, and to maintain all drainage and water quality protection systems proposed by the applicant to protect the habitat of ocean waters and tide pools.

7. DEED RESTRICTIONS.

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall record a deed restriction, subject to the review and approval of the Executive Director that shall apply to lots 1-31 VTTM 50666, Lots 1-37 Vesting Tentative Tract Map 50667, and all parcels created by Parcel Map numbers 20970 and 23004. The deed restriction shall be recorded on each lot created in the above tract and parcel maps when such lots are recorded. The deed restriction shall provide:

- A. The obligation to complete the habitat, trail and park improvements as required in Conditions 4 and 8 prior to final grading of individual lots or the construction of more than five "model homes" in Tract 50666 or the occupancy of any residential structures.
- B. The requirements for habitat and public access required in Conditions of this coastal development permit.
- C. Notice of the public's right to park on and pass through the streets of this subdivision.
- D. Notice of the land owners' obligations with respect to maintaining the parks and trails and habitat areas and fire breaks required in this permit, including but not limited to the obligation to contribute each owner's fair and reasonable share of the costs of the maintenance of the area, the obligation to participate in special district(s) or associations organized to collect funds and carry out maintenance of the areas and the right of the district/and or accepting agency to manage and maintain the area in accordance with the terms and conditions of

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this coastal development permit. Nothing in this restriction imposes the obligation on a homeowner to personally work on the streets, parks or habitat areas.

- E. Notice of the land owners' obligations with respect to maintaining drainage systems, oil separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools, including but not limited to the obligation to contribute each owner's fair and reasonable share of the costs of the maintenance of the drainage systems oil separators or other devices, the obligation to participate in special district(s) or associations organized to collect funds and carry out maintenance of the drainage systems oil separators or other devices and the right of the district/and or accepting agency to manage and maintain the drainage systems oil separators or other devices in accordance with the terms and conditions of this coastal development permit. Nothing in this restriction imposes the obligation on a homeowner to personally clean the streets or drainage devices.
- F. A restriction on the use of invasive, non-native plants, as listed below in the landscaping Condition 10. A list of such plants approved by the on-site habitat manager shall be provided for the review and approval of the Executive Director prior to recording.
- G. A further restriction indicating that no development, other than development approved in this permit shall occur in the park areas indicated in Condition 1A and the trail areas shown in Exhibits II, 42 and 43 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described above.
- H. A restriction on Lots 38 of VTTM 50666 and Lot 39 of VTTM 50667, describing a public access program for the improved golf cart paths. Said trails shall be signed and identified as public and shall be open and available for pedestrian use by the general public during non-golfing daylight hours.
- I. Notice that all covenants and agreements between the applicants and or successors in interest their agents and with the City or private maintenance companies or other entities that affect the streets, parking lots, parks habitat areas and trails required in this permit are subject to the terms and conditions of this permit. Nothing in this restriction imposes the obligation on a homeowner to personally work on the streets parks, habitat areas, or drainage systems. 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 with evidence of such consistency prior to their execution.

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The documents shall be recorded free of prior liens or other encumbrances. The restrictions shall run with the land in favor of the People of the State of California, binding all successors and assigns. The recorded document shall include legal descriptions of the applicant(s) entire parcel(s), the easement area(s), and the legal lots subject to these obligations.

8. CONFORMANCE WITH THE REQUIREMENTS OF THE RESOURCE AGENCIES WITH RESPECT TO THREATENED, RARE OR ENDANGERED SPECIES.

A. Documentation. Prior to issuance of the coastal development permit, the applicant shall provide fully executed agreements with the Department of Fish and Game and the United States Army Corps of Engineers and the United States Fish and Wildlife Service addressing each party's responsibilities with respect to preservation of habitat and streams.

Pursuant to this condition, the applicant shall provide true and accurate copies of: 1) all agreements between the applicants and the above noted public agencies and the landowners of the off-site mitigation areas, 2) a detailed schedule that has been approved by the United States Fish and Wildlife Service and the California Department of Fish and Game and that identifies when the revegetation plans required by the Habitat Conservation Plan (HCP) will be completed and implemented ("revegetation schedule"), 3) any and all proposed restrictions on public access, 4) all evidentiary material which the applicant or the agencies relied on to come to their conclusions, 5) a grading plan consistent with the Habitat Conservation Plan, and 6) an agreement in writing to complete and implement all revegetation plans consistent with the approved revegetation schedule and the phasing program listed in subsection D below;

- B. Inconsistencies and changes. Any change, refinement or inconsistency between the final contracts and executed agreements and the Habitat Enhancement Plan as approved by the Commission will require an amendment to this permit. The Executive Director shall not accept any amendment request including reduction of public access and recreation mandated by the resource agencies in the areas identified for public use in this permit without the provision of equivalent additional access and recreation elsewhere on the property.
- C. Execution. The applicant shall provide the Executive Director with required revegetation plans at the time identified in the approved revegetation schedule. Each revegetation plan submitted for the review and approval of the Executive Director must have been approved by the U. S. Fish and Wildlife Service and the California Department of Fish and Game. All revegetation plans must be submitted to the Executive Director before the golf course opens for play. All habitat areas shall conform to the standards contained in the executed HCP and the detailed revegetation plans.

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D. Schedule

- (1) Phase I. For a period of no less than one year prior to the commencement of grading, the applicants shall collect seeds and cuttings from the project area to support the revegetation program.
- (2) Phase II. At the commencement of revegetation, the applicant shall provide alternate trail access as noted in stage one of Condition 4, above, fence the areas to be revegetated, prepare the site, and install the initial plants. The applicant shall create coastal sage scrub habitat, using as far as possible, plants native to the area.
- (3) Phase III. Schedule (HCP Phase I grading). When the Executive Director verifies that revegetation has begun and the Department of Fish and Game and or the United States Fish and Wildlife Service releases the applicant for the golf course grading, consistent with the approved final Habitat Conservation Plan, (HCP) the applicant may begin grading the golf course (Lots 38 and 39), Ocean Trails Park (Halfway Point Park) and the Ocean Trails Drive ("J road" or Paseo del Mar). The applicant may grade and stockpile on the clubhouse and clubhouse parking areas, and the westernmost tier of lots of Tract 50666. No finish grading of residential lots may occur. Applicant may also begin constructing the second stage of trail and access improvements, and the lots on VTTM 50667. At the completion of grading of the golf course, the applicant shall complete installation of the park improvements noted above as stage B in Condition 4.
- (4) Phase IV. (Golf Club House) Finish grading for the golf club house parcel and 150-car westerly parking lot shall commence only after the United States Fish and Wildlife Service and the Department of Fish and Game have certified to the Executive Director that restoration of habitat in the onsite restoration areas has commenced according to the standards of the HCP.

Construction of the golf club house shall not commence until the Executive Director has approved plans and construction drawings for all parks and trails and these plans and construction drawings, with the exception of Palos Verdes Drive--West Vista Park and Palos Verdes Drive East Vista Park (Lot A Tract 50666 and Lot D, Tract 50667), have also received final review and approval from the City of Rancho Palos Verdes. Prior to beginning construction of the clubhouse, the applicant shall also complete the bluff top pedestrian trail (identified as trails 3A11 and 3B7) and coastal access trail (La Rotonda Bluff to Beach trail) 3B(8), and begin construction on Trail 3A(6), the Torrance Trail.

(5) Phase V. Complete restoration of Phase II and IV grading (the golf course and club house impacts) shall occur, and all agreements required in section 7

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below shall be executed, consistent with procedures set forth in sections A, B and C above, and all habitat required as a result of subsection 7 of this Condition or the amended HCP shall have been installed and shall have established consistent with the standards of the revised HCP before the 18-hole golf course may be opened for play. Complete restoration of Phase II and IV residential lot) impacts shall occur before individual lots receive final grading approval. Grading of the residential lots, roads and trail areas in Vesting Tentative Tract Map 50666 shall commence as specified in Condition 4 and only after the United States Fish and Wildlife Service and the Department of Fish and Game have certified to the Executive Director that:

- (a) the restored habitat in the onsite restoration areas noted above with the exception of landslide area restoration required in subsection 7 below, is of sufficient maturity to supply food and cover and nest areas for Gnatcatchers and cactus wrens and other coastal sage scrub dependent species and
- (b) That the vegetation on all off-site restoration areas required by the resource agencies is established according to all final executed agreements and the final habitat conservation plans (HCP) and that the Gnatcatcher and the Cactus wren and other species dependent on coastal sage scrub could, in the future, be permanently provided with food cover and nesting areas on the restored areas.

Prior to commencement of construction of any residential units in Tracts 50667 and 50666 except for five (5) model homes, the applicant, irrespective of the status of any approval for golf course repair, shall provide evidence that it has (1) identified areas for on and off-site restoration of landslide damage to habitat; (2) secured long term control of any off-site property for purposes of restoration and (3) commenced planting on-site mitigation areas in acreage required by sub-Section 7 of this Condition.

(6) Additional Willow Mitigation Area required by Resource Agencies.

Prior to issuance of Amendment 11 of this coastal development permit, the applicant shall submit revised plans identifying such replacement area and agree to install said mitigation, in the following quantities and timetable:

a) Tract 50667 and golf course. The applicant shall install no less than 435 square feet of additional willow area as required by the ACOE and the Department of Fish and Game, prior to the opening of the golf course for play.

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- b) Tract 50666. The applicant shall provide to the Executive Director all communications from the ACOE, the US Fish and Wildlife Service and/or the Department of Fish and Game concerning the required mitigation and such mitigation shall be installed prior to the construction of more than five residential units in Tract 50666.
- (7) Mitigation for Landslide, and Landslide Exploration and Repair. Prior to issuance of Amendment A-5-RPV-93-005-A-15/16 for landslide remediation the applicant shall provide a revised HCP, signed by the applicant, the Department of Fish and Game and the City of Rancho Palos Verdes, and evidence acceptable to the Executive Director that such HCP has been published in the Federal Register. Prior to issuance of Amendment A-5-RPV-93-005-A-15 and A16, the applicant shall also agree in writing that no work will be done outside the limits of grading for the previously-approved winterization, as shown on Exhibit A, until the applicant has provided a fully executed revised HCP. Allowable landslide work prior to execution of the HCP includes shear pin installation and the construction of the associated haul roads and staging areas within the disturbed area. Such work does not include excavation of the slide block for purposes of installation of the MSE wall. The HCP and related materials provided by the applicant shall include::
 - a. The locations and types of on-site habitat restoration or enhancement required by the resource agencies. All restored habitat removed from revegetation areas by grading shall be reestablished on-site at no less than a 1:1 ratio irrespective of any off-site requirements that might also be imposed by the resource agencies. All previously undisturbed habitat removed by grading activities shall be restored on site at a 3:1 basis.
 - b. An analysis of the depth of saturation caused by drip irrigation. Said information shall be provided for all property owners of off-site areas.
 - c. The location and amounts of any off-site habitat restoration required by the Resources Agencies. Such off-site restoration plan shall be accompanied by an irrevocable agreement with the property owners indicating intent to allow use of the property involved for long term habitat restoration purposes.
 - d. An estimate of the length of time that will be necessary for the coverage and maturity of habitat required by the resource agencies to establish.
 - e. An agreement that failing approval of golf course repair, the applicant will proceed to re-establish on-site mitigation areas in the

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quality and acreage required by this permit by October 1, 2000.

- f. A written agreement stating that if recurring landslide activity makes re-installation or maintenance of the required ten acres of coastal sage scrub habitat on the landslide block infeasible, the applicant will notify the Executive Director and the resource agencies within 60 days of such occurrence. Unless the resource agencies identify another location, the applicant shall restore no fewer than twenty acres in CSS or enhance no fewer than thirty acres of currently degraded habitat on the Switchback.
- g. A schedule of completion that includes the schedule for installation of any drainage facilities or public construction in the on-site canyons.

9. GRADING PLANS AND STANDARDS.

- Prior to issuance of the coastal development permit, the applicant shall Α. provide for the review and approval of the Executive Director, final engineered grading plans for the golf course and Tract 50667 and preliminary grading plans for the clubhouse and Tract 50666. Prior to beginning preliminary grading for Tract 50666, the applicant shall provide for the review and approval of the Executive Director, final engineered grading plans including working drawings for Tract 50666. The applicant shall also agree, in writing, to abide by said plans. The plans shall have received preliminary review by the project geologist and the City engineer and the City geologist. Grading plans shall conform to the phasing requirements of the executed HCP habitat plan noted above; stockpiling shall occur only as provided in the HCP stockpiling provision and Condition 8 above. Grading plans shall substantially conform to the preliminary plans approved by the City of Rancho Palos Verdes for Vesting Tentative Tract Map No 50666 and 50667 as shown in the EIR. Any changes in the plans required on the basis of new geologic information, including major recompaction or reconstructive grading shall be reported to the Executive Director of the Commission before the changes are carried out. If the changes represent a substantive change in the plans or grading quantities as approved by the Commission, an amendment to this coastal development permit will be required.
- B. All final design and construction plans for landslide remediation approved in Coastal Development Permit Amendment A-5-RPV-93-005-A15, including but not limited to plans for shear pin installation, drainage, wall construction, earthwork, stockpiling, phasing of construction, shall be consistent with all recommendations contained in Sections 5, 6, 7, and 8 of the report entitled "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, as modified by any revised plans required as a result of the Commission's actions on Amendment 15. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the

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Executive Director's review and approval, a schedule of plan review and approval. that has been approved by the City of Rancho Palos Verdes and final plans for shear pin installation. The applicant may submit engineered final plans for the remaining work in two additional phases separately, as long as all such plans are provided no less than four months after the issuance of the amended permit. The phases are (1) the MSE wall, and (2) the lake reconstruction, Ocean Trails Park, final trails, landscaping and revegetation work. Prior to authorization of any phase of work, including, but not limited to, the commencement of installation of shear pins, the applicant shall provide, for the Executive Director's review and written approval, detailed final grading, drainage, erosion control and stockpiling plans for that phase consistent with the June 9, 2000 Geotechnical report cited above. Said plans shall be accompanied by: (a) evidence that an appropriate licensed professional and the City of Rancho Palos Verdes have reviewed and approved the final design and construction plans for that phase and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site. No work may commence on any phase of work until the applicant receives written authorization for that phase from the Executive Director.

The final grading plans agreed to by the applicant shall include:

- (1).Grading limits. No grading, stockpiling or earth moving with heavy equipment shall occur within the dedicated open space areas (corridors) noted in Condition 1 above, with the exception of: a) landslide remediation as depicted in Exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15 and as previously approved. Grading limits shall be consistent with Exhibit 5 of Amendment 15 of this permit and Exhibit 7 of the EIR appendix; and other previously granted exceptions, including Ocean Trails Park (Halfway Point Park,) within the bicycle trails, within the the 0.30 acre fill slope area adjacent to the 18th tee and the 0.13 acre fill slope area adjacent to the 18th hole; within drainage, utility and sewer, easements shown on Exhibit 5 (Map G of Amendment 6) and hydrauger, and groundwater testing well easements shown on Exhibit 6 (Map K) of Amendment 6. Except as modified by this amendment, the 0.30 acre and the 0.13 acre fill slope areas which encroach within Lot K shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, as modified in the map submitted in Amendment 4 and dated June 20, 1996. Bluff edge pedestrian trails shall be constructed with hand-tools where environmental damage could occur. The areas in which no grading is to occur are generally described as the habitat easement and revegetation areas.
- (2) Disposal of excess material. Any excess material resulting from grading or site preparation to be deposited within the coastal zone shall be

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disposed of in accordance with an approved coastal development permit. No excess material shall be dumped over the bluff or placed on the beach, or on any protected habitat or restoration areas.

- (3). Equipment storage. No grading equipment shall be stored within any habitat area, or within open space easement area, with the exception of the 45-car public parking lot adjacent to Ocean Trails Park if such spaces are replaced with public recreation-only parking within the restaurant golf course/public lot. With the exception of areas within the landslide remediation project as shown on Exhibit 5 of Amendment 15 of this permit, no grading equipment shall be stored within 30 feet of the coastal bluff.
- (4) Timing. Grading shall occur consistent with the timing restrictions contained in Special Condition 8D. No grading may occur during the nesting season of the California Gnatcatcher, or otherwise as restricted in the final executed Habitat Conservation Plan (HCP). In the event of conflict between this timing Condition 9D and the executed HCP, the HCP shall prevail.
- C. The permittee shall undertake development authorized in Amendment 15 in accordance with the approved final plans. Any proposed changes to the approved final plans or phases of construction 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.

10. <u>TEMPORARY EROSION CONTROL, HABITAT PROTECTION AND FINAL</u> LANDSCAPING PLANS.

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall submit for review and approval by the Executive Director and agree in writing to abide by habitat protection, revegetation, landscaping and erosion control plans for parks, trail corridors, common open space, graded and disturbed areas, and the golf course. All landscape plans, including habitat restoration, temporary stabilization, park rehabilitation, golf course roughs, fuel modification and drainage course revegetation shall employ native plants that are Palos Verdes Peninsula Bluff Scrub plants, and Palos Verdes Peninsula Coastal Sage Scrub plants obtained, to the maximum practicable extent, from seed and vegetative sources on the Palos Verdes Peninsula. Turf areas shall be permitted, but invasive grasses or annual grasses incompatible with revegetation shall not be employed for temporary stabilization or in areas, which in the opinion of the enhancement monitor, could form a seed bank that would affect the restored areas.

A. <u>Erosion and siltation control</u>. Prior to the commencement of grading on each tract, the golf course, and prior to the landslide repair permitted in Amendment 15, 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 15 of each

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year of construction, the applicant shall provide to both the City and the Executive Director for their joint review and approval, interim erosion and sediment control plans that will prevent all 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 unless removed to an appropriate approved dumping 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, tide pools and habitat areas. This shall include erosion due to on- and off-site drainage or release of water, 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 the 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. Materials used shall be consistent with the HCP requirements concerning the introduction of weedy plant species. The applicant shall also provide containment methods to prevent man made debris and/or chemicals from slope stabilization from entering the tidepools or the offshore waters.
- Following construction, 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.
- 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

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materials, or access to onsite supplies including unit costs and specifications for adequate storage capabilities.

- 7. A plan for landscaping, consistent with section B below.
- 8. Limitations on grading activities during the rainy season, from November 1 to March 31 of each year, wherein grading may only occur in increments as determined by the City Engineer. Should grading take place during the rainy season (November 1 March 31), 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 construction season, including graded pads, shall be stabilized in advance of the rainy season.
- B. <u>Landscape plans</u>. Prior to submittal of landscape plans, and temporary erosion control plans, the applicant shall obtain the review and comments of the California Native Plant Society, the Department of Fish and Game and the United States Fish and Wildlife Service. The Executive Director shall approve plans that are consistent with the objectives of the executed Habitat Conservation Plan.

The final plans agreed to by the applicant shall incorporate the following criteria:

A. All graded areas on the subject site shall be planted and maintained to protect habitat and to prevent erosion into intertidal areas, the coastal bluffs and revegetation areas. To enhance habitat, on commonly owned lots and on golf course roughs, landscaping shall consist of Coastal Sage Scrub and Coastal Bluff Scrub plants native to the Rancho Palos Verdes community that have been listed in the EIR and by the Native Plant Society in their comments on the EIR. Invasive, non-indigenous plant species which tend to supplant native species shall not be used either on the bluff, on the roadway lots, on the golf course, on commonly owned, or on the individual lots. Available lists of invasive plants are found in communications from the Native Plant Society to the City of Rancho Palos Verdes and in the California Native Plant Society. Santa Monica Mountains Chapter, document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992. Additional invasive plants may be identified by the Executive Director on the basis of comments from the Department of Fish and Game, the Fish and Wildlife Service or the California Native Plant Society. None of the plants included on the official list of "Prohibited Invasive Ornamental Plants" or "Weedy Plants to be Eradicated" shall be introduced into any portion the project site. These lists, approved by the resource agencies, shall remain available for public consultation at the California Coastal Commission, the City of Rancho Palos Verdes, or from on-

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site naturalist for the Ocean Trails Project. Additions to or deletions from these lists may be made by the Executive Director of the California Coastal Commission after consultation with the project's restoration ecologist and the resource agencies.

- B. All areas disturbed by grading, including areas graded or disturbed in Amendment 15 of this permit, shall be initially stabilized with plant species consistent with the specifications of the amended HCP or if the HCP does not apply, section A above, immediately upon completion of grading operations of that area. The timing of revegetation efforts shall be as indicated in the revised HCP.
- C. All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, and on the completion of final grading, and/or, if the Executive Director determines that grading has stopped and that the interruption of grading will extend into the rainy season. Fill placed for landslide remediation shall be covered with the clay cap and topsoil as shown in the plans and replanted immediately upon completion of grading, consistent with the HCP and the approved tract landscape plan. Planting should be of primarily native plant species indigenous to the Palos Verdes Peninsula. Non-native plants used for stabilization shall not be invasive or persistent species. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all unsurfaced roads and pads;
- D. The landscaping and erosion control plan shall identify the location of the temporary construction fence noted in the Habitat Conservation Plan, and in the amended Habitat Conservation Plan. In addition to the fencing required in the executed Habitat Conservation Plan, construction fencing shall be placed no less than 20 feet inland of the edge of Bluff Top Activity Corridors and dedicated Habitat Restoration Areas (Passive Parks) before the commencement of grading operations, except in those locations where grading has been approved within the Bluff Top Activity Corridor or where the toe of the approved grading is located less than twenty (20) feet landward of the Bluff Top Activity Corridor or the Bluff top Revegetation Corridor, the construction fence shall be placed at the seaward toe of the approved cut or fill slope. This does not authorize development within the Bluff Top Activity Corridor or in the Bluff top Revegetation Corridor, except the two incursions specifically permitted by the Commission in its second amendment to this permit and by the approved landslide repair approved in Amendment 15.
- E. While grading may occur within the landslide repair area, noted as Exhibit 5 of Amendment 15 of this permit, prior to the commencement of any grading, the applicant shall place clearly visible security construction fences at the edges of all habitat areas at the boundary of the disturbed area noted in Exhibit 5,

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and along the outside of such areas within 100 feet from any construction road. The fences shall be located between habitat areas and all grading areas identified in Exhibit 5. No storage of equipment, or materials or stockpiling shall occur within any habitat area or on the beach. If a rock crusher is employed, it shall be placed on the undeveloped residential areas of the site or on the golf course. No drainage shall be directed over the bluff, no overspill, stockpiling, equipment storage, material storage or grading shall be conducted seaward of this fence. The fence shall include small animal escape holes if required by the Department of Fish and Game.

- F. At the end of rough grading, all rough graded lots, and all disturbed areas not included in park development, the golf course, roadways, or revegetation areas shall be revegetated with plants indigenous to the area consistent with the approved HCP and the approved landscaping plan. The plans shall specify seed and plant sources, using, as far as possible, locally collected seed.
- G. Prior to issuance of the grading permit, the applicant shall provide evidence that a bond has been posted with the City of Rancho Palos Verdes sufficient to enable the City and/or the Department of Fish and Game to provide for revegetation and stabilization of the site in the event of bankruptcy or indefinite cessation of development activities.
 - H. All fuel modification plans shall have been reviewed and approved by the Los Angeles County Fire Department. Invasive plants, as noted above, shall not be employed in fuel modification areas. The majority of plants employed shall be California native plants naturally occurring on-the Palos Verdes Peninsula.
 - I. Plantings in preserves and areas designated for habitat restoration shall conform to the approved revegetation plan for each area and the Executed HCP.

All proposed changes to approved plans shall be reported to the Executive Director. Any changes the Executive Director determines to be substantial shall require an amendment to the permit.

11. FINAL DRAINAGE PLANS.

Prior to issuance of the Coastal Development permit and prior to issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide, for the review and written approval of the Executive Director, preliminary engineered drainage plans for drainage facilities and a written agreement to abide by such plans for Tract 50667, and the golf course, and conceptual drainage plans for Tract 50666 and for the landslide stabilization plans approved in Amendment A-5-RPV-93-005-A15. Prior to beginning preliminary grading for Tract 50666, the applicant shall

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provide for the review and written approval of the Executive Director, final engineered drainage plans for Tract 50666. Said final drawings shall have received review and comment by: 1) the project geologist, 2) the City Engineer, 3) the City Geologist, 4) the United States Fish and Wildlife Service, 5) the Department of Fish and Game, 6) the United States Army Corps of Engineers, 7) the Regional Water Quality Control Board, 8) County Flood Control. Drainage plans for each drainage shall be designed consistent with one of the two alternative methods discussed in detail below: (a) tunneled pipes or (b) on-site canyons. If the applicant chooses to use Option b for Tract 50666, prior to authorization of such construction, the applicant shall submit for the review and approval of the Executive Director, final engineered working drawings for such drains consistent with the plans submitted with amendment 15 of this permit, and evidence of final approval of all of the above agencies. If the amount of hardscape required by option b increases by more than 15% an amendment to this permit will be required.

The Executive Director, upon receipt of detailed drainage plans and comments of all the above agencies and individuals if such agencies choose to comment, shall require all potential disturbance of bluff face vegetation to be identified, minimized and all displaced plants to be replaced according to the standards of the Habitat Conservation Plan. No rare plants or sensitive species may be disturbed by installation of the drainage devices. To verify this, the applicants shall supply a field check prior to installation and at the end of installation, and at the end of any replanting of bluff face species. Any necessary restoration shall be completed as soon as possible after the disturbance but in no event shall restoration completion occur more than one year after installation of the drainage devices. Complete restoration of Phase III grading (the golf course) impacts shall occur before the golf course may be opened for play, and complete restoration of Phase III and IV (residential lot) impacts shall occur before individual lots receive final grading approval.

The following standards apply to all drainage plans, which shall employ:

- a) Treatment and filtration of runoff from the maintenance yard and from the 150 car parking lot;
- b) Best Management Practices as required by the City of Rancho Palos Verdes and the Regional Water Quality Control Board;
- c) Use of ponds to control, treat and recirculate golf course runoff;
- d) No discharge from golf course or project improvements to tide pools;
- e) The applicant shall be responsible for removing all debris; the outfall and its tributary area complies with the Los Angeles County Public Works Urban Storm Water Mitigation plan standards, including, but not limited to, the following:
 - The golf course shall be equipped with flow reducers or shutoff valves triggered by a pressure drop so that broken pipes do not increase flow to the storm drains.

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- The applicant shall provide, for the review and approval of the Executive Director, plans for a self-contained cart washing facility that is equipped with a pre-treatment facility and if significant discharge is proposed, is connected to the sanitary sewer.
- All storm drain inlet structures must be equipped with trash racks, which shall be maintained by the golf course operator unless the racks are eligible for maintenance by the County of Los Angeles;
- The applicant shall either: (a) provide a written estimate from the project engineers verifying that less than 21% of the project area is developed with impervious surfaces; or (b) shall equip the storm drain inlets on project streets with oil water separators, which shall be maintained by the golf course operator.
- Storm drains must be stenciled with water quality warnings indicating that the drain flows to the ocean.

Alternative (a): The following standards shall apply to the tunneled pipes, which shall be constructed in substantial compliance with plans, submitted August 2, 1991:

- a) No drain line down Forrestal ravine;
- b) Use of drains outside of ravines for all project drainage including normal storm and low flow run-off from the golf course, golf course ponds, and project streets and parking lots;
- c) Diversion and control of major event (greater than 2 year storm) off site drainage;
- d) The terminus and/or surface installation of drainage pipes on the bluff face and toes shall avoid stands of *Opuntia littoralis*; and,
- e) No heavy equipment shall be placed within 30 feet of the edge of the bluff in installing the devices.

Alternative (b). In lieu of the tunneled pipes, the applicant may opt to route drainage through the canyons as described in the conceptual drawings dated 3/2/98, or as shown in the plans for La Rotonda Canyon, dated 3/99, stamped March 1, 1999. Prior to authorization of use of any on-site canyon for project drainage, the applicant shall provide final working drawings, approved by the City Engineer of the City of Rancho Palos Verdes, and the Los Angeles County Flood Control District. If the City Engineer and the above agencies approve working drawings of the canyon alternative for any canyon, the Executive Director may authorize discharge of all storm water and treated golf course runoff through the approved canyons. The Executive Director shall review all plans for consistency with the preliminary plans dated 3/2/98 submitted along with Amendment 8, or the reduced plans submitted along with Amendment 15 of this permit, provided the following Conditions are met:

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- a) The final plans reflect the area required by the drain and its dissipators, the willow/freshwater marsh areas required by Fish and Game and the restored CSS habitat areas.
- b) The rerouted pipes, after final approval from the City Engineer, require no more than the 575 square feet of channelization in La Rotonda Canyon, and the design and location of the hardscape is consistent with the plans for La Rotonda Canyon dated 3/99,
- c) The amount of hardscape, including riprap, in Forrestal Canyon shall not exceed 2400 square feet and the design and location of the dissipators and riprap is consistent with the plans dated 6/6/00.
- d) The United States Army Corps of Engineers, the Regional Water Quality Control Board and the Department Fish and Game have granted all relevant permits and approvals for the revised project,
- e) The United States Fish and Wildlife Service has agreed in writing that the project as proposed is consistent with the revised HCP of 2000.
- f) The applicant agrees to replace any identified willow habitat at no less than a 2:1 ratio, as proposed in the Glen Lukos Corps application dated April 16, 1998 and as required by the Department of Fish and Game;
- g) The Department of Fish and Game has agreed in writing that the redesigned golf course lakes can provide fresh water marsh habitat at no less than a 2:1 ratio as proposed by the Glen Lukos Corp. application dated April 16, 1998, and amounting to no less than 446 sq. ft.
- h) The project engineer and the City Geologist have concurred in writing with the retention of the project lakes as proposed in the mitigation plan.
- i) The project plans shall be accompanied by a schedule of completion that includes the schedule for any public construction and the installation of any habitat in the canyon.

Upon receipt of final approval by any of the above agencies, or if at any time, field Conditions require a change in design, the applicant shall provide copies of the final approved plans and/or change orders for the required changes to the Executive Director. Development shall occur consistent with the approved plans. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to the coastal development permit unless the Executive Director determines no amendment is required.

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12. REVISED PLANS

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised final plans, approved by the City of Rancho Palos Verdes, which indicate the final layout of all residential and open space lots, streets, and other improvements, including grading, access areas, golf course and revegetation areas, and which conform with the final approved plans for public access, recreation, habitat protection/enhancement, grading and drainage specified in Conditions 1-5, and 9-11, above. All development must be consistent with these plans.

13. DELETED

14. COMPLIANCE WITH CONDITIONS OF THE VESTING TENTATIVE TRACT MAPS.

In the event of conflict between the Conditions imposed by the City of Rancho Palos Verdes and the Commission, the terms and Conditions of the Commission shall prevail. Pursuant to this, the applicant shall prepare a written comparison of the City's and the Commission's Conditions. However, except as explicitly modified by the terms of this coastal development permit, all development shall comply with the Conditions of Vesting Tentative Tract Map No. 50666 and Vesting Tentative Tract Map No. 50667, Tentative Parcel Map Numbers 20970 and 23004 as re-approved in December 7, 1992 and as revised on September 6, 1994. Revisions to Conditional Use Permits numbers 162 (residential planned development and public open space) and 163 (golf course and clubhouse), Revisions to Coastal Permit number 103, and Revisions to Grading Permit number 1541 and mitigation measures and addenda to EIR 36 as approved by the City of Rancho Palos Verdes on December 7, 1992 and as revised on September 6, 1994 shall be reviewed by the Executive Director of the Commission for consistency with this action.

For purposes of this Condition, the minimum lot size and minimum house size as noted in the Development Standards supplied to the City of Rancho Palos Verdes shall not be considered Conditions of the coastal development permit or necessary to this Commission's approval of the project. Changes in such standards to allow a greater clustering of lots to conform to the other terms and Conditions of this permit shall be reported to the Commission as an amendment to this permit.

15. COVENANTS, CONDITIONS, AND RESTRICTIONS, CONDITIONAL USE PERMIT, PARCEL MAP CONDITIONS AND FINAL TRACT MAPS.

Prior to issuance of the coastal development permit and prior to recordation of any CC&R's, parcel maps or Vesting Tentative Tract Maps associated with the approved project, said CC and R's and Vesting Tentative Tract and parcel maps shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of insuring compliance with the standard and special conditions of this coastal development permit. The deed restrictions noted in Condition 7 above shall be reiterated in the CC and R's. Any CC and R's, parcel map conditions or notes, Conditional use permit conditions or

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tract map provisions which the Executive Director determines are not consistent with any of the Conditions of this permit shall be modified to be consistent before recordation.

16. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS

Prior to issuance of the coastal development permit, or of any amendment to this coastal development permit, the applicants shall provide 1) proof of undivided legal interest in <u>all</u> the properties subject to this permit, <u>or</u> 2) proof of the applicant's ability to comply with all the terms and conditions of this coastal development permit. No land subject to this coastal development permit may be developed until and unless all terms and conditions relating to the project as a whole have been met and agreed to in writing by all parties with ownership interest.

17. PUBLIC RIGHTS.

By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

18. ASSUMPTION OF RISK.

- A. By acceptance of this amended permit A-5-RPV-93-005, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, and flooding; landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant 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.
- Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslide, and earth movement and bluff failure, and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for

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damage from such hazards. The document shall run with the land, binding all successors and assigns and shall be recorded free of prior liens.

- C. Prior to issuance of Permit Amendment A-5-RPV-93-005-A13, the applicant shall execute and record a supplement to its deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that work in the landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, and (c)) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.
- D. Prior to issuance of Permit Amendment A-5-RPV-93-005-A15, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall state that the applicant acknowledges and agrees (a) that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that work in the landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, (c) to assume the risks to the applicant and the property that is the subject of this permit amendment of injury and damage from such hazards in connection with the permitted development. (d) to unconditionally waive any claims of damage or liability against the Commission, its officers, agents and employees for injury or damage from such hazards and (e) 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. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

19. PUBLIC AVAILABILITY OF GOLF COURSE.

Prior to issuance of the permit, the landowners shall execute and record deed restriction, in a form and content acceptable to the Executive Director, that provides that the approved visitor-serving golf course facilities including the clubhouse, will conform to the following requirements:

A. PUBLIC FACILITY. The clubhouse and golf course will remain as commercial visitor-serving facilities open to the general public and that any proposed change in the level of public use will require an amendment to this permit.

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- B. CLUBS PROHIBITED. No club or other arrangement that will restrict use of the golf course by the general public shall be permitted.
- C. CART PATHS. As noted above, the improved golf cart paths shall be available for orderly public pedestrian use during non-golfing daylight hours. (Staff note: the golf cart paths shared with pedestrian or bicycle trails are subject to the hours of use that apply to public trails and are open to the public from dawn to no earlier than one hour after sunset.)
- D. RESTROOMS. In lieu of construction of a separate public restroom facility, the applicant and its successors in interest shall agree to construct, maintain and to operate the comfort station in Lot E Tract 50667, the clubhouse restrooms, and lower level patio of the clubhouse as public facilities in conjunction with Ocean Trails Park (Halfway Point Park) and the public trail system.
- E. OPERATIONS. The applicant and its successors in interest, including but not limited to, the golf course operator shall agree and covenant with the City of Rancho Palos Verdes to operate the parking lots at the end of Ocean Trails Drive (Street A), the restrooms in the vicinity of the west end of La Rotonda Drive, easily accessible from Lot E, Tract 50667, and the restrooms and patio area within the clubhouse as public facilities. The applicant, its agents, its lessees, and its successors in interest shall open these facilities to the public from dawn to dusk. No fee or validation shall be required for use of these facilities.
- F. PUBLIC USE. The rest rooms and the lower level patio area shall be public spaces available to all members of the public without discrimination or requirement of purchase, imposition of dress codes or other rules not related to the safe operation of the facilities and shall not be locked during daylight hours.
- G. SIGNS. The parking lots, restrooms and lower patio area 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 Ocean Trails Drive (Street A), La Rotonda Drive, the parking lots themselves and Ocean Trails Park (Halfway Point Park.)
- H. OPERATION OF THE OVERFLOW PARKING LOT. The applicant, its successors in interest and or managers or lessees shall agree by covenant with the City of Rancho Palos Verdes to operate the overflow parking lot located adjacent to the maintenance yard on golf course Lot 38 VTTM 50667 from 8:00 a.m. to 5:00 p.m. on all summer and holiday weekends, during all banquets and special events and whenever there are more than 125 cars in the westerly club house parking lot.

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

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golf course, 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 with evidence of such consistency prior to their execution.

The deed restriction shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assigns, for the life of the facility approved in this permit. The recording document shall include legal descriptions of the golf course, the parking lots, the restroom and patio areas, Lot E Tract 50667 and the approved golf course area. The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law to restrict land and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the golf course shown on the attached Exhibits 26 and C of Amendment 6 shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project, or 2) commencement of construction on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities.

20. STATE LANDS COMMISSION REVIEW.

Prior to the issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

- A. No State lands are involved in the development; or
- B. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- C. State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

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- D. Prior to issuance of Permit Amendment 13, the applicant shall provide an update to the determination required above with respect to the newly established shoreline and the areas inland of it. Any work occurring on state property must receive prior approval by the State Lands Commission.
- E. Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide evidence that detailed plans have been provided to the State Lands Commission and that the State Lands Commission concurs that either no state lands are involved in the project or that the work proposed is permissible and not permanent. If the State Lands Commission requires any permit or waiver, such permit or waiver shall be obtained in advance of any work. In addition, the applicant shall agree in writing to proceed with an assessment of any damage that may have occurred to intertidal areas. As noted in Condition 4 above, the applicant shall provide a written agreement with the State Lands Commission concerning repair or mitigation of any damage identified by such study prior to opening of the golf course for play.

NOTE: SPECIAL CONDITIONS NOS. 21-25 IMPOSED BY COMMISSION ON FIRST AMENDMENT OF A-5-RPV-93-005.

21. Lighting and Sound.

Prior to issuance of the amended permit, the applicants shall submit revised plans to protect the bluff face and restoration areas from light and noise generated by the project. The plan shall, at a minimum, include a wall or landscaped berm at the west and southerly end of the club house parking lot, so that automobile and security lights do not shine onto the golf course or ravine areas. The applicant shall also submit a project lighting and sound plan for the clubhouse and banquet facility.

- A. Lighting. The lighting plan shall be subject to the review and approval of the Executive Director and shall include an analysis of the effects of the project's light, including security lights and the headlights of cars, on the bluff face and the West Bluff Preserve. Security lights shall be shielded so that light is directed to the roads and parking lots only, the golf course shall not be lighted, and the berm or wall required above shall be high enough to block all direct light from automobile headlights that might otherwise shine onto preserve areas.
- B. Noise. In order to reduce traffic and facility noise, the applicants shall construct a berm or wall on the west side of the clubhouse parking lot. The berm or wall shall be high enough to block car-door and engine noises that might carry into the preserve from the clubhouse parking lot. The facility shall be sound-proofed, and night entertainment shall be limited so that noise levels in the West Bluff Preserve are not increased beyond those expected in residential areas.

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22. Relationship of Development Approved in this Amendment to Applicants' Phasing Program. Deleted.

23. Signage, Final Public Amenity Plan.

Prior to issuance of the amended permit, the applicant shall prepare trail maps, and a public amenity plan incorporating all features required by the Commission's Conditions. The plan shall include the overlooks, signs, railings, bridges, adequately sized public restrooms and other amenities proposed by the applicant and required by the Commission in this action. In the event of conflict or inconsistency between this and any other action, the Commission's Conditions shall prevail. In addition to the signs described in the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), the applicant shall include directional and identification signs including signs identifying restrooms, comfort stations and overlooks as public, identifying the public rights on the trails and parking lots, and providing information regarding habitat restoration efforts. Signs not explicitly permitted in this document shall require an amendment to this permit. As described in writing and verbally by the applicant, the 45-car parking lot shall include a sign that states "public recreation parking only, no golf parking". Signs at the 150 car "golf parking" lot, should state that golfer, restaurant, special event and public parking are all permitted. Pursuant to this requirement, detailed drawings showing the design, text and placement of individual signs, consistent with the preliminary Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97). shall be provided for the review and approval of the Executive Director on or before February 1, 1998.

24. SUBORDINATION OF ALL COVENANTS THAT AFFECT PUBLIC PARK OR PARKING AREAS.

All public parks and parking areas required by this permit shall be operated as indicated in the Commission's Conditions of approval for Coastal Development Permit A-5-RPV-93-005 as amended in A-5-RPV-93-005A, A-5-RPV-93-005A2, A-5-RPV-93-005A3, A-5-RPV-93-005A4, A-5-RPV-93-005A5, and A-5-RPV-93-005A6. 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 with evidence of such consistency prior to their execution.

25. RENUMBERING AND VESTING TENTATIVE TRACT MAP DESIGNATIONS.

Prior to submittal of materials prepared to conform to Special Conditions 12, 14 and 15 of A-5-RPV-93-005, and Condition 25 of this action, the applicant shall prepare a comparison of the proposed final lot numbers, with the lot numbers shown in the Commission's actions. Numerical or letter designations of all lots necessary to

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conform to the Commission's Conditions shall be provided for the review and approval of the Executive Director. Additional lots created in order to conform to the Commission's Conditions shall be shown on the revised tentative tract maps subject to the review and approval of the Executive Director. An immaterial permit amendment to reflect any needed renumbering may be processed as long as the acreage and geographic location of all fee dedications described in the Commission's Conditions are unchanged, and the routes, sizes and locations of all trails are preserved.

26. REVISED SIGNAGE PLAN.

Prior to issuance of the permit amendment, the applicant shall provide a revised signage plan, subject to the review and approval of the Executive Director, that includes signs on Palos Verdes Drive clearly indicating that there is a trailhead and public parking within Tract 50666. The sign may also indicate that the major public parking lot and parks are located at the clubhouse at Ocean Trails Drive.

27. TEMPORARY GOLF SCHOOL.

The applicant may operate a temporary golf school, open to the public, for a limited time period, not to exceed six months from the date of issuance of this permit amendment. The Executive Director may extend the time limit for good cause for up to four months, if the request is accompanied by a reasonable plan to restore public access and protect habitat.

28. SLOPE WINTERIZATION OF SLIDE C AUTHORIZED IN PERMIT AMENDMENT A13.

- A. Only the development noted in Section B below is authorized. Installation of pilings is not authorized in this amendment. The applicant may carry out slope repair, remedial grading and surface drainage controls for winter stabilization of slide C as described in the Converse letters of August 24 and 25, 1999 and the Cotton letter of August 26, 1999, except that:
 - 1) Prior to issuance of Permit Amendment 13, the applicant shall submit final plans and calculations shall have been for review and approval by the Executive Director. These plans shall be in substantial conformance to the conceptual plans provided to the Commission in the Converse letters of Aug. 24 and 25 of 1999 and the Cotton letter of Aug. 26, 1999. Said final plans and calculations shall have been approved by the City of Rancho Palos Verdes Dept. of Public Works.
 - 2) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, detailed plans showing all grading and disturbance areas consistent with the conceptual plans

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provided to the Commission and the Conditions of this permit. All such areas shall be located in the disturbed area noted in Exhibit 17, the golf course or within 25 feet of the "limits of excavation" shown on Exhibit 7. No further disturbance except for the placement of approved surface drain conduits and a drain diversion berm in already disturbed area (shown in Exhibit 17) shall occur in the Bluff face preserve (Lot G VTTM 50666) or the gnatcatcher nesting area (Lot F VTTM 50666). Grading or any other disturbance of the Bluff Top corridor habitat restoration area (Lot K VTTM 50666 is limited to: (a) grading down the graben walls and access equipment within an area no more than 25 feet from the edge of the mapped "limits of repair excavation" in Exhibit 7 (b) of Amendment 13. filling cracks as shown in Exhibit 8, (c) removing topsoil as shown in Exhibit 8b of this Amendment 13, surface drainage controls and sandbagging. This permit amendment does not exempt the applicant from the review and approval of the Department of Fish and Game and the US Fish and Wildlife Service and the terms and Conditions of the executed HCP.

- After approval of the areas that may be disturbed, the applicant shall install highly visible temporary fencing around all habitat areas within and adjacent to the job-site that are to be protected, and call for inspection from the Department of Fish an Game. A note identifying protected areas shall be placed on all grading plans.
- All equipment access routes, and stockpile areas shall be located on the golf course, Halfway Point Park, the 45-car lot, and the disturbed area of the slide block as shown in Exhibit 17. All silt and runoff from the stockpiles and the disturbed graded areas of the site shall be controlled and confined within the site. Pursuant to this requirement, prior to issuance of Permit Amendment 13, the applicant shall provide erosion control plans for the review and approval of the Executive Director. Said plans shall be approved in advance by the City of Rancho Palos Verdes and conform to all Conditions of this permit.
- Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, plans identifying feasible measures to protect intertidal areas and scree slopes. The applicant shall utilize all feasible measures to reduce further siltation from the slide into the ocean. The plan shall be provided to the Commission in advance of submittal to the State Lands Commission and the Department of Fish and Game.
- Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, the City Department of Public Works and the Department of Fish and Game, detailed specifications for the backfill of cracks and fissures, including materials.

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Fissures shall be flagged and sandbagged as required by the City Engineer to avoid percolation and/or hazards to employees and the public. The plans shall include monitoring and re-fining if necessary.

- 7) Prior to issuance of Permit Amendment 13, the applicant shall provide plans for the review and approval of the Executive Director showing Erosion and drainage control as required. Said plans shall have been approved by the Project Engineer and City of Rancho Palos Verdes. The plans shall include: (a) the construction of a berm on the north side of the graben to route drainage away from the graben, (b) grading within the graben to create positive drainage and prevent ponding, (c) temporary surface conduits to direct drainage to ocean, (d) sandbags around repaired cracks and fissures, (e) sandbags and silt fences as needed elsewhere on the site and in Halfway Point Park, (f) low berms and diversion structures in already disturbed areas as needed to keep water off the face of the slide and (g) other safety and erosion control devices as long as such devices are located in the disturbed area noted as Exhibit 17 of Amendment 13. Any grading for such erosion control shall be limited to the golf course, the areas within 25 feet of limits of repair in Exhibit 7, or already disturbed areas (Exhibit 17).
- **B.** The following work is authorized.
 - Drilling and grading for geologic exploration within the already disturbed Bluff Top Corridor Area on slide C as shown in Exhibit 17 of Amendment 13, within the golf course, and within 25 feet of the "limit of excavation" as shown on exhibit 7, provided that no drilling or grading removes established plants identified as critical habitat or as rare and endangered by the Department of Fish and Game. Installation of safety fencing and access control.
 - Fill fissures, cracks and gullies on bluff top at Halfway Point, as necessary to avert potential block failure on face of cliff including the large block, identified as "Fissured Rock Mass" on Exhibit 6 of Amendment 13, on the seaward bluff adjacent to Halfway Point.
 - Fill approximately 76 mapped cracks and fissures on main slide block as shown on Exhibit 8 of Amendment 13 with rocks, material from the graben and a top capping of sand and bentonite, to form an impervious surface layer.
 - Salvage topsoil from slide block and stockpile for future habitat restoration; install erosion control at edges of work to prevent siltation into the ocean; and install temporary fences at edge of habitat in remaining Lot K, F and G habitat areas to prevent accidental disturbance of the habitat.

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- 5) Trim back oversteepened, unstable graben slopes up to a slope of 1.5:1 as shown on the "limits of repair" shown in Exhibit 7 and as Conditioned above.
- 6) Install safety fencing.
- 7) The erosion control work described in subsection A 7 above.

29. REVISED PLANS

- A. Prior to issuance of the permit amendment A-5-RPV-93-005A15, the applicant shall submit, for the review and written approval of the Executive Director, revised conceptual golf course landslide repair and trail plans and a written agreement that final plans will comply with the following: The plans shall show that within the limits of the area graded for landslide repair as shown on Exhibit 5 of Amendment 15, that are also underlain by artificial fill, or by the slide block of Slide C, the bluff top pedestrian trail and the entire accompanying bluff top bicycle trail are located on land that (1) is not likely to be subject to catastrophic failure or deep and hazardous cracks, (2) can be reasonably maintained and (3) can be safely entered for repair and (4) has a localized factor of safety of 1.5 or more. The plan shall be prepared by a licensed geotechnical engineer or civil engineer and shall be approved by the accepting agency.
 - 1) Said plans shall be consistent with golf course risk analysis policy used in the initial design of the trails.
 - 2) Said plans shall show the trails and their dimensions consistent with the requirements of Condition 3.
 - 3) The methods to calculate the factor of safety shall be consistent with established professional standards.
 - 4) If the golf course is required to be redesigned to accomplish this goal, said plans shall show the changes to the golf course design.
 - 5) Said plans shall not employ an overhead wire cage (a "slinky") to assure trail user safety.
- B. Consistent with the schedule submitted in conformance with condition 9B above, but no later than 120 days after the issuance of this permit amendment A-15, the applicant shall provide final engineered park, trail and landscaping plans and lake reconstruction plans, approved by the City and the resource agencies that are consistent with all provisions of the Commission's action. No construction shall occur in any phase until the Executive Director approves such plans as consistent with the Commission's actions and the provisions of this permit.

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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.

30. MONITORING THE LAKES

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall submit a ground water monitoring and inspection plan reviewed and approved by the City of Rancho Palos Verdes and the project geologists providing for monitoring all facilities on the property that may concentrate water. If any of these facilities show leaks, loss of water or build up of adjacent soil moisture, the applicant shall take all necessary measures to correct the conditions, including removal of lakes or other features.

31. LANDSLIDE INVESTIGATIONS

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall submit a written agreement to remove the lakes if it is determined that the lakes create instability of the site. Pursuant to this agreement, the applicant shall provide the Executive Director with copies of the summary reports of all landslide cause investigations filed in court by the applicant or others, any expert opinions regarding the landslide causes filed in court and inform the Executive Director of any findings of fact regarding the causes of the slide.

32. TRAIL REPLACEMENT

- A. By acceptance of this amended permit, Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant acknowledges and agrees that if either of the bluff top trails (Trails identified in Conditions 3.A.11; 3.A.12; 3.B.3 or 3.B.7) fails, and cannot be reasonable repaired within two weeks of damage, the applicant will replace the trail(s). Said replacement trail(s) will be located in a safe area between the bluff edge and the golf course. 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 course redesign. Further, the applicant agrees to complete all replacement trails approved in this permit within two months of damage to the trail. The design for such trails shall be accompanied by redesign and relocation, as necessary, of other improvements on the property, including the golf course.
- B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this Condition. The deed

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restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this Condition.

33. INSPECTIONS.

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

34. 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 and other 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 the Executive Director to determine if an amendment is necessary.

35. BUYER'(S) ACKNOWLEDGMENT.

- A. Prior to issuance of this amended 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 permit condition 4 and establishment of habitat restoration areas required in permit condition 8 (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, as amended, run with the land, (b) that the use and/or development of the land may therefore be restricted by special conditions 4, 7, 8 and 19 of the permit, and may be further affected by special conditions 23, 24, 26, and 32 and furthermore, (c) that pursuant to special conditions 1 and 3 of the 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 amended coastal development permit, and prior to the sale or transfer of any of the property or any interest in the

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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, as amended, run with the land, (b) that the use and/or development of the land may therefore be restricted by special conditions 4, 7, 8 and 19 of the permit, and may be further affected by special conditions 23, 24, 26, and 32 and (c) that pursuant to special conditions 1 and 3 of the 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.

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.

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APPENDIX B A-5-RPV-93-005-A18 LIST OF PREVIOUS AMENDMENTS TO THE PROJECT

DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON APRIL 15, 1993 (A-5-RPV-93-005): Resubdivision of 261.4 acre site and construction of an 83 lot residential subdivision including utilities and site improvements, 18 hole golf course with clubhouse and public open space, 6.4 acres of improved parks, and trails. Revised by applicant for de Novo action to include: A) Coastal Access and Public Amenities Plan dated February 5, 1993 providing additional beach trails; B) Habitat Enhancement Plan dated February 18, 1993 providing: 1) restriction of 20 acres of land in Shoreline Park adjacent to the project to the west to use as habitat preserve and restoration of ten of those acres; 2) purchase of conservation easement over 100 acre City owned parcel adjacent to the project on the north and located outside the Coastal Zone, and restoration of 20 of those acres to coastal sage scrub; and 3) supervision of public access to habitat areas.

DESCRIPTION OF FIRST AMENDMENT APPROVED JANUARY 12, 1995 (A-5-RPV-93-005-A1): Re-configure 4.9 acre Halfway Point Park to 5.1 acres; (2) relocate 27,000 sq. ft. clubhouse, 150 car parking lot and 45 car public parking lot and putting green from center of project site to area adjacent to Halfway Point Park; (3) add trail access on periphery of park; (4) reduce public parking at west end of La Rotonda Drive from 75 spaces to 50 spaces and add comfort station at La Rotonda Drive; (5) remove Mariposa Point trail and relocate sewer easement trail in West Bluff Preserve; (6) add 3,000 sq. ft. maintenance facility and 75 car overflow parking lot and water retention basin; (7) reduce number of market rate lots from 83 to 75; (8) add four low income units; (9) move vertical access "J road" northward; (10) relocate J road trails adjacent to golf course; (11) move bluff-to-La Rotonda bike trail connector east to tract 50667; (12) remove handicapped trail facility from San Pedro bluff-to-beach trail and construct handicapped access loop within bluff top park areas.

DESCRIPTION OF SECOND AMENDMENT APPROVED SEPTEMBER 1995 (A-5-RPV-93-005-A2): Second amendment will provide 3.7 additional acres as an easement for habitat conservation and public access purposes only, will provide an additional 0.2 acres for passive park habitat preserve purposes, and will permit 0.43 acres of grading within the Blufftop Activity Corridor. More specifically, the amendment includes the following:

1) Revise condition 1 to permit placement of fill and restoration of one 0.13-acre area adjacent to the 18th hole and one 0.3-acre area adjacent to the 18th tee within the Blufftop Activity Corridor (lot K) on tract 50666. Said fill slopes will be set back a minimum of 100 feet from the bluff edge line and shall be compacted less than 90% and then restored to coastal sage scrub habitat including Lemonade berry and Coast Goldenfields. The fill slope areas are shown on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, by RBF and Associates

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Pursuant to this change, the last paragraph of condition 1A would be revised to add the underlined language in the indicated location:

1.A. ...The lands described in 1.A(2), (3), and (5) (known as Portuguese Bend Overlook, Bluff Top Activity Corridor West (VTTM 50666) and Bluff Top Activity Corridor East (VTTM 50667)) shall not be graded except within the dedicated bicycle/pedestrian path and within two areas, one area of 0.3 acres adjacent to the 18th tee and a second area of 0.13 acres adjacent to the 18th hole. The total combined disturbed area adjacent to the 18th tee and the 18th hole shall not exceed 0.43 acres and shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 prepared by RBF and dated July 25, 1995. The Blufftop Activity Corridors shall be revegetated, as required by the Department of Fish and Game and United States Fish and Wildlife Service as specified in the habitat restoration plan....

Pursuant to this change, condition 9A shall be amended to insert the underlined language in the location identified below:

- 9.A. **Grading limits.** No Grading, stockpiling or earth moving with heavy equipment shall occur within the dedicated open space areas (corridors) noted in condition 1 above, with the exception of Halfway Point Park, the bicycle trails and the 0.30 acre fill slope area adjacent to the 18th tee and the 0.13 acre fill slope area adjacent to the 18th hole. The 0.30 acre and the 0.13 acre fill slope areas which encroach within lot K shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995. Bluff edge pedestrian trails shall be constructed with hand-tools where environmental damage could occur.
- 2) Change project description to incorporate three non-golf setback areas as shown on the RBF maps last revised July 25, 1995 and an further described below. The additional setback easement areas shall be offered for dedication to the City of Rancho Palos Verdes solely for habitat conservation purposes except for those portions identified as trails in this permit at the same time all other dedications of Tract 50666 and 50667 are offered. The offers to dedicate shall (1) describe the additional setback areas in metes and bounds and (2) be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect said interest; (3) run with the land in favor of the People of the State of California, binding all successors and assigns and (4) be irrevocable for a period of 21 years from the date of recording.
 - a) No less than 0.3 acres in lot 38 golf course as shown on the map of tract 50666 last revised by RBF on July 17, 1995. The 18th fairway and associated playable rough as depicted on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, and VTTM 50666 mentioned above shall be set back a minimum of 150 feet from the bluff edge except at its southwesterly end where it shall be set back a

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minimum of 125 feet from the bluff edge. The 18th green and associated playable rough shall be set back a minimum of 125 feet from the bluff edge. All tee boxes for the 18th hole shall be set back a minimum of 200 feet from the bluff edge, except that one tee box may be placed closer than 200 feet but not closer than 100 feet from the bluff edge. The subject 0.3-acre area located between the "Bluff Top Activity Corridor" on tract 50666 and the inner line of this above-described setback shall be shown as an easement for habitat conservation and public access purposes on the Final Map. The subject setback area may be graded during the construction of the golf course but will be restored to coastal sage scrub at the conclusion of grading.

- b) No less than 1.9 acres in lot 38 golf course as shown on the map of tract 50666 last revised by RBF on July 17, 1995. The 17th fairway and green and associated playable rough, as depicted on the Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, and VTTM 50666 mentioned above shall be set back a minimum of 200 feet from the bluff edge. All tee boxes for the 17th hole shall be set back a minimum of 200 feet from the bluff edge, except that one tee box may be placed closer than 200 feet but not closer than 100 feet from the bluff edge. The subject 1.9-acre area located between the "Bluff Top Activity Corridor" on tract 50666 (lot K) and the inner line of this above-described setback shall be shown as an easement for habitat conservation and public access purposes on the Final Map. The subject setback area may be graded during the construction of the golf course but will be restored to coastal sage scrub at the conclusion of grading.
- c) No less than 1.5 acres in lot 39 golf course in tract 50667 as shown on the map of tract 50667 last revised by RBF on July 17, 1995. The 13th fairway and associated playable rough, as depicted on the Exhibit A depicting setbacks for VTTM 50667 dated July 25, 1995, and VTTM 50667 mentioned above shall be set back a minimum of 150 feet from the bluff edge. The 13th green and associated playable rough shall be set back a minimum of 175 feet from the bluff edge. All tee boxes for the 13th hole shall be set back a minimum of 200 feet from the bluff edge except that one tee box may be placed closer than 200 feet but not closer than 100 feet from the bluff edge. The subject 1.5-acre area located between the "Bluff Top Activity Corridor", lot K, on tract 50667 and the inner line of this above-described setback shall be shown as an easement for habitat conservation and public access purposes on the Final Map. The subject setback area may be graded during the construction of the golf course but will be restored to coastal sage scrub at the conclusion of grading.
- 3) The applicant also proposed to amend the project description to:

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Increase the passive park habitat preserve shown as lot I tract 50666 by no less than 0.2 acres to assure that the outer boundary of all active play areas (meaning here and throughout this permit, tee boxes. fairways, playable rough and greens) of the golf course westerly of Halfway Point Park shall be set back a minimum of 50 feet from the bluff edge (meaning here and throughout this permit the bluff edge as shown on Tentative Tract maps no 50666 and 50667 as conditionally approved by the Commission.) As a result of the elimination/relocation of the most seaward tee previously planned adjacent to Halfway Point Park as depicted on the map submitted with the application, all tees will be located landward of the access to the Torrance trail at Halfway Point Park.

This tee is also identified as being moved in the Commission's findings and in the amendment application for A-5-RPV-93-005A. The 0.2 acre strip of land at the southwestern rim of Halfway Point Park that was previously located between the park and the bluff edge shall now be incorporated into the above mentioned habitat restoration area, except for those portions identified as trails elsewhere in this permit. This land will be indicated on the final vesting tentative tract map for tract 50666 prior to issuance of the coastal development permit, and recorded as part of the tract approval.

DESCRIPTION OF THIRD AMENDMENT APPROVED FEBRUARY 1996 (A-5-RPV-93-005-A3): Third amendment incorporates two additional parcels totaling approximately 8.5 acres to be used for golf course purposes only.

DESCRIPTION OF FOURTH AMENDMENT REQUEST (A-5-RPV-93-005-A4):

Amendment request to revise previously approved project to: 1) relocate two lots of Tract No. 50667 to end of Street C; 2) revise boundaries of open space Lots A, B, C, H and G; 3) convert split level building pads of Tract No. 50667 to level pads; 4) revise golf course layout; 5) revise public access trail system to allow golf carts to use some trails, reroute a previously approved trail through the golf course, and in protected habitat areas allow seasonal closure of one trail and relocation of another trail as recommended by USFWS; 6) combine parallel trail easements into one easement for recording purposes; 7) construct a paved fire access road west of the Ocean Terrace condominiums; 8) revise the phasing requirements for the submittal of final grading and drainage plans; 9) change the location of permitted grading in the bluff top activity corridor for the 18th tee; and 10) incorporate the proposed changes into revised grading and site plans.

DESCRIPTION OF FIFTH AMENDMENT REQUEST. (A-5-RPV-93-005-A5) The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s). Except as explicitly changed below, the project description, terms and conditions of the permit will not change from the Commission's prior action as

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described conditioned and required in the attached Exhibit 1 and in the Commission's files:

- 1. Change condition 3, Trails, so that street identification of Trail 3(A)(10,) Forrestal Canyon Trail, would read: extending from street <u>D E</u> connecting to streets <u>B</u> C and C D to reflect change in numbering on map for VTTM tract 50666.
- 2. Change Temporary Erosion control condition 10 (D) to allow for a reduction in distance between Bluff Top Activity Corridor and temporary construction fence when grading has been approved to extend closer than 20 feet from edge of corridor or within corridor:
 - D. The landscaping and erosion control plan shall identify the location of the temporary construction fence noted in the habitat enhancement plan. In addition to the fencing required in the Habitat Enhancement Plan, construction fencing shall be placed no less than 20 feet inland of the edge of Bluff Top Activity Corridors and dedicated Habitat Restoration Areas (Passive Parks) before the commencement of grading operations, except that in those two locations where grading has been approved within the Bluff Top Activity Corridor or where the toe of the approved grading is located less than twenty (20) feet landward of the Bluff Top Activity Corridor, the construction fence shall be placed at the seaward toe of the approved cut or fill slope. This does not authorize development within the Bluff Top Activity Corridor except the two incursions specifically permitted by the Commission in it second amendment to this permit. No drainage shall be directed over the bluff, no overspill, stockpiling, equipment storage, material storage or grading shall be conducted seaward of this fence. The fence shall include small animal escape holes if required by the Department of Fish and Game.
- Change golf course condition 19, Deed Restriction 19 E to reflect the location of the La Rotonda restroom on the golf course lot instead of lot E, the parking lot, in the revised VTTM 50667
 - E. **OPERATIONS**. The applicant and its successors in interest including but not limited to the golf course operator shall agree and covenant with the City of Rancho Palos Verdes to operate the parking lots at the end of Street A, the restrooms *in the vicinity of the west end of La Rotonda Drive*, *easily accessible from en* lot E tract 50667 and the restrooms and patio area within the clubhouse as public facilities. The applicant, its agents, its lessees, and its successors in interest shall open these facilities to the public from dawn to dusk. No fee or validation shall be required for use of these facilities.
- 4. Change condition 22, regarding relationship of golf facilities to phasing program to reflect the location of the La Rotonda restroom on the golf course lot instead of lot E, the parking lot, in the revised VTTM 50667
 - C. VTTM 50667 Parking Lot and Comfort Station. Construction of the comfort station and the first 25 spaces of the parking lot <u>in the vicinity of the west end of La Rotonda</u>

 Drive, easily accessible from en lot E tract 50667 at the end of La Rotonda Drive shall begin

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immediately following rough grading for the golf course as noted in condition 4.B(1), as a second stage park. The remaining 25 spaces may be considered a Phase IV improvement. These second 25 spaces shall be completed before grading the residential lots on Tract 50666. These items shall be added to special condition 4.B.

- 5. Change Condition 7 Deed Restrictions language in the following way, to make clear that homeowners are responsible for fair and reasonable share of maintenance expenses whoever incurs them, but not required to personally conduct maintenance:
 - D. Notice of the land owners' obligations with respect to maintaining the parks and trails and habitat areas and fire breaks required in this permit, including but not limited to the obligation to contribute each owner's fair and reasonable share of the costs of to-the maintenance of the area, the obligation to participate in special district(s) or associations organized to collect funds and carry out maintenance of the areas and the right of the district/and or accepting agency to manage and maintain the area in accordance with the terms and conditions of this coastal development permit. Nothing in this restriction imposes the obligation on a homeowner to personally work on the streets, parks or habitat areas.
 - E. Notice of the land owners' obligations with respect to maintaining drainage systems, oil separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools, <u>including but not limited to the obligation</u> to contribute each owner's fair and reasonable share of the costs of the maintenance of the drainage systems oil separators or other devices, the obligation to participate in special district(s) or associations organized to collect funds and carry out maintenance of the drainage systems oil separators or other devices and the right of the district/and or accepting agency to manage and maintain the drainage systems oil separators or other devices in accordance with the terms and conditions of this coastal development permit. Nothing in this restriction imposes the obligation on a homeowner to personally clean the streets or drainage devices.

I. Notice that all covenants and agreements between the applicants and or successors in interest their agents and with the City or private maintenance companies or other entities that affect the streets, parking lots, parks habitat areas and trails required in this permit are subject to the terms and conditions of this permit. Nothing in this restriction imposes the obligation on a homeowner to personally work on the streets parks, habitat areas, or drainage systems. 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 with evidence of such consistency prior to their execution.

SUMMARY OF SIXTH AMENDMENT REQUEST (A-5-RPV-93-005A6). The applicant proposes to resolve an issue concerning the lot lying between the westerly portion of the golf course and the bluff face, identified as Lot I Tract 50666, regarding the setback of development, including grading, from the physical edge of the bluff, as identified in the field. The applicant also requests technical and substantive changes to the water

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quality conditions (condition 11), changes in the phasing of the project to move the boundary between the first and second phase of the project, substitution of a more recent Public Access, Trails and Amenity Plan for the 1993 plan referred to in the conditions and changes to the language of the open space and trail dedications to allow for necessary construction of trail and habitat improvements and well as for ground water monitoring, bluff face hydraugers, and installation and maintenance of drainage and utility connections. A detailed description of this request is found on page 4 of the revised findings for A-5-RPV-93-005A6).

SUMMARY OF SEVENTH AMENDMENT REQUEST. The applicant requested changes in condition eight addressing revegetation plans to require submittal of approved detailed revegetation plans to the Commission according to a schedule approved by Fish and Game and the United States Fish and Wildlife Service and to add the two stage process of recording to condition 19, referring to the golf course. Secondly, the golf course deed restriction, that imposed a number of requirements on the golf course, including that the golf course and the clubhouse be public, and access to public restrooms and some golf course trails, described the golf course as an "easement area" instead of "golf course". The applicant suggests substituting "to restrict land" for "a conveyance of interest in real property" and "the golf course", a wider term, for "easement area."

SUMMARY OF EIGHTH AMENDMENT REQUEST. The applicant proposed to change the project description and special conditions of the permit to provide an alternative method to satisfy the requirement that on-site run off be controlled and diverted to the ocean through pipes tunneled through the bluffs (condition 11). Storm water would be routed through the same canyons that now carry it if the construction drawings approved by the City engineer do not require more than 15% more hardscape than the preliminary plans submitted, and if these final plans and the necessary mitigation have been reviewed and approved by the Resources Agencies and the Corps. The applicant also proposes a revision to conditions 4 and 8 to allow the construction of the golf clubhouse during an earlier phase of the project, at the same time as the golf course.

SUMMARY OF NINTH AMENDMENT REQUEST. The applicant proposes to amend condition 3 (Trails) in order to relocate one of the project's five bluff top to beach trails from the west end of the project to the center of the project. The proposed amendment would eliminate the bluff-to-beach portion of Trail 3.A.14 (West Bluff Beach Access Trail), and create a new beach access trail, Trail 3.A.18, connecting the bluff top pedestrian trail to the beach near the center of the project. The new trail would arrive at the beach near the beach-level end of a second bluff to beach trail, the San Pedro trail. The proposed amendment would also amend conditions 1 and 3 to allow the accepting agency to install non-locking swing gates at the entrances of the steeper natural trails. The purpose of the gates would be to visually distinguish these trails from the improved

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trails on the bluff top and give the public warning of the difficulty and natural state of the bluff face trails. Finally, condition 4, relating to completion schedules, would be amended to include the new trail in the second stage of trail improvements. Approved with conditions.

SUMMARY OF TENTH AMENDMENT REQUEST.

The applicant proposes to: (A) Revise the timing requirements of conditions 1, 2, 3 and 19 in order to allow the applicant to begin construction of the golf course, its clubhouse and maintenance building, roads, parks, overlooks and trails this fall, before recording precise legal descriptions of the trails and open space lots that have already been dedicated by depiction. (B) Revise the timing requirements of condition 4(c) (Access. Trail and Park Improvements), so that (1) finish grading of the West End Tract 50666 and also (2) construction, but not occupancy, of no more than five model homes in that tract, may occur before completion and acceptance of the trails in Tract 50666. (C) Amend Condition 8, Habitat, to cross reference park installation deadlines with those imposed by the Commission in Condition 4. (D) Amend Condition 3 (Trails), in order to allow the West End Pedestrian Trail and the West End Bikeway to enter off Project Street C instead of Palos Verdes Drive South. (E) Move the Forrestal Canyon Overlook from the street at Paseo del Mar (originally called "J Road," now known as Ocean Trails Drive) to the head of Forrestal Canyon and Project Street C or D. (F) Revise language of Condition 10 to identify the location of the Invasive Plant List and assure that future tract managers and homeowners understand that they are bound by its limitations. The invasive plant list is a feature of the project's revegetation program. Approved with conditions.

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SUMMARY OF ELEVENTH AMENDMENT REQUEST:

Revise Ocean Trails (Halfway Point) Park boundary. Change Condition 4 to allow golf course to open before full completion of trails adjacent to Palos Verdes Drive south: 3 A(1), A(2), A(3), B(1), B(3) and B(4), and before completion of part of West End Jogging Trail, Trail 3A(5) that is routed on tract streets of Tract 50666. Change location of tract 50667 storm water outfall to La Rotonda Canyon and plant willows to offset vegetation impacts as required by Fish and Game.

SUMMARY OF TWELFTH AMENDMENT REQUEST

Allow the operation of a non-profit golf school on a portion of the golf course (hole 1-7, 9, 13-15) for a period not to exceed six months. The proposed golf school also includes the placement of a 40' by 24' temporary trailer for instruction purposes on the eastern public parking lot, and reservation of 45 public parking spaces on the western parking lot for beach goers. The applicant will designate a temporary fenced trail link to "Sunset Trail " beach access trail. To accomplish the proposed project, the applicant requests that the Commission modify special condition 4 to allow this limited temporary use. Condition 4 as now written would not permit the golf school because it currently requires that most trails and parks must be completed and opened to the public prior to opening the golf course for play.

SUMMARY OF THIRTEENTH AMENDMENT REQUEST

Applicant requested (1) to allow the clubhouse to open to the public before slidedamaged access improvements are replaced (requires an amendment to conditions 4 and 8); (2) provide alternative temporary access along the bluff top and temporary mini park; (3) allow golf storage and golfing support use of clubhouse basement resulting in 36,000 sq. ft finished floor area; (4) permanently authorize drilling and grading for geologic exploration previously approved by emergency permit, (5) continue temporary fencing around Halfway Point Park, parts of the beach, and trails A(6), A(11), A(12) and A(13) to prevent public access into hazardous areas, as previously authorized by emergency permit, (6) allow minor changes in timing of completion of one trail during construction, (7) authorize minor changes in grading and maintenance program authorized by recent City tract amendments; (8) fill cracks on cliff edge immediately seaward of Halfway Point Park, or dislodge an unstable block deemed a hazard to the public, (9) fill cracks within main landslide block in Bluff Top Corridor Park to prevent water percolation into the slide, (10) install 150-175 subterranean shear pins (caissons) in slide block located in bluff top corridor for landslide remediation and reconstruction of trail and habitat areas; (11) install temporary erosion control measures; (12) salvage topsoil and plant material from slide area, (13) cut back near-vertical slopes on graben walls for worker safety and (14) regrade bottom of graben and golf holes 13 and 18 for

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drainage control. Elements 1-7 are requested to respond to the effects that the landslide has had to existing trails and the general operation of the original project. Elements 8-14 are requested as steps to "winterize" the landslide mass and reduce the probability of further movement during the rainy season.

FOURTEENTH AMENDMENT REQUEST (Denied)

(Some slide repair work judged premature. by Commission and staff: Install 150-200 subterranean shear pins (21 foot long, three foot—diameter concrete and steel caissons) in the translational slide block of landslide C to stabilize it for safety. The shear pins would be installed in the slide failure plane, which is 90 feet below the ground surface. Stabilizing the main block will allow the applicant to proceed with approved efforts to divert storm water from the slide plane ("winterization"). The applicant further requests amendments to conditions 1, 8, and 28, to allow grading and removal of vegetation for purposes of erosion control and installation of the shear pins (also known as underground caissons) from a larger area than was permitted in the conditions imposed on amendment 13. Amendment 13, allowed activities outside the area of geologic exploration, but relying on available maps, limited clearance to the area that had been mapped as already cleared for emergency geologic exploration.)

A 15 SUMMARY OF FIFTEENETH AMENDMENT REQUEST

Repair a 17-acre landslide and open fifteen holes of the approved golf course for play. Project includes: temporary stabilization of main block by installing 100-120 reinforced shear pins, excavation of slide graben and landward portion of the landslide to slide plane, including the upper bentonite layer (1.2 million cubic yards); installation of a Mechanically Stabilized Earth (MSE) buttress wall and regular backfill, by slot cut construction methods; removal of hazardous rock towers, reconstruction of trails, park and reinstallation of ten acres of habitat. Project includes 26.96 acres of habitat restoration including additional on- and off-site mitigation areas. The repair will require changes in conditions 1, 3 and 8. The applicant also proposes changes to timing condition (4) to allow a 15-hole course to operate prior to reconstruction of Ocean Trails Park; and changes to condition 1 to allow up to six temporary events each year to occupy project parking lots. The applicant is requesting modifications to conditions 2, 3 and 8 to allow (a) grading in the Shoreline Park Habitat Restoration areas in order to repair of Palos Verdes Drive South, (b) modification of condition 2 to relocate 10 acres of off-site habitat restoration obligation off the "Switchback" to Shoreline Park and expand the total amount of off-site habitat restoration by 10.32 acres. to a total of 20.32 acres of new habitat restoration and enhancement on Shoreline Park; (c) modification of conditions 1 and 10 to allow an addition of

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3.04 acres of dedicated habitat restoration areas on-site open space lots as well as relocation of tract 50666 drainage to Forrestal Canyon and (d) changes in tract fencing plan at west tract boundary. (More fully described in Exhibits 3 and 4 of amendment 15)

A-16 SUMMARY OF SIXTEENTH AMENDMENT REQUEST: change Special Condition 8 D (7) to adjust some timing requirements:

Change in amended condition 8D(7) to allow amended permit A-5-RPV-93-005-A15 to issue prior to <u>execution</u> of revised HCP by the US Fish and Wildlife Service, and to issue instead at time of publication of the revised HCP in the federal register. No other changes in prior to issuance conditions or other conditions are suggested.

As amended, Special Condition 8 D (7) would read:

Mitigation for Landslide, and Landslide Exploration and Repair. Prior to (7) issuance of Amendment A-5-RPV-93-005-A-15 for landslide remediation the applicant shall provide a revised executed HCP, signed by the applicant, the Department of Fish and Game and the City of Rancho Palos Verdes, and evidence acceptable to the Executive Director that such HCP has been published in the Federal Register. Prior to issuance of Amendment A-5-RPV-93-005-A-15, the applicant shall also agree in writing that no work will be done outside the limits of grading for the previously-approved winterization, as shown on Exhibit A, until the applicant has provided a fully executed revised HCP. Allowable landslide work prior to execution of the HCP includes shear pin installation and the construction of the associated haul roads and staging areas within the disturbed area. Such work does not include excavation of the slide block for purposes of installation of the MSE wall. The HCP and related materials provided by the applicant shall include: that shall establish:

The locations and types of on-site habitat restoration or enhancement required by the resource agencies. ...(list of items).

SUMMARY Of 17th **AMENDMENT REQUEST**: Clarification of conditions 9 and 28 to allow heavy equipment to access landslide repair area through 45 car public only lot and temporary designation of 32 golf course/public spaces in 150 car parking lot to public access parking only.

9. Grading (3). Equipment storage. No grading equipment shall be stored within any habitat area, or within open space easement area. with the exception of the 45-car public parking lot adjacent to Ocean Trails Park if such spaces are

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replaced with public recreation-only parking within the restaurant golf course/public lot. With the exception of areas within the landslide remediation project as shown on Exhibit 5 of Amendment 15 of this permit, no grading equipment shall be stored within 30 feet of the coastal bluff.

28 All equipment access routes, and stockpile areas shall be located on the golf course, Halfway Point Park, the 45-car lot, and the disturbed area of the slide block as shown in Exhibit 17. All silt and runoff from the stockpiles and the disturbed graded areas of the site shall be controlled and confined within the site. Pursuant to this requirement, prior to issuance of Permit Amendment 13, the applicant shall provide erosion control plans for the review and approval of the Executive Director. Said plans shall be approved in advance by the City of Rancho Palos Verdes and conform to all Conditions of this permit.

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Appendix C A5-RPV-93-005 A 18(OCEAN TRAILS) SUBSTANTIVE FILE DOCUMENTS

- 1. A-5-RPV-93-005, as amended through A17.
- 2. The California Native Plant Society, Sierra Club v. Coastal Commission, Los Angeles Superior Court No. BC 083026
- 3. Ocean Trails Residential and Golf Community, Coastal Sage Scrub and Sensitive Species Habitat Conservation Plan, Palos Verdes Land Holdings Company, Zuckerman Building Company, July, 1996
- 4. Ocean Trails Habitat Conservation Plan Implementing agreement, July, 1996
- Gail C Kobetich, United States Fish and Wildlife Service, letter dated August 26, 1997 Ocean Trails West Bluff Preserve, authorizing Phase I Grading.
- 6. Dudek, Assoc: "Invasive Ornamental Plants" and "Weedy Plants to be Eradicated" 1997 A-5-RPV-93-005 compliance file
- 7. Dudek Associates, Biological Analysis of Modified Ocean Trails Drainage Plan, 11 March, 1998
- 8. City of Rancho Palos Verdes Coastal Specific Plan, certified LCP, 1983
- 9. Public Amenity and Trail Map, September 26, 1996, revised, 1/20/97
- Regional Water Quality Control Board, Los Angeles Region, Proposed Amendment to Rancho Palos Verdes project (Ocean Trails Development, 97-00156-AOA) Unnamed Drainages to the Pacific Ocean, City of Rancho Palos Verdes, Los Angeles County (File No. 97-012) April 15, 1999.
- Cotton Shires and Associates, Geotechnical Review of Storm Drain study plans dated 2/5/98 by Engineering Services Corporation, Ocean Trails Development, Rancho Palos Verdes, Tract 50666 and 50667, February 13, 1998
- 12. Glenn Lukos Associate, (RWQCB) 401 Water quality amendment to condition certification file number 92-012 for impacts to United States Army Corps of Engineers Jurisdiction at two unnamed drainages located in Los Angeles County California
- 13. United States Fish and Wildlife Service, letter April 16, 1998, Ocean Trails project, Rancho Palos Verdes, California 1-6-98-HC-197)
- 14. California Department of Fish and Game, letter of June 1, 1998, amendment to 1603 agent allowing applicant to redirect water to Forrestal Draw and La Rotonda Canyon. Limitation on dissipaters and riprap.
- 15. County of Los Angeles, Department of Public Works, March 25, 1999, Standard Stormwater Mitigation Plans (SUSMPs), second draft.

APPENDIX C A5-RPV-93-005 A 18(OCEAN TRAILS) SUBSTANTIVE FILE DOCUMENTS

Page 2

- 16. City of Rancho Palos Verdes, Grading Improvement Agreement of January 8, 1998, and first amendment as of May 1, 1998; attached bonding agreements.
- 17. Ocean Trails project, progress report on habitat restoration and public access trailways and parks, April 20, 1998
- 18. Project proposed and final EIR
- 19. United States Army Corps of Engineers, Rancho Palos Verdes and Rolling Hills California (Los Angeles County) Reconnaissance study, Final Revised report, May, 1992
- Converse Associate: Geotechnical Reports and responses to comments, South Shores parcels 1 and 1A, Area 7, various, dated August 2, 1991, November 13, 1991, and June 14, 1989
- 21. Leighton Associates: Geotechnical reports regarding easterly portion of property "Hon property" and "Hotel Development", Golf Course, Areas 7 and 8 and responses to comments, 1/22/91 and various dates.
- 22. City of Rancho Palos Verdes, October 6, 1999, letter from Les Evans, City Manager, transmitting conceptual approval of shear pin design.
- 23. City of Rancho Palos Verdes, October 6, 1999, letter from Les Evans, City Manager, to Kenneth A. Zuckerman, concerning termination of City review process.
- 24. City of Rancho Palos Verdes, September 29, 1999, letter from Carolynn Petru, Assistant City Manager concerning status of City approval of shear pin design.
- 25. Cotton, Shires & Associates, Inc., City of Rancho Palos Verdes' consulting engineering geologists, Memorandum, August 26, 1999, to Dean Allison (City of Rancho Palos Verdes Public Works Director,) "Geologic Review Comments Regarding Repair Efforts Prior to the Rainy Season."
- 26. Cotton, Shires & Associates, Inc., Memorandum of **September 30**, **1999**, to Dean Allison, Preliminary Geotechnical Review Comments Regarding Shear Pin Installation Winterization Plan Part B.
- 27. Cotton, Shires & Associates, Inc., Memorandum, October 8, 1999, to Les Evans, City Manager, "Winterization Effort Prior to the Rainy Season."
- 28. Cotton, Shires & Associates, Inc., Memorandum, October 11, 1999 to Dean Allison, "Geotechnical Review Comments Regarding Converse Consultants; Response to Report Dated October 6, 1999: Winterization Plan Part B
- 29. Perry Ehlig, City of Rancho Palos Verdes' City Geologist, Memorandum of September 20, 1999, to Bill Lu, Converse, "

APPENDIX C A5-RPV-93-005 A 18(OCEAN TRAILS) SUBSTANTIVE FILE DOCUMENTS

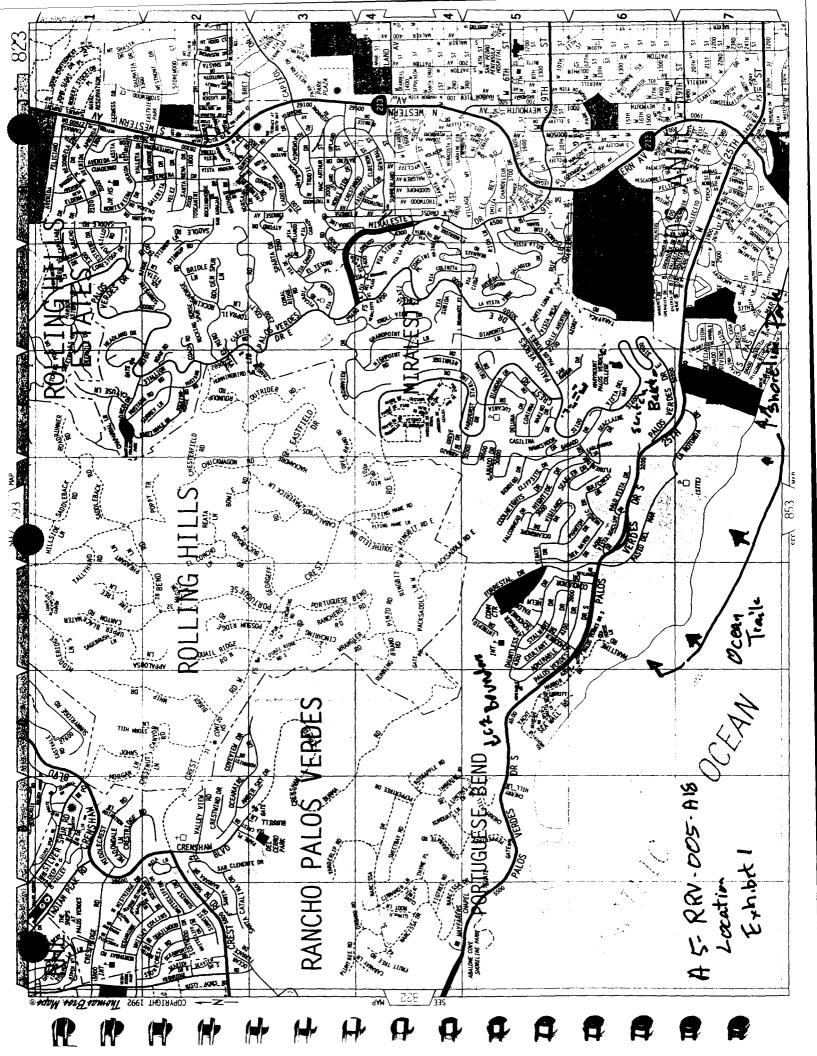
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- Comments on Winterization Plan Parts and A and B, Ocean Trails Golf Course.
- Converse Consultants, Applicant's Geotechnical Consultant Memorandum August 9, 1999, "Update on Ocean Trails Landslide "C" Restoration and Adjacent Coastal Access Trails".
- 31. Converse Consultants; Letter, August 23, 1999, Prior recommendations for filling tension cracks, to Kenneth Zuckerman
- 32. Converse Consultants, August 25,1999, Draft Report Preliminary Repair Design, for Landslide C.
- 33. Converse Consultants; Report, September 7, 1999, Clay Cap Investigation, Ocean Trails Golf Course
- 34. Converse Consultants, Report September 15, 1999, "Winterization Plan Part A Sealing and Filling of Existing Cracks and Fissures" and "Winterization Plan part B Installation of Large-Diameter Shear Pins."
- 35. Converse Consultants, Draft, "Post-1999 Large Diameter Borehole Logs, Landslide "C," no date."
- 36. Converse Consultants, Report September 20, 1999, "Monitoring Data, Landslide "C," Ocean Trails Golf Course, Subsurface Data (#2) and Laboratory Test Data (#4)".
- 37. Converse Consultants; Memorandum September 20, 1999, to Perry Ehlig, Response to Comments on Winterization Plan parts A and B.
- 38. Converse Consultants; Bill Lu, Memorandum September 27, 1999 Response to Perry Ehlig memo of Sept. 20, 1999
- 39. Converse Consultants, Bill Lu, Memorandum, September 29, 1999, Selected Case Histories of Using Large Diameter Piles to Stabilize Landslides.
- 40. Converse Consultants, Memorandum, October 6, 1999, Response to Perry Ehlig's September 24, 1999 memo
- 41. Converse Consultants, Memorandum October 6, 1999, Response to Preliminary Technical Review Comments Regarding Shear Pin Installation; Winterization Plan Part B, by Cotton Shires and Associates, dated September 30, 1999.
- 42. Converse Consultants, Memorandum, October 13, 1999, Geotechnical Considerations, Shear Pin design.
- 43. D. Bartlett Associates; landslide repair alternatives matrix.
- 44. Skelly Engineering, Report July 1999, "Impact of Recent Palos Verdes Landslide on Coastal Processes and Surfing Resources
- 45. Skelly Engineering, Letter October 7, 1999, "Preliminary plans for Restoration of Coastal Access and Surfing Resources, with Grading Plans."

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- 46. ESCO, September 23, 1999, Blueprint: Winterization plan, Ocean Trails.
- 47. Dudek Associates, Michael Sweesy, October 13, 1999, report, "Revised Landslide Impact analysis for Landslide C, Ocean Trails"
- 48. USFWS, Habitat Conservation Plan Amendment, Ocean Trails Residential and Golf Community, August, 2000

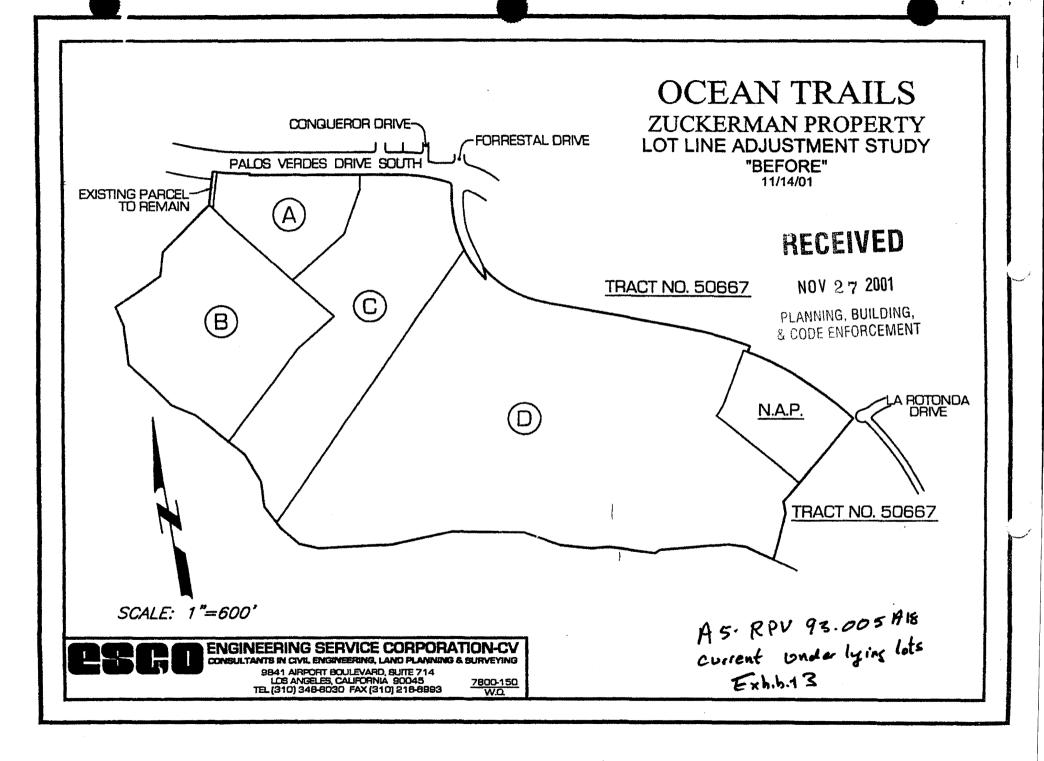
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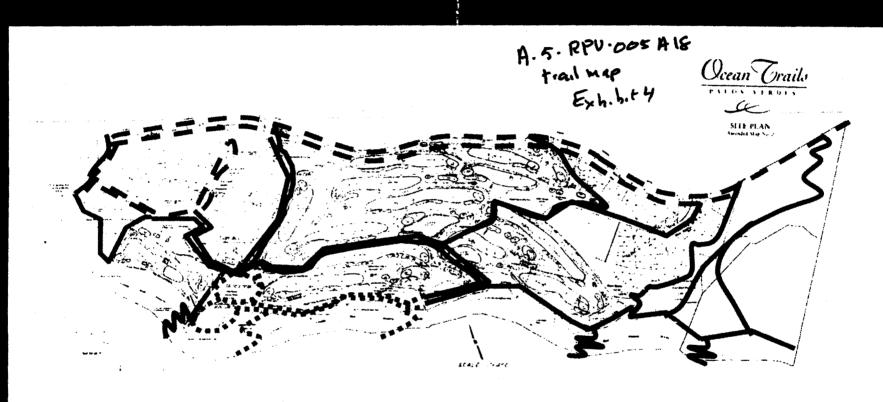
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A 5 RPU 005- A18

Proposed lots after resubdivision
Exhibit 2 After



Trails & Bikeways



c. 8 miles of pedestrian trail

=trail complete; =trail open but not yet built per requirements; = trail not open

c. 4 miles of bikeways

=bikeway complete; =bikeway open but not yet built per requirements; = bikeway not open

A.S. REV. 005. A 18

Exh.bit 5
Parke

Ocean Trails

Sunset Point Park 1.5

· Portuguese Bend Park

Onsite Habitet Offsire Hebiter

Ocean Trails SELL PLAN A 5 RRV 93. 00 5 A 18 方がなり Land to have C

• West Bluff Preserve – 7 acres

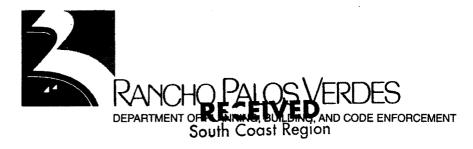
Bluff Corridor - 14.8 acres

• East Bluff Preserve – 7.7 acres

Golf Course Habitat – 27 acres (not all shown)

Shoreline Park, City Park – 43 acres

Switchbacks City Preserve – 10 acres



January 17, 2002

JAN 2 3 2002

Mr. Kenneth Zuckerman Ocean Trails L.P. One Ocean Trails Drive Rancho Palos Verdes, CA 90275 CALIFORNIA COASTAL COMMISSION

Subject:

Approval of a 4-lot Lot Line Adjustment (Case No. SUB2001-00003)

Dear Mr. Zuckerman:

I am pleased to inform you that today, January 17, 2002, the Director approved your request for a revised 4-lot Lot Line Adjustment within the boundaries of Tentative Tract Map No. 50666 (Case No. SUB2001-00003). Attached for your file is a copy of the approved Staff Report.

As you are aware the California Coastal Commission has determined that your request also requires Coastal Commission approval of an amendment to your Coastal Permit. A copy of this letter and approved Staff Report will be forwarded to the Coastal Commission Staff for their use and file. Once the Coastal Commission has approved of your request, a Certificate of Compliance shall be recorded for each lot. Please file the Certificate of Compliance applications within 180 days of the City's approval (January 17, 2002). Failure to provide said applications within this time period shall render this approval null and void.

If you have any questions, please feel free to call me at (310) 544-5228.

Sincerely.

Gregory Pfost, AICP

Deputy Planning Director

Attachment: Approved Staff Report

CC:

Pam Emerson, California Coastal Commission

Project File

A 5 RPV 93-00 5 A18 Exh. b.t 8



<u>MEMORANDUM</u>

TO: DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT

FROM: GREGORY PFOST, DEPUTY PLANNING DIRECTOR \\\

DATE: JANUARY 17, 2002

SUBJECT: AMENDMENT TO LOT LINE ADJUSTMENT FOR TENTATIVE

TRACT NO. 50666 (CASE NO. SUB2001-00003) (Land Owner:

Ocean Trails L.P.; Address: One Ocean Trails Drive)

RECOMMENDATION

Approve Lot Line Adjustment (Case No. SUB2001-00003).

REQUEST

The applicant is requesting a revision to a previously approved Lot Line Adjustment (Case No. SUB2001-00001) to adjust and re-configure the existing property lines of 4 existing legal lots to form 4 new lots. The proposed Lot Line Adjustment is for financial purposes.

BACKGROUND

On November 26, 2001, the Director of Planning, Building and Code Enforcement approved a 4-lot Lot Line Adjustment (Case No. SUB2001-00001) at the Ocean Trails site. The purpose of the approved Lot Line Adjustment was to revise and re-configure the existing property lines of 4 existing lots to create 4 new lots. The project is entirely included within the boundaries of Vesting Tentative Tract No. 50666 (VTTM No. 50666). Currently, VTTM No. 50666 is comprised of 5 existing underlying lots owned by Ocean Trails L.P. One of the 5 existing lots was not affected as part of the approved Lot Line Adjustment. Since the existing underlying 4 lots were created prior to 1990, the existing property lines of the 4 existing lots have no identifiable relationship with the approved Ocean Trails project, except that they are entirely located within the boundaries of VTTM No. 50666 - one of the two vesting tentative tracts that comprise the entire Ocean Trails project site. The existing 4 underlying lots include portions of the built Ocean Trails golf course, Landslide C, the constructed Clubhouse Building, 39 single family residential building pads, and various open space areas along the coastal bluff and internal to the project. The approved lot line adjustment (Case No. 2001-00001) revised

the lot lines so that Lot A and Lot C included only the residential building pads, Lot B included all of the open space areas, and Lot D included all of the golf course.

Although approved by the City, the lot line adjustment (Case No. 2001-00001) also required approval by the California Coastal Commission. Based upon concerns expressed by the Coastal Commission Staff, as noted in the attached December 13, 2001 letter from Kenneth Zuckerman (Ocean Trails, L.P.), Ocean Trails has requested that the approved lot line adjustment (Case No. 2001-00001) be revised.

PROJECT DESCRIPTION

The proposed project is to revise the previously approved lot line adjustment (Case No. SUB2001-00001), by revising the boundaries between Lot B and Lot D of the previous approved lot line adjustment. The proposed new boundaries, as shown on the attached depiction subdivide Lots B and D so that the revised Lot B is now composed of open space areas and golf course areas on the western side of VTTM No. 50666, while Lot D is now composed of open space areas and golf course areas on the eastern side of VTTM No. 50666.

The purpose of this revised Lot Line Adjustment (Case No. SUB2001-00003), as was with the previously approved Lot Line Adjustment (Case No. SUB2001-00001) is to separate out the residential portions from the golf course/clubhouse and open space lots. The owner has explained that for financial reasons, one or more of the lots may be sold to another party.

No changes will occur to the exterior boundaries of VTTM No. 50666 and no additional lots, beyond the existing 4 lots, will be created. Additionally, it is important to note that once VTTM No. 50666 is finaled, new lots already approved in 1994 through VTTM No. 50666 will replace all 4 of the new lots created through this revised Lot Line Adjustment.

ENVIRONMENTAL ASSESSMENT

In accordance with the provisions of the California Environmental Quality Act (CEQA), Staff has determined this project to be categorically exempt under Class 5, Minor Alterations in Land Use Limitations. This includes minor lot line adjustments that do not result in any changes to land use or density. As such, no further environmental review is necessary.

A.5. RPV 43 005 A18 Exh.h.1 9

CODE CONSIDERATIONS AND ANALYSIS

In order for the Director to grant approval for a lot line adjustment, the proposed lot configuration must comply with the development standards set forth in the City's Development Code. In addition, the adjustment must not make any existing structures, setbacks, or other applicable standards pertaining to the subject lots non-conforming in any way.

In this case, the subject parcels are part of a Residential Planned Development (RPD) that began being developed in the late 1990's and was approved in the early 1990's through the approval of VTTM No. 50666, Conditional Use Permit (CUP) Nos. 162 and 163, and the adoption of an Environmental Impact Report (EIR). Although the project approvals included specific development standards, these were only for the residential lots and only the Clubhouse building has been developed. The residential lots will not be developed until VTTM No. 50666 has been finaled, in which case, the 4 new underlying lots created through this revised Lot Line Adjustment will no longer exist. As such, the Clubhouse is the only existing structure that could be affected by the proposed Lot Line Adjustment. However, as stated above, the project was approved as an RPD, and subsequently, there were no specific setback standards established for the proposed Clubhouse. Instead, a general location was selected for the Clubhouse. The Clubhouse will be entirely located within Parcel "B". As such, the proposed Lot Line Adjustment will comply with all Development Code Standards as well as the standards and conditions created through the original project approvals.

Since the proposed project will continue to comply with all development standards, found within the Development Code and the project conditions, and no existing structures will be affected, Staff feels that the Director may approve of the proposed Lot Line Adjustment (Case No. SUB2001-00003).

ADDITIONAL INFORMATION

Initially, Staff was concerned that if this project was approved, and one of the lots was sold to another party, there may be impacts to the implementation of the existing conditions of approval for the Ocean Trails project. However, the conditions run with the land and must be implemented by any future property owners, or such property owners would be in violation of the approved entitlements. As such, there is no issue of concern related to this aspect of the proposed project.

As shown in the attached letter, the City Attorney has determined that there are no specific legal issues that arise from this proposal provided that any and all underlying easements remain in full force and effect after the proposed adjustment is recorded. This project will not affect existing easements, and any additional easements that were

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imposed by virtue of VTTM No. 50666 will be implemented by the approval of that final map.

Also, as shown in the attached letter, the City Engineer has approved of the proposed Lot Line Adjustment.

Staff received the attached letter from the Coastal Conservation Coalition, dated January 7, 2002, expressing a concern regarding the proposed Lot Line Adjustment. In their letter, the Coalition notes that, in their opinion the proposed Lot Line Adjustment violates an existing Settlement Agreement, which requires that the "non-golf set back area" be dedicated to the City of Rancho Palos Verdes, by adding the additional nongolf setback area to the usable golf course area. Staff and the City Attorney believe that the requirement of the "non-golf set back area" being dedicated to the City of Rancho Palos Verdes is not related to the proposed Lot Line Adjustment. This is because the underlying four lots, which exist today, also combine the non-golf setback area that is to be dedicated to the City with the areas to be used for the golf course. The proposed Lot Line Adjustment is for financial purposes only and will not change this. Further, the appropriate time for the dedication of the non-golf setback area to be considered is during the review and approval of the final map for VTTM No. 50666. In short, the issues brought up by the Coalition will be addressed through the final map for VTTM50666. Their letter also addresses other issues pertaining to the design of Halfway Point Park (a.k.a Ocean Trails Park) and some tees located within the non-golf setback area. As these are not related to the proposed Lot Line Adjustment, Staff will address these issues separately.

If approved by the Director, the proposed Lot Line Adjustment and related Certificate of Compliance cannot be recorded until the Coastal Commission has rendered an approval on the project.

CONCLUSION

The proposed lot line adjustment will not create any impacts to the development standards of the Development Code nor existing conditions of approval for the Ocean Trails project. As such, Staff recommends that the Director approves the Lot Line Adjustment (Case No. SUB2001-00003).

ALTERNATIVES

The following alternatives are available for the Director to consider:

Deny the Lot Line Adjustment; or

A 5 RPV 43.005 A18 Exh.b.t 9 P4

2. Identify any issues of concern and direct the applicant to re-design and resubmit the application; or

Approved pursuant to Staff's recommendation:

Joel Rojas, AICP

Director of Planning, Building

and Sede Enforcement

Date: 1-17-2

ATTACHMENTS

- Exhibit dated 8/23/01 showing "Before" (LLA) conditions
- Letter from Kenneth Zuckerman, dated December 13, 2001
- Letter from Coastal Conservation Coalition, dated January 7, 2002
- Letter from City Attorney, dated November 20, 2001
- Memorandum from City Engineer, dated January 11, 2002
- Full size Lot Line Adjustment Plans date stamped January 9, 2002

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P5

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101 Telephone 213.626.8484 Facsimile 213.626.0078

RECEIVED

NOV 21 2001

PLANNING, BUILDING, & CODE ENFORCEMENT

RICHARD RICHARDS (1916-1988)

GLENN R. WATSON ERWIN E. ADLER DAROLD D. PIEPER STEVEN L. DORSEY WILLIAM L STRAUSZ MITCHELL E. ABBOTT GREGORY W. STEPANICICH ROCHELLE BROWNE WILLIAM B. RUDELL QUINN M. BARROW CAROL W. LYNCH GREGORY M. KUNERT THOMAS M. JIMBO ROBERT C. CECCON STEVEN H. KAUFMANN GARY E. GANS JOHN J. HARRIS **KEVIN G. ENNIS** ROBIN D. HARRIS MICHAEL ESTRADA LAURENCE S. WIENER STEVEN R. ORR B. TILDEN KIM SASKIA T. ASAMURA KAYSER O. SUME PETER M. THORSON IAMES L. MARKMAN CRAIG A. STEELE T. PETER PIERCE AMY GREYSON DEBORAH R. HAKMAN TERENCE R. BOGA LISA BOND LLIAM P. CURLEY III JANET E. COLESON D. CRAIG FOX ROXANNE M. DIAZ ELANA A. LUBER TERESA C. BUCHHEIT CHANDRA GEHRI SPENCER ROBERT H. PITTMAN ANN M. MAURER ROY A. CLARKE JAY F. GOLIDA ERIC M. ALDERETE MICHAEL F. YOSHIBA REGINA N. DANNER PAULA GUTIERREZ BAEZA PETER K. KIM ALEXANDER ABBE AMY B. ALDERFER CARRIE H. AHN EFFIE K. TURNBULL

> OF COUNSEL HARRY L. GERSHON MARK L. LAMKEN SAYRE WEAVER WILLIAM K. KRAMER JIM G. GRAYSON MARTHA M. ESCUTIA

ROBERT WATSON PATRICK K. BOBKO

MARK E. MANDELL MATTHEW A. PORTNOFF IULIET E. COX

GEORGE M. YIN

SAN FRANCISCO OFFICE 44 MONTGOMERY STREET SUITE 1420 SAN FRANCISCO, CA 94104 TELEPHONE 415.421.8484 CALSIMILE 415.421.8486

NGE COUNTY OFFICE
1 CIVIC CENTER CIRCLE
PO BOX 1059
BREA, CA 92822
TELEPHONE 714.990.0901
FACSIMILE 714.990.6230

November 20, 2001

Mr. Greg Pfost Deputy Planning Director 30940 Hawthorne Blvd. Rancho Palos Verdes, CA 90275

Reference: Ocean Trails - Proposed Lot Line Adjustment

Dear Greg:

Our office has reviewed the Lot Line Adjustment proposed by Ocean Trails. The proposal would reconfigure four existing parcels for financial purposes. The adjusted lots would consist of a single lot containing the open space and recreation areas of Tentative Tract Map 50666, two lots containing the residential areas of Tentative Tract Map 50666, and one lot containing the golf course areas of Tentative Tract Map 50666. The adjusted lot lines would remain in place until such time as Tentative Tract Map 50666, or some other tract or parcel map, is recorded.

No specific legal issues arise from this proposal provided that any and all underlying easements remain in full force and effect after the proposed adjustment is recorded.

Please do not hesitate to contact me at (213) 626-8484 should you have any questions regarding the content of this letter, or if any further assistance is necessary.

Yours truly,

Carol W. Lynch

R6876\0001\675827.1 cc: Pam Emerson

California Coastal Commission

A 5. RPU 13 005 A18 Exh.b + 10

Memorandum RANCHO PALOS VERDES

To:

Gregory Pfost, Deputy Planning Director

From:

Don Winslow, City Engineer Salk

Date:

January 11, 2002

Subject:

Tract 50666 · · · OCEAN TRAILS · · · Lot Line Adjustment

Revised again · · · TD 3081

I have reviewed of the subject lot line adjustment as revised. The boundary between Parcel "B" and "D" has been moved and I am satisfied that the bearing and distances that describe that new boundary are within acceptable parameters.

I find no exceptions and I am satisfied that the lot line adjustment map is technically correct.

A.5.RPV-43005-418 Exh.b.+ 11

Memorandum RANCHO PALOS VERDES

To:

Gregory Pfost, Deputy Planning Director

From:

Don Winslow, City Engineer

Date:

December 4, 2001

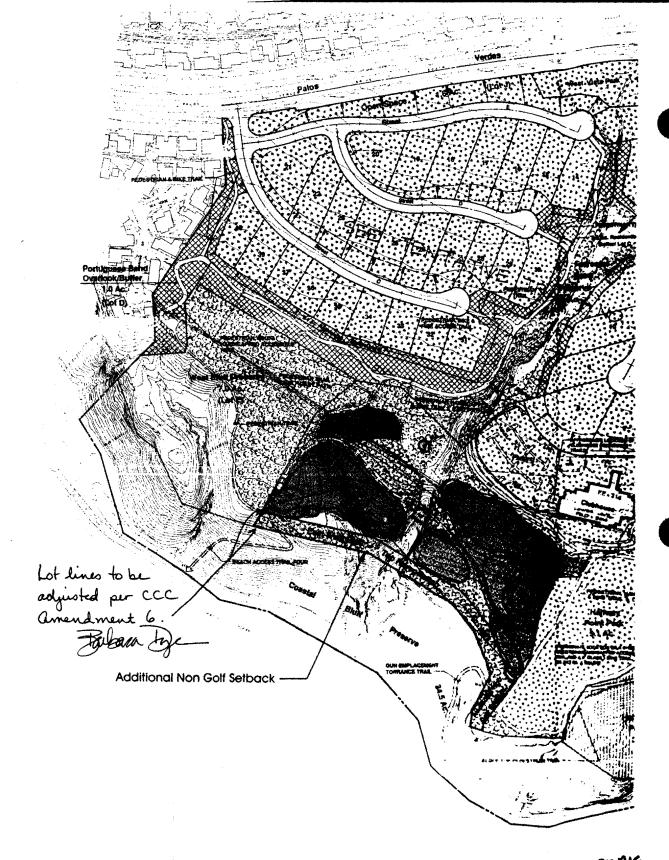
Subject:

Tract 50666 · · · OCEAN TRAILS · · · Lot Line Adjustment

Existing Parcels · · · TD 3081

In my review of the subject lot line adjustment I reviewed the title report and the source documents, that pertains to the land involved, with the expressed purpose of verifying the prior existence of four parcels. I am satisfied that four separate parcels currently exist in this project area.

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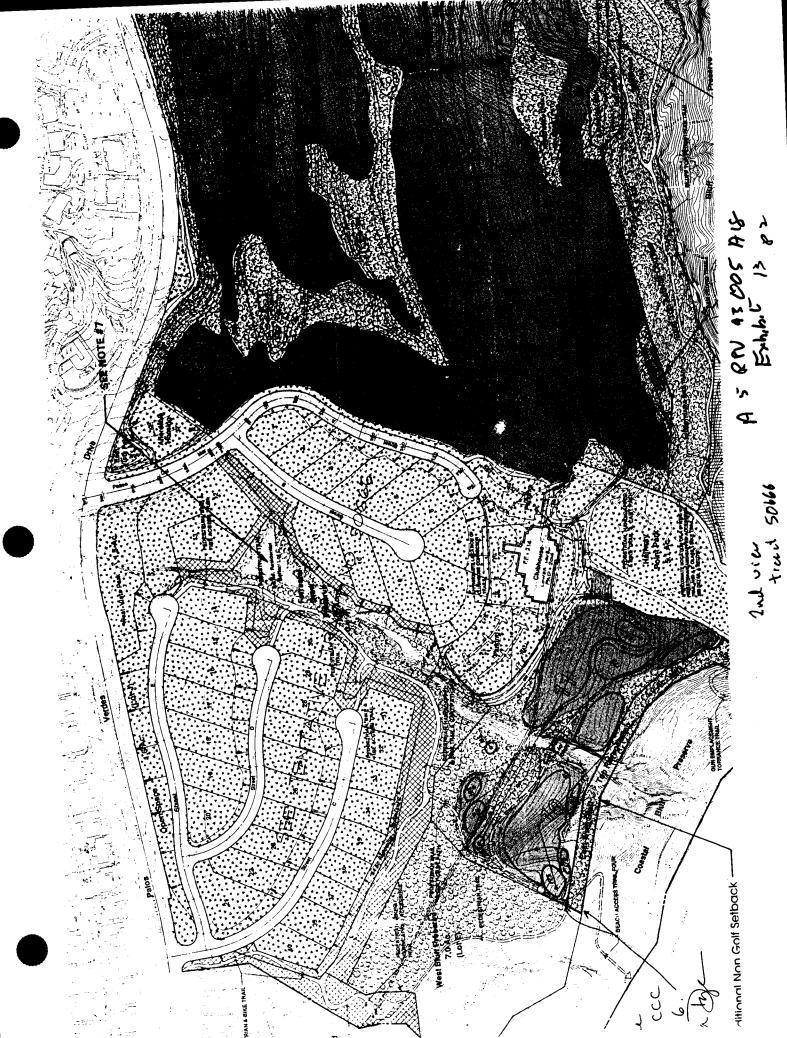
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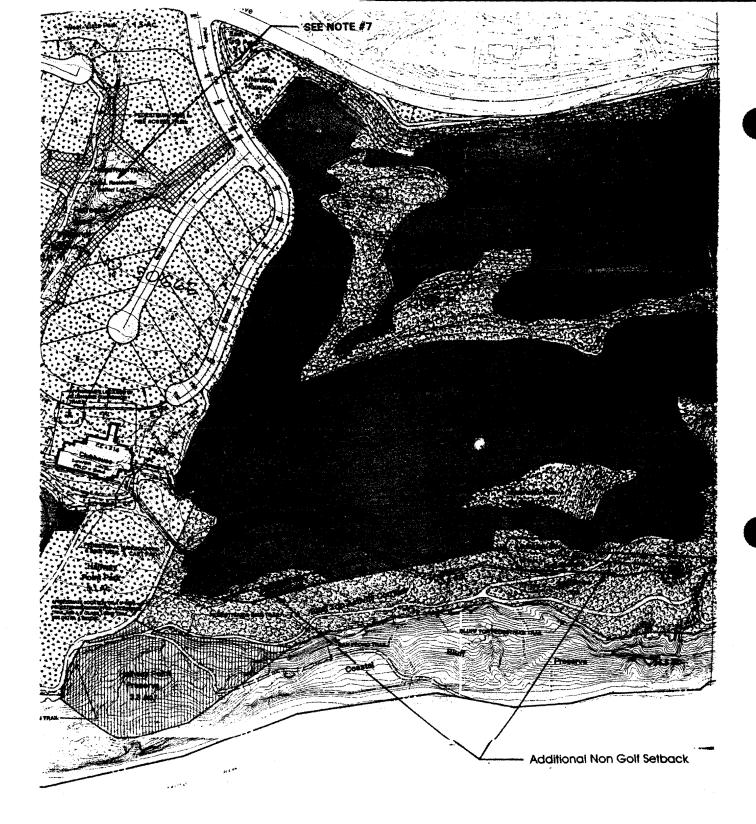
Exh.ht 13

Wet End trout
50666 pt

Residential / Clubhouse / Parks Plant Palette

		•		
Common Name	Deciduous	Evergreen	Drought	
			Tolerant	
Peppermint Tree		X	X	
Silk Tree	×		X	
Strawberry Tree		X	X	
King Palm		X		
Chiltalpa	X		x	
Dragon Tree		×	x	
	Peppermint Tree Silk Tree Strawberry Tree King Palm Chiltalpa	Peppermint Tree Silk Tree X Strawberry Tree King Palm Chiltalpa X	Peppermint Tree X Silk Tree X Strawberry Tree X King Palm X Chiltalpa X	

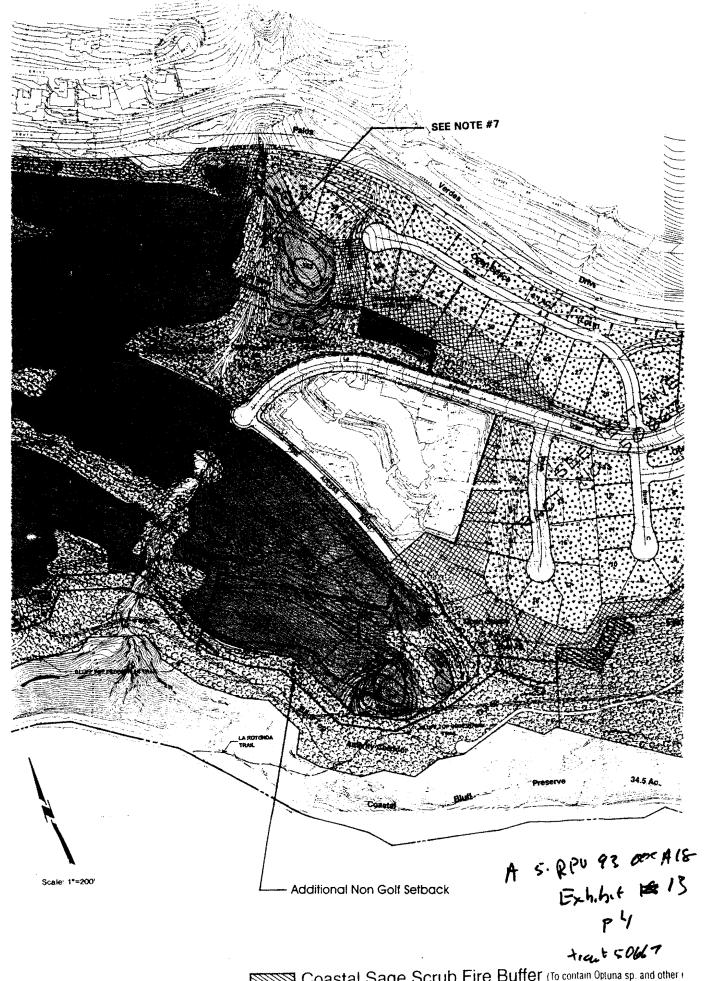




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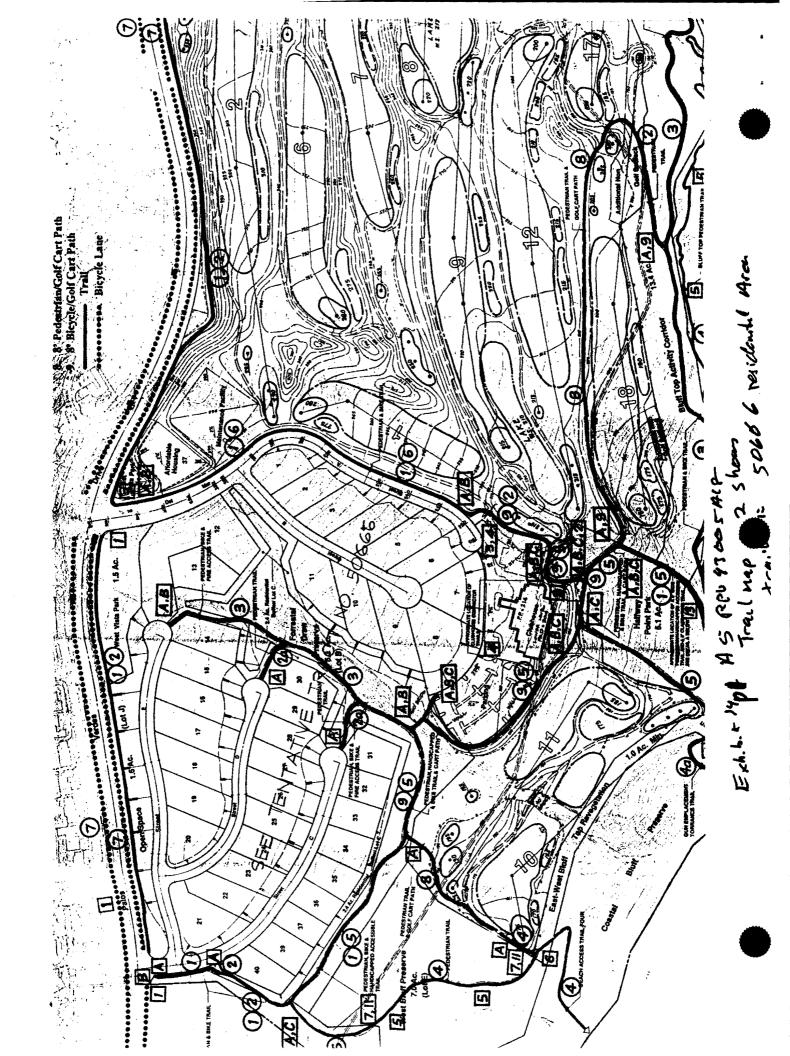
Coastal Bluff Scrub Plant Palette (Halfway Point Preserv

n Drought Tolerant	Botanical Name	Common Name	Dr. To
X	Ambiyopappus pusilius	pineapple weed	
×	Aphanisma blitoides**	NCN*	
X	Artemisia californica	California sagebrush	
	Atriplex pacifica**	Pacific saltbush	
x	Calandrinia maritima	seaside calandrinia	
X	Calochortus catalinae**	Catalina mariposa lily	
	Cleome isomeris	bladderpod	
X	Dudleva virens***	bright-green dudleya	
X	Encelia californica	California encelia	
`'	* =	· Contract	



Coastal Sage Scrub Fire Buffer (To contain Optuna sp. and other)

Fire Buffer Zone Plant Palette



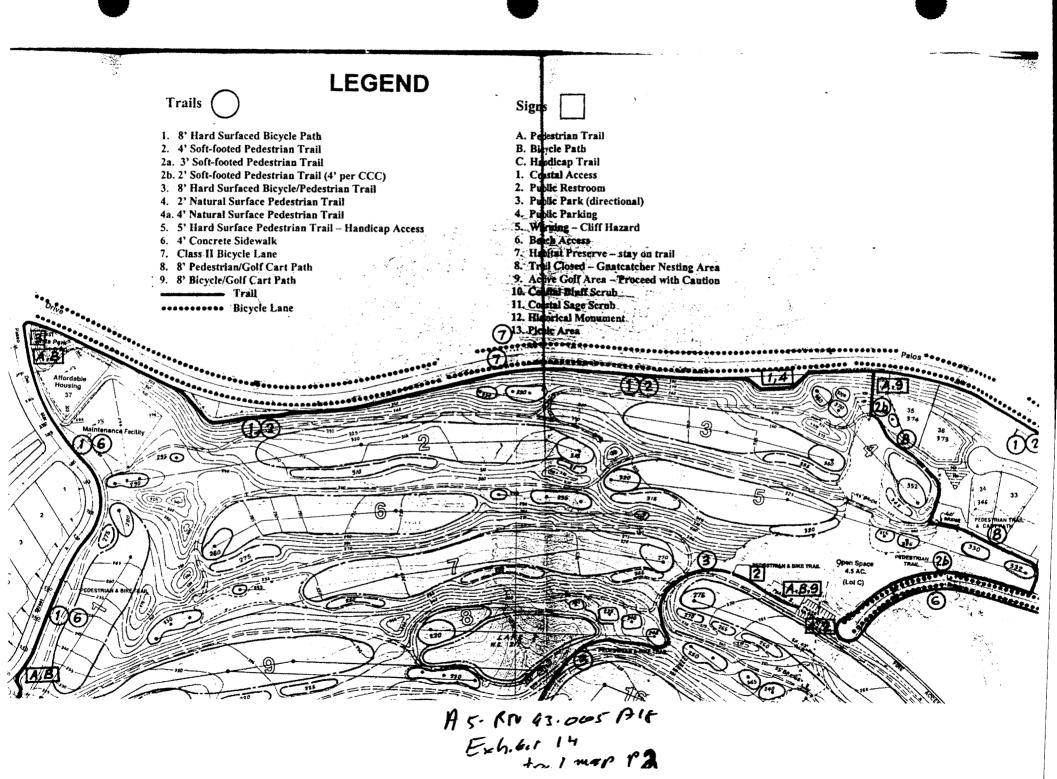


EXHIBIT E FEE OFFER PERMIT NO. A-5-RPV-93-005 Dedicated Property page 1 of 5

(#) = Property Description (See page 3 for Legend and Description)

Ocean Orails

VERDES PALOS

Amended Map No. 2 SITE PLAN

A S RPU G3005-PUB Land dealications たなから、「S

Los 73 S. Passenda I Gas Cours, 26 Op-Company 280 7 Company 280 7 Company barrel 1 Pass Sales 1 2 1 5 5 Bits Plan for Conditional Use ? Amended Map No. 3

1 2 S SCALE

MATCH

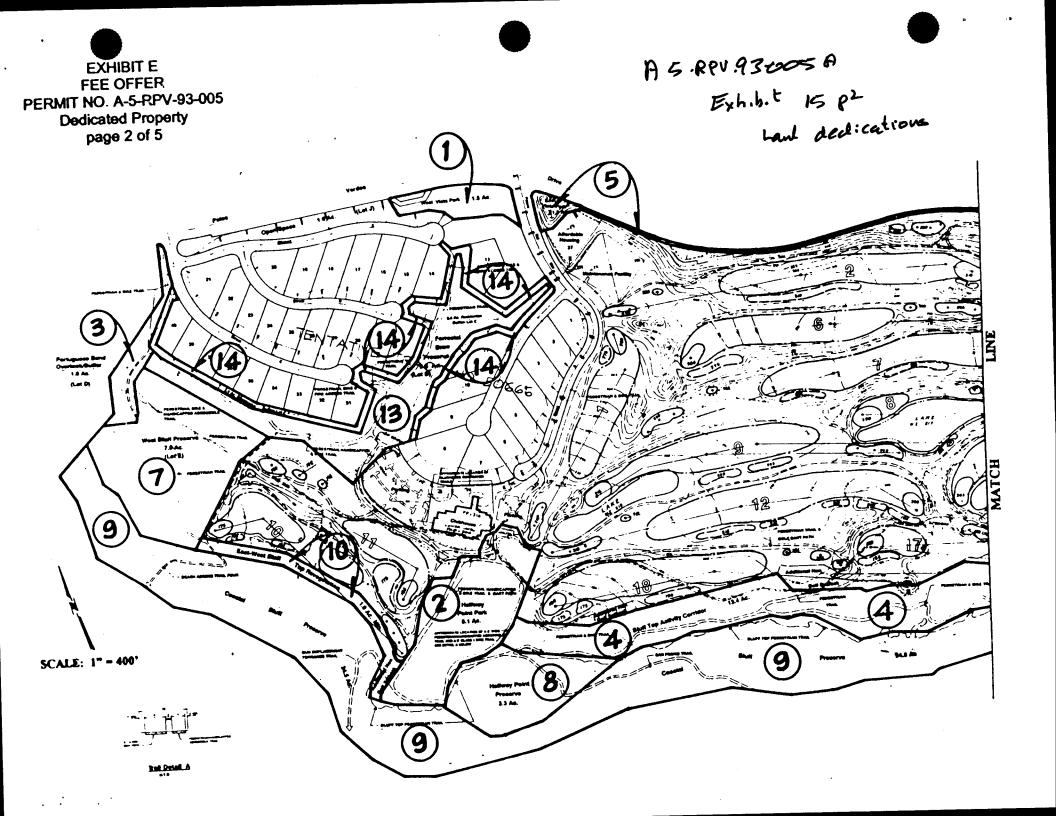


EXHIBIT E FEE OFFER PERMIT NO. A-5-RPV-93-005 Dedicated Property page 3 of 5

LEGEND	CONDITION NO.	LISCRIPTION	AREA
	A - PARKS		
1	1a	West Vista Park	1.5 AC
10346	1b	Halfway Point Park	5.1 AC
3	2	Portuguese Bend Overlook	1.0 AC
4	3	Bluff Top Activity Corridor West	8.9 AC
(5)	4	East Vista Park	1.2 AC
6	5	Bluff Top Activity Corridor East	4.5 AC
	B - PASSIVE PAI	RK/HABITAT PRESERVES	
7	1a	West Bluff Preserve	7.0 AC
	1b	Halfway Point Park	3.3 AC
9	1c	Bluff Face and Beach (West)	24.4 AC
® 9 1 1 1	2	Bluff Edge Habitat Setback	1.2 AC
11)	3a	East Bluff Preserve	7.7 AC
12	3b	Bluff Face and Beach (East)	10.1 AC
	C - MULTI - USE 1 - Tract 50666	COMMON OPEN SPACE	
43	n lat D		
(i)	a - Lot B		
(14)	b - Lot C 2 - Tract 50667	A 5. Rpv. 93 60	
15)	a - Lot A	Exhibit I hand clea ckey	>
15 16 17 13	b - Lot B	Lant de	it i contract
17	c - Lot C	t key.)
18	d - Lot H		

D - STREETS, ROADS AND PUBLIC PARKING

(See pages 4 & 5)

EXHIBIT E FEE OFFER PERMIT NO. A-5-RPV-93-005 **Dedicated Property** Streets & Parking page 4 of 5

LEGEND



STREETS



PUBLIC PARKING



PALOS VERDES

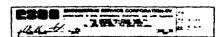


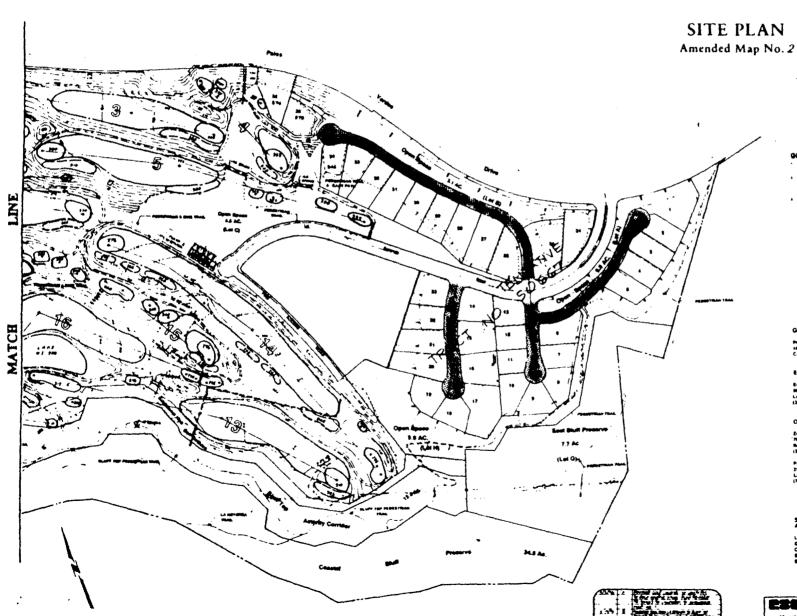
SITE PLAN

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Exhibit 15p4

GOLF COURSE NOTES.





LINE MATCH Exhibit is land dedication A.5 RPU .43.005 A18 Dedicated Property Streets & Parking Part Desalt A page 5 of 5 SCALE: 1" - 400"

PERMIT NO. A-5-RPV-93-005 EXHIBIT E FEE OFFER

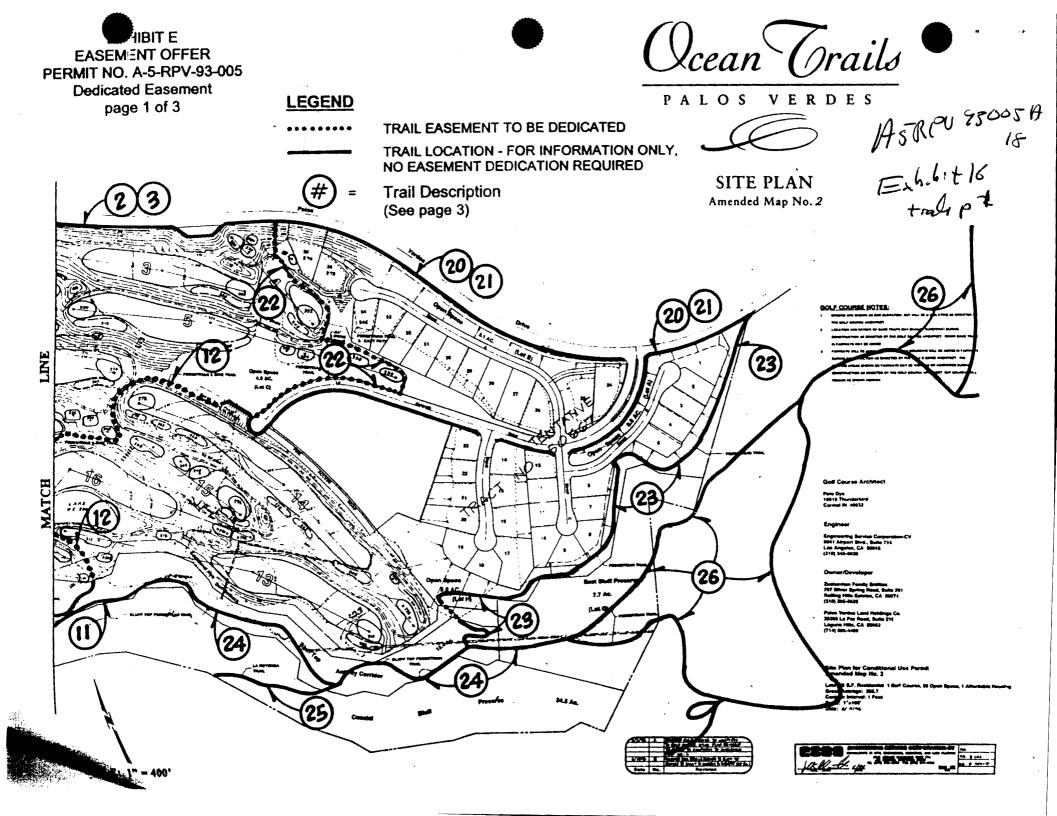


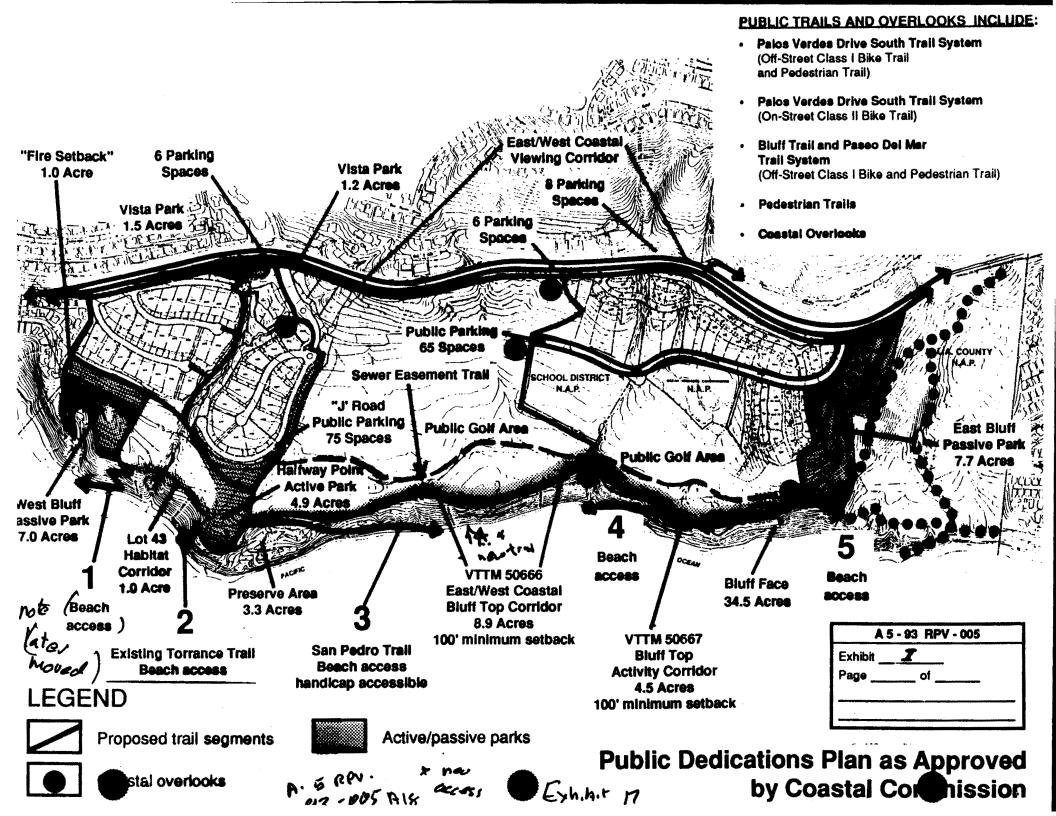
Exhibit 16 tials A S RPU 43 605 A 16 3 (2)Try and separate to the separate separa Dedicated Easement Test Detail A page 2 of 3 SCALE: 1" - 400"

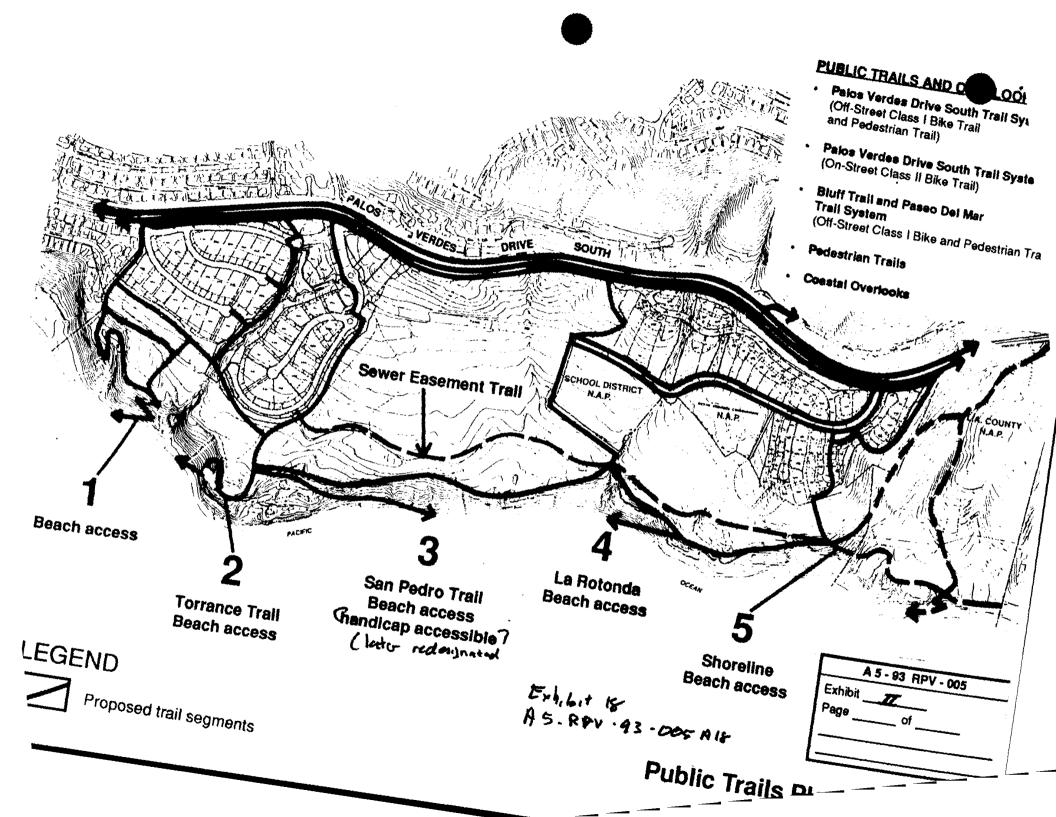
EASEMENT OFFER PERMIT NO. A-5-RPV-93-005 **EXHIBIT E**

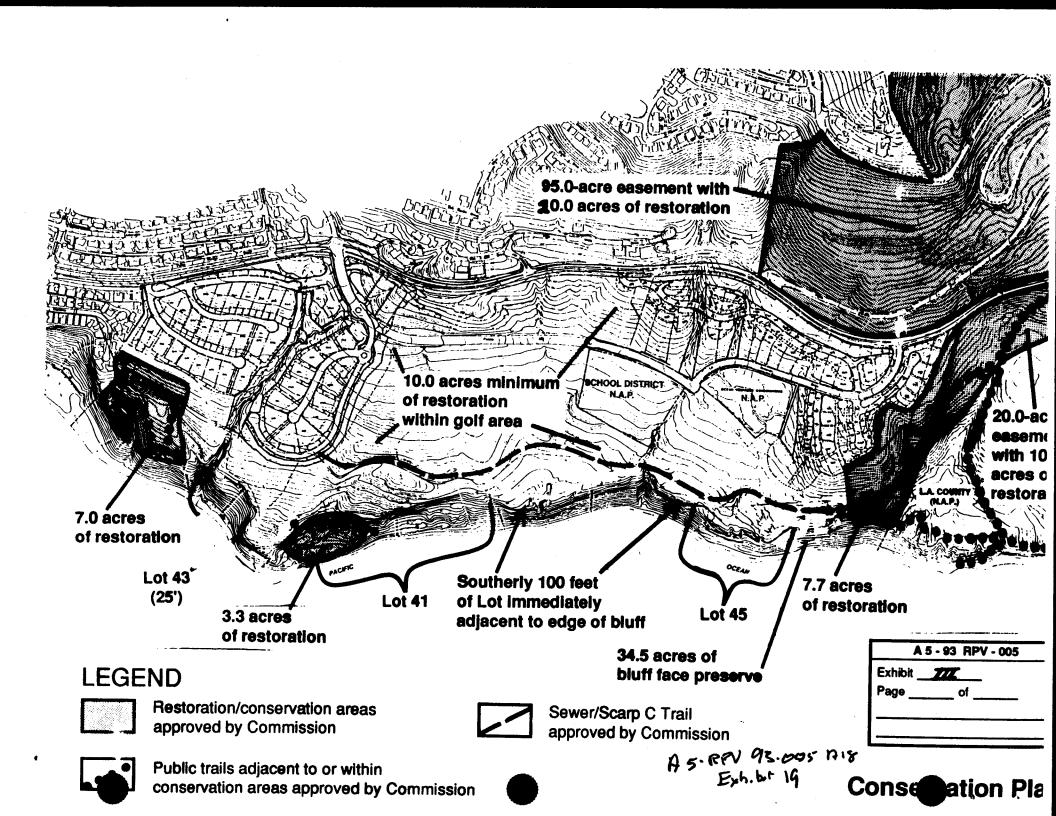
EXHIBIT E EASEMENT OFFER PERMIT NO. A-5-RPV-93-005 Dedicated Easement page 3 of 3

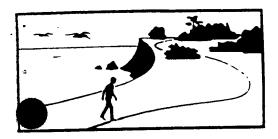
ASRAY93.005 A18 Exh.b.t 16 P3

LEGEND	CONDITION NO	DESCRIPTION
1	A-1	Palos Verdes Drive Bicycle Lane (not shown)
2	. 2	Palos Verdes Drive Bicycle Trail
3	3	Palos Verdes Drive Jogging Trail
4	4	West End Bicycle Trail
Q346678991123456P89	5	West End Jogging Trail
6	6 -	Torrance Trail Beach Access
7	7	San Pedro Trail Beach Access
8	8	Street A Bicycle Trail
9	9	Street A Paved Sidewalk
10	10	Forrestal Canyon Overlook Trail
11)	11	Bluff-Top Edge Pedestrian Trail
12	12	Bluff Top Bicycle and Jogging Trail
13)	13	Sewer Easement Pedestrian Trail
14)	14	West Bluff Beach Access Trail
15	15	West Bluff Nature Trail
16	16	Halfway Point Handicapped Loop Trail
17	17	Clubhouse Connector Trail
18)	B-1	Palos Verdes Drive Bicycle Lane (not shown)
19	2	La Rotonda Drive Bicycle Lane (not shown)
<u>@</u>	3	Palos Verdes Drive Bicycle Trail
(21)	4	Palos Verdes Drive Jogging Trail
22	5	Parking Lot Connector Pedestrian Trail
23	6	La Rotonda Point Pedestrian Trail
24)	7 ·	Bluff-Top Edge Pedestrian Trail
(2) (2) (3) (3) (3) (4)	8	La Rotonda Point Beach Access Trail
26)	9	Bluff-Edge/25 th St. Pedestrian Trail









COASTAL CONSERVATION COALITION

1 Peppertree Drive, Rancho Palos Verdes, CA 90275 (310) 541-1914, FAX (310) 541-4807

January 7, 2002

City of Rancho Palos Verdes, Rancho Palos Verdes City Council 30940 Hawthorne Boulevard Rancho Palos Verdes, CA 90275 RECEIVED

South Coast Region

JAN 1 0 2002

CAMPOINTA COASTAL COMMISSION

Re: Ocean Trails - Lot Adjustment, Park Design and Open Space Designation

Dear City Council Member,

The Coastal Conservation Coalition has significant concerns regarding the above mentioned, recently proposed changes to the Ocean Trails' project.

One recent proposal is a lot adjustment for Tract No. 50667. After reviewing the map we found that the proposal violates our settlement agreement which was also signed by the City of Rancho Palos Verdes:

- In addition to the bluff areas and habitat areas, the negotiated additional nongolf set back area was to be dedicated to the City of RPV. The proposed lot alignment, however, violates this agreement in adding the additional non-golf setback to the golf course. This is unacceptable!
- o Within the additional non-golf setback area, there were as an exception a few small tees allowed, but only for tournament games. We found that these tees were substantially larger in the most recent map than the ones shown in the settlement agreement map. Again, the settlement agreements have to be kept.
- o The shape of Halfway Point Park has changed and it seems smaller than the area shown in the settlement agreement. In addition, the shape of the now proposed park differs in the map showing the lot adjustment and the map showing a new park design. This issue needs to be clarified, but there can be no size reduction for the park.
- o In regards to the new design proposal of Halfway Point Park, the redesign of the whole upper part seems to be geared to accommodate weddings and other private functions. However, the settlement agreement clearly states that there must be unlimited public use of Halfway Park. Again, these changes are not acceptable.
- o In addition, it is not clearly visible in the preliminary park development plan, how the trails of the park connect with the required San Pedro trail and Sunset trail.

We were told by Ocean Trails representatives that the City does not have any concerns regarding the lot adjustment and that the proposal will therefore not be discussed before the City Council, but is on the February agenda of the California Coastal Commission. As

A.5-RPV-005. Al8 Exhibit.

pointed out, there are significant issues on the table. We urge you to discuss these within the City before they are referred to the California Coastal Commission to give us an opportunity to publicly present our concerns on the local level.

Last, but not least, we are very pleased that the City is going to accept the dedication of the open space areas of Ocean Trails Tract No. 50666. However, since we have not had a chance to see a staff report, we are concerned that also for this tract the negotiated additional non-golf set back area may not be included in the land that will be dedicated to the City. We urge you before discussing this item to make sure that the dedication is in accordance with our settlement agreement.

Boukman - 848'

Sincerely,

Angelika Brinkmann-Busi

20 Exhibit 20,2 A5 RPV-93 005 A18



On The Palos Verdes Peninsula

January 13, 2002

Ms. Kay Bara **Designated Contact** Coastal Conservation Coalition 1 Peppertree Drive Rancho Palos Verdes, CA 90275

Dear Kay,

I would like to respond to the letter you sent to the City of Rancho Palos Verdes regarding the proposed lot line adjustment. First, I am very disappointed that you did not take the opportunity, which was offered to your group a number of times, to meet with me to discuss the lot line adjustment and the associated issues. It seems to me that working together to deal with any concerns you might have would be the most productive way to handle things. However, if you choose to deal with your concerns through letters to the City and the Coastal Commission, without even a courtesy copy to Ocean Trails, the process will certainly be slower and more adversarial.

To address your specific points:

- As I read the Settlement Agreement, the non-golf setback area was supposed to be dedicated to the City. Recorded offers to dedicate the parks, habitat areas and open space lots, but not the non-golf setback, were made in 1997 and again in 2000, using depictions. These were public documents, available for your review. If requested, I would have been happy to provide them to you. When the tract map for 50667 recorded in 2000 the non-golf setback was not made a separate lot. Again, you would have been welcome to review this. While this is a legitimate issue, one I have already started addressing, it has nothing to do with the currently proposed lot line adjustment for the pre-existing lots. As a result of my preliminary inquiries, I am pleased to let you know that it should be relatively simple to resolve the non-golf setback matter and it is fortunate that it came to our attention through this process.
- The locations of the tees within the non-golf setback are consistent with the Settlement Agreement. In fact, during construction of the golf course the setback line was surveyed at regular intervals to make sure that it was being observed. The Project's Restoration Ecologist monitored all grading and was diligent in enforcing the setback. At one point, when the surveys showed that a tee had been constructed into the setback in a location that was not allowed, the owner required the company building the golf course to remove it and redo about a week's work. All of the nongolf setback areas have had coastal sage scrub installed and it is very healthy since it benefits from its proximity to golf course irrigation. Gnatcatchers have been observed foraging in these areas, which is a sign of successful revegetation.

One Ocean Trails Drive . Rancho Palos Verdes, California 90275 Phono: (310) 265-5525 Fax: (510) 265-5522 Web site: www.nceantrails.com E-mail: golf@oceantrails.com

- The shape of Halfway Point Park (now Ocean Trails Park) has changed. This change was negotiated with the City and the Coastal Commission, and your group was provided with copies of the changes when they were proposed. The acreage of the park has been increased. An additional flat pad area was added on the eastern side of the park, taken from the golf course lot so that there would not be any reduction in useable space. In fact, based on the acreages of the recorded tract map for 50667 and the draft tract map for 50666 (which could still change slightly), we have increased the sizes of the project's parks by 6% and the habitat areas by 5% over what was required (see enclosed chart).
- The proposed design of Ocean Trails Park is, again, a separate issue from the lot line adjustment. It would have been very helpful to me to have heard more specific concerns from you regarding the design. Let me emphasize, Ocean Trails has its own wedding terrace for which it charges a fee. There is very little benefit to Ocean Trails in having weddings in the park, and in fact, it is possible that conflicts with our events could pose a problem for us.

The proposed new design is substantially the same as the previous one except that the new plan has an easily-accessed small plaza at the top where we proposed to put potted trees and some chairs and picnic tables, a fossil wall to showcase the specimens found on site (those not needed for research or display by the Natural History Museum or PVIC), low walls and stairs crossing the pads that would also serve as places to sit, a new location for the pavilion (which must be relocated for geotechnical reasons), and additional stone paving around the pavilion and leading to it. The pavilion plaza is 20' below and 300' from the park-level entry points below the public parking lots, and is partly buffered by planters. Activities there will certainly not dominate the park. The landscaped areas remain much the same as in the previous version; the current design has more useable flat areas and less turf.

Uses of the park can and will be controlled by the City, and if you do not want weddings held in the park, you are free to make that request of the City. We are in the process of revising the design for the proposed entry sign, adding trail and bikeway directional indicators and the words "public welcome," or "open to the public." We would be happy to consider any other signage suggestions.

Finally, the park is separated from the clubhouse by a steep slope. I provided you with a great section of the proposed park that show, how clear the separation is and how the terrain within the park works to provide multiple use areas within the space. Of course we want the view from the restaurants to be an attractive one, and we have designed what we believe is an appealing, useable park. It would cost us significantly more to construct and at this point we are not even sure that this is the plan we will be submitting for approval. We would be happy to hear any specific suggestions you have regarding modifications that you believe would improve the plan. If the result of your changes would be to have nothing but turf in the park, I am not sure the public would benefit from that change.

One Ocean Trails Drive * Rancho Palos Verdos, Celifornia 20275
Phone: (310) 265-5525 Max: (310) 265-5622 Web site: www.oceantralls.com E-mail: golf@oceantrails.com

A-5 - RPV -93 0057918

I would have been happy to have met with you and showed you how the trails and bikeways interact with the park. I assure you that the connections are as required. The configuration of the pathways is very much dictated by the grades within and adjacent to the park - there was very little flexibility regarding their locations if the required grades were to be achieved. We are still improving the design, and recently added additional bike racks at the top to serve the public better. Throughout the process we have paid attention to making sure that the bikeway, pedestrian trail, handicapped pathway, picnic areas and overlooks all work together well and provide functional public access opportunities.

As I informed you in an effort to work with you regarding the current proposals, we were pleased to make progress toward a resolution of the issues regarding acceptance of the park, habitat and open space lots by the City. While it has not happened as quickly as I, in my enthusiasm, had hoped, the process of satisfying the City regarding their concerns about liability is underway and I hope we will see the lots from 50667 accepted relatively soon.

With this letter you will find an exhibit showing the revised lot line adjustment for which we are applying at this time. The change was made in response to direction from Coastal staff that we not create, even temporarily, a lot that did not have some legitimate use. We were willing to make this revision because it doesn't matter how lots B and D are configured since they will both remain owned by the golf course and will only exist until the tract map for 50666 records. Again, the proposed lot line adjustment does not affect the design, dedications, uses, lots, conditions, expectations, covenants or requirements of the project as approved by the City and the Coastal Commission.

In conclusion, I believe that communication and cooperation are the best way to resolve any problems and address any concerns you may have. If you do not choose to avail yourselves of my offers to discuss these matters with you, I am disappointed. In spite of the difficult conditions under which we are working, Ocean Trails will continue to work in good faith to create coastal sage scrub habitat, build parks and trails, and satisfy all of the thousands of conditions placed upon it. I look forward to any response you choose to make,

Sincerely,

Barbara Dve

Environmental Project Manager

Cc Greg Pfost, City of Rancho Palos Verdes

Pam Emerson, California Coastal Commission Angelika Brinkmann-Busi, Coastal Conservation Coalition

Frank Angel, Coastal Conservation Coalition

Kenneth A. Wolfson, Latham & Watkins

One Ocean Trails Drive . Rancho Palos Verdes, California 90275 Phone: (310) 266-6525 Fax: (310) 265-5622 Web site: www.oceantrails.com E-mail: golf@oceantrails.com

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ATTORNEYS AT LAW WWW.LW.COM

NEW YORK NORTHERN VIRGINIA ORANGE COUNTY PARIS SAN DIEGO SAN FRANCISCO SILICON VALLEY 5 VGAPORE

October 30, 2001



CAUFORNIA CASTAL COMMISSION

VIA FACSIMILE

Mr. Ken Zuckerman Zuckerman Building Company One Ocean Trails Drive Rancho Palos Verdes, Ca 90275

Re:

Lot Line Adjustment

Dear Ken:

You have informed me that you are currently processing a lot line adjustment with respect to Tract 50666 and that the purpose of this lot line adjustment is to allow a transfer of ownership of the residential lots to Credit Suisse First Boston. You specifically asked me whether the adjustment of the lot line would have any adverse effect on the conditions of approval placed on the project by the City of Rancho Palos Verdes or the California Coastal Commission which we previously reviewed, or on the documentation which we previously prepared in connection with the California Coastal Commission and the various deed restrictions and offers to dedicate. The recordation of the lot line adjustment will not result in any amendment or other change to the above-referenced conditions. All of such conditions of approval will continue to apply as originally contemplated, irrespective of whether the lot line adjustment is recorded and irrespective of whether any portion of the land is conveyed to another owner.

As you are aware, the various documents recorded in connection with the California Coastal Commission requirements all include depictions and/or legal descriptions of the encumbered property. It is my understanding that the depictions and legal descriptions utilized were based upon the lots in the approved project, and not on the pre-existing underlying lots. These documents were executed and delivered to the California Coastal Commission sometime ago. The recordation of a lot line adjustment at this point in time will not result in any change in the legal effect of the various documents previously delivered to the California Coastal Commission. Revising a lot line, by itself, does not result in changing the rights of the parties pursuant to the conditions of approval for the project or the previously delivered documents. To the contrary, if you desire to change any of the legal descriptions or depictions on any of the previously delivered documents, we will need to enter into amendments of such documents evidencing such changes.

A 5 RTV 93 005 AU Exh.b.t < _-23p1

LATHAM & WATKINS

Mr. Ken Zuckerman October 30, 2001 Page 2

It is also my understanding that conveyances to the California Coastal Commission are exempt from the California Subdivision Map Act. As a result, the recordation of the lot line adjustment will neither assist you, nor hinder you, in connection with any actual conveyances which you may desire to make to the California Coastal Commission.

I have also discussed with matter with Carol Lynch, the attorney for the City of Rancho Palos Verdes. Carol has concurred with my conclusions and agrees that there will be no problems raised in connection with any of the documentation entered into with the City resulting from the proposed lot line adjustment.

If you have any questions with respect to the foregoing, please do not hesitate to contact me.

Very truly yours,

Kenneth A. Wolfson of LATHAM & WATKINS

A 5 RPU - 005. A18

Exh. 6 x 23



December 13, 2001

RECEIVED South Coust Region

DEC 1 4 2001

CALIFC. COASTAL COMMISSION

Ms. Pam Emerson Los Angeles Area Supervisor California Coastal Commission 200 Oceangate, 10th Floor Long Beach, CA 90802-4302

Dear Ms. Emerson,

We have received your Notice of Incomplete Amendment Application A-5-RPV-00-005A-18. We are in the process of obtaining Certificates of Compliance for the preexisting lots. However, I would like to make clear that we have previously provided you with "evidence that existing lots are legal lots," as follows:

- Copies of the original deeds from the County Recorders Office showing that the lots were created prior to the passage of the Subdivision Map Act.
- A memo from the City Engineer of Rancho Palos Verdes stating that he is "satisfied that four separate parcels currently exist in this project area,"
- A copy of a Title Report. Enclosed you will find a copy of an up-to-date title report. However, the previous title reports filed with the Commission all show that the parcels in question are legal parcels.

We do not believe that the status of these lots is a legitimate issue with regard to our amendment request, but as stated above, we are in the process of obtaining the certificates you have requested, and we expect to have them early in the week of December 17. If you have any questions, feel free to call Barbara Dye at my office (310.303.3203).

Sincerely.

Kenneth A. Zuckerman, CEO

Ocean Trails, L.P.

CC Greg Pfost, City of Rancho Palos Verdes Kenneth A. Wolfson, Latham & Watkins Ken Jenkins, Senator Betty Karnette Broc Coward, Assemblyman Alan Lowenthal A.S. RPV 93005 A18 Exh.b.t.

OCEAN TRAILS LAND USE and STATUS OF IMPROVEMENTS February, 2002

HABI	TAT ARE	AS		Year installed	Status
6	В	Forrestal Draw	5.63	2001	On schedule
6	E	West Bluff Preserve	7	1995, 1999	On schedule
6	F	Halfway Point Preserve	3.66	n.a.	n.a
6		West Wildlife Corridor	1.37	1998	On schedule
6	G	Bluff Face	24.88	n.a.	n.a
6	К	Bluff Corridor	8.9	1999	On schedule
7	ı	Bluff Face	10.67	n.a.	n.a.
7	K	Bluff Corridor	4.57	1998	On schedule
7	G	East Bluff Preserve	7.8	1998	On schedule
7	С	Upper La Rotonda	4.43	1999	On schedule
6&7		Golf Course Habitat	22.85	1999	On schedule
6		Non-golf setback	2.4	1998	On schedule
7		Non-golf setback	1.5	1998	On schedule
RPV		Switchbacks	11	2001	On schedule
RPV		Shoreline Park	43	1998-2001	On schedule
		Landslide Impact Area	10	after repair, per HCP	Plants being grown
		Total acreage habitat lots	78.91	All installed	On schedule
		Total Habitat Areas	159.66	All installed	On schedule
		Total Revegetation	143.96	All installed	On schedule
		Total Onsite Areas	105.66	All installed	On schedule
				Timing	Timing
PARK	S			Coastal	City
				before all 666 C of Os,	
6	D	P. Bend Park - not done	1.3	constr.> 6 homes	not specified
				before all 666 C of Os,	
6	Α	Sunset Point Park - not done	1.5	constr.> 6 homes	before road is accepted
6	Н	Ocean Trails Park - after repair	5.21	Before 18 holes	Before 18 holes
7	D	Vista Catalina Park - done	1.45	Before clubhouse	Before clubhouse
7	E	La Rotonda P'king Lot - done	0.47	Before clubhouse	25 before clubhouse
		Total	9.93		
1	ENTRY LOTS & FUEL MOD				
6	С	Fuel Mod - Installed 2001	2.4	before final map	before final map
6	J	Lot J - entry lot - not done	2.05	no deadline	no deadline
7	Α	Entry Lot - Installed 1998	0.59	no deadline	no deadline
	В	Entry Lot - Installed 1998	3.42	no deadline	no deadline
7					
7	Н	Fuel Mod - installed 1998	4.24 12.7	no deadline	before final map

Exhibit 26 pr A 5 RPV 93.005

OCEAN TRAILS LAND USE and STATUS OF IMPROVEMENTS February, 2002

	RAILS AND OTHER AMENITIE	S	CCC	RPV
CCC#			Third Stage	Second Stage
A(6)	Sunset Trail	done	before 15, 18	not required
A(7)	Sunrise Trail	after repair	before 18 holes	before 18 holes
A(8,9)	El Portal Trail/Bikeway	done	before 18 holes	before 18 holes
A(11,		:		·
12)	Catalina View Trail/Bikeway	w. PVDS	before 18 holes	before 18 holes
A(13)	Flying Golfball Trail	after repair	Before 18 holes	Before 18 holes
A(16)	Park Loop Trail	after repair	before 18 holes	before 18 holes
A(17)	Clubhouse Connector Trails	done	before 18 holes	before 18 holes
A(18)	Dudleya Trail	after repair	before 18 holes	not required
B(2)	La Rotonda Bikeway	done	before 18 holes	before 18 holes
			Fourth Stage	Third Stage
			before all 666 C of Os,	
A(1)	PVDS On-street Bicycle Lane	w. PVDS	constr.> 6 homes	before road is accepte
A(2)&		done/after	before all 666 C of Os,	
(3)	Ocean Vista Bikeway (PVDS)	repair	constr.> 6 homes	before road is accepte
	-	done/after	before all 666 C of Os,	
A(3)	Ocean Vista Trail (PVDS)	repair	constr > 6 homes	before road is accepte
			before all 666 C of Os,	
A(4)	West Portal Bikeway	not done	constr.> 6 homes	before road is accepte
		 	before all 666 C of Os,	
A(5)	West Portal Trail	not done	constr.> 6 homes	before road is accepte
			before all 666 C of Os,	
A(10)	Canyon Rim Trails (fire road)	not done	constr.> 6 homes	before road is accepte
A(14)	West Bluff Trail	done	Before 15 holes	before 18 holes
			before all 666 C of Os,	
	Forrestal Canyon bridge	done	constr.> 6 homes	not specified
		1	before all 666 C of Os.	
A(17)	Clubhouse Connector Trails	done	constr.> 6 homes	not specified
		<u> </u>	before all 666 C of Os,	<u> </u>
B(1)	PVDS On-street Bicycle Lane	w. PVDS	constr.> 6 homes	before road is accepte
1 -(.)			before all 666 C of Os,	
B(3)	Ocean Vista Bikeway (PVDS)	w. PVDS	constr.> 6 homes	before road is accepte
1 2(0)		1	before all 666 C of Os,	
B(4)	Ocean Vista Trail (PVDS)	w. PVDS	constr.> 6 homes	before road is accepte
- D(4)	Cocan vista Trail (F VDO)	W. 1 VD3	before all 666 C of Os,	boloic load is accepte
	View overlook Forrestal	not done	constr.> 6 homes	before 18 holes
	PVDS Off Street parking	w. PVDS	not required	before road is accepte
				
	View overlook e. of maint Bicycle rest stop PVDS	w. PVDS	not required	before road is accepted before road is accepted
ſ	Dicycle rest stop PVDS	w. PVDS	not required	perore road is accepte

A 5 RPV 43005. A18 Frb.b.+ 26 P2