

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: PERMIT AMENDMENT**APPLICATION NO.:** A-5-RPV-93-005-A9**APPLICANT:** Ocean Trails LP**AGENT:** Kenneth A. Zuckerman, Project Manager

PROJECT LOCATION: 3850 Paseo del Mar: vacant 261.4 acres seaward of Palos Verdes Drive South and Palos Verdes Drive East, between the City of Los Angeles Boundary and the Portuguese Bend Club at Halfway Point, Habitat restoration includes Shoreline Park, and 98 acres located on Palos Verdes Drive East north of Palos Verdes Drive South. City of Rancho Palos Verdes, Los Angeles County.

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

PROPOSED AMENDMENT 9

The applicant proposes to amend condition 3 (Trails) in order to relocate one of the project's five bluff top to beach trails from the west end of the project to the center of the project. The proposed amendment would eliminate the bluff-to-beach portion of Trail 3.A.14 (West Bluff Beach Access Trail) and create a new beach access trail, Trail 3.A.18, connecting the bluff top pedestrian trail to the beach near the center of the project. The new trail would arrive at the beach near the beach-level

end of a second bluff to beach trail, the San Pedro trail. The proposed amendment would also amend conditions 1 and 3 to allow the accepting agency to install non-locking swing gates at the entrances of the steeper natural trails. The purpose of the gates would be to visually distinguish these trails from the improved trails on the bluff top and give the public warning of the difficulty and natural state of the bluff face trails. Finally, condition 4, relating to completion schedules, would be amended to include the new trail in the second stage of trail improvements.

STAFF RECOMMENDATION

This is the ninth amendment to a residential and golf course project approved in 1993 on the last extensive undeveloped shoreline parcel in Los Angeles County. The Commission's original approval included numerous conditions to provide public access on the site, to protect the coastal California Gnatcatcher, a threatened bird that nests on the site, and to accommodate restored habitat, public recreation and a privately operated public golf course as well as the 83 residential lots (See Appendix A). There have been eight prior amendments to the project, including a reduction in the number of single family lots to 75 and the addition of four lower cost apartments resulting in a total of 79 units. The amendments are more fully described in Appendix B, attached.

The reason the applicant is proposing to relocate this trail is that the only way to construct the trail in its present location and at the same time avoid an endangered plant would be to build steps extending down 130 feet of a near vertical cliff. The anticipated impacts on a dense stand of *Dudleya virens*, an endangered plant, on this cliff has led the USFWS to rescind its approval of the construction of the West bluff beach access trail. As a result of a settlement of a lawsuit regarding the project (Native Plant Society *et al.* vs. California Coastal Commission and City of Rancho Palos Verdes), the City of Rancho Palos Verdes has agreed to accept all park and open space dedications. The City of Rancho Palos Verdes, as the accepting agency, has expressed reservations concerning the safety and stability of the steps, which would be located on a landslide that includes many shards of fractured rock. While the alternate trail is also located on a landslide, landslide C, landslide C includes much more earth material and is less steep. While there are also endangered plants present along the alternate trail, it is feasible to construct the new alternate trail without significant impact on such plants. The applicant has demonstrated that it is possible to create a natural trail with a more reasonable gradient in the proposed new mid bluff beach access trail. (see Exhibit 3). The City of Rancho Palos Verdes, the accepting agency, proposes to install non-locking swing gates at the entrances of the natural bluff face trails so that the public can easily distinguish the improved trails on the site from the natural trails, which are strenuous, steep and subject to erosion.

The staff recommends approval of the proposed relocation of the bluff top to beach connection, and the necessary changes to the wording of the condition. The staff recommends approval of the unlocked swing gates, and necessary changes in Condition 4 to include the new trail in the second stage of trail development. The staff recommends that as conditioned the proposed development with the proposed amendment is consistent with the corridors policy of the certified LCP and the access and recreation policies of the Coastal Act.

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

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

In this proposed amendment to a conditionally approved permit, the proposed revisions are material changes which affect conditions required for the purposes of protecting natural resources and coastal access. Therefore this amendment has been referred to the Commission.

Section 13166 requires that an application for amendment shall be rejected if, in the opinion of the Executive Director, the proposed amendment would lessen the intended effect of a partially approved or conditioned permit unless the applicant presents newly discovered material information, which he could not with reasonable diligence have discovered and produced before the permit was granted.

The conditions of approval anticipate conflicts between the trails as initially identified and the requirements of the resources agencies. Condition 3 of the permit states in part:

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.

Condition 8 states:

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. (Emphasis added)

The Executive Director, in accepting the amendment, found the proposed amendment can be accepted consistent with Section 13166 of the Code of Regulations because the design details of the proposed trail 3.A.14 were not available at the time of original approval, nor were the responses of the Fish and Wildlife Service. Secondly, in June, 1998, the applicant constructed the first of the five bluff face trails required in the permit, the La Rotonda trail, which is located near the east end of the property. Trail construction with hand tools still resulted in the displacement and salvage of 100 endangered *Dudleya virens*. Subsequent to this event, the Fish and Wildlife Service contacted the applicant and the Commission staff by phone and stated that under the terms of the HCP, (Habitat Conservation Plan) an agreement between the applicant and the Service, the Service was rescinding its permission to construct the bluff face portion of the West Bluff Beach Access Trail.

After inspecting the La Rotonda Trail, the City, as the accepting agency, also expressed concerns about the steepness of certain bluff face trails. The City has indicated (Exhibit 4) that it strongly objects to the present design of the West Bluff Beach access trail which after construction would be near vertical. The City now also requests that the project be modified to allow the installation of non locking swing gates delineating the natural portion of the bluff face trails. These gates would not obstruct access, but would communicate to the public the distinction between the smooth surfaced and relatively level bluff top trails and the more natural, relatively unimproved and highly strenuous trails down the bluff face.

The Executive Director finds that the change in location of this bluff face access trail will not affect the number of public access trails and will not lessen the intended effect of conditions imposed to assure that impacts on environmentally sensitive habitat are fully offset. Therefore, the Executive director has accepted the proposed amendment for processing.

STANDARD OF REVIEW:

The applicant proposes to amend a permit approved by the Commission on appeal. Therefore the standard of review is the certified Local Coastal Program and the access and recreation policies of Chapter 3 of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Rancho Palos Verdes Assistant City Manager Carolyn Petru, letter regarding City's views on the safety of certain trails.
2. Department of Fish and Game letter from Bill Tippetts concurring with the relocation of the bluff face portion of the West bluff beach access trail

SPECIAL CONDITIONS AS AMENDED: See Appendix A

PREVIOUS PERMIT AMENDMENTS: See Appendix B.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

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

II. STANDARD AND SPECIAL CONDITIONS- See Appendix A.

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

Specific changes approved in this amendment are the following:

1. Changes to Condition 1:

..... The dedication shall include the right of the developer and the accepting agency, subject to the limitations of relevant portions of this condition one set forth above, 1) to enter the property, 2) to construct and maintain revegetation areas, 3) to construct temporary construction fences and construction access, 4) to construct, install and maintain benches, water fountains, trails, fences, a bridge, turnarounds, signage, staging areas, low barriers, stairs, view overlooks ***safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5)***, and other public improvements including without limitation those improvements described in this condition one, in the project description, in conditions three and four below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, August 28, 1997 and in the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use monitoring wells as recommended by the City geologist provided that the construction and location of such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of this condition one as set forth above.

2. Changes to condition 3:

3.A.14 shall be amended to state:

(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.)

Add 3.A.18

(18) *Mid bluff Beach Access Trail. A trail as shown on amendment 9 Exhibit 3, extending from the bluff edge pedestrian trail near the center of the project to beach level at the seaward terminus of the San Pedro Trail. The trail is to be designed in conjunction with the Department of Fish and Game, and shall include information signage, and other methods to protect vegetation as required by the DFG.*

Explanatory language in the condition 3 shall state:

The offer to dedicate shall also provide that no development, other than: 1) the construction of trails approved in this permit, 2) fences approved in a coastal development permit, 3) vegetation removal except hand removal of invasive plants, 4) installation of public utilities generally as shown on *Exhibit 5, Map G*, 5) the drilling of testing wells and hydraugers generally as shown on *Exhibit 6, Map K* and as recommended by the City geologist, as long as such construction, in the reasonable judgment of the Executive Director, does not materially and adversely affect the purposes of this condition three as set forth above, and 6) ***safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5).*** 7) Installation of the sewer connections and drainage devices approved in this permit and other development approved in this permit, shall occur in the trail areas required in this permit and/or shown on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development

permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described in this Condition 3 except for repair and maintenance of utility connections as authorized in section 30610(d) of the Coastal Act as further described in Section 13253 of the California Code of Regulations.

3) Changes in Condition 4

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

The applicant shall submit construction drawings for the review and approval of the Executive Director of the following park and trail improvements prior to the commencement of construction of the golf Club House . Installation shall commence immediately following rough grading operations for the golf course. All trail and park improvements listed below in subsections B(1) and (2) shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf club house to the public and the opening of the golf course for play.

...

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), A(17) and **A (18)** within Halfway Point Park and 3 B(1), B(2), B(3), and B(4).

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT HISTORY AND DESCRIPTION OF AMENDMENT

On April 15, 1993, the Commission conditionally approved, on appeal, the applicants' proposal for an eighteen hole golf course, 83 single family lots, club house, habitat restoration plan, and park and trail complex on a 261 acre property in Rancho Palos Verdes in Los Angeles County (A-5-RPV-93-005). The applicants included habitat restoration on two adjacent publicly owned properties as part of the project description. The applicants proposed increases in the park and trail system at the public hearing on April 15, 1993. The offers of dedication the applicants made at the hearing included additional acreage over and above the written application in response to issues raised in the staff recommendation and by the public regarding conformance with the LCP and potential conflicts between

habitat restoration and recreation. The final proposal, as approved, included 75.5 acres of dedicated lands in addition to approximately 24,000 linear feet of trails. The trails are located both within the dedicated park and preserve lands and on the golf course and other private land. Within the dedicated park and preserve areas trails are designated but not dedicated separately. Other trails located on private lands will be offered for dedication as easements. The trail system will provide almost continuous bluff edge access, a bicycle and pedestrian trail system, and five trails that lead from the top of the bluff to the toe. Four of these bluff top to beach trails are located on the applicant's property. The fifth is located on shoreline park, an undeveloped county park adjacent to the project that was recently transferred to the City of Rancho Palos Verdes.

In addition to the trails offered by the applicant, the Commission approved this permit with requirements to reserve open land as habitat and to revegetate other areas in order to provide habitat for the coastal California Gnatcatcher (*Polioptila californica californica*), a threatened bird species that nests on the site. Extensive areas both on and off site were required to be dedicated in fee, and revegetated with coastal sage scrub (CSS). Coastal sage scrub is the increasingly threatened habitat type on which the California Coastal Gnatcatcher, the cactus wren (*Campylorhynchus bunneicapillus cousei*) and other increasingly rare and threatened species depend. The conditions require review of the final trails by both the Fish and Wildlife Service and the Department of Fish and Game in consultation with the Native Plant Society. As a result of a settlement of a suit by project opponents, the City of Rancho Palos Verdes has agreed to accept the dedicated open space areas, including the bluff tops and bluff faces.

In approving the project, the Commission required five vertical access corridors to the beach, including trails down the bluff face to the beach. One of these was located on an adjacent undeveloped park, but the remaining four access corridors were to be developed on the applicant's property. The Commission acknowledged, in approving the project, that the geologic stability of the site and the sensitivity of the habitat might result in the relocation of some of the trails. The applicant, at the time of the original approval, had not yet signed a Habitat Conservation Plan (HCP) an agreement with the Fish and Wildlife Service and the Department of Fish and Game which would assure the protection of endangered plants and birds found on the site. The trail condition required that the Service and the Department of Fish and Game concur with the final trail designs, and provided, in Condition 8, that any changes as a result of the Service's refusal to allow a trail would require an amendment to the permit.

As a result of a previous permit amendment, the applicant was granted additional time after the issuance of the permit to provide detailed trail designs. In May 1998, the Service approved the five beach access trails. In June 1998, the applicant constructed the La Rotonda Trail which is located near the east end of the

property. The La Rotonda trail was routed with the cooperation of the Resources agencies to avoid sensitive plants, but its construction resulted in the displacement of 100 rare and endangered *Dudleya virens* plants. After the applicant reported the problem and the actions taken to salvage the displaced plants, the Service contacted the applicant and the staff and indicated that the west bluff beach access trail was no longer acceptable. The applicant found an alternate trail in the middle of the site and submitted this amendment request.

The trail map submitted with this request reflects the location, but not the development standards of the trails required in this permit. Before construction, the applicant will submit final plans of all trails on the property, accurately reflecting the trails as described in condition three of this permit.

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

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

The Corridors element of the City of Rancho Palos Verdes LCP also provides for a recreational access corridor on properties located between the first public road and the sea. In approving this project, as conditioned, on appeal, the Commission accepted the applicant's proposals for a Public Access and Amenity Plan, that provided no fewer than 36.6 acres of public parks both along the bluff top and at the project entrance. Ultimately 8.3 acres of the dedicated open space was identified for active recreation. In approving this project the Commission required a continuous bike path, and a separate pedestrian path looping around the developed areas of the project and providing access to the bluff. The Commission also required five accesses to the beach that would traverse the bluff face and consolidate the existing pioneered paths that lead down the bluff.

In taking this action, the Commission also noted that the golf course, which will be a privately operated course open to the public, also provided recreation. The Commission found that the Public Access and Amenity Plan was consistent with the corridors policy of the LCP and the access and recreation policies of the Coastal Act. The Commission approved the project with 75.5 acres of land dedicated for

habitat and public access purposes and found that the project protected existing access on the site and provided for public access and recreation.

As noted above, the conditions of approval anticipate conflicts between the trails as initially identified and the requirements of the resources agencies. Condition 3 of the permit states in part:

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.

The standard of review in the permit for the relocation of the trail is whether the trail provides equivalent access to the originally approved trails. Specifically condition 8 states:

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. (Emphasis added)

The issue raised by this amendment is whether a trail in the center of the property provides equivalent access to the shoreline to that provided by the west end trail: 1) Would the proposed alternate trail provide access to the beach? 2) Would the proposed alternate trail provide access to the beach for pedestrians entering on the west end? 3) Would the proposed alternate trail enhance the recreation experience? The proposed alternate trail would provide access to the beach, but it would not provide a direct route from Palos Verdes Drive as originally envisioned. It would be directly connected with the west end jogging trail which continues through Halfway Point park along the bluff. However, the trails beginning and ending at Halfway Point Park, the Torrance Trail and the San Pedro Trail would provide much better access for those entering from the west end than this trail. However, it would provide a much easier access route to the beach, highly

accessible to both public parking lots, and would, in conjunction with the San Pedro and bluff top trails provide a loop near the center of the property. This loop would provide excellent opportunities to view the beach and the natural habitat on the bluff face. Secondly, this proposed trail is much less steep, which makes it inherently more accessible to the majority of the public. It would provide places where a person can pause without obstructing the trail, unlike the 130 foot uninterrupted staircase on the bluff portion of the West Bluff Beach Access Trail. the new trail will be strenuous but much easier for the majority of visitors. The Commission finds that the improved quality of this trail will offset its location in the center of the property. The west end will still be accessible via a foot trail and a bicycle trail and a bluff top viewing area.

After completion of the La Rotonda Trail, City officials expressed concern about the safety of visitors. Officials were particularly concerned that a visitor might not distinguish between the improved and easy bluff top trail and the more natural and steep trails located on the bluff. Visitors unprepared for hiking could be injured on rough natural trails. City officials believed that it would be prudent to warn visitors by signs, and unlocked swing gates, about the difference in quality of the two trails. Such gates would not prevent access, and would remain unlocked, but would warn that the bluff face trails are natural and unimproved.

As designed, the proposed alternate trail would provide equivalent access to the beach and bluff face. The new trail 18 can adequately substitute for the bluff portion of the West Bluff Beach Access trail. Swing gates would not prevent public access but will distinguish natural hiking trails from the jogging trails located on the bluff top. As conditioned, the project is consistent with the Access and Recreation policies of the Coastal Act and the certified LCP because, as discussed above, maximum access will be provided and existing access will be preserved.

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

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

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

There also exist...a number of significant wildlife habitats which are directly associated with vegetation communities. These are generally found on bluff

faces and natural canyon areas where wildlife thrives due to the protection and food found from the natural vegetation....

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

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

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

- 8. Require developments within or adjacent to wildlife habitats (CRM 9) to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact. (emphasis added) (LCP page N-46)**

The approvals of both the City and the Coastal Commission incorporated the provisions of the draft HEP approved jointly by Department of Fish and Game and the Fish and Wildlife Service in February 1993. They also acknowledged that the Resources agencies would, in cooperation with the applicant develop and agree upon a final habitat protection plan (HCP).

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

The Rancho Palos Verdes certified LCP includes a Natural Environment element, in which it identifies various natural features of the City, including drainages, cliffs, landslide areas and steep slopes and establishes constraints for development in these areas. The seawardmost slopes of the project area are identified as extreme slope and geologic hazard (CRM 1 and 3) The policies of the LCP with respect to these identified areas are the following:

CRM 1 Extreme Slope. The purpose of this district is to regulate use development and alteration of land in extreme slope areas so that essential natural characteristics such as landform, vegetation and wildlife communities scenic qualities and open space can be substantially maintained. The district further considers the risks to public safety from earth slide and slip, erosion and attendant siltation.....

CRM 3 Hazard Areas having the most severe topographic and geologic problems have been included in CRM 3a. Most of these areas are characterized by steep broken topography and include the steeper sections of seaciff, most of the active Portuguese bend landslide within the coastal region, and several seep walled canyons. The higher and steeper portions of the sea cliff are mainly rock exposures, however, in some sections in the southern part of the city a lower but equally steep sea cliff has been cut in ancient landslide deposits. Geologic hazards associated with the sea cliff include coastal erosion and landsliding....

Category 3b. Essentially the same restrictions that apply to CRM 3a also apply to CRM 3b. The only significant difference is that the 3b areas are suitable for the development of hiking trails. ..

The west bluff area is entirely designated CRM 3a; the bluff in the center of the project is designated both CRM 3a and CRM 3b, but in fact, is less steep and can accommodate a trail across the bluff. The applicable Natural Environment Element policies include standards for development of these sensitive areas. They state:

2) Require any development within coastal resource management district of high slopes and insufficient information to perform at least one and preferably two independent engineering studies concerning the geotechnical soils and other stability factors.

3) Allow no new permanent structures within Coastal resource management district of extreme hazard and be cautious of allowing human passage ...The same structural limitation applies to areas of high hazard but human passage may be more readily allowed

After surveys conducted during the process of approval of this permit, several endangered species were identified on this site. As noted above, the cliff faces were identified as the most sensitive sites with respect to plant habitat due to the presence of several listed species and species of concern on the bluff faces and bluff edges. One of these species is the Bright green Dudleya, *Dudleya virens*. After approval of the coastal development permit, the developer signed a Habitat Conservation Plan (HCP) with the Fish and Wildlife Service and Fish and Game. This HCP identified the *Dudleya virens* as a species of concern and agreed that

development on the bluff faces would be monitored and would go forward, pursuant to the HCP, only with approval by the Resources agencies.

As described above, the Resources agencies visited the site before construction of any of the paths and agreed to a route. As a result of agency concerns, the West Bluff Beach Access trail was redesigned from a switchback concept to a system of stone steps set into the hill. The reason for this redesign was that there were so many *Dudleya virens* plants on the hill that a vertical stairway would most easily avoid the plants. However, the difficulties involved in construction of the La Rotonda trail were so serious that the Service withdrew its permission for construction of the second trail. The alternate trail now proposed by the applicant has been reviewed by the applicant's biological monitor, the Native Plant Society and the City of Rancho Palos Verdes. On the basis of this review the Resources agencies have agreed to its substitution for the west bluff beach access trail (bluff portion). The proposed alternate trail can be constructed without significant clearance or damage to plants, and follows an established trail. Therefore, as proposed, the new trail is consistent with the natural corridors element of the City of Rancho Palos Verdes LCP.

D. California Environmental Quality Act

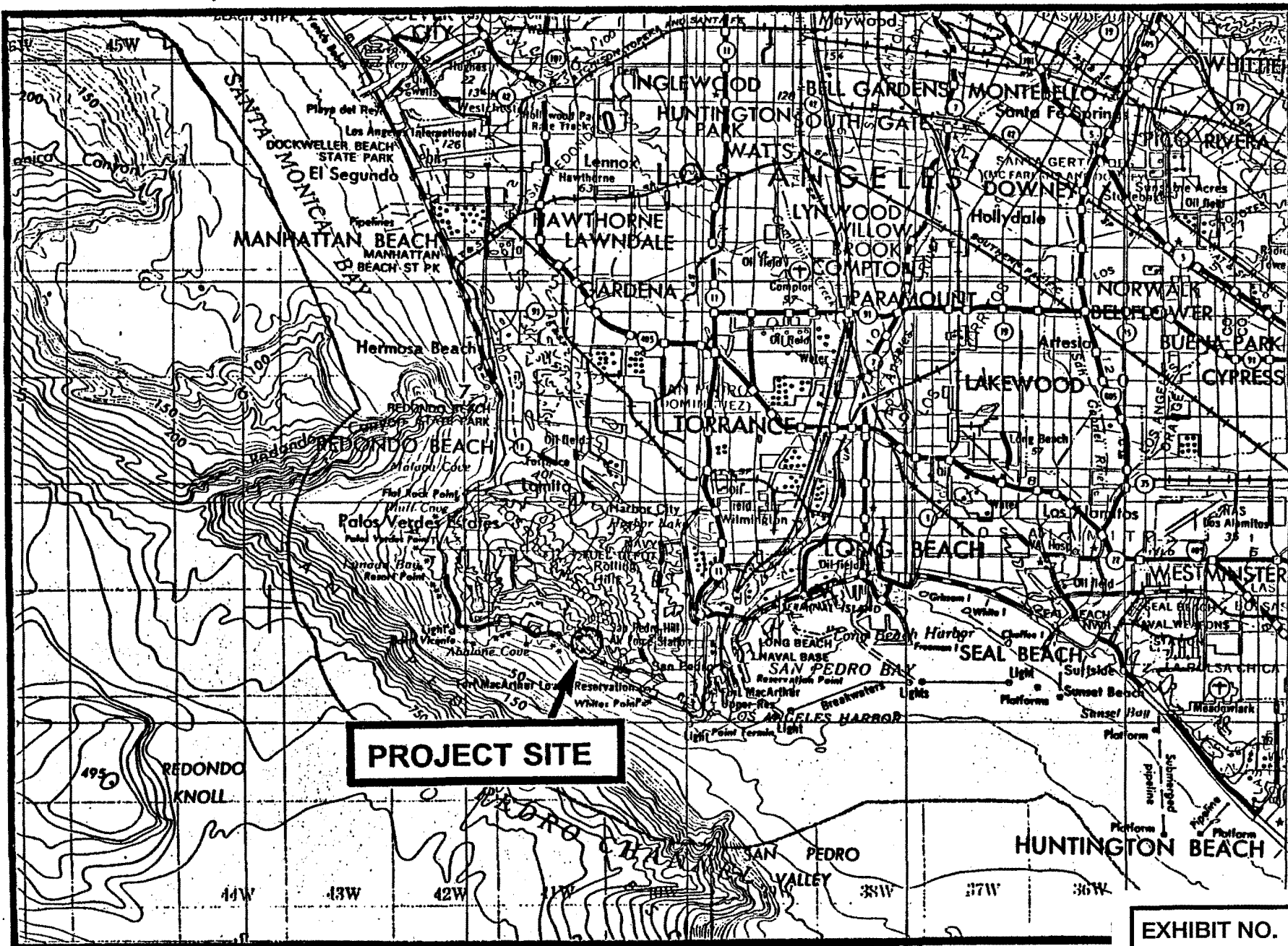
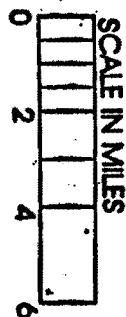
Section 13096(a) of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located on the last undeveloped shoreline parcel of any significant size in Los Angeles County. Endangered species have been identified on the site, geologic hazards have also been identified, and existing trails have been surveyed. Numerous studies have been undertaken concerning these issues, and the original permit, and the proposed amendment have been conditioned to assure that the project will not have a significant adverse impact on coastal access or resources, and is consistent with the certified LCP policies relative to public access, recreation, habitat, and natural hazards. Alternatives have been considered, including alternative access amenities. The proposed development is consistent with the access policies of the Coastal Act and the policies of the certified LCP. There are no other feasible mitigation measures or alternatives which would lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the certified LCP and the access policies of the Coastal Act.

9305am9

Adapted from Long Beach U.S.G.S. Quadrangle Map



RANCHO PALOS VERDES

Regional Map

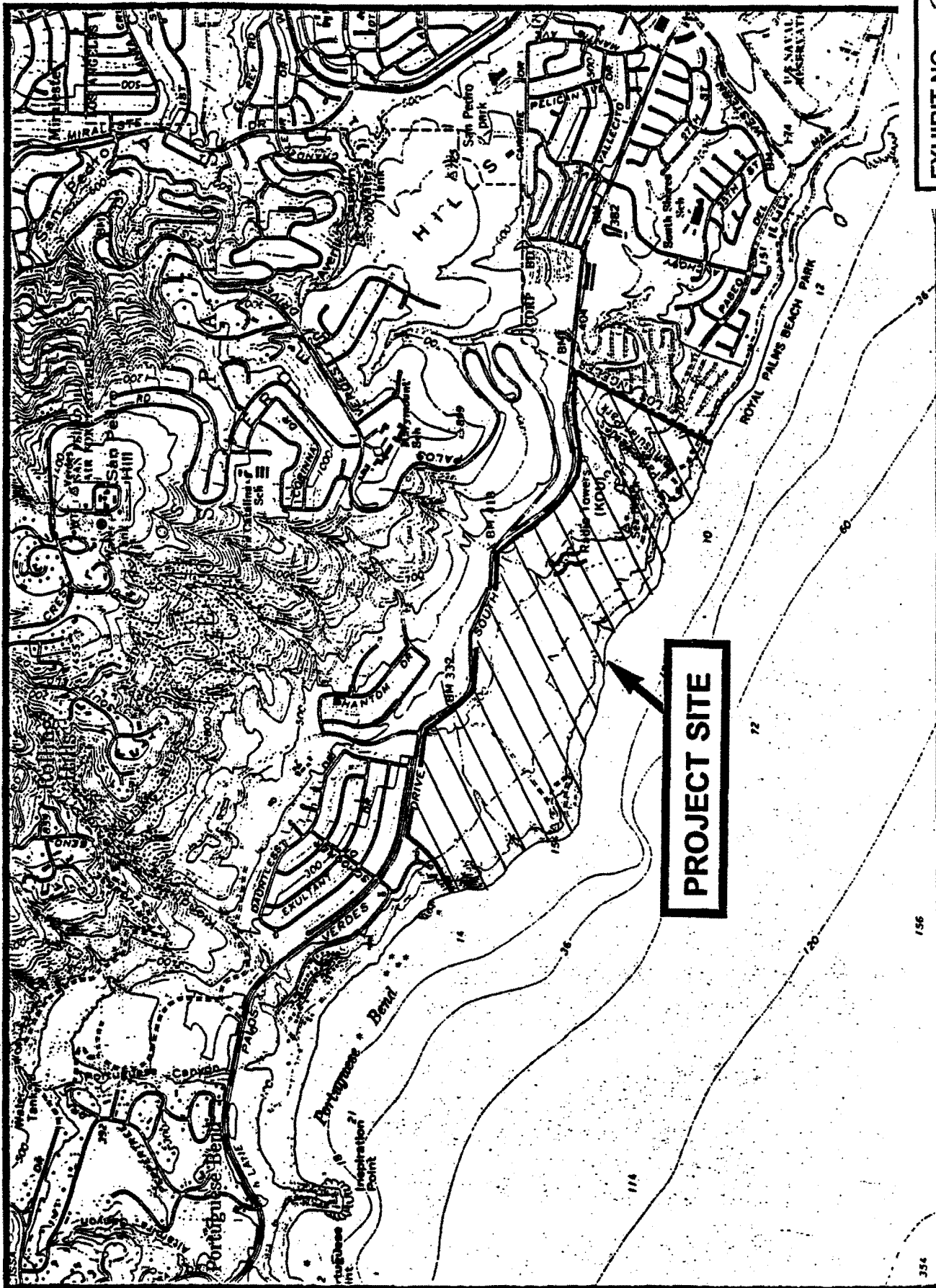
A-5-RPV-93-005-A 9 GLENN LUKOS AS
Exhibit 1 Regional map

EXHIBIT NO. 1

APPLICATION NO.

A-5-RPV-93-005-A9

Regional MAP



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

SCALE

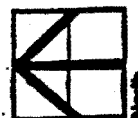
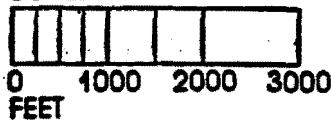


EXHIBIT NO. 2
APPLICATION NO.
A-5-RPV-93-005-A9
Regional Map

A5 RPV 93 005 A9
GLENN LUKOS
Regional map
Exhibit

RANCHO PALOS VERDES

Vicinity Map



July 13, 1998

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

Dear Ms. Emerson,

Upon the advice of our Restoration Ecologist, the Ocean Trails Project is requesting a change in the current requirement for coastal access trails through the Project. We are requesting the change because of the habitat impacts that were encountered during construction of the now-completed La Rotonda Trail. Based on that experience, we have reevaluated the required trails. After consultation with the Project's Trail Consultant, Restoration Ecologist, and Geologist, and discussions with the U.S. Fish & Wildlife Service and the California Department of Fish and Game, we have determined that the negative impacts of the West Bluff Beach Access (CCCA(14)) will be similar in magnitude to those of the La Rotonda Trail.

The Project has identified a location for an alternate trail that would have significantly fewer adverse impacts than the West Bluff Beach Access (CCCA(14)) and would provide equivalent coastal access. The location of this trail is marked on the maps and photograph enclosed with this letter. The new trail would provide a loop for hikers to access the coast and tidepools in the central part of the project without returning by the same trail.

Although the proposed new trail is through a landslide area (as is the West Bluff Beach Access), it is on a bench that was cut some time ago, possibly for geologic testing. The bench is on a fairly stable slope, and the trail would require minimal work to improve it to an acceptable level. Enclosed with this letter are letters from the Project Restoration Ecologist and the Project's Trail Consultant expressing their opinions of the West Bluff Beach Access and the proposed new trail.

3850 Paseo del Mar, Rancho Palos Verdes, CA 90275
310-265-5525; fax 310-265-5522

*Correspondence from
Applicant*


*A 5 RPV-
Exhibit
P1*

EXHIBIT NO. 3
APPLICATION NO.
A-5-RPV-93-005-A9
Pg 1 of 2

We hope that you will agree that this is an improvement to the coastal access provided by the Project. Please let us know what the procedure would be for making this change.

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

Sincerely,



Kenneth A. Zuckerman, CEO
Ocean Trails, LP

cc Carolyn Petru, City of Rancho Palos Verdes
Mary Beth Woulfe, U. S. Fish and Wildlife Service
Bill Tippets, Ca. Dept. of Fish and Game

3850 Paseo del Mar, Rancho Palos Verdes, CA 90275
310-265-5525; fax 310-265-5522

A5RPV
Exhibit

EXHIBIT NO. 3
APPLICATION NO.
A-5-RPV-93-005-A9
Pg 2 of 2

Portuguese Bend
Overlook/Buffer

1.0 Ac.

(Lot D)

PEDESTRIAN, BIKE &
HANDICAPPED ACCESSIBLE
TRAIL

West Bluff Preserve
7.0 Ac.
(Lot E)

PEDESTRIAN TRAIL

PEDESTRIAN TRAIL

PEDESTRIAN
FIRE ACCE
32

PEDESTRIAN
& BIKE TRAIL

East-West Bluff

BEACH ACCESS TRAIL FOUR

Coastal

Bluff

West Bluff Beach Access

GUN EMPLACEMENT
TORRENCE TRAIL

COASTAL COMMISSION

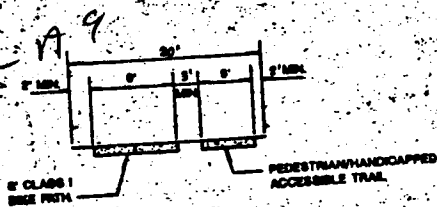
A-5-RPV 93-005-A9

EXHIBIT #

P3 Exhibit 4

PAGE

7 OF 112



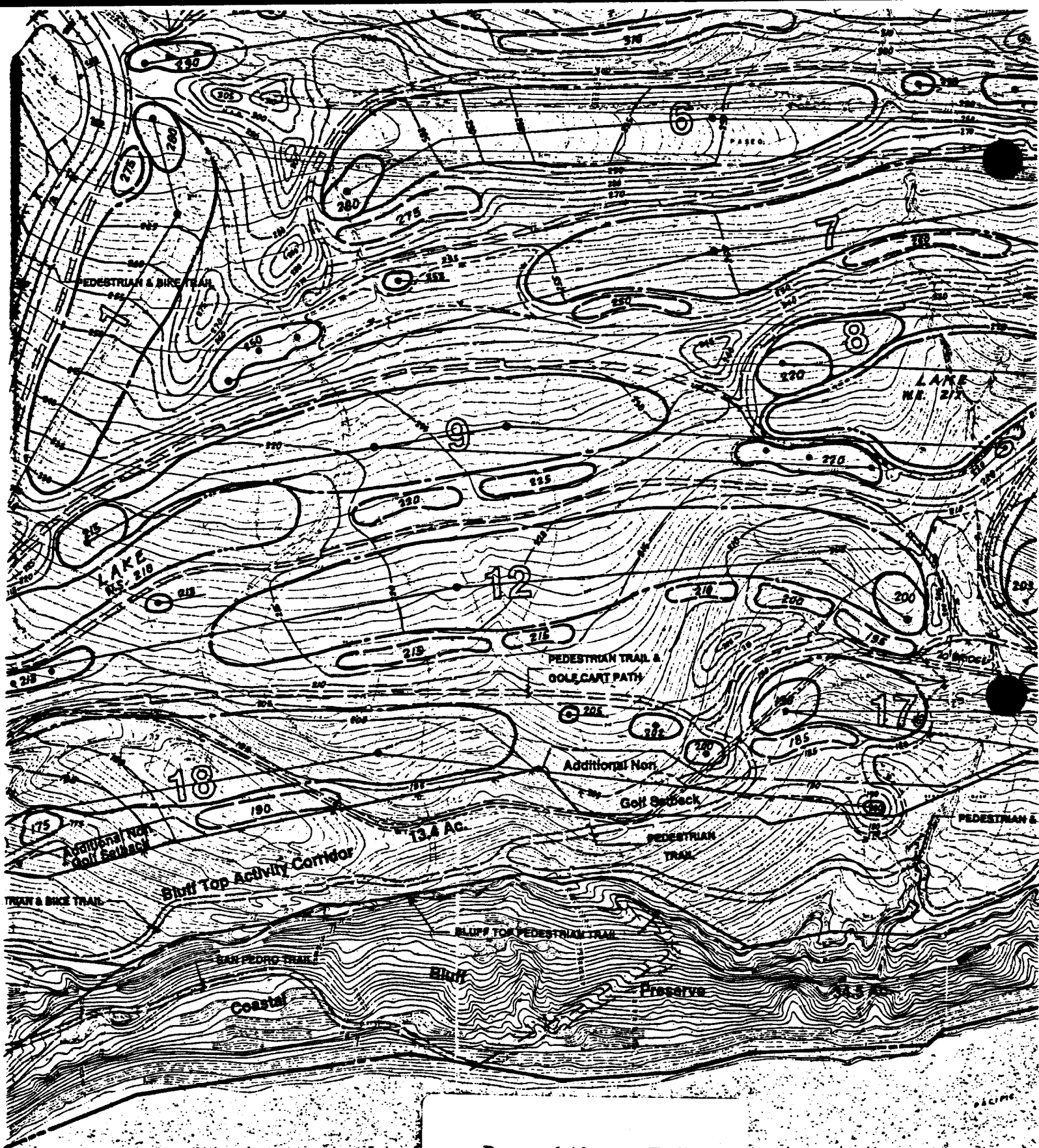
Trail Detail A
N.T.S.

Old Trail

EXHIBIT NO. 4

APPLICATION NO.

A-5-RPV-93-005-A9

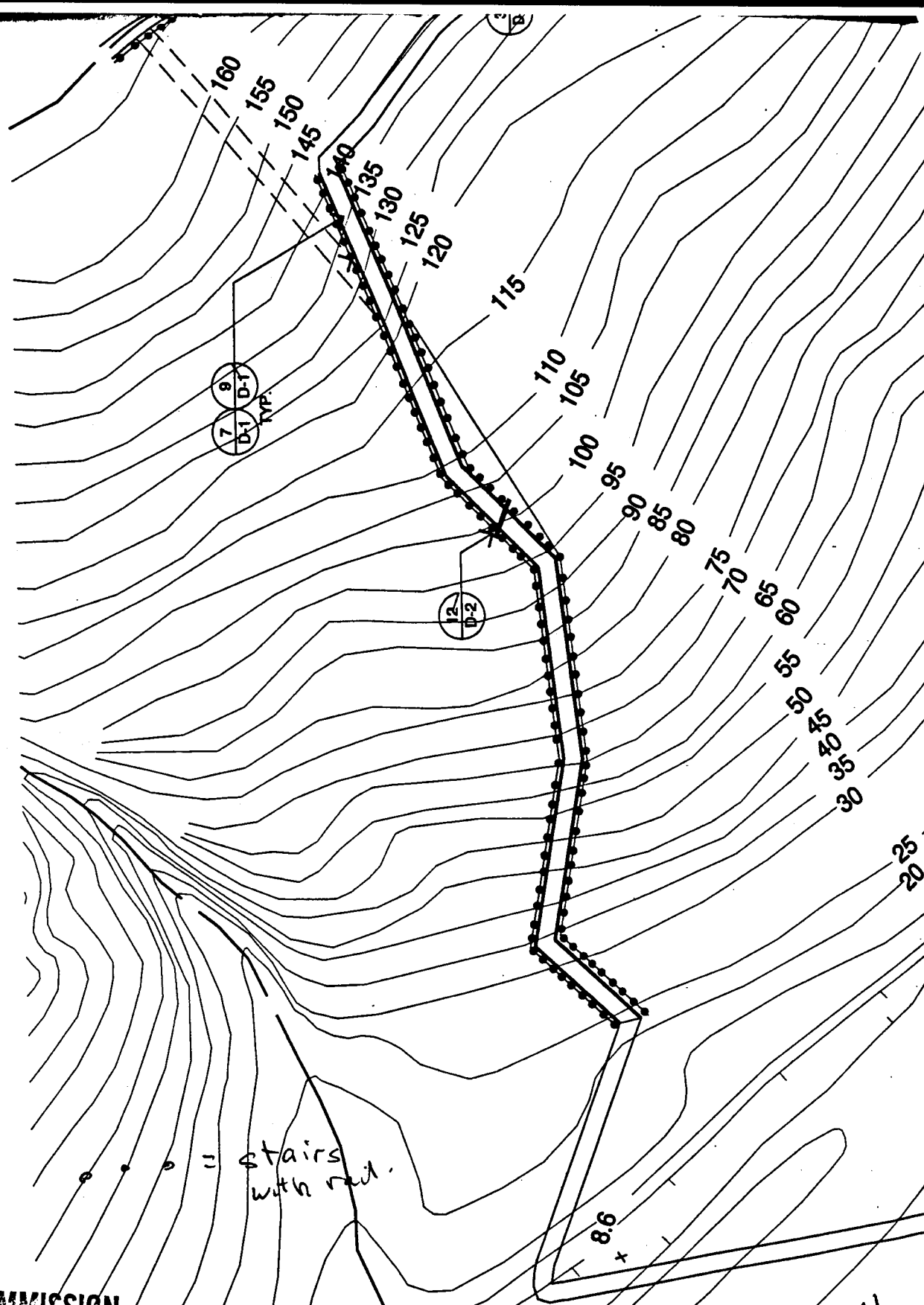


Proposed Alternate Trail

COASTAL COMMISSION

EXHIBIT # A-5-RPV-93-005 exhibit 5
 PAGE 4 OF 4

EXHIBIT NO. <u>5</u>
APPLICATION NO.
<u>A-5-RPV-93-005-1A9</u>



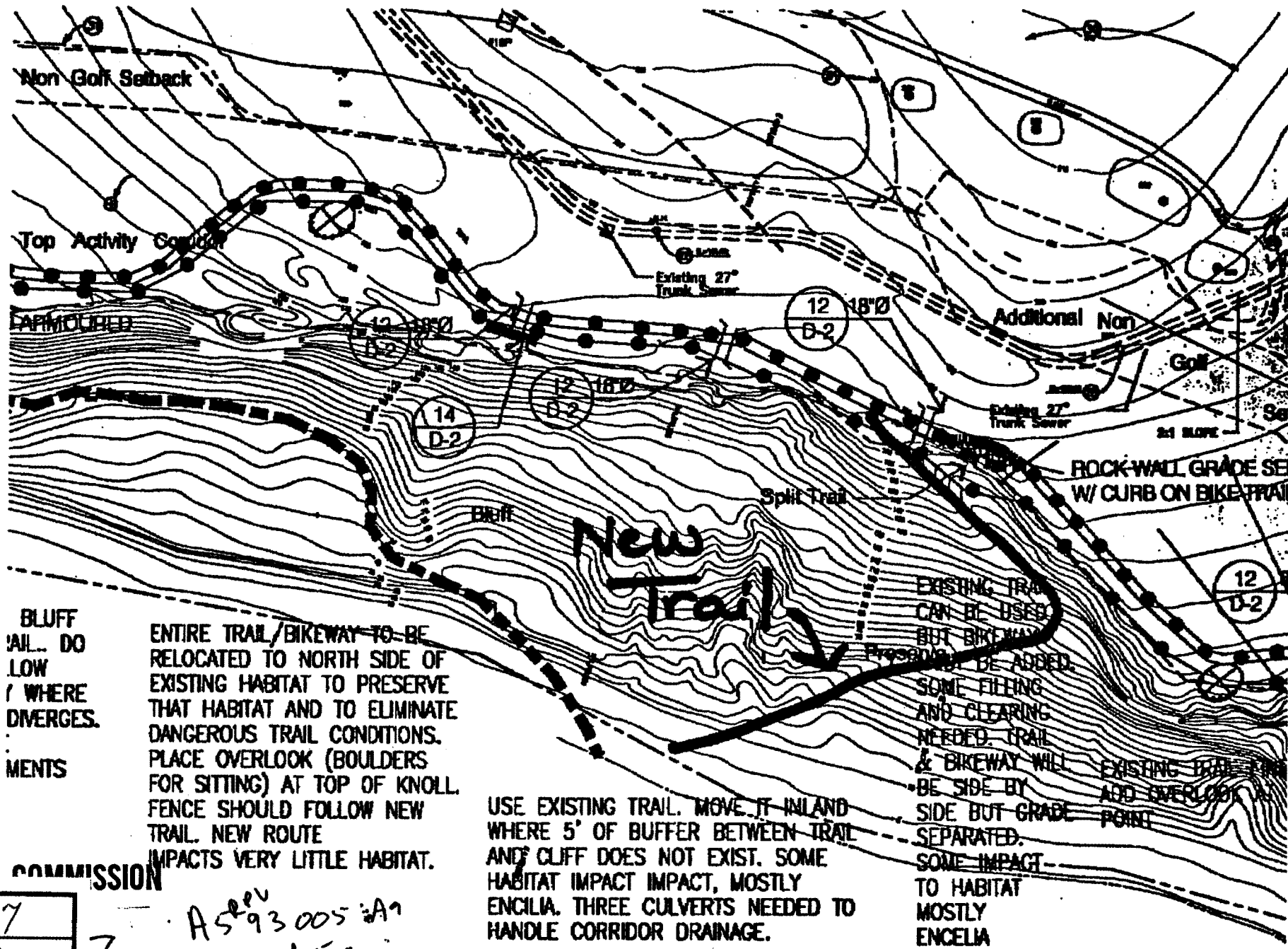
COASTAL COMMISSION

EXHIBIT # A5 REV 93 JCS
PAGE 1 OF 1

Exhibit C - Detail old trail

~~West Bluff
Trail -
detailed
drawing~~

EXHIBIT NO.	6
APPLICATION NO.	
A-5-RPV-93-005-A9	



BLUFF
AIL. DO
LOW
(WHERE
DIVERGES.
MENTS

ENTIRE TRAIL/BIKEWAY TO BE
RELOCATED TO NORTH SIDE OF
EXISTING HABITAT TO PRESERVE
THAT HABITAT AND TO ELIMINATE
DANGEROUS TRAIL CONDITIONS.
PLACE OVERLOOK (BOULDERS
FOR SITTING) AT TOP OF KNOLL.
FENCE SHOULD FOLLOW NEW
TRAIL. NEW ROUTE
IMPACTS VERY LITTLE HABITAT.

USE EXISTING TRAIL. MOVE IT INLAND
WHERE 5' OF BUFFER BETWEEN TRAIL
AND CLIFF DOES NOT EXIST. SOME
HABITAT IMPACT, MOSTLY
ENCILIA. THREE CULVERTS NEEDED TO
HANDLE CORRIDOR DRAINAGE.

EXISTING TRAIL
CAN BE USED
BUT BIKEWAY
WILL BE ADDED.
SOME FILLING
AND CLEARING
NEEDED. TRAIL
& BIKEWAY WILL
BE SIDE BY
SIDE BUT GRADE
SEPARATED.
SOME IMPACT
TO HABITAT
MOSTLY
ENCILIA

EXISTING TRAIL
ADD OVERLOOK
POINT

COASTAL COMMISSION

EXHIBIT NO. 7
APPLICATION NO.
A-5-RPV-93-005-A9

7

A5^{REV}93005: A7
Exhib 5

applicant's proposed
change

EXHIBIT NO. 8

APPLICATION NO.

A-5-RPV-93-005-A9

W. Bluff
Trail
(to be
eliminated)

Torrance
Trail

San Pedro
Trail

Proposed
new
trail

La Bodega
Trail

Shoreline
Park Trail





A5-RPV-93-005-A9

RECEIVED
JUL 17 1998

CALIFORNIA
COASTAL COMMISSION

July 13, 1998

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

Dear Ms. Emerson,

The City of Rancho Palos Verdes and the California Coastal Commission have agreed that the Ocean Trails Project should install self-closing swing gates at the top of two or three of the coastal access trails. The gates would have signs that would make it clear that the trails are steep and soft-footed. By passing through them, the public would recognize the nature of these trails. A proposed design detail for such a gate is included with this letter.

The Project has no objection to adding these gates, and would like the Conditions for the Project modified to make their installation possible.

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

Sincerely,

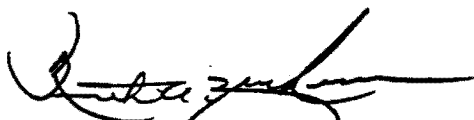

Kenneth A. Zuckerman, CEO
Ocean Trails, LP

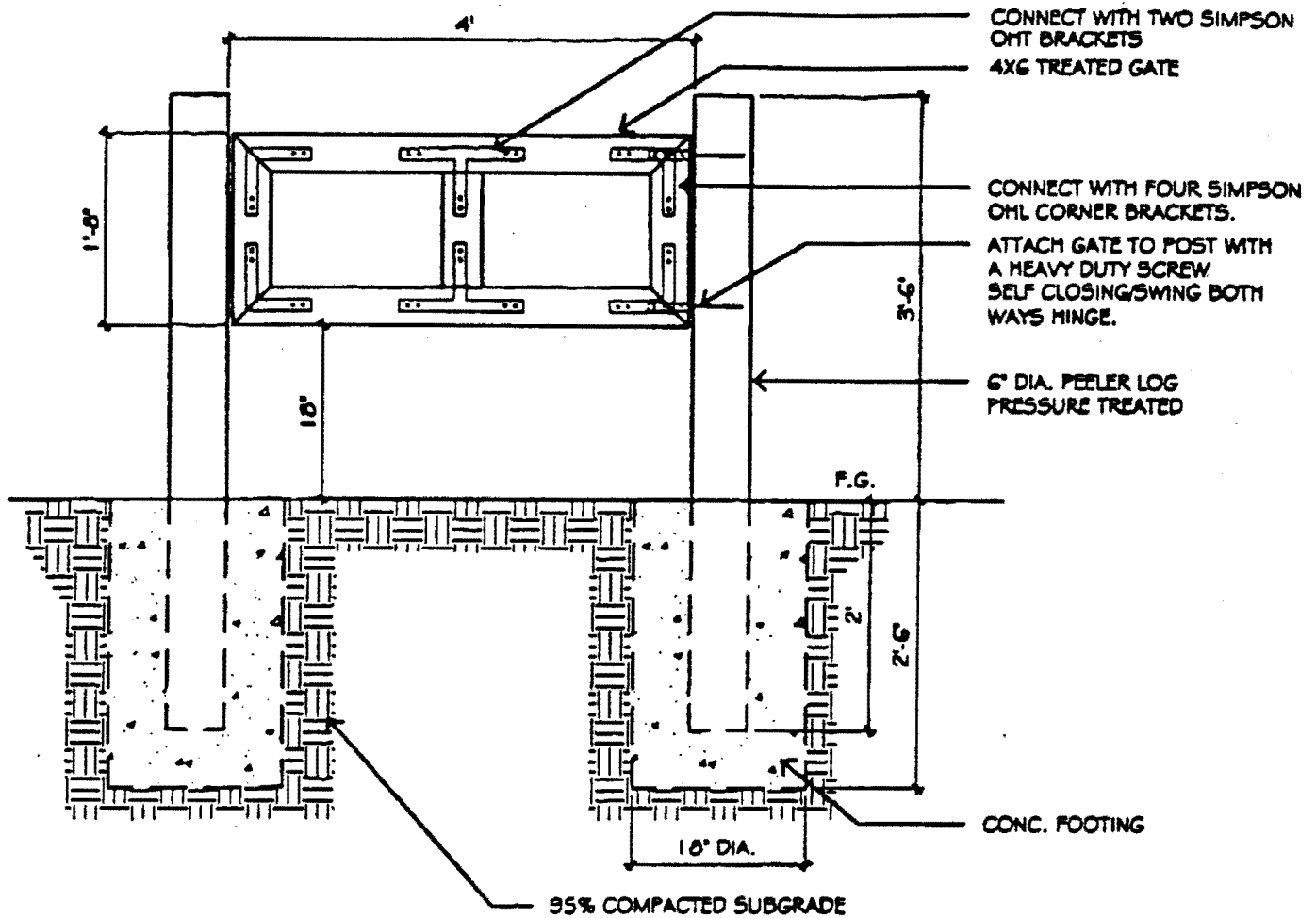
EXHIBIT NO. 9
APPLICATION NO.
A-5-RPV-93-005-A9
Pg 1 of 2

05A9

cc Carolyn Petru, City of Rancho Palos Verdes
Mary Beth Woulfe, U. S. Fish and Wildlife Service
Bill Tippetts, Ca. Dept. of Fish and Game

GATE Letter

3850 Paseo del Mar, Rancho Palos Verdes, CA 90275
310-265-5525; fax 310-265-5522



17 GATE DETAIL

NO SCALE

CC
-
E
I

EXHIBIT NO. 9

APPLICATION NO.

A-5-RPV-93-005-A9

Pg 2 of 20

93005 A9



RANCHO PALOS VERDES

JUL 14 1998

CALIFORNIA
COASTAL COMMISSION

July 17, 1998

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

Subject: Amendment 9 to Permit A-5-RPV-93-005

Dear Ms. Emerson:

I have received copies of the recent correspondence between you (letter dated July 6, 1998) and Ocean Trails LP (letter dated July 13, 1998) regarding the beach access trails associated with the Ocean Trails project. I understand that, based on the experience gained recently by constructing the La Rotonda Beach Access Trail, the developer is requesting an amendment to the Coastal Development Permit to eliminate the West Bluff Beach Access Trail and substitute it with an alternative trail alignment located near the San Pedro Beach Access Trail.

The City is in favor of eliminating the West Bluff Beach Access Trail due to geologic conditions in this area which may make the trail unsafe for public use and the high potential for disturbance and erosion in an area of sensitive coastal bluff scrub habitat. Since the City will have eventual ownership and legal responsibility for any alternative trail route that may be required by the Coastal Commission, the City would like to reserve the right to review the construction plans, inspect the finished trail and require additional modifications as necessary, such as installing additional water bars to minimize erosion or appropriate warning signage.

In a related matter, I understand that the amendment request also includes allowing the installation of unlocked swing gates at the tops of the steeper beach access trails. The City fully supports this request since, in conjunction with appropriate signage, the gates would help to alert the public to the fact that these are basically unimproved, rustic trails and that appropriate caution should be exercised when using them.

*Correspondence
from City*

COASTAL COMMISSION

A5 RPV 93005

EXHIBIT # 10 City letter

PAGE 1 OF 6

EXHIBIT NO. 10
APPLICATION NO.
A-5-RPV-93-005-11
Pg 1 of 6

Emerson: Amendment 9 to A-5-RPV-93-005
July 17, 1998

If you have any questions or require further information, please feel free to contact me at (310) 377-0360.

Sincerely,

Carolynn Petru

Carolynn Petru
Assistant City Manager

cc: Les Evans, City Manager
Joel Rojas, Director of Planning, Building & Code Enforcement
Kenneth Zuckerman, Ocean Trails LP

COASTAL COMMISSION

A 5 RPV 93 005 A9

EXHIBIT # 4 10

PAGE 2 OF 6

EXHIBIT NO.	10
APPLICATION NO.	
A-5-RPV-93-005-A9	
pg 2 of 6	



RANCHO PALOS VERDES

June 25, 1998

RECEIVED
JUN 29 1998

Kenneth A. Zuckerman
Ocean Trails, LP
3850 Paseo del Mar
Rancho Palos Verdes, California 90275

CALIFORNIA
COASTAL COMMISSION

Subject: Bluff Top Activity Corridor Trails Plan

Dear Mr. Zuckerman:

This is in response to your letter of June 19, 1998 regarding the City's review of the Bluff Top Activity Corridor Trails Plan. As you indicate in your letter, in order to accommodate your construction schedule, staff gave a verbal approval to allow the construction to begin on the public trails located east of the bicycle trail turn-off, including the construction of two coastal access trails to the beach (the La Rotonda Trail and the coastal access trail in Shoreline Park).

On June 9, 1998, prior to the completion of the construction of the La Rotonda Trail and at the request of your assistant, Barbara Dye, staff from the City and Coastal Commission conducted a site visit to the property to inspect this beach access trail. As a result of the site visit, both City and Coastal Commission staff have serious concerns that this trail will be safe for public use. City staff is particularly concerned about the steepness of the trail, the constant sloughing of rocks and soil from the steep slopes above each switchback and the fact that the soil may not be stable enough to support safety fencing, as called for on the submitted plans. City staff has not had an opportunity to inspect the completed coastal access trail in Shoreline Park.

Subsequent to the field visit, Coastal Commission and City staff had a telephone conversation where we discussed the possibility of eliminating the La Rotonda and West Bluff Preserve Trails from the project. City staff is also extremely concerned about similar impacts associated with the construction of the Torrance Trail and would like to discuss the elimination of this trail from the project with the Coastal Commission staff. We have already set up a meeting between our two agencies to discuss these issues. Although we are aware of the Ocean Trails construction schedule, until these issues are resolved, City staff feels that it is not appropriate to comment on the design of the other beach access trails at this time. However, staff has completed a review of the remaining trails in the Bluff Top Activity Corridor Trails Plan. The comments are attached to this letter as Exhibit "A".

COASTAL COMMISSION

AS RPV 93 005 A9

Exhibit 10 p 3

EXHIBIT # 10047 HAWTHORNE BOULEVARD / RANCHO PALOS VERDES, CA 90275-5391 / (310) 377-036
PRINTED ON RECYCLED PAPER

EXHIBIT NO. 10

APPLICATION NO.

A-5-RPV-93-005-A9

Pa 3 of 6

Zuckerman: Bluff Top Activity Corridor Trails Plan
June 24, 1998

If you have any questions, please feel free to call me at (310) 377-0360.

Sincerely,

Carolynn Petru

Carolynn Petru
Assistant City Manager

Attachment

Exhibit "A": City Staff Comments on Bluff Top Trails

cc: Paul D. Bussey, City Manager
Les Evans, Director of Public Works
Carol Lynch, City Attorney
✓ Pam Emerson, California Coastal Commission

M:\USERS\CAROLYNN\WP\IN60\OCEANTR\BLUFF.TRA

COASTAL COMMISSION

A5 RPU 93005-A9

EXHIBIT # 10

PAGE 4 OF 6

EXHIBIT NO. <u>10</u>
APPLICATION NO.
<u>A-5-RPU-93-005-A9</u>
<u>Pg 4 of 6</u>

COASTAL COMMISSION

EXHIBIT #

EXHIBIT "A"

PAGECITY STAFF COMMENTS ON OCEAN TRAILS BLUFF TOP TRAILS

JUNE 25, 1998

- On the cover sheet, the Forrestal Canyon Trails (VTTM 50666/L.9) is shown as a handicapped, bicycle and pedestrian trail. Although the conditions require this trail to also serve as an all-weather fire access trail, it is not handicapped accessible due to the requirement for a motorcycle barrier at the end of Street "E" and the possible need for stairs at the connections to Streets "C" and "D".
- The upper portion of the West Bluff Preserve Lateral Access Pedestrian Trail (VTTM 50666/L.13) between the West End Pedestrian Trail (L.8) and the West Bluff Preserve Bluff Top Pedestrian Trail (L.13) is not shown on the cover sheet. Even though this trail will be combined with a golf cart path, it should still be shown on the bluff top trails plan.
- Sewer Easement Pedestrian Trail (VTTM 50666/L.18) is not shown on the cover page. Even though this trail will be combined with a golf cart path, it should still be shown on the bluff top trails plan.
- The portion of the West End Bicycle & Pedestrian Trail (VTTM 50666/L.7 & L.8) located between Palos Verdes Drive South and the northern edge of the West Bluff Preserve (Lot E) is incorrectly shown as a handicapped access trail.
- The bluff fencing adjacent to the West Bluff Preserve Bluff Top Pedestrian Trail (VTTM 50666/L.12) should be extended all the way to the project site's western boundary with the Portuguese Bend Club in order to prevent access into the adjacent bluff scrub habitat area.
- The pedestrian trail on the seaward edge of Halfway Point Park required by the Coastal Commission is not shown on the cover sheet. However, it is shown on Page T.4. The two sheets of the submitted plans should be consistent with one another.
- The connection of the Sewer Easement Pedestrian Trail (VTTM 50666/L.16) to the Bluff Top Activity Corridor Bicycle Path & Pedestrian Trail (VTTM 50666/L.17) should be added to Page T.4.
- The bicycle trail connection in Halfway Point Park on Page T.4 (Plan A) is missing.
- The Halfway Point Park Beach Access Pedestrian Trail (San Pedro Trail) is required to be a minimum of 4 feet wide (VTTM 50666/L.19). The trail shown on the plan scales to 4 feet, but should be labeled and a detail provided.

EXHIBIT NO. 10

AS RRV 93005 A9

Exhibit # 1C

APPLICATION NO.

A-5-RRV-93-005-A9

Page 5 of 6

- On Page T.2, two fences are shown at the top of the Halfway Point Beach Access Pedestrian Trail (VTTM 50666/L.19) and one appears to cross the trail.
- A motorcycle barrier needs to be added at the bicycle cut-off to the Bluff Top Activity Corridor Pedestrian Trail (VTTM 50667/L.11) on Page T.4 (Bluff Trail B).
- The height of the guardrail should be shown on Detail 15 on Page D-2. In addition, it should be noted that City approval is also required for the fencing detail.

COASTAL COMMISSION

A5RPV93005A9

EXHIBIT # 10

PAGE 7 OF 7

EXHIBIT NO. <u>10</u>
APPLICATION NO.
<u>A5RPV.93-005-A9</u>
<u>Pg 6 of 6</u>

AREAS FOR PRESERVATION OF NATURAL RESOURCES

THE COMPONENT ELEMENTS AND THEIR NUMERIC CODE ARE AS FOLLOWS:

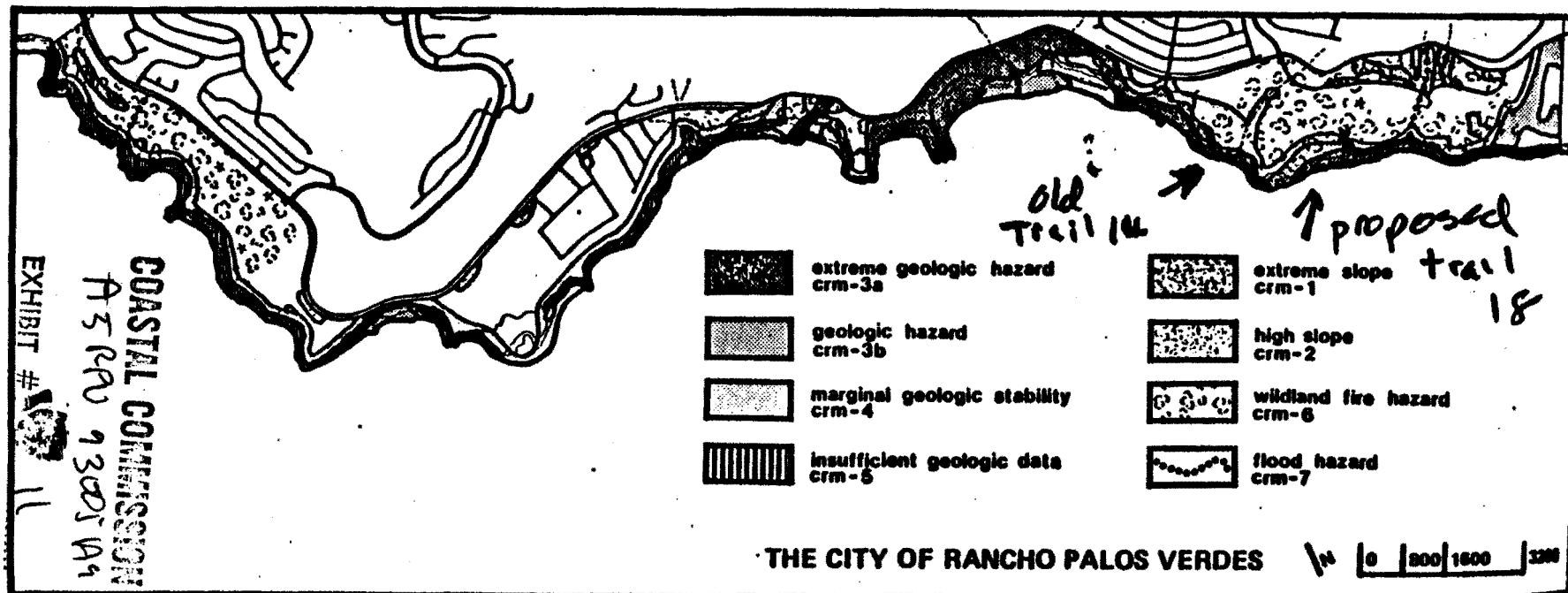
EXTREME SLOPE	1
HIGH SLOPE	2
HAZARD	3
A EXTREME	
B HIGH	
MARGINALLY STABLE	4
INSUFFICIENT INFORMATION	5
WILDLAND FIRE HAZARD	6
FLOOD/INUNDATION	7

THESE AREAS ARE FOR CONSERVATION OF PLANT AND ANIMAL LIFE, HABITATS FOR MARINE ORGANISMS AND WILDLIFE SPECIES, AREAS FOR ECOLOGICAL AND OTHER SCIENTIFIC STUDIES, AND ANY OTHER UNIQUE NATURAL RESOURCES WITHIN THE CITY.

THE INTERTIDAL MARINE RESOURCE IS ONE OF THE MOST SIGNIFICANT RESOURCES WITHIN RANCHO PALOS VERDES AND IS DEPENDENT UPON PROPER MANAGEMENT OF THE LAND ENVIRONMENT AS IT INTERACTS WITH THE OCEAN.

THERE ALSO EXIST IN THE COASTAL REGION A NUMBER OF SIGNIFICANT WILDLIFE HABITATS

figure 11 areas for consideration of public health and safety



APPENDIX A

STANDARD CONDITIONS AND REVISED SPECIAL CONDITIONS

A-5-RPV-93-005 as amended-through A9 (Ocean Trails LP, previously identified as Palos Verdes Land Holdings/Zuckerman), with revisions recommended as a result of the Commission's approval of A-5-RPV-93-005A9 incorporated into the text.

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

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

Pursuant to the Commission's approval of the first amendment to Coastal Development Permit A-5-RPV-93-005 on January 12, 1995, and subsequent amendments A-5-RPV-93-005-A2, A-5-RPV-93-005-A3, A-5-RPV-93-005-A4, A-5-RPV-93-005-A5, A-5-RPV-93-005-A6, A-5-RPV-93-005-A7, and A-5-RPV-93-005-A8, the following special conditions shall apply to Coastal Development Permit A-5-RPV-93-005.

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

This set of revised special conditions also incorporates changes to the special conditions which resulted from other amendments to the permit.

A-5-RPV-93-005-A9
STANDARD AND SPECIAL CONDITIONS
PAGE 2

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application (APRIL 15, 1993). Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

A-5-RPV-93-005-A9
STANDARD AND SPECIAL CONDITIONS
PAGE 3

SPECIAL CONDITIONS:

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

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

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

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

- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666:
 - Lot A, Palos Verdes Drive--West Vista Park, 1.5 acres
 - Lot H; Halfway Point Park, including all areas inland of the bluff edge trail described in 3.A(11) below, not less than: 5.1 acres
- (2) LOT D VTTM 50666, Portuguese Bend Overlook and Fuel Modification Area, as shown in Exhibit 49, not less than: 1.0 acre
- (3) Bluff Top Activity Corridor, Lot K Vesting Tentative Tract Map 50666 as shown in the Attached Exhibit I, (roman numeral one) generally described as southerly of lot 38 and being no less than 100 feet wide immediately adjacent

A-5-RPV-93-005-A9
STANDARD AND SPECIAL CONDITIONS
PAGE 4

to the bluff edge (bluff face is Lot G) extending from the easterly tract boundary with VTTM 50667 to the intersection with Lot F (Halfway Point Preserve Area), no less than 8.9 Acres

- (4) The entirety of Palos Verdes Drive--East Vista Park, lot D within Vesting Tentative Tract Map 50667: 1.2 acres
- (5) Bluff Top Activity Corridor Lot K, within Vesting Tentative Tract Map 50667 as shown in the attached Exhibit I (roman numeral, one) generally described as southerly of lot 38, being no less than 100 feet wide immediately adjacent the edge of bluff (bluff face is Lot I), no less than: 4.5 acres

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

The lands described in 1.A(2), (3), and (5) (known as Portuguese Bend Overlook, Bluff Top Activity Corridor West (VTTM 50666) and Bluff Top Activity Corridor East (VTTM 50667)) shall not be graded except: within the dedicated bicycle/pedestrian path, to the extent necessary to install and maintain utilities within drainage, utility and sewer, easements shown on *Exhibit 5 (Map G)* and hydrogen, and groundwater testing well easements shown on *Exhibit 6 (Map K)* of this Amendment 6, and within two areas, one area of not more than 0.3 acres adjacent to the 18th tee and a second area of 0.13 acres adjacent to the 18th hole. The total combined disturbed area adjacent to the 18th tee and the 18th hole shall not exceed 0.43 acres and shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 prepared by RBF and dated July 25, 1995. The disturbed area shall be further reduced as modified by the map dated June 20, 1996 submitted by the applicant with amendment A4 and shown on Exhibit 9 attached to amendment A4.

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

- B. **PASSIVE PARK/HABITAT PRESERVES.** Lands to be dedicated for purposes of habitat enhancement and passive recreation as shown on Exhibits I and III (roman numeral):
- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666 excluding any trails identified in condition 3 of this permit:
- | | |
|--|------------|
| Lot E, West Bluff Preserve, no less than 7 acres, generally as indicated on Exhibits 2, 3 and 4 except that no portion of lot E shall be closer than 100 feet from any subdivided lot. | 7.0 acres |
| Lot F Halfway Point Preserve | 3.3 acres |
| Lot G the Bluff Face and Beach | 24.4 acres |
- (2) Lot I Golf course Bluff Edge Habitat Setback within VTTM Tract 50666, described as a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff, southwesterly of the golf course, including the west side of Halfway Point, no less than: 1.2 acres
- (3) The entirety of the following lots within Vesting Tentative Tract Map 50667, excluding any trails

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identified in Condition 3 of this permit:

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

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

No grading, vegetation removal or other development may occur on lots dedicated for habitat preservation purposes except for the following: 1) trails, 2) fences approved in a coastal development permit, 3) hand removal of invasive plants, 4) installation of public utilities generally as shown on *Exhibit 5 Map G*, 5) the drilling of testing wells and hydraugers generally as shown on *Exhibit 6, Map K*, and 6) the sewer connections and drainage devices approved in this permit shall occur in these areas. The beach portion, the southern lot line to 20 feet above mean sea level, of Lot G, VTTM 50666 and Lot I, VTTM 50667 shall be open for public recreational use.

C. **MULTI-USE COMMON OPEN SPACE.** Lands offered to be dedicated for habitat, managed fire break, flood control purposes except for trail areas offered to be dedicated in condition 3 below:

(1) The entirety of the following lots within Vesting Tentative Tract Map 50666:

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

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

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

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Public access in the Multi-use Common Open Space areas is limited to the trails shown in Exhibits A and II. Planting and fuel modification shall occur only as indicated in a final approved planting and fuel modification plan required by special condition 10. Areas unavoidably disturbed for drainage devices shall be revegetated such that plants are two feet high in two years from the date of completion of rough grading.

D. **STREETS, ROADS AND PUBLIC PARKING AREAS.** Lands offered to be dedicated for public access purposes.

All streets, roads and public parking areas identified in the Tentative Tract maps 50666 and 50667, including the two public parking lots at the end of Street A, VTTM 50666, as a new lot in tract 50666 and Lot E VTTM 50667, and noted on Exhibits 1, 9 and 46 and B. The dedication shall be for public street and public street parking purposes. No gates, gate houses or other entry control may constructed on the public streets. The two public parking lots at the end of Street A VTTM 50666 and Lot E VTTM 50667 may be entry gated as long as exit is possible after the lot its closed. Such lots shall remain open from dawn to dusk as described in condition 19 below.

The following applies to items A, B, C and D above. All documents shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property.

Streets and trails within the dedicated areas shall be generally as noted on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 (previously noted as Exhibits A, B, 1, II, and 48, 49 and 5A), and shall provide continuous pedestrian access along the bluff top, and where indicated, from the dedicated parks and trails to the sea. In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicant shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted.

All documents shall be recorded free of prior liens and any other encumbrances which may affect said interest. However, these documents

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may be recorded subject to any existing or future sewer and utility easement; provided that such easements 1) are underground and 2) do not in the reasonable judgment of the Executive Director materially and adversely effect the purpose of this condition one as set forth above and 3) are generally as indicated on ***Exhibit 5, Map G*** or are in compliance with condition 11.

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of relevant portions of this condition one set forth above, 1) to enter the property, 2) to construct and maintain revegetation areas, 3) to construct temporary construction fences and construction access, 4) to construct, install and maintain benches, water fountains, trails, fences, a bridge, turnarounds, signage, staging areas, low barriers, stairs, view overlooks, ***safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5)***, and other public improvements including without limitation those improvements described in this condition one, in the project description, in conditions three and four below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, August 28, 1997 and in the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use monitoring wells as recommended by the City geologist provided that the construction and location of such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of this condition one as set forth above.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached ***Exhibits 28 (E fee offers)***, and ***30 (E-trails)***, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the reasonable judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project for the area encompassed by each such map, or 2) commencement of construction of improvements on the project other than grading, erosion control and installation and/or relocation of underground utilities. The offer shall run with the land in favor of the People

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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.

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(3) Permit the Coastal Commission staff to enter and inspect for purposes of determining compliance with this permit.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit, complying to the satisfaction of the Executive Director with Exhibits III, 3, 7, and 10 of the Commission's adopted resolution, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of the final subdivision map for the project, or 2) commencement of construction of improvements on the project other than grading, erosion control and installation and/or relocation of underground utilities. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, and/or the Secretary of the Interior, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

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

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

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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)

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

3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of 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

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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.

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(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 Forrestral Canyon via a bridge constructed by the applicant and dedicated for that purpose. Portions of this trail located in Halfway Point Park, as shown on Exhibit 10 may be combined with the golf cart path.

(5) West end Jogging Trail. Class I, four foot wide soft footed pedestrian trail in a six foot wide corridor, extending, as mapped, around periphery of residential development from Palos Verdes Drive and the northwest property line, to Portuguese Bend Overlook. At the dedicated overlook, the trail connects with handicapped trail number 3.A(16) which is routed inland of the habitat preserve, connecting to Halfway Point Park

(6) Torrance Trail, Beach Access Trail Five (5), State Park standard, four foot wide stabilized, soft-footed pedestrian trail and steps to Beach, Gun Emplacement/Torrance Trail, from the west side of the neck of Halfway Point trending through Lot G, west by north west down the bluff, and then via switch backs to the beach, in a location and manner approved by the Department of Fish and Game (Exhibit 48 and 50) (Trail 2 Exhibit A).

(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

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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.

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(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

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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 northeasterly corner. From there, the trail shall be constructed within the park, along the park boundary at approximately the 151 foot contour line and then around the entire park periphery connecting with the two walkways leading to the Clubhouse Building. The trail shall proceed on the walkways south of the Clubhouse building and south of the westerly parking lot, then north of golf course lot 38 and across lot B, crossing Forrestal Draw via a bridge installed by the applicant. From the bridge, the trail shall extend along the northern edge of golf course lot 38 then along the northern edge of lot E, the West Bluff Preserve, within lot C. The trail shall connect to trails 3.A.4 and 3.A.5 at the Portuguese Bend overlook improved overlook area and handicapped turn around including no fewer than three benches and three trees and handicapped turn around and with the pedestrian trails required in conditions 3.A(5), 3.A.(10), 3.A(9), 3.A.(15) and 3.A(17).

(17) Clubhouse connector trails, being the foot trails 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.

(18) *Mid bluff Beach Access Trail.* *A trail as shown on amendment 9 Exhibit 3, extending from the bluff edge pedestrian trail near the center*

of the project to beach level at the seaward terminus of the San Pedro Trail. The trail is to be designed in conjunction with the Department of Fish and Game, and shall include information signage, and other methods to protect vegetation as required by the DFG.

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

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trail within a six foot wide corridor from Palos Verdes Drive South within Lots A, and H, then following lot H in switch backs through lots H and 39 to La Rotonda Overlook, connecting with bluff edge pedestrian trail 3.B(7), as shown on Exhibits B and 5.

(7) **Bluff top Corridor Bluff edge pedestrian trail**, two foot wide, soft-footed pedestrian trail within a four foot right of way located on the bluff edge from the western tract boundary to the Shoreline Park property line, extending slightly inland at lot G, and veering downslope back to the bluff edge. Said trail shall connect with the trails described in 3.B(6), 3.B(8) and 3B(9). In no case will the trail be routed where with a cut or fill greater than one foot of grading is required, or where cracks or undermining have occurred. Portions of this trail east of the connector to trail 3.B (9) below may be subject to seasonal closures at the request of the United States fish and Wildlife service. In that case, signage, indicating the reasons for closure and alternate beach access routes, shall be posted at each end of the closed trail by the applicant or its successor in interest.

(8) **La Rotonda Point beach access**, two foot wide soft-footed trail extending from the bluff edge trail west of La Rotonda Point and descending to the beach across lot I as shown in February 5, 1993 Access Amenities Plan, and Exhibits II and III. (Beach access trail 4 on Exhibit A)

(9) **Bluff edge/Knoll shoulder/Twenty fifth street cut-off trail**, Existing trail connecting bluff top corridor as shown in Exhibits II, III and 42 generally along Shoreline Park/ VTTM 50667 property line following existing trail along shoulder of knoll to the existing fire road located in Shoreline Park that connects Twenty-fifth Street to the bluff edge (Beach Access Corridor 1, Exhibit IV). Dedication applies to those portions of existing trail that are located within tract 50667.

The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Trails within the easements shall be generally as noted on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised

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1/20/97, and shall provide continuous pedestrian access along the bluff top, and where indicated, from the dedicated parks and trails to the sea.

The offer to dedicate shall also provide that no development, other than: 1) the construction of trails approved in this permit, 2) fences approved in a coastal development permit, 3) vegetation removal except hand removal of invasive plants, 4) installation of public utilities generally as shown on ***Exhibit 5, Map G***, 5) the drilling of testing wells and hydraugers generally as shown on ***Exhibit 6, Map K*** and as recommended by the City geologist, as long as such construction, in the reasonable judgment of the Executive Director, does not materially and adversely affect the purposes of this condition three as set forth above, and 6) ***safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5).*** 7) Installation of the sewer connections and drainage devices approved in this permit and other development approved in this permit, shall occur in the trail areas required in this permit and/or shown on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described in this Condition 3 except for repair and maintenance of utility connections as authorized in section 30610(d) of the Coastal Act as further described in Section 13253 of the California Code of Regulations.

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicants or their successors in interest shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The recording document shall include legal descriptions of both the applicant(s) entire parcel(s) and describe the easement areas identified above in metes and bounds. However, these documents may be recorded subject to any existing or future sewer and utility easement; provided that such easements 1) are

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underground and 2) do not materially and adversely affect the purpose of this condition three as set forth above and 3) are as generally described on ***Exhibit 5, Map G, and Exhibit 31 map F***, if such easement has been granted prior to recordation of the documents.

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of the relevant portions of this condition three set forth above 1) to enter the property, 2) to carry out revegetation activities and maintain the areas as described in the HCP and conditions 4 and 8 of this permit, 3) to construct and maintain required trail improvements including without limitation trails described in the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, in the project description, in condition one and in condition 4 below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, August 28, 1997 including without limitation: trails, a bridge, a railing, signage, interpretive information, staging areas, low barriers and stairs and other public improvements and 4) to perform erosion control. Additionally the developer shall have the right to drill and use monitoring wells as recommended by the City geologist as long as such construction, in the reasonable judgment of the Executive Director, does not materially and adversely affect the purposes of this condition three as set forth above.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached ***Exhibit 30, (Exhibit E Trail easement offers)***, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the reasonable judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project for the area encompassed by each such map, or 2) commencement of construction of improvements on the project other than grading, erosion control and installation and/or relocation of underground utilities. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

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4. **ACCESS SUPPORT AND IMPROVEMENTS**

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

The first stage shall be completed to the satisfaction of the Executive Director in consultation with any accepting agency prior to closing off any existing trails. The second stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf 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

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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.

The applicant shall submit construction drawings for the review and approval of the Executive Director of the following park and trail improvements prior to the commencement of construction of the golf club house. Installation shall commence immediately following rough grading operations for the golf course. All trail and park improvements listed below in subsections B(1) and (2B) shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf club house to the public and the opening of the golf course for play.

2. Park improvements second stage:

- a) Halfway Point Park, as shown on the materials submitted with amendment 1 (A-5-RPV-93-005A of this permit, sheet 3 and 3a of the Public Amenities and Coastal Access program as revised, 1997 with additional public seating and tables in locations approved by the City of Rancho Palos Verdes, as shown on Exhibits 26 and 27 of amendment A6 including the 45 car, parking lot east of the park, "J Road", picnic area, public parking along Paseo del Mar,
- b) "J" road, street A, as far as Halfway Point Park, including public parking areas on J road.
- c) No fewer than six view overlooks including 3 within the bluff top corridor as shown on the Public Access Amenity Plan of 1996 updated 1997 between Halfway Point Park and the East Bluff Preserve. All overlooks shall include seating but shall not require the grading or construction of pads or the use of heavy equipment

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for construction.

- d) Habitat and Golf course safety fencing as approved according to conditions 6 and 7, below.
- e) Temporary bridge over Forrestal Draw, as approved by the resources agencies serving trail 3(A)5.
- f) Parking lot for 25 cars and comfort station on lot E VTTM 50667.
- g) In Portuguese Bend Overlook improvements, that is the overlook adjacent to West Bluff preserve in fuel management area adjacent to property line, benches, no fewer than three trees or other shade and a turnaround,
- h) Completion of East Vista Park complete with water fountain, benches, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.

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) and ~~A (18)~~ within Halfway Point Park and 3 B(1), B(2), B(3), and B(4).

- C. **Third Stage.** Before the applicant may begin grading of the residential lots of Tract 50666, the applicant shall submit for the review and approval of the Executive Director, working drawings for the following park and trail improvements. Installation of these improvements shall commence no later than the commencement of residential grading for Tract 50666, and shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the finish grading of any individual residential lots.

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1) Park improvements third stage.

- a) View Overlook on Paseo del Mar at the head of Forrestal Canyon.
- b) Completion of "J" road parking area, located to the west of the golf clubhouse.
- c) Completion of West Vista Park complete with water fountain, benches, picnic tables, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
- d) Final 25 parking spaces in lot E VTTM 50667.
- e) First phase of, 27,000 square foot clubhouse, which shall include restrooms and associated public-serving facilities.
- f) All remaining trails, amenities, and facilities outlined in the Public Access and Amenities Plan of February 5, 1993 as modified by the conditions of this permit, the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, or otherwise required in the conditions above.

(2) Trails improvements third stage:

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

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

5. FENCES, SAFETY NETS AND BOUNDARIES.

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

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

A. Within recreation areas, adjacent to steep slopes, adjacent to golf course roughs:

(1) Coastal prickly pear (*Opuntia littoralis*) or coastal cholla (*Opuntia prolifera*) barriers.

(2) split rail fences 40 inches in height or less, with plastic coated chain link in the lower 18-20 inches.

(3) three wire barbless wire fences.

B. During construction, areas in which grading will occur shall be fenced with:

(1) six foot high chain link construction fences, with wildlife escape holes as may be required by the Department of Fish and Game.

C. Approved revegetation areas:

(1) six foot high black or green covered plastic chain link fencing provided such fences do not include footings on the face or edge of the coastal bluff.

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(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.

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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.

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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) a detailed schedule that has been approved by the United States Fish and Wildlife Service and the California Department of Fish and Game and that identifies when the revegetation plans required by the Habitat Conservation Plan (HCP) will be completed and implemented ("revegetation schedule"), 3) any and all proposed restrictions on public access, 4) all evidentiary material which the applicant or the agencies relied on to come to their conclusions, 5) a grading plan consistent with the Habitat Conservation Plan, and 6) an agreement in writing to complete and implement all revegetation plans consistent with the

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approved revegetation schedule and the phasing program listed in subsection D below;

B. Inconsistencies and changes. Any change, refinement or inconsistency between the final contracts and executed agreements and the Habitat Enhancement Plan as approved by the Commission will require an amendment to this permit. The Executive Director shall not accept any amendment request including reduction of public access and recreation mandated by the resource agencies in the areas identified for public use in this permit without the provision of equivalent additional access and recreation elsewhere on the property.

C. Execution. The applicant shall provide the Executive Director with required revegetation plans at the time identified in the approved revegetation schedule. Each revegetation plan submitted for the review and approval of the Executive Director must have been approved by the U. S. Fish and Wildlife Service and the California Department of Fish and Game. All revegetation plans must be submitted to the Executive Director before the golf course opens for play. All habitat areas shall conform to the standards contained in the executed HCP and the detailed revegetation plans.

D. Schedule

(1) **Phase I.** For a period of no less than one year prior to the commencement of grading the applicants shall collect seeds and cuttings from the project area to support the revegetation program.

(2) **Phase II.** At the commencement of revegetation, the applicant shall provide alternate trail access as noted in stage one of condition 4, above, fence the areas to be revegetated, prepare the site, and install the initial plants. The applicant shall create coastal sage scrub habitat, using as far as possible, plants native to the area.

(3) **Phase III..Schedule (HCP Phase I grading)** When the Executive Director verifies that revegetation has begun and the Department of Fish and Game and or the United States Fish and Wildlife Service releases the applicant for the golf course grading, consistent with the approved final Habitat Conservation Plan, (HCP) the applicant may

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begin grading the golf course (lots 38 and 39), Halfway Point Park and the J road. The applicant may grade and stockpile on the clubhouse and clubhouse parking areas, and the westernmost tier of lots of tract 50666. No finish grading of residential lots may occur. Applicant may also begin constructing the second stage of trail and access improvements, and the lots on VTTM 50667.

At the completion of grading of the golf course, the applicant shall complete installation of the park improvements noted above as stage 2 in condition 4.

(4) Phase IV. (Golf club house) Finish grading for the golf club house parcel and 150 car westerly parking lot shall commence only after the United States Fish and Wildlife Service and the Department of Fish and Game have certified to the Executive Director that restoration of habitat in the onsite restoration areas has commenced according to the standards of the HCP.

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

(5) Phase V - Complete restoration of Phase III and IV grading (the golf course and club house) 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. Grading of the residential lots, roads and trail areas, in Vesting Tentative Tract Map 50666 shall commence only after the Executive Director certifies completion of the park improvements and 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 habitat plan noted above; stockpiling shall occur only as provided in the HCP stockpiling provision and condition 8 above. Grading plans shall substantially conform to the preliminary plans approved by the City of Rancho Palos Verdes for Vesting Tentative Tract Map No 50666 and 50667 as shown in the EIR. Any changes in the plans required on the basis of new geologic information, including major recompaction or reconstructive grading, shall be reported to the Executive Director of the Commission before the changes are carried out. If the changes represent a substantive change in the plans or grading quantities as approved by the Commission, an amendment to this coastal development permit will be required.

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, within the bicycle trails, within drainage, utility and sewer, easements shown on *Exhibit 5 (Map G)* and hydrauger, and groundwater testing well easements shown on *Exhibit 6 (Map K)* of this Amendment 6, 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. No grading equipment shall be stored within the Tract 50666 residentially designated areas (Phase IV), except in the easternmost tier of lots as shown in the final HCP during the work on the golf course (Phase III).

D. Timing. Grading shall occur consistent with the timing restrictions contained in special Condition 8D. No grading may occur during the nesting season of the California Gnatcatcher, or otherwise as restricted in the Final executed Habitat Conservation Plan (HCP). In the event of conflict between this timing condition 9D and the executed HCP, the HCP shall prevail.

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

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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

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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 Conservation Plan. In addition to the fencing required in the executed Habitat Conservation Plan, construction fencing shall be placed no less than 20 feet inland of the edge of Bluff Top Activity Corridors and dedicated Habitat Restoration Areas (Passive Parks) before the commencement of grading operations, except in those two locations where grading has been approved within the Bluff Top Activity Corridor or where the toe of the approved grading is located less than twenty (20) feet landward of the Bluff Top Activity Corridor or the Bluff top

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Revegetation Corridor, the construction fence shall be placed at the seaward toe of the approved cut or fill slope. This does not authorize development within the Bluff Top Activity Corridor or in the Bluff top Revegetation Corridor, except the two incursions specifically permitted by the Commission in its second amendment to this permit. 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.

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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. Drainage plans for each drainage shall be designed consistent with one of the two alternative methods discussed in detail below: (a) tunneled pipes or (b) on site canyons.

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

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

- a) treatment and filtration of runoff from the maintenance yard and from the 150 car parking lot;
- b) Best Management Practices as required by the City of Rancho Palos Verdes and the Regional Water Quality Control Board;
- c) use of ponds to control, treat and recirculate golf course runoff;
- d) no discharge from golf course or project improvements to tide pools;

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- e) the applicant shall be responsible for removing all debris.

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

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

Alternative (b). In lieu of the tunneled pipes, the applicant may opt to route drainage through the canyons as described in the conceptual drawings dated 3/2/98. Prior to authorization of use of any on-site canyon for project drainage, the applicant shall provide final working drawings, approved by the City Engineer of the City of Rancho Palos Verdes. If the City Engineer and the above agencies approve working drawings of the canyon alternative for any canyon, as shown on the preliminary plans dated 3/2/98 submitted along with amendment 8 of this permit, the Executive Director may authorize discharge of all storm water and treated golf course runoff through the approved canyons, provided that:

- a) the rerouted pipes after final approval from the City Engineer, require no significant additional channelization than presently proposed, with no more than more than 15% difference in the amount of hardscape and or rip rap from the preliminary plans,
- b) that the United States Army Corps of Engineers, the Regional Water Quality Control Board and the Department Fish and Game have concurred with the project as proposed,
- c) the applicant agrees to replace any identified willow habitat at no less than a 2:1 ratio, as proposed in the Glen Lukos Corps

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application dated April 16, 1998;

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

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

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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 that any proposed change in the level of public use will require an amendment to this permit

B.CLUBS PROHIBITED.. No club or other arrangement that will restrict use of the golf course by the general public shall be permitted.

C.CART PATHS. As noted above, the improved Golf cart paths shall be available for orderly public pedestrian use during non-golfing daylight hours. (Staff note: the golf cart paths shared with pedestrian or bicycle trails are subject to the hours of use that apply to public trails and are open to the public from dawn to 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

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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 the golf course, the parking lots, the restroom and patio areas, Lot E tract 50667 and the approved golf course area. The area subject

to the dedication shall be described in the offer in a manner that is legally adequate under California law to restrict land and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the golf course shown on the attached *Exhibits 26 and C*, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project, or 2) commencement of construction on the project other than grading, erosion control and installation and/or relocation of underground utilities.

20. STATE LANDS COMMISSION REVIEW.

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

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

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. Deleted.

23. Signage, Final Public Amenity Plan.

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

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the design, text and placement of individual signs, consistent with the preliminary Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, shall be provided for the review and approval of the Executive Director on or before February 1, 1998.

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

All public parks and parking areas required by this permit shall be operated as indicated in the Commission's conditions of approval for Coastal Development Permit A-5-RPV-93-005 as amended in A-5-RPV-93-005A, A-5-RPV-93-005A2, A-5-RPV-93-005A3, A-5-RPV-93-005A4, A-5-RPV-93-005A5, and A-5-RPV-93-005A6. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and conditions herein, and shall be provided to the Executive Director with evidence of such consistency prior to their execution.

25. Renumbering and Vesting Tentative Tract Map Designations.¹

Prior to submittal of materials prepared to conform to special conditions 12, 14 and 15 of A-5-RPV-93-005, and condition 25 of this action, the Applicant shall prepare a comparison of the proposed final lot numbers, with the lot numbers shown in the Commission's actions. Numerical or letter designations of all lots necessary to conform to the Commission's conditions shall be provided for the review and approval of the Executive Director. Additional lots created in order to conform the Commission's conditions shall be shown on the revised tentative tract maps subject to the review and approval of the Executive Director. An immaterial permit amendment to reflect any needed renumbering may be processed as long as the acreage and geographic location of all fee dedications described in the Commission's conditions are unchanged, and the routes sizes and locations of all trails are preserved.

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LIST OF PREVIOUS AMENDMENTS TO THE PROJECT

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

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

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

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

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

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

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

- 9.A. **Grading limits.** No Grading, stockpiling or earth moving with heavy equipment shall occur within the dedicated open space areas (corridors) noted in condition 1 above, with the exception of Halfway Point Park, the bicycle trails and the 0.30 acre fill slope area adjacent to the 18th tee and the 0.13 acre fill slope area adjacent to the 18th hole. The 0.30 acre and the 0.13 acre fill slope areas which encroach within lot K shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995. Bluff edge pedestrian trails shall be constructed with hand-tools where environmental damage could occur.

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- 2) Change project description to incorporate three non-golf setback areas as shown on the RBF maps last revised July 25, 1995 and as further described below. The additional setback easement areas shall be offered for dedication to the City of Rancho Palos Verdes solely for habitat conservation purposes except for those portions identified as trails in this permit at the same time all other dedications of Tract 50666 and 50667 are offered. The offers to dedicate shall (1) describe the additional setback areas in metes and bounds and (2) be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect said interest; (3) run with the land in favor of the People of the State of California, binding all successors and assigns and (4) be irrevocable for a period of 21 years from the date of recording.
- a) No less than 0.3 acres in lot 38 golf course as shown on the map of tract 50666 last revised by RBF on July 17, 1995. The 18th fairway and associated playable rough as depicted on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, and VTTM 50666 mentioned above shall be set back a minimum of 150 feet from the bluff edge except at its southwesterly end where it shall be set back a minimum of 125 feet from the bluff edge. The 18th green and associated playable rough shall be set back a minimum of 125 feet from the bluff edge. All tee boxes for the 18th hole shall be set back a minimum of 200 feet from the bluff edge, except that one tee box may be placed closer than 200 feet but not closer than 100 feet from the bluff edge. The subject 0.3 acre area located between the "Bluff Top Activity Corridor" on tract 50666 and the inner line of this above-described setback shall be shown as an easement for habitat conservation and public access purposes on the Final Map. The subject setback area may be graded during the construction of the golf course but will be restored to coastal sage scrub at the conclusion of grading.
- b) No less than 1.9 acres in lot 38 golf course as shown on the map of tract 50666 last revised by RBF on July 17, 1995. The 17th fairway and green and associated playable rough, as depicted on the Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, and VTTM 50666 mentioned above shall be set back a minimum of 200 feet from the bluff edge. All tee boxes for the 17th hole shall be set back a minimum of 200 feet from the bluff edge, except that one tee box may be placed closer than 200 feet but not closer than 100

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feet from the bluff edge. The subject 1.9 acre area located between the "Bluff Top Activity Corridor" on tract 50666 (lot K) and the inner line of this above-described setback shall be shown as an easement for habitat conservation and public access purposes on the Final Map. The subject setback area may be graded during the construction of the golf course but will be restored to coastal sage scrub at the conclusion of grading.

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

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

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

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

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

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

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

DESCRIPTION OF FIFTH AMENDMENT REQUEST. (A-5-RPV-93-005-A5) The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s). Except as explicitly changed below, the project description, terms and conditions of the permit will not change from the Commission's prior action as described conditioned and required in the attached Exhibit 1 and in the Commission's files:

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1. Change condition 3, Trails, so that street identification of Trail 3(A)(10,) Forrestal Canyon Trail, would read: **extending from street D E..... connecting to streets B-C and C D** to reflect change in numbering on map for VTTM tract 50666.
2. Change Temporary Erosion control condition 10 (D) to allow for a reduction in distance between Bluff Top Activity Corridor and temporary construction fence when grading has been approved to extend closer than 20 feet from edge of corridor or within corridor :

D. The landscaping and erosion control plan shall identify the location of the temporary construction fence noted in the habitat enhancement plan. In addition to the fencing required in the Habitat Enhancement Plan, construction fencing shall be placed no less than 20 feet inland of the edge of Bluff Top Activity Corridors and dedicated Habitat Restoration Areas (Passive Parks) before the commencement of grading operations, except that in those two locations where grading has been approved within the Bluff Top Activity Corridor or where the toe of the approved grading is located less than twenty (20) feet landward of the Bluff Top Activity Corridor, the construction fence shall be placed at the seaward toe of the approved cut or fill slope. This does not authorize development within the Bluff Top Activity Corridor except the two incursions specifically permitted by the Commission in its second amendment to this permit. No drainage shall be directed over the bluff, no overspill, stockpiling, equipment storage, material storage or grading shall be conducted seaward of this fence. The fence shall include small animal escape holes if required by the Department of Fish and Game.

3. Change golf course condition 19, Deed Restriction 19 E to reflect the location of the La Rotonda restroom on the golf course lot instead of lot E, the parking lot, in the revised VTTM 50667

E. **OPERATIONS.** The applicant and its successors in interest including but not limited to the golf course operator shall agree and covenant with the City of Rancho Palos Verdes to operate the parking lots at the end of Street A, the restrooms in the vicinity of the west end of La Rotonda Drive, easily accessible from ~~on~~ lot E tract 50667 and the restrooms and patio area within the clubhouse as public facilities. The applicant, its agents, its lessees, and its successors in interest shall open these facilities to the public from dawn to dusk. No fee or validation shall be required for use of these facilities.

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4. Change condition 22, regarding relationship of golf facilities to phasing program to reflect the location of the La Rotonda restroom on the golf course lot instead of lot E, the parking lot, in the revised VTTM 50667

C. VTTM 50667 Parking Lot and Comfort Station. Construction of the comfort station and the first 25 spaces of the parking lot *in the vicinity of the west end of La Rotonda Drive, easily accessible from* on lot E tract 50667 ~~at the end of La Rotonda Drive~~ shall begin immediately following rough grading for the golf course as noted in condition 4.B(1), as a second stage park. The remaining 25 spaces may be considered a Phase IV improvement. These second 25 spaces shall be completed before grading the residential lots on Tract 50666. These items shall be added to special condition 4.B.

5. Change Condition 7 Deed Restrictions language in the following way, to make clear that homeowners are responsible for fair and reasonable share of maintenance expenses whoever incurs them, but not required to personally conduct maintenance:

D. Notice of the land owners' obligations with respect to maintaining the parks and trails and habitat areas and fire breaks required in this permit, including but not limited to the obligation to contribute *each owner's fair and reasonable share of the costs of* ~~to~~ the maintenance of the area, *the obligation to participate in special district(s) or associations organized to collect funds and carry out maintenance of the areas* and the right of the district/and or accepting agency to manage and maintain the area in accordance with the terms and conditions of this coastal development permit. *Nothing in this restriction imposes the obligation on a homeowner to personally work on the streets, parks or habitat areas.*

E. Notice of the land owners' obligations with respect to maintaining drainage systems, oil separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools, *including but not limited to the obligation to contribute each owner's fair and reasonable share of the costs of the maintenance of the drainage systems oil separators or other devices, the obligation to participate in special district(s) or associations organized to collect funds and carry out maintenance of the drainage systems oil separators or other devices and the right of the district/and or accepting agency to manage and maintain the drainage systems oil separators or other devices in accordance with the terms and conditions of this coastal development permit. Nothing in this restriction imposes the obligation on a homeowner to personally clean the streets or drainage devices.*

- 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

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or other entities that affect the streets, parking lots, parks habitat areas and trails required in this permit are subject to the terms and conditions of this permit. *Nothing in this restriction imposes the obligation on a homeowner to personally work on the streets parks, habitat areas, or drainage systems.* Pursuant to this requirement any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and conditions herein, and shall be provided to the Executive Director with evidence of such consistency prior to their execution.

SUMMARY OF SIXTH AMENDMENT REQUEST (A-5-RPV-93-005A6) The applicant proposes to resolve an issue concerning the lot lying between the westerly portion of the golf course and the bluff face, identified as Lot I Tract 50666, regarding the setback of development, including grading, from the physical edge of the bluff, as identified in the field. The applicant also requests technical and substantive changes to the water quality conditions (condition 11), changes in the phasing of the project to move the boundary between the first and second phase of the project, substitution of a more recent Public Access, Trails and Amenity Plan for the 1993 plan referred to in the conditions and changes to the language of the open space and trail dedications to allow for necessary construction of trail and habitat improvements and well as for ground water monitoring, bluff face hydraugers, and installation and maintenance of drainage and utility connections. A detailed description of this request is found on page 4 of the revised findings for A-5-RPV-93-005A6).

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

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

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