

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 9/4/97
49th Day: 10/23/97
180th Day: 3/3/98
Staff: PE-LB
Staff Report: 9/18-/97
Hearing Date: Oct. 7-10, 1997

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: A-5-RPV-93-005-A6

APPLICANTS: Palos Verdes Land Holdings Co. & Zuckerman Building Co.

AGENT: Kenneth A. Zuckerman, Project Manager

PROJECT LOCATION: Vacant 261.4 acres seaward of Palos Verdes Drive South and Palos Verdes Drive East, between the City of Los Angeles Boundary and the Portuguese Bend Club at Halfway Point, Habitat restoration includes Shoreline Park, and 98 acres located on Palos Verdes Drive East north of Palos Verdes Drive South. 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 residential lots, utilities and site improvements, four lower cost apartment units, 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 County Park adjacent to the project to the west to habitat preserve and restoration of ten of those acres; 2) purchase of easement over 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 to habitat areas. Subsequently amended five times as indicated in appendix B. This project is also identified as "Ocean Trails".

SUMMARY OF CURRENT 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 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 this report. As a result of the amendment, conditions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 19 and 23 will be revised, and condition 22 will be eliminated as unnecessary. In order to facilitate compliance with the special conditions as revised by this amendment request as modified by staff, all special conditions with the suggested revisions are contained in Appendix A attached. Each specific change requested in this amendment is listed on page 3 of this report. Staff's recommendations for changes to the special conditions are found in Appendix A identified by a ~~cross-out~~ and ***bold italic*** format. Bold italic represents insertions in the conditions. The findings begin on page 22 of this report.

SUMMARY OF UNRESOLVED ISSUES.

While the applicant had not seen this report before mailing and has not had a chance to comment on details, the applicant and the staff are in agreement on the recommendation with the exception of two issues relating to the recording of offers to dedicate. First the applicant proposes to use visual depictions or other methods in lieu of metes and bounds in recording some trail offers before issuance of the permit. The applicant would then, a year later, record its final tract map and include precise descriptions of the trails as part of the final tract map. Staff recommends that this method is too indefinite to protect the interests of the public and allow the Commission to carry out its responsibilities. Secondly, the applicant proposes to incorporate easements for utility lines to serve its development within the streets, common open space and some recreational lots proposed in the subdivision. While staff agrees that there will have to be utility easements, in the time available before the mailing of this report, staff was unable to develop a method for the applicant to record utilities easements after offers to dedicate have been recorded on the dedicated lots. Staff will continue to consult with the applicant on this problem.

STAFF RECOMMENDATION

The staff recommends that the Commission approve the applicant's request, subject to some modifications and clarifications proposed by staff. The staff recommends that the proposed development as amended, including the recommended revisions to the special conditions), are consistent with the access and recreation requirements of the Coastal Act, the requirements of the certified LCP, and the Commission's previous actions.

AMENDMENT REQUEST: This is the sixth amendment to an 83 unit residential and golf course project approved in 1993 on the last extensive undeveloped shoreline parcel in Los Angeles County. The Commission's original approval included numerous conditions to provide public access on the site, to protect the coastal California Gnatcatcher, a threatened bird that nests on the site, and to accommodate restored habitat, public recreation and a privately operated public golf course as well as 83 residential lots (See Appendix A). There have been five prior amendments to the project, including a reduction in the number of units to 79 units), more fully described in Appendix B, attached.

This amendment would resolve a long standing issue regarding the westernmost portion of the "bluff top corridor" located between the westernmost end of the golf course and the physical bluff edge. The purpose of this bluff top corridor is to act as a buffer and wildlife corridor between the golf course and the bluff edge. On the most recent City-approved tract map which the applicant has provided for condition compliance, a 185 foot long portion of this bluff top corridor (approximately 4605 square feet) is depicted on the bluff face.

While consistent with maps signed as part of a settlement of a lawsuit challenging the project (Native Plant Society and Sierra Club v Coastal Commission) the location of a portion of the bluff top corridor on the bluff face is inconsistent with the wording of the Commission's conditions and with findings, which describe this portion of the bluff top corridor as "50 feet strip immediately adjacent to the edge of the bluff" and with the language of the settlement of which states that the settlement is subject to the Commission's conditions. As a result of the inconsistency, staff was unable to approve plans showing the bluff top corridor on the bluff face.

The applicant now proposes to change the tract map to provide more area in the corridor and to amend the condition so that the westernmost 185 foot long portion the corridor can be less than 50 feet in width from the edge of the bluff. The applicant proposes to provide no less than a 25 foot bluff top corridor by adding a 105 foot long strip ranging in width from zero to 25 feet, approximately, 1,660 sq. ft., to lot I. In order to avoid major changes to the golf course, the applicant is also requesting that in this area, only, an exception be made the prohibition of grading in the bluff top corridor area. In this area, the applicant requests that grading be allowed, as long as grading is set back no less than 10 feet from the bluff edge, resulting in a ten foot wide strip adjacent to the bluff where no disturbance will occur. The applicant proposes to revegetate the entire setback, including the graded area, with coastal sage scrub, providing a wildlife corridor. Approval of this amendment will allow the project permit to be issued without major changes in the golf course design.

Secondly, the applicant requests to amend the "phasing condition," to change the boundary between the first phase grading area and the second phase grading area to accommodate necessary stockpiling. The phasing condition, condition 8D, delayed grading in a clubhouse parking lot and the western residential lots (Tract 50666) until all on-site revegetation areas were established. This change in phase boundaries will not change grading quantities or the total area that will eventually be graded.

The remaining requested changes represent updates to reflect further discussions with project designers and with other reviewing agencies concerning parks, water quality and other issues. There is an incompletely resolved issue having to do with the timing of recording of precise legal descriptions of dedicated property. A second incompletely resolved issue concerns the recording of utilities easements that must cross though lands dedicated in fee. These issues have emerged during preparation of materials for recording.

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 for the purpose of protecting a coastal resource or coastal access.

If the applicants or objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material (14 California Code of Regulations 13166.) In this proposed amendment to a conditionally approved permit, the proposed revisions are material changes which affect conditions required for the purposes of protecting natural resources and coastal access.

If, during the permit compliance process, the applicant and staff disagree about the interpretation of a condition, the applicant can request that the Commission resolve the dispute, or with concurrence of staff apply for an amendment to the permit. The Executive Director may not, however accept an amendment that lessens the intended effect of a partially approved or conditioned permit. In other situations, the applicant and the Commission staff may agree that a condition should be changed to take into account new information that could not have been discussed previously. This amendment addresses a number of issues that have emerged during the permit compliance and that must be resolved by the Commission's consideration of an amendment.

DETAILED DESCRIPTION AND TEXT OF CURRENT AMENDMENT REQUEST (A-5-RPV-93-005A6) The applicant proposes to make the following changes in the project description and conditions of the permit:

1. That Lot I, VTTM 50666 be enlarged to include a triangular area depicted in Exhibit 3 of Amendment 6 and that grading be permitted within Lot I, VTTM 50666 as shown on the exhibit (Exhibit 3 of this amendment request) but no closer than 10 feet to the control point setback line established by the coastal staff in the field. [*Ref. Appendix A, Conditions 1, 1.B(2), 6*]
2. That, as requested by the City of Rancho Palos Verdes, the requirement for a shade structure at the Portuguese Bend Overlook be eliminated, and that the condition be amended to require shade trees and benches as shown in the 1996 Public Amenity Plan, as revised in 1997. [*Ref. Appendix A, Condition 3.A.(16)*]
3. That the current (1996) City of Rancho Palos Verdes approved Public Amenities Plan for the Ocean Trails project, with revisions requested by the Coastal Staff, be adopted as the Public Amenities Plan of record for the project. [*ref. Appendix A, Conditions 3 and 4, 23*]
4. That the staging and phasing condition 8)D be revised to comply with the phasing condition in the Habitat Conservation Plan approved by the United States Fish and Wildlife Service. In addition to allowing rough grading of Street B and the lots easterly of Street B in the first phase of grading, also allow fill to be placed at the Clubhouse site and its parking lot to facilitate the construction of utilities and trails required by the Commission to be implemented in the early stages of the project. Rough grading of the Clubhouse and its parking lot cannot commence without first obtaining permission from the USFWS. [*Ref. Appendix A, Conditions 8, and 22*].
5. That the Water Quality Best Management Practices (BMP's) requirement be clarified to state that oil separators or other acceptable BMP water treatment facilities and methods will be required only at the golf course maintenance facility and the large (150 space) clubhouse parking lot. [*Ref. Appendix A, Condition 11*]
6. That the Condition requiring that all storm water be removed from the existing canyons be modified to allow (off-site) low flows to remain in the canyons as now required by other agencies. [*Ref. Appendix A, Condition 11*]

7. Change Condition 1 and 3 regarding dedications of lots, including open space lots, to allow ground water monitoring wells and horizontal drains as required by the City of Rancho Palos Verdes in the Bluff Top Corridor and in the Bluff Face *[Ref. Appendix A, Conditions 1 and 3]*
8. Change Conditions 2, 3 and 19, so that, subject to the approval of the Executive Director other methods in lieu of metes and bounds may be used for recording before issuance of the coastal development permit. *[Ref. Appendix A, Conditions 2, 3 and 19]*
9. Since the developer is required to dedicate portions of the property prior to installing the required improvements, change the technical provisions of Conditions 1 and 3 regarding open space and trail dedications so that the property owner retains the right to pass and repass to do the actual construction required by the Commission's conditions and the accepting agency also has the right to construct and maintain such improvements. These required improvements include the construction of recreational improvements, revegetation in accordance with the HCP, carrying out of the approved landscaping plans and approved fuel modification plans, and installation of permanent fencing and signing and temporary fencing and construction signs in accordance with the approved plans. *[Ref. Appendix A, Conditions 1 and 3]*
10. Change the technical provisions of Conditions 1 and 3 (the dedications) to allow the creation of new easements through and under dedicated areas to accommodate underground utilities, as well as the right to construct and maintain such utilities and to transfer the utilities easements. New easements will include utilities easements for water service, irrigation and water recirculation, power, cable television, storm drains, gas, telephone, sewer lines and other facilities which are anticipated as part of the approved project, as generally shown on map B. Easements that will be included in the final tract maps will be subject to the review and approval by the Executive Director before recording. *[Ref. Appendix A, Conditions 1 and 3]*
11. Amend condition 4 to allow final plans for trails, signage and parks to be provided before grading begins for the stage in which they are required to be completed, but in no event after February 1, 1998 *[Ref.: Appendix A, Conditions 4, 23]*

AGENCY APPROVALS RECEIVED:

1. Carolyn Petru, Director of Planning, Zoning and Code Enforcement, City of Rancho Palos Verdes conceptual approval letter dated August 29, 1997 regarding Public Access Amenity Plan,

2. Carolyn Petru, Director of Planning, Zoning and Code Enforcement, City of Rancho Palos Verdes conceptual approval letter dated April 18, 1997, regarding changes in project tract maps
3. Gail C Kobetich, United States Fish and Wildlife Service, letter of August 26, 1997 to Kenneth Zuckerman approving the *Ocean Trails West Bluff Preserve Habitat Revegetation Status Report* by Michael Sweesy.
4. Ocean Trails Residential and Golf Community Coastal Sage Scrub and Sensitive Species Habitat Conservation Plan, July 1996, Exhibit B to July 1996 Implementing Agreement
5. Implementing Agreement Ocean Trails Coastal California Gnatcatcher/Cactus Wren/Six Plant Species Habitat Conservation Plan, July, 96
6. Gail C. Kobetich, United States Fish and Wildlife Service, letter dated August 26, 1997, Ocean Trails West Bluff Preserve, Rancho Palos Verdes, Los Angeles County, California, (1-6-97-HC-291)

SUBSTANTIVE FILE DOCUMENTS: See Appendix C.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants an amendment to the permit for the proposed development on the grounds that the proposed development with the proposed amendment, as conditioned, is consistent with the certified Local Coastal Program of the City of Rancho Palos Verdes, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD AND SPECIAL CONDITIONS- See Appendix A.

The Commission adopts the modifications to the special conditions as indicated in Appendix A. With the exception of those special conditions specifically modified as indicated in Appendix A, all previously approved standard and special conditions found in Appendix A attached still apply to this development. To give context, and for the convenience of the public, the applicant and the Commission, the revisions proposed in this amendment request and recommended by the staff have been incorporated into Appendix A. Deletions are identified by a ~~cross-out~~ format; insertions are indicated in ***bold italic type***. Exhibits characterized in ordinary type are found in the Commission's original action or in an earlier amendment. Exhibit references in ***bold italic*** refer to new

exhibits submitted with this amendment request.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT HISTORY AND DESCRIPTION OF AMENDMENT

On April 15, 1993, the Commission conditionally approved, on appeal, the applicants' proposal for an eighteen hole golf course, 83 single family lots, club house, habitat restoration plan, and park and trail complex on a 261 acre property in Rancho Palos Verdes in Los Angeles County (A-5-RPV-93-005). The applicants included habitat restoration on two adjacent publicly owned properties as part of the project description. The applicants proposed increases in the park and trail system at the public hearing on April 15, 1993. The offers of dedication 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 and potential conflicts between habitat restoration and recreation. The final proposal, as approved, included no less than 75.5 acres of dedicated lands in addition to approximately 24,000 linear feet of trails. The trails are located both within the dedicated park and preserve lands 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 will be dedicated as easements.

This permit was approved with requirements to set back all development, including grading, from the bluff edge to provide public recreation and access and to preserve habitat to protect the coastal California Gnatcatcher (*Polioptila californica californica*), a threatened bird species that nests on the site. The area located between the golf course and the bluff edge was required to be dedicated in fee, and revegetated with coastal sage scrub (CSS). Coastal sage scrub is the increasingly threatened habitat type on which the California Coastal Gnatcatcher, the cactus wren *Campylorhynchus bunneicapillus cousei*) and other increasingly rare and threatened species depend. At the time of the initial approval, the dedicated set back from the bluff edge varied in width from 150 feet in areas that included public access to 25 feet in the area subject to this request, where a minimal habitat buffer was required between the bluff edge and the golf course. No access was required in this portion of the habitat buffer. No grading or development except for access trails and signs was allowed in any of the buffer areas in the original approval. There have been five amendments to the permit, described more fully in Appendix B.

The tract maps approved by the Commission in 1993 were approved subject to revisions required by the Commission. Dedication of a twenty-five foot wide bluff top corridor in the area subject to the present amendment request was required in special condition 1(B)(2). In 1994, the staff reviewed revised tract maps VTTM

50666 and 50667, 1994 and reported to the Commission and the applicant that these maps did not comply with the required acreage in the open space areas. The staff however, allowed the applicant to use revised tract maps as a base for a material amendment application to move the location of the clubhouse. At that time, the applicant and the staff acknowledged that more revisions would be necessary in order to comply with the Commission's conditions regarding setbacks. The first amendment, the clubhouse relocation, was approved subject to a condition to provide "re-revised" tract maps.

In 1995, the applicant revised the maps again but did not submit the revised maps for staff review. In May of 1995, the applicant used these 1995 revised maps as the base map for a settlement of a lawsuit, challenging the Commission's approval of the permit (Native Plant Society and the Sierra Club v Coastal Commission).

The exhibit accompanying the settlement, signed by project opponents, the Commission staff, and the applicants, was a Vesting Tentative Tract Map 50666 of 1994, amended 1995, entitled "Exhibit A depicting the setbacks" (Exhibit 4). The actual signed settlement map is not marked in any way to distinguish the bluff top from the bluff face. The interval between the contours is sufficiently equal to make it impossible, relying on the map alone, to identify the actual change in slope represented by the bluff edge. The settlement included both statements "accepting the Maps" and statements that the settlement was subject both to the Commission's conditions (Exhibit 15) and an amendment approved by the Commission.

In September, 1995, the Commission concurred with an immaterial amendment that incorporated the changes to the project required in the settlement. The amendment increased width of the bluff top corridors in several areas. As it pertained to Lot I, Tract 50666, the amendment changed condition 1(B)(2) to increase the width of the "bluff top corridor" setback from 25 feet from the edge of the bluff to 50 feet. The revised condition described the corridor as "a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff (the bluff face lot is Lot G), southwesterly of the golf course." It is this lot I that is the subject of the present amendment request.

One requirement of the settlement was that the bluff face should be staked and surveyed before recording. The applicant surveyed the bluff edge. When the inland edge of the bluff top corridor was staked by a surveyor, the (inland) northwesterly corner of the corridor appeared to be directly on the physical bluff edge, or at a maximum, five feet from the edge.

More detailed maps and the survey now provided by the applicant show that the westernmost 185 feet of the "bluff top corridor" (Lot I in this portion of the project), an area 185 feet in length, approximately 4800 square feet, was drawn extending below surveyed control line, which approximates the bluff top. Four

thousand eight hundred square feet of the bluff top corridor is depicted on the bluff face. No more than 2770 square feet (approximately) of this portion of the bluff top corridor was shown on the bluff top. The applicant states that he believes that Lot I was increased in width to 50 feet, but the location of lot I, on the bluff face for 185 feet of its length, was approved by the Commission's agreement to the settlement, superseding the original requirement that the bluff top corridor be located entirely on the bluff top.

The staff asserts that it accepted the maps because the settlement stated that the maps were subject to the Commission's conditions. The amendment required changes in only a few conditions. The remaining special conditions still contained a note indicating that 1) the maps were subject to the Commission's conditions and 2) staff would review final "re-revised maps" in the future for purposes of condition compliance. These 1995 maps were submitted for subsequent immaterial amendments. In analyzing these amendments, staff focused on the specific project changes described in the amendment requests, and did not review the underlying maps. In each case, Appendix A the special conditions, included a statement that before issuance of the permit, the staff must review the "re-revised tract maps" for conformance with the Commission's conditions.

In most instances the presently submitted VTTM 50667 and 50666 maps appear consistent with the Commission's conditions. However, the location of a portion of Lot I, tract 50666, on the bluff face is inconsistent with the wording of the Commission's conditions and with findings which describe this portion of the bluff to corridor as a 50 foot strip immediately adjacent to the bluff edge. Based on the wording of the condition and the settlement, the staff has refused to accept the current tract map for permit compliance. (See Exhibits 10-14 for correspondence on the subject.)

To resolve the issue, the applicant has submitted the current amendment request to increase the size of lot I (the bluff top corridor) in this portion of the project so that the inland boundary of lot I is a minimum of 25 feet inland of a control line representing the physical bluff edge. The applicant has proposed to change its grading plan so that the toe of a slope proposed to support the south-westernmost golf hole will be located at least 10 feet inland of the bluff edge. This change would require an amendment to the 50 foot minimum width of the bluff top corridor over 185 feet of its length and an exception to the limitations on grading within the corridor. The applicant contends that this is as far as the line can be moved and still leave the golf green in its proposed location, desirable because it is the only green with a white water view.

Staff accepted this application for amendment because it did not lessen the intended effect of the approved permit--it was consistent with the 25 foot setback from the bluff edge on which the original approval was based and because the grading incursion, 1235 square feet, is not extensive. Staff is recommending

approval of this amendment because it protects the vegetation found on the physical bluff edge, which is the sensitive vegetation in this area (Exhibit 17), allows development of the golf green. As amended, there will be a minimum of one acre restored area along this part of the bluff. The area proposed for grading, about 1,235 square feet, represents only a small proportion of the total dedicated bluff top corridor.

The second issue addressed in this amendment is the staging of grading. First, the applicant proposes to move the boundary between the first stage of grading and the second stage of grading, enlarging the area to be disturbed in the first stage of grading. This would allow stockpiling in order to balance the cut and fill in the golf course, park and road areas approved in the permit. The change in boundary would also move grading closer to a canyon where California gnatcatcher nests were identified during initial EIR surveys in the early 1990's. Staff has accepted the amendment because the Fish and Wildlife Service, based in part on a change in nesting areas that have been observed, has concurred with the applicant's proposal (Exhibit 9.) The applicant, however, has not requested any change in other provisions of the Commission's phasing condition 8D. Those other provisions require the establishment of plantings within all on- and off-site revegetation areas to the satisfaction of the Fish and Wildlife Service and Fish and Game before the applicant may begin grading the westernmost residential lots.

The amendment would also change requirements of a water quality condition, where the Commission's conditions required more treatment of street runoff and more diversion of off site run-off than was subsequently required by the Regional Water Quality Control Board, the City Public Works Department and the Fish and Wildlife Service. The drainage condition in the present permit, based on the EIR, requires treatment of all street run-off and diversion of all low flows away from the canyons on the site. The golf course drainage on the site is all routed through treatment ponds. Overflow storm waters from the golf course, flood flows from offsite areas and street drainage is then routed through pipes to the beach.

Inconsistent with the Commission's condition that all low flows be diverted from canyons, the Fish and Wildlife Service, the Corps and the Department of Fish and Game have indicated that some storm flow from off-site should remain in the canyons to support vegetation.

Secondly, the Regional Water Quality Control Board, in its review of the project, required extensive Best Management Practices during grading, but did not require any special or different treatment of street low flows or of parking lot drainage. Instead, it made a general reference to the 1994 NPDES plan. The applicant agrees that because of the sensitivity of the marine environment in this locality it is appropriate to treat the golf course and major parking lot drainage. However the applicant requests that any oil separators for treatment of low flow street and parking lot run-off, not now required by the Regional Water Quality Control Board (RWQCB) not be required by the Commission. The removal of this requirement

from the Commission's permit would not prevent, however, the RWQCB from imposing its own requirements.

The project, as approved, included four public parks. The applicant requests that the Commission review an updated park plan, the "Public Amenities Access Plan of 1996, revised, 1997", that includes some elements that were not anticipated in the Commission's prior actions, most notably a decorative tower at the project entrance. The 1997 plan also substitutes the benches for a gazebo in the Portuguese Bend Overlook, a bluff top passive park. Two parks, of one acre and one and two tenths acre each, were located at the main entry of the project at Palos Verdes Drive South. Current plans for these Palos Verdes Drive South parks show decorative walls, ponds and a landmark tower that have not been reviewed by the Commission and did not appear in the Access and Public Amenity plan of Feb. 1993 on which the Commission based its approval. Staff has determined that Commission review of these features is necessary to assure consistency with the recreation policies of the Coastal Act and the view corridor and recreation policies of the certified LCP (Exhibit 27.)

The applicant is also requesting that some review of detailed signage plans, park plans and trail plans be deferred until detailed plans can be prepared. The applicant contends that it is not possible to prepare such plans in the detail required by the conditions before October, when the applicant proposes to begin grading. Moreover, the final plans for these facilities need additional review from the City of Rancho Palos Verdes, which will definitely not occur until January of 1998. The applicant notes that such facilities must be installed to the satisfaction of the staff before opening the golf course for play. The applicant suggests, instead, that these plans be prepared by February 1, 1998. This change requires an amendment to conditions 3 and 4.

The project includes seventy-five and a half acres dedicated in fee. An existing sewer line crosses some of the dedicated park and trail areas, and in other areas it will be necessary to create new easements to connect to the sewer line and to connect the approved subdivisions with other utilities. In the East Bluff Preserve, a dedicated habitat restoration area, there is a fuel modification area, where there will be selective removal of flammable material. The dedication language needs to be revised to allow these activities. At several locations along the bluff, the City is requiring ground water monitoring wells to be drilled, and hydraugers installed conducting excess water out the bluff face for purposes of monitoring ground saturation, which could change calculations on which the geologic stability of the project was based. (Exhibit 6, Map K.)

Finally, the applicant anticipates beginning grading in October, 1997. The final tract map, that will include detailed legal description of the trails, streets and parks required in this permit will not be ready to record until the fall of 1998. The applicant proposes to record its offers to dedicate in a two stage process, recording general depictions of trail and street areas, to be redescribed with more precision in

the final tract maps, which the staff will be able to review. This is not a method that is familiar to the staff, and would require permit compliance discussions after work had begun on the project. The applicant contends that the encumbrance created by such a depiction is so broad that it is both the applicant's obligation and in the applicant's interest to record more precise documents as soon as possible.

B. CONSISTENCY WITH THE CORRIDORS ELEMENT OF THE LCP AS IT PERTAINS TO ENVIRONMENTALLY SENSITIVE HABITAT AREAS.

As described above, during the initial investigation of this project, nesting areas of the California Gnatcatcher were identified on the property. Before the Commission's final action, the United States Fish and Wildlife Service listed the coastal California Gnatcatcher as threatened and Fish and Game and Fish and Wildlife signed a prelisting agreement with the applicant based on a Habitat enhancement plan (HEP) prepared in 1992 and 1993.

The City's approval was based on its CEQA investigation and a provision of its certified Local Coastal Program (LCP), that states:

- There also exist...a number of significant wildlife habitats which are directly associated with vegetation communities. These are generally found on bluff faces and natural canyon areas where wildlife thrives due to the protection and food found from the natural vegetation....

To protect this significant wildlife habitat, the certified LCP designated the bluff faces and canyons for protection. On this property the bluff faces, canyons, and the steeper slopes north of Paseo del Mar are identified Coastal Resource Management Districts CRM 9 and CRM 10. The LCP describes the City's intention with respect to this designation (page N-45 of the Coastal Specific Plan):

The lightest tone represents areas in which wildlife (CRM 9) and natural vegetation (CRM 10) are of such significance that protection and maximum possible preservation is warranted (emphasis added).

The City adopted the following LCP policies regarding Coastal Resource Management Districts identified as sensitive habitat areas:

8. Require developments within or adjacent to wildlife habitats (CRM 9) to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact. (emphasis added) (LCP page N-46)
9. Encourage developments within Coastal Resource Management Districts containing natural vegetation (CRM 10) to revegetate with native material wherever clearing of vegetation is required." (LCP page N-46)

The approvals of both the City and the Coastal Commission incorporated the provisions of the draft HEP approved jointly by Department of Fish and Game and the Fish and Wildlife Service in February 1993. They also acknowledged that the Resources agencies would, in cooperation with the applicant develop and agree upon a final habitat protection plan (HCP). The approval was based in part on a letter from Jonathan Atwood, an expert on the coastal California Gnatcatcher, advising a buffer system, revegetation in extensive consolidated off site areas in Shoreline Park and a City-owned area termed the switchback (Exhibit 21.)

The Commission's original conditional approval requires the applicant to fully offset impacts to natural resources, consistent with the provisions of the City's certified LCP, and incorporates a Habitat Enhancement Plan (HEP) that consolidated, restored and dedicated habitat on the site and in adjacent undeveloped sites in the access/habitat corridor. In the special conditions of approval, the Commission reiterated the requirements of the preliminary letters of approval from the California Department of Fish and Game and the United States Fish and Wildlife Service to restore extensive area of coastal sage scrub within preserves on the property and on adjacent public property.

The preliminary Habitat Enhancement Plan (HCP/HEP) included the following features:

1. a bluff top set back--ranging from a minimum of twenty five feet along the westerly portion of the golf course (the area subject tot this amendment) and a minimum of 100 feet elsewhere
2. replacement of coastal sage scrub that was eliminated on site before grading could begin
3. revegetation of extensive off site areas
4. full establishment of all on site areas as habitat before the second phase of grading could begin
5. long term maintenance
6. no grading or disturbance in the set back areas..
7. use of coastal sage scrub in roughs at least 20 acres of "non-play" areas of the golf course

After the Commission's approval of the project, the Commission was sued in court by the California Native Plant Society and the Sierra Club. As a result of the suit, in several areas, the bluff top corridor was increased in width, although in two areas grading was allowed in the widened corridor. The applicant and the Commission agreed to increase the bluff top corridor in the area subject to this amendment application from 25 feet to 50 feet.

As the staff and the applicant worked to prepare the documents necessary to issue the permit, several problems become apparent. The two most easily solved were that the language of the dedications, that applied to parks and open space buffers, would make it impossible to connect to an existing sewer line, or install utilities

needed by the approved development. Moreover there was a requirement to record free of prior liens even though an existing county sewer line traversed portions of the bluff top corridor and the trails actually followed the sewer line in some places. Secondly the City, in view of the potential of instability, had required ground water monitoring or hydraugers some of which were located in the open space area (Exhibit 6.)

The most serious issue was, however, differences in interpreting the meaning of the bluff top corridor condition (condition 1B(2)) in the Commission's action, described in more detail above.

After the exchange of several letters on the subject, (Exhibits 10-13), staff met with the applicant in the field and agreed on the exact location of the bluff edge. Because the bluff edge is irregular, the staff and the applicant agreed on three points of a control line that closely approximated the physical bluff edge. In the field, the discussion concentrated on practical and factual problems and objectives..

The staff and the applicant's representatives agreed on the following facts. The Commission's original action, before the settlement, required a 25 foot setback of all grading and development from the bluff edge. The reason the Commission originally imposed the setback was to protect the sensitive vegetation of the bluff face, including the vegetation on the very edge of the bluff, where the land abruptly changed slope. The bluff top itself, in this area, as in much of the property, had been cleared in the past. The dominant vegetation on the bluff top (as opposed to the bluff face) in this particular area was weedy grasses and fennel--which would be required to be eradicated and replaced with Coastal Sage Scrub during revegetation (Exhibit 17.) Within the previously required 25 foot corridor, the applicant was proposing to grade a fill slope that toed out at the bluff edge, not a golf course. The proposed hole ten was located 25 feet inland to the bluff edge. The toe of the fill slope could be located 10 feet inland of the bluff edge with no change to the golf course plans. The fill slope could be constructed at a steeper slope and revegetated. This alternative would pull grading back from the bluff edge, provide a buffer and preserve the golf green. The action would, however require an amendment. In view of staff, this amendment will preserve the habitat area as required by the resources agencies.

Because the final HCP identifies a 50 foot wide bluff top corridor in this area, the staff contacted Mary Beth Woulfe, the Fish and Wildlife Service project leader on this project. She stated that the Fish and Wildlife Service would require a continuous wildlife corridor of no less than a one acre buffer on the actual bluff top. No less than one acre of restored bluff-top habitat, linking with the bluff and the habitat areas on each side, would leave adequate area to conform with the Service's requirements as spelled out in the HCP. In response to this requirement, The applicant states that Lot I is 48,104 square feet. With the addition, approximately 44,964 square feet of Lot I will be located on the bluff top.

The standard of review for this amendment is consistency with the City's LCP-- whether or not the impacts on habitat are described and fully offset. The description of impacts and the basic mitigation plan are found in the original Fish and Game letter from Fred Worthley in 1993, and the Jonathan Atwood letter (Exhibit 21) that require a extensive consolidated and connected habitat, including a 25 foot revegetated bluff top buffer in this area. Since, in contrast to the bluff face there is no habitat on the bluff top in this area that will be removed by the proposed grading, (Exhibit 17) the Commission finds that as proposed, the project will be consistent with the LCP requirement to identify and fully offset impacts of development. As proposed the amended plan does preserve and or replace the identified habitat coastal sage scrub and coastal bluff scrub by setting back the golf course no less than 25 feet from the physical buff edge, as required by the Commission in its original action. The Commission, in amending its condition, notes that the condition already requires that the entire bluff top corridor be revegetated with Coastal Sage Scrub or Coastal Bluff Scrub as required by the United States Fish and Wildlife Service.

The placement of ground water wells in the parks and bluff top corridors will not significantly impact the revegetation efforts or the existing habitat because the ground water wells will only be about six inches in diameter. The applicant will use hand carried rigs for drilling. Therefore, the development of ground water monitoring wells in the bluff top corridor will be consistent with the project and will not undermine the Commission's intent in approving the project.

The phasing and staging conditions imposed on the original permit reflected the original letters from the resources agencies with respect to phasing. The earliest letters from Fish and Game identified Forrestal Draw, a ravine within the westerly tract 50666 as a Gnatcatcher nesting site. The letters also noted that immediately to the west of Forrestal Draw there was a stand of coastal sage scrub, which is Gnatcatcher habitat. This CSS must be removed in order to create tract 50666. All conditions required that this nesting and coastal sage scrub area be replaced before grading would occur on the west end of the project.

In 1994, the Commission amended the project to move the golf course club house from the center of the project to a location just landward of Halfway Point Park. The clubhouse and golf course parking lot would then be located in the western end of the project, at the seaward end of Forrestal Draw. To maintain consistency with the previous approval, the Commission conditioned the grading of the parking lot and clubhouse to occur at the second stage of grading --(phase IV of the revegetation program), when all the onsite habitat will have been established.

The Fish and Wildlife Service has stated that it will release the applicant to grade the golf course because West Bluff Preserve is now fully established, the current criterion for the first stage of grading, including all golf course grading in the HCP. The Fish and Wildlife Service states that it can also approve inclusion of the

clubhouse parking lot and clubhouse pad as part of the first phase of grading. It has not approved any grading in the other Phase II areas (Exhibits 9, 19.) Recent communications from the Manomet observatory to the project biologists indicate that the clubhouse area is well removed from any observed gnatcatcher areas.

Since the factual basis for the location of the boundary between phase one and phase two was based on resources agencies' surveys, the Commission finds that it must rely on the Service's determination that the inclusion of the parking lot and clubhouse in the first phases will not increase impacts on the habitat.

The Commission's original approval permitted the applicant to use the westernmost tier of lots on tract 50666 for stockpiling. The applicant now proposes not only to stockpile but to rough grade these lots. There is no difference in the habitat impacts of rough grading and stockpiling. The Fish and Wildlife Service's staging plan already included this row of lots in the first phase (Exhibit 9).

The performance standards of the final HCP require 80% coverage at 80% final height at the third year of the revegetation project. It seems to require that all revegetation areas reach this performance standard before the second phase of grading may begin. This is consistent with the Commission's condition, but other statements in the HCP could be interpreted differently. Because the HCP is less clear than the Commission's condition with respect to the triggering of the second phase of grading (phase IV of the restoration plan), the Commission rejects any other changes in this condition because there is not adequate information that such a change would not lessen the intended effect of the condition.

The Commission notes that revegetation has begun, as defined in the HCP, because seed collection which is the first phase of revegetation, has taken place the last few years. The applicant states that it is the intention to begin clearing invasives and planting native habitat in all other on-site areas, including the Bluff Top Corridors, the East Bluff Preserve during the fall of 1997 and the spring of 1998. As approved, with conditions, the amended project will fully offset the impacts on habitat and is consistent with the corridors elements of the certified Rancho Palos Verdes LCP.

C. 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. However, Section 30604(c) provides that the Commission, in considering an appeal, must also review projects between the first public road and the sea for consistency with the public access policies of the Coastal Act. 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 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. Section 30221 requires that oceanfront land suitable for public recreation be reserved for that purpose.

The corridors element of the City of Rancho Palos Verdes LCP also provides for a recreational access corridor on properties located between the first public road and the sea. In approving this project, as conditioned, on appeal, the Commission accepted the applicant's proposals for a Public Access and Amenity Plan, that provided no fewer than 36.6 acres of public parks both along the bluff top and at the project entrance. Ultimately 8.3 acres of the dedicated open space was identified for active recreation.

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 Commission approved the project with 75.5 acres land dedicated for habitat and public access purposes found that the project protected existing access on the site and provided for public access and recreation.

This amendment raises two issues regarding parks. The first is the development standards for parks, including the extent to which the parks in the project will be accessible to the general public. The second is establishing the deadlines for when the applicant is required to provide final park designs and when the applicant is required to construct the parks.

The Commission approved four "active parks" totaling 8.3 acres including: the Portuguese Bend Overlook, at the west end of the project the East and West Vista Parks at the intersection of the main project access road and Palos Verdes drive south, and Halfway Point Park, at Halfway Point, at the coastal bluff at the terminus of the entry road. These parks were to incorporate features proposed by the applicant in the "Public Access Amenity Plan of 1993" including trails, a handicapped trail with a turn around, picnic areas, interpretive signs benches a par course and a public restroom. The Public Access Amenity Plan distinguished between "active parks" where facilities were planned and the habitat preserves, which were described as "passive parks" providing only trails. The Commission's conditions required that "active parks" be developed for recreational purposes. The conditions state in part:

....A. **PARKS** Land to be dedicated for purposes of public access, public recreation and parks as shown on Exhibit I:

.....

All Lands dedicated for park purposes shall be open to the general public for recreation use. Halfway Point Park and 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 Corridors East VTTM 50667) shall be developed with trails, benches, shade structures, interpretive signs and bikeways.
(emphasis added)

The Public Access Amenities Plan is also identified as Exhibit 9 in the original staff report and in the conditions.

The applicant proposes to substitute 1996 version of this Public Access and Amenity plan, updated in 1997 for the 1993 version. The 1996 Public Access and Amenity Plan includes the *Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97* as an exhibit. This revised trail plan reflects changes to the trails made as a result of the Commission's actions and the comments by the resources agencies. This plan should substitute for earlier trail exhibits in the Commission's conditions.

The 1996 public access and amenity plan updated in 1997 includes a preliminary design for the view parks at the project entry. The 1996 plan still proposes a jogging paths and a bench but provides two reflecting pools, and a tower instead of a turf area, no par course, no water fountains and no picnic tables. Because the designs do not yet include recreational features, the City of Rancho Palos Verdes has not yet approved the designs. The City states that the tower raises local view issues, that it is clearly a decorative feature to provide a landmark at the park entrance but does not provide recreational use. The City states that it has not yet finished evaluating the plans at the East and West Vista parks for recreational use. The City anticipates adding other features to assure that the park provides active recreation.

The Commission approved the 1993 Public Access Amenity Plan because it did provide for public access and recreation. The Commission concurs with the City that the 1996-1997 plan as provided is deficient in recreational features. The Commission takes note of the amenities provided in several examples of one acre parks found in the other Los Angeles area communities--the Channel View Park in Marina del Rey, the Irving Schachter Memorial Park in Beverlywood (3/4 acres) and Robert Burns park in Hancock Park, (1.5 acres), Devonshire-Arleta Park. in Arleta, (one acre), and Titmouse Park in Playa del Rey, about 6,500 square feet. In each of these pocket parks, local governments and private associations have installed shade trees or shade structures, water fountains, picnic tables or benches, and in several instances fenced play areas for small children. Particularly East and West Vista Parks, that are located on a regional bikeway, should provide shade, potable water and seating. Secondly, the final plans should include a view analysis, so that the parks do provide views of the golf course and of the water for seated patrons. If these parks provide accommodation to similar numbers of patrons and similar levels of activities as these parks cited in neighboring communities including a water

fountain shade and seating the commission could find that they provide public recreation and access.

The Commission finds that it cannot approve the 1996 Public Amenity Plan even as revised in 1997 form because it does not yet conform to the Commission's conditions and because all elements have not been approved by the City of Rancho Palos Verdes. It finds, however that the use of stone , ponds and tower, in themselves are not incompatible with the functions and views as proposed by the original 1993 plan, and that a final design, incorporating the recreation features (benches, shade, views, water) with these or other decorative elements is consistent with the public access and recreation policies of the Coastal Act as well as the view and recreation policies of the certified LCP

The consistency of the theme walls with both the City approval and with the Commission's approval is dependent on the view impact of the walls. The applicant now states that all walls will not extend more than 42 inches above the centerline of the road. The elevations that would imply a greater height, according to the applicant are out of date.

During the process of approval, the Commission required a public view park on the west end of the project, in a fuel modification area. This area is adjacent to an existing developed community, Portuguese Bend. In its first amendment, the applicant relocated a handicapped trail that had been shown to be infeasible in its original location to connect a park on the bluff in the center of the project, Halfway Point Park, to this vista area. The applicant proposed a shade structure and benches (a gazebo) at the westerly terminus of the trail. When the applicant returned to the City for approval of these changes, the structure was opposed by the neighbors because of view impacts and because in their view an 'enclosure' was an attractive nuisance. The applicant now proposes a smaller handicapped turnaround with benches only, and a tree for shade.

The Commission, in approving a handicapped trail, was clear that a resting area be installed at the end of the handicapped trail, which is steep for a handicapped trail (about 4%). (see amendment 1 and 2). The Commission finds that the alternative benches or stone resting areas which can substitute for the shade structures, but the Commission also finds, in its responsibility to provide access for all the people of the state, that the resting area as proposed is necessary at the end of the handicapped trail and a requirement of this permit.

Because of the need for these local approvals before preparing final park plans, the applicant proposes to provide these plans by February 1, 1998 instead of providing the final plans before issuance of the permit. The present updated plans do not have all the necessary elements. If the Commission is to delegate approval of a park plan to the staff, the conditions must have enough standards so that the Commission is not delegating its decision making authority to the staff. . The Commission has therefore added more criteria to its park development condition,

condition 4, requiring certain elements in the parks to provide for the public, so that both the public amenity plan of 1996 revised in 1997 and its conditions can serve as standards of review for the final park plans.

Secondly, the applicant requests that the permit be issued before final plans are drawn. By extending this deadline, the Commission adds a risk that the plans will not be completed to its satisfaction. However, the Commission notes that the conditions already require that one park must be installed by completion of the golf course. The Commission finds that this risk can be balanced if all active parks were required to be installed along with the installation of tract improvements for tract 50667 and the golf course so that all four active parks are installed before opening of the golf course for play. The Commission acknowledges that some construction activities in completing the later tract, Tract 50666, might temporarily close Halfway Point Park, but that as now proposed, the early completion date will provide better for public access to and recreation on the site. As conditioned, the project will provide for public access and recreation as required in the coastal act and in the city of Rancho Palos Verdes certified LCP.

D. WATER QUALITY.

The certified LCP requires the City to protect tide-pools and natural landforms. Pursuant to this requirement, the City and the Commission on appeal required that the golf course not discharge its drainage to the tide-pools and that certain low flows be treated. The standards for water quality were derived from the mitigation measures in the City's EIR. The Commission's, condition 11 requires the applicant to provide final drainage plans that shall employ:

- a) treatment and filtration of street runoff;
- b) Best Management Practices
- c) use of ponds to control, treat and recirculate golf course and low flow street runoff;
- d) no discharge from golf course to tide pools,
- e) no drain line down Forrestal ravine,
- f) use of drains outside of ravines for normal storm and low flow run-off
- g) the terminus and/or surface installation of drainage pipes on the bluff face and toes shall avoid stands of *Opuntia littoralis*;
- h) no heavy equipment shall be placed within 30 feet of the edge of the bluff in installing the devices;
- i) The applicant shall be responsible for removing all debris.

The applicant has now received approval of a storm water management plan (SWPPP) approved by the City and the Regional Water Quality Control Board. In the course of permit compliance, the staff and the applicant discovered some differences in the Commission's approval and that of other agencies. The

resources agencies required that some off site drainage that now traverses the project through natural canyon remain in these drainages.

While the City will require catch basins to slow down off-site flows and so that off-site water can be diverted into the pipes during major storm events, the City agrees that sheet flow from natural (not golf course) slopes and off-site low flows can continue in the canyons. They state that the purpose of the original conditions derived from EIR concerns about adding nutrients to the tide-pools and/or requiring armoring the canyon drainages. The City Department of Public Works has stated verbally to the staff that the offsite low flows and the sheet flow from natural slopes do not raise this concern.

Secondly, the Commission imposed a condition to treat street drainage, based on the EIR and a comment by Fish and Game concerning the effect of urban runoff on tide-pools. The Regional Water Quality Control Board staff rejected treatment methods for the project parking lots and streets because in their view, the only feasible method to treat this drainage was a vegetated ditch allowing percolation of low flows into the soil. The RWQCB staff stated that percolation is not appropriate on a site with possible geologic problems. The applicant now proposes to treat the run-off from the largest parking lot, and the maintenance yard, with oil separators of "other methods" and not to treat the street run off. However, the applicant will, as required, re-route the discharge from the drainage pipes to locations outside the tide-pool area.

The Commission notes that the City and the RWQCB have concurred with the applicant's plans, and that the standard of review for run-off, except where there is development on tidelands or there is a direct effect on public access, is the adopted LCP. The Commission notes that it cannot imposed stricter requirements than the RWQCB except where impacts on habitat or recreation might occur. The potential impacts on habitat and recreation are impacts on the tide-pools and impacts on the tide-pools from large quantities of hydrocarbons. The Commission finds that, as revised, the condition will be consistent with LCP requirement to protect tide-pools from polluted water but, consistent with the City EIR and with federal agency requirements will allow natural sheet drainage and off site low flows in the canyons.

APPENDIX A

STANDARD CONDITIONS AND REVISED SPECIAL CONDITIONS

A-5-RPV-93-005 as amended-through A5 (Palos Verdes Land Holdings/Zuckerman), with revisions recommended as a result of the Commission's approval of A-5-RPV-93-005A6 shown in cross out and ***bold italic format***.

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

NOTE: **A-5-RPV-93-005A6:** With the exception of those special conditions specifically modified as indicated in Appendix A, all previously approved standard and special conditions found in Appendix A still apply to this development. The revisions proposed in this amendment request and recommended by the staff have been incorporated into Appendix A. Deletions are identified by a ~~cross-out~~ format; insertions are indicated in ***bold italic type***. Exhibits referred to in this document in plain type refer to (1) exhibits in A-5-RPV-93-005-A, or (2) the exhibits attached to the fourth amendment. Maps referred to in the second, third and fifth amendments are located in the Commission files. ***Exhibits referred to in bold italic type refer to exhibits submitted with the sixth amendment A-5-RPV-93-005A6.***

Pursuant to the Commission's approval of the first amendment to Coastal Development Permit A-5-RPV-93-005 on January 12, 1995, and subsequent amendments A-5-RPV-93-005-A2, A-5-RPV-93-005-A3, A-5-RPV-93-005-A4, A-5-RPV-93-005-A5 and **A-5-RPV-93-005-A6** the following special conditions shall apply to Coastal Development Permit A-5-RPV-93-005 upon written approval by the Executive Director of re-revised Tentative Tract and Parcel Maps that conform to the April 15, 1993 Commission action on A-5-RPV-93-005 as amended. These re-revised Tentative Tract and Parcel Maps must also have been approved by the City of Rancho Palos Verdes as required in special condition 1 of amended Coastal Development Permit A-5-RPV-93-005 before submittal to the Executive Director.

This set of revised special conditions incorporates the lot numbers which result from implementing A-5-RPV-93-005-A as revised by the applicant and conditionally approved by the Commission. A-5-RPV-93-005-A3 reduced the total number of market rate residential lots to 75. The addition of more lots would require an amendment to this permit.

This set of revised special conditions also incorporates the two changes to the special conditions which resulted from approval of the second amendment, A-5-RPV-93-005-A2. Please note the changes in the detailed project description that were approved by the Commission in the second amendment, A-5-RPV-93-005-A2 required recordation of easements before issuance of the permit.

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 2

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **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.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 3

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 conditions:

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

Prior to the issuance of the coastal development permit, 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, 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:

A. PARKS 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, Palos Verdes Drive--West Vista Park,	1.5 acres
Lot H; Halfway Point Park, including all areas inland of the bluff edge trail described in 3.A(11) below, not less than:	5.1 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

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 4

the bluff edge (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 8.9 Acres

- (4) The entirety of 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 (bluff face is Lot I), no less than: 4.5 acres

All Lands dedicated for park purposes shall be open to the general public for recreation use. Halfway Point Park and 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 Corridors East VTTM 50667) shall be developed with trails, benches, shade structures, interpretive signs and bikeways.

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) and hydrauger, 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. The disturbed area shall be further reduced as modified by the map dated June 20, 1996 submitted by the applicant with amendment A4 and shown on Exhibit 9 attached to amendment A4.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 5

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* 42 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 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):

- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666 excluding any trails identified in condition 3 of this permit:

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	3.3 acres
Lot G the Bluff Face and Beach	24.4 acres

- (2) Lot I Golf course Bluff Edge Habitat Setback within VTTM Tract 50666, *as shown on VTTM 50666 Amended Map No. 1, revised 9/8/97*, described as a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff, *diminishing to no less than 25 feet in width on the western-most 185 feet of the lot I* ~~(the bluff face lot is Lot G)~~, southwesterly of the golf course, including the west side of Halfway Point, no less than: 1.2 acres

- (3) The entirety of the following lots within Vesting Tentative Tract Map 50667, excluding any trails

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 6

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* H. 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. ~~except that~~ *No grading, vegetation removal or other development may occur on lots dedicated for habitat preservation purposes with the exception for the following: 1) of trails, 2) and fences approved in a coastal development permit, 3) vegetation removal except hand removal of invasive plants, 4) hand thinning of fuel within the approved fuel modification areas in the East Bluff Preserve as approved in figure 13 of the HCP and the revegetation planting plan map dated 7/25/97, 6) may occur grading within that westernmost 185 foot portion of Lot I VTTM 50666 amended map no. 1 revised 1/8/97 may occur as shown in Exhibit 3 of this amendment A6 as long as no grading or heavy equipment shall be located or operated within 10 feet of the coastal bluff edge, 7) installation of public utilities shown on Exhibit 5 map G, 8) the drilling of testing wells and hydraugers as shown on Exhibit 6, Map K, and 9) the sewer connections and drainage devices approved in this permit shall occur in these areas. 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.*

- C. **MULTI-USE COMMON OPEN SPACE.** 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:

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 7

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. Planting and fuel modification shall occur only as indicated in a final approved planting and fuel modification plan required by special condition 10. Areas unavoidably disturbed for drainage devices shall be revegetated such that plants are two feet high in two years from the date of completion of rough grading.

D. STREETS, ROADS AND PUBLIC PARKING AREAS. 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 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. 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 Street A VTTM 50666 and lot E VTTM 50667 may be entry gated as long as exit is possible after the lot its 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.

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.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 8

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 sewer and utility easement are granted prior to recordation of documents or if delineated on Exhibit 5, Map G 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 permit requirement of the Coastal Act, to enter the property, and to construct and maintain revegetation areas, recreation facilities and other public improvements that are required in this permit.* 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.

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 issuance of the Coastal Development Permit, 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, 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

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 9

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 ~~easement 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.* ~~shall be described in metes and bounds. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit, 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 subdivision map for the project, or 2) commencement of construction.~~ 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

Prior to issuance of the 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~erase-out~~

Page 10

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.

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 need 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 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 one in Exhibits III, V, 45, and as visible in Exhibit 51.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 11

(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)

(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 bluff edge trail and the sewer line trail.

(8) Protect safe access to and along bluff on Los Angeles County property 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.

The easement 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.* ~~shall be described in metes and bounds.~~ *Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit, 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.* 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.

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 12

3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of the coastal development permit, 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 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 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, or and 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 13

portions of Palos Verdes Drive South located within the boundaries of the tract.

(2) **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) **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 End Bicycle Route.** Class I, eight foot wide off road bicycle path in twelve foot wide corridor, extending, as mapped, around periphery of residential development from Palos Verdes Drive and the northwest property line, inland of habitat preserve, to Halfway Point Park, extending across the north side of 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 Halfway Point Park, as shown on Exhibit 10 may be combined with the golf cart path.

(5) **West end Jogging Trail.** Class I, four foot wide soft footed pedestrian trail in a six foot wide corridor, extending, as mapped, around periphery of residential development from Palos Verdes Drive and the northwest property line, 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 Halfway Point Park

(6) **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).

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 14

(7) **San Pedro Trail Beach Access trail three (3), Four foot wide, State Park standard, stabilized soft-footed, beach access trail (E-N') known as the San Pedro trail, from Halfway Point, around the northern edge of the Gnatcatcher preserve through lot G to the Beach. The San Pedro trail shall include railings at potentially dangerous locations, passing areas, and rest stops to facilitate use by physically challenged individuals.**

(Trail 4 Exhibit A)

(8) **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 Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Halfway Point Park.**

(9) **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 Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Halfway Point Park.**

(10) **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).**

(11) **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 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 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. 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.**

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 15

(12) **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 Halfway Point Park, and extends north to the western end of La Rotonda Drive.

(13) **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 day-light hours.

(14) **West Bluff Beach Access (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 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 and descending to the beach across lot G. The bluff top portions of said trail 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 and beach 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. The trail is to be designed in conjunction with the Department of Fish and Game, with staging areas, information signage restriction, docents and other methods to protect vegetation. (Trail 1, Exhibit A.)

(15) **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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 16

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) **Halfway Point Handicapped Loop Trail.** Being a nine (9) foot wide pedestrian and handicapped accessible trail with a minimum tread width of (5) feet an easy level of difficulty. 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 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 ~~shade structure~~ **improved overlook area** and handicapped turn around **including no fewer than three benches and two 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 and sidewalks shown on Exhibit 8 of permit amendment A-5-RPV-93-005A, connecting Halfway Point Park with two public parking lots located at the terminus of Street "A" including all paths or walks necessary for access to the public facilities proposed within the clubhouse.

- B. The following access Corridors located within Vesting Tentative Tract Map 50667:

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 17

(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 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) **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) **Palos Verdes Drive South Off-Road Jogging Trail**. Class I, four foot wide pedestrian trail in 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 50667.

(5) **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) **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) **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 with a cut or

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 18

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) 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) 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.

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 Exhibits A, B, II, III and V*, 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) and fences approved in a coastal development permit, 3) vegetation removal except hand removal of invasive plants, 4) hand thinning of fuel within the approved fuel modification areas in the East Bluff Preserve as approved in figure 13 of the HCP and the revegetation planting plan map dated 7/25/97, 6) installation of public utilities shown on Exhibit 5 map G, 7) the drilling of testing wells and hydraugers as shown on Exhibit 6, Map K, and 8) installation of the sewer connections and drainage devices approved in this permit* and other development approved in this permit, shall occur in the trail areas *required in this permit and/or* shown

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 19

~~in on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 Exhibits A, B, II, 5A, 41, 42, 43 and 45~~ 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.

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 sewer and utility easement are granted prior to recordation of documents or is delineated as shown on Exhibit 5, Map G 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 permit requirements of the coastal act, to enter the property, and to construct and maintain revegetation areas, recreation facilities and other public improvements that are required in 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 attached Exhibit, complying to the satisfaction of the Executive Director with the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 and this Condition 3, 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. The offer shall run with the

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 20

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 issuance of the coastal development permit, 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 25 and 27 of this amendment A6* ~~Exhibit 9~~ 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 *by February 1, 1998 but in no event no later than 30 days prior to the commencement of fine grading for the golf course. The plans shall be accompanied by* ~~and~~ a schedule of completion for the review and approval of the Executive Director in consultation with any ~~existing~~ accepting agency. Any proposed changes to the approved plans shall be reported 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 course for play. The third stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to final grading of individual residential lots.

- 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. 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 21

unimproved trails, but shall be improved to the standards of the trail improvement plan prior to the commencement of play on the golf course. Said trails shall include: Trails noted in Conditions 3 A(5), A(6), A(7), A(9), A(11), A(15) slide scarp portion branch two); also in Conditions 3 B(5), B(6), B(7), B(8), and B(9).

- B. **Second Stage.** Park improvements and second stage trail improvements completed as part of Phase III construction.

The applicant shall submit construction drawings for the review and approval of the Executive Director ~~Installation~~ of the following park and trail improvements *by February 1, 1998, but in no event no later than 30 days prior to the commencement of fine grading for the golf course.* ~~Installation~~ shall be commenced immediately following rough grading operations for the golf course, and shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf course for play.

1) Park improvements second stage:

- a) ~~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, 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*~~ ~~Access and Amenities plan of February 5, 1993,~~ including the 45 car, parking lot east of the park, "J Road", picnic area, public parking along Paseo del Mar,
- b) "J" road, street A, as far as Halfway Point Park, including public parking areas on J road.
- c) *No fewer than six view Bluff overlooks including 3 within the bluff top corridor as shown on the Public Access Amenity Plan of 1996 updated 1997 February, 5, 1993, except that the Executive Director shall require revision to such plan if it requires grading within the bluff top activity corridor between 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 heavy equipment for construction.*

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 22

- d) Habitat and Golf course safety fencing as approved according to conditions 6 and 7, below.
- e) *Temporary bridge over Forrestal Draw, as approved by the resources agencies serving trail 3(A)5.*
- f) Parking lot for 25 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 and West Vista Parks complete with water fountains, benches, picnic tables, signage, active and passive 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.*

2) Trail improvements second stage:

Trails required in Conditions 3 A(1), A(2), A(3), A(8), A(12), A(13) and A (16) and A (17) within Halfway Point Park and 3 B(1), B(2), B(3), and B(4).

- C. Third Stage. *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 installation of the following park and trail improvements. Installation of these improvements shall be commenced at the same time as 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 finish grading of any individual residential lots.*

1) Park improvements third stage.

- a) View Overlook on Paseo del Mar at the head of Forrestal Canyon.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 23

~~b) Portuguese Bend Overlook improvements, that is, benches, shade and a turnaround, the overlook adjacent to West Bluff preserve in fuel management area adjacent to property line.~~

~~c)) Completion of "J" road parking area, *located to the west of the golf clubhouse.*~~

d) 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.

~~e) First phase of, 27,000 square foot clubhouse, which shall include restrooms and associated public-serving facilities.~~

f) *Final* 25 parking spaces in lot E VTTM 50667.

(2) Trails improvements third stage:

a) identified in Conditions 3 A(4), A(10), A(14), the permanent bridge over Forrestal draw, and A (17) west of the bridge.

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* ~~Access and Amenities plan of February 5, 1993~~ 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 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 24

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 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.

(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.

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:

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in ***bold italic*** and deletions in ~~cross-out~~
Page 25

- (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:

- 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, 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 26

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 prior to final grading of individual lots.
- 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.
- 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.
- 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 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.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 27

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. 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.

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) final approved restoration plans, 3) all schedules, 4) any and all proposed restrictions on public access, 5) all evidentiary material which the applicant or the agencies relied on to come to their conclusions.
- 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 28

in this permit without the provision of equivalent additional access and recreation elsewhere on the property.

- C. **Execution.** Prior to issuance of the permit the applicant shall provide the Executive Director with detailed schedule, revegetation plans and grading plans that conform to the Habitat Enhancement Plan (or executed Habitat Conservation Plan) approved by the United States Fish and Wildlife Service, the Corps of Engineers and the Department of Fish and Game. The schedule shall conform to the schedule and phasing program listed below in section D. The applicant shall agree in writing to carry out all facets of the approved plans. All habitat areas shall conform to the standards contained in the executed agreement as modified consistent with condition 8B above.

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.** 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)* ~~Habitat Enhancement Plan of February 18, 1993,~~ the applicant may begin grading the golf course (lots 38 and 39), *Halfway Point Park and the J road. The applicant may rough 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* and 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 2

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in ***bold italic*** and deletions in ~~cross-out~~

Page 29

in condition 4. No grading may occur in the next phase of development (Phase IV), until the Executive Director certifies completion of the park improvements, and that inspection and acceptance of ~~the~~ ***all*** habitat areas by the resource protection agencies has occurred as noted below.

(4) Phase IV. Grading of the residential lots, roads and trail areas, ~~golf club house and 150 car westerly parking lot~~ in Vesting Tentative Tract Map 50666 ***and 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:

- a) the restored habitat in the on-site restoration areas noted above 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 the off-site restoration areas is established according to all finally executed agreements and the final Habitat Conservation Plan (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.

9. GRADING PLANS AND STANDARDS.

Prior to issuance of the coastal development permit, the applicant shall 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/~~HEP~~ habitat plan noted above; stockpiling shall occur only as provided in the ***HCP*** ~~HEP~~ stockpiling provision ***and condition 8 above***. Grading plans shall substantially conform to the preliminary plans approved by the City of Rancho

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 30

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.

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

- 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, and the bicycle trails, *within drainage, utility and sewer, easements shown on Exhibit 5 (Map G) and hydrauger, and groundwater testing well easements shown on Exhibit 6 (Map K) of this Amendment 6, 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, *and with the exception of the 1,235 square foot encroachment no closer than ten feet from the bluff adjacent to the 10th hole in Lot I tract 50666, approved in Exhibit 3 of Amendment 6 of this permit.* 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.
- B. **Disposal of excess material.** Any excess material resulting from grading or site preparation to be deposited within the coastal zone shall be 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.
- C. **Equipment storage.** No grading equipment shall be stored within any habitat area, open space easement area, within 30 feet of the coastal bluff. *except as necessary to grade in a limited portion of lot I tract 50666 as shown on Exhibit 3 of this amendment. No grading equipment shall be stored* within the *Tract 50666* residentially designated areas

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 31

(phase IV), except *in the easternmost tier of lots* as shown *in the final HCP* ~~in the February 18, 1993 Habitat Enhancement Program~~, during the work on the golf course (Phase III).

- D. **Timing.** 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.

10. TEMPORARY EROSION CONTROL, HABITAT PROTECTION AND FINAL LANDSCAPING PLANS.

Prior to issuance of the Coastal Development Permit, 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 and graded and disturbed areas, parks 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.

At the commencement of grading on each tract and on the golf course, 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 year of construction, the applicant shall provide to both the City and the Executive Director for their joint review and approval, interim erosion control plans that will eliminate all siltation onto the beach tide pools and habitat areas adjacent to the site.

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 Habitat Enhancement Plan and with the executed Habitat Conservation Plan.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 32

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.
- B. 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. 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;
- C. 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 through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 33

- D. The landscaping and erosion control plan shall identify the location of the temporary construction fence noted in the *Habitat Conservation Plan* ~~habitat enhancement 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 that *in one location in lot 1 tract 50666, the fence may be placed no less than ten feet inland of the coastal bluff as shown in Exhibit 3, and except* 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 *or in 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 the one incursion in Lot 1 tract 50666 specifically approved by the Commission in its sixth 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.
- E. At the end of rough grading, all rough graded lots, and all disturbed areas not included in park development, the golf course, roadways, park development or revegetation plans shall be revegetated with plants indigenous to the area. The plans shall specify seed and plant sources, using, as far as possible, locally collected seed.
- F. 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.
- G. 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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 34

employed shall be California native plants endemic to the Palos Verdes Peninsula.

- H. Plans for revegetation areas shall conform in plant list and culture to the Habitat Enhancement Plan of February 18, 1993 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 permit the applicant shall provide, for the review and 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 plans for 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 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.

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.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 35

The plans shall be in substantial compliance with the drainage plans submitted in August 2, 1991, and shall employ:

- a) treatment and filtration of ~~street 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 ~~and low flow street runoff~~
- d) no discharge from golf course *or project improvements* to tide pools
- e) no drain line down Forrestal ravine,
- f) 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;*
- g) *diversion and control of major event (greater than 2 year storm) off site drainage*
- h) the terminus and/or surface installation of drainage pipes on the bluff face and toes shall avoid stands of *Opuntia littoralis*;
- i) no heavy equipment shall be placed within 30 feet of the edge of the bluff in installing the devices;
- j) The applicant shall be responsible for removing all debris.

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. Any significant change from the approved plan which the Executive Director determines to be substantial shall require an amendment to this permit.

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.

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 36

13. DELETED

14. COMPLIANCE WITH CONDITIONS OF THE VESTING TENTATIVE 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 tract map provisions which the

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 37

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, 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.

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.

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 damage from 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:

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 38

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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 39

erected in areas accessible to the public, including Street A, La Rotonda Drive, the parking lots themselves and 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 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 both the applicant(s)' entire parcel(s), 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 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, complying to the satisfaction of the Executive Director with the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 and Condition 3, 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.

APPENDIX A PROJECT CONDITIONS
A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)
Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~
Page 40

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.

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

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in cross-out

Page 41

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 that expected in residential areas.

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

~~A. Clubhouse and Parking Lot. No grading or construction west of the 45 car public parking lot entrance at the southerly terminus of Street A Tract 50666 (the J road), with the exception of pedestrian trails and a temporary bridge shall occur until the Department of Fish and Game and the United States Fish and Wildlife Service indicate that the habitat in the West Bluff Preserve is self sustaining and capable of supporting nesting Gnatcatchers and Phase IV development noted in the habitat enhancement plan can begin. This prohibition includes grading and construction of the westerly 150 car parking lot and the clubhouse. After the Department of Fish and Game and the United States Fish and Wildlife Service authorize Phase IV development in writing, the grading of the westerly 150 car parking lot and the clubhouse site shall be carried out along with the grading of the residential lots of tract 50666. These items shall be added to special condition 4.C.~~

~~B. VTTM 50667 Parking Lot and Comfort Station. Construction of the comfort station and the first 25 spaces of the parking lot in the vicinity of the west end of La Retonda Drive, easily accessible from lot E tract 50667 shall begin 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.~~

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*

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 42

Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, ~~public amenity plan of February 1993~~, 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. 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.¹

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 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 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.

APPENDIX A PROJECT CONDITIONS

A-5-RPV-93-005-A6 (Palos Verdes Land Holdings/Zuckerman)

Recommended changes indicated in *bold italic* and deletions in ~~cross-out~~

Page 43

Ot5cond

OT5COND.DOC

APPENDIX B

PREVIOUS COMMISSION ACTIONS AND AMENDMENTS

I. PREVIOUS COMMISSION ACTIONS

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.

APPENDIX B
PREVIOUS COMMISSION ACTIONS AND AMENDMENTS
A-5-RPV-93-005-A6
Page 2

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 as 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

APPENDIX B
PREVIOUS COMMISSION ACTIONS AND AMENDMENTS

A-5-RPV-93-005-A6

Page 3

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 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.

APPENDIX B
PREVIOUS COMMISSION ACTIONS AND AMENDMENTS
A-5-RPV-93-005-A6
Page 4

- 3) The applicant also proposed to amend the project description to:

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 APPROVED JULY, 1996 (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.

APPENDIX B
PREVIOUS COMMISSION ACTIONS AND AMENDMENTS
A-5-RPV-93-005-A6
Page 5

DESCRIPTION OF FIFTH AMENDMENT APPROVED DECEMBER, 1996 (A-5-RPV-93-005-A5): (1) Change condition 3, Trails, so that street identification of Trail 3(A)(10,) Forrestal Canyon Trail, would read: "extending from street D E..... connecting to streets B C and G 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 its 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.

(3) 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 ~~on~~ 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 in the vicinity of the west end of La Rotonda Drive, easily accessible from ~~on~~ lot E tract 50667 ~~at the end of La Rotonda Drive~~ shall begin 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.

APPENDIX C
SUBSTANTIVE FILE DOCUMENTS
A-5-RPV-93-005-A6

1. A-5-RPV-93-005 & amendments (Palos Verdes Land Holdings Co./Zuckerman).
2. Conceptual Public Amenities and Coastal Access Program of 1996,
3. Attached to Public Amenities/Access Program: Trail and Public Park Map
4. Conceptual Public Amenities and Coastal Access Program of 1996 Revised August 28, 1997
5. Kenneth Zuckerman, January 14, 1997, letter in response to staff letter regarding trails, signage and public amenities.
6. Ocean Trails fencing plan dated 12/19/96 (final)
7. VTTM 50666 and 50667, 1994
8. Sierra Club, Native Plant Society vs. Coastal Commission etc. Exhibit A Depicting Setbacks
9. Habitat Enhancement Plan, Draft, October 30, 1992.
10. Habitat Enhancement Plan, Draft, Jan 18, 1993.
11. Jeffrey D. Opdycke, United States Fish and Wildlife Service, letter regarding Rancho Palos Verdes Ocean Trails Habitat Conservation Plan (HCP) March 15, 1993.
12. Jeffrey D. Opdycke, United States Fish and Wildlife Service, letter to Ed Sauls regarding Hon Zuckerman Ocean Trails project dated December 7, 1992.
13. Glenn Black, California Department of Fish and Game, letter to Michael McCollum, regarding Department's initial evaluation, Sept. 18, 1992
14. Fred Worthley, California Department of Fish and Game, letter to Thomas Gwyn, Chairman of the Coastal Commission, et al. regarding Ocean Trails Project Proposed Habitat Enhancement Plan (Exhibit 33)
15. Ocean Trails Residential and Golf Community Coastal Sage Scrub and Sensitive Species Habitat Conservation Plan, July 1996, Exhibit B to July 1996 Implementing Agreement
16. Implementing Agreement Ocean Trails Coastal California Gnatcatcher/Cactus Wren/Six Plant Species Habitat Conservation Plan, July, 96
17. Caren Williams, (representing applicant) Memorandum, June 6, 1996, Ocean Trails HCP Implementing Agreement Revisions
18. Storm Water Pollution Prevention Plan (SWPPP) dated January 30, 1997, received March 13, 1997
19. Master Drainage plan (2 sheets) dated 9/96
20. Temporary Erosion Control Plan (2 sheets) dated 1/22/97
21. HCP figure 5, Water Quality Control plan, April 1996
22. California Native Plant Society, Sierra Club v. California Coastal Commission, settlement dated May, 1995 .
23. Gail C. Kobetich, United States Fish and Wildlife Service, letter dated August 25, 1997, Ocean Trails East Bluff Preserve, Rancho Palos Verdes, Los Angeles County California, (1-6-97-HC-286)
24. Gail C. Kobetich, United States Fish and Wildlife Service, letter dated August 26, 1997, Ocean Trails West Bluff Preserve, Rancho Palos Verdes, Los Angeles County California, (1-6-97-HC-291)
25. Zuckerman Building Companies, Trails Plan for the Ocean Trails Project, 9/1/97

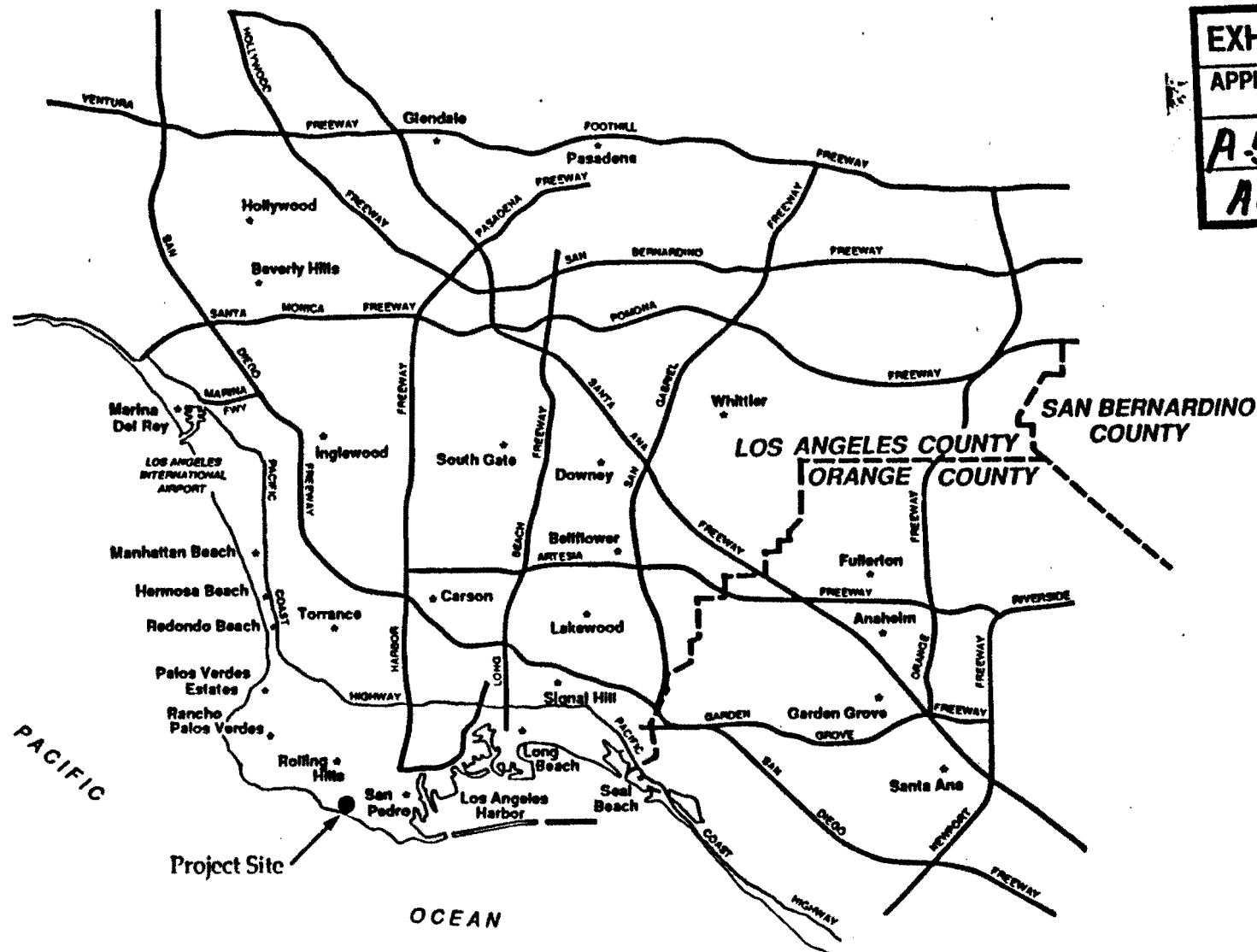
TABLE OF EXHIBITS

A-5-RPV-93-005-A6

EXHIBIT NUMBER	SUBJECT
1.	Location/vicinity map
2.	Site location
3.	Proposed change in Lot I, tract 50666
4.	Portion of Settlement map, showing lot I tract 50666
5.	"Exhibit G" utilities easements "map G"
6.	"Exhibit K" drains, hydraugers and monitoring wells
7.	Project site plan from HCP
8.	Details of revegetation areas from HCP
9.	United States Fish and Wildlife Service approval of Establishment of West Bluff Preserve habitat, approval to begin grading stage I
10.	Applicant's attorney on bluff edge issues
11.	Deputy Attorney General on Lot I tract 50666 vs. bluff edge
12.	Charles Damm, Deputy Director on Lot I tract 50666 vs. bluff edge
13.	Andrew Sargent, opponent, on Lot I tract 50666 vs. bluff edge
14.	Deputy Attorney General letter transmitting settlement agreement
15.	May, 1995, settlement agreement amendment text
16.	Map showing phasing of grading
17.	Map from HCP showing sensitive plant and animal species
18.	Applicant's response to compliance letter on phasing of grading, 1997
19.	Excerpts from HCP on revegetation program and phasing
20.	Map showing fuel modification area in East Bluff Preserve
21.	1992 letter from Jonathan Atwood on project
22.	Drainage map from HCP
23.	Drainage conditions--Fish and Game
24.	Letter from City of Rancho Palos Verdes on Public Amenity Access Plan of 1996-1997
25.	Resolution from City of Rancho Palos Verdes City Council on Public Amenity Access Plan of 1996
26.	Proposed Public Amenity Access Plan of 1996, revised, 1997
27.	Public Amenity and Trail Map of September 26, 1996, revised 1/20/97
28.	Letter from applicant regarding final plans for parks, trails, and signage, September, 1997

Rancho Palos Verdes - Ocean Trails

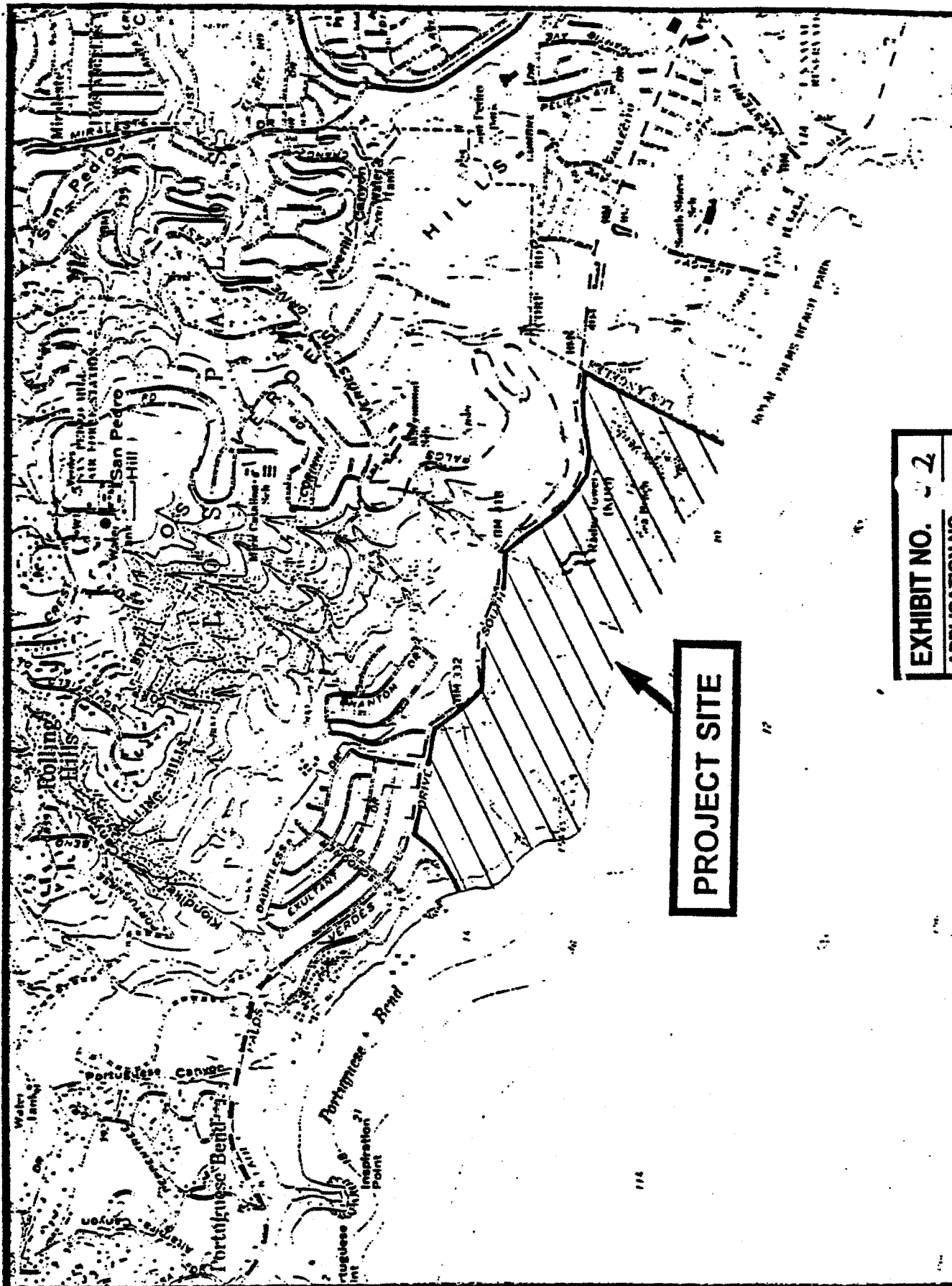
AC Vicinity



0 0ml

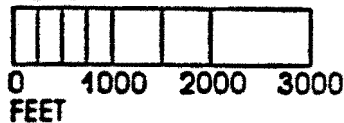
Ocean Trails Regional Vicinity Map

Figure 1



*Adapted from U.S.G.S. Quadrangle San Pedro.

SCALE



RANCHO PALOS VERDES

Vicinity Map

EXHIBIT NO. 2
APPLICATION NO.
A5-RP-93006-A6
site location



GLENN LUKOS ASSOCIATES

Exhibit

A5-RPV-93-005-A6

RECEIVED
AUG 15 1997

CALIFORNIA
COASTAL COMMISSION

WEST BLUFF
PRESERVE

2' Pedestrian Trail

Revised Grading Setback
Line

Revised Golf Course Setback Line

GOLF COURSE

Beach Access
Trail, Four
(Existing)

SCALE: 1" = 40'
(Exhibit reduced)

○ CONTROL POINT FIELD LOCATED 8/6/97

1-2 =
2-3

EXHIBIT NO. 3

APPLICATION NO.

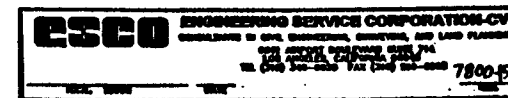
A6 RPV 93005 A6

Changes to lot A-I
tract 50666

50' Bluff Top Setback Line per approved Site Plan
EAST-WEST BLUFF TOP REVEGETATION
Bluff Top Line per approved Site Plan

COASTAL BLUFF PRESERVE

OCEAN TRAILS
REVISED SETBACK LINES
8/7/97



Changes to
Lot I
proposed by applicant

WEST BLUFF
PRESERVE

2' Pedestrian Tr

Revised Grading
Line
Revised Golf Co

Beach Access
Trail Four
(Existing)

Bluff Top

COASTAL BLUFF

SCALE: 1" = 40'

© CONTROL POINT FIELD LOCATED 8/6/95

EXHIBIT NO.	3
APPLICATION NO.	P.2
A-5-RPV-92005 A6	
full sized copy	

application to change
Lot I full sized copy

A5-RPV-93-005

RECEIVED
AUG 15 1997

CALIFORNIA
COASTAL COMMISSION

in Trail

ing Setback

GOLF COURSE

lf Course Setback Line

50' Bluff Top Setback Lines per approved Site Plan
EAST - WEST BLUFF TOP REVEGETATION
op Line per approved Site Plan
BLUFF PRESERVE

OCEAN TRAILS
REVISED SETBACK LINE
8/7/97

6/97

EXHIBIT NO.	3
APPLICATION NO.	p3
A5-RPV-93-005 A6	
full sized copy	

esco	ENGINEERING SERVICE CORPORATION
	CONSULTANTS IN CIVIL ENGINEERING, SURVEYING, AND
8641 AIRPORT BOULEVARD SUITE 714 LOS ANGELES, CALIFORNIA 90045 TEL (310) 344-8030 FAX (310) 258-88	

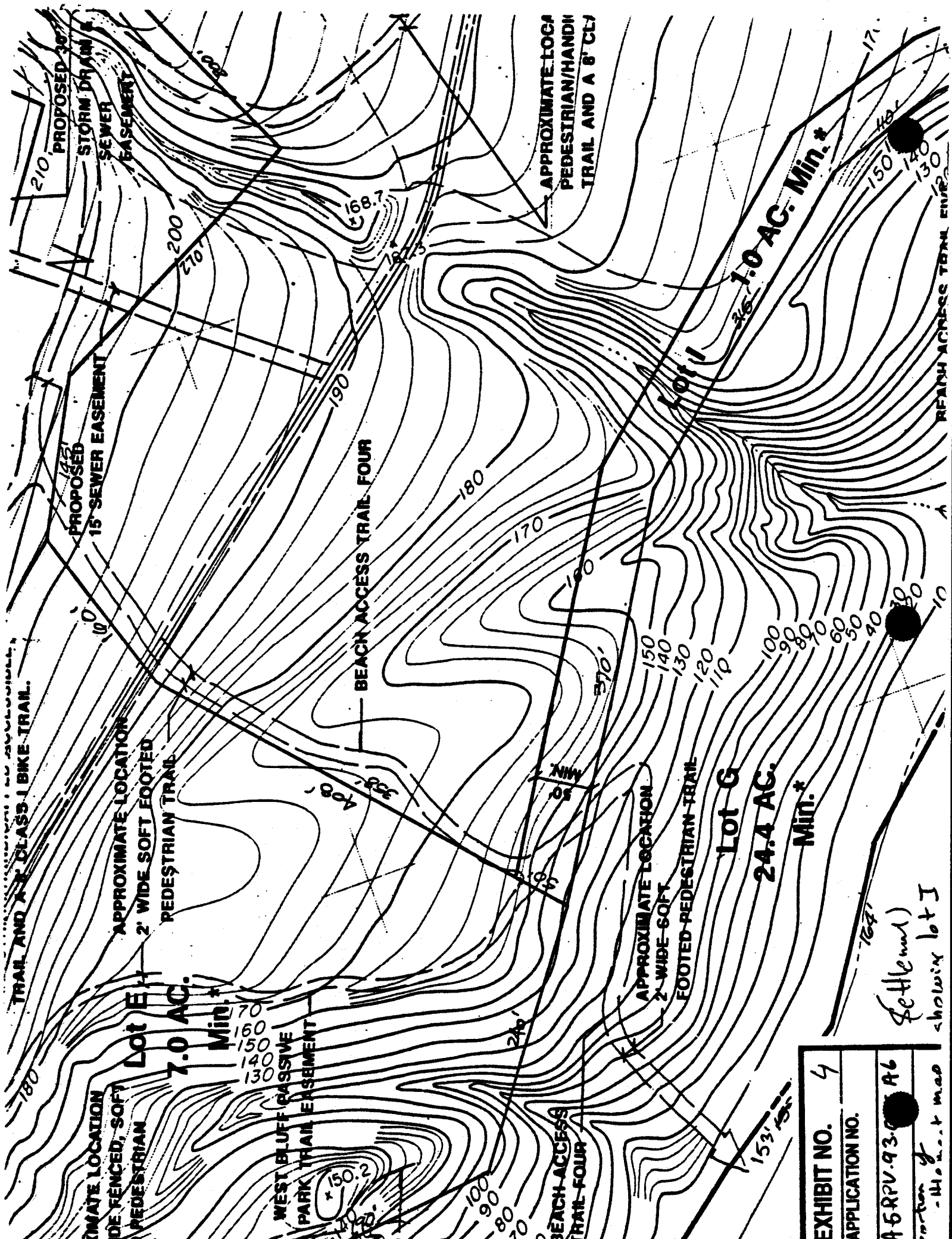


EXHIBIT NO. 4
APPLICATION NO. _____

A-5 RPV.93.0 A6
-H...t mad

EXHIBIT G
FEE OFFER/EASEMENT OFFER
PERMIT NO. A-5-RPV-93-005

Utilities
page 1 of 2

LEGEND

UTILITIES TO BE CONSTRUCTED IN ALL STREET
AREAS AND AT LOCATIONS SHOWN HEREON.

—— UTILITIES TO BE CONSTRUCTED
(where not in streets)

..... EXISTING UTILITIES (where not in streets)

Ocean Trails

PALOS VERDES

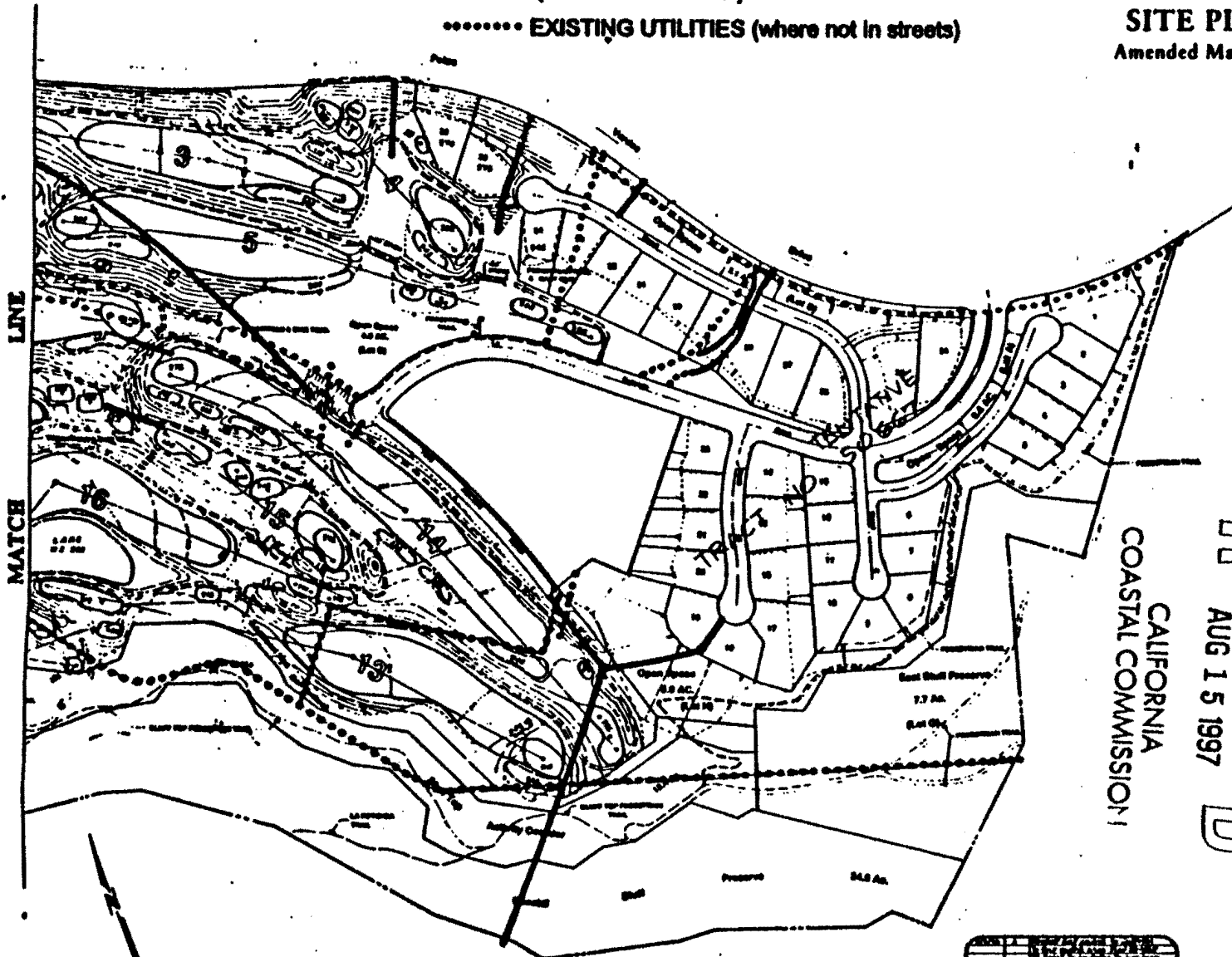


SITE PLAN

Amended Map No. 2

Utilities map.

EXHIBIT NO.	5
APPLICATION NO.	
A-5-RPV-93005AL	
Exhibit G utilities map 0.1	



CALIFORNIA
COASTAL COMMISSION

RECEIVED
AUG 15 1997

Golf Course Architect
Pete Dyer
10000 Wilshire Blvd., Suite 710
Los Angeles, CA 90024
(213) 344-0000

Engineer
Engineering Services Organization
100 Wilshire Blvd., Suite 710
Los Angeles, CA 90024
(213) 344-0000

Owner/Developer
2400 Wilshire Blvd., Suite 710
Los Angeles, CA 90024
(213) 344-0000

Palos Verdes Land Holdings Co.
100 Wilshire Blvd., Suite 710
Los Angeles, CA 90024
(213) 344-0000

Site Plan for Conditional Use Permit
Amended Map No. 2

Scale: 10 S.F. Rectangles = Golf Course, 10 Space Spots = Affordable Housing
Green Shading: 20 S.F.
Common Shading: 1 Foot
Scale: 1"=400'

SCALE: 1" = 400'

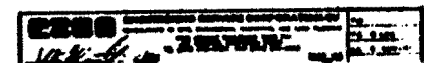
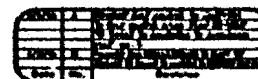


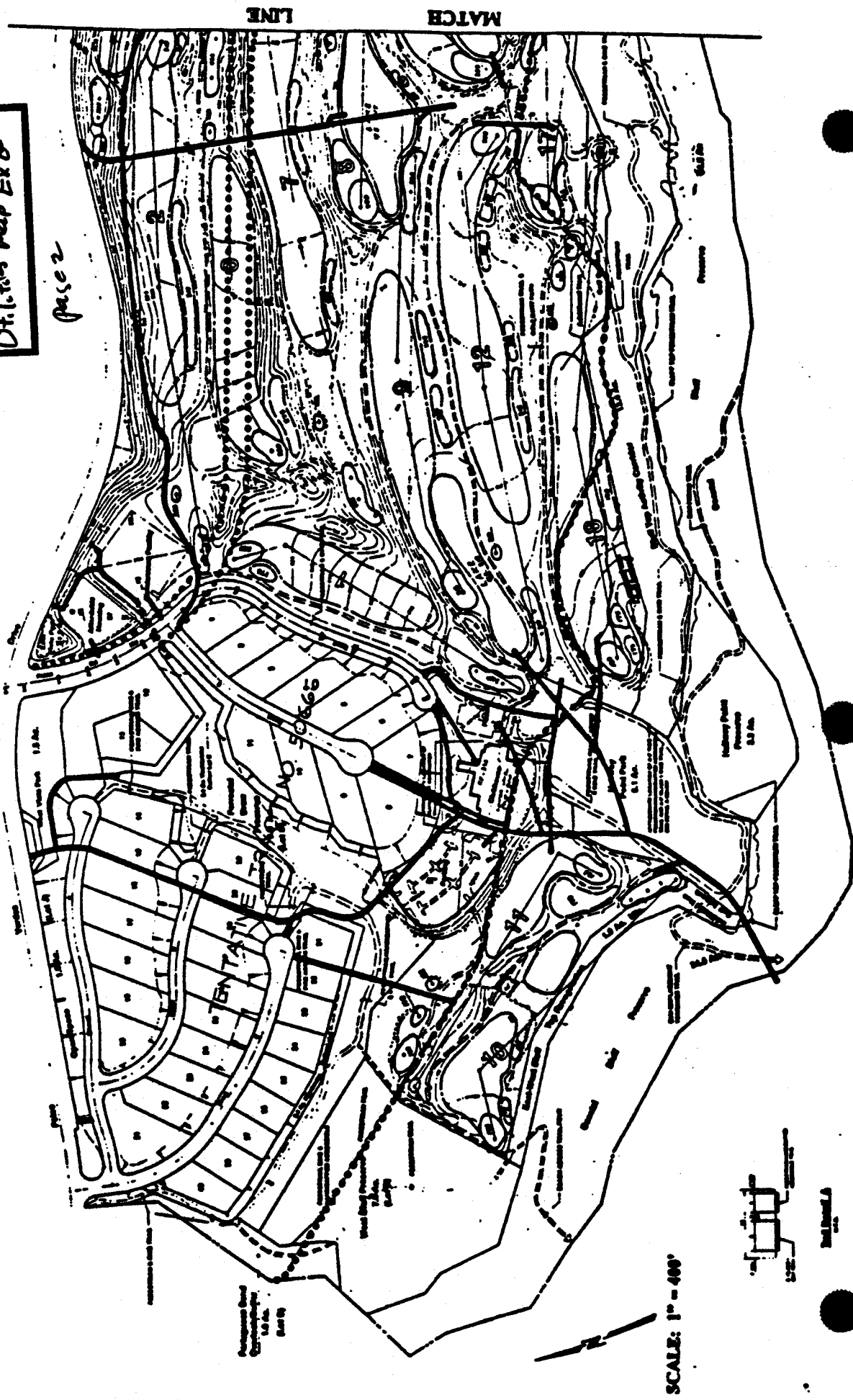
EXHIBIT G
FEE OFFER/EASEMENT OFFER
PERMIT NO. A-5-RPV-93-005

Utilities

page 2 of 2

EXHIBIT NO.	5
APPLICATION NO.	
M57RV/93005-A6	
Util. map Ex 6	

page 2



11

EXPLANATION



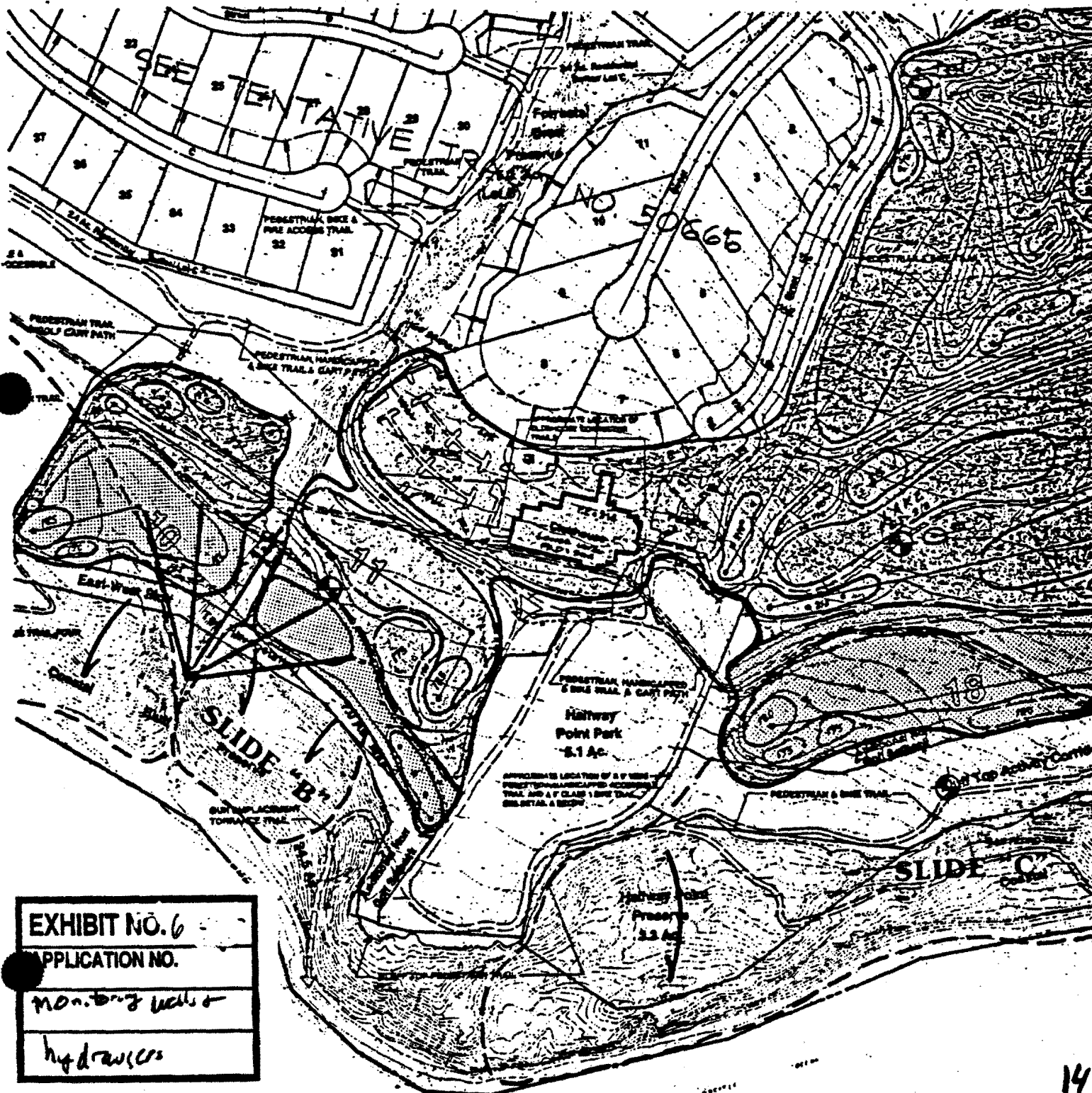
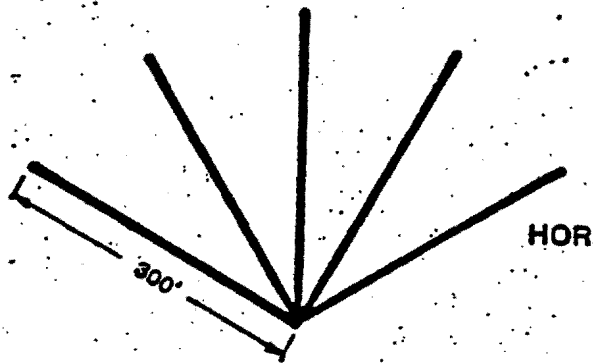
AREA OF GOLF COURSE TO RECEIVE
3' THICK FILL CAP



AREA OF GOLF COURSE TO RECEIVE
3' THICK FILL CAP PLUS SPECIAL GREEN,
TEE AND FAIRWAY CONSTRUCTION



PROPOSED 3-STAGE MONITORING WELL



~~SURFACE WATER CONTROL PLAN~~

Chambers

OCEAN TRAILS DEVELOPMENT
Rancho Palos Verdes, California

Scale **1" = 100'**

Project No.

Date **5/28/97**

96-3011

Prepared By **MKT**

Drawing No.

Checked By **DSS**

16

Approved By **DSS**



MODIFIED 7/16/97 ADDED HORIZONTAL DRAINS
REVISED: 7/16/97

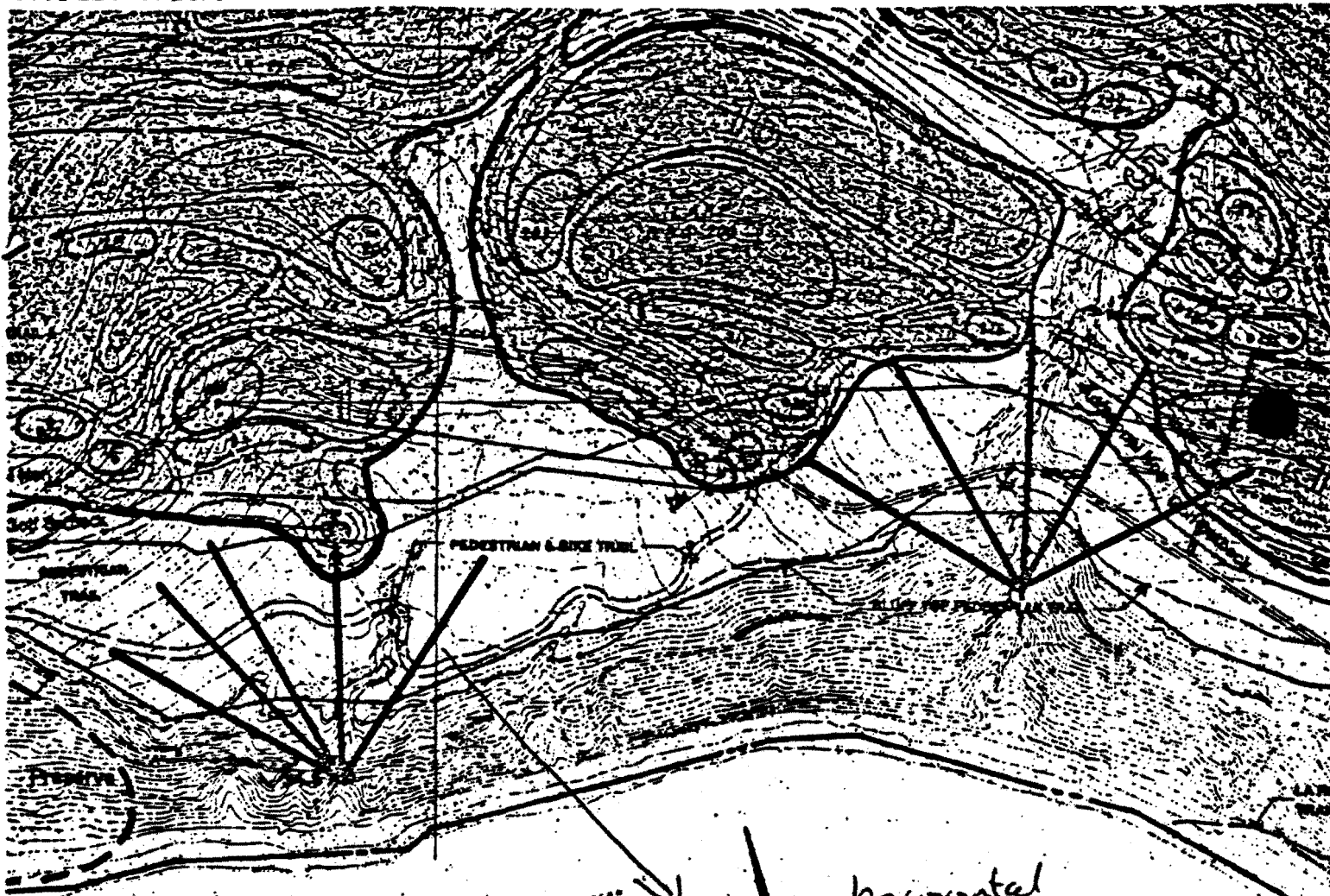
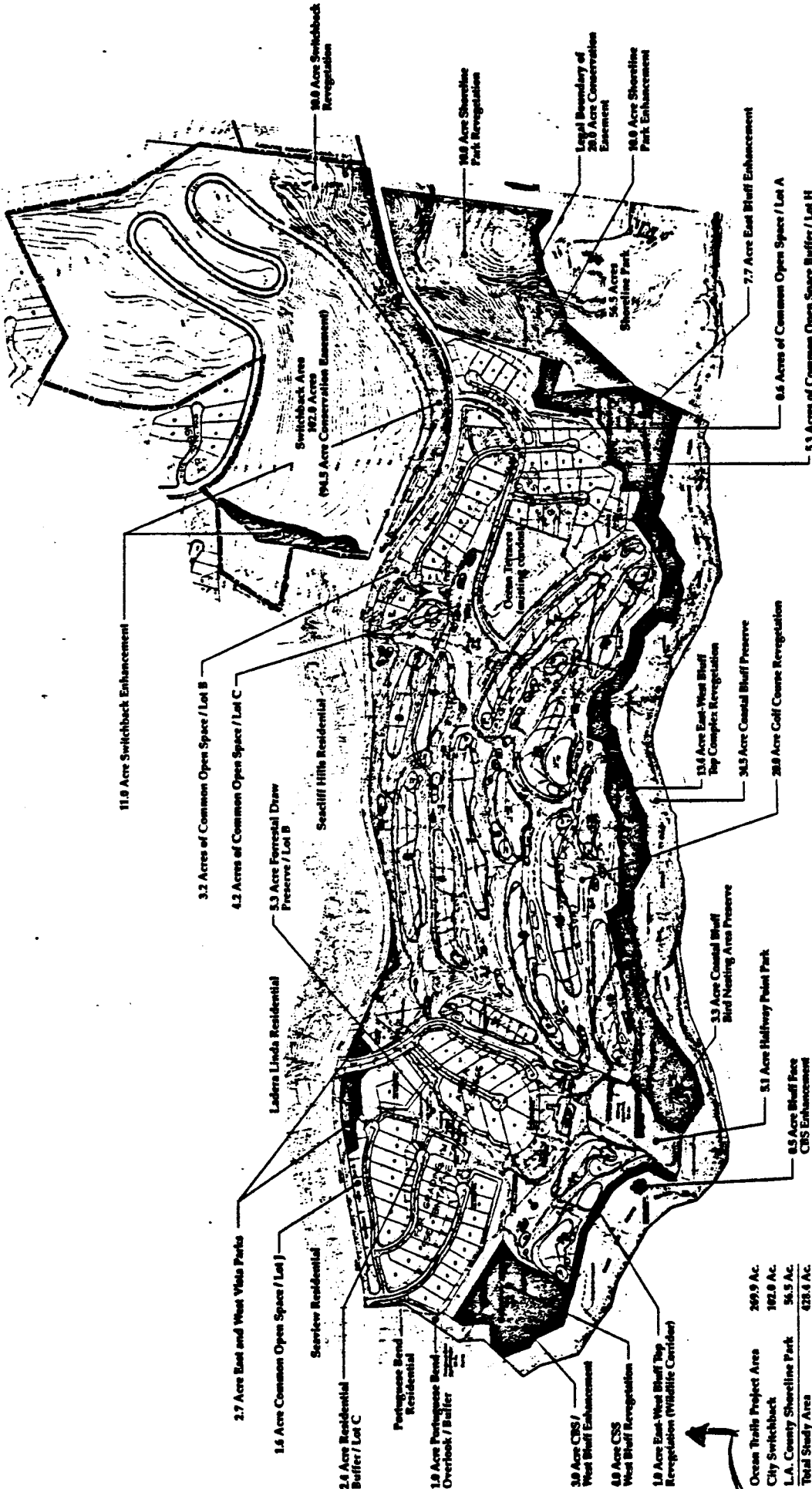


EXHIBIT NO. 02
APPLICATION NO. A 5 RPV 93 005 A 6

SCALE: 1" = 100'

HABITAT CONSERVATION PLAN (HCP)

Rancho Palos Verdes - Ocean Trails



Source: RBT July 1996

Ocean Trails Site Plan (Current)
Figure 4

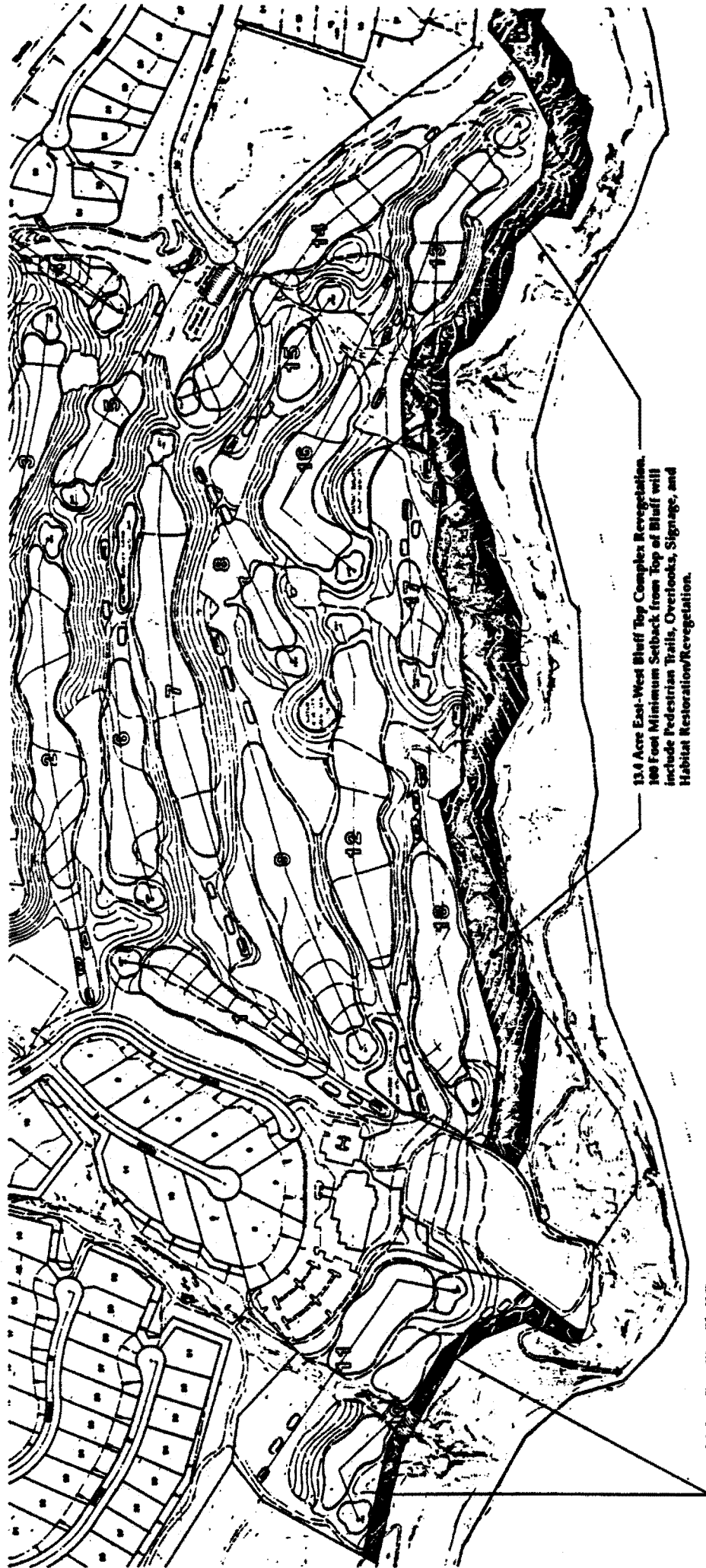
EXHIBIT NO.	17
APPLICATION NO.	
A 5-RPV-93005-A6	
current site plan for HCP	



showing
1. acre
1.12 top

HABITAT CONSERVATION PLAN

Rancho Palos Verdes - C



1.0 Acre East-West Bluff Top
Revegetation (Wildlife Corridor)

13.0 Acre East-West Bluff Top Complex Revegetation.
100 Foot Minimum Setback from Top of Bluff will
include Pedestrian Trails, Overlooks, Signage, and
Habitat Restoration/Revegetation.

EXHIBIT NO.	8
APPLICATION NO.	
A 5-RPV-93-005-A6	
Revegetation Corridor	

Survey 8/81 Johnson
Thick & Associates

Phase IV East-West Bluff Top
Revegetation Area Detail @ 1"

Sta. 6
from HCP





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

RECEIVED
SEP 2 1997

Mr. Kenneth Zuckerman, Project Manager
Ocean Trails Project
707 Silver Spur Road, #201
Rolling Hills Estates, California 90274

CALIFORNIA
COASTAL COMMISSION
AUG 26 1997

Subject: Ocean Trails West Bluff Preserve, Rancho Palos Verdes, Los Angeles County, California (1-6-97-HC-291)

Dear Mr. Zuckerman:

The U.S. Fish and Wildlife Service (Service) has reviewed the *Ocean Trails West Bluff Preserve Habitat Revegetation Status Report* (report), dated May 21, 1997, prepared by Dudek and Associates, Inc. Pursuant to the commitments in the Ocean Trails Habitat Conservation Plan (HCP) and the Amended California Coastal Development Permit, Special Condition 8, the Service must provide comments on the suitability of the site with respect to threatened, rare, or endangered species, prior to the commencement of Stage 1 Grading, including the club house and associated parking area.

Although coastal California gnatcatcher (*Poliophtila californica californica*) and cactus wrens (*Campylorhynchus brunneicapillus cousei*) have not nested in the preserve area, the site appears to be of sufficient maturity to supply food and cover for these species and possibly other coastal sage scrub dependent species. The Service concurs with the report, that the vegetation data coupled with the observations of California gnatcatcher use of the preserve, demonstrate that Special Condition 8 is being achieved. However, the Service requests that the West Bluff Preserve continue to be monitored for sage scrub recruitment for the next two to three years. The Service will also work with Ocean Trails and their biologist in developing a revegetation plan for the western side of this reserve area adjacent to the bluffs.

The Service continues to be available to assist Ocean Trails and their biologist with any additional information needed for the maintenance and monitoring of the West Bluff Preserve and adjacent open space areas. Please contact Mary Beth Woulfe of this office at (760) 431-9440 if you have any questions.

Sincerely,

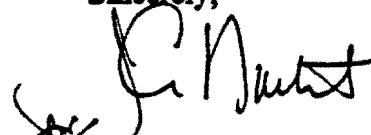

Gail C. Kobetich
Field Supervisor

EXHIBIT NO. 9
APPLICATION NO.
A-B-RPV-93-005 A6
Fish & Wildlife

Letter of approval & phasing

LATHAM & WATKINS

ATTORNEYS AT LAW

650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925

TELEPHONE (714) 540-1235

FAX (714) 755-8290

TLX 580777

ELN 62793272

PAUL R. WATKINS (1989-1973)
DANA LATHAM (1989-1974)

CHICAGO OFFICE

SEARS TOWER, SUITE 5800
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HJ ENGLAND
TELEPHONE + 44-171-374 4444
FAX + 44-171-374 4480

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 485-1234
FAX (213) 891-8763

MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200
MOSCOW 117198 RUSSIA
TELEPHONE + 7-503 856-5555
FAX + 7-503 856-5556

NEW JERSEY OFFICE

ONE NEWARK CENTER
NEWARK, NEW JERSEY 07101-3174
TELEPHONE (201) 639-1234
FAX (201) 639-7298

NEW YORK OFFICE

88 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4802
TELEPHONE (212) 906-1200
FAX (212) 751-4864

SAN DIEGO OFFICE

701 "B" STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8187
TELEPHONE (619) 236-1234
FAX (619) 886-7419

SAN FRANCISCO OFFICE

605 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111-2562
TELEPHONE (415) 391-0600
FAX (415) 395-8085

WASHINGTON, D.C. OFFICE

1001 PENNSYLVANIA AVE., N.W., SUITE 1300
WASHINGTON, D.C. 20004-2505
TELEPHONE (202) 637-2200
FAX (202) 637-2201

RECEIVED
AUG 6 1997

August 1, 1997

CALIFORNIA
COASTAL COMMISSION

Jamee Jordan Patterson
Deputy Attorney General
110 West A Street
Suite 1100
San Diego, CA 92101

Re: Ocean Trails Project

Dear Jamee:

This letter is in response to your letter to me dated July 2, 1997. We had intended to make these points to you in person at a visit to the project site, but given the difficulty of arranging all required schedules for that visit, this letter will have to serve.

Your July 2 letter turns on several points that are in error, as we think a site visit would have demonstrated for you. Before addressing the erroneous points in your letter, we want to make it clear that we do not take issue with several of your points. We do not and have not contested that the Coastal Commission's original approval of this project with a 25 foot setback from the bluff edge is measured from the actual bluff edge (as best it can be determined). The setback obligations of the Settlement Agreement are not intended to supplant that requirement, but instead be consistent with it. We also agree that one of the conditions imposed by the Coastal Commission on its approval of the fifth amendment to the Coastal Development Permit (although not condition 1A(2) as cited by your letter, but rather condition 1B(2)) does identify the following setback strip for dedication: "VTTM Tract 50666, described as a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff (*the bluff face lot is Lot G*), southwesterly of the golf course, including the

EXHIBIT NO.
APPLICATION NO.
A-5-RPV-93-005
Applicant's contents and buffer area

on bluff issue

LATHAM & WATKINS

Jamee Jordan Patterson
August 1, 1997
Page 2

10, P~

EXHIBIT NO.
APPLICATION NO.
AS RPV 93-005
applicant on bluff-edge issue

west side of Halfway Point, no less than ... 1.2 acres." We do, however, disagree with the remaining assertions in your letter.

First, you assert that the Commission's approval of the fifth amendment to the project's Coastal Development Permit ("CDP") "required that re-revised Tract Maps be submitted which conform to the Commission's decision on this amendment" with specific reference to the settlement setbacks. That is not wholly accurate. The special condition requiring revisions to the project's maps was imposed on the project pursuant to the *first* amendment to the CDP. Revised maps were prepared in satisfaction of that condition. It was not added with specific reference to any modifications agreed upon with respect to the *fifth* amendment. There is a catch-all condition 12 reading:

"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."

This condition makes no reference to revisions to the approved Tentative Tract Maps, but rather to final plans. You will also note, looking back at condition 1B(2), that it identifies the 50 foot setback agreed to through the Settlement Agreement with specific reference to VTTM 50666 and Lot G as constituting the "bluff face" for purposes of that setback. Condition 12 is not a direction to revise VTTM 50666, but a direction to have final plans approved that conform to it.

Second, your letter claims that the bluff line as depicted on VTTM 50666 (revised to conform with the requirements of the *first* amendment to the CDP) was drawn in error, and would place the 50 foot setback on the bluff face. Your information is inaccurate. The bluff line drawn on VTTM 50666 for Lot G in fact accurately depicts the actual bluff face, *as best it can be depicted by a relatively straight line*. We walked the property with the plaintiffs in the Native Plant Society lawsuit with a topo version of VTTM 50666 to verify the general accuracy of the bluff line depicted on it. As a relatively straight line, there are places where the actual bluff face is clearly seaward of the line drawn for Lot G, and others where it is landward. The Lot G line is, however, remarkably accurate. Your information, and the argument that you make that the additional setback is not in fact additive, are simply and demonstrably inaccurate, as a site visit would have established for you.

Jamee Jordan Patterson
August 1, 1997
Page 3

At the extreme westerly end of the property, the bluff top has been disturbed by past grading activities creating a path to the beach, and there is some room for differences of opinion as to where the bluff top actually exists. Additionally, in this area the bluff face is eroded by a number of lateral drainages into the face. Only at this extreme westerly end is there anything approaching the extreme situation described in your letter, and it is opposite an area on the bluff top that has been identified for preservation in any event, where there was never any additional setback contemplated. The only area of any real question between some members of the Commission's staff and my client as to the location of the actual bluff edge that is relevant to the Settlement Agreement occurs *near* this extreme end, on the one golf course hole that is directly overlooking the ocean. My clients interpret the geology here, as disturbed by grading, to place the bluff edge on the seaward side of the graded trail down the face. The bluff line drawn on VTTM corresponds with that interpretation, and it is demonstrably supportable with a site visit. Pam Emerson thinks the bluff edge should be described as being landward of the trail. That is the difference. However, again, this difference, which is only capable of being understood with a site visit, does not in any way establish any falsity in the bluff line drawn on VTTM 50666 and used as the reference point for the 50 foot setback negotiated through the Settlement Agreement, signed off on by Chuck Damm, and approved by the Coastal Commission with the *fifth* amendment to the CDP.

In short, your letter relies upon citation to a condition that does not exist or does not say what you represent is the case. It relies upon a mistaken belief that the landward line for Lot G as drawn on VTTM 50666 erroneously lies halfway down the bluff face, which a site visit would demonstrate is absolutely *not* the case. We continue to urge that you investigate the facts, and take another look at the actual language of the Settlement Agreement and Commission actions. If you do, objectively, you will understand how we continue to believe your interpretation of the Settlement Agreement and Commission's approval of the fifth amendment to the CDP is demonstrably erroneous.

Sincerely,



Robert K. Break

cc: Charles Damm, Long Beach CCC
Pam Emerson, Long Beach CCC
Ken Zuckerman

10, 12

EXHIBIT NO. 10, 12
APPLICATION NO.
A5-RPV-93-005 AB
applicant on bluff edge

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101

P.O. BOX 85266
SAN DIEGO, CA 92186-5266
(619) 645-2001

FACSIMILE: (619) 645-2012
(619) 645-2023

July 2, 1997

Robert K. Break
Latham & Watkins
650 Town Center Drive Suite 2000
Costa Mesa CA 92626-1925

RE: Ocean Trails Project (Native Plant Society v. CCC)

Dear Bob:

I reviewed your letter dated June 25, 1997 and discussed this with the Commission's staff this week. I also reviewed the settlement maps depicting the 50 foot bluff top setback which is now in dispute. The Commission's position is that the actual bluff edge is the point from which the setback should be measured.

The settlement agreement provides that the outer boundary of all active play areas shall be set back a minimum of "50 feet from the bluff edge (meaning, here and throughout the agreement, the bluff edge as shown on Tentative Tract Maps No. 50666 and 50667 and approved by the Commission)."

(Settlement Agreement, § 1. A.) The settlement agreement further provides that the land along and landward of the bluff edge will be offered for dedication to the public and the additional setback (including the 50 foot setback noted above) shall be offered for dedication along with lot G for habitat conservation and public access. (Settlement Agreement, § 1. G.) The Settlement Agreement was supposed to be consistent with the Commission's approval of the project, as originally approved and as amended. (Settlement Agreement, § 2.) The Commission's understanding was that its approval of the project would govern, in that the parties agreed no further amendment would be necessary to implement the settlement agreement.

The Commission's approval of amendment A5-RPV-93-005 A5 provides in special condition 1A(2) that the "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 (the bluff face lot is Lot G), southwesterly of the golf course, including the west side of

EXHIBIT NO. <u>11</u>
APPLICATION NO.
A5-93 RPV 93005-A6
Attorney General office on bluff edge issue

pl

26

Robert K. Break
July 2, 1997
Page 2

Halfway Point." The Commission's approval further required that re-revised Tract Maps be submitted which conform to the Commission's decision on this amendment. It is my understanding from staff that re-revised maps have never been submitted in compliance with this amendment.

When staff met with your client and his technical advisors on site to review the surveyed lot lines, the stake depicting the 50 foot setback was not 50 feet from the bluff edge but was on the edge. Apparently the maps utilized in the settlement process erroneously depict the bluff edge as being on the bluff face. According to Commission staff, the maps referenced in the settlement agreement were not the re-revised maps required to be submitted pursuant to the amendment. Since the Commission's approval of the amendment required submittal of revised maps and since the Commission's approval of the settlement was based upon the parties' acknowledgment that the settlement would be consistent with that amendment and would not require a further amendment, the Commission believes that its approval of the amendment governs. In other words, re-revised maps needed to be submitted which accurately depict the project vis-a-vis the site.

Additionally, since the Commission originally approved the project with a 25 foot setback from the bluff edge, not from some place on the bluff face, and the settlement agreement was supposed to increase, not decrease, the size of the setback, the Commission's position is entirely reasonable. I would specifically point out that the agreement's use of the modifier "additional" in reference to the setback makes it clear that the setback should be greater than, not less, than that approved by the Commission. The 50 foot setback as measured by your client's technical representatives was less than that originally approved since it was measured from the bluff face and not the bluff edge and the stake identifying the landward location of the setback was on the bluff edge. Finally, common sense alone dictates that a bluff edge setback be measured from the bluff edge, not from halfway down the bluff face.

It appears that either the Commission's interpretation must govern, i.e., that the 50 foot setback is measured from the bluff edge, or, if that interpretation is unworkable for your client, that an amendment application should be submitted to the Commission. Staff is willing to recommend returning to the 25 foot setback originally approved by the Commission. I also suggest that we meet at the site with our respective clients and/or their representatives so that there will be no further disputes about where lines are or should be drawn on the ground.

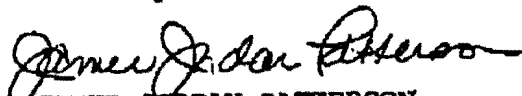
EXHIBIT NO. 11,
APPLICATION NO.
A5 RPV 93-005 AL
attorney general office on bluff edge

Robert K. Break
July 2, 1997
Page 3

I would be available for such a meeting any time during the week of July 14 and 28 and the week of August 18.

Sincerely,

DANIEL E. LUNGREN
Attorney General


JAMEE JORDAN PATTERSON
Deputy Attorney General

cc: Charles Damm, Long Beach CCC
Pam Emerson, Long Beach CCC

Exhibit 11

EXHIBIT NO.
APPLICATION NO.
A-5 RPV-93-005-AG

CALIFORNIA COASTAL COMMISSION

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



May 30, 1997

Mr. Kenneth Zuckerman
Project Manager, Ocean Trails Golf Course
Zuckerman Building Companies
707 Silver Spur Road
201
Rolling Hills Estates, CA 90274

EXHIBIT NO.	2
APPLICATION NO.	12
A5-RPV-93-005#6	
Charles Damm on bluff edge issue	

Subject: Permit conditions and bluff top setback in permit A-5-RPV-93-005

Dear Mr. Zuckerman,

Recently, I met with you and your attorney regarding compliance with the Commission's special conditions imposed on the first amendment to the permit (A5-RPV-93-005A) and special condition 1A(2) of your permit A5-RPV-93-005 A5 (Hon/Zuckerman) as amended. The relevant condition currently states:

- (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 (the bluff face
lot is Lot G), southwesterly of the golf course,
including the west side of Halfway Point,
no less than:

1.2 acres

Special conditions one and two of amendment 1 state:

1. Revised Tentative Tract Maps:

Prior to issuance of the amended permit, the applicant shall submit for the review and approval of the Executive Director, revised Vesting Tentative Tract and Parcel Maps for Tract 50666 and 50667 approved by the City of Rancho Palos Verdes on September 6, 1994, that conform with the April 15, 1993 Commission action on A-5-RPV-93-005 as herein amended. Such revised maps shall specifically evidence conformance with: the acreages and other requirements of open space areas required by the Commission in Condition 1; the routes and development specifications of trails required in condition 3 as amended in this permit action; the specific requirements of conditions 12, 14, and 15; and all other conditions of permit A-5-RPV-93-005.

2. Applicable Revised Standard and Special Conditions.

The revised standard and special conditions found in Appendix A, attached, shall apply to A-5-RPV-93-005 and A-5-RPV-93-005A upon

Mr. Kenneth Zuckerman
A-5-RPV-93-005, as amended Condition Compliance
Page 2 May 30, 1997

EXHIBIT NO.	p2
APPLICATION NO.	12
A5-RPV93005 A6	
Charles Dammann tbl H edr	

written approval by the Executive Director of re-revised Tentative Tract and Parcel Maps that conform to the April 15, 1993 Commission action on A-5-RPV-93-005 as amended. These re-revised Tentative Tract and Parcel Maps must also have been approved by the City of Rancho Palos Verdes as required in special condition 1 of amended Coastal Development Permit A-5-RPV-93-005 before submittal to the Executive Director.

The second amendment project description, as submitted by you, states in part:

3) Amend the project description to:

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.

In November, 1996, Pam Emerson of my staff met with you and your technical advisors on site with representatives of the plaintiffs in the California Native Plant Society (CNPS) lawsuit, and the City staff to verify the location of the lot lines as finally surveyed. The stake depicting north westerly corner of lot I, tract 50666, marking the westernmost inland corner of the bluff edge setback, was not 50 feet inland of the bluff edge. Instead it was directly on the bluff edge, inconsistent with the wording of the condition.

The Commission's original conditions required a 25 foot setback as measured from the actual physical edge of the bluff. The Commission's action on the first amendment explicitly required re-revised tract maps to assure the consistency of

EXHIBIT NO. 12
APPLICATION NO. f
A5RPV 93 005
Dammann b ed

the maps with the Commission's adopted conditions. When the Commission processed its third amendment, it increased the width of the required dedicated area from 25 feet to 50 feet to reflect the revisions required in the settlement. The conditions continue to include a statement requiring "re-revised tract maps" that reflect the Commission's conditions.

The City's 1994 map (Vesting Tentative Tract map 50666) verbally identifies a 25 foot corridor in this area, but depicts the bluff top corridor in this area entirely on the bluff face. You have stated to my staff that you agreed to the settlement based on the City's 1994 map (Vesting Tentative Tract map 50666).

I initially responded to this conflict by indicating to your representatives that the 25 feet of "bluff-top" corridor should be located inland of the physical bluff edge, reflecting the Commission's original condition; i.e. irrespective of what the settlement says, the amount of corridor should not be reduced. We notified the you and the California Native Plant Society of this in writing.

On Jan 14, 1997, Andrew Sargent called my staff and stated that he believed the 50 feet in the settlement was binding on the Commission. He agreed that the bluff edge would be defined by the Coastal Commission, but believed that the settlement applied to the project as conditioned by the Commission--increasing the width of the corridor required by the Commission from 25 feet to 50 feet. Sargent later confirmed this in a letter, described below, stating that at a settlement conference, all parties agreed that the Commission would define the bluff edge, and the open space would be 50 feet inland of the edge.

The settlement contains language reserving the staff's right to review final maps for consistency with the Commission's conditions. The project description in the final amendment likewise notes that the lot lines are subject to the written requirements in the Commission's conditions of approval. My staff has consistently informed you, in writing that final plans would be measured for consistency with the Commission's adopted conditions.

As I discussed with you, I am uncomfortable signing plans that are inconsistent with the requirement of the Commissions conditions as revised. When I met with you, your attorney contended that my signature on the plans accompanying the settlement agreement overrode the written requirements of the Commission conditions. While this was a strong argument, it is our belief that the terms of the conditions govern. The Commission has yet to approve any plans, and the plans on which "Exhibit A, Depicting setbacks" was drawn, was merely illustrative. After our meeting, I received the letter from Andrew Sargent, representing the CNPS, indicating that in their view, the language of the Commission's condition indicating the location of the original bluff top corridor should override the map entitled "Exhibit A Depicting Setbacks".

EXHIBIT NO.
APPLICATION NO. 17
A5RPV93005-A6
Damm on bluff edge

After considerable thought on the subject I believe that I cannot instruct my staff to sign off plans that are not consistent with the wording of the Commission's condition. However, I understand that, on this particular corner, increasing the setback to 50 feet will make it extremely difficult to accommodate all the golf course holes planned for this area.

There are three possible methods to resolve this issue:

1. You can submit a re-revised tract map for VTTM 50666 that complies with the Commission's written conditions.
2. You can request the Commission to interpret the wording of the conditions and its intent. The California Code of Regulations provides for disputes between the Executive Director and applicants regarding to conditions to be referred to the Commission for resolution.
3. You can apply for an amendment to the condition to allow for a portion the lot I, tract 50666 boundary to be less than 50 feet from the bluff edge. Given the effect on the golf course, and taking into account the original Commission action of the Coastal Development Permit, which authorized a 25 foot setback from the bluff edge, we would accept the request for an amendment. We would not accept an amendment that proposed that the setback be less than 25 feet from the true bluff edge.

A second issue that needs to be addressed is the mechanism for condition compliance. You and the City have written to us requesting that instead of submitting a re-revised tract map, you wish submit a lot line adjustment that would be recorded along with the final tract map. This suggestion will have to be analyzed by our legal staff, but again, it makes me uncomfortable to be asked to accept a method of condition compliance that does not conform to the methods of compliance spelled out by the Commission in its conditions of approval.

In the meantime, I believe the next step is to agree on the location of the bluff edge. I suggest that your engineer, a representative of the Fish and Wildlife service, the City and my staff meet on the site to agree on the location of the bluff edge at that corner of the property. As I understand it, you have indicated to staff that you would prefer to measure the bluff edge from the seaward edge of a dedicated trail. I have instructed staff that the bluff edge is the location where the bluff begins to fall more steeply, reaching a 2:1 or over slope, and is not the edge of a trail on the bluff face.

I understand that you are making substantial progress in conforming to all other conditions. I hope that once we resolve this issue, we can proceed with final compliance with the conditions and release of the plans.

Although the process has had its ups and downs, I believe that we are nearing a successful completion of our efforts. I have appreciated the close cooperation of your staff in this process. Please contact me or Pam Emerson as soon as possible so that this issue can be resolved.

Sincerely,

Charles Damm

Charles Damm
Deputy Director
California Coastal Commission

EXHIBIT NO.
APPLICATION NO. 12. P 5
A5RPV93005A6
Damm on bluff

cc. Jamee J. Patterson, Deputy Attorney General
Carolyn Petru, City of Rancho Palos Verdes
Mary Beth Woulfe, United States Fish and Wildlife Service
Teresa Henry, California Coastal Commission
Pam Emerson, California Coastal Commission
Bob Break, Latham and Watkins
Andrew Sargent, California Native Plant Society

Andrew H. Sargent
Attorney at Law

600 Winslow Way E., Suite 131
Bainbridge Island, WA 98110
Phone: (206) 842-1905
Facsimile: (206) 842-7675
E-mail asargent@v-law.com

May 8, 1997

Charles Damm
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

RECEIVED
MAY 13 1997
CALIFORNIA
COASTAL COMMISSION

Re: Ocean Trails

Dear Mr. Damm:

I am writing concerning the ongoing discussion regarding the coastal bluff edge on the west end of the Ocean Trails project. This is the area between Halfway Point and the Portuguese Bend Club.

As a party to the law suit and one who was present at the final negotiations concerning this project I feel compelled to respond to the current position taken by the developer. The settlement calls for a 50 foot setback from the coastal bluff edge. This setback exceeds the minimum 25 foot setback included in the Commissions conditions. The only issue that is up for debate is where is the bluff edge.

At the time of the settlement it was agreed that the California Coastal Commission as the governing body would determine where the bluff edge is according to California law. Neither the developers nor the Coalition has this authority. The scale of the maps were such that they any line was an approximation. In fact, this is the argument the Developer utilized when they wanted to enlarge and move tees and lot lines.

If the developer insist that the line on the settlement map can not be changed then he must agree that all the lines on the settlement agreement can not be changed unless agreed to by all parties. If one line is scared and can not be changed then all lines are sacred. This would mean the lot lines, and tee locations must be as shown on the settlement map. If they can move lines to increase their profit then surely the Coastal Commission can move line on a map to comply with California law. One standard should apply to all parties.

13

EXHIBIT NO.	13
APPLICATION NO.	1
A5-REV 93-005 A6	
Sargent (Opponent)	

21

Charles Damm
California Coastal Commission
May 8, 1997
Page 2

If called to testify before the Commission I will testify under oath that the agreement reached between myself, acting as President of the Coastal Conservation Coalition and Chris Downey, the President of Hon Development is as follows:

"The coastal bluff edge shown on the maps is where we think it is, but the final decision as to where it is on the actual site will be made by California Coastal Commission.

I urge the commission to hold the line and insure a 50 foot setback is provided on the actual site. The developer, in previous discussion of this issue asked me if I was prepared to accept the Commissions decision on the entire length of the site. The answer is: Of course we are! Determining where the actual bluff edge is the charge of the Commission. It should not and can not be delegated to a mere cartographer or draftsman employed by the developer.

Although I have moved to the state of Washington be assured that I am licensed in California, I have an active interest in this case, and I am prepared to take the appropriate and necessary action to insure the Commission protects the interest of the people of the state of California.

Please feel free to contact me if you have any questions or if further testimony either in person or in writing will assist you.

Sincerely yours,



Andrew H. Sargent

cc California Coastal Commission
Frank Angel, Attorney at Law

13

EXHIBIT NO. 13
APPLICATION NO.
A5 RPV 93-005-A6
Sargent / Bluff edge

DANIEL E. LUNGREN
Attorney General

RECEIVED

State of California
DEPARTMENT OF JUSTICE



AUG 31 1995

110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

P.O. Box 85266
SAN DIEGO, CA 92186-5266
(619) 645-2001

FACSIMILE: (619) 645-2012
(619) 645-2023

August 29, 1995

RECEIVED

Frank Angel
10951 West Pico Blvd.
Third Floor
Los Angeles, CA 90064-2166

AUG 31 1995

Robert Break
Latham & Watkins
650 Towne Center Drive
Suite 2000
Costa Mesa, CA 92626-1925

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Carol Lynch
Richards, Watson & Gershon
333 South Hope Street, Thirty Eighth Floor
Los Angeles, CA 90071-1469

EXHIBIT NO.	19
APPLICATION NO.	pl
ASRPV 93005 AC	
Deputy Attorney General on settlement	

RE: Native Plant Society, Sierra Club v. Coastal Commission
Los Angeles Superior Court No. BC 083026

Dear Counsel:

This letter confirms that the Coastal Commission has agreed to proceed with the settlement process we discussed at our meeting in Long Beach in July. Plaintiffs Native Plant Society, Sierra Club, Coastal Conservation Coalition, Save Our Coastline 2000 and Andrew Sargent and Real Parties in Interest Palos Verdes Land Holdings Company, Palos Verdes Land Holdings Company Inc., and Zuckerman Building Company have entered into a settlement agreement essentially providing additional dedications for public amenities. Real Parties will submit an application for an amendment to the project previously approved by the Commission which amendment will include these additional dedications and some minor grading, with restoration, for the golf course tees. Commission staff has agreed to treat the amendment as a minor amendment and will place the amendment on the agenda for the September meeting in Eureka. If there is an objection from a member of the public to this matter being treated as a minor amendment, the amendment will be heard by the Commission as a regular amendment at its October meeting in San Diego.

Frank Angel
August 29, 1995
Page 2

The Commission reserves all discretion to consider the amendment for compliance with the Coastal Act. Staff has agreed to recommend approval. Assuming the Commission does approve the amendment in a manner satisfactory to plaintiffs and real parties in interest, the settlement will go forward. It is my understanding that the litigation will be dismissed once the mutual release has been signed by the appropriate parties.

The settlement agreement will need to be modified to reflect that the Commission has approved the amendment. Paragraph 2 currently contemplates approval without an amendment through the settlement agreement. As I explained, the Commission cannot enter into a settlement agreement amending a project because to do so would violate due process and the public's right to participate in the planning and approval process. As currently drafted, the settlement agreement does not require the Commission to be a party to the release (see paragraph 3). Quite honestly, that is the preferred way to handle this since the Commission cannot contract away its police power and ordinarily considers releases to do so. Former Commissioner David Malcolm can and will be able to be a party to the release, which should be sufficient for plaintiffs' purposes.

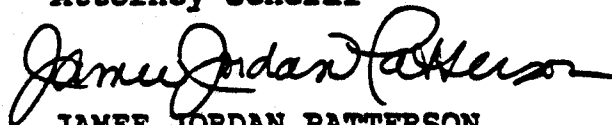
Finally, the settlement agreement only resolves those issues raised by plaintiffs in their litigation. It does not affect real parties' compliance with the coastal development permit as amended nor does it hinder the Commission's ability to require additional amendments for other changes in the project, including changes to any habitat conservation plan or other mitigation measures which conflict with the Commission's prior approval.

If any of the above does not comport with your understanding of the status of this case, please contact me immediately. Otherwise, we will proceed to finalize the settlement when the permit amendment has been approved.

Thank you for your continued cooperation and courtesy.

Sincerely,

DANIEL E. LUNGREN
Attorney General



JAMEE JORDAN PATTERSON
Deputy Attorney General

EXHIBIT NO. 104
APPLICATION NO.
A5RPV93-005 A6
OAG - Settlement

cc: Pam Emerson, CCC, Long Beach
Ann Cheddar, CCC, SF
Mary Scoonover, DAG, Sacto

FIRST AMENDMENT TO SETTLEMENT AGREEMENT

This Agreement (hereinafter referred to as "Amendment"), dated and effective as of _____, 1995, is the First Amendment to the Settlement Agreement dated May _____, 1995, between The Sierra Club, The California Native Plant Society, Coastal Conservation Coalition, Save Our Coastline 2000, Andrew Sargent, Palos Verdes Land Holdings Company, Palos Verdes Land Holdings Company, Inc., Zuckerman Building Co., the City of Rancho Palos Verdes and the California Coastal Commission.

This Amendment makes the following revisions to the Settlement Agreement:

1. The third sentence of Recital A is hereby amended to read:

"The Project permits development of the property with seventy-nine (79) single family residential lots and four (4) low income units, a public golf course, a public bluff-top oriented trail system, and coastal sage scrub preserves."

2. The first paragraph of Section 1 is hereby amended to read:

"Project Modifications. Real Parties In Interest agree to modify the Project as described below and as depicted on the four maps attached as Exhibit "A" (tee locations must be set back from the bluff edge as specified on Exhibit "A", but otherwise are approximate) which are fully incorporated herein by reference¹ and govern the interpretation of the parties' mutual intent in the event the language below is in conflict with what is shown thereon:"

3. The last sentence of subparagraph A of Section 1 is hereby amended to read:

"The strip of land at the southwesterly rim of Halfway Point Park, that previously included the eliminated/relocated tee, shall be included in Coastal Bluff Dedication Lot G or in the 1.0 acre minimum easement located within Golf Course Lot No. 38."

¹ "The purpose of the four maps which are attached as Exhibit "A" is to illustrate the items which specifically have been negotiated by the parties pursuant to this Agreement and which are discussed herein. Accordingly, these four maps do not supersede other aspects of the project or conditions of approval imposed by the City or the Coastal Commission which are not expressly modified by the text of this Settlement Agreement."

Exh. 6 14 15

EXHIBIT NO. 2
APPLICATION NO.
A 6-RPV.93 DEC 1996
Settlement

p1

45

4. The last sentence of subparagraph I of Section 1 is hereby amended to read:

"Funding for maintenance of the coastal sage scrub and trail system shall be secured through the establishment of an assessment district, or a new zone in an existing assessment district, formed in accordance with applicable law, which shall include the private lands located in the City of Rancho Palos Verdes Subregions 7 and 8, and/or through a greens fee tax or greens fee assessment."

5. Section 2 is hereby amended to read:

"2. City and Commission Concurrence in Modifications. City and Commission agree, through their execution of this Agreement, that the modifications identified in the preceding paragraph are consistent with all land use approvals given by them for the Project including, without limitation, Coastal Development Permit A-5-RPV-93-005A and all amendments to that permit issued as of October, 1995. City agrees to accept dedication of the Additional Setback Area and Lots E, F, G, H and K of Tract No. 50666, and Lots G, I and K of Tract No. 50667, upon completion of construction of the golf course and revegetation improvements. In the event of any discrepancy between this settlement agreement and the Coastal Permit issued by the Commission, as amended as of October 1995, the Coastal Permit takes precedence. Any further changes to the Project will need City and Commission review and approval."

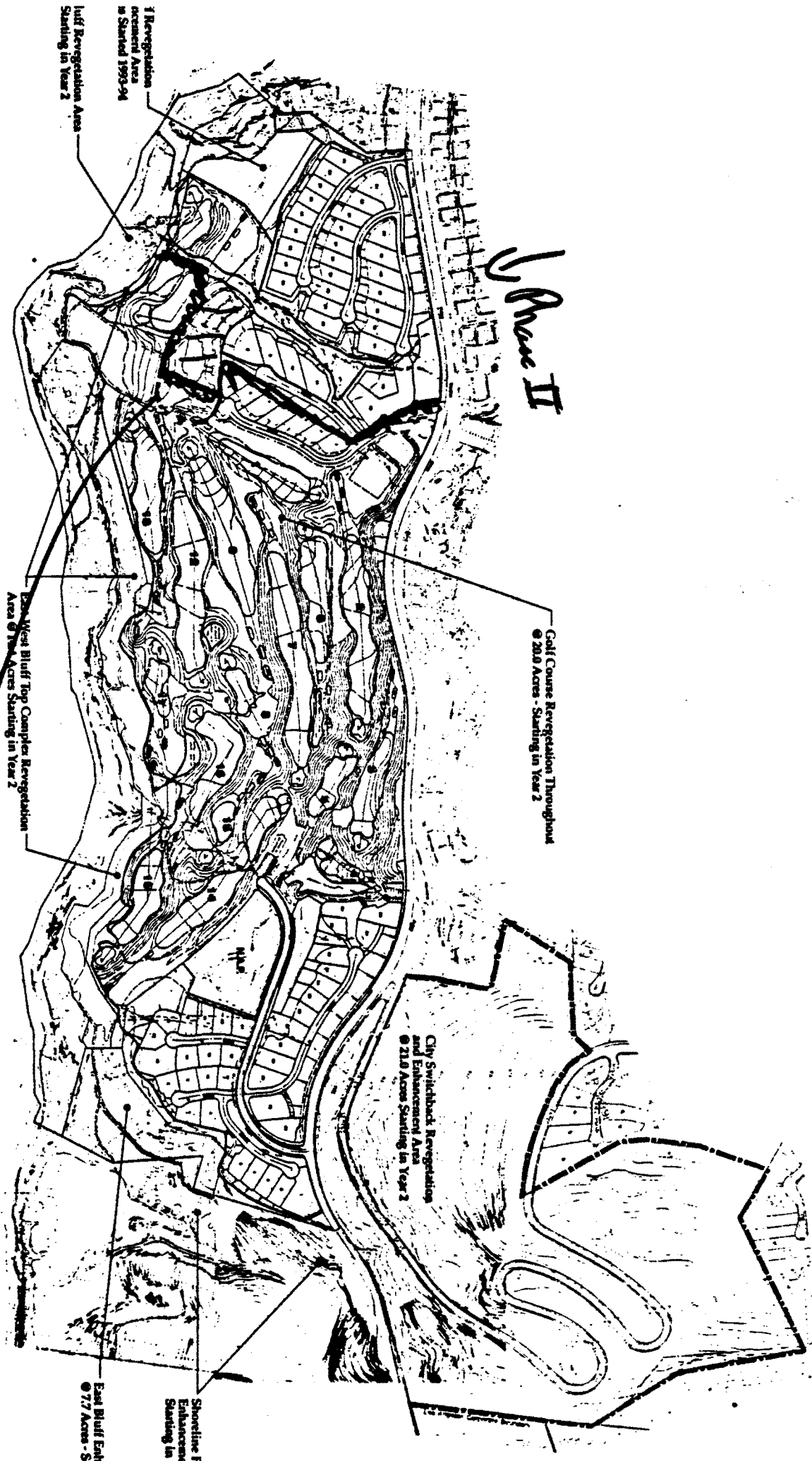
6. Subparagraph B of Section 5 is hereby amended to read:

"B. This Agreement and the exhibits hereto contain the entire agreement and understanding between the parties concerning the subject matter of this settlement and supersede and replace all prior negotiations, proposed agreements and agreements, written or oral. This Agreement does not cover any compensation for private attorney general fees and expenses pursuant to Code of Civil Procedure, Section 1021.5, which shall be covered by two separate written agreements between Plaintiffs and Real Parties In Interest dealing specifically with that subject, one dealing with each of Civil Actions No. BC 072817 and 083026. This Agreement shall not become effective until execution of those agreements."

Exh. 6.1 15

EXHIBIT NO. :
APPLICATION NO.
A5. RPV. 93-005

46



- NOTES**
1. The Phase I Reforestation and Enhancement was initiated in October 1993 by the Property Owners and administered by the Department, Service and Coastal Commission.
 2. Stage 1 and 2 Grading Areas illustrate the general area of mass grading and dune and dune area which will be retained or not graded (i.e. coastal bluff area, existing drainage system, common open space area, etc.)
 3. Each "Starting" date indicated is dependent upon receiving the LSPMS 1004 and other associated permits during the first quarter of 1994 and overall project financing.

Phase I

EXHIBIT NO.
APPLICATION NO.
AS RAN 93-005 AL
Phasing HLP

Proposed Reforestation and Enhancement Phase and Grading

area
add
highlighting
add

Stage 1 Grading
Stage 2 Grading

600'

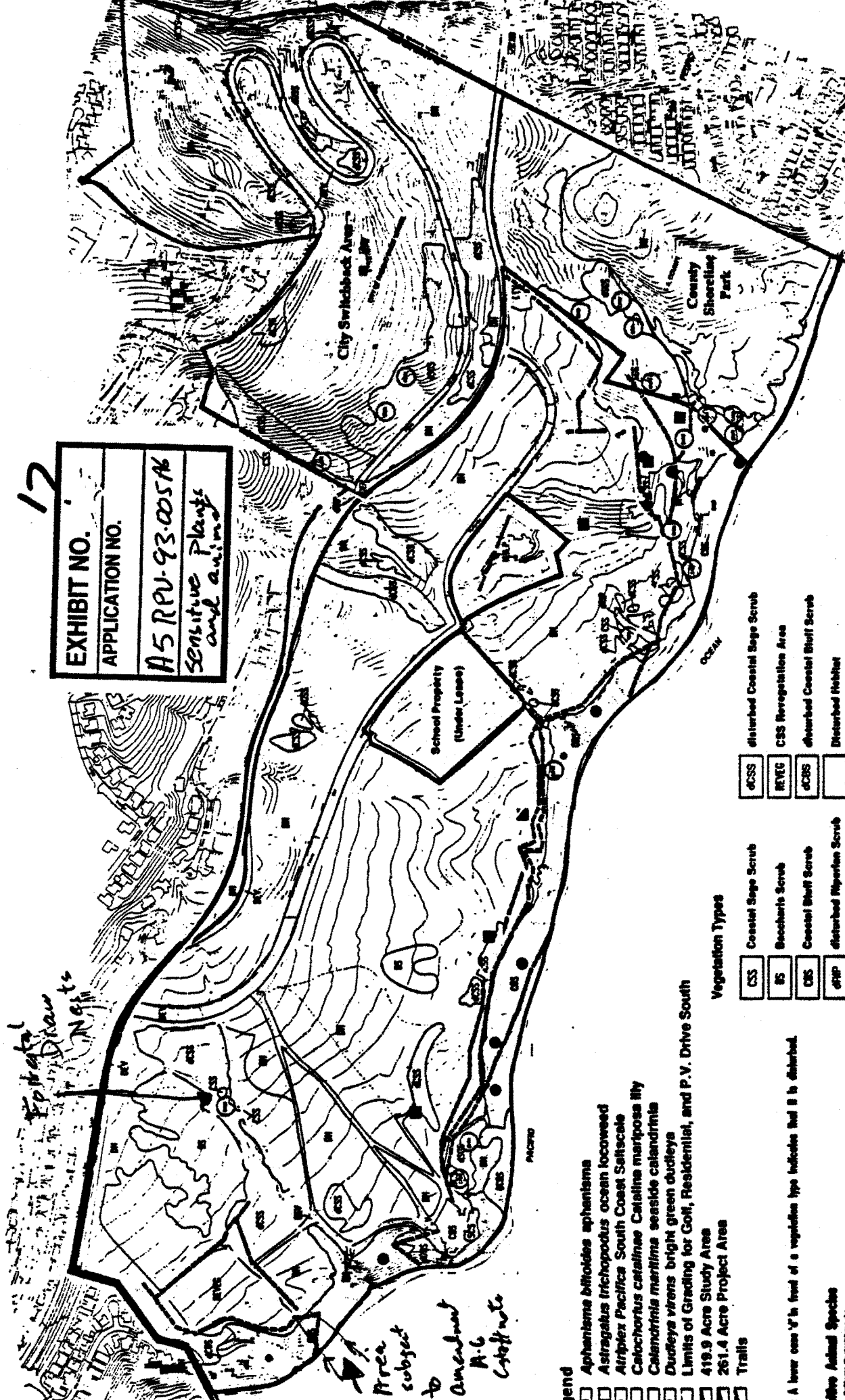
65

HABITAT CONSERVATION PLAN (HCP)

Rancho Palos Verdes - Ocean

17

EXHIBIT NO.
APPLICATION NO.
A5 RPV-93-005A6
Sensitive Plants and animals



- Legend
- ☐ *Aphanisma biflorides* aphantasma
 - ☐ *Astragalus trichopodus* ocean locoweed
 - ☐ *Atriplex Pacifica* South Coast Saltscall
 - ☐ *Calochortus catalinae* Catalina mariposa lily
 - ☐ *Calandrinia maritima* seaside calandrinia
 - ☐ *Dudleya vires* bright green dudleya
 - ☐ Limits of Grading for Golf, Residential, and P.V. Drive South
 - ☐ 419.9 Acre Study Area
 - ☐ 261.4 Acre Project Area
 - ☐ Trails

Vegetation Types

CSS	Coastal Sage Scrub	dCSS	disturbed Coastal Sage Scrub
BS	Baccharis Scrub	REVC	CSS Revegetation Area
CS	Coastal Bluff Scrub	dCS	disturbed Coastal Bluff Scrub
dWP	disturbed Riparian Scrub		Disturbed Habitat
SCS	Southern Cactus Scrub	DEV	Developed Land

IE: A lower case 'v' in front of a vegetation type indicates that it is disturbed.

Sensitive Animal Species
California Gnatcatcher
California Shrike Tit
California Towhee
California Wren



Source: Dredt & Associates, Inc. Aug.

Ocean Trails Vegetation Sensitive Animal
 Animal Species and Limits of Grading

HCP



EXHIBIT NO.	18
APPLICATION NO.	
P5 RPV 93-005 A6	
applicant on grading	

June 30, 1997

Pam Emerson
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Dear Ms. Emerson,

Thank you for providing our project with comments from the California Coastal Commission on the Grading Plan for Phase I Grading Revised 1/20/97, approved by City 1/31/97 ESCO. I would like to respond to the comments in your memo and clarify some of the issues raised:

1. Phasing. Special Condition 22 addresses the phasing of grading for the clubhouse and tract 50666. It says:

No grading or construction west of the 45 car public parking lot entrance at the southerly terminus of Street A Tract 50666 (the J road), with the exception of pedestrian trails and a temporary bridge shall occur until the Department of Fish and Game and the United States Fish and Wildlife Service indicate that the habitat in the West Bluff Preserve is self sustaining and capable of supporting nesting Gnatcatchers and Phase IV development noted in the habitat enhancement plan can begin. This prohibition includes grading and construction of the westerly 150 car parking lot and the clubhouse. After the Department of Fish and Game and the United States Fish and Wildlife Service authorize Phase IV development in writing, the grading of the westerly 150 car parking lot and the clubhouse site shall be carried out along with the grading of the residential lots of tract 50666. These items shall be added to special condition 4.C.

This links the phasing of grading to the acceptance of habitat by USFWS, which we hope to accomplish by August of this year.

The other critical point on this issue is that the project does not intend, as a part of phase 1 grading, to grade for clubhouse or parking lot construction or for any residential lots in VTTM50666. The only grading proposed is mass grading to allow construction of the improvements required by CC#4. To be specific, there are two phasing issues: the area between street B and street A (J road west), and the Clubhouse and Clubhouse parking lots (Clubhouse):

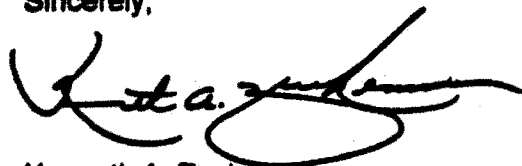
THE OCEAN TRAILS COURSE AT PALOS VERDES

707 Silver Spur Road, #210 • Rolling Hills Estates, CA 90274
Phone: 310-265-5525 • Fax: 310-265-5522

- The J road west area is allowed to be mass graded (no individual lot pads) at the same time as the golf course in both the RPV conditions and the HCP. This is because the J Road (which is required by CC#4 as a Second Stage improvement) cannot be built without the fill allowed in the J Road west area. Without access via the J road, most of the other required improvements in the Halfway Point Park area cannot be made.
 - Mass grading (again, no pads or preparation for construction of the clubhouse or parking lots) in the Clubhouse area is essential to permit the installation of trails and park facilities as required by CC#4 (see the enclosed copy of the Trails Map from the Public Amenities Plan). Trail 9 & 5, a pedestrian, handicapped & bike trail from Forrester Draw to the end of the J road, is designed to be at the top of the slope. It cannot be constructed unless some grading and preparation is done.
2. Preserves and habitat: We are working with the resource agencies to meet the habitat objectives set forth in all the approval documents. All the habitat-related conditions for the grading of the golf course and VTTM50667 have already been met:
- HCP - All revegetation must be installed in this area [W. Bluff Preserve] prior to Stage 1 grading [Golf course area, golf maintenance area, eastern residential area and Halfway Point Park].
- CCC - Condition #8D(3) Phase III. When the Executive Director verifies that revegetation has begun and the Department of Fish and Game releases the applicant for the golf course grading, consistent with the Habitat Enhancement Plan of February 18, 1993, the applicant may begin grading the golf course (lots 38 and 39) and constructing the second stage of trail and access improvements and the lots on VTTM 50667.
3. West End Setback: The issue of the west end setback line for the East West Bluff Top Revegetation Area has not been resolved. Further discussion of this point is deferred until that resolution is accomplished.
4. No comment.

We look forward to continuing to work with you to move this project forward. If you have any questions, feel free to call Barbara Dye at my office (265-5525).

Sincerely,



Kenneth A. Zuckerman
Project Manager

EXHIBIT NO. 18
APPLICATION NO.
A-E-RPV-93-005 A6
applicant on grading

cc: Carolyn Petru, Peri Muretta, City of Rancho Palos Verdes
Mary Beth Woulfe, United States Fish and Wildlife Service
Angelika Brinkman-Busi, CNPS
Martin Muchinske, Ca. Department of Fish and Game

THE OCEAN TRAILS COURSE AT PALOS VERDES

707 Silver Spur Road, #210 • Rolling Hills Estates, CA 90274
Phone: 310-265-5525 • Fax: 310-265-5522

that the land will be used solely for conservation purposes [See Appendices].

The Switchback Area contains eleven (11) acres of coastal sage scrub habitat of comparable or greater quality to that found on the Ocean Trails project site. The Manomet 1993 field study [See Appendices] identifies two pairs of coastal California gnatcatchers and three pairs of cactus wrens occupying this area (*Figures 9 and 10*). Dudek & Associates (1994) identified one pair of coastal California gnatcatchers and two pairs of cactus wrens occupying this site (*Figure 7*).

This HCP proposes to enhance the Switchback Area by preserving and enhancing the existing 11.0 acres of coastal sage scrub onsite and revegetating an additional 10.0 acres of coastal sage scrub or southern cactus scrub, through conversion of contiguous disturbed habitat, thus providing 21.0 acres of coastal sage scrub habitat. The remaining 73.5 acres of the easement will be left in its natural state providing natural diversity and habitat for other native species of wildlife. This area consists mostly of disturbed habitat that could potentially be enhanced by others as mitigation for future development proposals that affect sensitive habitat.

4.2.2 Shoreline Park Easement

A permanent open space easement from the County of Los Angeles on property contiguous to Ocean Trails, totaling 20.0 acres and within Shoreline Park, will be acquired under the following conditions: 1) approval of the HCP; 2) execution of the Implementing Agreement; and, 3) assurance that the land will be used solely for conservation purposes [See Appendices].

Currently, there are approximately 10.0 acres of coastal sage scrub within the easement area. This HCP stipulates that the remaining 10.0 acres will be revegetated to provide habitat connectivity between the project site and the Switchback Area.

Manomet (1993) [See Appendices] reveals that Shoreline Park site had two pairs of coastal California gnatcatchers and four pairs of cactus wrens (*Figures 9 and 10*). It further reveals three pairs of coastal California gnatcatcher and two pairs of cactus wren on the Ocean Trails East Bluff Preserve immediately adjacent to the Shoreline Park easement (*Figure 7*). Dudek (1994) identified two pairs of coastal California gnatcatchers and five pairs of cactus wrens occupying the Shoreline Park easement area (*Figure 7 and Appendices*).

Shoreline Park is important when considering perpetual preservation and conservation programs for the coastal California gnatcatcher and cactus wren - and potentially, the Palos Verdes blue butterfly.

4.3 COASTAL BLUFF AND OPEN SPACE PRESERVE PROGRAM

The Ocean Trails project proposes to retain 35%(92.2 acres of 269.9 acres) of the project site as natural open space as follows (*Figure 4*):

- 34.5 acres Coastal Bluff
- 3.3 acres Coastal Bluff Nesting Preserve
- 14.7 acres East & West Bluff Preserves (7.7 acres East Bluff Enhancement + 7.0 acre West Bluff revegetation)
- 14.4 acres East/West Bluff Corridor
- 5.3 acres Forrestal Draw Open Space
- 20.0 acres Revegetation Area within Golf Course
- 92.2 acres

To control intrusion into areas where native habitat occurs, or will occur through revegetation/restoration, measures will be implemented to discourage and limit access, including but not limited to the following: barrier plantings of appropriate native plants,

4.3.4 East/West Corridor (Buffer area)

A 14.4 acre (plus 3.5 additional acres of non-golf setback areas, a portion of the 20 acres of revegetation to take place within the golf course) East/West Bluff Top Complex revegetation area is a vital component of this HCP. This Bluff Top Complex provides a buffer zone between the golf course area and the bluff edge. This (now) 17.9 acre lineal preserve area will be revegetated with dominant coastal sage scrub plant species and will include pedestrian trails, overlooks and interpretative signage. This buffer/complex was suggested by Dr. Atwood of the Manomet Bird Observatory in October 1992 as an additional measure to preserve the coastal bluff scrub onsite, including protection from ongoing degradation caused by uncontrolled human access and uncontrolled upslope runoff. This bluff top buffer will incorporate a minimum 100' (up to 250') setback from the bluff top inland and extends from Halfway Point eastward to the East Bluff Preserve. A 50' minimum setback area is established from Halfway Point Park westward to the West Bluff Preserve.

4.3.5 Forrestral Draw Open Space

Forrestral Draw will be maintained in its existent natural state and protected by appropriate fencing, signage and restrictive vegetation.

4.3.6 Revegetation Area with Golf Course

Non-active play areas of the 18 hole golf course, consisting of 104.9 acres (Figure 4), will be planted with species native to the area. Specifically, 20.0 acres of coastal sage scrub habitat of sufficient area and density, providing secure nesting and migratory opportunities for coastal California gnatcatchers and cactus wrens, will be incorporated into the plant palette for the golf course. Fencing, signage and out-of-bounds markers, and plantings aesthetically appropriate will be incorporated into the golf course design to minimize human intrusion into the revegetated areas.

To reduce risk to the coastal bluff and other onsite habitat, structural Best Management Practices (BMP's) widely recognized to reduce hydrocarbon, nutrient, and pesticide pollutants are incorporated into the project design plan. These include the construction of several wet retention ponds for golf course runoff, primary and secondary golf course drainage conveyance through underground and overland flow, and an inlet oil/grease separator constructed for the maintenance of surface runoff.

4.4 GRADING PROGRAM

Grading will occur in two stages as follows:

Stage 1 - Golf course area, golf maintenance area, eastern residential area and Halfway Point Park.

Stage 2 - Golf clubhouse area and western residential area.

Conservation measures designed to minimize the immediate potential adverse effects on the coastal California gnatcatcher and cactus wren during site grading include:

- A. Prior to the start of project grading, a survey to locate active onsite nests of coastal California gnatcatchers and cactus wrens will be conducted by a USFWS certified monitoring biologist(s). Nests will be marked and mapped on the grading plan. During the breeding/nesting season for the coastal California gnatcatcher and cactus wren (for purposes of this HCP, from February 15 through August 15), no grading operations will take place within 500 feet of onsite nests, unless specifically permitted by the USFWS. The "breeding season" for each pair is defined as the time when the birds are actively defending a territory, courting, nest building, incubating, brooding, feeding young off the nest, or at any time prior to dispersal of the juveniles

B. Monitoring biologists will be onsite during brush clearing and grading of existing coastal sage scrub vegetation to ensure that no coastal California gnatcatchers or cactus wrens will be directly killed by brush clearing and earth-moving equipment. Monitors shall flush coastal California gnatcatchers and cactus wren from occupied habitat areas immediately prior to brush-clearing and earthmoving.

C. Prior to brush clearing or grading operations, all areas of coastal sage scrub to be retained will be marked with temporary fencing or other appropriate markers. After grading operations have been completed, permanent fencing will be installed in the areas in which sensitive habitats border development areas. No construction access, parking or storage of equipment will be permitted within the fenced areas.

D. Prior to construction Owners shall provide an education program to all workers advising them of the presence of Coastal California gnatcatchers, cactus wrens and Plan Species on and/or adjacent to the job site. The program shall be administered by either the Program Manager or the Qualified Biologist. Construction personnel shall be informed that Coastal California gnatcatchers are listed by the Federal government as a threatened species and that there are penalties for the take of Coastal California gnatcatchers as set forth in the Federal Criminal Code and Rules. Further, construction personnel shall be informed that cactus wrens are Federal C3 Candidates and shall be treated in the same manner of the Coastal California gnatcatcher.

E. Earth-moving equipment shall avoid unnecessary maneuvering in areas

adjacent to conserved habitat. Preconstruction meeting with construction supervisors and equipment operators will be conducted to ensure adherence to these measures.

F. The coastal sage scrub vegetation within the vicinity of construction may be periodically sprayed by a water truck to reduce dust accumulated on the leaves, at the direction of the plant ecologists if necessary.

In addition to the above mentioned conservation measures, the Conditions of Approval for the Ocean Trails development plan require that a dust control program be implemented in all graded areas. To comply with dust control measures and soil compaction requirements, all exposed soils on the site will be sprayed on a daily basis by a water-truck.

Revegetation and enhancement efforts in the West Bluff Preserve (Phase I - 7.0 acres) began in October 1993. All revegetation must be installed in this area prior to Stage 1 grading. This restoration area is anticipated to be suitable nesting habitat for the coastal California gnatcatcher in 1996 or 1997. Restoration areas are anticipated to be used as foraging habitat for adults and juveniles and as dispersal habitat for juvenile coastal California gnatcatchers prior to 1996. The performance standards described elsewhere in Chapter 4 must be met in this restoration area prior to commencement of Stage 2 grading. It is important to maintain as many as possible of the CAGN on the site, until the restored habitats become appropriate for coastal California gnatcatchers to nest. Conservation measures have been designed to protect these remaining coastal California gnatcatchers on the site. These measures include limiting human disturbances of the remaining habitat and implementation of a brown-headed cowbird (*Molothrus ater*) trapping program during subsequent coastal California gnatcatcher breeding seasons.

Conservation measures are described elsewhere in Chapter 4 of this report.

4.5 REVEGETATION PROGRAM

The revegetation program will be developed in six phases. The Owners shall revegetate and enhance 46.1 acres of self-sustaining coastal sage scrub habitat and 3.5 acres of coastal bluff habitat within designated open space and golf course areas on the Ocean Trails site and 41.0 acres on acquired easement sites.

The first phase was initiated in October, 1993, when 4.3 acres in the western portion of the site were cleared and prepared for broadcast seeding. This was followed in February, 1994, by clearing an additional 0.5 acre of bluff top in the western portion of the site for reseeding. This process was halted by the USFWS because of a citizen's complaint and procedural deficiencies and will be completed upon approval of this HCP and endorsement of the Implementing Agreement.

The revegetation plan is comprised of six (6) phases, as follows:

Phase I West Bluff Revegetation and Enhancement Area

- 7.0 Acres (4.3 Acres of CSS Habitat)
- 1993 Installation

(Figure 12)

Phase II East Bluff and Enhancement Area

- 7.7 Acres
- 1996 Installation

(Figure 13)

Phase III Shoreline Park Revegetation and Enhancement

- 20.0 acres
- 1996 Installation

(Figure 14)

Phase IV-a East-West Bluff Top Complex, Revegetation

- 14.4 Acres
- 1997 Installation

(Figure 15)

Phase IV-b Revegetation Area within Golf Course

- 20.0 Acres
- 1997 Installation

(Figure 16)

Phase V City Switchback Area Revegetation/Enhancement

- 21.0 Acres
- 1997 Installation

(Figure 17)

Phase VI Bluff Face CBS Enhancement

- 0.5 Acre
- 1997 Installation

(Figure 18)

Phases I through VI, comprising 90.6 acres of coastal sage scrub restoration and enhancement through revegetation, will take place within project and acquisition easement sites on graded areas that are adjacent to preserved coastal sage scrub and within disturbed coastal sage scrub areas. Figures 12 - 18 show the location, extent, and proposed phasing of the revegetation to occur.

4.5.1 Revegetation Methods

Site Preparation

Prior to any site manipulation activities, the Habitat Restoration team will meet to establish a working plan to ensure complete understanding of project plans and to coordinate respective team member activities. Special attention will be given to measures to be implemented to protect existing coastal sage scrub and sensitive plant and wildlife species. A contingency plan will be developed to be implemented in

EXHIBIT NO. 19
APPLICATION NO.
A-5 RPV-93-00X A1
HCP Excerpt

Exhibit - 19

First Year Performance Standards

Coverage: 35 percent coverage by seeded and "native re-growth" plantings, with *Artemisia californica* comprising at least 50 percent of the total native-seeded area.

Diversity: At least 70 percent of the species originally seeded shall be represented on the revegetation site.

Survival: 70 percent survival of all container stock and shrub transplants originally planted.

If the above performance standards are not achieved by the end of the first year, replanting and other remedial measures necessary to achieve the second year's standard's shall be performed.

Second Year Performance Standards

Coverage: 50 percent coverage by seeded and "native re-growth" plantings, with *Artemisia californica* comprising at least 60 percent of the total native seeded area.

Diversity: 70 percent of the species originally seeded shall be represented on the revegetation site.

Survival: 80 percent survival of all container stock and shrub transplants originally planted.

If the above performance standards are not achieved by the end of the second year, replanting and other remedial measures necessary to achieve the third year's standards shall be performed.

Third Year Performance Standards

Coverage: 80 percent coverage by seeded, and "native re-growth" plantings, with *Artemisia californica* comprising at least 80 percent of the total native seeded area.

Diversity: 80 percent of the species originally seeded shall be represented on the revegetation site.

Survival: 80 percent survival of all container stock and shrub transplants originally planted.

At the end of the third year, a report will be submitted to the Owners by the Restoration Ecologist evaluating the success of the revegetation and determining whether all of the performance standards of the revegetation plan have been met. If not, additional maintenance and/or replanting by the Owners shall be prescribed and implemented. In the years following the end of the third year, Owners will continue to meet the performance standards required by the end of the third year.

If at the end of the 5-year monitoring period it is determined by the Restoration Ecologist that the revegetation program fulfills the requirements of this HCP, a report will be submitted to the Owners stating such and for submittal to the Agencies. If the report adequately demonstrates compliance, both the CDFG and USFWS shall acknowledge final acceptance of the revegetation program. If not, additional maintenance and/or replanting by the Owners shall be prescribed and implemented.

Following attainment of the specified coastal sage scrub revegetation performance standards, a Long-Term Management Plan shall be implemented. Funding for this will be provided by the Owners as described and incorporated in the Implementing Agreement.

EXHIBIT NO. 285

APPLICATION NO.
A-5 R PV 93-005 A6

HCP except

GOLF COURSE NOTES:

1. GREENS ARE SHOWN AS ONE ELEVATION, BUT WILL BE U NROLLING AS DIRECTED BY THE GOLF COURSE ARCHITECT.
2. LOCATION AND EXTENT OF SAND TRAPS MAY CHANGE SOMEWHAT DURING CONSTRUCTION AS DIRECTED BY THE GOLF COURSE ARCHITECT. SUCH SAND TRAPS IN FAIRWAYS MAY BE AVOIDED.
3. FAIRWAYS WILL BE UNROLLING AND MAJOR MOUNDING WILL BE ADDED W ITHINAYS DURING CONSTRUCTION AS DIRECTED BY THE GOLF COURSE ARCHITECT. THE PLAYING AREAS SHOWED ON FAIRWAYS MAY BE WIDENED OR NARROWED DURING CONSTRUCTION AS DIRECTED BY THE GOLF COURSE ARCHITECT. BUT GRADING WILL BE LEFT AS SHOWN HEREON.

EXIST'G HHS
-LIVE FROM
VEG. MAP
IN HCP

I'm still not sure of this area
if whether there is existing
habitat. The veg map in the Hop
shows some habitat ~~area~~ just
inside the p.

Golf Course Architect

Pete Dye
10915 Thunderbird
Carmel WI 46032

Engineer

Engineering Service Corporation-CV
9841 Airport Blvd., Suite 714
Los Angeles, CA 90015
(310) 348-8030

Owner/Developer

Zuckerman Family Entities
707 Silver Spring Road, Suite 201
Rolling Hills Estates, CA 90274
(310) 265-5525

Polos Verdes Land Holdings Co.
25200 La Paz Road, Suite 100
Laguna Hills, CA 92653
(714) 506-4400

9/4/97

**Site Plan for Conditional Use Permit
Amended Map No. 2**

Lots: 75 S.F. Residential. 1 Golf Course 20 Open Space + 44

EXHIBIT NO.	APPLICATION NO.	Fuel modification	is east blot over
	A. 5. RPV-93.00x AS		

EXISTING HABITAT
IN THESE AREAS
DOES NOT ALLOW FOR
A 100' BUFFER IN
OPEN SPACE

CSS HABITAT USING
Cactus & FIRE RESISTANT
NON-INVASIVE SPECIES





MANOMET BIRD OBSERVATORY

P.O. BOX 1770
MANOMET, MA 02345

(508) 224-6521
FAX (508) 224-9220

October 1, 1992

Mr. John Hanlon
Biologist
U.S. Fish & Wildlife Service
2730 Loker Avenue West
Carlsbad, CA 92008

Exh. 6.1 28.1

EXHIBIT NO.
APPLICATION NO. ASRPV-93-0546
Letter for Atwood
Gnatcatcher exp. 1992

RE: Proposed Hon-Zuckerman development project on Palos Verdes Peninsula

Dear John:

As you know, during the last few months I have been discussing the proposed Hon-Zuckerman project in Rancho Palos Verdes with yourself, Mary Meyer of the California Department of Fish and Game, local conservationists such as Andy Sargent, Gar Goodson, and Frank Angel, and representatives of Hon-Zuckerman, including James O'Malley and Barry Jones. My consistent position has been that the site in its current condition has relatively low long-term value to gnatcatchers because the available Coastal Sage Scrub habitat is both degraded and limited in extent; however, because those pairs which nested on the property during 1992 may represent over 10% of the entire remaining population on the Palos Verdes Peninsula, impacts to the species should be permitted only if extensive mitigation efforts more than compensate for potential loss.

On September 28 I met with the project proponents to examine a revised proposal for the Hon-Zuckerman development, which I understand will be presented to you on October 2. This plan appears to be better conceived than the version which I originally reviewed, and which was the basis for my letter to the California Coastal Commission dated August 6. However, I must underscore that at this time I have only heard an oral presentation describing the new proposal; I have seen no written documents or final maps. Also, I do not feel qualified to address conservation issues other than the gnatcatcher that are associated with this project (specifically, the protection of sensitive plants within the Coastal Bluff Scrub or questions concerning public access).

It is my understanding that the revised plan will include the following components which are relevant to California gnatcatcher conservation on the Palos Verdes Peninsula:

- Preservation of all existing Coastal Bluff Scrub on-site, including protection from ongoing degradation caused by uncontrolled human access and uncontrolled upslope runoff.

Mr. John Hanlon
October 1, 1992
Page 2

EXHIBIT NO. 2602
APPLICATION NO. A5 RPV 93005 A6
Attendant Gnatcatcher
expert on a project 1992

- Provision of a buffer zone, which will be revegetated with dominant Coastal Sage Scrub plant species, between the golf course and the bluff edge. The minimum width of this buffer was presented to me as being 25 feet, and in some cases the buffer would exceed 75 feet. Portions of the golf course along the bluff edge between the tee boxes and landing areas would similarly be revegetated to Coastal Sage Scrub; in some places, these areas would functionally increase the width of the buffer zone to in excess of 300 feet.
- Relocation of Hole 8 and Hole 10 from the vicinity of the bluff to less sensitive, more inland areas.
- Revegetation of a protected, contiguous block of high quality Coastal Sage Scrub in the northwestern corner of the parcel totaling approximately 7 acres. The plant palette will consist of local seed sources, and will include both cholla and prickly pear to deter human entry.
- Reduction in size of the active park adjacent to breeding pair # 2, allowing revegetation or enhancement of 7 acres of high quality Coastal Sage Scrub. The plant palette will consist of local seed sources, and will include both cholla and prickly pear to deter human entry.
- On-site protection and enhancement of existing Coastal Sage Scrub, protection of existing Coastal Bluff Scrub, and revegetation efforts in the northwestern corner and near the active park, will result in a contiguous block of gnatcatcher habitat approximately 25-30 acres in extent. These estimates do not include additional Coastal Sage Scrub revegetation efforts that will occur on the golf course or in Shoreline Park (see below).
- Revegetation of approximately 10 acres (conservative estimate) of Coastal Sage Scrub within the golf course boundaries in areas between fairways and areas between tee boxes and landing areas. The plant palette will consist of local seed sources, and will include both cholla and prickly pear to deter human entry. At this time I have not seen a map detailing the configuration of the proposed revegetated areas, and so am unable to do more than speculate on the value of such proposed efforts to gnatcatchers. At the very least, I would guess that gnatcatchers will use such areas as dispersal corridors across the golf course; in some locations, Coastal Sage Scrub patches located on the golf course may even be large enough to support breeding pairs.
- Establishment of sprinkler-based fire control measures between housing development and Coastal Sage Scrub to eliminate need for brush clearing as normally mandated by local fire control agencies. Although only briefly discussed, it is my understanding that the project proponent is also willing to follow the recommendations made by the Department of Fish and Game (letter of September 18 from Glenn Black to Michael McCollum) concerning control of native and feral predators on-site.
- Provision for a permanent open space easement protecting approximately 20 acres of contiguous, high quality Coastal Sage Scrub within Los Angeles County's

Exhibit 21

EXHIBIT NO.
APPLICATION NO. AG REV 93-005-A6
Attwood Gnatcatcher
expert 1992

P 3

Mr. John Hanlon
October 1, 1992
Page 3

Shoreline Park site, located adjacent to the Hon-Zuckerman property. It is my understanding that this easement will ensure retention of Coastal Sage Scrub vegetation in this area, which might otherwise be vulnerable to alternative open space uses. Approximately 10 of these acres already consist of high quality Coastal Sage Scrub which I view as critical to protection of gnatcatchers and Cactus Wrens on the Peninsula. An additional 10 acres, located immediately south of Palos Verdes Drive (South), will be revegetated with high quality Coastal Sage Scrub; the plant palette will consist of local seed sources, and will include both cholla and prickly pear to deter human entry. This revegetation will enhance connectivity between gnatcatcher habitat located (a) on the project site, (b) in Shoreline Park, and (c) in the "Switchback" area located immediately north of Palos Verdes Drive (South). Additionally, based on its size and location, I expect eventual establishment of at least one gnatcatcher territory in this revegetated area.

- Provision of a permanent open space easement covering the approximately 100 acre "Switchback" area currently owned by the City of Rancho Palos Verdes. I view this area as critical to protection of gnatcatchers and Cactus Wrens on the Peninsula, and as a likely site for future revegetation efforts. It is my understanding that this easement will ensure retention of existing Coastal Sage Scrub vegetation in this area, which might otherwise be vulnerable to alternative open space uses.

- Provision of funding for open space management and acquisition throughout the City of Rancho Palos Verdes through taxes associated with golf activities; this funding source could produce \$300,000 - \$500,000 per year, at least some of which would be designated for Coastal Sage Scrub and gnatcatcher conservation efforts.

- Phasing of project grading to allow for protection of gnatcatchers on-site; grading would not commence adjacent to established pairs until after vegetation restoration has met criteria established by the Service and the Department of Fish and Game. We did not discuss details of restoration criteria; I would suggest that at least some use by gnatcatchers or cactus wrens be demonstrated before revegetation efforts be considered to have been successful.

In summary, under a "no project" alternative, approximately 42 acres of Coastal Sage Scrub and Coastal Bluff Scrub habitat, presently supporting 2 pairs of gnatcatchers, would be retained on the site; a third pair of gnatcatchers, which nested in 1992 in the large fennel patch near the School Property, is located in habitat that is highly atypical and cannot possibly be considered essential to a gnatcatcher reserve system on the Peninsula. Additionally, under a "no project" alternative, Coastal Sage Scrub habitat would be retained in Shoreline Park and the Switchback area, assuming no future change in land use plans by either the County of Los Angeles or the City of Rancho Palos Verdes.

By allowing the project to proceed with mitigation as described above, 12 acres of extant Coastal Sage Scrub, which presently supports 2 pairs, would be retained on-site, 7 acres of high quality habitat would be created through revegetation at the northwestern end of the project, and 7 acres of high quality habitat would be created through revegetation near the area currently occupied by pair # 2. Depending on details of design, 10-50 acres of Coastal Sage Scrub would be

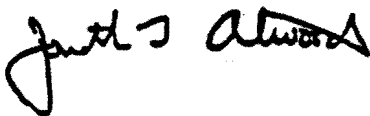
Mr. John Hanlon
October 1, 1992
Page 4

created within the boundaries of the golf course itself; some of this fragmented habitat may support breeding gnatcatchers, and probably will function to enhance the species' dispersal through the area. Coastal Sage Scrub revegetation in Shoreline Park would increase the amount of contiguous gnatcatcher habitat present on this publically-owned land from 10 acres to approximately 20 acres, and location of the revegetation effort would improve connectivity with Coastal Sage Scrub habitat located in the Switchback area. Conservation easements with the City and County would remove any lingering uncertainty about the future protection of gnatcatcher habitat on the publically-owned lands of Shoreline Park and the Switchback area. At least some money will be generated on a yearly basis that will contribute to management of existing open space in Rancho Palos Verdes, as well as future acquisition of critical habitat areas.

In my opinion, these mitigation proposals - if they are fulfilled - would satisfy the Endangered Species Act's requirements for issuance of 10a or 2081 permits allowing "take". Obviously, many specific details remain to be worked out, and before making any "pre-listing" agreement the Service and Department of Fish and Game must insist that the Hon-Zuckerman promises are guaranteed under binding legal and financial constraints. In the event that the proposed mitigation measures fail, I recommend that compensation should permit the Service to acquire and/or restore at least 100 acres of high quality gnatcatcher habitat on the Peninsula. This acreage estimate should arguably be substantially higher, given that in the absence of successful mitigation measures, I expect that the Hon-Zuckerman project would seriously impact the long-term viability of gnatcatcher populations throughout all of Subregion 7 - thus extending the project's impacts far beyond the site's legal boundaries. This land should be located in areas of the Peninsula that are potentially vulnerable to development pressure, rather than in steep-walled canyons or landslide areas which are already protected due to building constraints. If such guarantees can be obtained as a means of ensuring that the mitigation proposals described above become reality, I believe that the redesigned project will positively benefit California gnatcatcher recovery efforts on the Palos Verdes Peninsula, and that the Service and Department of Fish and Game should seriously consider entering into a "pre-listing" agreement with Hon-Zuckerman.

If I can provide any further information or comments, please feel free to contact me at any time.

Sincerely,



Jonathan L. Atwood, Ph.D.
Senior Staff Scientist

EXHIBIT NO
APPLICATION NO. ASRPV-93-005 AC
Atwood Gnatcatcher expert 1992

26 p. 4
p. 4



- Master Storm Drain
- Existing Storm Drain
- Catch Basin Inlet
- Golf Course Storm Drain Line with Inlet
- Wet Pond Area
- Wet Pond Overflow Pipe

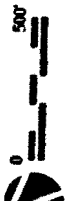


EXHIBIT NO.	22
APPLICATION NO.	A 5. REV 93.000006
Drawn by	For HCP/Storm

Exhibit
22

Page 2 of 5

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION NUMBER: 5-480-96

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement shall be subject to separate notification pursuant to Fish and Game Code Sections 1600 et seq.
2. The Operator proposes to alter the streambeds for the Rancho Palos Verdes Project development including 75 home sites, low income housing units, 18-hole golf course, public parks and trails, and the preservation of natural open space preserves permanently impacting 0.52 acres of streambed (0.36 acres of riparian habitat). Two diversion structures will be installed within the storm drain system immediately north of Drainage A so that low-flows (up to two year storm events) will continue to be discharged into Drainage A to ensure that an adequate water source is provided for the natural existing vegetation, but reduce the potential for erosion.
3. The agreed work includes activities associated with No. 2 above. The project area is located in two unnamed drainages, tributary to the Pacific Ocean in Los Angeles County. Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator, including the Conceptual Mitigation Plan for Impacts to Areas Within the Jurisdiction of the CDFG Pursuant to Chapter 6, Section 1801 of the California Fish and Game Code and The California Regional Water Quality Control Board Pursuant to Section 401 of the Federal Clean Water Act For Rancho Palos Verdes in the City of Los Angeles, Los Angeles County, California dated November 20, 1996 prepared by Glen Lukos Associates, and shall be implemented as proposed unless directed differently by this agreement.
4. The Operator shall not impact more than 0.52 acres of streambed (0.36 acres of riparian habitat). All impacts are permanent.
5. The Operator shall mitigate for the permanent impacts to the streambeds as described in the Operator's Mitigation Plan. Mitigation includes (1) the creation of 2.76 acres of open water, (2) creation of 0.65 acre of freshwater marsh, and (3) the preservation of 0.22 acre of streambed within the Switchback Area conservation easement. In addition, the Operator shall mitigate with the removal of all exotic species (i.e. castor bean, tree tobacco, and pampas grass) within the areas of Drainage A not impacted by the project. The Operator shall also follow their Habitat Maintenance Program including weed removal, plant replacement, pest control, trash removal, and contractor education as described in the Mitigation Plan.
- All mitigation shall be installed no later than July 30, 1999.
6. Disturbance or removal of vegetation shall not exceed the limits approved by the Department as described in the Operator's notification package. The disturbed portions of any stream channel shall be restored. Restoration shall include the revegetation of stripped or exposed areas with vegetation native to the area.

Exhibit 23
A5 RPIV 93.005 A6
Fish & Game requirements

EXHIBIT NO.	.24
APPLICATION NO.	A 5 APU 93 003 A6
Letter from City on	
Park plan	



RANCHO PALOS VERDES

DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT

August 29, 1997

Pam Emerson
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

RECEIVED
SEP 2 1997

Subject: Ocean Trails Public Amenities Plan

**CALIFORNIA
COASTAL COMMISSION**

Dear Ms. Emerson:

Barbara Dye has provided me with a draft copy of your October 1997 Staff Report which addresses several minor changes to the conditions of approval for the Ocean Trails Project, including adoption of the 1996 Ocean Trails Public Amenities Plan by the Coastal Commission. Ms. Dye has also provided me with an exhibit showing the proposed changes to the Plan that have been requested by the Coastal Commission Staff.

I understand that the proposed changes to the Public Amenities Plan include:

Page 4

Main Entrance/West and East Vista Park
Add a note confirming the 42" fence height;
Replace the tower with a new version;
Show the limited extend of the solid stone wall;
Show the location of the monument sign.

Page 5

Main Entrance/West and East Vista Park
Include a drawing of the entry monument sign on this page or later in the document.

Page 7

Main Entrance/West and East Vista Park
Replace the tower with a new, more slender, version.

Page 8

Halfway Point Park/Clubhouse
Add a note showing the entrance to the public restroom at the southwest corner of the clubhouse.

Page 11

Portuguese Bend/Overlook
Remove the shade cover.

Pam Emerson
Ocean Trails Public Amenities Plan
August 29, 1997

Page 13

La Rotonda Drive Parking/Amenities

Move the public restroom east to the edge of the future public parking lot.

Page 15

Streetscape Sections

Show the perimeter fencing on the street sections.

After reviewing these revised Plan, I find that the Coastal Commission Staff's recommended changes are in substantial conformance with the City of Rancho Palos Verdes City Council approval of the Ocean Trails Public Amenities, pursuant to Resolution No. 96-94 adopted on October 15, 1996. However, as indicated in this Resolution (see attached), the final design of the Portuguese Bend Overlook, the West Vista Park and the East Vista Park has not been approved by the City. Although the Staff anticipates that the revised design of the Portuguese Bend Overlook and West Vista Park will be acceptable to the City, the final design of the East Vista Park, more specifically the entry tower, may be modified by the City at a later date, pending a view analysis from adjacent residential properties. In addition, I have no objections to the other amendments proposed by the Coastal Commission Staff, since they are generally minor in scope and help to clarify certain aspects of the approval.

If you have any questions, please feel free to call me at (310) 377-6008.

Sincerely,

Carolynn Petru

Carolynn Petru, AICP
Director of Planning, Building
and Code Enforcement

Attachment:

Resolution No. 96-94

M:\USERS\CAROLYN\WPWIN80\OCEANTRIPAPAMEN.CC

EXHIBIT NO. 24
APPLICATION NO. A5 RPU-93 005 A6
City letter on park plan

RESOLUTION NO. 96-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING THE FINAL PUBLIC AMENITIES PLAN FOR THE OCEAN TRAILS PROJECT, A 75 LOT RESIDENTIAL PLANNED DEVELOPMENT, 18-HOLE GOLF COURSE WITH RELATED FACILITIES AND PUBLIC OPEN SPACE PROJECT LOCATED IN COASTAL SUBREGIONS 7 AND 8

WHEREAS, in 1992, the City Council of the City of Rancho Palos Verdes adopted resolutions approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a 75 lot Residential Planned Development, an 18-hole golf course with related facilities and public open space located in Coastal Subregions 7 and 8 of the City; and,

WHEREAS, the City Council has approved subsequent revisions to the project as memorialized by the resolutions approving such revisions, the most recent of which occurred on September 3, 1996; and,

WHEREAS, the conditions of approval for the project require that the landowner submit a "detailed, final" Public Amenities Plan for review and approval by the City prior to the issuance of grading permit for the project or recordation of the Final Map, whichever occurs first. The Conditions further require that the final Public Amenities Plan be in substantial conformance with program approved by the City in August 1994 and stipulate that the landowner is responsible for the implementation and construction of all the amenities included in the final Public Amenities Plan; and,

WHEREAS, the level of detail provided in the 1996 Public Amenities Plan is not sufficient to qualify the document as a "detailed" Public Amenities Plan. However, the landowner's goal is to obtain a grading plan and begin mass grading of the project site in November 1996, which would allow the landowner insufficient time to prepare the required detailed plans for grading is scheduled to begin on the project; and,

WHEREAS, the conditions of approval require that construction of the public amenities coincide with the project grading activity and that all of the amenities be completed upon certification of rough grading. However, due to the large size and complexity of the project, it would not be practical to have all of the public improvements installed before many of the other related improvements are made to the site (such as the public streets and golf course); and,

EXHIBIT NO. pl
APPLICATION NO. A-S-RPV 936-5A6
City resolution on
Public Amen. Plan

25

WHEREAS, the conditions of approval can be interpreted to allow the landowner more time to submit detailed improvement plans and to build the public amenities in phases (which would be consistent with the requirements of the California Coastal Commission), while still affording the City appropriate review milestones and the necessary assurances that the improvements will be completed to the City's satisfaction; and,

WHEREAS, on October 15, 1996, the City Council held a duly noticed public hearing on the Public Amenities Plan, at which time all interested parties were given the opportunity to be heard and to present evidence.

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

Section 1: That the document titled the "Ocean Trails Conceptual Public Amenities and Coastal Access Program, Rancho Palos Verdes Subregion No. 7" dated as received by the City on October 7, 1996 is in substantial conformance with the document titled the "Ocean Trails Conceptual Public Amenities and Coastal Access Program for Rancho Palos Verdes Subregion 7" dated July 1994 and dated as received by the City on July 22, 1994.

Section 2: That the 1996 document referenced in Section 1 is hereby approved as the final Public Amenities Plan for the Ocean Trails project, subject to the following conditions of approval:

1. The improvements depicted in the approved final Public Amenities Plan shall be constructed in the following phases:

First Stage

The following trail improvements, interpretive signs and trail fencing shall be installed and open for use by the public before any fencing for habitat restoration or other facets of the project interferes with public access which may exist on the property. The subject trails shall be confined with temporary fenced corridors installed to the satisfaction of the Director of Planning, Building and Code Enforcement to prevent individuals from damaging the habitat restoration areas. The trail surfaces may be left temporarily as unimproved trails, but shall be improved to the standards required in the project conditions of approval contained in Resolution Nos. 96-73 and 96-74) and depicted on the approved Trail Plan of the final Public Amenities Plan, including the installation of permanent fencing and signage, prior to the commencement of play on the golf course.

EXHIBIT NO.
APPLICATION NO. A5 RV 43-005 A6
Public Amenities Plan
City resolution

2502

Resolution No. 96-94
Page 2 of 6

Trail Improvements:

- West Bluff Preserve Pedestrian Trail
- Half Way Point Park Beach Access Pedestrian Trail
- Bluff Top Activity Corridor Pedestrian Trail
- Shoreline Park Access Pedestrian Trail

Second Stage

The following park and trail improvements shall commence construction immediately following rough grading operations for the golf course and shall be completed to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of Public Works prior to the opening of the golf course for play.

Park Improvements:

- Half Way Point Park, including the picnic areas and view overlooks located within the park, the 45-space public parking lot east of the clubhouse site, and the public parking along Paseo del Mar.
- Three view overlooks within the Bluff Top Activity Corridor between Half Way Point Park and the East Bluff Preserve.
- View overlook on Paseo del Mar at the head of Forrestal Canyon.
- La Rotonda Drive 25-space public parking lot and a public restroom facility.

Trail Improvements:

- Paseo del Mar Off-Road Bicycle Path
- Paseo del Mar Pedestrian Trail
- West Bluff Preserve Lateral Access Trail
- West End Pedestrian/Handicapped Access Trail (the portion located between the West Bluff Preserve Lateral Access Trail and the public parking lot east of the golf course clubhouse)
- West End Bicycle Path (the portion located between the West Bluff Preserve Lateral Access Trail and the public parking lot east of the golf course clubhouse)
- La Rotonda Parking Lot Combined Bicycle Path and Pedestrian Trail
- Half Way Point Park Pedestrian Loop Trail
- Sewer Easement Pedestrian Trail

Exhibit 25
AC RPV 93057A 98

- Bluff Top Activity Corridor Combined Bicycle Path and Pedestrian Trail
- Palos Verdes Drive South Overlook/La Rotonda Drive Parking Lot Pedestrian Trail
- East End Pedestrian Trail

Third Stage

The following park and trail improvements shall be commenced after the completion of rough grading for Tract No. 50666 and shall be completed to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of Public Works prior to the issuance of the first building permit for an individual residential lot within this tract.

Park Improvements:

- Portuguese Bend Overlook, if required.
- Remaining 25 parking spaces at the La Rotonda Drive public parking lot, if required.
- All remaining amenities and facilities outlined in the final Public Amenities Plan not specifically indicated in Stages 1, 2, 3 or 4.

Trail Improvements:

- West End Pedestrian/Handicapped Access Trail (between Palos Verdes Drive South and the West Bluff Preserve Lateral Access Trail)
- West End Bicycle Path (between Palos Verdes Drive South and the West Bluff Preserve Lateral Access Trail)
- Forrestal Canyon Fire Access and Pedestrian Trail

Fourth Stage

The following park improvements and trail improvements shall commence construction immediately following the realignment and reconstruction of Palos Verdes Drive South and shall be completed to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of Public Works prior to acceptance of these roadway improvements as completed. This stage is not in chronological order with the other stages and may be built before the improvements required in Stages 1, 2 and 3 in conjunction with the phasing of the reconstruction of Palos Verdes Drive South.

EXHIBIT NO.	25 p 4
APPLICATION NO.	AS RPU 93002A6
City resolution	
Public Amenities Plan	

Resolution No. 96-94
Page 4 of 6

Park Improvements:

- West Vista Park including the 6-space off-street parking area and view overlook.
- East Vista Park.
- Palos Verdes Drive South 6-space off-street parking area and two view overlooks.
- View overlooks on Palos Verdes Drive South east of the golf course maintenance facility.
- Bicycle rest stop on the north side of Palos Verdes Drive South.

Trail Improvements:

- Palos Verdes Drive South On-Street Bicycle Lanes
 - Palos Verdes Drive South Off-Street Bicycle Path
 - Palos Verdes Drive South Pedestrian Trail
 - La Rotonda Drive On-Street Bicycle Lanes
2. Prior to commencement of work on the public amenities within each phase described above, a detailed, construction level improvement plan for the public amenities included in that phase shall be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Director of Public Works.
 3. The rendering of the Portuguese Bend Overlook included in the submitted 1996 Public Amenities Plan is expressly not approved as part of this Resolution. Prior to the commencement of rough grading for Tract No. 50666, the design of the Portuguese Bend Overlook (including the shade structure, if required) shall be reviewed and approved by the City Council in conjunction with the final alignment of the public trails in this area and the solid wall along the west property line.
 4. The rendering of the West Vista Park and East Vista Park included in the submitted 1996 Public Amenities Plan are expressly not approved as part of this Resolution. Prior to the commencement of the reconstruction of the intersection of Palos Verdes Drive South and Paseo del Mar, the design of the West Vista Park and East Vista Park, including a view analysis from adjacent residential properties, shall be reviewed and approved by the City Council.

EXHIBIT NO. 25-15
APPLICATION NO. A 5 RPU 9305A6
Cty. Resolution
Public Amenity Plan

1000



1

•

1

1

.....

M:\USERS\CAROLYN\NWP\WIN\SO\OCEANTR\PU\BAMEN\CCRES.WPD

25 p 6

7

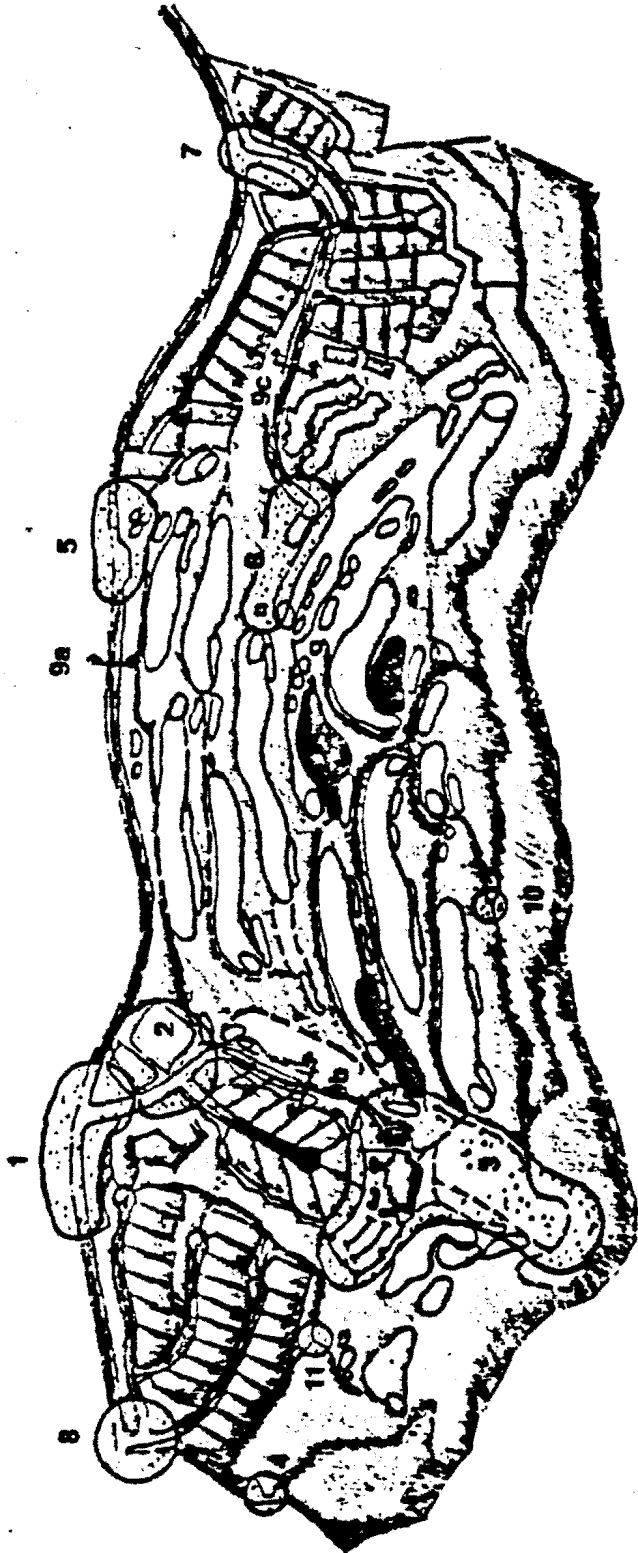


Exhibit Schedule

1. Main Entrance / West and East Vista Park
2. Maintenance Facility / Low-Cost Housing
3. Halfway Point Park / Clubhouse
4. Portuguese Bend / Overlook
5. Palos Verdes Drive South / Overlook
6. La Rotonda Drive Parking / Amenities
7. La Rotonda Entry

8. West Entry
9. Streetscape Sections
 - a. Palos Verdes Drive South
 - b. Paseo Del Mar
 - c. La Rotonda
10. Bluff Top Activity Corridor Trails (Typical)
11. Western Loop Trail
 - a. Pedestrian / Handicap
 - b. Bike / Golf Cams

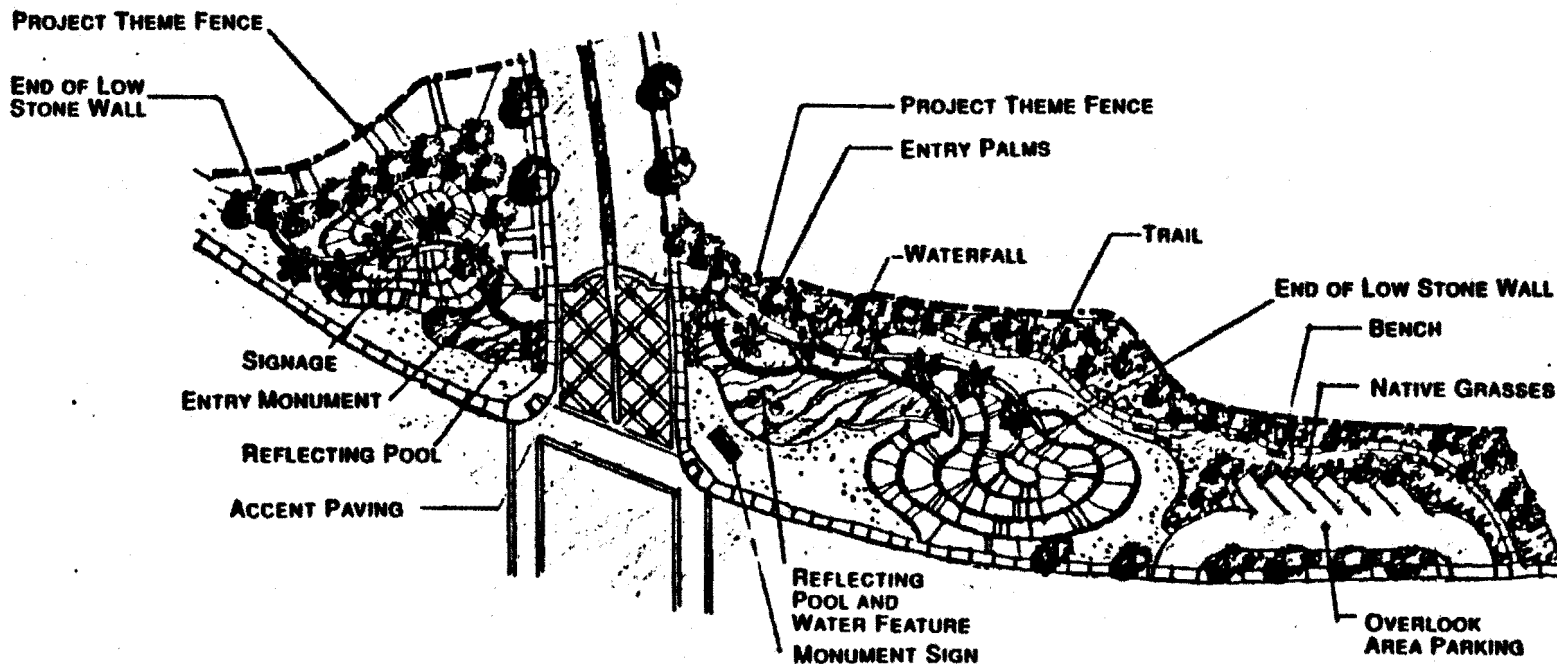
Key Map

EXHIBIT NO. 1
APPLICATION NO. A-6-RPV-93-005A6
Proposed 1997
Public Amounts Plan

2601



Elevation



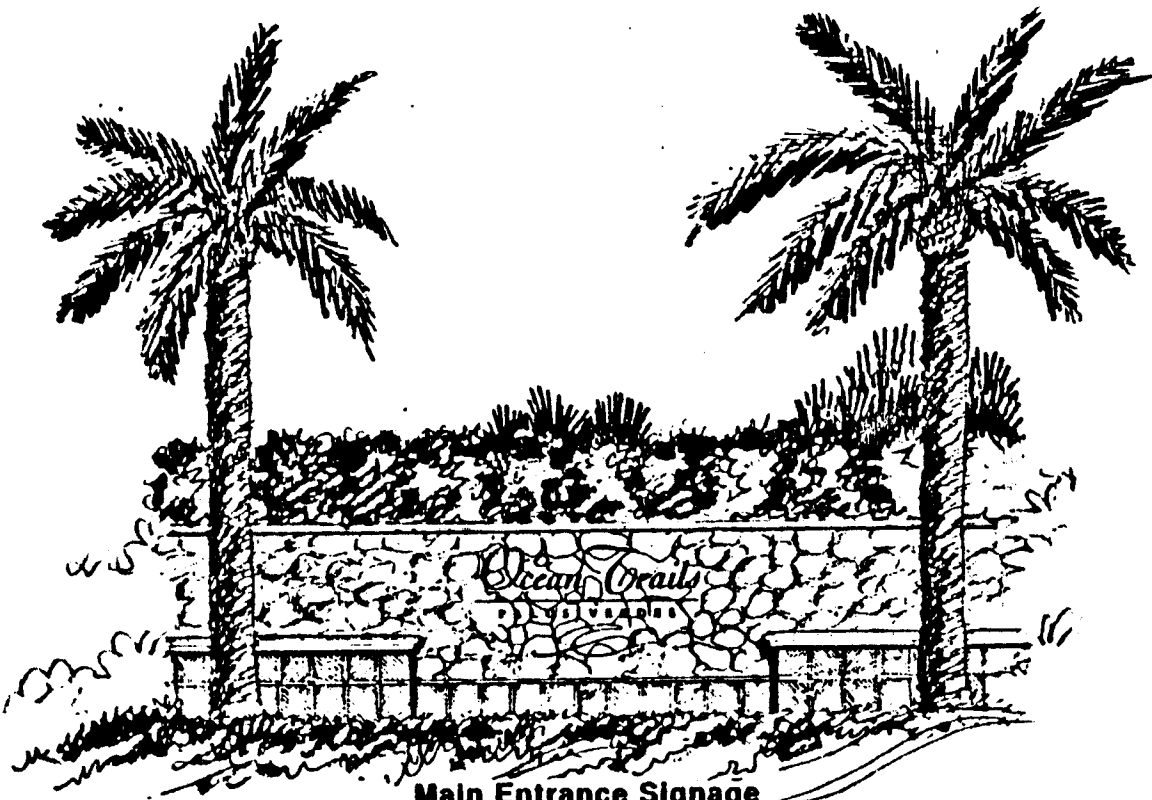
1 Main Entrance / West and East Vista Park

Exhibit 26 p.2

EXHIBIT NO.
APPLICATION NO.
AS-RPU 43005 A6
Public Amenity Plan
1997

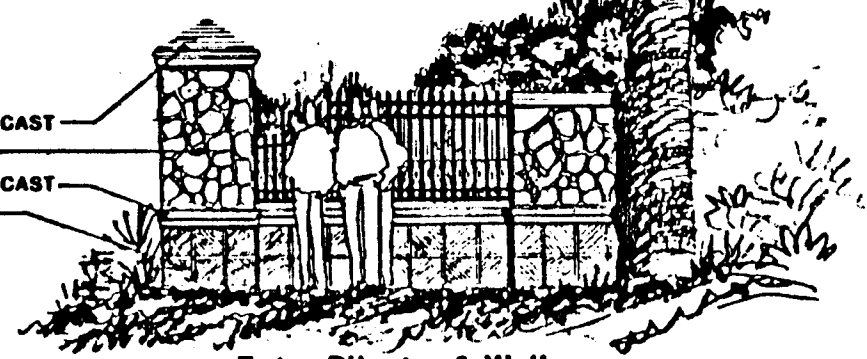
Exhibit 20 p3

EXHIBIT NO.	23
APPLICATION NO.	AS RPU 93 000 A6
Public Amenities plan	
1997	



Main Entrance Signage
Elevation (Left of Entry Monument)

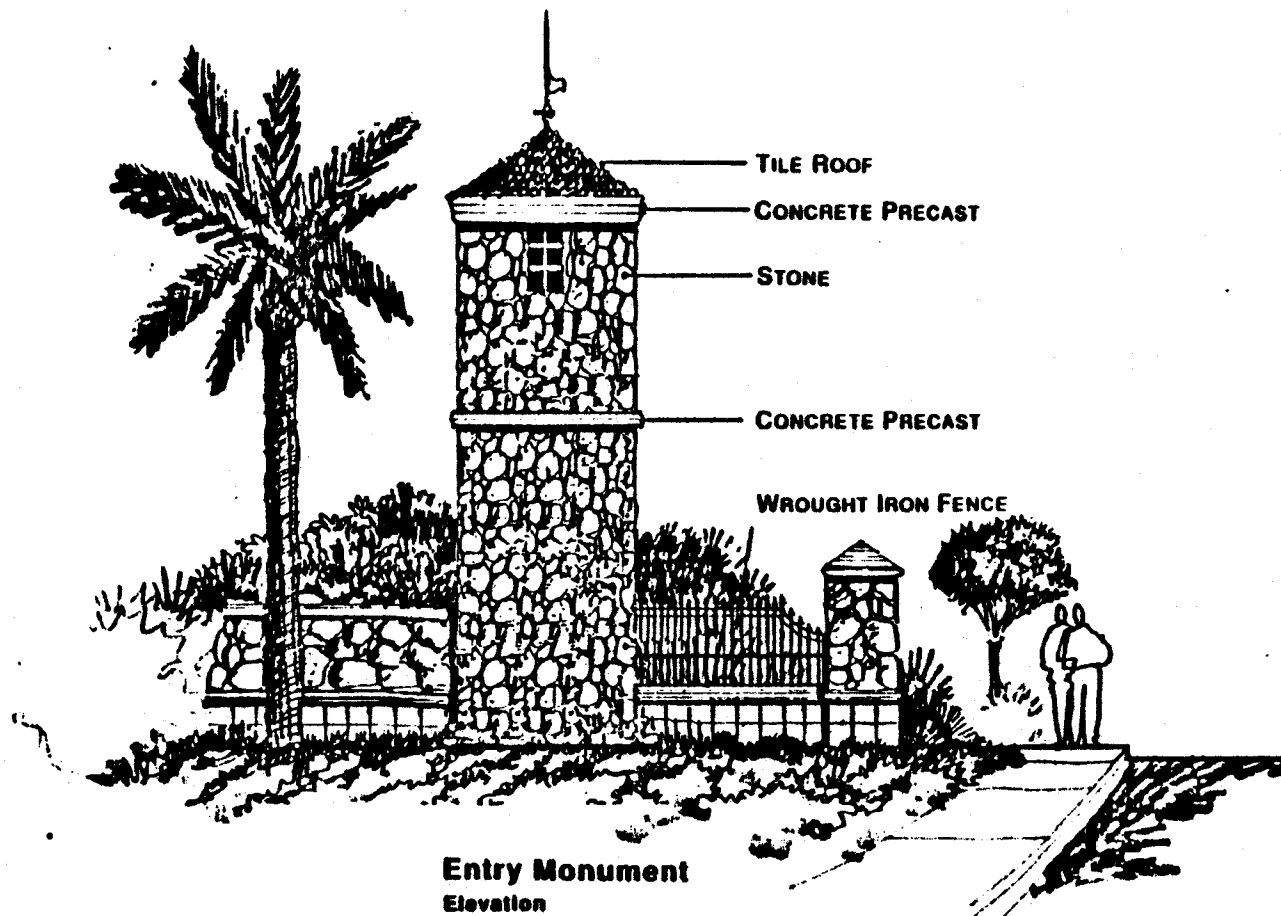
CONCRETE PRECAST
STONE
CONCRETE PRECAST
SLATE



Entry Pilaster & Walls
Elevation

1a Main Entrance / West and East Vista Park

EXHIBIT NO. 26 PH
APPLICATION NO. A5 RPU 93-005 AL
Public amenity plan
1997



1b Main Entrance / West and East Vista Park

105

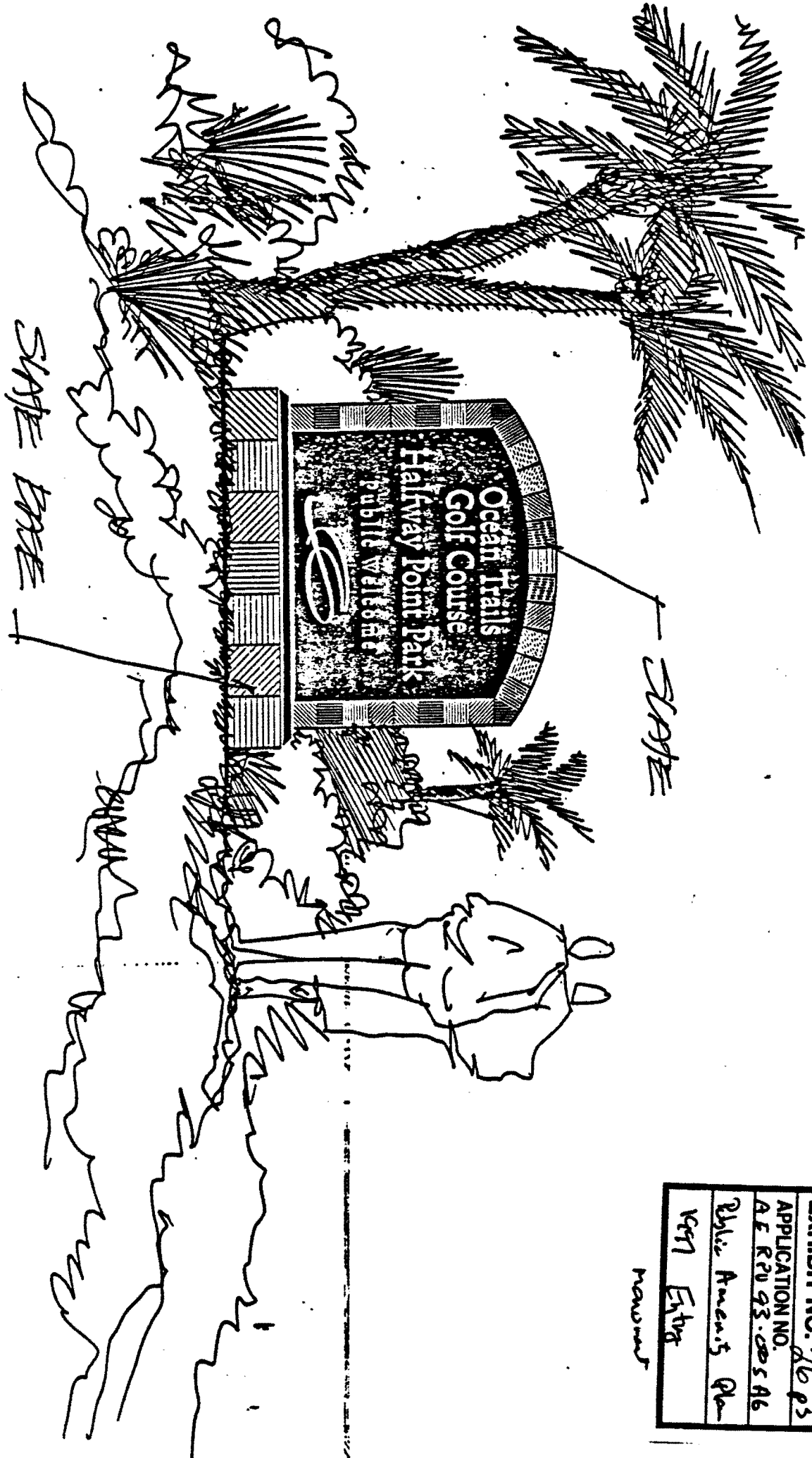
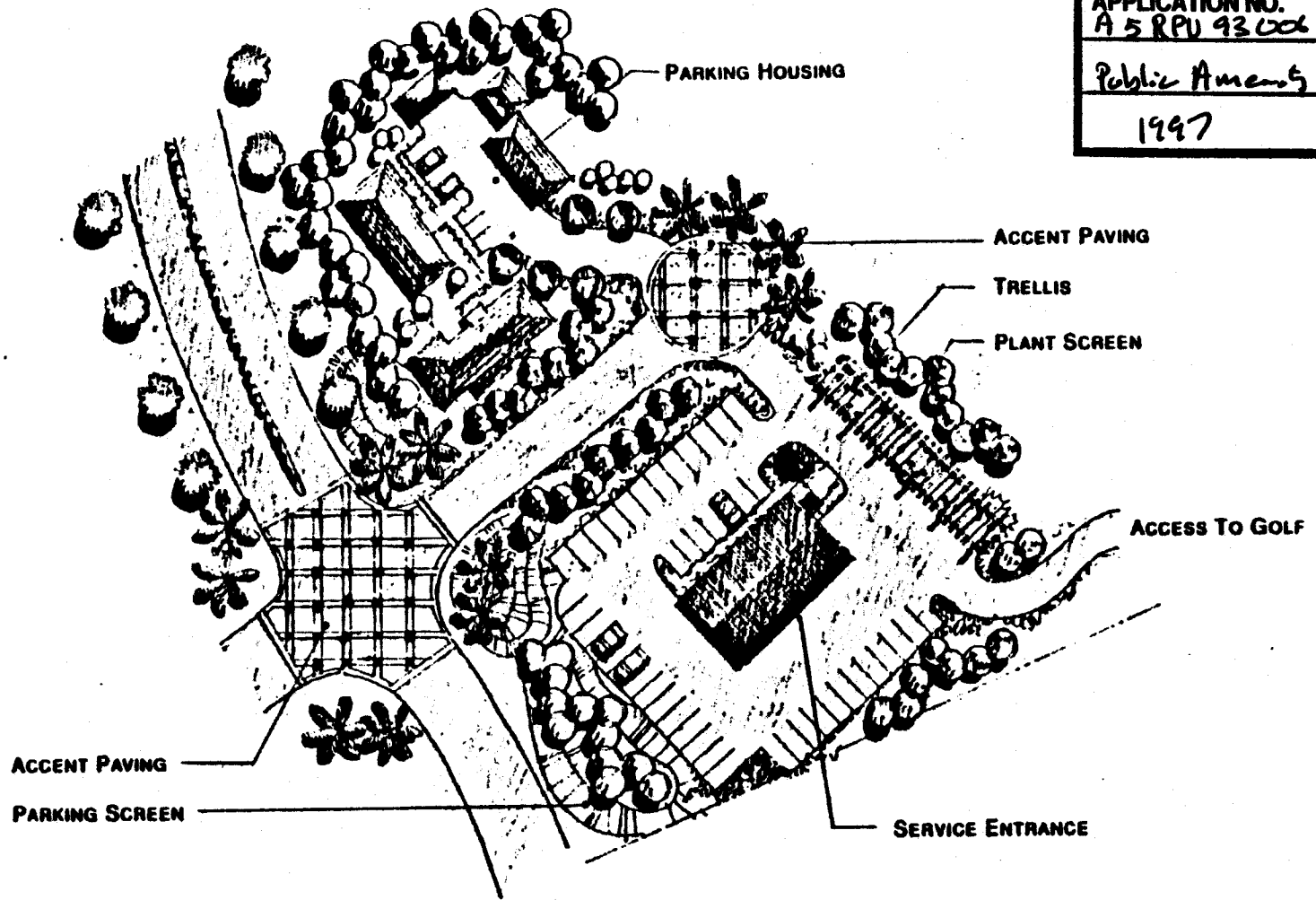


EXHIBIT NO.	2695
APPLICATION NO.	AE R20 93-005 A6
Public Access	Qla
1997 Entry	

manus

EXHIBIT NO. 26 P6
APPLICATION NO. A 5 RPU 93006 A6
Public Amenities Plan
1997

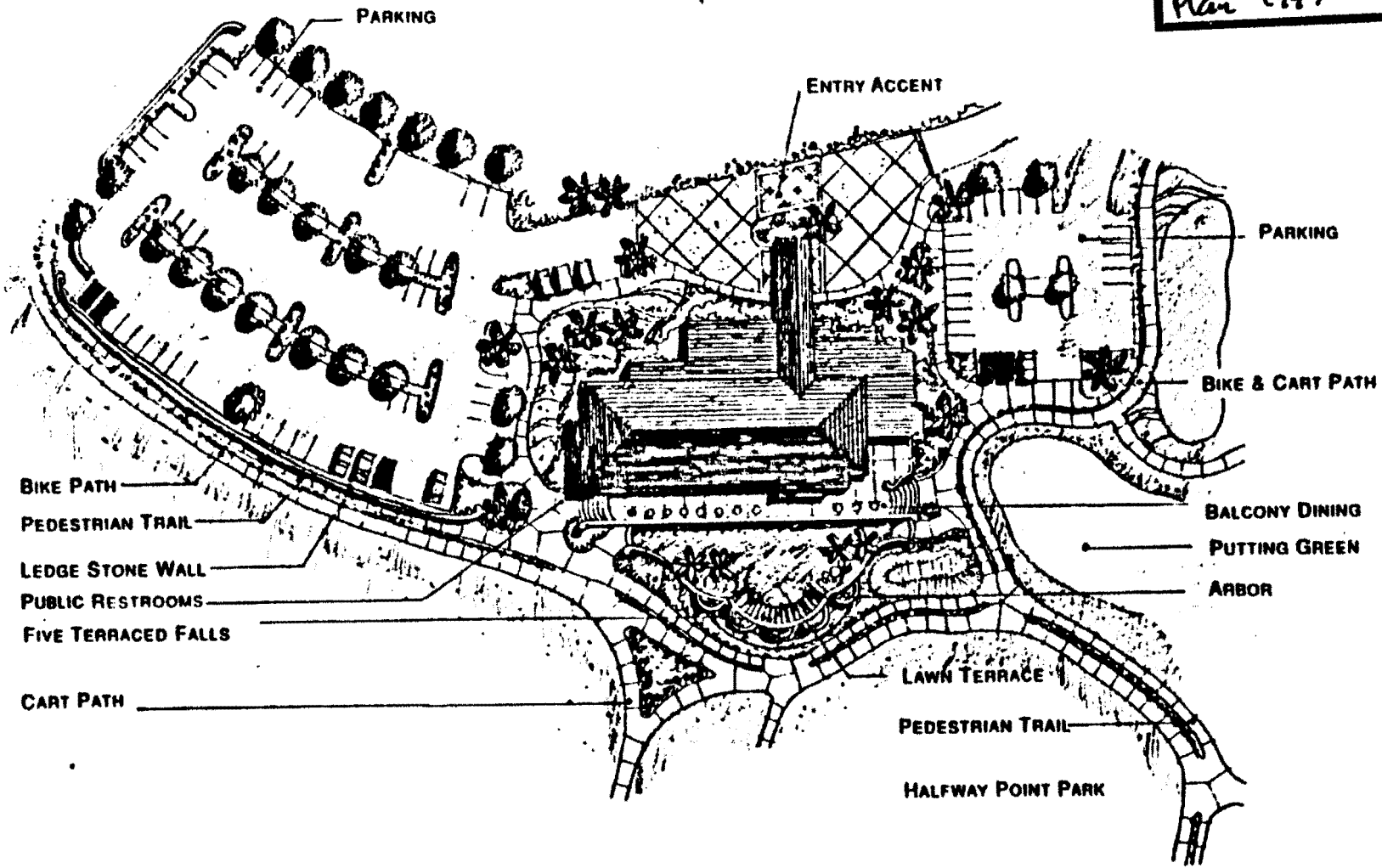


Site Plan

2 Maintenance Facility / Low-Cost Housing

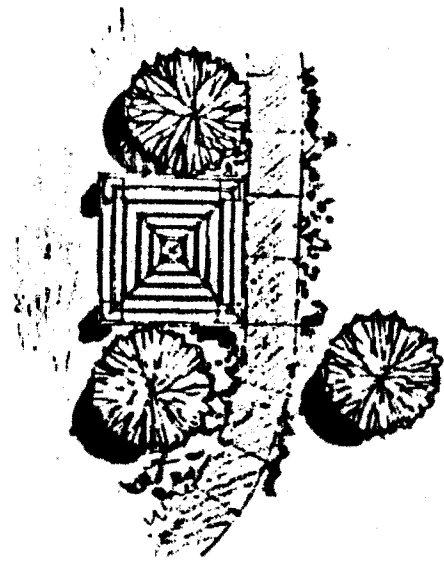
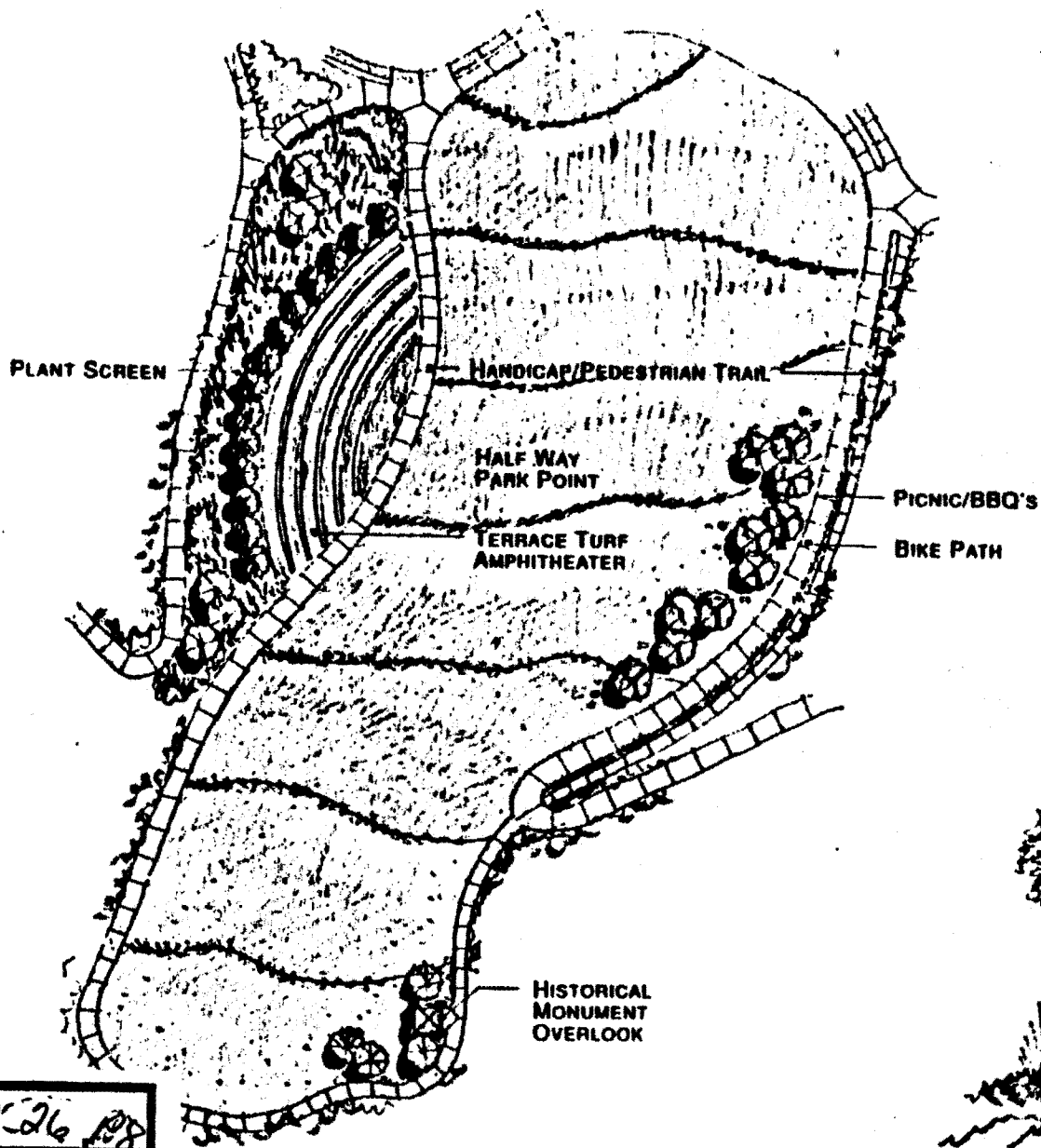
107

EXHIBIT N° 07
APPLICATION NO. A9-RPV 93 005A6
Public Amenities
Plan 1997

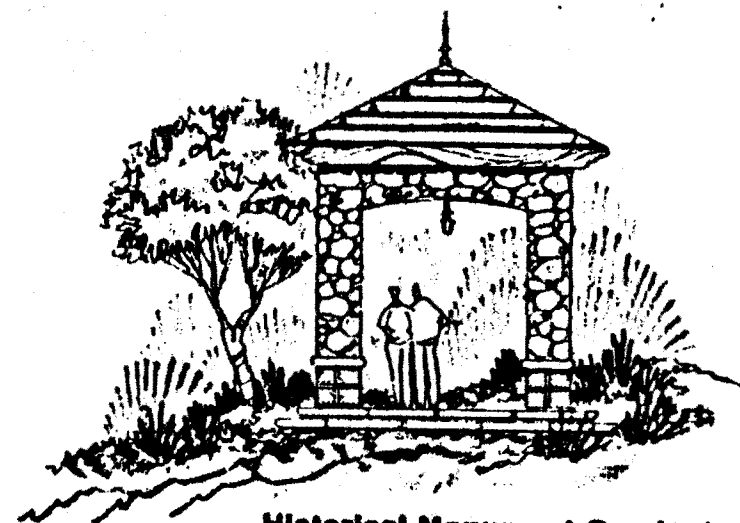


3 Halfway Point Park / Clubhouse

set



Historical Monument Overlook
Plan View

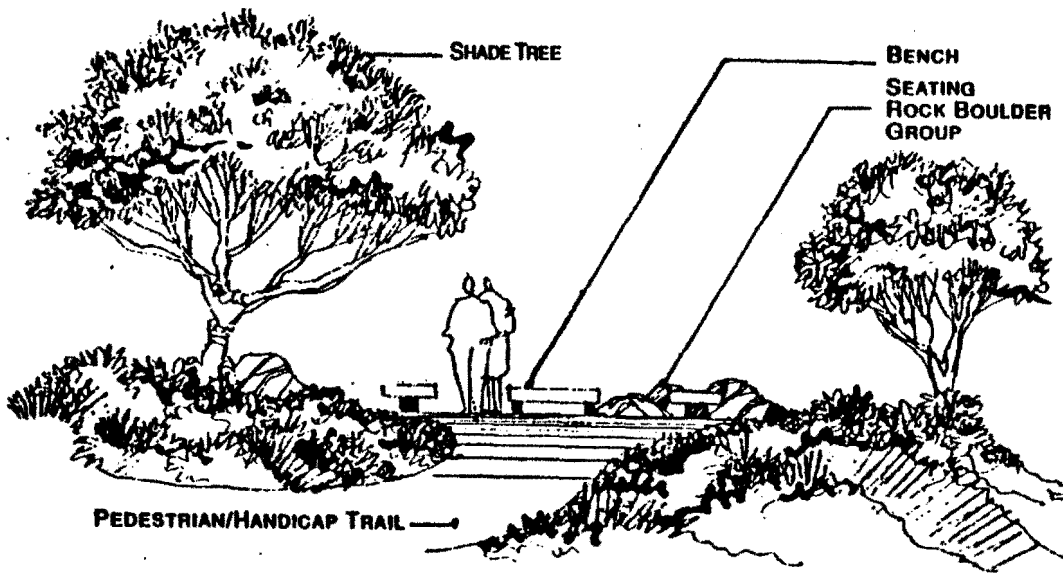


Historical Monument Overlook
Elevation

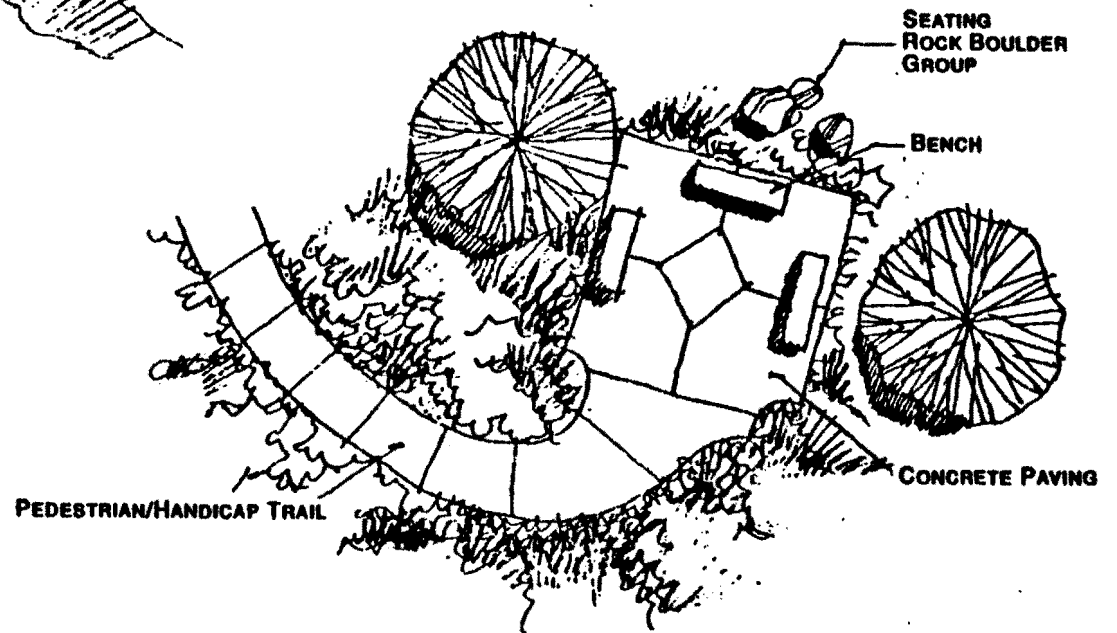
EXHIBIT N-26
APPLICATION NO.
A-3. RAV 93 005 A6
Pictor, P. 1997
Plas 1997

Exhibit

3a Halfway Point Park



Elevation

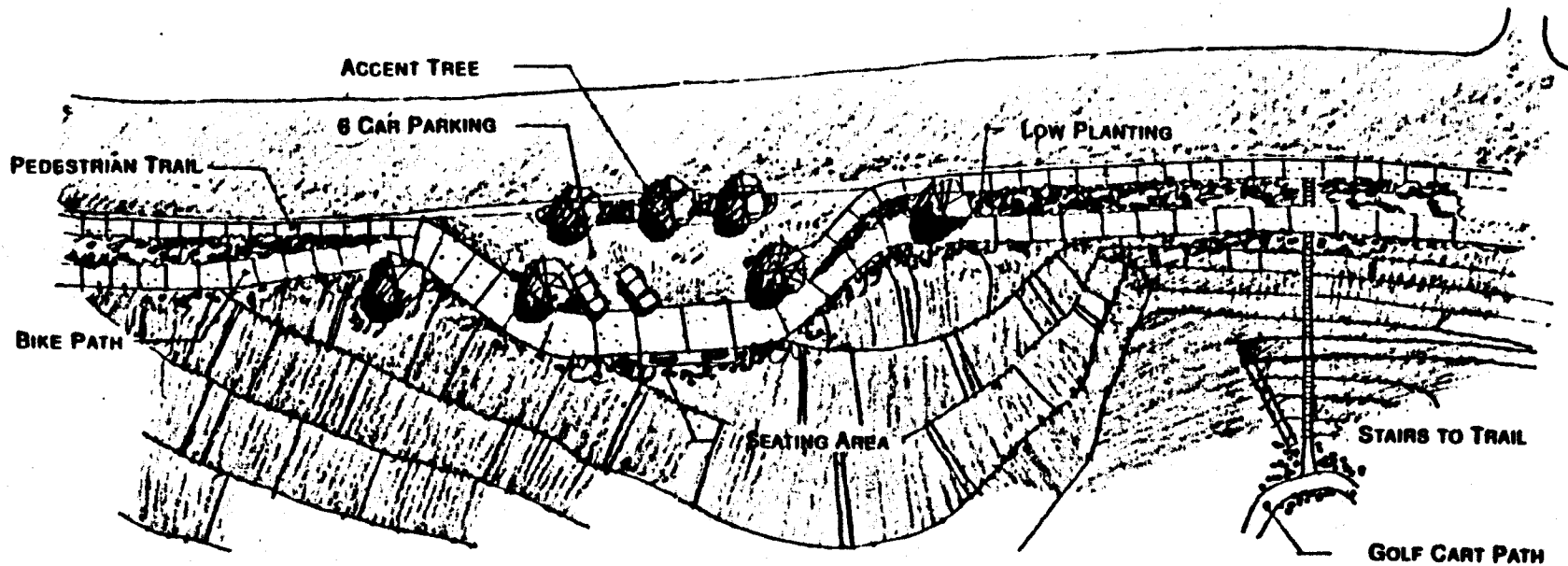


Plan View

EXHIBIT NO. 26
APPLICATION NO. 5 RPV 93005
Public Agency Plan
1997

4 Portuguese Bend / Overlook

PALOS VERDES DRIVE SOUTH

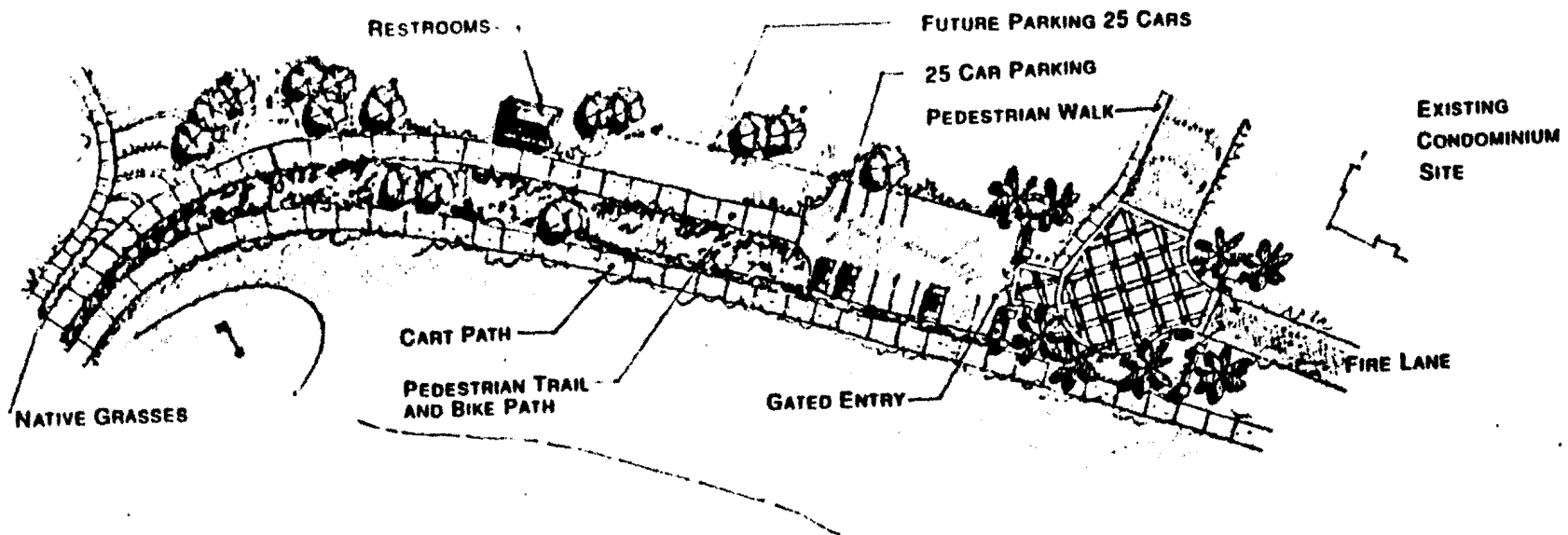


Plan View

5 Palos Verdes Drive South / Overlook

Exh. 6.1

EXHIBIT NO. 26 p. 10
APPLICATION NO. A-5 RPV-43005-A6
Public Am. 5 Plan
1997

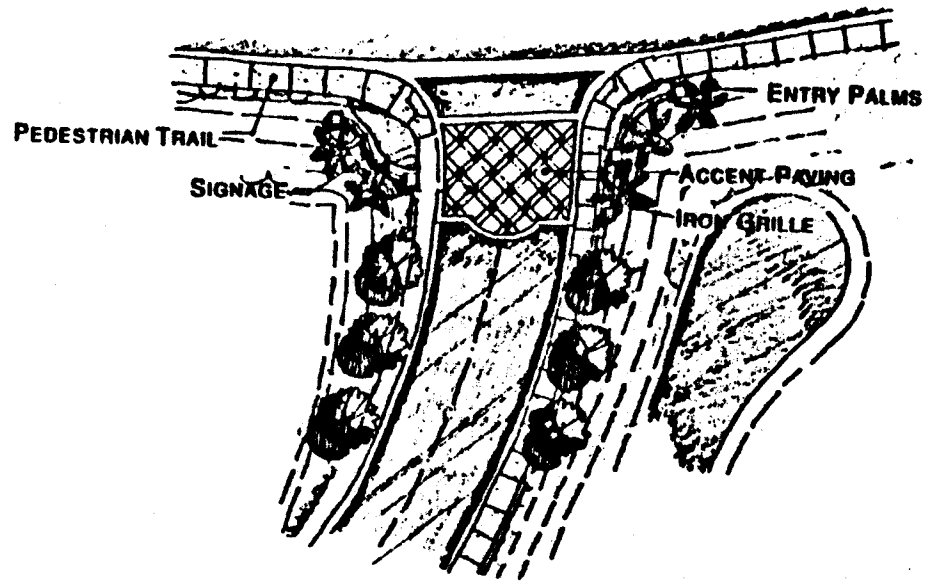


6 La Rotonda Drive Parking / Amenities

p11

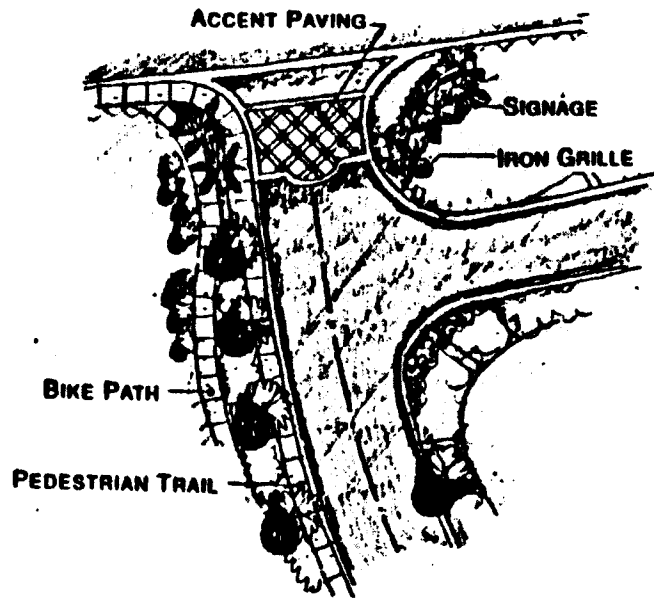
EXHIBIT NO. 26
APPLICATION NO. A 5-RPV-93-005A6
1997 Public
Amenity Plan

PALOS VERDES DRIVE SOUTH



7 La Rotonda Entry

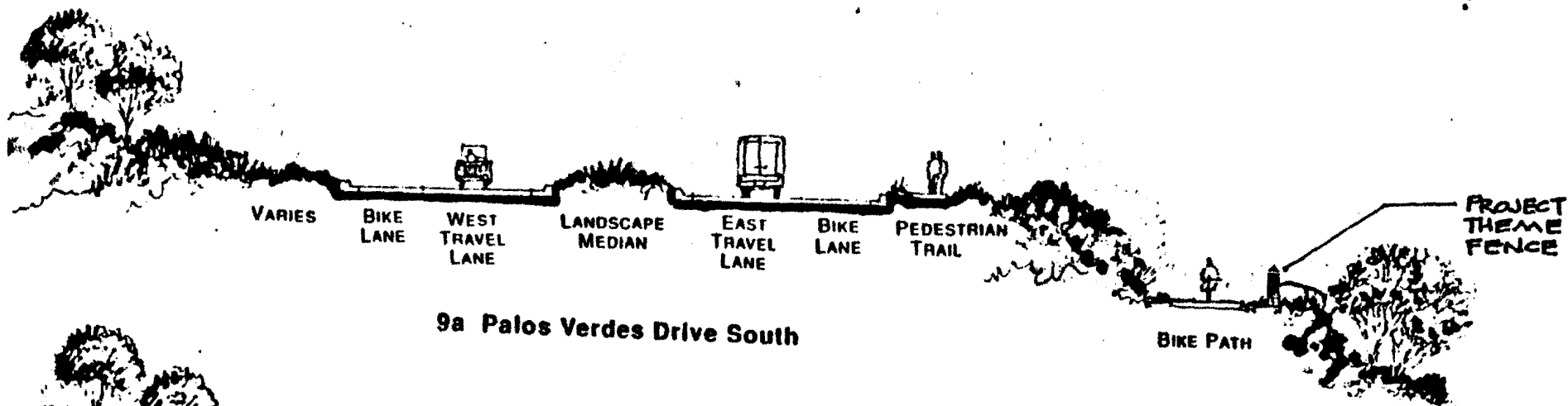
PALOS VERDES DRIVE SOUTH



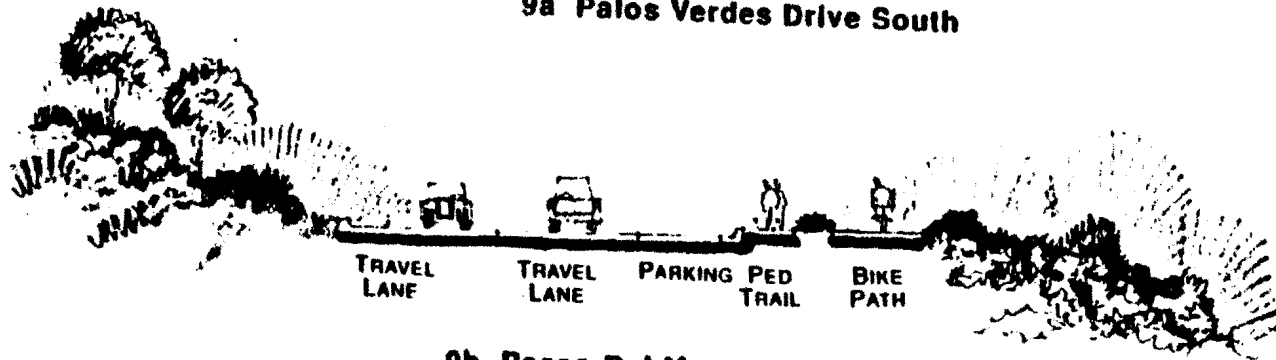
8 West Entry

EXHIBIT NO. 26
APPLICATION NO. A 5 RPV 13.005 A6
Public Amenities Plan
1997

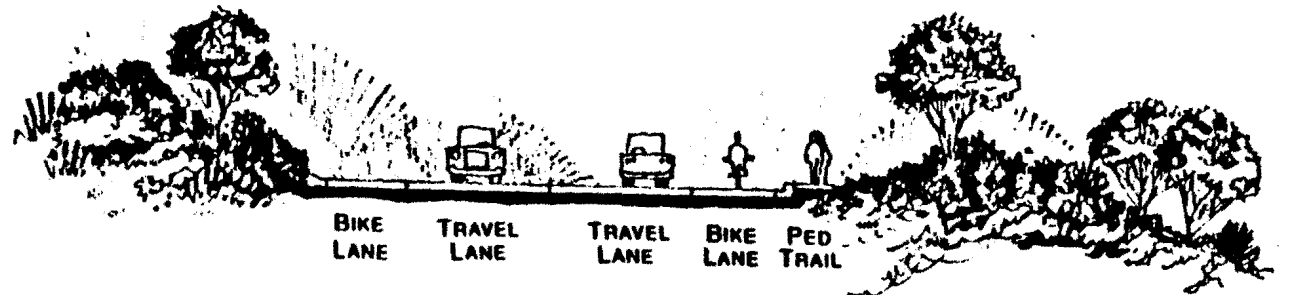
p 12



9a Palos Verdes Drive South



9b Paseo Del Mar



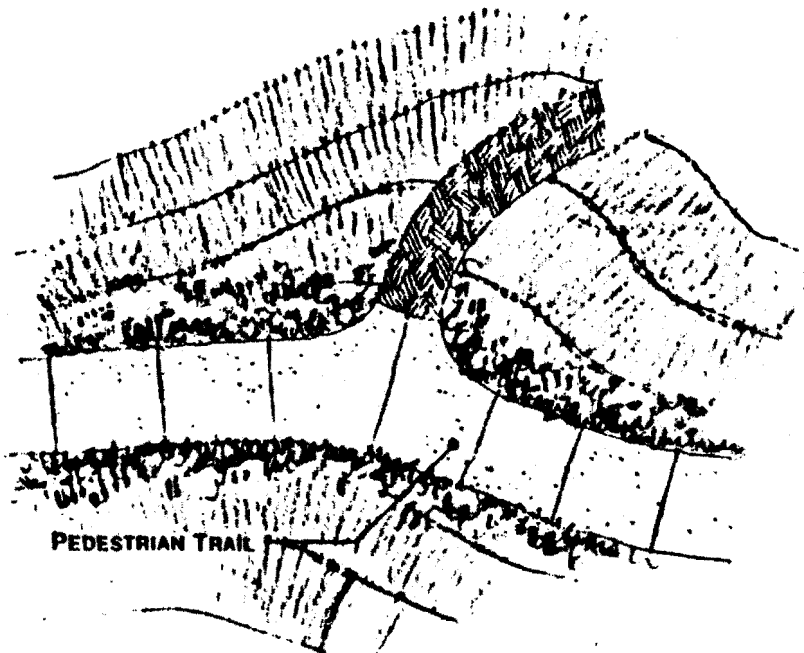
9c La Rotonda

9 Streetscape Sections

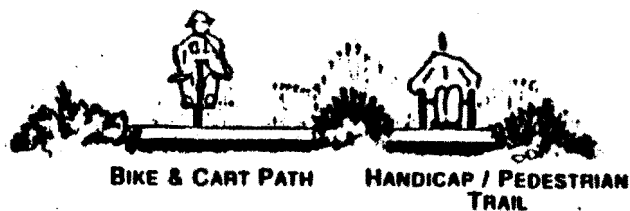
EXHIBIT NO. 126
APPLICATION NO. P.S. RPV 93-005116
Public Amenities Plan
1997

p13

4



10 Bluff Top Activity Corridor Trail

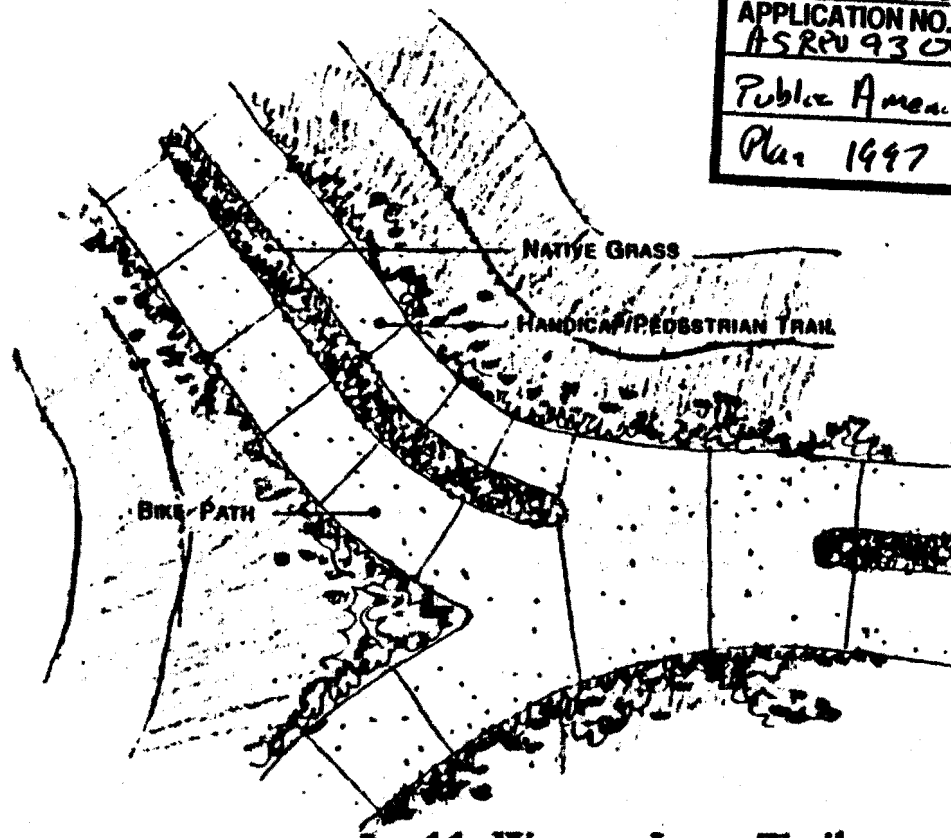


Typical Trails/Path
Section

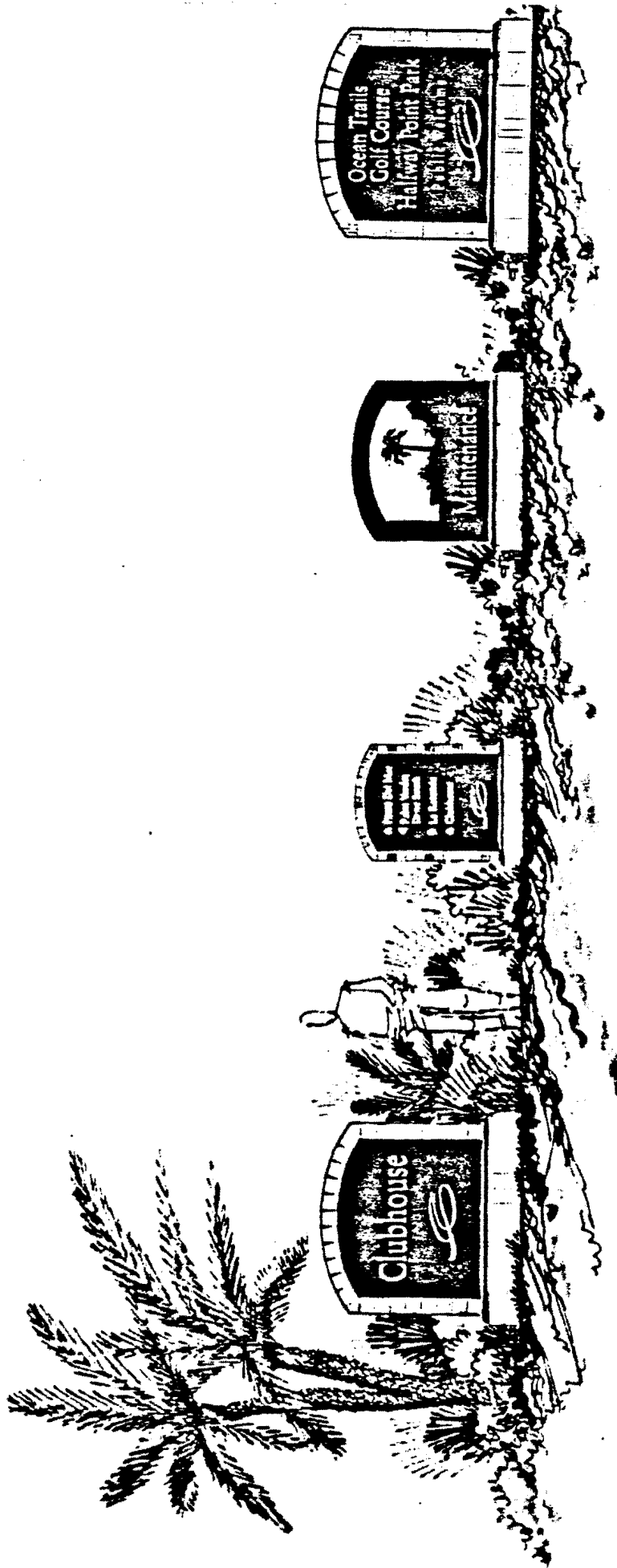


Typical Overlook
Plan

EXHIBIT NO. 26 P14
APPLICATION NO. ASRPV 93 005A7
Public Areas
Plan 1997



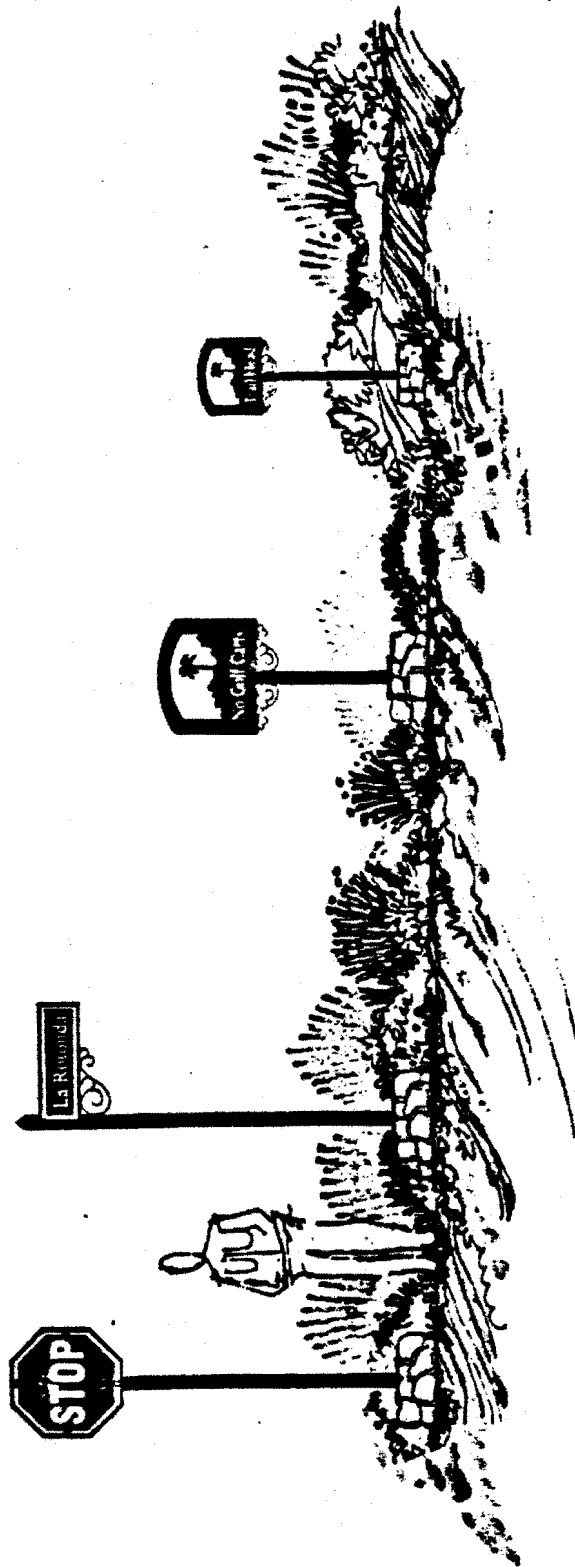
11 Western Loop Trail



1-15

EXHIBIT NO. 26
APPLICATION NO. A-5 RPU 93-CDS AC
Public Amenities Plan
1997

Signage



P16

EXHIBIT NO. 26
APPLICATION NO. A 5-RPV-93-005 AG
Publ. - Among Pls.
1947

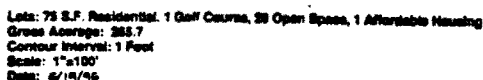
Signage

fort

26 | P17



Public Amenities Plan



118

LEGEND

Trails



1. 8' Hard Surfaced Bicycle Path
 2. 4' Soft-footed Pedestrian Trail
 - 2a. 3' Soft-footed Pedestrian Trail
 - 2b. 2' Soft-footed Pedestrian Trail (4' per CCC)
 3. 8' Hard Surfaced Bicycle/Pedestrian Trail
 4. 2' Natural Surface Pedestrian Trail
 - 4a. 4' Natural Surface Pedestrian Trail
 5. 5' Hard Surface Pedestrian Trail - Handicap Access
 6. 4' Concrete Sidewalk
 7. Class II Bicycle Lane
 8. 8' Pedestrian/Golf Cart Path
 9. 8' Bicycle/Golf Cart Path
- Trail
- Bicycle Lane

Signs



- A. Pedestrian Trail
- B. Bicycle Path
- C. Handicap Trail
1. Coastal Access
2. Public Restroom
3. Public Park (directional)
4. Public Parking
5. Warning - Cliff Hazard
6. Beach Access
7. Habitat Preserve - stay on trail
8. Trail Closed - Gnatcatcher Nesting Area
9. Active Golf Area - Proceed with Caution
10. Coastal Bluff Scrub
11. Coastal Sage Scrub
12. Historical Monument
13. Picnic Area

26 P18

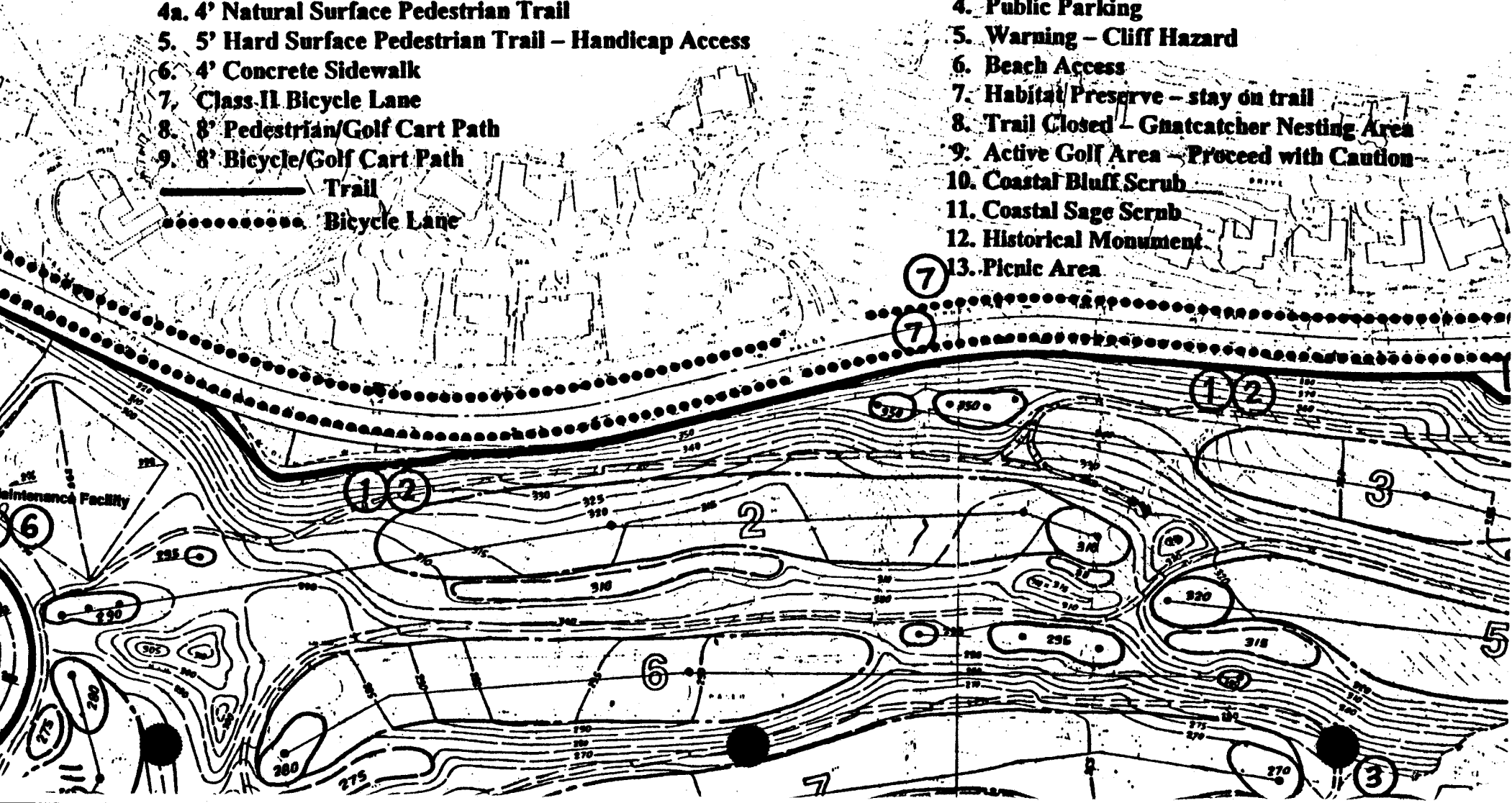
EXHIBIT NO. 1

APPLICATION NO.

ASRPV 93-006 A6

Legend June 1996

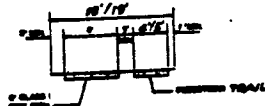
Trail map



NO

121

EXHIBIT NO.
APPLICATION NO.
A 5 RPV-93-005 A6
1996 Jone Trail
map west end



Trail Detail
S.T.A.

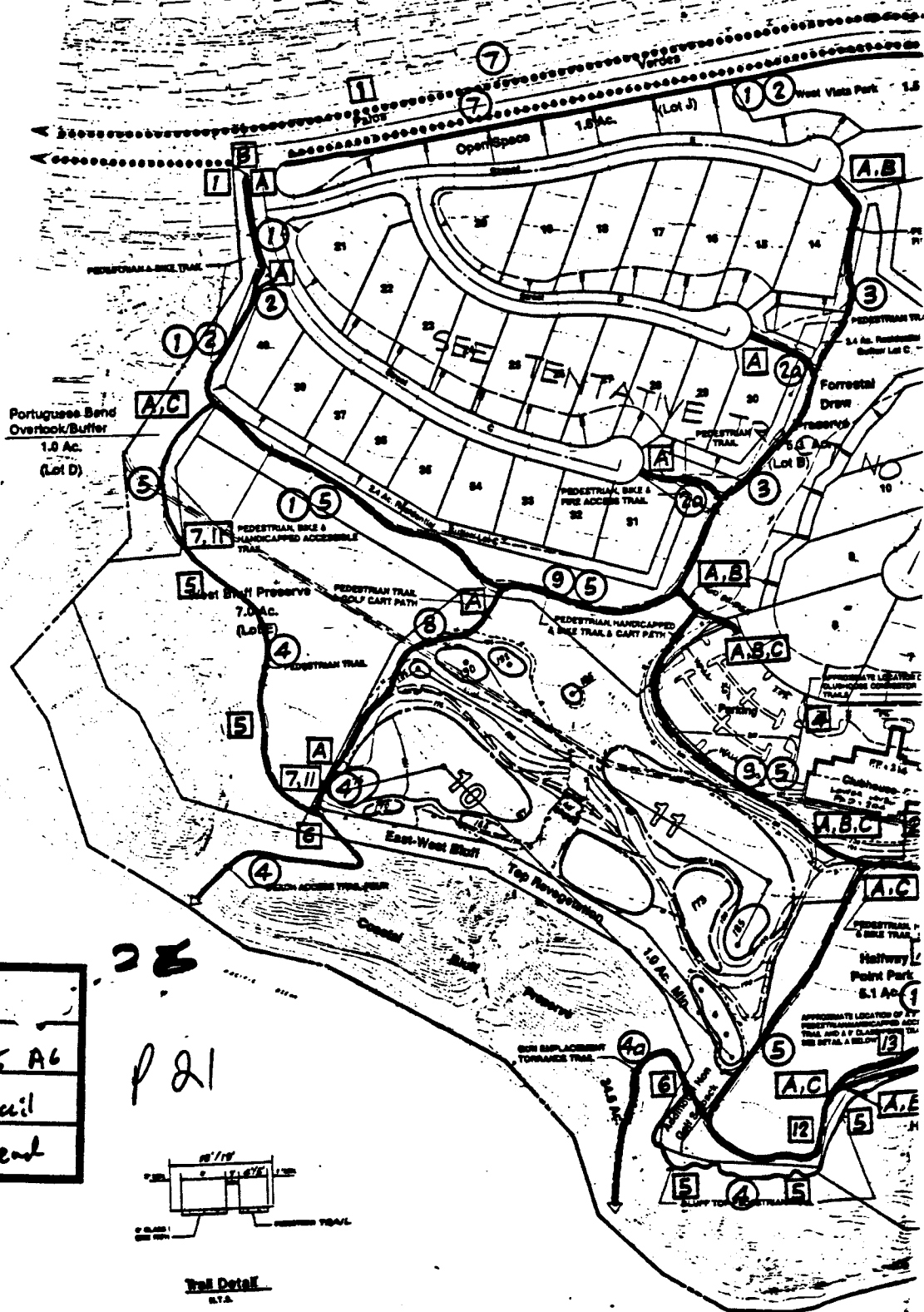


Exhibit 27

Ocean Trails

PALOS VERDES



EXHIBIT NO.
APPLICATION NO. A 5 RPV 93-005 A6
provision of park
trail drawings 2/98

27

September 3, 1997

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

Dear Ms. Emerson,

Enclosed you will find a detailed trail improvement plan for the Ocean Trails Project, as required by Coastal Commission Condition 4:

Trail improvements shall be carried out in accordance with a detailed trail improvement plan approved by the Executive Director, in substantial conformance with Access and Amenities Plan of February 5, 1993 as modified by the conditions of this permit. 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.

The Trails Plan is in substantial compliance with the Access and Amenities Plan of February 5, 1993, as well as with the Public Amenities Plan currently being reviewed by the Commission. It includes information on designated parking, interpretive signs, fencing, erosion control measures, and steps. Information about footpath control plantings is contained in the various habitat restoration plans. Additional information about signs is included in the approved Signage Plan, and information about fencing is included in the approved Fencing and Temporary Fencing Plans.

The plan also includes a timeline for trail implementation. It specifies that working drawings for trails in Stage I and Stage II will be available for review by the City of Rancho Palos Verdes (which will be accepting the trails) and the Coastal Commission (if the Commission wishes to review them as well) before the fine grading of the golf course begins. If the project proceeds on the schedule we now are anticipating, we should have trail drawings available by February 1, 1998. Working drawings for the trails in Phase III will be completed before the commencement of residential grading for Tract 50666.

RECEIVED
SEP 4 1997

CALIFORNIA
COASTAL COMMISSION

THE OCEAN TRAILS COURSE AT PALOS VERDES

707 Silver Spur Road, #210 • Rolling Hills Estates, CA 90274
Phone: 310-265-5525 • Fax: 310-265-5522

10/1
11/1

Condition 4 also requires that "the applicant provide detailed plans of these improvements [access improvements for park and trail purposes] and a schedule of completion for the review and approval of the Executive Director in consultation with any existing accepting agency." The park improvements for the project are included in the Public Amenities Plan now being reviewed. Working drawings of the parks will be provided for review by the City of Rancho Palos Verdes and the Coastal Commission on the same schedule as the trails, i.e. by February 1, 1998 for Stages I and II. Working drawings for the park improvements in Phase III will be completed before the commencement of residential grading for Tract 50666.

We look forward to continuing to work with you to move this project forward. If you have any questions, feel free to call Barbara Dye at my office (265-5525).

Sincerely,



Kenneth A. Zuckerman
Project Manager

cc: Carolyn Petru, Pen Marella, City of Rancho Palos Verdes

EXHIBIT NO. 27
APPLICATION NO. A-5 RPU-93-055A6
provision of park
trail plan 2/98