

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: PERMIT EXTENSION REQUEST

APPLICATION NO.: A-5-RPV-93-005 E3

APPLICANT: Palos Verdes Land Holdings Co. and Zuckerman Building
Companies d.b.a. Ocean Trails

AGENTS: Kenneth Zuckerman, Barbara Dye

PROJECT LOCATION: Palos Verdes Drive South and La Rotonda Drive, comprising 261.4 acres adjacent to Shoreline Park, South of Palos Verdes Drive South, east of the Portuguese Bend Club, extending to mean high tide. 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.

PROJECT DESCRIPTION: Residential subdivision on Palos Verdes Peninsula consisting of two tracts (vesting tentative tract numbers 50667 and 50666) containing 75 single family lots, 18 hole golf course, club house, maintenance yard, four moderate income units, public parks, restrooms, habitat restoration areas, overlooks and trails as further described, conditioned and required on attached Appendix A, Notice of Intent to Issue Amended Permit A-5-RPV-93-005-A5.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission find that the extension request is consistent with the Local Coastal Program and the access and recreation policies of the Coastal Act. Approval of this extension request will extend the expiration date of Coastal Development Permit A-5-RPV 93-005, as amended, to April 15, 1998, one year from the previous date of expiration, and five years from the date of the original Commission approval.

LOCAL AND FEDERAL GOVERNMENT APPROVALS RECEIVED:

1. City of Rancho Palos Verdes, EIR No 36, as amended
2. City of Rancho Palos Verdes Coastal Permit, Vesting Tentative Tract Maps 50666 and 50667, as amended.
3. City of Rancho Palos Verdes Conditional Use Permit 163 revision B
4. United States Fish and Wildlife Service, Habitat Conservation/Habitat Enhancement Plan 1996

SUBSTANTIVE FILE DOCUMENTS:

1. City of Rancho Palos Verdes, LCP (Local Coastal Program) 1982

PROCEDURAL NOTE:

Section 13169 of the California Code of Regulations provide that permit extension requests shall be reported to the Commission if:

1) The Executive Director determines that due to changed circumstances, the proposed development may not be consistent with the Coastal Act, or,

2) Objection is made to the Executive Director's determination of consistency with the Coastal Act.

In this case, the Executive Director determined that there were no changed circumstances that could possibly affect the consistency of the proposed development with the Coastal Act. Subsequently, the Commission received a letter objecting to the Executive Director's determination of consistency with the Coastal Act (Exhibit #3).

If three (3) Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one year period.

I. STAFF RECOMMENDATION

Staff recommends that the Commission grant the extension on the grounds that there are **no changed circumstances** which could cause the project, as originally approved and subsequently amended to be inconsistent with the policies of the certified Rancho Palos Verdes Local Coastal Program or the Public Access and Recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT DESCRIPTION AND HISTORY.

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 Commission approved this project after extensive hearings addressing the issues of habitat, views, and public access and recreation. The project is located on a bluff top and is one of the last large undeveloped shoreline properties in Los Angeles County. The City has a certified LCP (Local Coastal Program) and approved coastal development permits for this and an earlier version of the project.

Although the project was evaluated as a whole, and the public access features and the golf course were designed as an integrated system, the project represents two ownerships. Both the local approval and the Commission's conditions refer to the westerly tract as Tract No. 50666 and the easterly tract as Tract No. 50667, each of which contain residential lots, trails, habitat, and a portion of the golf course.

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 the existing trails on the property, conformance with the LCP and potential conflicts between habitat restoration and recreation. To allow increased development of the site, the applicants included habitat restoration on two adjacent publicly owned properties as part of the project description. 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 Commission, in approving the project on appeal, approved the applicants' proposal, and required the applicants to dedicate in fee 75.5 acres for park, trail and on-site habitat restoration, and to improve trails for bicycles, joggers and pedestrians both within the dedicated activity corridors and along easements connecting the bluff edge with the first major road. The Commission also required the golf course and the clubhouse to be public facilities and the golf course trails to be available to the public during non-golfing daylight hours. The Commission also approved the applicants' proposal to connect the major road, Palos Verdes

Drive South, with the bluff edge and beach over five corridors. Active recreation and recreation support facilities included parking located along a vertical access route (the J road), a 4.9 acre park, Halfway Point Park, a public restroom, and additional parking and public facilities at the clubhouse near the center of the golf course. The Commission adopted trail maps, written conditions, and a public amenities plan. (See Appendix A).

The Commission has approved five amendments to the project. The Commission's approval was amended to relocate several lots and a club house originally proposed for the center of the project geologically stable areas. This relocation was based on additional geologic information that the applicant obtained after the approval of the project. The applicant also sought amendments to reduce the number of market rate lots and develop four units of moderate cost housing, to modify trails to carry out the requirements of the Habitat Conservation Plan as approved by the Department of Fish and Game and the U.S. Fish and Wildlife Service. The applicant also modified the project to add a site leased from the school district to the golf course and to include additional habitat and open space required in a settlement of a lawsuit with the California Native Plant society and the Sierra Club.

Major issues addressed by the Commission in approving the project. The certified City of Rancho Palos Verdes LCP requires that any impact on environmentally sensitive habitat be identified, documented and fully mitigated. The project is located in an area that supports coastal sage scrub and a number of coastal sage scrub dependent species including a threatened bird, the California black tailed Gnatcatcher, other plant and animal species of concern including the Cactus wren and several rare plant species. Because of the presence of the California gnatcatcher, the Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) have required that the applicant to protect nesting areas. After the project was approved by the Commission, the applicant began a lengthy process of preparation of the HCP, Habitat Conservation Plan.

Consistent with the EIR and a preliminary Habitat Enhancement Plan (HEP), the Commission's original approval consolidated habitat areas on both ends of the site in the West Bluff Preserve and the East Bluff Preserve and connected them with the Coastal Bluff Preserve and the Halfway Point Preserve and restored Coastal sage scrub (CSS) habitat areas in Shoreline Park, and outside the coastal zone.

As anticipated by the Commission, the final HCP approved by the resources agencies in 1996 created large areas of consolidated Coastal Sage Scrub (CSS) habitat by preserving the bluff faces, restoring and preserving a continuous buffer along the top of the bluff, including some large areas, and restoring another 120 acres of off-site CSS habitat in order to protect nesting areas. The EIR mitigation

measures and the concepts advanced in the earlier Habitat Enhancement Plan were incorporated into the HCP.

Public access through the site was a major issue. As approved and amended, the project includes several parks and an extensive trail system, many of which are on the edge or face of the bluff. The applicant is providing four trails to the beach on the property and one on the adjacent publicly owned Shoreline Park for a total of five vertical access corridors.

B. GROUNDS FOR OBJECTION TO THE EXTENSION

On, March 13, 1997, the applicant submitted an application to extend Coastal Development Permit A-5-RPV-93-005 (A5). On, April 3, 1997, the Executive Director determined and sent notice that there were no changed circumstances which could affect the proposed development's consistency with the Coastal Act.

One objection letter was received within the ten working day period in which an objection could be submitted to the Commission. The objection, from D. L. McGrew, stated that: 1) the applicant has had more than enough time already to begin construction of the project, 2) that the area in question is located in an extremely delicate landslide zone and that further development in this area will serve to trigger another landslide similar to the one located just to the west in Portuguese Bend, and finally, 3) that the slide at Portuguese Bend has polluted the ocean and failure of this property will increase off-shore siltation. The letter is attached as Exhibit 3.

The criteria stated in Section 13169 of the California Code of Regulations for extending a Coastal Development Permit is the determination if there are any changed circumstances which would affect the consistency of the proposed development with the Coastal Act. In support of this objection, the letter states that there has been some bluff raveling and collapse on the property that happened after the Commission's approval.

The Commission's standard of review in an area where there is a certified LCP is consistency with the certified LCP and the access and recreation policies of the Coastal Act. In its approval of the project, the Commission's consideration of geologic issues were limited to the consistency of the approved or conditioned project to the LCP policies addressing geologic hazards.

D. ISSUE ANALYSIS--TIMELY COMMENCEMENT OF THE PROJECT.

More than enough time to begin construction. The Coastal Act requires an applicant to return to the Commission for an extension if he or she fails to

commence construction within two years of the Commission's approval, and annually thereafter. This is the applicant's third extension request. The Coastal Act does not require that an applicant proceed with a project within any set time limit. Instead, the Coastal Act limits the Commission's review of an extension request to whether there are changed circumstances or new information that could affect the consistency of the development with the Coastal Act. Therefore the first issue "that the applicant has more had more than enough time to commence construction of the project" is not an issue that the Commission is allowed to consider in granting or denying an extension.

E. ISSUE ANALYSIS--GEOLOGICALLY DELICATE AREA. THE PROJECT'S CONSISTENCY WITH THE CORRIDORS ELEMENT OF THE CERTIFIED LCP.

The letter of objection correctly states that geology of this area of the coastline is "delicate." Extensive areas of this property are not stable. The City's LCP discusses landslides and bluff failure at length, and establishes a coastal setback line limiting the seaward extent of development along the edges of bluffs, and also identifies "demonstration areas" in which geologic stability must be demonstrated before development can be approved.

The issues of geologic stability and sensitive resources are addressed in the corridors element of the certified LCP. The Local Coastal Program identifies the tide pools, bluff faces and the area immediately inland of the bluffs as corridors, needing additional investigation concerning public access, habitat, views, and geologic stability. The corridors policies required that residential development be set back from the corridors, or where appropriate, conditioned to protect the resource value of the corridor in question. In addition, the City has established a coastal setback line between residential development and the edge of the bluff. The plan strategy is to protect the most sensitive areas in the City, most frequently found on the edges and face of the coastal bluffs, while allowing development of upland areas.

In approving this project the City required a full geologic investigation and reduced the footprint of the area dedicated to residential use because of geologic instability on the remainder of the parcel. Areas subject to landslides and or bluff failure were devoted to a golf course, public open space, and habitat restoration.

This geologic testing identified unbuildable areas on the site in portions of the site the LCP designated for residential development. Therefore the City did not approve residential lots in the areas that the geologist found to be landslides or otherwise unstable. However, the City did find that certain portions of the site could accommodate residential development. The reason the City has believed that the residential area would be stable is that the bedding planes in those areas,

unlike those under Portuguese Bend landslide and the proposed golf course, dip into the hillside. In the Portuguese Bend slide, bedding planes are lower on the ocean side, forming a ramp along which upper layers of soil can slip. In the area of this project proposed for residential development, the bedding plans are tilted (dipped) so that their lower levels are landward. As a result, any movement is blocked by land. Review of the site continued after the Commission's original approval. After testing additional portions of the site, the applicant amended the project to relocate several lots and the clubhouse away from a landslide area.

One of the issues considered by the Commission on appeal was that the City had permitted a golf course seaward of the coastal setback line. The Commission found that a privately operated public golf course was consistent with the local Coastal Program's coastal set back policy.

In response to geologic safety issues, the Commission, in approving the appeal, required trails in unstable areas to be maintained on the top of the bluff, even if the bluff continued to erode. The Commission's special condition 3 stated:

3. 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 Commission also required that the development, including the individual residential lots, be approved subject to an assumption of risk, which states that the approval is based on information and geologic reports that are the responsibility of the applicant and its successors in interest. The Commission has required this even though the lots are located in areas that the geologist has identified as grossly stable because the identification of these in areas is the responsibility of the applicant and based on the applicant's consultant's work. Condition 18 stated:

18. 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.

While the objector cites new cliff raveling as evidence of new information that could result in a different conclusion, the condition of the cliffs, including the likelihood that additional cliff retreat would occur, was addressed in the original approval. The appellant has provided no specifics regarding raveling of the bluff or new information regarding the geology of the site that could result in a different conclusion on the part of the Commission.

The Commission finds that the delicate geology of the area was analyzed in the City's action and in the appeal. At the time of the appeal the Commission found that the project was consistent with the City's LCP with respect to geologic reports, protection from hazard, and setbacks. The information supplied on the letter of objection raises no new issues with respect to the project's consistency with the corridors element that was not discussed at length at the time of the original approval of the project and its amendments.

F. ISSUE ANALYSIS--WATER QUALITY, OCEAN POLLUTION DUE TO LANDSLIDES.

It is true that the massive Portuguese Bend slide lies to the west of the project, separated by a small neighborhood on the seabluff. It is also true that there is a silt plume at the toe of the Portuguese Bend landslide. Finally, it is true that the siltation has caused some damage to kelp, but, some scientists argue that the silt has also served to protect habitat from toxic deposits which lie in the water.

Again the City discussed the stability of this property at great extent during the hearings on the EIR and the locally issued coastal development permit. The Commission heard a summary of the City's action and imposed its own conditions regarding geologic safety. In both the City's tract conditions and the Commission's conditions there are conditions addressing drainage, infiltration of irrigation water into the sediments, and sedimentation due to grading. It is true that some erosion and raveling of the cliffs will continue to occur. However, the Commission finds that there is no new information regarding slides or ocean pollution that the Commission did not examine in the original coastal development permit and in the appeal. The approved permit reflects the Commission's consideration of geologic safety.

APPENDIX A

STANDARD CONDITIONS AND REVISED SPECIAL CONDITIONS
A-5-RPV-93-005 as amended-through A5 (Palos Verdes Land Holdings/Zuckerman)

NOTE: 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, and A-5-RPV-93-005-A5 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 new lot numbers which will 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 reduces 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.

Exhibits referred to in this document refer to (1) exhibits in A-5-RPV-93-005-A, and (2) to the exhibits attached to this fourth amendment. Maps referred to in the second and third amendments are located in the Commission files.

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.

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 the bluff edge (bluff face is Lot G) extending from

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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 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. 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 Exhibit 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.

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, 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

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

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

Public access to the lots dedicated for habitat preservation purposes above is limited to a) tours, inspections, and educational field trips managed by the Department of Fish and Game, or the Fish and Wildlife Service, or b) the trails shown in Exhibits A and II. 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 except hand removal of invasive plants, or other development with the exception of trails and fences 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:

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 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.

All documents shall be recorded free of prior liens and any other encumbrances which may affect said interest. 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 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 shall be described in metes and bounds. 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 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.**
- (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 shall be described in metes and bounds. The offer shall be recorded free of prior liens and encumbrances which may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, and/or the Secretary of the Interior, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of 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 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 switchbacks to the beach, in a location and manner approved by the Department of Fish and Game (Exhibit 48 and 50) (Trail 2 Exhibit A).

(7) **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.

(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 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 northeastern 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 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:

(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 switchbacks 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 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 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 development approved in this permit shall occur in the trail areas shown in 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.

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

4. ACCESS SUPPORT AND IMPROVEMENTS

Prior to 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 Exhibit 9 except that the locations 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 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 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.**

Installation of the following park and trail improvements 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 Access and Amenities plan of February 5, 1993, including parking lot, "J Road" parking, picnic area,
- b) "J" road, street A, as far as Halfway Point Park.
- c) Bluff overlooks as shown on the Access amenity plan of February, 5, 1993, except that the Executive Director shall require revision to such plan if it requires grading.
- f) Habitat and Golf course safety fencing as approved according to conditions 6 and 7, below.
- g) Temporary bridge over Forrestal Draw, as approved by the resources agencies serving trail 3(A)5.
- h) Parking lot for 25 cars and comfort station on lot E VTTM 50667.

(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.** Installation of the following park and trail 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) Portuguese Bend Overlook improvements, that is, the overlook adjacent to West Bluff preserve in fuel management area adjacent to property line.
- b) Completion of "J" road parking area, all remaining trails, amenities, and facilities outlined in the Public Access and Amenities Plan of February 5, 1993 or otherwise required in the conditions above.
- c) Restoration of Forrestal Draw, Palos Verdes Draw, and Bluff face Areas excavated for drainage facilities, fences or trail construction.
- d) First phase of, 27,000 square foot clubhouse, which shall include restrooms and associated public-serving facilities.
- e) 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 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.

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 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. 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 barbles 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:

- (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 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. 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 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 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.

At the completion of grading of the golf course, the applicant shall complete installation of the park improvements noted above as stage 2 in condition 4. No grading may occur in the next phase of development, until the Executive Director certifies completion of the park

improvements, and that inspection and acceptance of the 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 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 HEP stockpiling provision. Grading plans shall substantially conform to the preliminary plans approved by the City of Rancho Palos Verdes for Vesting Tentative Tract Map No 50666 and 50667 as shown in the EIR. Any changes in the plans required on the basis of new geologic information, including major recompaction or reconstructive grading, shall be reported to the Executive Director of the Commission before the changes are carried out. If the changes represent a substantive change in the plans or grading quantities as approved

by the Commission, an amendment to this coastal development permit will be required.

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 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, 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, within the residentially designated areas (phase IV), except as shown 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.

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.
- 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 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 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.

- 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 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.

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; 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.

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.

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

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:

- 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 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.

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 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 Rotonda 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 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.

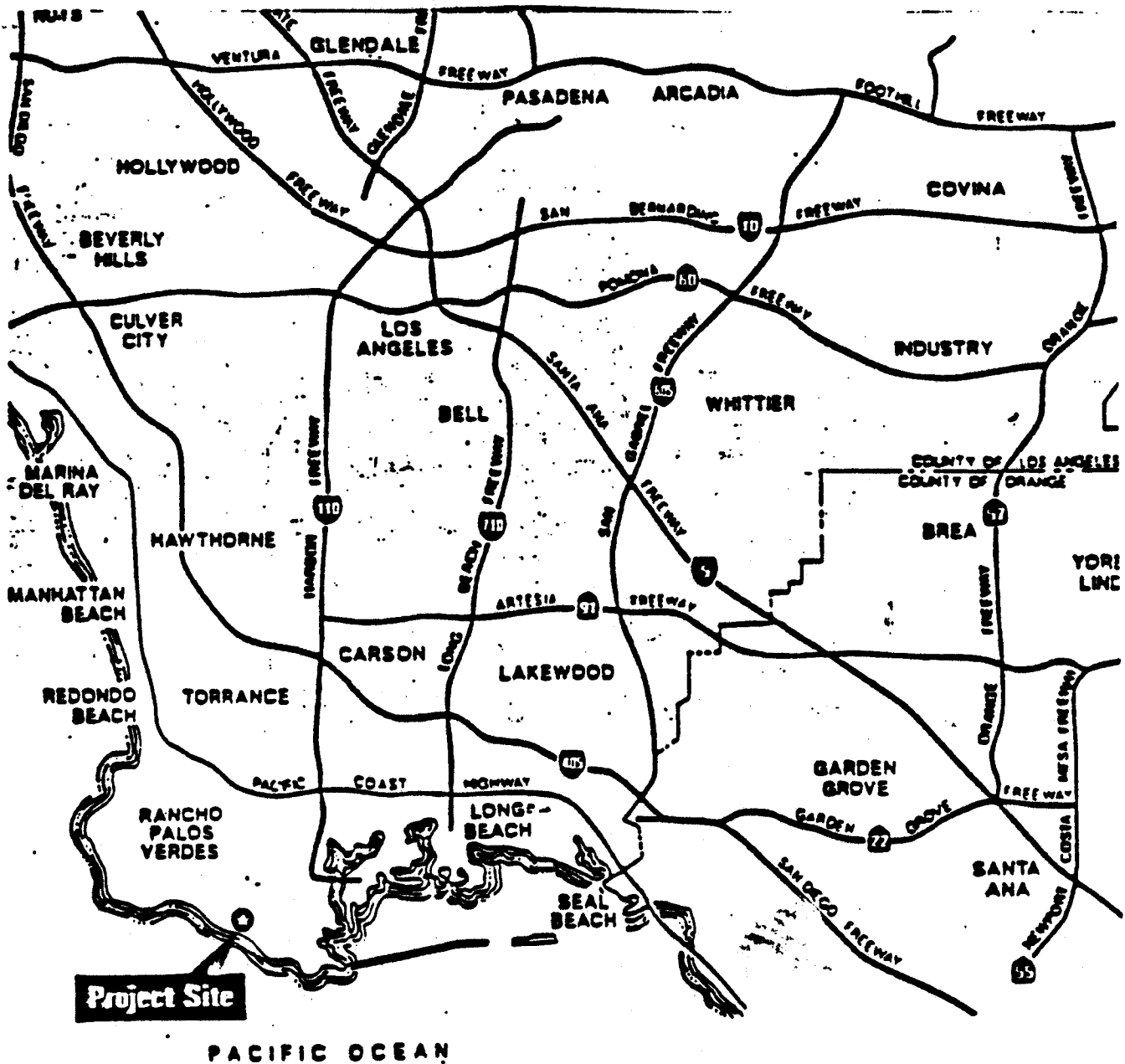
24. Subordination of All Covenants that affect Public Park or Parking Areas.

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.

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.



COASTAL COMMISSION
AS-RPV-93-005-E3

EXHIBIT # 1

PAGE 1 OF 2



Ocean Trails Property - Existing Conditions Biological Resources Report
Vicinity Map

FIGURE
2

COASTAL COMMISSION
A5-RPV-93-005-E3

EXHIBIT # 1
PAGE 2 **OF** 2

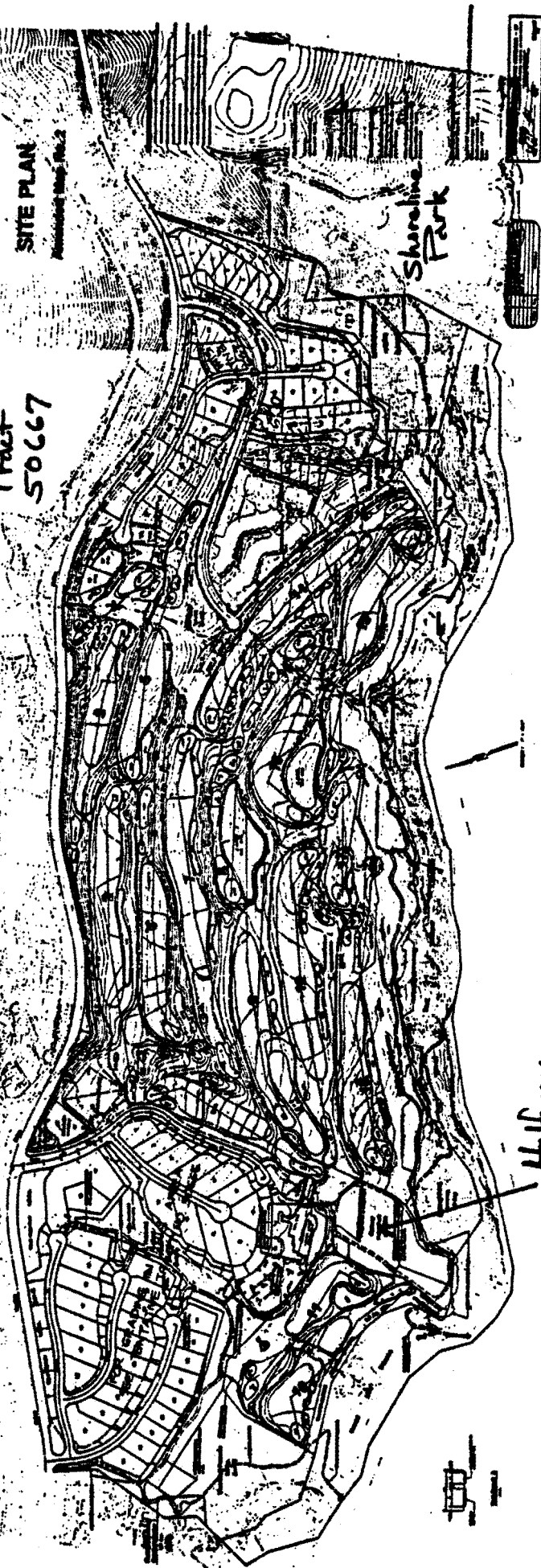
Tract
50666

Tract
50667

Ocean Trails

SITE PLAN

Revised Map No. 2



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CALIFORNIA

COASTAL COMMISSION

A5-RPV-93-005-E8

COASTAL COMMISSION
SOUTH COAST DISTRICT

EXHIBIT # 2

PAGE 1 OF 1

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APR 11 1997

CALIFORNIA
COASTAL COMMISSION

Dennis L. McGraw
4113 Palos Verdes Dr. So.
Rancho Palos Verdes, CA 90275

To: California Coastal Commission
South Coast Area

Re: Permit No.
A5 RRV-93-005

Dear Sirs:

I object to the "Extension Request..." made by Palos Verdes Land Holding Co. & Zukerman Blvd. Co. on the grounds that they have had more than enough time already. I believe that this is the second request.

The other major point I wish to make is that the area in question is located in an extremely delicate landslide zone. Any further development in this area will only serve to trigger another landslide similar to the one located just to the west, in Portuguese Bend.

The land in ~~this~~ the area in question has already moved toward the ocean in some places.

As any personal observation of the area will show, the Portuguese Bend slide has terribly polluted the ocean and killed off much of the sea life at the shore.

Please do not grant the extension. Thank you,
[P# (310) 514-8556] Sincerely, D.L. McGraw

A5 RRV 93-005 E3
Exhibit 3



RANCHO PALOS VERDES

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MAY 2 1997

CALIFORNIA
COASTAL COMMISSION

April 25, 1997

Mr. Rusty Areias, Chairman
California Coastal Commission
200 Oceangate, Tenth Floor
Long Beach, CA 90802-4416

Subject: Coastal Development Permit No. A5-RPV-93-005

Honorable Chairman Areias and Members of the Commission:

In April 1993, the California Coastal Commission originally approved the Ocean Trails project. Since its original approval by the Commission, the project has been amended and undergone additional reviews and approvals by both the City and the Commission. The last revision to the project that was approved by the City took place in September of 1996.

As you are aware, the Ocean Trails applicants, Palos Verdes Land Holding Company and the Zuckerman Building Company, have applied for an extension to Coastal Development Permit No. A5-RPV-93-005. The purpose of this letter is to let you know that the applicants have been diligently working with City staff to satisfy the City's conditions of approval, as well as those of the Coastal Commission.

Due to the complexity of the project, getting to the grading permit stage has taken longer than expected, although significant progress has been made in the last few months. One area where the applicant and the City have taken great care in making sure that a thorough analysis has been completed is the final geologic review of the project to protect public health and safety.

The City of Rancho Palos Verdes respectfully requests that the Commission grant the permit time extension request of the applicants.

Sincerely,

Paul Bussey
City Manager

A5 RPV 93 005
E3

Exhibit 4



**CONVERSE
CONSULTANTS WEST**

50th Anniversary

222 East Huntington Drive, Suite 211-A
Monrovia, California 91016-3500

☎ (818) 930-1200

FAX (818) 930-1212

<http://www.converseconsultants.com/>

Celebrating 50 Years of Dedication in Engineering and Environmental Sciences

May 13, 1997

California Coastal Commission
South Coast Area Office
200 Orangetate 10th Floor
Long Beach, California 90802-4302

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MAY 14 1997

CALIFORNIA
COASTAL COMMISSION

Attention: Mr. Peter M. Douglas
Executive Director

Subject: **STATUS OF GEOTECHNICAL WORK**
Tracts 50666, 50667, and the Ocean Trails Golf Course
Subregions 7 & 8
Rancho Palos Verdes, California
CCW Project No. 96-31-111-01

INTRODUCTION

This letter summarizes the status of geotechnical work completed as of May 1997 for Tracts 50666, 50667, and the Ocean Trails Golf Course in Rancho Palos Verdes, California. Converse Consultants West is the Geologist and Soils Engineer of record for this development generally known as Ocean Trails. Geotechnical reports prepared between 1987 and 1992 by Converse and by Leighton and Associates document a comprehensive analysis of the gross stability of the Ocean Trails site. This work resulted in a Building Line. Seaward of the Building Line, the land has a factor of safety less than code requirement for residential development. This land is to be developed as a golf course. Landward of the Building Line, the land has a factor of safety in excess of code requirement for residential development. All currently proposed residential development is located landward of the Building Line. The location of the Building Line was reviewed and approved by City of Rancho Palos Verdes geotechnical reviewers in 1992. Since then, no change in geologic or geotechnical conditions has occurred that would require a change in the location of the Building Line.

A5RPV 93005
E3
Exhibit 5

A Wholly Owned Subsidiary of
The Converse Professional Group

2142

California Coastal Commission
CCW Project No. 96-31-111-01
May 13, 1997
Page 2

CLOSURE

This letter was prepared in accordance with generally accepted professional engineering geology principles and practice for Los Angeles County at this time. We make no other warranty, either express or implied. Please call if you have questions or would like to discuss this letter in greater detail.

Respectfully submitted,

CONVERSE CONSULTANTS WEST


Douglas S. Santo, CEG 1866
Senior Engineering Geologist

Dist: 2/Addressee
1/Ocean Trails



A 5 RPV-93.005E2

Exhibit 5



Printed on Recycled Paper

Converse Consultants West

p. 2 of 2